



Written by [James Heiser](#) on December 10, 2009

## Real ID Deadline May Strand Holiday Travelers

During last year's presidential campaign, then-candidate Barack Obama made a now-famous gaffe when he referred to his having visited 57 states during the campaign — a tour which included New Mexico. But residents of New Mexico may be wondering whether they are still a part of the union of these United States.



What has some New Mexicans questioning their citizenship is the looming deadline for their state to comply with the federal [Real ID](#). The measure creating the Real ID was passed by Congress in 2005 as one element among many of the post-9/11 acts that offered dubious protection from terrorists combined with a genuine diminution of civil liberties.

State governments have apparently been quite slow to fall into line with the requirements of Real ID; according to [an editorial](#) in the Alamogordo, New Mexico, *Daily News*, 36 states are not yet in compliance with the 2005 act. So what does this mean for residents of New Mexico, and presumably other non-compliant states, as of December 31?

Because of New Mexico's non-compliance with Real ID, federal agencies will be prohibited from accepting after Dec. 31 a New Mexico driver's license or other state-issued identification cards as an "official" document to access federal facilities, board federally regulated commercial aircraft or enter nuclear power plants.

New Mexico residents will essentially be considered foreigners as of Jan. 1.

In its defense, the New Mexico Motor Vehicle Division said on its Web site that it has "provided a detailed explanation of its compliance checklist and outlined, in detail, the process it uses to follow state law to issue licenses to foreigners."

The state also has applied for an extension to meet compliance by no later than May, 11, 2011. It also should be noted that 36 other states are in the same boat as New Mexico.

If Congress doesn't repeal the Real ID Act and replace it with a much more lax PASS ID Act, MVD suggests that New Mexicans obtain and carry a passport with them at all times.

For those citizens who attained their majority in the seemingly-halcyon days prior to September 11, 2001, the notion of being confronted by a government official with the demand to "show your papers" seemed like something out of a "B-movie": "It can't happen here!" And, when it did happen here, nearly everyone went on as if it had always been this way.

The question is: Will the nation's air traffic come to a virtual standstill when thousands of Americans who have flown around the various states of the Union to visit family during the Christmas season suddenly find themselves grounded by a lack of a U.S. passport, or other Real ID-compliant



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identification? The December 31 deadline is actually the end of the first extension of the initial deadline in the 2005 mandate. [Applications for a second extension](#) had to be filed by December 1, and require compliance on 18 “interim benchmarks” by January 10, 2010. In short, [30 of the 36 states](#) that are not yet Real ID compliant will apparently not have extensions as of the end of this year. As one writer observes for [Consumertraveler.com](#):

Granted, DHS has a secret loophole for those without ID to travel, however, it will mean secondary searches for the majority of passengers if current driver’s licenses from 30 states are not considered acceptable ID. I don’t even want to imagine the holdup at security.

Plus, for many passengers with airline tickets who might not know of this loophole that allows those without IDs to board, this rule will be confusing. Many may think they have to change plans, cancel flights and pay major penalties. Having such a major change in the day-to-day activities of tax-paying Americans left so uncertain within 28 days of implementation is dereliction of duty by DHS.

The Real ID Act also bars access to federal buildings to folks stuck with unreal ID at the start of the New Year. I haven’t heard of any loophole for that rule yet.

This all seems a bit surreal.

Sadly, it is all too real. But hasty actions driven by crises of the hour are much harder to rescind later on. Like the provisions of the Patriot Act, Real ID may prove to be one of those over-reactions which results in a virtually permanent loss of liberty.



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