

FEB 06 2007

SENATE RESOLUTION

OPPOSING THE CREATION OF A NATIONAL IDENTIFICATION CARD AND THE
IMPLEMENTATION OF THE REAL ID ACT OF 2005.

1 WHEREAS, the State of Hawaii recognizes the Constitution of
2 the United States as our charter of liberty and the bill of
3 rights as affirming the fundamental and inalienable rights of
4 all Americans, including the freedom of privacy and the freedom
5 from unlawful searches and seizures; and
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7 WHEREAS, Hawaii has a diverse population whose
8 contributions are vital to the State's economy, culture, and
9 civic character; and
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11 WHEREAS, Hawaii is proud of its long tradition of
12 protecting civil rights and liberties of all of its residents,
13 affirming the fundamental rights of all people and, in some
14 circumstances, providing more expansive protections than are
15 granted by the United States Constitution; and
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17 WHEREAS, the State of Hawaii denounces terrorism in all its
18 forms and condemns all acts of terrorism by any entity, wherever
19 the acts may occur; and
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21 WHEREAS, any new security measures to provide protection
22 from terrorist attacks should be carefully designed to enhance
23 public safety without infringing on the civil liberties and
24 rights of citizens; and
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26 WHEREAS, the federal Real ID Act of 2005, Public Law
27 109-13, creates a national identification card by mandating
28 federal standards for state drivers' licenses and identification
29 cards and requiring states to share their motor vehicle
30 databases; and
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32 WHEREAS, the Real ID Act of 2005 mandates the documents
33 that states must require to issue drivers' licenses and requires
34 states to place uniform information on every driver's license in
35 a standard, machine-readable format; and
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1 WHEREAS, the Real ID Act of 2005 prohibits federal agencies
2 and federally-regulated commercial aircrafts from accepting a
3 driver's license or identification card issued by a state that
4 has not fully complied with the Act; and

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6 WHEREAS, the Real ID Act of 2005 creates a costly unfunded
7 mandate for the states, currently estimated to cost in excess of
8 \$11,000,000,000 to implement; and

9
10 WHEREAS, the Real ID Act requires the creation of a massive
11 public sector database containing information on every American
12 that is accessible to motor vehicle employees and law
13 enforcement officers nationwide and that can be used to gather
14 and manage information on citizens, which is not the
15 responsibility or business of the government; and

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17 WHEREAS, the Real ID Act of 2005 enables the creation of
18 additional massive private sector databases, combining both
19 transactional information and driver's license information
20 gained from scanning the machine-readable information to be
21 contained on every driver's license; and

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23 WHEREAS, it is likely that these public and private
24 databases will contain numerous errors and false information,
25 creating significant hardships on Americans attempting to verify
26 their identities in order to fly, open bank accounts, or perform
27 many other functions required to live in the United States
28 today; and

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30 WHEREAS, the Federal Trade Commission estimates that ten
31 million Americans are victims of identity theft each year, and,
32 because identity thieves are increasingly targeting motor
33 vehicle departments, the Real ID Act of 2005 will further enable
34 the crime of identity theft by making personal information of
35 all Americans more accessible from more locations; and

36
37 WHEREAS, the Real ID Act of 2005 requires a driver's
38 license to contain a person's actual home address and makes no
39 exception for individuals in potential danger, such as
40 undercover law enforcement officers or victims of stalking,
41 domestic violence, or criminal harassment; and

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43 WHEREAS, the Real ID Act of 2005 contains onerous record
44 verification and retention provisions that place unreasonable



1 burdens on the motor vehicle divisions and on third parties
2 required to verify records; and
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4 WHEREAS, the Real ID Act of 2005 will place enormous
5 burdens on consumers seeking new drivers' licenses, including
6 waiting in longer lines, higher costs, increased document
7 requests, and longer waiting periods; and
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9 WHEREAS, the Real ID Act of 2005 will place motor vehicle
10 division staff on the front lines of immigration enforcement by
11 forcing public employees to determine federal citizenship and
12 immigration status; and
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14 WHEREAS, the Real ID Act of 2005 was passed as a rider to
15 an emergency appropriations measure for military operations in
16 Iraq and Afghanistan, which did not receive a hearing by any
17 Congressional Committee or a vote solely on its own merits,
18 despite widespread opposition; and
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20 WHEREAS, the Real ID Act of 2005 eliminated a process of
21 negotiated rulemaking initiated under the Intelligence Reform
22 and Terrorism Prevention Act of 2004, which had convened
23 federal, state, and local policymakers and privacy and industry
24 experts to solve the problem of misuse of identity documents;
25 and
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27 WHEREAS, the State of Hawaii expresses its support of the
28 United States government's campaign against terrorism, as well
29 as the belief that such campaign should not be waged at the
30 expense of the civil rights and liberties of the citizens of
31 this country; now, therefore,
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33 BE IT RESOLVED by the Senate of the Twenty-fourth
34 Legislature of the State of Hawaii, Regular Session of 2007,
35 that the Legislature of the State of Hawaii opposes the
36 institution of a national identification card and the
37 implementation of the Real ID Act of 2005, particularly those
38 provisions that:
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- 40 (1) Violate the rights and liberties guaranteed under the
41 Hawaii State Constitution or the United States
42 Constitution, including the bill of rights; and



1 (2) Create unfunded mandates for the State without any
 2 plan for financial subsidization for implementation;
 3 and
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5 BE IT FURTHER RESOLVED that the Legislature of the State of
 6 Hawaii supports the repeal of the Real ID Act of 2005 and urges
 7 the Hawaii congressional delegation to support any legislation
 8 that calls for the repeal, amendment, or, at a minimum, the
 9 provision of proper funding for the implementation of the Real
 10 ID Act of 2005; and
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12 BE IT FURTHER RESOLVED that certified copies of this
 13 Resolution be transmitted to the President of the United States
 14 through the Secretary of State, the Majority Leader of the
 15 United States Senate, the Speaker of the United States House of
 16 Representatives, and the members of Hawaii's congressional
 17 delegation.
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