



Dear President Biden: Here's a win for you, public safety and civil rights

Jim Nash

Feb 9, 2021

Having issued its gout of executive orders rescinding many of his predecessor's executive orders, the Biden administration could use a policy win that is almost as easy as all those signings.

Doing something popular about the use of facial recognition technology could be that win. But what?

Banning its use, at least by federal agencies, would appeal to voters at the extremes of right and left politics — absolutist in civil rights and personal liberty. But extremists by nature are not single-issue people, making a partial ban (of anything) all but useless while ignoring legitimate roles for face biometrics.

Realists in the broad middle have begun to coalesce around the creation of policies to guide development, deployment, management and correction of facial recognition.

The Center for Strategic and International Studies (CSIS), a centrist think tank, has concluded it is possible and preferable to use facial recognition under rigorous but evolving policies rather than ban it.

What is more, its analysts feel that this is true for both government and private sectors. Most prominent analysis firms looking at facial recognition have focused primarily on government use.

That is true of center-right think tank the Cato Institute. It posted a recent blog teasing apart the many threads of thought regarding AI use in police work, and came to the same conclusion as the CSIS.

For inspiration, according to the post, Washington D.C. could look to Illinois' Biometric Information Privacy Act, which has single-handedly forced the controversial face-scraper Clearview AI to alter its business model to a significant degree.

Clearview AI is fueled by unrepentant, indiscriminate scarping of biometric (face) information online, primarily that found on social media. They originally offered recognition services, based on the billions of images they have harvested, to any buyer.

But, as noted by the Cato Institute, Clearview AI executives have since said they will no longer take business from the private or non-profit sectors. And they will no conduct business at all in Illinois.

Then there is the Ban the Scan campaign, which seeks to snuff out facial recognition altogether.

And while that goal is unrealistic in a world of eager adopters, they offer the Biden administration something of a two-for-one benefit to shielding civil rights from AI cameras.

Albert Fox Cahn, founder of the Surveillance Technology Oversight Project, and a Ban the Scan member, contributed an article to Fast Company, noting the hypocrisy of developed nations who (correctly) shame dictators and political opportunists who are turning their countries into the digital equivalent of one-way glass police interrogation rooms using biometrics.

The rub, of course, is that the U.S. military and some civilian law enforcement agencies continue hoovering biometric data — though at a much smaller scale than, say, China. And much of the technology needed for the systems monitoring people in authoritarian regimes has been developed here.

It would be a welcome return by the United States to find a workable strategy that gets facial recognition in the field protecting citizens and their civil rights at the same time.