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# Mayor got spy reports

## Pomerleau also says data went to FBI

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Annapolis—Copies of secret city police surveillance reports—including “spot” reports on activities of some public officials—regularly have been sent to the state attorney general, to Mayor Schaefer and to federal investigative agencies, the Baltimore police commissioner testified yesterday.

Donald D. Pomerleau, the commissioner, told a legislative committee that copies of the department’s surveillance reports are sent to these politicians and agencies as part of a normal “exchange of information.”

Mr. Pomerleau said that all surveillance reports from his Inspectional Services Division, including the activities of individuals not suspected of criminal activity, routinely go to the other agencies.

The commissioner said that the Inspectional Services Division keeps “activity” files on numerous public figures when they appear at meetings at which persons under surveillance are in attendance.

He denied that the department keeps dossiers on reporters, clergymen or elected officials unless the individual is suspected of criminal activity.

### “Mitchell caper”

During more than three hours of testimony before the Senate Constitutional and Public Law Committee, Mr. Pomerleau conceded that the Inspectional Services Division has collected information for activity files on Milton B. Allen, the former state’s attorney; the Rev. Marian J. Bascom, a civil rights activist, and the women’s liberation move-

ment.

He also said the division compiled a more comprehensive file on state Senator Clarence M. Mitchell 3d (D., 38th Baltimore).

“He’s not unfamiliar to us,” he said, noting that this report was “purely police business.”

Mr. Pomerleau did not elaborate on what he later called the “Senator Clarence Mitchell Caper.” The state senator said he had no idea what Mr. Pomerleau was referring to.

The city police commissioner said that besides sending copies of the division’s reports to the Mayor’s office and the attorney general, copies are sent See POMERLEAU, A6, Col. 5

### POMERLEAU, from AI to the FBI and to “Army intelligence.”

Only the FBI apparently still has these city surveillance reports on file.

A spokesman for the FBI in Washington said that the bureau normally receives intelligence reports from local police units and reviews them for relevant information.

The spokesman said all the information is retained and that occasionally the reports are disseminated to members of the “intelligence community” such as the CIA, the Secret Service and military intelligence units.

A spokesman for the Army said that its intelligence unit no longer gathers information on civilians unless they are employed by the military or unless specific authorization is obtained from the secretary of the Army.

In 1971, the spokesman said, most of the Army’s civilian files were destroyed.

### “It’s amazing

Mayor Schaefer said he had received some Inspectional Services Division reports from Mr. Pomerleau but there was “nothing about newspaper reporters, nothing about political figures. I would have remembered that.”

Mr. Schaefer’s executive assistant, Joan B. Bereska, said. “They were just things like a riot at the Civic Center, rock throwing or disturbances at schools. No political meetings,

I can’t recall anything like that.”

Mrs. Bereska said she destroyed “most of them” and that some of the reports may not have even reached the Mayor’s desk.

Neither Mr. Schaefer nor Mrs. Bereska could explain Mr. Pomerleau’s statement that the Mayor received copies of all reports, including reports from activity files on public figures.

“It’s amazing to me that he would say that,” Mr. Schaefer said. “He may have me mixed up with someone else.”

Henry R. Lord, a deputy attorney general, said the reports were sent “just as a courtesy. They were purely informational. They’re of no particular use to us. After all we’re not an investigative agency.”

Mr. Lord said he had not seen any of the reports “for two or three years.” He said he does not know if the agency still received these reports from the city police commissioner.

“A lot of this stuff probably wasn’t even read at all. It was just discarded as it came in.” He said the reports “came in sporadically” and usually consisted of a single sheet of white paper with “six or seven lines of information” marked “confidential, not for attribution.”

The city police commissioner told the legislative committee that the department’s own activity files on civil rights and war protest activists were destroyed in January, 1974.

He said he told Maj. Bernard F. Norton, the head of division “to get rid of them. We don’t

need them. They are cluttering our files.

“I thought he shredded the stuff but he said he went down to the Cherry Hill incinerator and had a bonfire,” the commissioner related.

In lengthy and at times meandering testimony, Mr. Pomerleau said:

- He favors a full investigation into the charges of illegal surveillance activities by the division. He said he will cooperate with any legislative inquiry if confidential information can be discussed at private executive session.

- No illegal electronic surveillance or other illegal spying activity has been conducted by the division.

“We have never been a party to any illegal activity,” he told the legislators.

- He defended the activity of the division, asserting that it was essential to keep tabs on those advocating revolution or violence or those plotting the commission of crimes.

“People are damned tired of all this anarchy and revolution,” he said. “We still have revolutionaries out in the city but they’re led by a bunch of duds.”

Mr. Pomerleau said that the list of those in the division’s files contains 60 organizations and 120 individuals (99 men and 21 women) and that 52 of these had arrest records.

Mr. Pomerleau said he will refuse to publicly divulge this list, although he said he might give it to the committee in executive session.

“I’d like to protect these





Milton B. Allen (left), Donald D. Pomerleau watched by Verda F. Welcome and Clarence M. Mitchell 3d at ISD hearings. SINOPAPERS photo—Weyman Swager & Joseph A. DiPaola

people's right of privacy," he said.

The commissioner told the committee he had issued a new order last week to reduce the possibility of illegal surveillance activities. The order requires members of the division to have "prior, written approval from the police commissioner" before conducting surveillance of individuals not under suspicion of criminal activity.

And the commissioner has asked Francis B. Burch, the attorney general, for his advice on ways to conduct additional inquiries "so we can lay to rest once-and-for-all, at least in the minds of the majority, the concerns that have been developed." Mr. Lord said no reply has been sent yet from the attorney general.

He told the committee a full inquiry into the allegations of wrongdoing is needed "to re-establish credibility" in the Police Department.

"I would like to open this thing up" he told them. "I'm getting a little bit disturbed about these inferences and innuendos. Where's the evidence?"

Mr. Pomerleau was the last speaker at the five-hour hearing. All speakers asked the committee to make a full investigation into the division's activities.

Senator Edward T. Conroy (D., Prince Georges), the committee chairman, said he hopes to take a vote on the resolution this week. The resolution would establish a special committee to investigate the surveillance allegations.