

It's Time to Nullify the Real ID Act of 2005 and Its Regulations

The Director of Homeland Security (DHS) has once again extended implementation of the Real ID Act of 2005 until January 2013. **Fifteen states have passed bills to nullify or prohibit implementation of Real ID in their states** and nine additional states have passed resolutions denouncing Real ID. What most legislators don't realize is that even though laws have been passed to nullify or prohibit Real ID, state Departments of Transportation (DOT) or Departments of Motor Vehicles (DMV) are implementing Real ID regulation benchmarks including facial recognition biometrics. PennDOT is also implementing these DHS regulation benchmarks.

In addition, under DHS Real ID regulations, state DOTs or DMVs are implementing international standards, making the driver's license an international ID Card. In March 2007, the DHS Notice of Proposed Rulemaking document stated in footnote 17 of page 68:

"17 The relevant ICAO standard is ICAO 9303 Part 1 Vol 2, specifically ISO/IEC 19794-5 - Information technology - Biometric data interchange formats - Part 5: Face image data, which is incorporated into ICAO 9303."

Real ID is our nation's global enrollment system of identification and financial control. ICAO is an acronym for International Civil Aviation Organization, an agency of the United Nations.

Real ID is unconstitutional and PennDOT is violating our rights while they implement Real ID benchmarks. Violations include:

1. **Our right to privacy.** PennDOT is capturing biometric data (using facial recognition software) without probable cause or warrant and storing the data in a database mandated by DHS regulations. This is no different than taking a fingerprint or DNA of an individual. Although we have not done anything wrong, **privacy is not about hiding a wrong; it's about an inherent, God-given human right and a necessity of maintaining the human condition with dignity and respect.** A high resolution camera operator could easily determine an individual's identity via biometrics.
2. **Our right to religious freedom.** "...no human authority can, in any case whatever, control or interfere with the rights of conscience." (Article I, Section 3, Pennsylvania Constitution) PennDOT will not issue or renew a driver's license if the individual does not have a social security number. **If participating in social security, an insurance program, violates my right of conscience, why do elected officials allow PennDOT to continue to violate the Declaration of Rights?** DHS regulations require the social security number be included in the database.
3. **Subjecting us to identity theft.** We "...have certain inherent and inalienable rights... of acquiring, possessing and protecting property..." (Article I, Section 1, Pennsylvania Constitution) By following DHS regulations, PennDOT has established a database which includes one's name, address, date of birth, and Social Security number. Identity theft happened in New York State last year. Over 200 individuals had their identities stolen. The thieves made off with over \$1M before getting caught. It only takes a couple of bad apples with access to the database to steal one's ID.