



Feds Once Again Threatening States Over REAL ID; States Need to Stand Their Ground

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The U.S. Department of Homeland Security once again ramped up its sabre-rattling routine, threatening that residents in states that have not complied with REAL ID will not be able to use their driver's licenses to board aircraft beginning in 2018. States should ignore the DHS bluster, stand their ground and continue their refusal to implement this unconstitutional national ID program.

REAL ID essentially coopts the states into creating a national ID system. The federal government has no constitutional authority to mandate a national ID.

The federal government repeats this song and dance every couple of years, and has done so since Pres. George W. Bush signed REAL ID into law in 2005. Instead of following through on threats the feds simply keep extending their deadlines.

Under the law, all 50 states were supposed to comply with the federal law by 2009. But, states rebelled against REAL ID for several reasons, including privacy concerns and the fact that Congress didn't provide any funding for the mandates it expects states to implement. Some states passed laws expressly prohibiting implementation of the act.

The federal government found coercing unwilling states wasn't as easy as anticipated. Instead of forcing the issue, the feds issued waiver after waiver after waiver. To date, 27 states remain non-compliant, nullifying the national ID system in effect. Last week, the DHS confirmed it rejected requests from Oklahoma, Kentucky, Maine, Pennsylvania and South Carolina for an extension. It previously notified Minnesota, Missouri and Washington state they were not in compliance. Nineteen other states remain under review or have limited extensions.

According to [the AP](#), DHS officials insist they won't issue any more waivers or extensions.

“Starting Jan. 30, 2017, federal agencies and nuclear power plants may not accept for official purposes driver's licenses and state IDs from a noncompliant state/territory without an extension,” DHS spokesman Aaron Rodriguez said in a statement.

Beginning in January 2018, driver's licenses from noncompliant states will not be accepted to board a commercial aircraft within the U.S., Rodriguez said.

But if history serves as any indication, the feds will back down again. It seems highly unlikely they will risk the political fallout that they would surely endure if they started barring millions of Americans from commercial aircraft.

In fact, the DHS made these same threats late last year, having previously set a 2016 deadline. The DHS said the TSA would begin rejecting driver's licenses in non-compliant states sometime this year.

"As we continue the phased in enforcement of the REAL ID Act, the consequences of continued noncompliance will grow with each milestone," the DHS said in a letter to Missouri.

But just eight days into the year, DHS Secretary Jeh Johnson issued a press release backtracking, setting a new deadline of January 22, 2018.

As Jim Harper at the Cato Institute explained, this was just another chapter in the DHS' long history of brinkmanship.

The date is significant for more than just proving the Department of Homeland Security's bluff. January 22, 2018 is more than a year into the next into the next presidential administration. Secretary Johnson will be gone. The new president, whoever he or she is, will have a Homeland Security Secretary whose underlings will probably have driven the issue too hard for DHS and Congress to tolerate. And the 2018 REAL ID deadline will get pushed back again, by *that* group of federal bureaucrats.

It's why I've said time and time again that REAL ID deadlines aren't real.

In other words, states need to hold their ground and continue to refuse to implement REAL ID. The feds will not follow through on their threats if all of the non-compliant states simply refuse to cave in to the pressure.

But some states have crumpled. Idaho passed a bill barring implementation of REAL ID early on, but took steps toward compliance during the last legislative session. The Kentucky legislature also attempted to bring the state within the national ID system, but was thwarted when Gov. Matt Bevin responded to public pressure, withdrew his support and vetoed the bill.

Activists will need to remain vigilant during the 2016 legislative session as other states will certainly try to move toward compliance. The don't have to...and they shouldn't.