

**THOMAS J. DONOVAN, JR.**  
ATTORNEY GENERAL

**JOSHUA R. DIAMOND**  
DEPUTY ATTORNEY GENERAL

**SARAH E.B. LONDON**  
CHIEF ASST. ATTORNEY GENERAL



**STATE OF VERMONT**  
**OFFICE OF THE ATTORNEY GENERAL**  
**109 STATE STREET**  
**MONTPELIER, VT**  
**05609-1001**

TEL: (802) 828-3171  
FAX: (802) 828-3187  
TTY: (802) 828-3665

<http://www.ago.vermont.gov>

December 13, 2021

**Hon. Alejandro Mayorkas**  
Secretary of Homeland Security  
Office of the Executive Secretary  
MS 0525  
Department of Homeland Security  
2707 Martin Luther King Jr Ave SE  
Washington, DC 20528-0525

*Via email:* [dhssecretary@hq.dhs.gov](mailto:dhssecretary@hq.dhs.gov)

**Hon. Troy Miller**  
Acting Commissioner, CBP  
1300 Pennsylvania Avenue, NW  
Washington, DC 20229

*Via email:* [cbpserviceintake@cbp.dhs.gov](mailto:cbpserviceintake@cbp.dhs.gov)

Parsons, Attn: CBP Swanton Sector EA  
3577 Parkway Lane Suite  
100 Peachtree Corners, GA 30092

*Via email:* [CBPSwantonSectorEA\\_RVSS@parsons.com](mailto:CBPSwantonSectorEA_RVSS@parsons.com)

**Re: Use of Clearview AI, Inc. Facial Recognition Technology**

Attn: Parsons CBP Swanton Sector,

I write to inquire about your use of Clearview AI, Inc. (Clearview AI), by the U.S. Customs and Border Protection (CBP) and Department of Homeland Security (DHS) agencies in connection with the State of Vermont (such as at border crossings).

This inquiry stems from the privacy concerns expressed in my earlier letter from March 2021.<sup>1</sup> In that letter, I expressed concerns related to CBP's proposed use of Remote Video Surveillance Towers (RVSS) along the northern borders of New York and Vermont, and the concomitant privacy impacts to Vermont citizens.

In August 2021, CBP finalized its environmental assessment and concluded that: “[w]ith the RVSS, CBP can maintain surveillance over large areas, contributing to agent safety, and increasing operational effectiveness to better detect, identify, and classify incursions/illegal entry and resolve the incursions with the appropriate level of response,” without the need for further environmental review.<sup>2</sup>

Unfortunately, the CBP's final agency action did not directly address the privacy issues raised by my March 2021 letter. That letter recounted my office's numerous actions, borne from my duty to protect Vermont citizens' safety and well-being, against unwarranted surveillance or potential interference with the privacy interests of Vermonters. These actions include current litigation against Clearview AI, for violations of Vermont's Consumer Protection Act and Data Broker Acquisition laws. Clearview AI is a technology company that collected billions of citizens' images from the internet for the purpose of creating a mass surveillance facial recognition system.

The March 2021 letter noted that “[t]he Department of Homeland Security is also using surveillance technology developed by Clearview AI.” This is based on information reported in the press as well as information provided by Clearview AI. For example, BuzzFeedNews quoted Danielle Bennett, spokesperson for DHS, as stating that DHS uses Clearview AI in its Homeland Security Investigations related to child protection cases.<sup>3</sup>

I am writing now to obtain additional information about DHS and CBP's use of Clearview AI in Vermont. Without revealing or compromising any of your confidential investigations or processes, my office is requesting the following:

1. Confirmation and a full description about exactly how DHS and CPB are utilizing or planning to use Clearview AI in or around the State of Vermont, whether in connection with RVSS or otherwise.
2. The identification and full description of all current or planned uses of Clearview AI by your agencies that impact or could impact Vermont citizens.

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<sup>1</sup> Letter to CBP Swanton Sector EA (March 15, 2021), *available at*: <https://ago.vermont.gov/wp-content/uploads/2021/03/CBP-Comment-3.15.21.pdf>

<sup>2</sup> See Final Environmental Assessment and Finding of No Significant Impact for the Northern Border Remote Video Surveillance System Project (August 2021), *available at*: <https://www.cbp.gov/document/environmental-assessments/draft-ea-swanton-rvss>

<sup>3</sup> See <https://www.buzzfeednews.com/article/ryanmac/facial-recognition-local-police-clearview-ai-table>

I deeply appreciate the vital role that DHS and CBP occupy in ensuring our nation's security and providing border protection. However, the requested information is necessary to better understand the impacts upon Vermont's legitimate rights to privacy and liberty.

Thank you for your consideration, and I look forward to hearing from DHS and CBP regarding these information requests.

Sincerely,

*/s/ Thomas J. Donovan, Jr.*

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Thomas J. Donovan, Jr.  
Vermont Attorney General