

U.S. Real ID Act Poses Real Threats

The Emergence of a Real Big Brother

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Americans saw their opportunity to speak out against or for the Real ID Act on Tuesday, when the deadline for public comment on the legislation ended. The act has been the object of controversy and major concern for many citizens who are raising personal privacy concerns. A handful of state governments are also voicing their dissent to the act, which would place huge financial burdens upon each participating state.

The Real ID Act was tacked onto a 2005 bill titled "Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005." The emergency bill was primarily meant to approve \$82 billion for the war in Iraq and Asian tsunami financial aid, and was signed by President Bush on May 11, 2005. The Republican-driven House attached the Real ID Act to this bill, which landed on the president's desk without a Senate debate.

The act was meant to prevent terrorism by creating stricter and uniform standards for states to follow concerning state-issued IDs. It calls for states to revamp their state-issued drivers licenses and non-drivers identification cards in order to implement uniform security features across all states.

Right off the bat there is an obvious politically-charged nature to this debate. The current Congress is composed of a Democratic majority, which sets the stage for anger concerning how the bill was passed by the Republican-run Congress back in 2005.

Senate Judiciary Committee Chairman Patrick J. Leahy (D-Vt.) has been the driving force behind recent opposition to the Real ID Act.

During a hearing on Tuesday, May 8, Leahy said: "I think the days of Congress rubber-stamping any and every idea cooked up by the administration are over. You have the nation's governors, Republicans and Democrats, who say they want to have a voice in this. Should they be ignored, or is this a case where the federal government knows better than the states?"

Leahy's disapproval of the act is backed up by seven states which have already passed unusual legislation opposing the Real ID Act. The list includes Washington, Idaho, Montana, North Dakota, Colorado, Arkansas, and Maine. More than 30 states have called upon Congress to completely do away with the act or to fully fund it.

This is where the states' concerns arise. If the Real ID Act were to proceed as planned, states would be responsible for a sum of up to \$23.1 billion, which is significantly higher than the \$11 billion price tag estimated by the National Conference of State Legislatures

and other state groups last year. Homeland Security says that the total cost of \$23.1 billion, which includes the cost to individuals, would be spread out over a 10-year period.

Unfunded mandates are not unfamiliar to states. The No Child Left Behind Act of 2001 was deemed as an unfunded mandate upon the states, many of which have made their displeasure of the act known, though none have actually dumped it. This is primarily because federal funds make up about 8 percent of public education funding, and would be rescinded from any state abandoning the act.

The Real ID Act is easier for states to openly reject because there are no funds to lose. States stand to shoulder heavy financial and administrative loads, and will be obliged to bow down to federal orders.

“State motor vehicle officials will be required to verify the legal status of applicants, adding to the responsibilities of already heavily burdened state offices,” Leahy contended.

States can choose to turn their backs on the act, but their citizens would not be able to board an airplane or enter federal buildings. This penalty would take effect on May 11, 2008.

The primary concern for citizens is privacy related. Though Congress denies that this act would signal the dawn of national identity cards, many are not buying it.

This stems from the security aspects that will be required for these state-issued driver’s license cards. These Real ID cards will feature a two-dimensional, non-encrypted barcode that will contain personal information such as the citizen’s home address. Since the cards will not be encrypted (due to “operational complexity”), everyday businesses like bars and banks would be able to scan and store a customer’s home address, among other pieces of personal information.

The potential for a privacy disaster is easily seen already, but the story does not end there. States would be required to scan all documentary evidence into a database shared with other states. Documentary evidence would include proofs of birthdates, legal status, and social security numbers.

Having all of this sensitive information merged together would create a hodgepodge of information, not to mention a headache waiting to happen, according to Bruce Schneier, a security technologist.

“The security risks of this database are enormous. It would be a kludge of existing databases that are incompatible, full of erroneous data and unreliable,” he said.

He added: “A reliance on ID cards is based on a dangerous security myth, the idea that if only we knew who everyone was, we could pick the bad guys out of the crowd.”

What’s more, this merged database containing huge amounts of private information will be overseen by the Department of Homeland Security, which causes some to foresee a federal entity that would possess too much information and power.

To add to the already heightened apprehension concerning these ID cards, radio frequency identification (RFID) tags are being considered as well.

Despite the anti-illegal Mexican immigrants spin that some see as a prominent aspect of Real ID, the catalyst is a response to 9/11 and the 19 of 30 hijackers that showed state-issued identification. At least seven were obtained deceitfully.

States are required to submit plans on how they will meet the requirements of the Real ID Act by Oct. 7, 2007. If any fail to do so, their citizens will not be allowed to board planes and enter federal buildings.

States will also have until May of next year (or Dec. 31, 2009 if an extension is requested) to confirm that they are on track to comply with the act. They will then have until 2013 to reissue all drivers licenses, which will require each license holder to renew their licenses in person with a form of photo identification and relevant documents to verify date of birth, home address, and social security number.

Final rules for Real ID are expected later this summer.

The promise of tighter security for our nation as a whole is evident in these measures, though it does not seem likely that everyone will think the possibility worth all the risks involved. To some, it would appear that the U.S. is trying to solve one problem while creating the potential for several more. Regardless of the distinctions between a national ID and a state ID, there are undeniable and justifiable security concerns at play here.

If people are concerned enough to shred their mail and old documents, how will they be able to deal with leaving a digital fingerprint every time they want to go out for a drink or make a withdrawal at the bank?

If there are miscreants motivated enough to carry out identification theft now, will the temptation and the reward of such crimes be greater with Real IDs being used nationwide?

There are concerns on all levels of our country. Politicians seem just as concerned about their party's say in the matter as the level of privacy of those they represent. States are clenching their pockets and crying foul. Citizens are afraid that their personal information, which is already so vulnerable, will be open game for those determined to take advantage of any possible weaknesses in the system.

Many other countries use national IDs without much dissension, but there seems to be loud apprehension to the idea from Americans. Even their British counterparts are well on their way to a similar fate. The U.K. will begin issuing ID cards utilizing fingerprint and iris scan information for all non-European Union citizens re-applying to stay in the country after the first six months. Future political sway could determine whether or not these ID cards will be mandatory for all citizens in the U.K.

These developments, along with the ubiquity of security cameras that are popping up in all sorts of places only fuel the fire of paranoia that many concerned Americans and Britons see.

For Americans, there may not be much choice. The bill is already signed, and final parameters are on the cusp of completion, which means that those who fear the emergence of a real Big Brother or the fulfillment of Revelations might have a little bit more ground to found their trepidations upon.

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