

THE KANSAS CITY STAR.

You can still use your Missouri driver's license to fly- for now

Scott Canon and Dave Helling

December 24, 2015

Your Missouri driver's license probably will still get you on that flight to sunny climes come spring break.

But whether it's a solid-enough ID come summer for boarding commercial flights looks less clear.

The cards' iffy status springs from state reluctance to bend to federal standards out of fear that Washington wants to create a de facto national ID. The federal government's Real ID program grew from post- 9/11 security concerns, but it has raised worries over privacy.

The Associated Press reported Wednesday that the U.S. Department of Homeland Security wrote to Missouri officials recently that the state's exemption from federal Real ID requirements will come to an end Jan. 10. Missourians will no longer be able to show their driver's license to enter various federal facilities or, on the odd chance they want to, a nuclear power plant. A Missouri driver's license will probably pass the airport test for three more months.

Five other states face the same situation. Kansas driver's licenses, like most in the country, comply with the federal rules.

The developments could spark the Missouri General Assembly to take a fresh look at the state's resistance to federal rules, principally how it collects and stores the documents intended to verify someone's identity. A spokesman for Democratic Gov. Jay Nixon said Thursday that the governor's office is reviewing the DHS letter "and determining appropriate steps."

Rep. J.J. Rizzo, a Kansas City Democrat, said he expects lawmakers to debate the Real ID restrictions next year.

"We absolutely should revisit it if people are not going to be able to fly, or visit federal facilities, and use their IDs," he said.

Even if the Missouri driver's license loses its cachet at airport screenings, other IDs, such as passports, will work. More obscure forms of ID — such as those issued by the military, some Indian tribes or a handful of federal agencies — also can be used.

The Transportation Security Administration says travelers over 18 "must show valid identification." But if you lost or forgot your ID, the agency says you "may" still be able to board a plane after filling out a form and possibly answering questions and "if your identity is confirmed."

A commission created in the wake of the terror attacks of 2001 recommended that the federal government “set standards for the issuance of sources of identification, such as driver’s licenses.”

Congress responded with a law in 2005 setting tougher standards for states in issuing IDs that would be accepted at certain federal facilities, at nuclear plants and for boarding federally regulated commercial aircraft.

Yet even in a political environment that produced new investigative powers under the Patriot Act, resistance sprung up from both libertarian conservatives and civil-liberties-minded liberals in state legislatures.

Many saw the Real ID program as a back door toward a national ID card. And once some form of national ID was created, they feared, Americans might find themselves in effect required to carry that identification or be subject to police harassment if they lacked it.

The establishment of national ID standards, critics say, will increase pressure on Americans to carry an ID when entering office buildings, buying prescriptions, using credit cards and myriad other activities. That not only would create a data trail of activities, it would give added leverage to a government agency that issues a card.

“Any party that issues your identity card becomes very, very powerful,” said Jim Harper, a senior analyst at the libertarian Cato Institute. “If they refuse to give it to you, you lose a lot of your ability to do so many things.”

At Kansas City International Airport, spokesman Joe McBride said travelers can expect to catch their flights using Missouri driver’s licenses for at least a few more months.

“Missouri air travelers need not be concerned about Real ID implementation in the near term,” McBride said in an email.

Homeland Security officials said the Missouri cards remain valid at airports, for the time being.

“DHS is in the process of scheduling plans for Real ID enforcement at airports and will ensure that the traveling public has ample notice, at least 120 days, before any changes are made that might affect their travel,” agency spokeswoman Amanda DeGroff said in an email Thursday.

Yet she made clear that the cards would soon not be accepted elsewhere.

“Missouri has not yet provided adequate justification to receive an extension on compliance with the requirements of the Real ID Act,” she said. “Starting on Jan. 10, 2016, driver’s licenses and identification cards issued by Missouri will not be accepted” at various federal installations.

Missouri revenue officials did not respond to inquiries Thursday.

Luann Ridgeway, then a Republican state senator from Clay County, voted for the 2009 bill prohibiting Missouri from complying with the federal rules.

“There was a lot of concern about the security of information,” Ridgeway recalled. “We did not want anything to morph into a national ID.”

Kansas City Councilwoman Jolie Justus, who served in the Missouri Senate as a Democrat in 2009, said liberals and conservatives opposed what they saw as excessive prying by the federal government into private information.

“The reason you had 32-0 in the Senate had very much to do with the government surveillance piece,” she said. “The anti-Patriot Act folks. That appealed a lot to the left and to the right.”

In September 2013, the Missouri auditor’s office criticized state revenue officials for policies that would have brought the state closer to compliance with the federal rules — seen by the auditor as violating state law designed to resist Washington’s dictates.

That audit also said that the Revenue Department risked Missourians’ privacy by not putting in strict enough measures to protect the information that residents submitted to get their IDs. The danger, it said, risked scanned or photocopied birth certificates, passports and concealed-weapon permits becoming available to people who would either violate someone’s privacy or attempt to steal their identity.

But adopting rules for the contractors who run driver’s license offices, the auditors said, could violate the 2009 law that specifically barred action to meet the federal standards.

That audit cited various letters from Missouri revenue officials to Homeland Security documenting progress toward meeting most of the 39 standards to comply with Real ID standards. The auditor recommended legislation making the information collected for ID cards more secure.