



## National ID Card Rules Unveiled

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By [Ryan Singel](#) Also by this reporter

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Homeland Security officials released long-delayed guidelines that turn state-issued identification cards into de facto internal passports Thursday, estimating the changes will cost states and individuals \$23 billion over 10 years.

The move prompted a new round of protest from civil libertarians and security experts, who called on Congress to repeal the 2005 law known as the Real ID Act that mandates the changes.

Critics, such as American Civil Liberties Union attorney Tim Sparapani, charge that the bill increases government access to data on Americans and amplifies the risk of identity theft, without providing significant security benefits.

"Real ID creates the largest single database about U.S. people that has ever been created," Sparapani said. "This is the people who brought you long lines at the DMV marrying the people at DHS who brought us Katrina. It's a marriage

we need to break up."

Homeland Security officials point to the 9/11 hijackers' ability to get driver's licenses in Virginia using false information as justification for the sweeping changes.

"Raising the security standards on driver's licenses establishes another layer of protection to prevent terrorists from obtaining and using fake documents to plan or carry out an attack," Homeland Security Secretary Michael Chertoff said in a press release.

The 162 pages of [proposed rules](#) (.pdf) require:

- Applicants must present a valid passport, certified birth certificate, green card or other valid visa documents to get a license and states must check all other states' databases to ensure the person doesn't have a license from another state.
- States must use a card stock that glows under ultraviolet light, and check digits, hologramlike images and secret markers.
- Identity documents must expire before eight years and must include legal name, date of birth, gender, digital photo, home address and a signature. States can propose ways to let judges, police officers and victims of domestic violence keep their addresses off the cards. There are no religious exemptions for veils or scarves for photos.
- States must keep copies of all documents, such as birth certificates, Social Security cards and utility bills, for seven to 10 years.

However, many difficult questions, such as how state databases will be linked or how homeless people can get identity documents, were left unanswered by the proposed rules. Citizens of states that don't abide by the guidelines will not be able to enter federal courthouses or use their identity cards to board a commercial flight.

Sophia Cope, a staff attorney at the centrist Center for Democracy and Technology, says the rules only mention privacy once.

"The Real ID Act does not include language that lets DHS prescribe privacy requirements, so there are no privacy regulations related to exchange of personal information between the states, none about skimming of the data on the magnetic stripe, and no limits on use of information by the feds," Cope said.

The Real ID Act, slipped into an emergency federal funding bill without hearings, originally required states to begin issuing the ID documents by May 2008. The proposed rules allow states to ask for an extension until Jan. 1, 2010.

Cope wants Congress to step in and rewrite the rules. The ACLU and Jim Harper, a libertarian policy analyst at the Cato Institute who specializes in identity and homeland security issues, agree.

"With five-plus years behind us, now is the time to be looking at what works and what doesn't work," Harper said.

"Students of identification know that a national ID does not help with security."

Maine has already declared it will not follow the rules, and other states are close to joining that rebellion. In Congress, a bipartisan coalition is forming around bills that would repeal portions of the Real ID Act, but it is unclear if today's rules will slow or accelerate these efforts.

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