

Fusion Centers

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For the Joint Committee on Public Safety and Homeland Security

Regarding Senate Bill 931

Great and General Court of Massachusetts

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A couple of years ago, a crew from NBC's Nightly News came to my house in South Hadley with a stack of secret documents from the military's latest domestic intelligence program. They wanted me to go on television and compare the new program, code named TALON,¹ with the Army's CONUS² intelligence operations that I disclosed, and investigated for two committees of Congress, during the 1970s.

The new TALON reports, like the old CONUS reports, contained information on anti-war protests. The TALON reports were compiled by a Pentagon bureaucracy named the Counterintelligence Field Activity, or CIFA for short.

In 2006, CIFA was the largest fusion center in the nation. It employed a thousand people whose job, among other things, was to monitor all threats, real or imagined, to homeland security. The TALON files grew out of a neighborhood watch program that the Air Force developed to report "suspicious activity" around military bases, possibly by "terrorists."

¹ Threats and Local Observation Notices.

² Continental United States.

After reading all 1,519 TALON reports I can assure you, as I assured NBC, that they didn't need to be sent to Washington. But please don't take my word for it. I have brought each of you a packet of those reports, so you can see for yourselves.

Reading these intelligence reports was, for me, like reading the entrails of a vacuum cleaner – a Hoover vacuum cleaner that indiscriminately sucks up all the suspicions of a frightened society. Some of the reports are about people photographing military bases, gazing at mothballed ships, or viewing highway overpasses. Others are about the loss of military uniforms, usually at the dry cleaners, or missing parking stickers. Still others are about anti-war activity, like a meeting of Florida Quakers who were planning to protest military recruitment at a local high school.

Of course, the Pentagon's fusion center wasn't charged with monitoring anti-war activity. It was supposed to watch out for "foreign influence and manipulation," but you never can tell when al Qaeda might infiltrate the Quakers.

I know that sounds silly, but that is precisely what the California fusion center said when it was caught monitoring the "Raging Grannies" – an anti-war singing group. Some of you may know the Grannies; they are very funny. Nonetheless, that center's spokesman insisted that you never can tell when the blue-haired ladies might be infiltrated by terrorists.

Since none of the TALON reports had anything to do with al Qaeda, you may wonder why the Pentagon's fusion center continued to collect them. The answer can be found in the "Military Assistance" document I have brought you – the one with the Muppet Show's eagle on cover. ARNorth is the stateside brigade that President Bush created to round up "enemy combatants" within the United States. Its fusion center used

TALON reports to produce a “commander’s estimate” of the likelihood of civil disturbances that it might be called upon to quell. It did so by grouping reports of “suspicious incidents” into different categories like anti-military vandalism, surveillance of facilities, suspicious questioning of personnel, thefts of Defense Department property, and anti-war protests. If you look carefully, you will see that the only activities that it considered real “threats” to “domestic security” were anti-war protests. By comparing the number of anti-war protests month-by- month, ARNorth hoped to predict when troops might be needed to occupy cities.³

This was all very familiar to me. Back in the 1960s, the Continental Army Command (CONARC) tried to predict urban riots by graphing the number of political protests in any given month. CONARC’S graphs, like ARNorth’s statistics, were meant to serve as a sort of barometer of civil unrest. What they really measured was nothing more than the paranoia of the military’s sources. There was no more connection between campus protesters and urban riots in the 1960s than there is today between anti-war protesters and al Qaeda.

Had CIFA’s vacuum cleaner had any real intelligence value, Pentagon officials would have denounced NBC and me for disclosing its existence on the Nightly News. They might even have threatened to prosecute us for disclosing their secrets. But, when

³ ARNorth was created in 2006. Its parent, the Northern Command, was established in 2002, with slots for 290 domestic intelligence analysts. NorthCom’s fusion center tries to swap information with 72 state and municipal fusion centers and 66 joint terrorism task forces.

they finally took a close look inside CIFA's vacuum cleaner, all they all they could find was garbage, so the TALON program and CIFA were both shut down.⁴

At the moment advocates of fusion centers are trying to diversify their operations before Americans realize that there aren't that many terrorists to justify the enormous scale of the fusion center network, and before legislators discover that the centers are virtually useless in the war on terrorism because 1) their analysts cannot read or write the languages that terrorists use, and 2) traditional law enforcement investigations, radiating out from live leads, work better than indiscriminate collection and data mining. So the centers are offering an "all crimes, all hazards, all threats" approach to domestic intelligence that will survive the vagaries of counter-terrorism funding.

