
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 fifty
11 state distributed public sector database containing information
12 on every American that is accessible to motor vehicle employees
13 and law enforcement officers nationwide and that can be used to
14 gather 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 contains onerous record
38 verification and retention provisions that place unreasonable
39 burdens on the motor vehicle divisions and on third parties
40 required to verify records; and

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42 WHEREAS, the Real ID Act of 2005 will place enormous
43 burdens on consumers seeking new drivers' licenses, including



1 waiting in longer lines, higher costs, increased document
2 requests, and longer waiting periods; and

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4 WHEREAS, the Real ID Act of 2005 will place motor vehicle
5 division staff on the front lines of immigration enforcement by
6 forcing public employees to determine federal citizenship and
7 immigration status; and

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9 WHEREAS, the Real ID Act of 2005 was passed as a rider to
10 an emergency appropriations measure for military operations in
11 Iraq and Afghanistan, which did not receive a hearing by any
12 Congressional Committee or a vote solely on its own merits,
13 despite widespread opposition; and

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15 WHEREAS, the Real ID Act of 2005 eliminated a process of
16 negotiated rulemaking initiated under the Intelligence Reform
17 and Terrorism Prevention Act of 2004, which had convened
18 federal, state, and local policymakers and privacy and industry
19 experts to solve the problem of misuse of identity documents;
20 and

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22 WHEREAS, the State of Hawaii expresses its support of the
23 United States government's campaign against terrorism, as well
24 as the belief that such campaign should not be waged at the
25 expense of the civil rights and liberties of the citizens of
26 this country; now, therefore,

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28 BE IT RESOLVED by the Senate of the Twenty-fourth
29 Legislature of the State of Hawaii, Regular Session of 2007,
30 that the Senate of the State of Hawaii opposes the institution
31 of a national identification card and the implementation of the
32 Real ID Act of 2005, particularly those provisions that:

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34 (1) Violate the rights and liberties guaranteed under the
35 Hawaii State Constitution or the United States
36 Constitution, including the bill of rights; and

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38 (2) Create unfunded mandates for the State without any
39 plan for financial subsidization for implementation;
40 and

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42 BE IT FURTHER RESOLVED that the Senate of the State of
43 Hawaii supports the repeal of the Real ID Act of 2005 and urges
44 the Hawaii congressional delegation to support any legislation



1 that calls for the repeal, amendment, or, at a minimum, the
2 provision of proper funding for the implementation of the Real
3 ID Act of 2005; and
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5 BE IT FURTHER RESOLVED that certified copies of this
6 Resolution be transmitted to the President of the United States
7 through the Secretary of State, the Majority Leader of the
8 United States Senate, the Speaker of the United States House of
9 Representatives, and the members of Hawaii's congressional
10 delegation.
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