



October 27, 2021

Ambassador Susan Rice
Director
Domestic Policy Council
The White House
Washington, DC 20500

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Asian Americans Advancing Justice |
AAJC

Interim President & CEO
Wade Henderson

Dear Ambassador Rice:

On behalf of The Leadership Conference and the undersigned organizations, we write to urge you to place a high priority on ensuring that data-driven technologies — including algorithmic decision making, artificial intelligence, and machine learning increasingly used to make important decisions about people's lives — protect civil rights, prevent unlawful discrimination, and advance equal opportunity.

Technological progress should bring greater safety, economic opportunity, and convenience to everyone. And the collection of demographic data is essential for documenting persistent inequality and discrimination. But just as technology has created immense positive value by creating economic opportunities, facilitating civil rights advocacy, and adding new voices to our culture and public debate, it can also enable discriminatory conduct and give new tools to powerful institutions to entrench and exacerbate existing disparities.

We are deeply concerned that without top leadership in the White House focused on ensuring that civil rights and civil liberties issues are front and center in the development of technology and AI policies, the development of these policies will continue to center the voices of the tech industry and place civil rights at the margins. As the Domestic Policy Council works to fulfill President Biden's commitment to advancing equity for all, it is ideally positioned to map specific civil rights risks and opportunities across the new technological landscape and ensure that technology serves the best interests of everyone. Under your leadership, we hope the Biden administration can:

- Prioritize the assessment of how technology can drive or reinforce inequity and help agencies devise policies, regulations, enforcement activities, and guidance that address systemic barriers to opportunities and benefits for people of color and other underserved groups.
- Engage with a diverse range of stakeholders, including civil rights organizations, consumer advocates, labor organizations, and members of affected communities.
- Ensure that federal investment in research and development of AI technologies includes significant and immediate investment in research on anti-discrimination measures and ways

- that AI systems can be used to advance equity, as well as investment in strategies to increase equity, diversity, and inclusion in the tech industry.
- Work with federal agencies to ensure that federal programs and federally funded programs using AI and other data-driven technologies are compliant with anti-discrimination requirements under federal law.

In 2014, a coalition of civil rights and media justice groups released “Civil Rights Principles for the Era of Big Data,”¹ calling on the U.S. government and businesses to respect and promote equal opportunity and equal justice in the development and use of data-driven technologies. These principles, along with the Obama White House’s subsequent reports on big data, highlighted the need for rules of the road for the private and public institutions whose decisions can ultimately protect or deny civil and human rights. The Obama administration’s big data reports provided important next steps for future administrations, Congress, and regulators to ensure that technology is used to enhance equal opportunity, not undermine it. And they acknowledged the important role that the civil rights community, and specifically, the principles, played in informing this critical work.

Today, while the terminology has shifted from “big data” to “AI,” the issues remain the same and the threats technology can pose to civil rights have only grown. Recognizing this increased urgency, in 2020, The Leadership Conference, along with a number of advocacy and civil rights organizations, released updated Civil Rights Principles.² Those principles include ending high tech profiling; ensuring justice in automated decisions; preserving constitutional principles; ensuring that technology serves people historically subject to discrimination; defining responsible use of personal information and enhancing individual rights; and making systems transparent and accountable.

Yet as technology continues to have a greater impact on the lives of all people in the United States, the important work begun under the Obama administration remains unfinished and the clock is already ticking on what can be accomplished during President Biden’s first term. Since assuming office, the Biden administration has not pursued a public and proactive agenda on the civil rights implications of AI.³ Instead, the Trump administration’s executive orders and regulatory guidance on AI — which prioritized development and expansion of AI without sufficient attention to the harms to and protections for civil rights and civil liberties — remain in effect, constraining agencies across the federal government

¹ <https://www.civilrightstable.org/civil-rights-principles-for-the-era-of-big-data/>

