

Townhall

House GOP Gives More Power to Privacy-Invasive Fusion Centers

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May 24, 2017

In just a few minutes of browsing the internet, advertisers can build a frighteningly accurate demographic and behavioral profile of you; where you live, how much money you make, and even what you might be planning for dinner. In a relatively short time, these data points are collected, analyzed, and put through numerous algorithms, allowing anonymous “third parties” to potentially know more about you than your friends, spouse, or perhaps even yourself.

While most of this information is collected with the intent to more accurately target you with commercial messages, government officials are similarly processing and analyzing data it collects on citizens -- but its intentions are far less benign. And, thanks to a bill by Rep. John Katko (R-NY) that passed the U.S. House last week, its secret surveillance powers are about to get a big boost.

Since the 9/11 Commission’s final report criticizing the lack of cooperation and information-sharing among law enforcement agencies, state and urban area “fusion centers” are sold as a solution to this problem. Designed as localized clearinghouses for the “receipt, analysis, gathering, and sharing of threat-related information” from partners within law enforcement, public safety, and even the private sector, in theory, the national network of fusion centers allows law enforcement to more quickly identify and respond to national security threats. In practice, however, the result looks more like a case of “Government Snoops Gone Wild.”

Fueled by hundreds of millions of federal dollars, and with little oversight or accountability from the Department of Homeland Security, wasteful spending, poor intelligence, and partisan politics have become commonplace among fusion centers. Rather than enhance the ability of law enforcement to identify truly suspicious activity, for example, a [2012 report](#) from the Senate Homeland Security Committee on fusion centers found just the opposite; that intelligence reports produced by these centers were “uneven quality – oftentimes shoddy, rarely timely...and more often than not unrelated to terrorism.” Furthermore, the report noted that the processes by which this information is gathered often violates Fourth Amendment protections against unlawful data collection from citizens with no ties to terrorism, or any criminal activity.

Despite the overwhelming evidence of corruption, ineffectiveness, and constitutional malfeasance of these fusion centers, Congress still seems intent on giving them even more access to information on citizens. [Katko’s bill](#) would instruct the Department of Homeland Security to “identify Federal databases and datasets” from other federal agencies such as the Federal Bureau of Investigation and the Treasury Department, which would then be given to fusion centers to add to their ever-growing databases.

By themselves, these new data sets are likely to be of little value, which is perhaps why the bill easily sailed through the House on a simple voice vote. Yet, just as with online advertising, the true power of this new data lies in adding the information to other data sets collected and maintained by fusion centers. Together, they help expand the broad, but increasingly intimate, profiles of citizens that can be run through algorithms and calculations to elicit suspicious trends or anomalies that are either flagged for future examination, or passed along to law enforcement, regardless of whether any actual criminal activity exists.

Proponents of fusion centers who continue to promote their efficacy as an "anti-terror" tool, no doubt see this type of "pre-crime" intelligence to be a good thing, but as Cato Institute's Patrick Eddington notes here, "giving [fusion centers] access to even more information on innocent Americans will only increase the risks that people with no connections to terrorism will become victims of state and local law enforcement 'counterterrorism' witch hunts."

One need only look to the 2009 "Strategic Report" produced by the Missouri Information Analysis Center, which described support for Ron Paul (and myself) as evidence of criminal "militia" activity, to see how easily such witch hunts can begin, and escalate. Incorporating such nonsense in fusion centers may seem absurd to the point of lacking any degree of credibility, but recklessly publishing poorly contrived "intelligence" to law enforcement needlessly places thousands of innocent Americans at risk of being involved in confrontations with the police who were acting on information they thought they could trust.

What other groups may soon find themselves targeted by law enforcement for completely innocent, constitutionally protected activities or speech, simply because fusion center "analysts" deem it "suspicious"?

Once again, House Republicans have failed to seize an opportunity to stand up for the Fourth Amendment and personal privacy. Hopefully Republicans in the Senate, perhaps led by Ted Cruz, who does appear to understand the dangers to individual privacy inherent in such unaccountable entities as fusion centers, will stop Katko's ill-conceived bill. Unfortunately, these days neither congressional Democrats nor Republicans can be relied on to support efforts to rein in unnecessary government snooping.