

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Gary Hayzlett at 1:30 p.m. on March 17, 2010, in Room 783 of the Docking State Office Building.

All members were present except:

Representative Henry, excused  
Representative King, excused

Committee staff present:

Bruce Kinzie, Office of the Revisor of Statutes  
Jill Shelley, Kansas Legislative Research Department  
Betty Boaz, Committee Assistant

Conferees appearing before the Committee:

Representative Don Myers  
Mark Lerner, Stop Real-ID Coalition and Constitutional Alliance  
Steve Schute, Hope for America, Gardner, KS  
Richard Fry, Director of November Patriot & Cofounder of Coalition of Citizens Advisory Groups  
Amanda Dewoody, Shawnee, KS  
Carmen Alldritt, Director of Motor Vehicle Div., Dept. of Revenue

Others attending:

See attached list.

Vice-Chair Jene Vickrey called the meeting to order and opened the hearing on **HB 2727**.

**HB 2727 - Driver's licenses and nondriver identification cards, protection of privacy rights**

Vice Chair Vickrey recognized Steve Schute, Executive Director of the Hope for America Coalition. (Attachment #1) Mr. Schute spoke to the number of regimes that have used information in the past to cause personal detriment to individuals who provided too much information. He said the Real ID Act was an extension of recommendations that were issued as part of the 9/11 Commission Report, released in 2004. Mr. Schute said according to the Real ID Act, by December 1, 2014, a Real ID compliant driver's license will be required to fly on a commercial airliner or enter any federal government building. Mr. Schute also said that the common machine readable component of Real ID compliant technology incorporates something that allows scanners as far as 30 feet away to read the contents of RFID-enabled cards and this technology has been shown to be too easily hackable, meaning that not only is Real ID an invasion of privacy, but also could be used by criminals to carry out identity theft on a massive scale.

The next proponent of **HB 2727** was Mark Lerner Co-Founder of the Stop Real-ID Coalition and Constitutional Alliance. (Attachment #2) He said his organization was non-partisan and was comprised of state lawmakers, national and state groups/organizations and private citizens. Mr. Lerner said he had testified in many states regarding both the Real ID Act and the use of biometrics. He provided the Committee with many documents to support his testimony.

Vice-Chair Vickrey recognized Richard Fry, representing the November Patriots. (Attachment #3) Mr. Fry said he was here on behalf of his nine-year old son - he wants his son to be free and not get stopped and have to show papers on who he is. He said our current system is like they use in foreign countries to track people - like a government stalking of people. He said there is no Constitutional authority for this imposition and invasion by the federal government upon the states and their citizens. He said it is yet another example of a government that no longer lives under the rule of law but by force and threat of force. It does as it wishes to do simply 'because.' He said such authority to issue licenses and to regulate traffic has always been in the hands of the states under their inherent police power. And that it is part of the rights and authority noted to be reserved to the states and the people by the Tenth Amendment.

The next proponent was Amanda Dewoody (Attachment #4) She said as a citizen of Kansas she is outraged that this type of information is required of her. She also said she is saddened that Kansas is buying into this

CONTINUATION SHEET

Minutes of the House Transportation Committee at 1:30 p.m. on March 17, 2010, in Room 783 of the Docking State Office Building.

ID information gathering. Ms. Dewoody said she resents the federal government trying to get into her business. She concluded that she was outraged by a Federal government who claims the right to force Kansas to collect data on law-abiding citizens and store such data in a format that can be accessed and integrated with databases across the nation. She said the Real ID Act specifies the minimum requirements for data collection but there is no mention of limitations on the data to be collected.

Vice-Chair Vickrey drew the Committee's attention to the written testimony of Jim Guest, Missouri State Representative, in support of **HB 2727**. (Attachment #5)

There were no other proponents. The proponents stood for questions.

The Vice-Chairman called for opponents to **HB 2727**. He recognized Representative Don Myers. (Attachment #6) Representative Myers asked the Committee to not support this bill. He said there has been too much time and money spent up to this time to get the Real-ID program up and going. He said the KS Drivers' License Statutes in existence today were developed over a period of years to assist the Kansas Division of Motor Vehicles in an effort to stop the manufacture of fraudulent licenses. Rep. Myers said the Veterans, Military and Homeland Security Committee assisted in placing into statute the necessary tools to stop the practice of manufacturing fraudulent licenses and improve security.

Vice-Chair Vickrey recognized Carmen Alldritt, Director of Motor Vehicles Div. (Attachment #7) Director Alldritt said Kansas has become the model among all states for fraud prevention and identity security. She said if this bill passes Kansas will be the weakest among the states and become a magnet for fraud. She gave some examples of thefts that occurred prior to going to Real ID.

There were no other opponents so after all questions had been answered the hearing on **HB 2727** was closed.

Chairman Hayzlett opened **SB 293** to the Committee. After discussion, Representative Kerschen made a motion to amend SB 293 by removing the language from SB 293 and replacing with language from HB 2486 to be designated as H Sub for SB 293. The motion was seconded by Representative Kleeb and the motion carried. Representative Kleeb made a motion to favorably pass H Sub for SB 293, seconded by Representative Maloney and the motion carried.

