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[June 22, 2009]

OPINION: Feds back down in ID dispute with state

Jun 22, 2009 (Las Cruces Sun-News - McClatchy-Tribune Information Services via COMTEX) -- The feds blinked first.

In May 2005, Congress passed the Real ID Act, giving states until May 11, 2008, to comply with tough new federal standards for driver's licenses, including sharing information among states for a new national database and prohibiting licenses from being issued to those in the country illegally.

If states didn't comply, their driver's licenses would no longer be valid to board an airplane or enter a federal building, the feds warned.

It didn't take long for states to revolt, blasting the new law as an unfunded mandate and an unnecessary intrusion. One of the first shots in that rebellion was fired here in Las Cruces during an interim Courts, Corrections and Justice Committee meeting of the state Legislature in September 2005. Prodded by representatives from the National Conference of State Legislatures, the National Immigration Law Center and the Cato Institute, state lawmakers signaled their unwillingness to comply with the new federal mandate.

"I'd urge New Mexico to stick to its guns, have a little sagebrush rebellion," House Majority Leader Ken Martinez said at the time.

The May 11, 2008, deadline came and went, and the feds decided to give states until the end of this year. Now, new legislation has been introduced that would supersede the Real ID Act. The Providing for Additional Security in States' Identification Act of 2009, or the PASS ID Act, was introduced Monday. Unlike Real ID, it would not require states to share information in anationwide database.

For New Mexico, which allows undocumented immigrants to get a state-issued driver's license, the biggest difference is that PASS ID would not require states to authenticate birth certificates, Social Security numbers or other credentials, or verify immigration status.

When Congress passed Real ID, it was responding to one of the recommendations made by the 9-11 Commission. But, as is its wont, it failed to fully fund the new mandate, instead expecting states to pick up much of the cost.

In the meantime, New Mexico has made significant security improvements to its driver's license. Each new license now has biometric technology to compare your photo to 5 million

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other images, and a magnetic stripe that encodes the printed information on the license.

And, all licenses are now issued from a central location. At the time of the legislative meeting here in 2005, we published a scathing editorial criticizing members of that committee, including Rep. Joseph Cervantes, who e-mailed me last week to make sure I saw the new story. The gist of that edit was that lawmakers were putting New Mexicans in a precarious situation. If the feds carried through with their threats, none of us would be able to board a plane without a passport.

Someone in Washington apparently figured out that's the last thing our crippled airline industry needs right not. Good for them. Still, the new ID falls short of what was called for by the 9-11 Commission.

I fully appreciate the creepiness of a national ID. At the same time, I'd kind of like to know that the guy sitting next to me on an airplane is who his ID says he is. If the new PASS ID requirements ensure that, great. If, however, it's a compromise to avoid the cost of a secure ID, that would be nothing to celebrate.

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