



DIGITAL FOURTH

The Massachusetts campaign to protect digital data
from unconstitutional government surveillance

July 17, 2020

The Honorable Rep. Aaron Michlewitz
Chair, House Committee on Ways and Means

The Honorable Rep. Claire D. Cronin
Chair, Joint Committee on the Judiciary

**Testimony in Support of H. 1538
Moratorium on Government Use of Face Surveillance Technologies**

Dear Chairs Michlewitz and Cronin,

I am writing on behalf of Digital Fourth / Restore The Fourth – Boston, a Massachusetts-based volunteer civil liberties group founded in 2012, in support of H.1538, legislation to establish a moratorium on government use of face recognition and emerging biometric surveillance technologies. Please include this critical legislation in your police reform bill. Facial surveillance is a racial justice issue and a police practices issue. It would be tragic for the House to put out a bill that does not include this urgent reform.

Facial recognition poses unique threats because it menaces our freedom both when it is inaccurate and when it is accurate. It is systematically less accurate for the faces of women and of nonwhite people. Two Black men in Detroit were recently wrongfully arrested because a facial recognition system misidentified them as suspects. A young Brown University student was misidentified by face recognition as a bombing suspect in Sri Lanka, and after the police put her picture on TV, she was sent death threats by vengeful strangers. We are also now aware of whistleblower information that workers at the RMV have targeted Black women using its facial

recognition system, “having their licenses suspended either from facial recognition to false IDs from decades ago which the Registry already handled or should have handled and is now reviving decades later, or a false facial recognition match.” Consequently, we believe it would be appropriate to add protections that cover any government agency, not just the police.

These problems, without a moratorium, will only grow more severe and widespread. But if the technology ever becomes fully accurate, it will be terrifying, and will represent the death of any anonymity in how we go about our everyday lives. If the government can deploy or access facial recognition technology, they can develop a full record of where you, whether that’s a protest, a place of worship, a doctor or a private club. They can store that information against the day that it will be of use. You, as legislators, should bear in mind that allowing the police to gather that information about you also gives them power over you.

We have worked extensively on passing facial recognition bans in Cambridge, Somerville, Brookline and now Boston, and we observe that none of these communities have faced crime waves as a result. Refraining from using this biased technology may in fact increase the effectiveness of policing, by preventing police from wasting time chasing falsely identified leads.

We respectfully request that you include this critical measure in the police reform bill, and go farther than the Senate did in S.2800. We need a permanent moratorium on government use of this technology, until the legislature enacts governing regulations. The harms from this technology will not magically disappear on December 31, 2021, when the Senate’s proposed moratorium would expire.

Thank you for your attention and consideration, and for your public service.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Matthews". The signature is written in a cursive, flowing style.

Alexander E. Marthews,
Chair, Digital Fourth / Restore The Fourth – Boston