

Marc Rotenberg, Washington, DC
Executive Director, EPIC
www.epic.org

Committee on Public Safety and the Judiciary of the D.C. Council
“Video Interoperability for Public Safety”

June 2, 2008

My name is Marc Rotenberg and I am a resident of Washington, DC and the director of the Electronic Privacy Information Center.

I'd like to thank the City Council and particularly Chairman Mendelson and Councilmember Cheh for holding this hearing today. I have lived in the District for more than 25 years. My wife is a teacher at the Raymond Elementary School and a member of the Washington Teachers Union. I teach Information Privacy Law at Georgetown, chair the ABA Committee on Privacy and Information Security, and have testified many times in Congress on emerging privacy issues.

I am here today on behalf of EPIC to thank you for your work on this issue and to urge you to suspend any proposed contracts with the company L-1 Identity Solutions. EPIC has a particular interest in this issue. After 9-11, we launched the Observing Surveillance campaign to focus public attention on the federal government's efforts to put more surveillance cameras in the District. We anticipated that the federal government would use the ongoing concerns about terrorist attacks to push for monitoring and tracking of the people who live and work in Washington.

We also understood that the implications of citywide surveillance went beyond privacy. Because many people come to Washington to express their political and religious views, a surveillance system would make it easy to monitor and record people exercising their First Amendment rights.

EPIC began Freedom of Information Act litigation. The documents that we obtained contain individual logs of the aerial surveillance conducted by the Municipal Police Department and the FBI of protesters at the Million Family March, pro-Life demonstrations at the Supreme Court, and the various World Bank protests. These images were obtained by helicopter and downloaded to police on the ground. They were provided to the MPD Command Center.

All of these incidents implicate Constitutional rights; they make clear that video surveillance is specifically undertaken of individuals engaged in political protest. More cameras will make it easier to monitor more protesters, including people who may choose to protest the cameras.

Based on this litigation, we testified before the City Council in 2002 on the problems with video surveillance and recommended strong privacy safeguards. We helped draft the MPD Guidelines, which though not perfect, are more comprehensive than the policies in most other cities that are installing video surveillance cameras. We have pointed to the DC City Council Guidelines when discussing a baseline for other jurisdictions to adopt.

More recently, we have looked at the deployment of cameras in other cities. While many people have continued to report on the rapid increase of CCTV in London, we were interested to see the cameras installed in Athens, Greece removed after the conclusion of the 2004 Olympics. The US Department of Homeland Security, the same agency that is pushing the D.C. government to expand the surveillance system here in the District, pushed the Greek government to put cameras in place for the Olympics. But after the Olympics were over, the cameras were moved out of residential neighborhoods where they had peered into people's homes.

It is an important development for you to consider.

At the same time, we are very concerned about the growing influence of the company "L-1 Identity Solutions," which we believe will become a primary contractor for the VIPS system. L-1 has been the focus of several important studies, including the excellent book "No Place to Hide" by Washington Post reporter Robert O'Harrow and the recent article "China's All-Seeing Eye" by Naomi Klein in the current issues of Rolling Stone.

I have the Klein article with me today. I will simply read the description of the article: "With the help of U.S. defense contractors, China is building the prototype for a high-tech police state. It is ready for export." Naomi Klein is discussing the company L-1 Identity Solutions.

Finally, I would like to issue two warnings today.

First, surveillance systems are not static. Six years ago we said that if surveillance cameras were installed in the District, there would be a push to network the cameras. That is the Homeland Security VIPS proposal now under consideration today.

There is also a rapid evolution underway that makes surveillance far more intrusive than most people understand. Already you are seeing the use of facial recognition that will make it possible to identify people in public places. People enjoy privacy in public spaces because of anonymity. These new techniques are intended precisely to destroy that very real form of privacy.

Other techniques permit detailed enlargement of images, amplification of sound so that even a whisper can be heard, as well as methods to view objects under clothing. This sounds like the movies, but it's not. These are research projects currently being

funded by the federal government, with the support of the Department of Homeland Security, to dramatically increase the surveillance of the American public.

Second, the images captured by these cameras systems will be used to manipulate public opinion and to build support for new systems of surveillance. While there will be an occasional “Rodney King video,” most of the images provided by the agency that operates the system and the vendor that provides the system will be used to justify and expand the system. This dynamic is already apparent in London.

I appreciate the opportunity to testify today. I would be pleased to answer your questions.

REFERENCES

EPIC, Video Surveillance Information Page
www.epic.org/privacy/surveillance/

The Observing Surveillance Site
www.observingsurveillance.org

EPIC Testimony, D.C. City Council, June 13, 2002
http://epic.org/privacy/surveillance/testimony_061302.html

EPIC, Privacy and Human Rights 2006 (discussion of Surveillance system in China)
<http://www.privacyinternational.org/article.shtml?cmd%5B347%5D=x-347-559059>

Naomi Klein, “China's All-Seeing Eye: With the help of U.S. defense contractors, China is building the prototype for a high-tech police state. It is ready for export,” Rolling Stone, May 29, 2008.
http://www.rollingstone.com/politics/story/20797485/chinas_allseeing_eye

L1-Identiy Solutions, 10-K for 12/31/07
<http://www.secinfo.com/dsvrn.tUy.htm>