



January 14, 2015

Governor-Elect Larry Hogan
Hogan-Rutherford Transition Team
580 Taylor Ave
Annapolis, MD 21401
Sent via email

Dear Governor-Elect Hogan,

The ACLU of Maryland is deeply concerned with your appointment of Thomas E. "Tim" Hutchins to head the Governor's Office of Homeland Security¹. As you may recall, Mr. Hutchins was the head of the Maryland State Police when the MSP's Homeland Security and Intelligence Bureau undertook a campaign of infiltrating and monitoring peaceful political protest groups (from across the political spectrum) in Maryland, and falsely labeled activists in those groups as terrorists in state criminal intelligence databases (as detailed in a comprehensive investigation² undertaken by former Maryland Attorney General Steven Sachs, following the ACLU's revelation³ of the improper activities through an MPIA lawsuit).

One of GOHS's key priorities⁴ is "Intelligence/Information Sharing." This is what the MSP claimed it was doing when they infiltrated the peaceful protest groups — such as pro-life activists and a group of nuns active in pacifist anti-war organizing — who Hutchins disparaged as 'fringe people' who were legitimate targets of surveillance at the Maryland legislative hearings held in response to Mr. Sachs' report. It would be bad enough had the conduct simply occurred on Hutchins' watch, and he had disavowed what happened, but here he not only failed to repudiate it he actively defended it.

As the New York Times wrote⁵ in their editorial following the legislative hearings, "Legislative hearings this week added insult to injury. Thomas Hutchins, a former State Police superintendent, insisted that the program was a legitimate surveillance of 'fringe people' he somehow divined as 'those who wish to disrupt the government.' This is a chilling free-speech distinction not found in the Constitution. It should make any American wonder what else is out there in the way of misbegotten police programs." Or, as the Annapolis Capital put it "When it comes to the 14-month spying operation that was the focus of a recent report by former state attorney general Stephen Sachs, former state police superintendent Thomas E. Hutchins apparently still doesn't get it. Perhaps this helps explain why this misguided operation - 14 months of infiltration of and spying on harmless anti-death-penalty and anti-war groups - took place on his watch. It certainly indicates why Col. Hutchins' successor, Col. Terrence Sheridan, needs to draw up clear regulations restricting such operations. Testifying at a legislative hearing on Tuesday, Col. Hutchinson insisted that police have to be on the lookout for instances when "fringe people try to tag on to legitimate advocacy groups."

¹ Weblink: <http://gohs.maryland.gov/about/>

² Weblink: <http://www.governor.maryland.gov/documents/SachsReport.pdf>

³ Weblink: http://www.aclu-md.org/our_work/legal_cases/23

⁴ Weblink: http://gohs.maryland.gov/gohs_initiatives/

⁵ Weblink: <http://www.nytimes.com/2008/10/10/opinion/10fri3.html>

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The idea Mr. Hutchins is now being put in charge of the office responsible for overseeing state policy on intelligence gathering and law enforcement information sharing, given his stance on these activities after the fact, is problematic, to say the very least. Governor-Elect Hogan, we urge you to reconsider your choice for this position.

Sincerely,

Susan Goering
Executive Director
ACLU of Maryland

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