



Repeal REAL ID

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A common lament aimed at federal representatives is that they “go native” and start representing the federal government to their states rather than seeking the best for their constituents back home. Last week, a Roll Call commentary (“Congress Should Pressure States, Not DHS, on REAL ID”) openly encouraged members of Congress to abandon their proper roles and help the Department of Homeland Security pressure states into implementing a U.S. national ID system. What Sens. Kelly Ayotte (R-N.H.) and Jeanne Shaheen (D-N.H.) should do, along with representatives of every state the DHS menaces, is defund and repeal the REAL ID Act.

Nobody has ever articulated how a national ID would cost-effectively improve security of any kind, much less how it would have prevented the 9/11 attacks. But over a decade ago Congress rushed the REAL ID Act into law without a hearing or an up-or-down vote in the Senate. REAL ID repealed federal legislation on driver licensing that was passed in the wake of the 9/11, canceling a negotiated rulemaking that was bringing together federal officials, state motor vehicle bureaucrats, and a variety of other stakeholders, including privacy advocates.

Instead, REAL ID set up a high-handed system to threaten states that didn’t kowtow to federal driver licensing rules. If states didn’t obey the federal national ID mandate, the Transportation Security Administration would start refusing their residents’ licenses at airports.

When they saw the expense and intrusiveness of implementing the federal government’s national ID plans, though, governors and legislators from across the country and the political spectrum refused. The “REAL ID Rebellion” saw more than half the states pass legislation or resolutions barring themselves from complying with REAL ID or asking their congressional delegations to revisit the national ID law.

When the statutory deadline for compliance came around in 2008, the Department of Homeland Security had barely finished writing the regulations. It pushed compliance deadlines back for the first of many times, asking only that states declare their obedience to the national ID law. A number of state governors refused even to pledge cooperation, and the DHS gave them extensions, too.

Since then, deadlines have come and gone several times, with the DHS, motor vehicle bureaucrats, and national ID proponents touting the threat that TSA would bar law-abiding Americans from exercising their right to travel if they didn't have a national ID. The latest deadline of sometime in 2016 is already a dead letter.

The DHS has tried to create the appearance of widespread compliance by scaling REAL ID's requirements back to a "material compliance checklist" and liberally granting extensions to some states. It has threatened a small number of states as if they are holdouts, when, in fact, no state will be compliant with REAL ID in 2016.

The effort to break down state authority and herd Americans into a national ID continues because of a steady funding stream in the annual DHS appropriations bills. Congress puts tens of millions of dollars annually into REAL ID. These federal funds send DHS officials out to disseminate about the program to state elected leaders, and a grant fund encourages motor vehicle bureaucrats to push mission creep in their states when they should be streamlining the simple, basic mission of licensing people to drive cars.

The success of the REAL ID effort would lengthen lines at DMVs across the country and raise the cost and paperwork burden of getting a driver's license. Worst of all, having this national ID offers essentially no security benefit. Congress should stop allowing Americans' tax dollars to threaten Americans' privacy and the security of their personal information.

Security is the most important issue, of course. If a national ID system had the security benefits people imagine, it might be worth all of the costs. But the ways to avoid and defeat a national ID system are legion, including ever-common bribery of DMV workers. A national ID is not the solution to identity fraud, which has a weak relationship to driver licensing. State-issued licenses and IDs are not used when people apply for credit and open accounts online and through the mail, the processes in which the bulk of identity fraud occurs.

In the panicky years after 9/11, a thousand security ships sailed, many without a destination. REAL ID is one such program. It does not offer security benefits to justify its substantial costs.

So far, the common sense of state leaders has avoided the spending of the billions of dollars it would take to implement a national ID. State leaders have resisted making their residents' data available to DMVs across the country, and many have declined to push policies that lengthen lines and deepen the paperwork burdens at DMVs.

Should New Hampshire's senators and others in Congress undercut the sensibilities of their states at the behest of the Department of Homeland Security? They should not. Rather, they should restore common sense, protect state authority, and support Americans' liberties by defunding and repealing the REAL ID Act.

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