



ACLU Releases New Report on Government “Fusion Centers” in Massachusetts and nationwide

Group says they must be open, carefully monitored and subject to restraints to prevent invasions of privacy and identity theft

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BOSTON – The American Civil Liberties Union today released a report outlining serious concerns about new so-called “fusion centers,” which have been created in more than 40 states around the nation -- including Massachusetts. Originally created to facilitate the sharing of anti-terrorism intelligence among state, local, and federal government agencies and the private sector, these centers now operate with virtually no oversight to protect citizens against unconstitutional invasions of privacy or identity theft.

The Commonwealth Fusion Center was established in 2005 by then-Governor Mitt Romney without state legislative approval or oversight. It envisioned a substantial and expanded role for the Massachusetts state police in intelligence gathering and analysis. Since its creation, the Center has evolved without any meaningful oversight by the legislature or the public.

“The ACLU report reveals that fusion centers lack the oversight, boundary-setting, and checks and balances that are crucial to protecting the rights of ordinary Americans,” said Carol Rose, Executive Director of the ACLU of Massachusetts. “There is a long history of local and federal law enforcement agencies abusing their domestic spying powers. Governor Patrick and the Massachusetts legislature -- as well as Congress -- must lift the cloak of secrecy and implement a system of independent oversight to protect Massachusetts citizens against both identity theft and potential abuse of the information collected by the Commonwealth Fusion Center.”

Since 2005, the ACLU of Massachusetts has repeatedly sought details about the Commonwealth Fusion Center but has received only limited information about what the Fusion Center is doing, what data is being collected, how it is being shared and used, and the privacy protections envisioned to prevent identity theft and abuse.

“The limited records that we have obtained to date indicate that the Fusion Center has access to exhaustive data on private individuals both inside and outside of Massachusetts,” said Rose. “Indeed, there is virtually nothing that anyone with access to Fusion Center data -- including identity thieves -- could not deduce about an individual’s living arrangements, driving history, property ownership, financial background, employment records, insurance claims, phone records, appearance, personal relationships and, in some cases, political views.”

“The need for transparency and accountability of these centers is paramount,” Rose added. “There is, as a practical matter, no meaningful and certainly no effective regulation or oversight

of the Fusion Center in Massachusetts. It is time for Massachusetts to develop public oversight of the Fusion Center, including privacy standards and an annual public evaluation by an independent person or body with both security clearance and subpoena powers.”

“Although Executive Office of Public Safety officials have expressed to us a commitment to honor the privacy standards promulgated by the U.S. Department of Justice, these guidelines are not binding and are not enforceable, and thus provide no real guarantees of privacy protection to Massachusetts residents,” said Rose.

While the ACLU agrees that the ostensible purpose of fusion centers -- improving the sharing of anti-terrorism intelligence among different levels and arms of government -- is legitimate and important, taken as a whole, fusion centers raise serious questions about privacy and effectiveness.

The ACLU report identifies five specific problems with fusion centers as they currently exist:

- **Ambiguous Lines of Authority.** Overlapping jurisdictions create the potential for manipulation of differing laws to evade accountability.
- **Private Sector Participation.** Fusion centers are bringing private corporations into the intelligence process, further threatening privacy.
- **Military Participation.** Fusion centers are involving military personnel in law enforcement activities in troubling ways.
- **Data Mining.** Federal fusion center guidelines encourage wholesale data collection and manipulation processes that threaten privacy.
- **Excessive Secrecy.** Public oversight, individual redress and the very effectiveness of fusion centers are threatened by excessive secrecy.

“The Bush administration is pushing an expansive vision for fusion centers that raises serious questions about the direction these centers are headed,” said Rose. “The end result will be to undermine the security of all Americans.”

The ACLU Fusion Center Report follows the recent release of a Government Accountability Office study <<http://www.gao.gov/docsearch/abstract.php?rptno=GAO-08-35>>, which found that the fusion centers' original anti-terrorism mission has been diluted by other uses, such as crime-fighting and responding to natural disasters. These are worthy goals, but by showing how adaptable fusion center data is, they also illustrate the need for oversight to make sure the data is not misused.

Copies of the ACLU Fusion Center report are available at:
http://www.aclum.org/pdf/ACLU_Fusion_Center_Report.pdf

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