



My Turn: New Hampshire must resist pull of a national ID program

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March 16, 2016

Ten years ago this month, Rep. Neal Kurk of Weare helped start the nationwide “REAL ID Rebellion” with an impassioned speech on the floor of the New Hampshire House of Representatives.

He objected to having a national ID card in the United States, and his words helped prevent New Hampshire from joining the federal government’s driver surveillance program. Last week, the New Hampshire Senate Transportation Committee held a hearing on a bill (HB 1616) that moves the state closer to REAL ID compliance and that national ID system. Compromise can be practical, or it can be capitulation. HB 1616 may be the latter.

“I don’t believe that the people of New Hampshire elected us to help the federal government create a national identification card,” Kurk said in 2006, speaking in support of a bill that would deny New Hampshire’s participation in the REAL ID program. “We care more for our liberties than to meekly hand over to the federal government the potential to enumerate, track, identify and eventually control.”

New Hampshire ultimately declined to participate in REAL ID.

Over the past 10 years, the U.S. Department of Homeland Security has repeatedly threatened to prevent people who live in noncompliant states from accessing airports and federal buildings. The DHS has backed down every time, but Washington, D.C.’s, bureaucrats are playing the long game. Each time they threaten, a few more states fall in line.

Last year, DHS made a lot of noise about enforcing REAL ID in 2016. In January, as expected, they moved the deadline back for two more years, but the threats got New Hampshire to consider compliance legislation once again.

HB 1616 seems like a sensible compromise because it will allow New Hampshire residents the option of choosing a federally compliant license or a nonfederal license. But this is a false response to national ID concerns. The REAL ID Act requires states to put data about all drivers and ID card holders into the national ID system, no matter what kind of license they hold. The law is clear: a state must “provide electronic access to all other States to information contained in the motor vehicle database of the State.”

DHS bureaucrats regularly deny that this is a national ID system, but they do so in a way that is not entirely straightforward.

After New Hampshire and states across the country rejected REAL ID in 2006, DHS created a “material compliance checklist” that excludes the information sharing requirement. Based on its pared-back checklist, DHS claims that there is widespread compliance with the national ID program even though there isn’t. That has helped make legislators across the country feel like their states are holdouts that will soon be punished. DHS is using divide-and-conquer to remove driver licensing policy from the control of states and to build the national ID system.

Just as surely as DHS has worked to erode New Hampshire’s REAL ID resistance over the past 10 years, it will be back to require that the state government turn over New Hampshire’s data. The move to “comply” with REAL ID in HB 1616 will make it easier for DHS to move the goalposts. The federal government will return, telling New Hampshire’s legislators that residents of the state will be denied access to airports and federal buildings if New Hampshire doesn’t feed drivers’ data into a nationwide, federally controlled data-sharing system.

New Hampshire faced down these same threats in 2006. Now with compromise in the air, the New Hampshire General Court may soon allow the state to slouch toward the national ID system. If it does, it will cede its authority over driver licensing policy to the federal government forever. Decisions on licensing policy and spending on Department of Safety licensing procedures will be dictated from Washington, D.C. More importantly, it will move the citizens of a fiercely independent state into a national ID program that corrodes the liberties of all.

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