

March 20, 2012

RE: Coalition Opposes Any Efforts to Force Compliance with Real ID

Dear Representatives

We the undersigned organizations write today to express our opposition to any effort by Congress or the Department of Homeland Security (DHS) to force states to comply with the Real ID Act of 2005. Real ID was passed as a rider to a bill funding military expenditures and tsunami relief. It gave states three years to comply with restrictive federal licensing standards, create a national database of drivers' license information and build huge databases of individual birth certificates and other personal information. All of this would have cost billions – a cost borne almost exclusively by the states.

Instead of compliance, Real ID faced widespread opposition. Groups from across the political spectrum opposed it. Supporters of fiscal conservatism and federalism decried it as an unfunded mandate that trampled on the Tenth Amendment. Civil rights and civil liberties groups worried that the Act lacked sufficient protections and might increase racial discrimination. Defenders of religious freedom described its negative impact on the Amish and other religious denominations. Consumer groups feared it would result in an expansive and cumbersome new bureaucracy. Advocates against domestic violence believed it would expose personal information about survivors of domestic violence and sexual assault.

In addition, many of those same groups rejected Real ID as a national ID. They believed it would facilitate tracking of data on individuals and bring government into the very center of every citizen's life. It would be a de facto government permission slip needed by everyone in order to travel. As happened with Social Security cards decades ago, use of such ID cards would then quickly spread and be used for other purposes – from work to voting to gun ownership.

States rejected Real ID because of its high cost – initially estimated by DHS at \$23 billion. States were concerned that the Act would force them to change their entire licensing issuance process to conform to a one-size-fits-all federal mandate. At the same time the states were also making great strides in improving drivers' license security and were rightly concerned that Real ID would interfere with or overturn many of these efforts. Twenty five states, either through a statute or legislative resolution, rejected the Act or said they would not comply with Real ID.¹ Fifteen of those states actually passed laws prohibiting compliance with Real ID.

As a result of this widespread opposition, Real ID has stalled. DHS cannot mandate compliance because implementing its sole penalty under the statute – barring the use of non-compliant licenses for boarding airplanes – would bring air travel to a halt. Nor has Congress acted to fund the legislation. It has provided only \$200 million for Real ID compliance, a fraction of the amount needed to comply with the law.

¹ The states are Alaska, Arizona, Arkansas, Colorado, Georgia, Hawaii, Idaho, Illinois, Louisiana, Maine, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Utah, Virginia and Washington.

Given this reality, any additional Real ID compliance efforts by DHS or Congress would harm individual liberty and waste precious taxpayer resources. The undersigned organizations urge you oppose any efforts to attempt to force compliance with Real ID.

Sincerely,

American Civil Liberties Union

American Library Association

Asian Law Caucus, member of Asian American Center for Advancing Justice

Bob Barr, Former Member of Congress and Chairman of Liberty Guard

Center for Financial Privacy and Human Rights

Constitutional Alliance

Consumer Action

Consumer Federation of America

Consumer Watchdog

Center for Democracy & Technology

Defending Dissent Foundation

DownsizeDC.org, Inc.

5-11 Campaign

Electronic Frontier Foundation

Electronic Privacy Information Center

Floridians Against REAL ID

Hispanic Leadership Fund

The Leadership Conference on Civil and Human Rights

Liberty Coalition

The Multiracial Activist

Patient Privacy Rights

Privacy Activism

Privacy Times

Robert Ellis Smith, Publisher, PRIVACY JOURNAL

The Rutherford Institute

TakeBackWashington.org

Taxpayers Protection Alliance

World Privacy Forum