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March 15, 2021

Parsons, Attn: CBP Swanton Sector EA  
3577 Parkway Lane  
Suite 100  
Peachtree Corners, GA 30092  
BY ELECTRONIC MAIL: [CBPSwantonSectorEA\\_RVSS@parsons.com](mailto:CBPSwantonSectorEA_RVSS@parsons.com)

*Re: CBP Swanton Sector EA*

**Comments of Vermont Attorney General T.J. Donovan**

I write to express my concerns about the U.S. Customs and Border Protection's (CBP's) proposal to place Remote Video Surveillance Systems (RVSS) towers in the Vermont towns of Derby, Franklin, Richford, and Troy. It is my duty to protect the safety and well-being of all Vermonters, and part of that obligation is to guard against the unnecessary and intrusive surveillance of our citizenry. The dismissal of socioeconomic impacts and impact on the public should be reconsidered in light of privacy concerns expressed below.

I recognize the importance of border monitoring, including the placement of RVSS, for legitimate law enforcement reasons to protect our citizens from known terrorist threats or other illegal activities that may otherwise threaten the health and safety of Vermonters. However, I am concerned about the possible use of such systems for unwarranted surveillance or potential interference with the privacy interests of Vermonters.

Vermonters value their privacy. At my direction, the Vermont Attorney General's Office has expended considerable time and resources talking to Vermonters directly about privacy issues generally. And, specifically, I have expressed strong positions favoring privacy with respect to data collection, security, and commodification. Vermonters expect and deserve a government that will act to prioritize their privacy interests.

In 2017, after a series of public hearings, meetings, and a robust stakeholder process, my office recommended regulation of the data broker industry – the third-party buyers and sellers of consumer information, most of whom Vermonters have never heard of.<sup>1</sup> The Legislature took

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<sup>1</sup> <https://legislature.vermont.gov/assets/Legislative-Reports/20171215-Data-Broker-Working-Group-Report-0.pdf>

that recommendation and passed a first-in-the-nation law requiring data brokers to register with the State of Vermont, provide information on how citizens can opt-out of the services they provide, and report annually on their functions. In 2018, again, following a robust public outreach effort and with stakeholder involvement, my office issued recommendations for privacy legislation that would help Vermonters keep their personal data more secure.<sup>2</sup> In sum, I do not take this issue lightly or without recognizing the importance that Vermonters place on their privacy.

I am aware of the potential for overzealous application and use of unnecessary surveillance systems and the potential for abuse of those systems to surveil domestic subjects, as opposed to border threats. CBP has been known to use its surveillance techniques to monitor peaceful domestic protests and to label political adversaries as “threats.” For example, in 2017 CBP stationed an RVSS tower in San Diego to monitor political opposition to its border wall, citing the “emerging threat of demonstrations.”<sup>3</sup> Our local communities should not be subjected to the type of surveillance that has been observed in practice with respect to lawful, peaceful protests in other areas of the country.

I have other concerns about the use of high-tech surveillance. The Department of Homeland Security is also using surveillance technology developed by Clearview AI, a company that collected billions of citizens’ images from the internet for the purpose of creating a mass surveillance facial recognition system. This system is so objectionable that my office sued Clearview AI to prohibit its use of this system in Vermont or on Vermonter’s images.

We respect the need to police and protect our borders. Necessary to that mission is our citizens’ ability to trust that federal law enforcers will use the very powerful tools at their disposal for the specific purposes for which they were granted, and no more. My expectation is that the CBP, in service to the public, will balance its needs for public safety with the privacy interest of those it is sworn to protect. CBP has failed to make a compelling case that the scale and scope of the proposed surveillance is ultimately necessary, and it has failed to adequately take into account Vermonters’ privacy concerns. Accordingly, CBP should place adequate safeguards and implement the requisite protocols to direct their surveillance against possible terrorist threats and illegal border activities. These safeguards and protocols should ensure that Vermonters are free from intrusive 24-hour surveillance while living or visiting near the border for legitimate reasons.

If you have questions about this letter or its contents, please feel free to contact me at any time. Thank you for your consideration.

Sincerely,

/s/ Thomas J. Donovan, Jr.

Thomas J. Donovan, Jr.  
Vermont Attorney General

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<sup>2</sup> <https://ago.vermont.gov/wp-content/uploads/2018/12/AGO-Privacy-Report.pdf>

<sup>3</sup> <https://theintercept.com/2019/08/25/border-patrol-israel-elbit-surveillance/>