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HAWKINS: Governor, have you read the ISD report yet?

GOVERNOR: Oh, yes, I have read it. I read it a second time to try to really understand it.

HAWKINS: Do you understand it?

GOVERNOR: I understand what I have read. I haven't seen any of the backup material.

HAWKINS: Do you still support Commissioner Pomerleau?

GOVERNOR: Yes.

AUBUCHON: Do you want to see the backup material?

GOVERNOR: I have asked the Commissioner -- as you all know, I have asked the Commissioner to give me a report on the report, if you want to call it that, or to give me an answer to the report. Until I get that answer, I don't think I can go any further.

AUBUCHON: Do you want to see the Committee's backup material?

GOVERNOR: I would like to, but I am not going to ask them to violate any of their agreements that they have to give it to me.

FENTON: Did you consider it a shocking report? Were you upset by it, or were you disturbed by it in any way?

GOVERNOR: I think you have to view the report, at least I did -- let me make it perfectly clear, I don't think any police department or anyone else has any right to do any -- if you want to call it spying, if you want to call it investigating, if you want to call it surveillance of people who are not involved in any kind of criminal activity or any activity that could be interpreted as a criminal violation. I want to make that clear; I am unalterably opposed to it. I think you have to view the context of the report in the nature of the times in which you were dealing because I lived through it. I remember when the City was burning because I was there. I remember riding around the streets of Baltimore in a police car with the now present head of the State Police who was then, I think, Lieutenant Tom Smith, not Colonel, and I remember seeing

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the buildings busted into. I remember helping them lock up some people who has just busted into a camera shop on Poplar Grove Street. I remember seeing them coming out of there with armloads of photographic material that they had just taken out of that shop after busting into it. I remember seeing a man killed -- a body downtown of an individual who had just been killed when we went down there as a result of hearing some screaming going on, and I remember the National Guard walking up and down those streets. And I remember what happened over at the College campus. And I know that if you don't have, when these things are going on, access to information as to what may be planned and what may be happening, then you're in one bad situation. I think you have the right to have intelligence when you're in that kind of atmosphere, and that's the atmosphere that we're talking about. Now if anyone would rather have the City burning of the University of Maryland burning than to have possibly a few people inconvenienced because the police are trying to prevent a crime from being committed rather than waiting until it's committed and find out who did it, that's a decision you have to make.

LUBER: Governor, that's the line of argument that the Police Commissioner has given. Do you . . .

GOVERNOR: No, I am just telling you that in that context if the people will just reflect on what was happening in those days, reflect on the tremendous demands that we had from the public all over the place to put a stop to this, well, now, you have to then view that in that context. As I am saying, I don't justify and I have no intention in any way of justifying -- if I can be shown and if I am shown, and I'm looking at every aspect of it, that there was any unnecessary, totally unnecessary surveillance of anyone -- but I find it kind of ridiculous and I say this: When I read in that report that a reporter had a complaint because someone loosened the lugs on his tire rim while he was parked on the police parking lot, now, you know, if that's the kind of complaint they have against the Police Commissioner, that is terribly serious.

HAWKINS: There were more substantial complaints than that, Governor.

GOVERNOR: Well, what?

HAWKINS: Well, they were talking about surveillance of political groups, of religious people, public officials . . .

GOVERNOR: For example, who?

HAWKINS: Well, there were several names mentioned in the report, Governor -- perhaps Clarence Mitchell, perhaps Milton Allen. It seems to me that this goes far beyond the (inaudible).

GOVERNOR: If it were political surveillance, I think it's wrong. If the surveillance were for other purposes, it might not be wrong.

