

Protectors of Privilege

*Red Squads and Police Repression in
Urban America*

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hunt of the fifties and had been subpoenaed as an unfriendly witness before the House Un-American Activities Committee.²¹ As a concession to his critics, however, Young promoted the issuance of a brief police order in 1982 prohibiting investigations into "beliefs, opinions, attitudes, statements, associations and activities" of persons or organizations except when they were "reasonably suspected of violation of the law."²²

A number of circumstances in addition to Judge Montante's decision brought the city's countersubversive operations to an end: shifting demographics, a change in political climate reflected in the election of a progressive mayor, a press turnabout, and the red squad's loss of its "friends"—the auto makers, congressional committees, UAW, and state and federal structures. The dissemination of files on thousands of subjects not remotely identifiable as a threat to any legitimate interest provoked bewilderment, anger, and laughter—and a sort of pride. Howard Simon, executive director of the Michigan Civil Liberties Union, put it this way: "It really is a mark of distinction, a badge of commitment. Several people have called me and said, 'Thank God I got my red squad notice!' Others can't understand why they didn't get one."²³

Baltimore's Red Squad: The Operational Arm of Police Commissioner Donald Pomerleau

For some fifteen years (1966–82) Police Commissioner Donald Pomerleau dominated police activities in Baltimore as a "Big Man" easily matching his counterparts of earlier times. During this period, Pomerleau presided over and directed a huge countersubversive operation, which he also used to enhance his prestige and intimidate his critics.

Baltimore's red squad—formally known as the intelligence section of the Inspectional Services Division (ISD)—was launched on July 1, 1966, coinciding with the date of Pomerleau's appointment as commissioner. In addition to an organized crime unit, the intelligence section sheltered an antisubversive squad responsible for "gathering information regarding the activities of subversive, extremist and militant groups."²⁴ The ISD was blueprinted as "the operational arm of the Police Commissioner,"²⁵ the only branch of the police department required to report directly to the commissioner. Pomerleau's annual report for 1968 tells us: "The primary purpose of the Intelligence Section is to serve as the eyes and ears of the Police Commissioner."²⁶ According to its charter, "The primary mission of the Intelligence Section . . . in the active surveillance of individuals or groups outside the normal criminal behavior, has always been to attempt to spot potential areas of violence."²⁷

The ISD's operational scope was extremely broad and typically unrelated to violence prevention. Without guidelines or restraints of any kind, ISD agents under Pomerleau's direction targeted some 125 groups, ranging from the American Friends Service Committee, American Civil Liberties Union, Black United Front (a broad-based, interracial civic group), tenants' organizations, and "Operation Breadbasket" (a project of the Southern Christian Leadership Conference) through collectives and communes of the counterculture to the Black Panther Party, Young Communists, and community associations in various parts of the city (concerned with such matters as road improvement and the elimination of rodents). In addition, all area colleges and universities were surveilled and campus groups infiltrated.²⁸ The ISD employed familiar surveillance instruments such as wiretapping, photography, and informers, as well as a network of private and governmental sources, including the Chesapeake and Potomac Telephone Company, credit bureaus, and federal agencies. This network fed the ISD material upon informal, verbal requests, which concealed their purpose.

In covering meetings of target groups, ISD personnel were instructed to identify leaders and activists and report the name of every person in attendance, including representatives of the press and electronic media. So ubiquitous was the ISD in its coverage that one former ISD agent cautioned members of his family never to stop at any rally or picket line even out of curiosity because someone might submit their names to the police. *This, he feared, could result in them being considered a "potential threat."*²⁹

Reports compiled by ISD operatives were processed through an elaborate system of index cards, complete with dates and places of meetings and even head counts. These cards were supplemented by "background reports" (including highly personal data), "activity folders," and dossiers detailing a subject's earnings, close associates, debts, and creditors. According to one veteran ISD officer, "The more information you could gather, this, in the eyes of your superiors, made you a better officer."³⁰

The ISD's surveillance modes included not only passive identification of targets but more aggressive practices such as discharge pressures, stakeouts, 24-hour spying on organizations, and follow-up interviews with individuals. For example, after a speaker remarked to a law students' group that, "At other schools when demands weren't met, there have been boycotts and sit-ins," he was visited by two ISD agents, who demanded an explanation of his remarks.³¹ Such intimidating practices were sometimes followed up by destructive raids, provocation, and pre-text arrests.

