

Council Acts To Hold Six In Contempt

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The D.C. City Council last night voted to ask the D.C. Superior Court to enforce—with contempt powers if necessary—Council subpoenas on six police officers who failed to appear before a Council committee investigating police surveillance of political activists.

Earlier in the day, a retired police inspector, Thomas I. Herlihy, acknowledged in testimony to the Council committee that police maintained extensive files of personal information on antiwar and civil rights activists during the late 1960s and 1970s, and relayed some of the data to other police agencies requesting background checks.

Herlihy's testimony contrasted with earlier assertions by Police Chief Maurice J. Cullinane, former Chief Jerry V. Wilson and other officials that most of the files kept on local activists consisted of low quality data like newspaper clippings, pamphlets and other publicly available information.

Last night's emergency council vote — the first instance in which it has tried to enforce a subpoena — could lead to contempt judgments, including fines or jail sentences, against the six police officers if they refuse to obey the court.

City Council aides were attempting last night to transmit their request immediately to a Superior Court judge and hoped by today to have an order directing the police officers to comply with the subpoenas.

This week, police union at-
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POLICE, From A1

torneys for five of the six officers notified the City Council's public safety committee, which issued the subpoenas, that the five had been advised not to appear before the committee. The attorneys said the committee had failed to assure them that various procedural safeguards, including the right to counsel, would be provided during the sensitive hearings.

During yesterday's hearing in the City Council chambers, public safety Chairwoman Willie Hardy (D-seven) called the names of the seven subpoenaed officers and only one, Sgt. Dixie Gildon, was present. Several other police officials who had agreed to appear voluntarily without subpoenas also were there.

When the six other subpoenaed officers had not shown up by the end of the day, the full City Council called an emergency session, at Mrs. Hardy's request. Within five minutes, it adopted by a 9-to-0 vote a resolution asking for court enforcement of the subpoenas.

The five police officers, advised by union attorney not to appear before the committee are: Anne Kolego Markowich, Christopher Scrapper, John Mahaney, Everett Obenheim Jr. and Jack Maul. The sixth officer who failed to appear yesterday was John F. Harding. He could not be reached for comment.

In his testimony earlier yesterday, former inspector Herlihy who headed the D.C. police intelligence division from 1967 until his retirement in 1973, told Mrs. Hardy's committee that the individual files on antiwar and civil rights activists included names, addresses, telephone numbers and memberships in various groups.

They also often included the frequency of appearances by the activists at demonstrations, the number of times they were arrested, if any, and any indication that they might be "cooperative" with police in divulging demonstration plans and strategies.

Wilson declined to comment on Herlihy's testimony, and Cullinane could not be reached.

Pushed by Councilman David Clarke (D-Ore.) of the public safety committee, Herlihy also acknowledged that the intelligence division provided federal and state law en-



EX-CHIEF JERRY WILSON MAURICE J. CULLINANE

These were among the key witnesses at yesterday's City Council hearing of police intelligence work.

forcement agencies with background information on individuals seeking sensitive positions in government.

He said he could not recall a specific instance "but I'm sure it happened."

"If the person under investigation for a government job, for example, were an attorney

ganization," asked Clarke, "would you have passed on that information?"

"Yes," Herlihy answered.

The testimony came in the first of three days of hearings into police intelligence operations by the council public safety committee headed by Willie Hardy (D-seven). The hearings were triggered by disclosure earlier this year that police maintained thousands of files on antiwar and civil rights individuals and organizations in the late 1960s and early 1970s.

Yesterday's hearings in the Council chambers was punctuated by occasional shouts of protest among a scattering of former antiwar activists who accused Mr. Hardy of staging a pro-police "whitewash" investigation.

Even before testimony began, Tina Hobson, longtime activist and wife of Councilman Julius Hobson Sr., sat down at the witness table and refused to leave when asked by Chairwoman Hardy to make way for the first witness, former Police Chief Jerry V. Wilson.

Mrs. Hobson said she wanted to read a statement of protest but was gavelled into silence by Mrs. Hardy. Next, Mrs. Hardy called a five-minute recess. Mrs. Hobson left the chambers and the hearings began.

Later, Councilman Hobson joined the proceedings and complained that they were stacked with police witnesses. "There is nobody from the community to speak," he said to applause.

Public safety committee staff workers would not comment on Hobson's complaint. The committee has called 34 witnesses, 25 of them former and current police officers. Several of the others, including Tina Hobson, who is scheduled to testify next week, contend that they were targets of political surveillance.

Still unresolved yesterday was whether five subpoenaed

police officers would appear as ordered. All present or former intelligence operatives, they were instructed by police union attorneys not to appear in the chambers.

At 1:30 p.m. yesterday, Mrs. Hardy called their names and those of two other subpoenaed officers. Only one, Sgt. Dixie Gildon, was present. Council members are considering possible contempt proceedings against the officers, but did not indicate when they would act.

Cullinane, Wilson and other officials yesterday recounted much of what they have already acknowledged in a 33-page report to the City Council last March, detailing intelligence activities.

They repeatedly emphasized that the information on demonstrations and protest leaders was developed, not to prosecute criminal cases, but to help police field commanders evaluate the size and temperament of protest groups to deploy manpower effectively.

They acknowledged maintaining about 15,000 index cards on individuals and unnumbered thousands of more elaborate file folders on political organizations, some dating back to World War I. Most of the files have been purged in recent housecleaning, they said, and political intelligence gathering reduced with the decline of demonstrations in recent years.

Responding to complaints that police kept files on some present Council members, including Mrs. Hardy, Hobson, Marion Barry and Sterling Tucker, former chief Wilson said, "I wouldn't agree that they were subjects of direct surveillance, but in a sense that they were part of a larger organization (at public rallies), they were under surveillance."

Cullinane described the information maintained on individuals as mostly accounts, including news reports, of their public movements.