

TESTIMONY OF MICHAEL KEBEDE, ESQ.

LD 12—Ought Not to Pass

**An Act To Require Annual Information Reporting by
the Maine Information and Analysis Center**

Joint Standing Committee on
Criminal Justice and Public Safety

April 12, 2021

Senator Deschambault, Representative Warren and distinguished members of the Joint Standing Committee on Criminal Justice and Public Safety, greetings. My name is Michael Kebede, and I am Policy Counsel of the American Civil Liberties Union of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, I urge you to reject LD 12.

If passed, this bill would impose an annual reporting requirement on the Maine Information Analysis Center (“MIAC” or “Maine’s Fusion Center”). While more information might have been useful two years ago when we knew much less about Maine’s Fusion Center, we know enough today to justify closing the institution. Additional information is unnecessary.

Originally created to improve the sharing of anti-terrorism intelligence among different state, local and federal law enforcement agencies, the scope of Fusion Centers’ mission has quickly expanded to cover “all crimes and all hazards.” The types of information they seek for analysis has also broadened over time to include not just criminal intelligence, but public and private sector data, and participation in these centers has grown to include not just law enforcement, but other government entities, the military and even select members of the private sector – including, in Maine, an agent of Central Maine Power.

Fusion centers raise very serious privacy issues at a time when new technology, government powers are combining to pose unprecedented threats to Americans’ privacy. There are serious questions about whether data fusion is an effective means of preventing terrorism in the first place, and whether funding the development of these centers is a wise investment of finite public safety resources. In a democracy, the collection and sharing of intelligence

information need to be carried out with the utmost care. That is because more and more, the amount of information available on each one of us is enough to assemble a very detailed portrait of our lives. And because security agencies are moving toward using such portraits to profile how “suspicious” we look. Institutions like fusion centers must be planned in a public, open manner, and their implications for privacy and other key values carefully thought out and debated. And like any powerful institution in a democracy, intelligence gathering must be constructed in a carefully bounded and limited manner with sufficient checks and balances to prevent abuse. Maine’s fusion center has not conformed to these vital requirements.

Until last summer, a shroud of secrecy cloaked the MIAC. Last summer, #BlueLeaks momentarily removed that shroud. What we saw makes clear that the MIAC is not just ineffective, but also harmful. We learned from a document titled “CIVIL UNREST DAILY REPORT” that Maine’s Fusion Center was closely surveilling racial justice and other activists from Portland to Presque Isle. In his federal lawsuit against MIAC, State Police Trooper George Loder stated that our Fusion Center “has kept an illegal database of gun owners, illegally conducted surveillance on peace activists and regularly circumvented federal privacy laws.” Those are the words of an eyewitness, a whistleblower. As we saw in last week’s George Floyd trial, and as you all know from your work in criminal justice, it is no small matter for a police officer to impugn a policing institution. The MIAC is exactly what watchdogs feared it was: a highly secretive threat to fundamental constitutional rights. Our First Amendment rights to assemble, petition our government, and speak freely are among the rights threatened by Maine’s Fusion Center. The MIAC has a federal immigration official in its midst, suggesting that it aids in our country’s profoundly harmful practice of separating families through deportation.

We know enough to act now. The best way for this committee to safeguard the constitutional rights of people in Maine is to close the MIAC as soon as possible. This bill would not do that; we urge you to vote *ought not to pass*.

Thank you for your time and attention.