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*Testimony of Rep. Rachel Talbot Ross supporting*

## **LD 1278, An Act to End the Maine Information and Analysis Center**

*Before the Joint Standing Committee on Criminal Justice and Public Safety*

Senator Deschambault, Representative Warren and distinguished members of the Joint Standing Committee on Criminal Justice and Public Safety, my name is Rachel Talbot Ross, and I represent House District 40, which comprises the Portland neighborhoods of Parkside, Bayside, East Bayside, Oakdale, and the University of Southern Maine campus. Thank you for the opportunity to testify in favor of LD 1278.

Fusion centers do not make us safer. They compromise our basic rights and threaten our democracy. The MIAC is an inappropriate use of taxpayer dollars and should be shut down.

In 2012, the U.S. Senate Permanent Subcommittee on Investigations released a critical report on fusion centers. After reviewing 13 months of fusion center reporting, investigators concluded that fusion centers produced “‘intelligence’ of uneven quality – oftentimes shoddy, rarely timely, sometimes endangering citizens’ civil liberties and Privacy Act protections, occasionally taken from already-published public sources, and more often than not unrelated to terrorism.” They could not identify any “reporting which uncovered a terrorist threat... [or any] contribution such fusion center reporting made to disrupt an active terrorist plot.”

The Senate did, however, find a cumbersome review process that delayed the dissemination of intelligence products, misappropriation of funds, accounting mechanisms so lax that the Department of Homeland Security could not tell Congress how much money they’ve invested in fusion centers (estimates ranged from \$289 million to \$1.4 billion), and a chronic over-reporting of questionable

information.<sup>1</sup> After this scathing report, the conservative Heritage Foundation concluded that more than half of existing fusion centers should be closed.<sup>2</sup>

The problems that the Senate identified nine years ago are still on display, including here in Maine. Last summer, hacked MIAC documents published by a transparency collective showed that the MIAC had monitored Black Lives Matter protests in Maine. MIAC analysts shared unsubstantiated social media rumors to depict the protesters as violent and dangerous.<sup>3</sup> They cited an obviously satirical website to support their claims that there may be paid protesters at the demonstrations.<sup>4</sup> It was a staggering display of bias but, unfortunately, an all too common one.

Police bias is a major problem, and fusion centers exacerbate it. In the days leading up to the capitol riot in January of this year, some fusion centers did warn about the threat of violence, but both DHS and the FBI failed to act, claiming they lacked information on “specific” or “credible” threats.<sup>5</sup> The hesitant response was a stark contrast to previous fusion center reporting on Occupy Wall Street, environmentalists and anti-pipeline demonstrators; immigration advocates; and Black Lives Matter.<sup>6</sup>

This “threat inflation” has real consequences. During the protests against the Dakota Access Pipeline and last summer’s racial justice demonstrations, fusion center intelligence provided the backdrop for an excessive law enforcement response characterized by indiscriminate force.<sup>7</sup> On June 2, 2020, while the MIAC was laundering right-wing conspiracy theories as intelligence and sharing them with law

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<sup>1</sup> US Senate, Permanent Subcommittee on Investigations. 2012. *Federal Support for and Involvement in State and Local Fusion Centers*, October 3, 2012, [http://www.coburn.senate.gov/public/index.cfm/files/serve?File\\_id=693b820a-0493-405f-a8b5-0e3438cc9b24](http://www.coburn.senate.gov/public/index.cfm/files/serve?File_id=693b820a-0493-405f-a8b5-0e3438cc9b24), 1.