Now it might be reassuring to think that fusion centers are actually investigating the Mafia, drug cartels, money laundering, and Ponzi schemes, but I have seen no evidence that they are. And the reason seems obvious. No detective investigating an organized crime syndicate would want to share his reports, or the identities of his informants, with a fusion center, and thereby risk having that information dispersed to thousands over the fiber optic equivalent of the Great Alaska Pipeline.

Let me make my argument perfectly clear. If you are really serious about protecting us from terrorists, as I am sure you are, then take the money you would waste on fusion centers and give it to criminal investigators like Mike German, who have

⁴ The same thing happened inside the National Security Agency following 9/11. Its eavesdroppers illegally siphoned millions of e-mail and phone messages off fiber optic cables and subjected them to data mining. They didn't just search these messages by key words, as one might do to find a needle in a haystack. They scattered the hay on the barn floor, and then examined it for patterns that might reveal what al Qaeda was up to. This exercise produced thousands of worthless leads that the CIA and FBI had to waste valuable time investigating. Finally those agencies rebelled and NSA was forced to shut the data mining program down, but not until after it had wasted more than \$1.2 billion.

actually investigated, and even infiltrated, terrorist groups.⁵ Insist that the money be spent on hiring people who are fluent in the languages and cultures of the terrorists themselves so that they can, as Mike puts it in his book, “think like a terrorist.” Please don’t buy us any more vacuum cleaners.

As someone who spent six years investigating fusion centers or their equivalents for Congress, I can assure you that the people who run them are, by and large, very decent people. But you should not assume that they always will be. During the 1950s and 1960s, the original Hoover vacuum cleaner did not just collect information on political dissidents. It compiled a round-up list called “The Index” and mounted a counterintelligence program of dirty tricks called COINTELPRO to harass all sorts of people, including suspected Communists, Klansmen, anti-war protesters, and civil rights activists.⁶ And, of course, there was Nixon’s “enemies list.”⁷

Then, as now, fusion centers were a potent source of oppositional research for political partisans. When I worked for Senator Church’s Select Committee on Intelligence, we discovered that J. Edgar Hoover maintained 24 file drawers full of embarrassing information on members of Congress and others, which he would sometimes share with his good friends in Congress and the White House.⁸

⁵ See Mike German, *Thinking Like a Terrorist: Insights of a Former FBI Undercover Agent* (Potomac Books, 2007).

⁶ The Army had its own three-volume set of mug books on “persons active in civil disturbances” which was called the “Compendium.” That round up list was culled, in no small part, from lists prepared by northern “red squads” and southern police departments – the fusion centers of days gone by.

⁷ During the 1970s, the Army put me on President Nixon’s “enemies list.” My taxes were audited because a general in the Pentagon thought that I must be getting money from the Chinese Communists in order to expose his illegal spying. In fact I was living on the GI bill.

But you don't need to wait for another J. Edgar Hoover to torpedo a politician's career. Consider what happened to Eliot Spitzer, New York's crusading governor who dared to challenge Wall Street's misconduct. His extra-curricular activities were leaked by a domestic intelligence unit established to investigate money laundering by terrorists.

So, as you consider this bill, I hope you will remember what that leak did not only to the governor and his family, but to the politics of New York State.⁹ Remember, too, that policemen here in Massachusetts were caught, as recently as last May, sniffing around the criminal records system for dirt on local celebrities.¹⁰ But also think about the fusion center reports I have given you, because they represent precisely the kind of Hooverism our nation doesn't need.

Thank you.

The Army also set up a 50-man intelligence unit down in the Pentagon's huge domestic war room. For more than a year, its sole mission was to discredit my disclosures. When that failed, the Army sent a couple of colonels up to Capitol Hill to falsely accuse me of fathering four illegitimate children. This harassment occurred not only because I was an investigative journalist and whistleblower, but also because – like you – I worked for a legislative committee.

⁹ In September 2007, General Colin Powell addressed the question “What is the greatest threat facing us now?” “People say it's terrorism,” he said, but it's not. “The only thing that can destroy us is us.” As an example, he cited the current enthusiasm for creating “a terror-industrial complex,” which, of course, is what fusion centers and the companies that service them represent. “[W]e have to be careful,” Powell said, “that we don't get so caught up in trying to throw money at [the terrorism problem] that we're essentially creating an industry that will only exist as long as you keep the terrorist threat pumped up. . . . Let's make sure that we are spending money on the right things, and not just spending money to spend money.”

¹⁰ Andrea Estes and Peter Schworm, “Police Prying Into Stars's Data,” *Boston Globe*, May 6, 2009.