Two aspects of the ISD operation are noteworthy. First was the unit's ties with the federal surveillance community—a relationship undoubtedly cemented by Baltimore's geographical closeness to the nation's capital. No fewer than five ISD members had been trained in intelligence-related matters at the Military Intelligence School at Fort Holabird, Maryland. ISD directors in the sixties and seventies were former FBI agents. In its campaign to destroy the city's Black Panther group, the ISD deployed informers already recruited by the FBI.

The second, and perhaps more striking, facet of the ISD operation that claims our attention is the manner in which the unit was used to advance the interests, silence the critics, and massage the formidable ego of Police Commissioner Pomerleau. The commissioner deployed the ISD to fish in the waters of mainstream politics for useful material to use as leverage against potential critics and adversaries. The political campaigns of candidates for federal, state, and local office were watched and in some cases infiltrated.³² The ISD also regularly monitored meetings of government agencies in Baltimore such as the city council, the school board, the liquor board, and utility-rate-increase and expressway hearings. In some cases, ISD detectives and infiltrators covering such gatherings were equipped with concealed recording devices.

Pomerleau did not hesitate to make it known to those who incurred his disfavor that he "had everything on everybody"³³ and made a practice of scouring ISD files in advance of meeting an individual not familiar to him. Pomerleau's passion to silence his critics was reflected in the assignment of ISD personnel to review local and regional newspapers systematically for articles mentioning the commissioner or the department. Critical journalists were harassed through "dirty tricks." In addition, radio and television broadcasts were selectively screened for comments or criticism of the commissioner or the department.³⁴

Of all the five police units discussed in this chapter, none placed so heavy a reliance on informers as Baltimore's ISD. A corps, estimated at about one hundred, of police department members, cadets, recruits (not infrequently "hooked" by means such as threats of drug arrests or probation violation charges), volunteers, and FBI cast-offs flooded target groups and individuals. Pomerleau's deployment of informers to feed his insatiable hunger for information sometimes led to weird results. Thus he planted ISD agents in the highly respected Black United Front (BUF), which included the city's elite and was dedicated to promoting racial peace. Even more strange was his spying on groups cooperating with the police Community Relations Division (CRD). This project, launched in the pre-Pomerleau days, won national acclaim for its professionalism.

Police attached to the CRD openly participated in meetings of neighborhood groups and contributed to their discussions and planning. But this did not prevent Pomerleau from planting ISD agents in these groups—and, in the process, compromising the entire program.³⁵

Pomerleau's grandiosity and fury were most graphically reflected in his legendary dirty war against the BPP, conducted pursuant to a program targeting the Panthers initiated by the then U.S. attorney general, John Mitchell. Thus in the fall of 1969 the police installed a movie camera in a building across the street from Panther headquarters. The record abounds with examples of the repressive conduct of the red squad agents and their informers. In 1969 a Panther rally for which a permit had been obtained was being held in a city park when suddenly there appeared on the scene ten buses loaded with 400 policemen to "maintain order." Fortunately, the invaders were persuaded to leave the scene and position themselves where they would not be visible. On another occasion, on February 25, 1969, six Panthers were arrested for allegedly interfering with police during the arrest of a seventh "Panther," who was later found by the press to be working for the police department. At the trial a year and a half later, the state prosecutor, Hilary Kaplan (later appointed to the Maryland supreme court bench), admitted that he had no evidence to incriminate the defendants and dropped all charges with prejudice although the allegations had been sworn to by no less than eight police officers.

The most disturbing confrontation in this crusade took place on May 1, 1970, when the police staged massive raids on Panther hangouts, homes, and offices. (Approximately 150 heavily armed policemen wearing bulletproof vests participated.) Four party members were arrested on weapons charges; six were arrested for murder and eleven more sought. Police Commissioner Pomerleau claimed that the arrests were linked to the discovery of the body of one Eugene Anderson, a twenty-year-old Baltimore resident, said to be a Panther, tortured and murdered by other Panthers because he was suspected of being a police informer.³⁶

