

THE RUTHERFORD INSTITUTE

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INTERNATIONAL OFFICE
CENTRAL AND EASTERN EUROPE
Budapest, Hungary

December 11, 2012

Via E-mail and U.S. Mail

Mr. Stephen H. Guthrie, Superintendent
Carroll County Public Schools
125 North Court Street
Westminster, MD 21157

Re: *Biometric Scanning*

Dear Mr. Guthrie:

The Rutherford Institute¹ has been contacted by Mike Webb, whose child attends school in your district. We share Mr. Webb's concerns regarding the implementation of biometric palm scanning technology in the lunch lines of Carroll County's public schools. While we recognize that the use of this technology may be expedient for government officials, the serious, long-term harm that this program will cause to the development of young citizens and to the civic health of our nation far outweighs the temporal conveniences it offers. We request that you initiate reconsideration of the program, refuse to extend it beyond current contract obligations, and/or, at the very least, require affirmative parental consent as a prerequisite to its use on children.

The District has justified its implementation of biometric palm scanning of children in school lunch lines on the grounds of efficiency and safeguarding of student meal accounts. We are concerned, however, that the Board has failed to adequately consider the far more important competing interests that are being sacrificed. Children who are taught that submission to governmental "scanning" is a mundane, ordinary facet of everyday life are destined to become adults who passively accept an increasingly authoritarian state. While many parents may subject their unwitting children to this governmental collection of personal data—either by default or because they have failed to consider or are not concerned about these potential long-term

¹ The Rutherford Institute is a non-profit civil liberties organization that provides free legal representation to individuals whose civil rights have been threatened or infringed.

effects—it is *your* duty, as both a citizen and one entrusted with governmental authority, to take into consideration not only what makes lunch lines run smoothly, but also what produces the kind of vigilant citizens who will be competent to someday take the helm of a government premised on individual liberty.

Due in large part to the technological and profit-driven collusion between government and big business, every aspect of our society, from schooling, to banking, to shopping, to healthcare is becoming increasingly automated and surveillance oriented. It will not be long before these technologies—sold to citizens as being for their good and aimed at making their lives safer, easier and more efficient—will come to dominate every aspect of our lives. These tendrils of the corporate surveillance-state are slowly coming to control all our daily interactions, and our nation’s public schools have, unfortunately, become the forefront of a movement to completely automate all human interaction and ensure that no one is able to escape the prying eyes of government officials and their corporate partners.

In fact, the corporations that sell biometric technologies to school districts like yours openly admit their goal: “[O]nce finger scanning is being used successfully in one part of the school, the idea migrates and is embraced in other areas as well.”² These include the school’s front door, the classroom, the nurse’s office, the library, buses, athletic events and dances.³ In fact, one company eagerly touts the fact that wireless biometric technology is in development to assist large schools with “hallway monitoring.”⁴

We urge you to resist this incremental “creep” of government into the lives of private citizens. By making government tracking and surveillance ubiquitous in the schoolhouse, government will desensitize children to its threats to personal privacy when used in broader contexts. This would be a disservice not only to the particular students in your district, but to our nation’s potential to continue as a truly free society.

At the very least, surely these countervailing concerns are of sufficient importance to preclude the inclusion of children in the program by default. The Board surely has a responsibility to signal to parents that a considered judgment on their part is needed. The extraction of intensely personal, indeed *unique* data—however temporary, for whatever purpose—from children who are too young and immature to make an informed decision as to its propriety, should not, under any circumstances, be permitted on the basis of a parent’s failure to affirmatively opt the child out of participation.

The ingraining of submission to governmental surveillance into the developing minds of young, impressionable citizens is simply incompatible with our nation’s commitment to the principles of limited government and individual liberty. However innocuous your own school district’s motivations may be, it is incumbent upon you to recognize the long-term, harmful

² identiMetrics, “Biometric Student Identification: Practical Solutions for Accountability & Security in Schools,” June, 2009, at p. 5.

³ *Id.*, pp. 5-6.

⁴ *Id.*, p. 6.

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impact of this program on the transmission of the principles of liberty to America's youth. As the United States Supreme Court so aptly said of local Boards of Education over fifty years ago:

These [Boards] have, of course, important, delicate, and highly discretionary functions, but none that they may not perform within the limits of the Bill of Rights. That they are educating the young for citizenship is reason for scrupulous protection of Constitutional freedoms of the individual, if we are not to strangle the free mind at its source and teach youth to discount important principles of our government as mere platitudes.⁵

As currently constituted, this biometric program requires, quite literally, that children exchange their libertarian birthright for a single meal. We hope that you will reconsider your district's implementation of this program based on the long-term concerns we have discussed. At the very least, we hope you will require affirmative consent from parents as a prerequisite to the extraction of personal data from children.

Sincerely yours,

John W. Whitehead, President
THE RUTHERFORD INSTITUTE

Cc: Board Members
Mike Webb

⁵ *West Virginia State Board of Education v. Barnette*, 319 U.S. 624, 637 (1943).