

Statement of Chair Jane Harman (D-CA) as prepared

Subcommittee on Intelligence, Information Sharing & Terrorism Risk Assessment

“The Future of Fusion Centers: Potential Promise and Dangers”

10:00 A.M., Wednesday, April 1, 2009 - 311 Cannon House Office Building

In my view, fusion centers hold great promise. Homeland Security Secretary Janet Napolitano agrees with me, and has said recently that fusion centers are “the centerpiece of state, local and federal intelligence-sharing for the future.”

They integrate information and intelligence from the Federal, State, local and tribal governments, as well as the private sector, to provide a more accurate picture of risks to people, infrastructure and communities that law enforcement can actually use.

They aren't a new phenomenon. For decades, state police agencies have run criminal intelligence or analytic units. But the fusion centers of today differ from their predecessors in that they are intended to broaden sources of data for analysis and integration to include “all-hazards.”

Right now, fusion centers are serving as a critical tool in fighting the violence along the Southwest border.

They serve as clearing-houses of sorts for all the intelligence that law enforcement agencies are gathering on the ground regarding the smuggling of guns and drugs. And they support law enforcement after investigations like the one in Northern Mexico, in which a group of hitmen kidnapped nine police officers based on the orders of a cartel and then murdered and tortured six of them.

Thankfully, some good came of this tragedy. One of the Mexican military officers involved reached out to an American colleague, asking him to inspect the weapons taken from the cartel's kidnappers. American law enforcement was able to trace the weapon back to its origin and locate the dealer.

Senator John Kerry wrote a very good op-ed in the LA Times on Monday about this incident. He offers recommendations for how the US and Mexico can develop better joint response to violence along the border and build trust – by creating better situational awareness of the movement of drugs and guns across the border through the sharing of intelligence.

Fusion centers near the Southwest border, like the Arizona Counter-Terrorism Intelligence Center (ACTIC), are doing just that. ACTIC – in partnership with the El Paso Intelligence Center – is providing information to first preventers in the field about the southbound smuggling patterns of guns. ACTIC is also developing analytical products to inform law enforcement about the spike in kidnapping in Phoenix.

But it's more than analysis. Fusion centers also identify intelligence gaps in order to help law enforcement “connect the dots.” States developed fusion centers after 9/11 because the federal government was too slow to improve information sharing – not only vertically, with state and local law enforcement, but also horizontally across its own Departments and Agencies.

We all know that it won't be a bureaucrat in Washington who will thwart the next terrorist attack. Instead, it will be a cop-on-the-beat – familiar with the rhythms and nuances of her neighborhood – who will notice something suspicious and be best positioned to do something about it. Fusion centers are uniquely local for this reason. One size cannot fit all because communities and their populations are diverse – and so are their geographies.

But steps need to be taken to get this effort “right.” This Subcommittee held two hearings in the last Congress to address efforts underway to provide fusion centers with the mission focus, structure, and privacy and civil liberties resources they need to protect the homeland while preserving the Constitution that protects each and every one of us.

Today's hearing is intended to examine the challenges that fusion centers continue to face and to dispel some of the myths that may exist. In an op-ed in today's *Washington Times*, Bruce Fein, a witness on our second panel, lays out an Orwellian view of fusion centers.

In it, he uses phrases like “French Bourbon monarchy disease,” and “any dissidents or political dissident is suspect to fusion centers” – and he claims the unfortunate situation in Texas, which DHS rectified, could have occurred in East Germany's Stasi.

I'm pleased that Mr. Fein is here and I welcome him as a witness, and I urge our other witnesses to address what by my lights are alarmist and over-the-top claims directly.