



Written by [Michael Tennant](#) on March 7, 2011

REAL ID Buried for Another 20 Mos., But Not Dead

Like zombies in a bad horror flick, ideas for federal power grabs never die. Regardless of how much resistance they encounter from states and citizens, the feds just keep resurrecting these unconstitutional schemes. Such was the case with nationalized healthcare, first attempted in 1943; and such is now the case with REAL ID, the nationalized identification card.

Enacted in 2005 with no debate in Congress whatsoever, the REAL ID Act mandates that state drivers' licenses and other ID cards comply with federal standards. It "links state DMV databases, establishes a standard bar code that can be digitally scanned, and mandates that original documents such as birth certificates be verified," in [the words of CNET's Declan McCullagh](#). Once the law goes into effect, possession of a state-issued REAL ID card will be *de rigueur* for boarding an airplane or entering a federal building. As McCullagh further notes, "Extending it to firearm and prescription drug sales has not been ruled out."



The initial deadline for REAL ID compliance was May 11, 2008. With a gaggle of states (at least 24 as of this writing) having refused to knuckle under to the law's requirements, however, the Department of Homeland Security was forced to extend the deadline to December 31, 2009, and then to May 11, 2011. Today those states are no closer to complying than they were in 2008, once again making an extension almost a foregone conclusion.

This did not sit well with some Republicans in Congress, who apparently view their triumph in November's elections not as a repudiation of big government in general, but only as a rejection of Democrats' version of it. Thus did House Judiciary Chairman Lamar Smith of Texas, Homeland Security Chairman Peter King of New York, and Crime, Terrorism, and Homeland Security Subcommittee Chairman James Sensenbrenner of Wisconsin send a letter to DHS Secretary Janet Napolitano opposing an extension of the deadline. The congressmen argued that "any further extension of REAL ID threatens the security of the United States" and "places American lives at risk."

As politicians are wont to do, the legislators seized upon a recent "crisis" as an excuse for seizing more power: "Last week's arrest of Khalid Ali-M Aldawsari in Texas on a federal charge of attempted use of a weapon of mass destruction underscores the importance of the immediate implementation of REAL ID." True, as the chairmen state in their letter, the criminal complaint against Aldawsari alleges that he "wrote of the need to obtain a forged U.S. birth certificate, multiple drivers' licenses, and a U.S.



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Passport. He planned to use those drivers' licenses to rent several cars, each with a different license, specifically to avoid detection." However, as McCullagh points out, "there's no evidence Aldawsari actually began the process of obtaining fraudulent documents or would have succeeded."

Worries about the encroachment on states' rights, the expense of compliance, or the dangers to Americans' privacy can, as far as these congressmen are concerned, take a ride in the proverbial handbasket. In their opinion, prevention of terrorism — which, many would maintain, is largely of the federal government's own making — trumps the Constitution every time.

In any event, DHS ignored the chairmen's frantic claims and bowed to the inevitable, extending the deadline another 20 months, to January 15, 2013. [McCullagh notes](#) dryly that the announcement "carefully neglected to mention the state-by-state revolt against these federal mandates, with state governments citing privacy, federalism, and funding as reasons for their refusal to cooperate. One estimate puts compliance costs as high as \$11 billion."

The National Governors Association praised the deadline extension, while the above-mentioned congressmen, joined by Oversight and Government Reform Chairman Darrell Issa (R-Calif.), issued a [statement](#) denouncing it, reiterating their assertion that it "places Americans' lives at risk."

States have won yet another temporary victory over REAL ID; but as this episode demonstrates, members of both parties in Washington have not given up on ultimately forcing it on states. Republicans demanded that it be implemented immediately, and Democrats merely extended the deadline. The Obama administration has made noises about repealing the law, but only to [replace it with essentially the same thing under a new name](#).

The zombie has been buried again for now; expect Washington to resurrect it in 2013 if not sooner. The only way to kill it once and for all will be for states to continue to resist until they have fully nullified this unconstitutional assault on both states' rights, and individual privacy protections found in the Bill of Rights.

Photo: The front side of a German-issue European driving license.



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