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- LUBER: Governor, what you've read in the report so far, have you seen any kind of proof of those kinds of allegations and . . . ?
- GOVERNOR: No, I haven't seen anything but what's in the report. I have asked for, as I said, for the Police Commissioner to give me a response to the report. I am talking to other people, some of them that have some knowledge of what was contained in the report. I have also requested the telephone company to give me any information that they may have of any participation by the telephone company in any illegal telephone taps. I have been told informally by them, though I have asked them to put it all in writing, that that absolutely didn't happen. Now, I don't know - - from what I read in the report they had no evidence that it happened either, that someone in the Department who is no longer with the Department said that he heard from somebody in the Department who told him that some of the other people in the Department said that this was going on. Well, that's not very strong proof, but I want to find out.
- McGRATH: Well, Governor, based on what you saw in the report, you don't feel at this moment that there is anything in the report to justify disciplinary action or this sort of thing against the Commissioner?
- GOVERNOR: I can't answer that flatly until I receive all of the information that I have asked for. I am not going to say that at this point that I can flatly say that there is nothing in the report. I am trying to put together all the information.
- ROWLAND: Governor, one of the recommendations in the report calls for new, broad legislation controlling all aspects of wiretapping and electronic surveillance. I know this area has always been one of concern to you. Do you think there is a need for updating the wiretapping and surveillance laws?
- GOVERNOR: Well, yes I do. I feel that there is a need to update it. I think it's far too easy for individuals to purchase this kind of equipment, but there's only so much that we can do to stop it. You can go over into Washington, D. C. in their stores over there, walk in and buy any of this kind of sophisticated equipment by just walking in and buying it - - any individual. I think that's wrong and I don't think that should be allowed to happen, and I think that ought to be prevented at all cost. I see no need for private individuals to have this kind of equipment, and I think it ought to be rigidly controlled, but we can't control it outside of our own borders. We can attempt to control it. I put the bill in many years ago. This isn't new because I put the bill in many years ago that made anyone possessing that equipment register with the State Police. That must be 15 - - 12 years ago. Nobody pays any attention to it. I have checked frequently to find out whether or not there are people registering. There are a few, but no one pays any attention to it because how do you find out?
- ROWLAND: Are you saying that it is a Federal problem rather than the State's, that it is up to the Congress to control it?
- GOVERNOR: No, I say it's a State problem, and I think we ought to either outlaw the sale of it to other than very selected groups -- by that I mean law enforcement

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officials whose control of it should be rigidly controlled by the courts -- and outlaw the sale of it to anybody else. But the fact that we do it is not going to solve the problem because that same individual just gets in his car, goes across the District line and buys whatever he wants.

- LUBER: Governor, since you'll have the report itself and the backup reports to look over and make determinations, do you think the final determination will rest at your level or at the level of the U.S. Attorney or the Maryland Attorney General?
- GOVERNOR: I can't answer that. I don't know . . .
- LUBER: Is it something that you yourself could determine?
- GOVERNOR: I can only determine it from the point of view of the information that I get and what it indicates to me about the use, misuse or the non-misuse, or the non-abuse of the police department. The criminal aspects are not mine to determine; they have to be determined by the proper authorities, and I can't make that determination.
- McGRATH: Governor, you say that it's too easy to buy sophisticated devices for eavesdropping and that sort of thing? Do you know in specific terms what kinds of electronic devices are being sold?
- GOVERNOR: Any kind. You go over to Washington and ride down -- I forget the name of the street; I've seen the sign many times, a big sign "Electronic Equipment" -- any kind you want, you can buy it.
- McGRATH: Eavesdropping devices you know of specifically?
- GOVERNOR: Oh, certainly. Is that a big secret? You can go right out here in Baltimore County and buy it -- it's perfectly legal.
- McGRATH: You know it's for sale. Do you know, in fact, that there is a fairly heavy traffic or sale going on in either Maryland or the District of Columbia?
- GOVERNOR: Well, unless the individual who has been running these places for the last number of years is very philanthropic and running it just for the purpose of losing money, I don't think they'd be in business. It's no secret; they are in business; it's no secret they sell it, and it's no secret that they sell a helluva lot of it and I think it's wrong.
- GOELLER: Do they also sell to the law enforcement agencies in the area?
- GOVERNOR: I don't know; I can't answer that.
- GOELLER: They could be though?
- GOVERNOR: Oh, sure.

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- CRAMER: Governor, you say that there is a need to update the State's law on wire-tapping and surveillance, but it seems that you are much more concerned about use of this equipment by individuals. Would you also like to see the law . . .
- GOVERNOR: I said that it ought to be rigidly controlled by the courts -- the use of it.
- CRAMER: That's for agencies of the government . . .
- GOVERNOR: For police agencies; that's right.
- CRAMER: In what ways would you like to see it tightened?
- GOVERNOR: I think the only way you can tighten it is that the courts assume a greater responsibility in signing any warrants, search warrants or any warrants that allow the use of it. I think they ought to make it more difficult to prove, and I'm not saying that they do because I don't know. But I don't think that you ought to just be able to go in and summarily say here is an affidavit and we want a search warrant, and the judge signs it and that's the end of it. I think there ought -- if the judge has to have a hearing in camera, as they call it, in his office and they can prove that there is basis for getting this order and not just summarily grant it -- I think that could be part of the problem.