

**To: House Committee on Innovation, Technology and Economic Development**

**From: Stanley N Shikuma, President  
Japanese American Citizens League (JACL), Seattle Chapter**

**Date: 02-26-2020**

**RE: ESSB 6280 - Concerning the use of facial recognition services**

I write in opposition to ESSB 6280 as currently written.

Other testimony will lay out the technical shortcomings and systemic bias inherent in Facial Recognition technology, which on their own should merit a more cautious approach, i.e. a moratorium on Facial Recognition. I am sure they will also cover the weak oversight, the many exceptions, and the lack of robust enforcement in this bill.

I will not repeat those arguments here. Instead, I wish to offer an historical perspective and a cautionary tale of unintended consequences.

On February 19, 1942 – exactly 78 years and 6 days ago - President Roosevelt signed Executive Order No. 9066: Authorizing the Secretary of War to Prescribe Military Areas. There was no mention of Japanese or Japanese Americans within the order; it was completely race neutral on its face. But its implementation was racially charged. It targeted all Japanese Americans – and only Japanese Americans -- on the West Coast, citizen and non-citizen alike, for removal and incarceration. In Washington state, all Japanese Americans living between the Pacific Ocean and the Columbia River were forcibly removed and sent to concentration camps in California, Idaho, and Wyoming without charge or trial. One of our elders said that under this “race neutral” Executive Order, “My Face was my Crime.”

Today you will be debating the proper regulation of a powerful new technology. This bill, if passed as is, will assume a Facial Recognition that is neutral in regard to race, religion, sexual orientation, gender, etc. But the actual outcomes will not be. Arguments have been made to quickly implement and regulate Facial Recognition technology due to expediency (active use in the private sector), public pressure (everyone clamoring for it), and national security concerns. I urge you to think instead of the likely unintended consequences if we do not place a moratorium on it.

Most of us who sit in hearings before Legislative committees worry that a problem with Facial Recognition will result in a missed flight and a ruined vacation. People in marginalized communities, however, worry that a problem with Facial Recognition will result in loss of a job, false arrest, deportation, separation from family, or even being shot by the police.

These are serious, life-altering concerns. 78 years ago, no one stopped to put a pause on EO 9066, and the result was the largest mass violation of civil and constitutional rights in our nation’s history. Arguments of expediency, popular pressure, and national security overrode concerns for due process and examination of facts. Let us put a pause on this technology while we still can and stop repeating history.