



Maryland State Police Spying on Peaceful Political Organizers Why We Need Legislation

WHAT WE KNOW:

Spying on Innocent Marylanders Engaged in Political Activity

Maryland State Police (MSP) Homeland Security and Intelligence Division spent about 300 trooper hours during a 14-month period spying on Maryland's "political activist community" with no basis to believe the targets were engaged in or connected to criminal activity.

MSP infiltrated organizations by using undercover agents to pose as activists; sending undercover agents to meetings and events; and using fake email addresses to participate and eavesdrop in listserv conversations.

MSP undercover agents placed an undetermined number of organizations and individuals under surveillance. Individuals targeted belong to groups as diverse as environmental organizations, prolife organizations, anti-death penalty advocates, religious organizations and anti-war/peace organizers.

Wrongful Targets Flagged As "Terrorists" in National Security & Criminal Intelligence Databases

53 individuals have received letters indicating that they were wrongfully targeted and flagged as terrorists by the Maryland State Police.

These database entries were transmitted to interjurisdictional databases shared by federal, state and local national security and law enforcement agencies for counterterrorism.

As of this writing, MSP is unlawfully denying these individuals copies of their files, to which they are entitled; and requiring them to come to MSP offices unaccompanied by legal counsel.

Criminal Intelligence Dossiers Compiled on the Political Beliefs and Activities of Innocent Marylanders

Personal information collected during this wrongful spying about individuals and a broad range of politically engaged organizations in Maryland was compiled in law enforcement dossiers; entered into Maryland criminal intelligence databases and disseminated to national security and law enforcement databases accessed nationwide.

These dossiers include personally identifying information like license plate numbers and home addresses; and includes information on the political, social and religious views of individuals—information wholly unrelated to any authorized law enforcement or national security purpose.

Despite the clear infringement of First Amendment rights, no Maryland law prohibits this outrageous law enforcement conduct or provides remedies for wrongful targets.

We know that the MSP has not acknowledged the full scope of their wrongful spying program: there are more targets than have been acknowledged, the spying occurred over a longer period of time than has been acknowledged, the MSP as of this writing continues to illegally deny wrongful targets copies of their files.

WHY LEGISLATION:

Free government depends upon the ability of all of its people to speak their minds without fear of political or criminal sanction. No Maryland law protects this fundamental right from police spying.

Legislation provides uniform protection for Marylanders engaged in political activity and our First Amendment rights statewide.

Legislation establishes clear, uniform prohibition on political spying.

Legislation applies the same standards to all local and state law enforcement.

Legislation provides uniform, clear guidance for all law enforcement.

Legislation can be enforced and ensures effective remedies for wrongful targets.

WHAT LEGISLATION WOULD DO:

Prohibit covert criminal intelligence investigations and dossier compilation of individuals and groups based solely upon political, social or religious activities and beliefs, absent articulable suspicion of criminal activity.

Establish oversight and accountability to ensure law enforcement activities are related to legitimate law enforcement purposes; ensure that criminal intelligence files contain only accurate and relevant information; and ensure that only accurate and relevant criminal intelligence information is disseminated to national security and other law enforcement agencies.

Provide remedies for wrongful targets of objectionable law enforcement spying and First Amendment violations.

(A bill outline is posted on the ACLU of Maryland website: www.aclu-md.org)

PREAMBLE TO THE FIRST AMENDMENT PROTECTION ACT OF 2009

Whereas free government depends upon the ability of all its people to speak their minds without fear of official sanction;

Whereas the ability of ordinary people to be heard by their leaders means that they must be free to join in groups in order more effectively to express their grievances;

Whereas the First Amendment and the Maryland Declaration of Rights protects the rights of individuals and groups to peacefully assemble, to express religious,

social, and political beliefs, to freely associate, to petition the government and to engage in lawful news-gathering activities and other activities essential to the free exercise of rights and a free press;

Whereas free exercise of the rights protected under the First Amendment and the Maryland Declaration of Rights is chilled by the possibility of covert government surveillance and government compilation of dossiers on the beliefs and lawful practices of individuals or groups;

Whereas law enforcement has an important duty to protect the public against general crimes and at the same time, a corresponding duty to protect individual rights and the free exercise of those rights;

Whereas the protection of the public against crime and the protection of individual rights and the free exercise of those rights establishes that law enforcement investigations, collection, maintenance and dissemination of information about the people engaged in the free exercise of their rights under federal and state law, not be based solely those activities, beliefs, expressions or activities protected by the First Amendment, the Maryland Declaration of Rights and other federal and state law;

Whereas the free exercise of rights under a free government demands that any justified law enforcement investigation use the least intrusive means available to achieve a legitimate law enforcement objective and minimize the intrusion to privacy and the free exercise of rights;