

Dear Senator:

We, the undersigned organizations, representing millions of Americans urge you not to support the so-called “REAL ID Act”, whether attached to the emergency supplemental spending bill by the House of Representatives or as a stand-alone bill. The REAL ID Act would move America beyond a *de facto* national ID to new “Big Brother” territory of a *de jure* national identity document.

Title II of the REAL ID Act repeals the Senate-crafted language concerning state drivers’ licenses enacted into law in the 2004 intelligence reform package in favor of even more invasive anti-privacy provisions.

The first troubling aspect of the license provisions is the requirement that states link their identity databases and join a proposed interstate compact dubbed the “Driver License Agreement.” This would enable states and provinces of Mexico and Canada to join in this database without further input from the Congress. Making Americans’ sensitive identity information available to foreign government officials is not a sensible or coherent method for making Americans safe.

Secondly, the negotiated rulemaking for new drivers’ license standards crafted by the Senate in the intelligence reform bill is repealed. Under REAL ID, the Homeland Security Secretary is given sole power to write the design requirements for state drivers’ licenses, with only undefined “consultation” offered by the Secretary of Transportation and the states. This is troubling in particular because of two elements of the design requirements, discussed below. It also undermines state autonomy under police powers to decide about licensing of motorists.

Without language specifying otherwise, the requirement for a “common machine-readable technology” could include radio frequency identification (RFID) microchips which broadcast all of the information contained on the license to anyone in range with proper reading equipment. Concern that RFID technology could be required on drivers licenses is real; the State Department, has reportedly adopted an unencrypted RFID standard for redesigned passports, and the Virginia legislature considered RFID for drivers’ licenses in a hearing last year.

Additionally, the requirement for “Physical security features designed to prevent tampering, counterfeiting, or duplication of the document for fraudulent purposes” is so broad that the Homeland Secretary may read it to include fingerprints, or scans of the iris or retina, or even DNA. Thus, without further input from the Congress or others, the Homeland Secretary could mandate such supremely sensitive data be in a database system accessible to foreign governments.

Provisions in the REAL ID Act could also provide the tools necessary for a backdoor introduction of gun control. The bill grants the Homeland Secretary the power to determine what one needs to do to get a driver's license – and who may or may not get one. Since Americans now need a driver's license to purchase a gun, DHS would also have the ability to control who can exercise their gun rights. Gun-rights activists are concerned that under a future anti-gun administration, a mainstream gun-rights group could be determined to be a “terrorist organization,” and its members deemed ineligible for a driver's license.

The REAL ID Act also imposes extremely costly mandates on state governments. The National Conference of State Legislators calls the mandates “impossible” to comply with and estimates compliance costs of an initial \$500 to \$750 million plus and ongoing annual costs of \$50 to \$75 million.

Standardizing everything besides the typeface on state drivers' licenses creates a *de facto* national ID, and requiring such a document at every airport is a *de facto* internal passport system. In order to travel by plane, train, or bus, citizens would be required to have a national “travel” license. In order to get government benefits, like Social Security, Medicare, or even a US passport, citizens would have to present their national ID. Making the sensitive information on the ID cards available to foreign governments will make Americans less secure, and has nothing to do with real border security. The Senate should not agree to the attachment of this bill to the emergency spending package and should make sure that these ideas are considered in the Senate's normal deliberative process, including committee hearings and open debate. By acting in haste, the country could end up with an internal movement control system like those we used to criticize apartheid South Africa and the former Soviet Union for imposing on their citizens.

For all these reasons we urge you to oppose passage of the misnamed Real ID bill.

Sincerely,

American Policy Center  
Association of American Physicians and Surgeons  
Coalition Against Prosecutorial Abuse  
Competitive Enterprise Institute  
Consumer Action  
Cyber Privacy Project  
EdWatch  
Electronic Frontier Foundation  
Gun Owners of America  
Fairfax County Privacy Council  
Meyda Online Info Security, Privacy, and Liberties Studies  
Multiracial Activist  
Natural Solutions Foundation  
National Coalition of Mental Health Professionals and Consumers, Inc.  
National Taxpayers Union  
Pain Relief Network  
PrivacyActivism  
Private Citizen, Inc.  
Privacy Rights Clearinghouse  
Republican Liberty Caucus  
U.S. Bill of Rights Foundation

