



March 27, 2009

David D. Gersten
Director for Civil Rights and Civil Liberties Programs
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
Washington, DC 20528

Dear Mr. Gersten:

AMERICAN CIVIL
LIBERTIES UNION
WASHINGTON
LEGISLATIVE OFFICE
915 15th STREET, NW, 6TH FL
WASHINGTON, DC 20005
T/202.544.1681
F/202.546.0738
WWW.ACLU.ORG

Caroline Fredrickson
DIRECTOR

NATIONAL OFFICE
125 BROAD STREET, 18TH FL.
NEW YORK, NY 10004-2400
T/212.549.2500

OFFICERS AND DIRECTORS
SUSAN N. HERMAN
PRESIDENT

ANTHONY D. ROMERO
EXECUTIVE DIRECTOR

RICHARD ZACKS
TREASURER

The American Civil Liberties Union (ACLU) requests an Office of Civil Rights and Civil Liberties investigation into an inappropriate intelligence report produced by the North Central Texas Fusion System, a fusion center which receives support from the Department of Homeland Security.

The February 19, 2009 "Prevention Awareness Bulletin" describes a purported conspiracy between Muslim civil rights organizations, lobbying groups, the anti-war movement, a former U.S. Congresswoman, the U.S. Treasury Department and hip hop bands to spread tolerance in the United States, which would "provide an environment for terrorist organizations to flourish."¹ The bulletin, which reportedly is sent to over 100 different agencies, explicitly directs law enforcement officers to monitor the activities of these groups in their areas.

In addition to slandering innocent people and organizations, this document subverts democratic processes and chills free speech and association. We ask that your office investigate how and why this document was produced, to whom it was disseminated and whether any law enforcement action was taken by any agency in response. We further ask that you review other intelligence products produced by this or any other fusion center that utilizes DHS resources or personnel to determine the scope of the problem. Please inform us of remedial action taken or to be taken by DHS to ensure that this type of inappropriate material is not produced by fusion centers in the future.

Thank you for your attention to this matter. We look forward to hearing from you. Please contact Michael German at (202)544-1681 if you require additional information.

Sincerely,

Michael W. Macleod-Ball
Chief Legislative and Policy Counsel

Michael German
Policy Counsel

¹ North Central Texas Fusion System Prevention Awareness Bulletin, (Feb. 19, 2009), *available at* http://www.baumbach.org/fusion/PAB_19Feb09.doc. For a discussion of DHS support of the North Central Texas Fusion Center, *See* U.S. DEPARTMENT OF HOMELAND SECURITY, OFFICE OF INSPECTOR GENERAL, DHS'S ROLE IN STATE AND LOCAL FUSION CENTERS IS EVOLVING (Dec. 2008), *available at* <http://www.fas.org/irp/agency/dhs/ig-fusion.pdf> ; GENERAL ACCOUNTABILITY OFFICE, HOMELAND SECURITY: FEDERAL EFFORTS ARE HELPING TO ALLEVIATE SOME CHALLENGES ENCOUNTERED BY STATE AND LOCAL INFORMATION FUSION CENTERS (Oct. 2007), *available at* <http://www.gao.gov/new.items/d0835.pdf>.