

EMANUEL CLEAVER, II  
FIFTH DISTRICT, MISSOURI

FINANCIAL SERVICES COMMITTEE  
HOUSING AND INSURANCE SUBCOMMITTEE  
RANKING MEMBER

OVERSIGHT AND INVESTIGATIONS SUBCOMMITTEE



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**Congress of the United States**  
**House of Representatives**  
August 15, 2018

The Honorable John Gore  
Acting Assistant Attorney General  
U.S. Department of Justice  
Civil Rights Division  
950 Pennsylvania Ave, NW  
Washington, DC 20530

Dear Acting Assistant Attorney General Gore:

I write today out of concern about the current use of facial recognition technologies by federal, state, and local law enforcement agencies.

Facial recognition technology is a powerful investigative tool. When used by law enforcement agencies, facial recognition technology has the potential to identify suspects, expedite investigations, and enhance public safety – among other uses. In these important ways, facial recognition technology may facilitate positive outcomes for the life and liberty of Americans. Conversely, if not appropriately implemented, use of the technology may threaten the life and liberty of Americans with crushing force.

Members of Congress, civil rights organizations, and the American public have expressed concerns over the way that facial recognition technologies are currently being used by law enforcement. A growing body of evidence suggests that these technologies have the potential to exacerbate and entrench existing policing disparities along racial lines. Amazon's *Rekognition* was recently reported to be less accurate for African American subjects, and I remain extremely concerned that facial recognition technologies will disproportionately burden African American communities. Additionally, the potential to monitor and enroll identified Americans into databases without their knowledge poses critical legal concerns – particularly if deployed to monitor peaceful protesters.

Technology innovations may enhance existing police practices, but they should not disrupt basic civil rights protections. For this reason, I implore the Department of Justice Civil Rights Division to investigate whether the uses of facial recognition technology -- as currently utilized -- by law enforcement agencies are in violation of civil rights protections - particularly 42 U.S.C. § 1981 and 42 U.S.C. § 2000a(a).

It is clear that facial recognition technologies are continually being deployed into everyday policing activities, yet it is unclear if existing safeguards are preventing abuse. As consequential as the technology may be, it is my continued hope that the pursuit of justice does not progress by means of coinciding injustice. I thank the Department of Justice for its critical civil rights work thus far and look forward to continued dialogue on this issue. Your insights, and contributions to transparency, are greatly valued.

Sincerely,

Emanuel Cleaver, II  
Member of Congress

PLEASE REPLY TO:

2335 RAYBURN HOB  
WASHINGTON, DC 20515  
(202) 225-4535 (PHONE)  
(202) 225-4403 (FAX)

101 WEST 31ST STREET  
KANSAS CITY, MO 64108  
(816) 842-4545 (PHONE)  
(816) 471-5215 (FAX)

211 WEST MAPLE AVENUE  
INDEPENDENCE, MO 64050  
(816) 833-4545 (PHONE)  
(816) 833-2991 (FAX)

1923 MAIN STREET  
HIGGINSVILLE, MO 64037  
(660) 584-7373 (PHONE)  
(660) 584-7227 (FAX)