

Secretary Alejandro Mayorkas
Department of Homeland Security
2707 Martin Luther King Jr. Ave. SE
Washington, D.C., 20528

April 19, 2021

Dear Secretary Mayorkas:

The undersigned organizations have serious concerns about the federal government's use of facial recognition technology provided by private company Clearview AI. We request that the Department immediately stop using Clearview AI at its agencies on a contractual,¹ trial, or any other basis.²

Clearview AI provides facial recognition services to law enforcement throughout the country, tied to a database of more than 3 billion biometric identifiers that the company has extracted from images scraped without permission from sites including Facebook, Instagram, and LinkedIn. This practice of extracting identifiers is a clear violation of privacy rights. As Clearview AI's use of face recognition has been shrouded in secrecy, it is impossible to know how many people have been wrongfully arrested as a result of its technology. Clearview AI's facial recognition has been banned for use by law enforcement in New Jersey, deemed illegal by the Privacy Commissioner of Canada, and is the subject of a lawsuit by the Vermont Attorney General and [multiple civil rights, racial justice, and community organizations](#). [Facebook](#), [LinkedIn](#), [Google](#), and [Twitter](#) have all sent cease-and-desist letters to Clearview AI for violating their terms of service by scraping data.

Clearview AI has provided [thousands](#) of free trials to state and federal law enforcement agencies, leading to experimental and unauthorized use. Many leaders at these agencies, when contacted by the press, were [unaware that employees were using the tool](#). In particular, the use of Clearview AI by federal immigration authorities has not been subject to sufficient oversight or transparency. For example, ICE has not accounted for [documented use](#) of Clearview AI facial recognition by its Enforcement and Removal Operations (ERO) division, even though the agency's May 2020 [Privacy Impact Assessment](#) assured the public that ERO would "not use" face recognition for civil immigration enforcement. CBP has declined to explain how it uses the technology and to what end, [only commenting that it is not used for the biometric entry-exit program](#).

In light of April 2021 reporting, Senator Chris Coons of Delaware has noted that "we have little understanding of who is using this technology or when it is being deployed," and that he is

¹ Clearview currently holds a contract with U.S. Immigration and Customs Enforcement ([Purchase Order 70CMUSD20P00000130](#)).

² U.S. Customs and Border Protection (CBP), for example, does not hold a publicly available contract with Clearview AI, but has been shown to have [registered more than 270 accounts and run nearly 7,500 searches](#) on the platform.

“deeply concerned by evidence that facial recognition technologies can be error-prone or demonstrate harmful biases, especially when used on people of color.”³ Face recognition has been shown to return false positives in law enforcement use. In [each confirmed instance](#) of a false positive, the arrested individual was a person of color. These inherent biases are all the more concerning given that Clearview AI was founded by individuals with [reported ties](#) to far-right and white nationalist organizations. The company was awarded all of its current federal contracts under the Trump administration, to which Clearview AI funder Peter Thiel was a major contributor and advisor.

We request that the Biden administration refrain from providing any new contracts to Clearview AI, and that any and all current or future use of the platform by federal agencies be suspended immediately, irrespective of the existence of a contract with the company. Clearview AI’s continued violation of civil rights and privacy rights provide ample reason to discontinue its use.

cc:

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Signatories:

Mijente
Just Futures Law
The Center on Privacy & Technology at Georgetown Law
Access Now
American Civil Liberties Union (ACLU)
ACLU of Minnesota
ACLU of Northern California
ACLU of North Carolina
Adelante Alabama Worker Center
Asian Americans Advancing Justice | AAJC
CASA
Center for Constitutional Rights
Center for Popular Democracy
Centro de Trabajadores Unidos
Cleveland Jobs with Justice
Colectiva Legal del Pueblo

³ Ryan Mac, Caroline Haskins, Brianna Sacks and Logan McDonald, “How A Facial Recognition Tool Found Its Way Into Hundreds Of US Police Departments, Schools, And Taxpayer-Funded Organizations,” *BuzzFeed News*, April 6, 2021, www.buzzfeednews.com/article/ryanmac/clearview-ai-local-police-facial-recognition.

Colorado Immigrant Rights Coalition
Community Justice Exchange
Community Justice Project, Inc.
Connecticut Shoreline Indivisible
Defending Rights & Dissent
Demand Progress Education Fund
Detention Watch Network
Electronic Frontier Foundation (EFF)
Electronic Privacy Information Center
Fight for the Future
Freedom for Immigrants
Free Press
Government Information Watch
Immigrant Defense Project
Immigrant Legal Advocacy Project
La Resistencia
Laredo Immigrant Alliance
LatinoJustice PRLDEF
Legal Aid at Work
Louisiana Advocates for Immigrants in Detention
MA Jobs with Justice
MediaJustice
Meyer Law Office, P.C.
Muslim Advocates
Muslim Justice League
National Immigrant Justice Center
National Immigration Law Center
National Network for Immigrant & Refugee Rights
National Network of Arab American Communities (NNAAC)
National Organization for Women
New America's Open Technology Institute
New Mexico Immigrant Law Center
New York Civil Liberties Union
Northwest Immigrant Rights Project
Open MIC (Open Media and Information Companies Initiative)
Open The Government
OpenMedia
Project for Privacy and Surveillance Accountability
Project On Government Oversight
Restore The Fourth
Southeastern Immigrant Rights Network
S.T.O.P. – Surveillance Technology Oversight Project
Sanctuary DMV
Twin Cities Innovation Alliance

X-Lab

UndocuBlack Network

Unitarian Universalist Service Committee

United We Dream Network

Upturn

Washington Defender Association

Win Without War

Wind of the Spirit Immigrant Resource Center