At about the same time, a young white lawyer, Arthur Turco, and seventeen Panthers were charged with Anderson's murder. The case ultimately collapsed, a disaster traceable to the jury's distrust of the state's witnesses. One of the latter, Mahoney Kebe, was supplied by the FBI to the red squad and more specifically to a Colonel (then Major) DuBois, who was appointed to head the red squad at the height of the campaign against the BPP. At Turco's trial the judge, on his own motion, ordered Kebe, the star witness, removed from the stand for his perjurious testimony, which was ordered stricken. Another, Samuel Walters (Agent 94),

the future policemen would “stop and frisk” demonstrators to search for concealed missiles. A professor at the University of Maryland, Paul Lauter, along with other organizers of the march, blamed the police for provoking the violence. Lauter, who was himself arrested, protested: “It’s odd that the violence in the area where I was was provoked and started by the police on horseback coming into the crowd.”⁴⁴

The state senate committee’s report rebuked the ISD for its monitoring of nonviolent groups and rejected the now-familiar justifications: the need to pinpoint particular individuals suspected of criminal activities (“closing for the criminal closing” in Pomerleau’s ornate usage), to maintain an agent’s cover, and to prepare for outbreaks of violence. How, the committee wondered, could such justifications apply to the ISD agent’s report of the debate between George Russell and his opponent, Clarence Mitchell III, in a mayoralty race, which included such details as whether Commissioner Pomerleau was mentioned and whether future meetings were scheduled?⁴⁵

The committee also noted that the assessment of the material collected by the ISD was as flawed as its target selection and operational practices. For example, Pomerleau undertook, on the basis of gossip and hearsay, to assess the politics of certain applicants for public employment. As the committee pointed out:

Information was, after all, obtained from informants and covert operatives, as well as sworn personnel, and was oftentimes of a hearsay nature. Intelligence-gatherers had license, oftentimes poetic, to make subjective judgments in reports concerning such things as an individual’s character, beliefs, political leanings, motivations, personal habits, associates, and ambitions.⁴⁶

The panel’s modest recommendations focused in part on the fact that the Baltimore ISD—along with the state police and four county departments (also engaged in political surveillance, frequently in partnership with the ISD)⁴⁷—lacked adequate guidelines. The absence of guidelines coupled with the ISD’s control by a commissioner with delusions of grandeur made serious abuse of power all but inevitable. What further intensified the dangers posed by an ISD run wild, the panel concluded, was the total lack of departmental accountability. The Baltimore Police Department had, for over a century, operated under the supervision and control of the state government, which was ill equipped to meet its responsibilities in this area. The committee recommended a transfer to city administration and control and the appointment of a commissioner by the mayor rather than by the governor.

The committee's report, completed in December 1975 and released in January of the next year, confirmed in substantial part the complaints of ISD victims. But even before it appeared, Pomerleau's supporters rallied to his defense. Both Baltimore's Mayor William Schaefer and Governor Marvin Mandel praised the commissioner without calling on him to defend himself against the panel's well-documented charges. The business community, led by the Advertising Club of Baltimore, insisted that he deserved the city's Man of the Year Award and pointed to the need for protection promised by Pomerleau against a recurrence of the devastation caused by the 1968 riots.⁴⁸ When the committee's recommendation of local selection of a police commissioner was implemented in 1978, Pomerleau was appointed to a six-year term.*

The state senate report was followed in 1978 by the enactment of a law, based on federal models, limiting the scope of the collection of information by government agencies and granting individuals, subject only to narrow limitations, access to file data. These measures finally closed the door to Pomerleau's manic spy operations. In 1982, before his term had expired, Pomerleau resigned.

Birmingham: Bull Connor's Race War

On April 9, 1960, the *New York Times* published a front-page article on Birmingham, Alabama, by Harrison E. Salisbury, a Pulitzer prize-winning correspondent back from twenty years of reporting on the Soviet Union under Stalin and Khrushchev. Birmingham, wrote Salisbury, is a city of "fear, hatred and terror":

No New Yorker can readily measure the climate of Birmingham today. Whites and blacks still walk the same streets. But the streets, the water supply and the sewer system are about the only public facilities they share. . . .

Every channel of communication, every medium of mutual interest, every reasoned approach, every inch of middle ground has been fragmented by the emotional dynamite of racism, reinforced by the whip, the razor, the gun, the bomb, the torch, the club, the knife, the mob, the police, and many branches of the state's apparatus.⁴⁹

* According to one observer, there was a noticeable lack of opposition to the commissioner's continuing in office from the very people who would ordinarily have been delighted to see him go, inviting the suspicion that the possession of secret files by the commissioner played some role in this matter.

