



D E N S H Ō

*The Japanese American Legacy Project*

January 21, 2020

Dear Members of the Senate Environment, Energy & Technology Committee:

We, Densho — an organization dedicated to preserving the testimonies of Japanese Americans who were unjustly incarcerated during World War II — are writing to urge this Committee to oppose the 2020 WA Privacy Act (SB 6281 / HB 2742), and to support the Face Surveillance Moratorium (SB 5528 / HB 1654).

As an organization that uses the lens of the Japanese American incarceration experience to promote an examination of democracy, racial discrimination, and government surveillance, we are concerned about the face surveillance provisions in this bill. Communities of color are already subject to unwarranted surveillance, and facial recognition technology dramatically increases the ability of law enforcement to disproportionately target these groups. We believe the face surveillance provisions in the bill are overly broad, making the bill's protections ineffective. Widespread use of facial recognition technology following the lowest possible standards does not bode well for communities who continue to be over-surveilled and unfairly targeted. Our concerns around the face surveillance provisions within the 2020 WA Privacy Act (SB 6281 / HB 2742) prompt us to recommend opposition to this bill. We believe that face surveillance tools are powerful, and not yet properly regulated, which is why we urge you to support the Face Surveillance Moratorium (SB 5528 / HB 1654).

For nearly a decade prior to the outbreak of World War II, various federal agencies conducted surveillance in Japanese American communities in anticipation of a possible war with Japan. Despite these agencies reaching the consensus that the Japanese American community as a whole posed little threat to the U.S., they put together custodial detention lists naming those who would be arrested should war come. These lists allowed the government to begin rounding up people who were now considered “enemy aliens” within hours after the attack on Pearl Harbor.

The story of Japanese incarceration and the decades of racial discrimination and government surveillance against Japanese Americans that preceded it has never been more relevant. Today, custodial detention lists take the form of massive databases created with powerful technologies such as facial recognition technology. Weak protections allow law enforcement to disproportionately surveil historically marginalized communities with racially-biased and inaccurate technology. Moreover, even if facial recognition technology were completely unbiased and accurate, its use poses the threat of increased unlawful surveillance. Experts have proven that facial recognition technology is particularly inaccurate for people of color, women, trans people, and young and old people. We believe that Washington state needs strong laws that actually protect all our communities.

We believe that the 2020 WA Privacy Act (SB 6281 / HB 2742) does not create meaningful protections for the communities of color in Washington and we strongly urge this Committee to oppose the 2020 WA Privacy Act (SB 6281 / HB 2742) and support the Face Surveillance Moratorium (SB 5528 / HB 1654).

Signed,

Geoff Froh, Deputy Director

*Preserving the past, inspiring the future*