

# Mandate for ID Meets Resistance From States

By PAM BELLUCK

Reacting to the Sept. 11 attacks, Congress passed the Real ID law last year, intending to make it tougher for terrorists to obtain driver's licenses and for people without proper identification to board planes or enter federal buildings.

But with the deadline for setting up the law two years away, states are frustrated.

They say the law — which requires states to use sources like birth certificates and national immigration databases to verify that people applying for or renewing driver's licenses are American citizens or legal residents — will be too expensive and difficult to put in place by the May 2008 deadline. Another issue is the privacy impact of the requirement that states share, through databases, the personal information needed for a driver's license.

Concerns are so great that last week, the National Governors Association, the National Conference of State Legislatures and the American Association of Motor Vehicle Administrators issued a report saying that the states have not been given the time or money to comply with the law and that they need at least another eight years.

Two states have considered resolutions calling for the law to be repealed, the New York City Council passed a resolution opposing it and New Hampshire is considering opting out entirely.

"It's absolutely absurd," said Gov. Mike Huckabee of Arkansas, chairman of the National Governors Association, which takes a stand on issues only when it has a broad consensus. "The time frame is unrealistic; the lack of funding is inexcusable."

Another concern, Mr. Huckabee, a Republican, said, is "whether this is a role that you really want to turn over to an entry-level, front-line, desk person at the D.M.V."

"If we're at a point that we need a national ID card, then let's do that," Mr. Huckabee said. "But let's not act like we're addressing this at a federal level and then blame the states if they mess it up. There's not a governor in America that wants that responsibility."

Some of the law's defenders, noting that some of the Sept. 11 hijackers had driver's licenses, say the states' complaints are unfounded.

"We passed a very workable, reasonable, common-sense piece of legislation," said Jeff Lungren, a spokesman for the law's main sponsor, Representative F. James Sensenbrenner Jr., the Wisconsin Republican who heads the House Judiciary Committee. "The American people will not stand for and should not have to allow for some state bureaucracies that do not want to try and address this gaping security hole we have."

But critics among state lawmakers say problems with the law outweigh its value against terrorists and illegal immigrants. Grumbling has been loud in New Hampshire, where the House overwhelmingly passed a bill to opt out of Real ID, and the Senate voted Thursday to form a commission to study it. The chambers will reconcile their bills in coming weeks. Gov. John Lynch, a Democrat, supports rejecting Real ID.

"There are unanswered concerns about privacy," said Pamela Walsh, a spokeswoman for Mr. Lynch. "There are a lot of questions about cost to states for implementing this, and there are the potential unintended consequences of turning our Department of Motor Vehicle workers into agents for the Department of Homeland Security."

Many states raised objections before the law was enacted, and some say there was too little debate about the law, which was attached to a large Iraq spending bill.

The National Conference of State Legislatures says that no state is currently in complete compliance with the law because the Department of Homeland Security will not issue rules for putting it in place until later this year. A few states have introduced preliminary legislation to achieve compliance, but most are waiting for the rules to be issued.

Governor Lynch and others hope New Hampshire's action, along with complaints from other states, will encourage Congress to "look at how to revise" the law, Ms. Walsh said.

Resolutions were introduced in Kentucky and Washington State urging repeal of the law. Neither made it to a full vote, but the sponsors want to try again.

"We'll be back," said Representative Toby Nixon, a Republican who sponsored the Washington resolution.

Mr. Nixon said that the law would cost his state \$50 million a year and that linking data from each state would create "effectively a national citizenship database."

"I can just hear the black helicopters arriving now," he said.

The sponsor of Kentucky's resolution, Representative Kathy W. Stein, a Democrat, said: "New Hampshire — is their state slogan 'Live Free or Die'? We're more of a guns, God, gays and gynecology state. But this is one of those issues where the extreme left, which I'm always characterized as, and the extreme right meet."

Indeed, in New Hampshire, those testifying in favor of rejecting Real ID included the Cato Institute and the American Civil Liberties Union.

In Virginia, a governor's commission said that "Congress must further act" to strengthen Real ID's privacy protections, limit paperwork and increase financing. It said Virginia's start-up costs could be up to \$169 million, with annual costs of up to \$63 million. That compares with \$40 million in federal money allocated for all states combined, said Jarrod Agen, a spokesman for the Department of Homeland Security.

Mr. Agen said his department was considering states' concerns in writing the rules. But financing, timing and other major issues could be changed only by Congress. The law's Congressional supporters say that is unlikely.

"The bill will not be opened up," said Representative Dana Rohrabacher, Republican of California, adding that if a state rejects Real ID, its residents will need passports to take domestic flights. "Any state that's opting out is opting out in doing their part in solving these national challenges, and I don't have any sympathy for them."

Mr. Lungren, the aide to Mr. Sensenbrenner, said complaints that Real ID could imperil privacy or lead to a national identification card were "not even worth responding to," because states would share information through electronic queries to one another, not a central database.

Mr. Lungren, citing a Congressional Budget Office estimate of a \$100 million total cost, said states' estimates were "baseless" and "pie in the sky." And he called states' concerns about the 2008 deadline "completely ridiculous."

Real ID has defenders at the state level, even in New Hampshire.

The Senate president, Theodore L. Gatsas, a Republican, supports Real ID, saying the state already adheres to many of its requirements, is slated for a \$3 million federal grant to set it up, and "I'd hate to see the people from New Hampshire heading to Florida in the week of vacation and not be able to get on the plane."

The state's two congressmen, both Republicans, support Real ID, as does Senator Judd Gregg, a Republican. Senator John E. Sununu, also a Republican, opposes it.

It has clearly touched a nerve in a state where independence is so valued that New Hampshire's Constitution includes a "right of revolution."

Supporters of New Hampshire's bill include Senator Margaret Wood Hassan, a Democrat, who said that she worried that Real ID could lead to a national ID card and that "the more you centralize data, the easier it is for someone to break into it."

Representative Neal M. Kurk, a Republican who quoted Patrick Henry in a speech that helped sway the House, and who is so privacy-conscious he refused to disclose his occupation or age in an interview, said that Real ID would not demonstrably improve security because terrorists would find ways to get the cards, and that the law would mean too many compromises.

"If you say you can't board a plane without a Real ID driver's license, it's not that far of a stretch to say you can't do other things unless you have this type of identification," like get a job, he said. "It reminds us all of '1984' and more importantly, 'Papers, please,' in the Nazi era."

Supporters of New Hampshire's bill staged a rally with Nazi regalia and fake checkpoints.

The cause has also been embraced by some evangelical Christians, who say Real ID sets the stage for a number for each citizen, which, according to the Book of Revelation, presages the Apocalypse.

Some New Hampshire residents showed sympathy for the uprising.

"I'm really against the federal government getting any more information from me," said Jeffrey Rabinowitz, 41, of Franklin.

But Rachel Waterman, 25, called Real ID "a good idea," adding, "I don't see the big deal."

Most people sounded like Betsey Andrews Parker, 33, of Dover.

"So I'll use a passport," Ms. Parker said. "Real ID is a back door to national ID."