9. Benkert lawsuit, deposition of Jesse Coulter, August 1, 1975, pp. 21–22, 77.
10. Benkert lawsuit, deposition of Harold Mertz, August 5, 1975, pp. 19, 114.
11. Benkert lawsuit, deposition of John Ware, November 19, 1975, p. 33.
12. Benkert lawsuit, depositions of Allen Crouter, pp. 56–57, 131–32; William McCoy, pp. 30, 38–43, 109, 146; Harold Mertz, pp. 9, 49.
13. Benkert lawsuit, deposition of Harold Mertz, p. 30.
14. “Comments and Index to Detroit Police Department Documents Released by Plaintiffs in *Benkert v. State Police* on Thursday, July 31, 1975,” passim; “Officials Disputed on Spying,” *Detroit Free Press*, August 1, 1975.
15. Detroit Police Department, Special Investigation Bureau, file entry (n.d.). See also “Chrysler–FBI–Detroit Police Joint Spying Exposed,” *Michigan Free Press*, March 8, 1976; Benkert lawsuit, depositions of John Ware, November 19, 1975, pp. 47–49, 53–61, 68–70; Robert J. Van Raaphorst, November 10, 1975, pp. 21, 24–38, 52, 78.
16. Order granting partial summary judgment, Benkert lawsuit, June 9, 1976. The court invalidated three statutes: the Subversive Activities, Communist Control, and Criminal Syndicalism acts. The Benkert suit was paralleled by a second, separate action, which also resulted in the invalidation of the legislation authorizing the state red squad. This suit was subsequently consolidated with the Benkert lawsuit for the purposes of devising a formula for distribution of the files. See “Michigan to Release Its Files about Political Surveillance,” *New York Times*, December 27, 1980, and Jim Jacobs and Richard Soble, “A Blow against the Red Squads,” *Nation*, February 14, 1981.
17. Order on method of notification and content of files, Benkert lawsuit, December 22, 1980.
18. “Political Files Kept by Detroit Police,” *Detroit Free Press*, July 31, 1975; “‘Red Squad’ Files Transferred,” *ibid.*, December 21, 1980; “Red Files Will Go to Civilians,” *Detroit News*, February 12, 1981.
19. Proposed article 52, amendment to chapter 2, code of the city of Detroit, passed December 3, 1981; “Council OK’s Limit on Police Spying,” *Detroit Free Press*, December 4, 1981.
20. Veto statement of Mayor Coleman Young, December 11, 1981.
21. HUAC Hearings, 1952: *Communism in the Detroit Area*, pt. 1, pp. 2878–93.
22. Detroit Department of Police, special order, January 7, 1982.
23. “Inside the Red Squad Files,” *Detroit Free Press*, December 21, 1980.
24. Baltimore Police Department, *Annual Report*, 1968 (June 30, 1969), p. 13, hereafter cited as *BPD Annual Report*, 1968.

25. Maryland General Assembly, Senate Investigating Committee Established Pursuant to Senate Resolutions 1 and 151 of the Maryland General Assembly, *Report to the Senate of Maryland* (December 31, 1975), p. 23, hereafter cited as *Maryland Senate Report*. The report is discussed in detail on pp. 302–5.

26. *BPD Annual Report, 1968*, p. 13.

27. *Maryland Senate Report*, p. 24.

28. *Ibid.*, pp. 27–28.

29. *Ibid.*, p. 28n.

30. *Ibid.*, p. 29.

31. Letter dated January 19, 1971, to John Roemer III, director of the Maryland Civil Liberties Union.

32. *Maryland Senate Report*, pp. 17, 27.

33. Police Commissioner Pomerleau boasted of the thick ISD file on David Glenn, then Baltimore's director of human relations, with whom he had clashed. He subsequently let it be known that Glenn was a dangerous fellow, citing his attendance at meetings of extremists—a claim that was totally false. *Maryland Senate Report*, pp. 17, 33; telephone interview by the author with David Glenn, October 1984, and Glenn's recorded memoir.

34. *Maryland Senate Report*, pp. 19, 31, 143–48.

