

**DRAFT – Model State Resolution Opposing the REAL ID Act of 2005**

A JOINT RESOLUTION OF THE SENATE AND HOUSE OF REPRESENTATIVES  
OF THE STATE OF [insert state] OPPOSING THE CREATION OF A NATIONAL  
IDENTIFICATION CARD

WHEREAS, the citizens of [state] recognize the Constitution of the United States as our charter of liberty and that the Bill of Rights enshrines the fundamental and inalienable rights of Americans, including the freedoms of privacy and from unreasonable searches; and

WHEREAS, each of [state]’s duly elected public servants has sworn to defend and uphold the United States Constitution and the Constitution of the State of [state]; and

WHEREAS, the citizens of [state] denounce and condemn all acts of terrorism by any entity, wherever the acts occur; and

WHEREAS, terrorist attacks against Americans, such as those that occurred on September 11, 2001, have necessitated the crafting of effective laws to protect citizens of the United States and others from terrorist attacks; and

WHEREAS, any new security measures of federal, state, and local governments should be carefully designed and employed to enhance public safety without infringing on the civil liberties and rights of innocent citizens of [state] and the United States; and

WHEREAS, the REAL ID Act of 2005 creates a national identification card by requiring uniform information be placed on every state drivers’ licenses, requiring this information to be machine readable in a standard format and requiring this card for any federal purpose including air travel; and

WHEREAS, REAL ID will be a costly unfunded mandate on the state and individual state costs estimates include \$232 million from Virginia, \$97 million from Washington and \$100 million from Pennsylvania, and media reports indicate that the Act will cost at least \$9 billion to implement nationally; and

WHEREAS, REAL ID requires the creation of a massive public sector database containing the drivers' license information on every American, accessible to every state motor vehicle employee and state and federal law enforcement officer; and

WHEREAS, REAL ID enables the creation of an additional massive private sector database of drivers' license information gained from scanning the machine-readable information contained on every drivers' license; and

WHEREAS, these public and private database are certain to contain numerous errors and false information, creating significant hardship for Americans attempting to verify their identity in order to fly, open a bank account or perform any of the numerous functions required to live in the United States today; and

WHEREAS, the Federal Trade Commission estimates that 10 million Americans are victims of identity theft annually and these thieves are increasingly targeting motor vehicle departments, REAL ID will enable the crime of identity theft by making the personal information of all Americans including name, date of birth, gender, driver's license or identification card number, digital photograph, address and signature accessible from tens of thousands of locations; and

WHEREAS, REAL ID requires the drivers' licenses to contain actual home addresses in all cases and makes no provision for securing personal information for individuals in potential danger such as undercover police officers and victims of stalking or criminal harassment; and

WHEREAS, REAL ID contains no exemption for religion, limits religious liberty and tramples the beliefs of groups such as the Amish and some Evangelical Christians; and

WHEREAS, REAL ID contains onerous record verification and retention provisions that place unreasonable burdens on both [local DMV] and on 3<sup>rd</sup> parties required to verify records; and

WHEREAS, REAL ID will likely place enormous burdens on consumers seeking a new drivers' license including longer lines, higher costs, increased document requests and a waiting period; and

WHEREAS, REAL ID was passed without sufficient deliberation by Congress and never received a hearing by any Congressional committee or any vote solely on its own merits; and

WHEREAS, REAL ID eliminated a process of negotiated rulemaking initiated under the Intelligence Reform and Terrorism Prevention Act of 2004 which had convened federal, state and local policy makers, privacy advocates and industry experts to solve the problem of misuse in identity documents; and

WHEREAS, more than 600 organizations opposed the passage of REAL ID including [insert best organizations for state/region]; and

WHEREAS, REAL ID would provide little security benefit and still leave identification systems open to insider fraud, counterfeit documentation and database failures;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF [state]:

That the [state] Legislature supports the government of the United States in its campaign against terrorism and affirms the commitment of the United States that the campaign not be waged at the expense of essential civil rights and liberties of citizens of this country that are protected in the United States Constitution and the Bill of Rights.

BE IT FURTHER RESOLVED, that it is the policy of the citizens of [state] to oppose any portion of the REAL ID Act that violates the rights and liberties guaranteed under the [state] Constitution or the United States Constitution, including the Bill of Rights.

[BE IT FURTHER RESOLVED, that the [state] state legislature shall refuse to enact any legislation or authorize any appropriation to further the passage of REAL ID in [state].

BE IT FURTHER RESOLVED, that the state of [state] shall not encourage the misuse of drivers' licenses information by contracting with private parties who purchase and collect such information for resale purposes.

BE IT FURTHER RESOLVED, that the Attorney General of the [state] is encouraged to review the security and privacy protections surrounding all personal information collected by [state] and recommend improvements to those procedures.

BE IT FURTHER RESOLVED, that the Secretary of State shall send a copy of this resolution to President George W. Bush, Attorney General Alberto R. Gonzales, Governor \_\_\_\_\_, Senator \_\_\_\_\_, Senator \_\_\_\_\_, and Representative(s) \_\_\_\_\_.