May 2, 2008

Juliette N. Kayyem, Undersecretary of Homeland Security  
Executive Office of Public Safety and Security  
One Ashburton Place, Suite 2133  
Boston, MA 02108

Dear Undersecretary Kayyem:

Thank you for your letter of March 10, 2008 outlining the measures which the Commonwealth has taken with respect to the Commonwealth Fusion Center (CFC). These are important steps in the process of insuring that the operations of the CFC do not intrude on the rights of Massachusetts residents. We believe, however, that these should be only the first steps in this process.

The CFC represents a significant expansion of the traditional role of state government. The intelligence function which it serves extends substantially beyond the investigation of specific crimes, and it is tied to a broader nationwide network of law enforcement and intelligence agencies as part of what the Department of Homeland Security's Director of Intelligence has described as a "seamless national intelligence network." To be sure, we understand the reasons for the creation of the CFC and for the intelligence-sharing initiatives of which it is a part. At the same time, we believe that the expansion of the government's domestic intelligence activities calls for the most exacting management and oversight.

Having reviewed the regulations now in place, we are concerned that they fall short of meeting the requirements of either the federal guidelines and regulations or the applicable state laws. We are also unconvinced that a privacy committee that is limited to review of standards and regulations is adequate to protect against the possibility of abuse. We are in the process of conducting a more extensive review of the federal standards and their application to the CFC as well as an analysis of the provisions of state law which must be addressed.
We look forward to a continuing dialogue on this important issue.

Sincerely,

Carol Rose
Executive Director

John Reinstein
Legal Director

cc: Kevin Burke, Secretary, Executive Office of Public Safety and Security
    Ben Clements, Chief Legal Counsel, Governor Deval Patrick
    Martha Coakley, Attorney General