35. Interview by the author with a former CRD member, March 1972.

36. Maryland Civil Liberties Union, "Black Panthers: A Chronology of Panther Raids Harassment" (April 25, 1970).

37. The account in the text is based on court records and interviews by the author. See also Donner, "Hoover's Legacy," *Nation*, June 1, 1974, and the following newspaper articles from 1971: "State's Attorney Blasts Panther Indictments," *Baltimore Afro-American*, May 25; "Ex-Prosecutor Testifies Panther Witnesses Aided," *Baltimore News American*, June 18; "Police Admit Paying Witnesses in Panther Slaying Case," *Washington Post*, June 18; "Turco Trial: 'Agent 94' Testifies," *ibid.*, June 19; "Kebe Faces New Quiz in Turco Trial," *Baltimore News American*, June 22; "Key State Witness's Testimony Stricken in Turco Trial," *ibid.*, June 23; "Turco Case: Kebe Withdrawn, Testimony Stricken from Record," *Baltimore Afro-American*, June 26.

38. Private (office) memoir by William Zinman, October 1984.

39. The discussion of infiltration of collectives and peace groups is based primarily on interviews by the author with targets and suspected infiltrators, arranged in 1972 by John Roemer III, director, Maryland Civil Liberties Union.

40. "Agent Bridged 2 Worlds," *Baltimore Sun*, October 11, 1971.

41. "Pomerleau Refuses to Testify," *Washington Post*, February 19, 1973.

42. Maryland Senate Report, p. 34.
43. Donner, *Age*, pp. 120–23; T. W. Adorno, Else Frenkl-Brunswik, Daniel J. Levinson, and R. Nevitt Sanford, *The Authoritarian Personality* (New York: Harper & Row, 1950), pp. 239ff.
44. "City Police Take Tough Riot Stand," *Baltimore Sun*, February 12, 1971; Interviews by the author with demonstrators, March 1972.
45. Maryland Senate Report, pp. 27, 36–37, 149.
46. *Ibid.*, pp. 32–33, 40–41.
47. Garry Wills, *Nixon Agonistes: The Crisis of the Self-made Man* (1970; reprint, New York: New American Library, 1971), pp. 260–61, 266–67; "ACLU Requests Probe of Police," *Annapolis Evening Capital*, April 29, 1971; "Glenn Burnie Activists Eyed by Authorities," *Baltimore Sun*, December 28, 1971; "Police Watch Possible Subversives," *Baltimore Evening Sun*, December 28, 1970; "Statement of Allen Lenchek," Prince George's County Council Meeting, May 21, 1973; "Students Fear Political Activity," *Diamondback* (University of Maryland student newspaper), April 29, 1971; "Police Served as Informant Here," *ibid.*, May 18, 1971.
48. "Mr. Pomerleau's Protectors," *Baltimore Sun*, January 19, 1976.
49. "Fear and Hatred Grip Birmingham," *New York Times*, April 9, 1960. The article subsequently generated an unsuccessful libel suit; the plaintiffs, all Birmingham officials, were led by Eugene Connor. Charles Morgan, Jr., *A Time to Speak* (New York: Harper & Row, 1964), pp. 68–72, hereafter cited as Morgan.
50. Morgan, p. 249.
51. Alan F. Westin and Barry Mahoney, *The Trial of Martin Luther King* (New York: Crowell, 1974), p. 18; Robert G. Corley, "The Quest for Racial Harmony: Race Relations in Birmingham, Alabama, 1947–1963" (Ph.D. diss., University of Virginia, 1979), p. 163, hereafter cited as Corley.
52. Corley, pp. 83–85, 159–61.
53. Corley, p. 147.
54. Corley, pp. 163ff.
55. Fish Committee Hearings, 1930: vol. 1, pt. 6, p. 193.
56. *Ibid.*
57. Federal Bureau of Investigation, memorandum, April 29, 1961, "To: Director, FBI, From: SAC [Special Agent in Charge], Birmingham, Subject: 'Infiltration of Law Enforcement Agencies by Klan-Type Organizations,' Racial Matters." These memoranda are cited hereafter as FBI memo.
58. FBI memo, April 24, 1961, "To: Director, FBI, From: SAC, Birmingham."
59. Birmingham Police Department, inter-office communication, April 24, 1961, "To: Commissioner Eugene Connor, From: Tom Cook,

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