² <https://www.civilrightstable.org/principles/>

³ Some agencies and offices are taking important discrete actions, but currently there is not a whole-of-government strategy for addressing these technologies’ impacts on civil rights. *Cf. e.g.*, Eric Lander and Alondra Nelson, *Americans Need a Bill of Rights for an AI-Powered World*, WIRED (Oct. 8, 2021) (OSTP researching biometric information), <https://www.wired.com/story/opinion-bill-of-rights-artificial-intelligence/>; Memorandum re: Review of the Department’s administrative enforcement of Title VI and the Safe Streets Act, Dept. of Justice (Sept. 15, 2021), <https://www.justice.gov/asg/page/file/1433211/download>; Elisa Jillson, *Aiming for truth, fairness, and equity in your company’s use of AI*, FTC (Apr. 19, 2021), <https://www.ftc.gov/news-events/blogs/business-blog/2021/04/aiming-truth-fairness-equity-your-companys-use-ai>; Charge of Discrimination, *HUD v. Facebook*, FHEO No. 01-18-0323-8 (2018), https://www.hud.gov/sites/dfiles/Main/documents/HUD_v_Facebook.pdf.

in setting policy priorities. Meanwhile, private sector use of discriminatory, unfair, or deceptive data practices continues largely unchecked.

Under President Biden’s January 2021 executive order, “Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government,” the federal government has the responsibility to undertake a comprehensive approach to examining government’s role in reducing, eliminating, and preventing racial discrimination and disparities. This approach is entirely consistent with the Civil Rights Principles.

Ultimately, future policy and regulation will determine whether the nation can bend the course of technology development to protect civil rights and reduce societal inequities, or whether it is allowed to supercharge discrimination and further widen social disparities. To ensure that technology serves the best interests of each of us, civil rights must be a key part of any public policy framework and the time to incorporate that priority into policy development is now. We urge you to ensure that the voices of the civil and human rights community are heard in this important, ongoing national conversation. If you have any questions about this letter, please contact Corrine Yu, senior advisor to the president, at yu@civilrights.org.

Sincerely,

The Leadership Conference on Civil and Human Rights
Access Now
American Civil Liberties Union
American-Arab Anti-Discrimination Committee (ADC)
Americans for Financial Reform Education Fund
Andrew Goodman Foundation
Anti-Defamation League (ADL)
Arab American Institute (AAI)
Asian Americans Advancing Justice | AAJC
Association of University Centers on Disabilities (AUCD)
Autistic Self Advocacy Network
Bend the Arc: Jewish Action
Benton Institute for Broadband & Society
Casa Ruby
Center for Accessible Technology
Center for American Progress
Center for Constitutional Rights
Center for Democracy & Technology
Center for Disability Rights
Center for Responsible Lending
Clearinghouse on Women's Issues
Color Of Change
Common Cause

Common Sense
Communications Workers of America
Consumer Reports
Data & Society Research Institute
Demand Progress Education Fund
Electronic Privacy Information Center (EPIC)
Equal Rights Advocates
Equality California
Feminist Majority Foundation
Fight for the Future
Free Press
Government Information Watch
Hispanic Federation
Houston Immigration Legal Services Collaborative
Human Rights Campaign
Human Rights First
Impact Fund
Institute for Intellectual Property and Social Justice
Japanese American Citizens League
Lawyers' Committee for Civil Rights Under Law
League of Women Voters of the United States
Louisiana Advocates for Immigrants in Detention (LA-Aid)
Matthew Shepard Foundation
MediaJustice
Movement Alliance Project
Muslim Advocates
NAACP
NAACP Legal Defense and Educational Fund, Inc. (LDF)
National Association of Criminal Defense Lawyers
National CAPACD- National Coalition for Asian Pacific American Community Development
National Consumer Law Center (on behalf of its low-income clients)
National Consumers League
National Council of Asian Pacific Americans
National Employment Law Project
National Employment Lawyers Association
National Fair Housing Alliance
National Hispanic Media Coalition
National LGBTQ Task Force
National Urban League
National Women's Law Center
OCA – Asian Pacific American Advocates
Open MIC (Open Media & Information Companies Initiative)
Open Technology Institute

Open The Government
People For the American Way
Public Citizen
Public Justice
Public Knowledge
Ranking Digital Rights
RESULTS
Robert F. Kennedy Human Rights
Sikh Coalition
South Asian Americans Leading Together
Southern Echo Inc.
Southern Poverty Law Center
The Trevor Project
The United Methodist Church - General Board of Church and Society
UnidosUS
United Church of Christ, OC Inc.
Upturn
Workplace Fairness