

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  
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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  
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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  
4

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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