August 20, 2014

Anthony Silva
Administrator
Division of Motor Vehicles
600 New London Avenue
Cranston, RI 02920

Dear Mr. Silva:

A recently leaked document indicates that 15 states are sharing biometric data from drivers' licenses with the National Counterterrorism Center (NCTC). To my surprise and alarm, the document, a copy of which is enclosed, indicates that Rhode Island is one of those states.

The ACLU of RI has deep concerns about our state's collusion with the NCTC in this manner, because it means that the DMV is assisting the federal government in collecting personal information about innocent Rhode Islanders.

The NCTC describes itself as "the primary organization in the U.S. government for integrating and analyzing all intelligence pertaining to terrorism possessed or acquired by the U.S. government." However, guidelines adopted by the NCTC in 2012 allow it to collect and analyze vast troves of information regarding innocent Americans who do not have any known connection to terrorism. Information provided by the DMV to the NCTC is stored in the federal agency's extensive database, known as TIDE (Terrorist Identities Database Environment), which increasingly includes vast amounts of biometric information. In the leaked document, the NCTC boasts that the database contains information on *over one million people*. Regarding its drivers' license initiative in which your agency has played a part, the document indicates that over 2,400 facial images from the 15 participating states were added to the database in FY 2013.

Much of this biometric data, in turn, is added to the Terrorist Screening Database (TSDB), commonly called the "master watchlist," which is shared with other federal agencies, state and local law enforcement, and at least 22 foreign governments. To nominate an individual to the TSDB, the government need only have reasonable suspicion that a person is a suspected terrorist; in other words, individuals can be watchlisted merely if they are suspected of being suspected terrorists.

Page Two

Evidence also suggests that the database is unfairly targeting ethnic and religious minorities. Dearborn, Michigan, a city with a population of fewer than 100,000 people, but with the largest percentage of Arab-American residents in the country, has the second-highest concentration of people designated as "known or suspected terrorists," behind only New York. Individuals on the master watchlist suffer long-lasting consequences and can be nominated to other watchlists, including the Selectee List and No Fly List. The former triggers enhanced screening at airports, and the latter prevents airline travel altogether.

By the number of entries, it is clear that the standard for inclusion in the TSDB is very broad, but for TIDE it is even broader. Rhode Island should not be a willing partner in facilitating the growth and intrusiveness of these databases.

In recent years, investigative reporting and leaks have revealed a frightening explosion of federal efforts to collect information and spy on innocent Americans. That, and the secrecy surrounding most of these efforts, is a stain on democracy. It is deeply troubling to learn that Rhode Island agencies like the DMV are – in secret, without any public awareness, discussion or input – assisting in some of these intrusive programs.

We therefore call on you to halt participation in the NCTC's "Driver's License Initiative" or any similar programs in which innocent individuals' personal information is being collected. We also would appreciate being apprised why the state agreed to participate in this program in the first place, and the decision-making process that preceded it. The public deserves to know no less.*

Thank you in advance for your prompt attention to this request.

Sincerely,

Steven Brown
Executive Director

Enclosure

cc: The Hon. Lincoln Chafee

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* For background on the NCTC's vast data collection powers, see, e.g., Julia Angwin, *Wall Street Journal*, "U.S. Terrorism Agency to Tap a Vast Database of Citizens," December 13, 2012, and "The Biggest New Spying Program You've Probably Never Heard Of ," by Chris Calabrese, July 30, 2012, https://www.aclu.org/blog/national-security-technology-and-liberty/biggest-new-spying-program-youve-probably-never-heard.