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LD 419

Thank you, Senator Beebe-Center, Representative Hasenfus, and members of the Criminal Justice and Public Safety Committee, for the opportunity to address you in support of LD 419. My name is Michael German, I am a fellow with the Brennan Center for Justice at New York University Law School. I previously served sixteen years as an FBI special agent, where I often worked on joint operations with other federal, state, and local law enforcement agencies.

I have been raising privacy, security, and civil liberties concerns about fusion centers for more than 15 years, first as a civil rights lobbyist after I left the FBI, and over the past ten years at the Brennan Center, where we published a report, “Ending Fusion Center Abuses,” in 2022. The report highlighted abuses at the Maine Information and Analysis Center, which were uncovered by conscientious whistleblowers and investigative journalists. Other fusion centers across the country that share information with the MIAC through the national network of fusion centers have engaged in similar abuses, which have included: compiling and disseminating reports on protests and other constitutionally-protected activities; disseminating poorly-sourced, false, and misleading threat information; and, failing to protect private personal information of Americans from exposure due to improper sharing of sensitive law enforcement information with non-law enforcement entities, leaks, and cyber-breaches.

Over the last two decades, vast troves of leaked materials have shown fusion centers tracking protestors and casting peaceful, constitutionally-protected activities as potential threats. Their targets have included racial justice and environmental advocates, right-wing activists, and third-party political candidates. During 2020 racial justice demonstrations, for example, the MIAC tracked protests and disseminated online conspiracy theories and disinformation exaggerating the potential for violence at demonstrations based on false intelligence received from the federal government. The amplification of false and misleading threat information wastes critical law enforcement resources that should be concentrated where there is evidence to support a reasonable suspicion of criminal activity.

Fusion centers have failed to develop reliable metrics to measure effectiveness. The federal government provides these centers with funding, personnel, and access to federal intelligence, but it has failed to ensure that they use these resources appropriately.

LD 419 is an important bill because it creates an independent auditor who has full access to the MIAC to do the oversight work the federal government has—so far—failed to do. This is a critical first step to identify, limit, and remedy future fusion center abuses.

We also want to again commend the MIAC whistleblower for calling out illegality. Conscientious insiders will be necessary to assist an effective auditor, and they deserve to be protected and respected.

Finally, while the Brennan Center supports LD 419, I should emphasize that state and local governments have the power to determine whether the benefits of maintaining their fusion centers are worth the costs, particularly as they take on a larger share of the financial burden—and the risks of these sprawling intelligence operations.

Thank you.