reason

REAL ID Puts Personal and National Security At Risk

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This month marks a year since a milestone in the adoption of what are effectively internal passports in the United States—a date that went unnoticed by most Americans. Starting last January, only residents of states that signed on to the federal government's REAL ID scheme were permitted to fly or enter federal buildings using their state ID.

Because every state ultimately surrendered to federal demands and agreed to issue standardized identification (though under a façade of local design and color), the ID cards in your pocket continue to work—at least until the full program kicks in during 2020.

"Starting January 22, 2018, travelers who do not have a license from a compliant state or a state that has been granted an extension...will be asked to provide alternate acceptable identification," warned the Department of Homeland Security. "If the traveler cannot provide an acceptable form of identification, they will not be permitted through the security checkpoint."

For years, amidst arguments over privacy and local control, many states remained defiant, with 32 states and territorieshesitating to turn their driver's licenses into glorified federal identification documents as recently as 2016. But federal pressure, including the prospect of many Americans being turned away from airports and office buildings, caused them to cave one after another. Some, like Arizona, made compliant documents voluntary, so that people willing to forego passage through TSA checkpoints or access to federal buildings and facilities could also skip the new ID standards. That was enough to satisfy the feds and keep existing documents acceptable until 2020.

After that time, everybody who wants to travel by air or enter a Social Security office will have to have REAL ID-compliant documents in-hand. Or, they could just embrace the new reality and use U.S. passports for domestic travel as well as international trips. That would also make the feds happy.

"Starting October 1, 2020, every state and territory resident will need to present a REAL ID compliant license/ID, or another acceptable form of identification, for accessing Federal facilities, entering nuclear power plants, and boarding commercial aircraft," DHS adds. "The card, itself, must be REAL ID compliant unless the resident is using an alternative acceptable document such as a passport."

Like so much of what has changed about the laws and governance of the United States since the turn of the millennium, we have overwrought post-9/11 fears of terrorism to thank for REAL ID requirements passed in 2005.

"All but one of the Sept. 11 hijackers carried government IDs that helped them board planes and remain in the country illegally," huffed then-Homeland Security Secretary Michael Chertoff in a

2008 op-ed. He brushed off concerns that they could have purchased the new IDs from the same corrupt officials who sold them many of the old ones. Prior to passage of the law, *any* sort of discussion was brushed-off.

"Signed into law in May 2005 without meaningful debate the Real ID Act states that drivers licenses will only be accepted for 'federal purposes'—like accessing planes trains national parks and court houses—if they conform to certain uniform standards," notes the Electronic Frontier Foundation (EFF). "The law also requires a vast national database linking all of the ID records together."

Actually, the feds carefully insist that "REAL ID does not create a federal database." But the law *does* require that states "provide electronic access to all other States to information contained in the motor vehicle database of the State" and specifies what is contained in each database. That almost certainly involves participation in the State-to-State service run by the American Association of Motor Vehicle Administrators (AAMVA), which represents Canadian and American officials who issue driver's licenses.

"For those states (i.e. states choosing to comply with REAL ID), the Department of Homeland Security has indicated that participation in S2S will be required for the state to be REAL ID compliant… the law and regulations governing REAL ID include requirements for state licensing agencies to connect their databases in a way that improves identity security as part of the licensing issuance process," says the AAMVA in a handout about the program.

So, no, not one big database—just a bunch of smaller ones linked together to act like one big database. And those linked databases contain the amassed, hacker-bait details of millions of identification documents necessary for air travel and access to government facilities.

Yes, hacker-bait. "The IDs and database will simply create an irresistible target for identity thieves" cautions EFF.

REAL ID "harms national security by creating yet another 'trusted' credential for criminals to exploit," warns the Electronic Privacy Information Center.

Other critics point out that identification documents are incapable of catching terrorists who haven't already been identified as threats. And, they say, such systems inevitably develop system-creep.

"The day would not be far off when a national ID is required for picking up prescriptions, purchasing guns and ammunition, paying by credit card, booking air travel, and reserving hotel stays, to name just a few types of transactions the federal government might regulate," says the Cato Institute's Jim Harper.

In fact, Secretary Chertoff boasted in that op-ed, "by embracing REAL ID, we can indeed cash a check, hire a baby sitter, board a plane or engage in countless other activities with confidence."

So far, REAL ID-compliant documents aren't as restrictive as the internal passports required to get anything done in Russia. Without such ID, Russians "cannot open or close a bank account, receive medical care at a state clinic, buy a cellphone, return a purchase to a store or enter into a contract," wrote Masha Gessen in *The New York Times*. Nor are REAL ID documents comparable in intrusiveness to the hukou system of household registration that "is used to actively limit where a person is allowed to live" in China, according to *The Diplomat*.

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In 2016, Sens. John Thune (R-S.D.) and Bill Nelson (D-Fla.) proposed a bipartisan scheme to extend TSA authority over all surface transportation, including trains and buses. They reintroduced the bill the following year. Among other security concerns, the legislation "authorizes the use of computerized vetting systems for passenger rail," according to Thune.

The bill didn't pass, and surface transportation so-far remains largely free of the security gauntlet that accompanies air travel. But the TSA already "supports security efforts of operators of fixed route intercity and charter bus services," as well as Amtrak, and offers security training to ferry operators as well as trucking and freight rail firms. That hasn't quite turned train stations and bus depots into experiences in TSA-style security theater, but the options are tightening.

So, unless you plan to severely limit your travel plans and give up on access to government offices and facilities, get ready to use your internal passport … err … REAL ID-compliant driver's license when going to and fro. Or just be honest, embrace the suckage, and show your regular passport to get through checkpoints foreign and domestic.