

TESTIMONY OF BRENDAN MCQUADE  
Ought to Not Pass—LD 12

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

Submitted to the

JOINTING 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, good morning. My name is Brendan McQuade. I am an assistant professor in the criminology department at the University of Southern Maine and the author of the only academic book on fusion centers.<sup>1</sup> My employer takes no position on this subject. I am speaking as an expert on fusion centers and, on this basis, I urge you to not support LD 12. The abuses of fusion centers have been known for years. The time to fix them is long past. Rather than entrenching harmful surveillance with regulation, I encourage you take the opportunity to roll it back.

The failures and abuses of fusion centers are well known. Over a decade ago, non-partisan government auditors identified a series of problems that were impeding fusion centers intelligence sharing mission. They were not working.<sup>2</sup> In 2012, the US Senate Permanent Committee on Investigations released a sharply critical report on fusion centers that concluded that fusion center's produced "shoddy" intelligence "...sometimes endangering citizens' civil liberties...and more often than not unrelated to terrorism."<sup>3</sup>

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<sup>1</sup> McQuade, Brendan. 2019. *Pacifying the Homeland: Intelligence Fusion and Mass Supervision*. Oakland: University of California Press.

<sup>2</sup> DHS Office of Inspector General. 2008. "DHS' Evolving Role in State and Local Fusion Centers." The Department of Homeland Security, OIG-9-2012, [http://www.oig.dhs.gov/assets/Mgmt/OIG\\_09-12\\_Dec08.pdf](http://www.oig.dhs.gov/assets/Mgmt/OIG_09-12_Dec08.pdf); Masse, Todd, Siobhan O'Neil and John Rollins. 2007. "Fusion Centers: Issues and options for Congress" Congressional Research Services, 2007, <https://fas.org/sgp/crs/intel/RL34177.pdf>; Rollins, John. 2008. "Fusion centers: Issues and options for Congress," Congressional Research Service, <https://fas.org/sgp/crs/intel/RL34070.pdf>;

This sorry situation still prevails. In March, the *Wall Street Journal* reported that the fusion center network failed to share relevant information the lead up to the January 6 capitol attack.<sup>4</sup> Last summer, the MIAC sent out at least four “civil unrest reports” on the protest wave that swept Maine and the nation. These MIAC intelligence assessments cited obviously satirical websites and unconfirmed social media posts from a pro-Trump biker as evidence for claims that racial justice demonstrators could be paid protesters that could use “prestaged bricks” for rioting.<sup>5</sup> This is shocking. This sourcing would not meet the standards in my undergrad courses. The MIAC and other fusion centers have had ample time to respond to criticism and fix their problems. They have failed to do so.

More broadly, our present moment has much in common with the early 1970s, when, like today, a series of scandals compelled legislators to act to do respond to intelligence abuses. This period produced reforms like the Foreign Intelligence Surveillance Court to regulate national security surveillance and New York City’s Handschu guidelines to create an oversight body to prevent political policing. In both cases, these reforms did not stop the abusive behavior. Instead, they legalized it.<sup>6</sup> This is the danger of LD 12.

Last summer’s protests shattered the common sense surrounding criminal justice. In Washington and statehouses across the country, reform is on the agenda. Some of the demands emerging out of our tear gas choked streets include a series of measures the end of police surveillance:

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<sup>4</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>5</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/>; 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>6</sup> McQuade, Brendan. 2019. *Pacifying the Homeland: Intelligence Fusion and Mass Supervision*. Oakland: California, 115-119; Rahman, Shakeer and Brendan McQuade. 2020. “Police Bureaucracy and Abolition: Why Reforms Driven by Professionals will Renew State Oppression.” *Counterpunch*, September 17, 2020. <https://www.counterpunch.org/2020/09/17/police-bureaucracy-and-abolition-why-reforms-driven-by-professionals-will-renew-state-oppression/>

ban facial recognition technology, close fusion centers, and purge the databases.<sup>7</sup> This the choice between LD 12 and LD 1278: entrench surveillance or begin to dismantle it. I hope you will seize this opportunity to reaffirm our rights and expand the domain of freedom. Ought not to pass LD 12.

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<sup>7</sup> Mohaptra, Mon, Leila Raven, Nnennaya Amuchie, Reina Sultan, K Abebiyi, Sarah Hamid, Micah Herskind, Derecka Pernell, Eli Dru, and Rachel Kuo. *8 to Abolition: Abolitionist Policy Changes to Demand from Your City Officials*. [https://static1.squarespace.com/static/5edbf321b6026b073fef97d4/t/5ee0817c955eaa484011b8fe/1591771519433/8toAbolition\\_V2.pdf](https://static1.squarespace.com/static/5edbf321b6026b073fef97d4/t/5ee0817c955eaa484011b8fe/1591771519433/8toAbolition_V2.pdf)

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I'm not sure if this went through the first time because I didn't get an email confirmation so I am resubmitting it. My apologies for any confusion