<sup>2</sup> Mayer, Matt and Michael Downing. 2012. *The Domestic Counterterrorism Enterprise: Time to Streamline*. The Heritage Foundation, October 3, 2012. <https://www.heritage.org/terrorism/report/the-domestic-counterterrorism-enterprise-time-streamline>

<sup>3</sup> Bernard, Nathan. 2020. “Maine Spy Agency Spread Far-Right Rumors of BLM Protest Violence.” *Mainer*, July 7, 2020. <https://mainernews.com/maine-spy-agency-spread-far-right-rumors-of-blm-protest-violence/>

<sup>4</sup> Bernard, Nathan. 2020. “Satirical ‘Protest Jobs’ Website Was Source of Official Warnings About Leftist Violence.” *Mainer*, July 23, 2020. <https://mainernews.com/satirical-protest-jobs-website-was-source-of-official-warnings-about-leftist-violence/>

<sup>5</sup> Levy, Rachael, Dan Frosch, and Sadie Gurman. 2021. “Capitol Riot Warnings Weren’t Acted On as System Failed.” *The Wall Street Journal*, February 8, 2021. <https://www.wsj.com/articles/capitol-riot-warnings-werent-acted-on-as-system-failed-11612787596>

<sup>6</sup> Moynihan, Colin. 2014. “Officials Cast Wide Net in Monitoring Occupy Protests.” *New York Times*, May 22, 2014. <https://www.nytimes.com/2014/05/23/us/officials-cast-wide-net-in-monitoring-occupy-protests.html>; Parrish, Will and Jason Wilson. 2019. “Revealed: anti-terror center helped police track environmental activists.” *Guardian*, October 2, 2019. <https://www.theguardian.com/us-news/2019/oct/02/oregon-pipelines-protests-monitoring-police-anti-terror-unit>; Hussian, Murtaza and Alleen Brown. 2020. “Amid Terror Warnings, Railroad Industry Group Passed Intel on Environmental Journalist to Cops.” *The Intercept*, September 12, 2020. <https://theintercept.com/2020/09/13/blueleaks-railroad-industry-oil-environmental-journalist-terrorist/>; Deveraux, Ryan, 2020. “Before Portland, Trump’s Shock Troops Went After Border Activists.” *The Intercept*, July 25, 2020. <https://theintercept.com/2020/07/25/portland-federal-agents-antifa-border/>; Joseph, George. 2015. “Exclusive: Feds Regularly Monitored Black Lives Matter Since Ferguson.” *The Intercept*, July 24, 2015, <https://theintercept.com/2015/07/24/documents-show-department-homeland-security-monitoring-black-lives-matter-since-ferguson/>.

<sup>7</sup> Brown, Alleen, Will Parrish, and Alice Speri. 2017. “Standing Rock Documents Expose Inner Workings of ‘Surveillance-Industrial Complex.’” *The Intercept*, June 3, 2017. <https://theintercept.com/2017/06/03/standing-rock-documents-expose-inner-workings-of-surveillance-industrial-complex/>; Gelardi, Chris. 2020. “US Law Enforcement’s Warrior Complex Is on Full Display in the Streets—and in Leaked Documents.” *The Nation*, August 28, 2020; <https://www.thenation.com/article/society/blueleaks-law-enforcement-blm/>.

enforcement across the Maine, police fired tear gas at racial justice protesters demonstrating in Portland. The incident was so excessive and egregious the City of Portland caved to pressure and hired outside auditors to review police use of force in response to the demonstration.<sup>8</sup>

In short, police surveillance is not just an abstract issue of civil liberties and privacy. The fact of surveillance is an affront to democracy. Fusion centers have monitored every major social movement in the past two decades. They present constitutionally protected political activity as dangerous extremism and encourage violent crackdowns on people exercising their rights. Closing fusion centers would have no negative impact on public safety. Instead, it would end an ineffective program that has done more to violate constitutional rights than protect them.

Thank you for your consideration. I am happy to answer any questions you may have for me.

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<sup>8</sup> Schroeder, Nick. 2021. "Portland hires firm to investigate police conduct during Black Lives Matter protest." *Bangor Daily News*, March 1, 2021. <https://bangordailynews.com/2021/03/01/news/portland/portland-hires-firm-to-investigate-police-conduct-during-black-lives-matter-protest/>