House Democrats back facial recognition technology in Washington hearing

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The House Homeland Security Committee heard testimony on Wednesday regarding the Department of Homeland Security's use of facial recognition and biometric technology after numerous recent media reports exposed the use of these tools for secret police surveillance of the public.

The hearing was chaired by Representative Bennie Thompson, a Democrat from Mississippi, who set the tone for the two-hour exercise in obfuscation and defense of mass public surveillance with his opening remarks, saying, "I am not opposed to biometric technology, and recognize it can be valuable to homeland security and facilitation."

Although Thompson asserted that "the American people deserve answers," the hearing provided none. Instead, the hearing was a platform for federal police agencies and other government technology advocates to both defend spying on the public and explain their plans to intensify it.

The political agenda of the hearing was then set by ranking member of the full House committee Representative Mike Rogers, a Republican from Alabama, who said biometric surveillance including facial recognition technologies have been authorized by existing law. He also said that "smugglers" and "criminals" justify its use by the Transportation Safety Administration (TSA) and Customs and Border Protection (CBP) at traveling checkpoints since "fake IDs allow people to slip into the country every day."

Expressing the position of the Republican Party members on the committee, Rogers said that federal police agency scanning of public drivers' license photo databases with facial recognition software is entirely legitimate, explaining, "I do not believe that anyone has a reasonable expectation of privacy in a government ID photo, period."

In a bizarre statement, Rogers claimed that halting the use of biometric tracking would be "taking the easy way out" since it will not "increase the gap between technology and our ability to understand it." He said that the primary issue was making sure that "we can deploy this technology responsibly."

Prior to the hearing, a coalition of civil rights organizations—including the American Civil Liberties Union and the Electronic Frontier Foundation—wrote to the committee and requested that the use of facial recognition be immediately suspended. Meanwhile, the organization called Fight for the Future called for a full ban on the use of the technology. However, none of these positions found expression in the hearing.

The plans by the federal police organizations to press forward with facial recognition and biometric identification regardless of any public concerns was made explicit by the panel of those testifying at the hearing.

John Wagner, deputy executive assistant director of CBP who was dressed in a uniform adorned with various badges and patches, justified the use of facial recognition as mandated by "The 9-11 Commission Report." Wagner argued that there needed to be a unified police surveillance system "that could encompass the entire travel spectrum, airports, airlines and cruise lines."

Meanwhile, Wagner revealed the extensive use of photographic surveillance and artificial intelligence tools to spy on the travelling public, especially international travelers. He said, "To be clear, CBP is only comparing the picture taken against photos previously provided by travelers to the US government for the purposes of international travel."

Although Wagner claimed "this is not a surveillance program," he said, "CBP simply assembles a small

gallery of photos of these expected travelers … A photo is taken and quickly searched against these distinct galleries and thereby validating the biographic data that has already been vetted for national security and law enforcement concerns and corresponds to the traveler we all expect it to." While Wagner also claimed that US citizens were not included in this system, he said "If a traveler matches a US passport, then the new photo taken is deleted."

Austin Gould, assistant administrator for requirements and capabilities analysis for the TSA, claimed that facial recognition tools were great for improving airline boarding rates by eliminating the need for time consuming manual identity checks. Gould explained that TSA is ramping up its use of biometric data with new processes and technology. Gould reported that testing was done at Terminal F at the Atlanta International Airport for the purpose of improving accuracy, privacy and security.

Joseph R. DiPietro, Chief Technology Officer of the US Secret Service, said he was reluctant to discuss any details about what was being done by his agency in an open hearing. He did say that facial recognition is currently being used in a pilot program at the White House along with fingerprint, palmprint and DNA evidence. DiPietro said he would welcome the opportunity to discuss the operations more fully at a closed House briefing.

Charles Romine, director of the Information Technology Laboratory at the National Institute of Standards and Technology (NIST), defended facial recognition technology and said that both public and private sector organizations are working on its improvement "to protect US interests." The role of NIST, according to Romine, is to create national and international standards and set the scientific basis for measurement in biometrics.

The questions directed at these representatives of the police and intelligence state apparatus from the House Democrats on the committee were alternately obsequious and groveling. Not one of their criticisms of facial recognition technology addressed the fundamental questions of basic democratic rights—such as the protection of free speech and laws against unreasonable searches and seizures—represented by secret video surveillance and gathering of facial and other biometric identity data in government databases.

To the extent that any criticisms were leveled, the primary concerns of the Democrats revolved around higher identification error rates among "people of color" and women—based on studies that have essentially diverted attention away from fundamental class questions involved in government surveillance of the public—by facial recognition systems.

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