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Utah State Legislature
320 State Capitol PO Box 145115
Salt Lake City, Utah 84114

RE: HB 325 Opting out of the Real ID Act

Dear Legislators:

The ACLU of Utah supports Representative Sandstrom's bill, HB 325, to have Utah opt out of the federal Real ID Act. The Real ID Act is one of the largest identity management undertakings in history. It would bring more than 200 million people from a large, diverse, and mobile country within a uniformly defined identity system, jointly operated by state governments. This has never been done before in the USA, and it raises numerous policy, privacy, and data security issues that have had only brief scrutiny, particularly given the scope and scale of the undertaking.

The ACLU believes that the Real ID Act is a very real and dangerous threat to our privacy in the United States. We are not alone. 20 states have either prohibited the implementation of the Real ID Act in their state or have passed a resolution denouncing implementation. 20 more states are currently considering taking steps to opt out. Janet Napolitano, Head of the Department of Homeland Security, while governor of Arizona, opted out of Real ID and now at DHS has promised to revisit the Act before any implementation. Jim Harper with the CATO Institute has testified extensively about the danger of Real ID. The ACLU joins with The Eagle Forum in urging you to seriously consider our concerns with the Act.

Real ID threatens privacy in two ways. First, it consolidates Americans' personal information into a network of interlinking databases accessible to the federal government and bureaucrats throughout the 50 states and U.S. territories. Real ID Act would amass incredible amounts of personal information on Americans, including digital copies of their Social Security cards, birth certificates, bank statements and other personal documents, into a single national database network. Armed with copies of these documents, identity thieves could wreak havoc on their victims, who would have greater difficulty recovering their identities. This national mega-database would invite government snooping and be a goldmine for identity thieves.

Second, Real ID mandates that all driver's licenses and ID cards have an unencrypted "machine-readable zone" that would contain personal information on Americans that could be easily "skimmed" by anybody with a barcode reader. The information stored in

the database network would be only as secure as the DMV office with the weakest security or least trustworthy staff in the nation. A single breach in the system could compromise the personal information and documents of 250 million Americans.

Real ID will become a necessity for everyday life. The use of a Real ID driver's license will not be limited to boarding an airplane or entering federal buildings. The Bush administration stated that Real ID will become necessary for "everyday transactions," such as receiving government benefits, voting, or applying for a job. The private sector will also begin mandating a Real ID card for everyday purposes. Despite what the Department of Homeland Security claims, Real ID is a national ID card.

The Real ID Act will be a bureaucratic nightmare. The people of Utah will pay for Real ID through higher fees and bureaucratic hassles. In addition to slower service, longer lines, increased technical glitches and repeat visits to the DMV, many Utahns will be unable to provide the documents required to obtain a Real ID. This will leave many Utahns, particularly the poorest and most vulnerable in our society, unable to obtain critical government services or fully participate in American civic life.

The Real ID Act is an economic disaster at a time when we are being required to cut necessary social services. The Real ID Act is an unfunded mandate that would cost billions of dollars to implement. Most of the cost would be siphoned from cash-strapped state budgets and out of drivers' wallets through higher fees. The DHS originally estimated that the law would cost \$23.1 billion. The final regulations slash this estimate to \$9.9 billion over 11 years by relying on the ridiculous premise that only 75 percent of licensed drivers will seek to obtain a Real ID. As of February 2008, Congress had set aside only \$80 million to help pay for implementing Real ID across the entire country and that was before the extent of the economic crisis was fully appreciated.

And, it won't stop terrorists. Identity-based security is not an effective way to stop terrorism. Driver's licenses do not reveal evil intent, and Real ID will force many who may have valuable intelligence information further into the shadows.

We ask you to seriously consider the threat this Act poses to the citizens of Utah and join other state legislators in voting to opt out of Real ID.

Thank you,

Barbara M. Szweda
ACLU of Utah
Public Policy Advisor