

Face Recognition Technology

By Chad Kautzer

Z Magazine, March 2002

Smile for the camera." It's a phrase that has attained a permanent (albeit fluid) place in our colloquial American lexicon. Rooted in the amateur photography of family and friends, it has now become a sarcastic catch-phrase uttered when under the gaze of surveillance cameras in banks, gas stations, parking lots, and shopping malls. Government buildings, schools, parks, hospitals, and busy street intersections no longer escape the gaze either. Surveillance cameras are every-where. As disturbing as this phenomena might be, the next phase of video surveillance employing Face Recognition Technology is sure to send a chill down your spine and through the body politic.

By creating a template of our facial configurations (e.g., the length of the nose, angle of the jaw, etc.) Face Recognition Technology (FRT) functions much like other biometric technology such as iris scanning, using biological features for recognition purposes. According to one manufacturer of FRT, Visionics, the technology "can find human faces anywhere in the field of view and at any distance, and it can continuously track them and crop them out of the scene, matching the face against a watch list. Totally hands off, continuously and in real-time" (www.visionics.com).

This makes face recognition surveillance qualitatively different from other biometrics in at least one important respect: it can and does take place without our knowledge. Last February, over 60,000 people entering the Raymond James Stadium in Tampa Bay for the Super Bowl game were unknowingly filmed by tiny cameras equipped with FRT. Each facial image was digitized and checked against a database, making the event the biggest police line-up in history.

Since September 11, the proliferation of FRT has been rapid, moving most notably from places like airports (Logan Airport in Boston, T.F. Green Airport in Providence, Rhode Island, Fresno Airport in California, and Palm Beach International Airport in Florida) into the public spaces of Miami, Tampa Bay, and LA.

The non-participatory or "hands off" aspect of the technology has led the courts to consider FRT non-intrusive, hence constitutional. This is a dangerous mistake and the ACLU has been unsuccessful in challenging it.

Thus far, the ACLU's argument has been two-fold. First, they assert that FRT's margin of error is so great as to be *de facto* ineffective. Additionally, they claim that false positives (i.e., wrongly identifying someone as a threat and subsequently arresting or searching them) violate the fourth amendment rights of individuals against unreasonable search and seizure. While the effectiveness of FRT is debatable, the ACLU is right to find "false positives" unnecessarily intrusive.

Unfortunately, this approach doesn't address the aggregate "chilling effect" this surveillance will have on the public sphere. The ACLU defends our individual rights and liberties, but cannot ensure those extra-constitutional components of social practice essential to a functioning democracy.

Thus, the ACLU can defend the freedom of the press, but cannot address the anti-democratic effects of a near monopolistic corporate media that marginalizes investigative journalism and willingly propagandizes for government or corporate interests. It can defend our right to privacy (i.e., against unreasonable searches of home or person), but not our

anonymity when participating in the public sphere. The latter protects us against intimidation and "black listing" by state intelligence agencies and corporations. One need only look to the effects of the U.S. Army's domestic intelligence program in the 1960s or the FBI's COINTELPRO (1956-71) witch-hunt to see the disastrous effects of state surveillance of legal political activity.

Imagine what would have happened had FRT been operative during the abolitionist, labor, women's suffrage, civil rights, and anti-war movements. How many would have declined to take a leaflet, walk in a march, or participate in a rally if they knew the State was monitoring them as a single, identifiable individual? The growth of these movements hinged on the anonymity of the curious and uncommitted to investigate, engage, and perhaps join them without fear of repercussions or need of explanation.

Employing FCT in public spaces fosters mistrust and nonparticipation, further eroding an already endangered civic culture. The task of preventing this surveillance of public spaces is one we must take up. Our strategy can begin by vigorously participating in and thereby strengthening exactly that which is under attack – the public sphere itself. **Z**

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Handy Dandy Guide

Author: Kautzer, Chad	Title: Facial Recognition Technology	Source: Z Magazine	Date: March 2002
1) <i>People economize.</i> People choose the alternative which seems best to them because it involves the least cost and greatest benefit.	<i>As a result of careful thought and deliberation, government chose, what it believed to be, the most cost-efficient alternative. In their view, the purchase cost, operation and maintenance costs, legal challenges and criticism of implementing Facial Recognition Technology (FRT) was, in the long run, a better and cheaper (in terms of overall benefit) alternative to dealing with the fall-out of terrorist attacks.</i>		
2) <i>All choices involve cost.</i> Cost is the second best choice people give up when they make their best choice.	<i>FRT, the option chosen by government, has a cost: privacy and anonymity in the public sector. The diminished privacy of the individual has an additional cost: Fourth Amendment Constitutional challenges in the courts. The government chose this option because it believes that the increased safety is a smaller cost than the price of legal challenges.</i>		
3) <i>People respond to incentives.</i> Incentives are actions or rewards that encourage people to act. When incentives change, people's behavior changes in predictable ways.	<i>Government's incentive to purchase and implement FRT is based on its constitutional duty to "promote the general welfare" of the people. Its belief is that tracking potential wrongdoers <u>before</u> they commit a terrorist act will increase the well-being of those who would have been affected - potentially everybody in the US.</i> <i>Individual citizens and resident in the US now have an additional incentive to "walk the straight and narrow" due to the added surveillance.</i>		
4) <i>Economic systems influence individual choices and incentives.</i> How people cooperate is governed by written and unwritten rules. As rules change, incentives change and behavior changes.	<i>As FRT grows in usage, the rules that govern public behavior will change. As these rules change, individual behaviors will change. People will make different decisions based on the knowledge or thought that someone ("Big Brother") may be watching.</i>		
5) <i>Voluntary trade creates wealth.</i> People can produce more in less time by concentrating on what they do best. The surplus goods or services they produce can be traded to obtain other valuable goods or services.	<i>If safety is the now scarce "resource," in this example, the government is looking to accumulate a greater wealth in safety. For this, the government argues that engaging in FRT will increase our "safety-wealth."</i> <i>The author and ACLU argue that the scarce "resource" is privacy. If wealth is measured in the degree of privacy that individuals possess, the government's engaging in FRT will decrease people's "privacy-wealth."</i>		
6) <i>The consequences of choices lie in the future.</i> The important costs and benefits in economic decision making are those which will appear in the future. Economics stresses making decisions about the future because it is only the future that we can influence. We cannot influence things that have happened in the past.	<i>What effect will FRT have on the public? Will it deter terrorism? Will diminished privacy deter free speech and activism? Will the US be safer from domestic and foreign terrorism? Of course, only time will tell. But the government will surely argue that diminished privacy due to FRT is a lesser cost if it will make us a stronger, safer nation, while the ACLU will argue that the loss of civil liberties is too great a cost for tracking and monitoring potential terrorists.</i>		