Chairman Hayzlett opened **SB 300** to the Committee. After discussion, Representative Peck made a motion to amend SB 300 by substituting the language from HB 2437 to be designated as H Sub for SB 300. The motion was seconded by Representative Worley and the motion carried. Representative Peck then made a motion to favorably pass H Sub for SB 300, seconded by Representative Swanson and the motion carried.

There being no further business before the Committee, the meeting was adjourned.

# HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: 3-17-10

NAME	REPRESENTING
Richard D. Foy	November Patriots, CCAG-555
Lynn K... K...	Self
MARK LERNER	Constitutional Alliance
Ted Smith	KDOR
Terry Mitchel	KDOR

# HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: 3-17-10

NAME	REPRESENTING
Glenne Allsitt	KDOR
Jack Lassman	
Terry Heidner	KDOT
KEVIN GREGG	KMCA
Jim Conant	KDOR
Bob Eckhardt	Self
Ron Seeber	KARA

Chairman Hayzlett and members of the Transportation Committee, I wish to thank you for taking the time to hear this critical bill this morning.

My name is Steve Shute. I am the Executive Director of the Hope for America Coalition and a proud citizen of Kansas, and I am standing as a strong proponent of HB 2727, because I believe that the people of this state deserve to be protected from the manipulations of a federal government that has shown itself time and again to be completely out of control.

Over the last 100 years, we have seen many tragic examples of totalitarian dictatorships waging horrible campaigns of genocide – not only against foreign populations, but even against their own citizens. We know the names of these infamous killers, although we all too frequently forget their lessons. Lenin, Franco, Mussolini, Hitler, Stalin, Mao, Pol Pot, Castro, Mugabe, and Saddam are but a few of those who were highly successful in plying their murderous trade, resulting in the deaths of well over 70 million people.

You may be wondering why I am discussing genocide at a hearing on REAL ID. Well, all of these dictatorships had two things in common; (1) they employed a policy of compulsory registration (and, ultimately, confiscation) of privately owned firearms, and (2) they required “papers” that allowed the authorities to know their citizens’ whereabouts at all times; in other words, a national ID card system.

While I don’t believe that we in this country are anywhere near sharing the fate of those murderous, autocratic regimes – at least, not yet – I do fear that, with the full implementation of federal standards for integrated driver’s licenses embodied in REAL ID, we would be halfway to tyranny.

The REAL ID Act was an extension of recommendations that were issued as part of the 9/11 Commission Report, released in 2004. The original bill, HR 418, didn’t have the votes in the Senate to be passed on its own, but when it was inserted as a rider under cover of darkness as part of the House-Senate conference report on the 2005 Emergency Supplemental Defense Appropriations Act for the War on Terror and Tsunami Relief, it passed overwhelmingly in both houses of Congress, and was signed into law on May 11, 2005.

REAL ID should, in reality, be called DANGEROUS ID, because it is expensive to implement; is grossly intrusive to personal privacy and civil liberties; and is a clear and present danger to state sovereignty by directly attacking the states’ ability to determine the design and function of their driver licenses, and to safeguard the personal information of their citizens.

According to the REAL ID Act, by as soon as December 1, 2014, a REAL ID-compliant driver’s license will be required to fly on a commercial airliner, or enter any federal government building (including any offices of congressmen or senators in the US Capitol). Former Congressman and Presidential Candidate Bob Barr is correct when he says that denying anyone without a REAL ID-compliant driver’s license from entry into federal buildings “effectively denies that person their fundamental rights to assembly and to petition the government as guaranteed in the First Amendment.”

In addition, the “common machine readable component” of REAL ID compliant technology incorporates something called “radio frequency identification,” or RFID. This allows scanners as far as 30 feet away to read the contents of RFID-enabled cards, and this

House Transportation  
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Attachment # 1

technology has been shown to be all-too-easily hackable. This means that not only is REAL ID an invasion of privacy, but it also could be used by criminals to carry out identity theft on a massive scale.

And, finally, the federal requirement that all states link their databases and share citizens' personal information with one another, as well as with the Department of Homeland Security, is another path for the intrepid hacker to follow to discover a gold mine of information to use for identity theft purposes, including addresses, social security numbers, and other personally identifying information. Even more ominous, however, is the prospect that the federal government will have at their disposal a centralized database of the personal records of over 220 million people *who have not been charged with a crime*. Where in the US Constitution is this authority granted?

Opponents of HB 2727 will claim that REAL ID is needed to stem the tide of illegal immigration into this country. They will also claim that millions of dollars have already been spent in implementing provisions of REAL ID in Kansas, and to stop now will mean a terrible waste of taxpayer dollars. My questions in response to the opponents of this bill are, (1) what are you currently doing to enforce the immigration laws already on our books in Kansas, including the ones that prohibit the Kansas Department of Revenue from issuing driver's licenses to known illegal aliens, and (2) what price tag would you put on guaranteeing and safeguarding the privacy and freedom of movement of the millions of citizens of Kansas?

Simply put, the REAL ID Act is a bad piece of legislation. It violates state sovereignty, it violates Fourth Amendment protections regarding unauthorized seizure of personal information, and it is an especially burdensome unfunded federal mandate that some experts have claimed will cost states over \$11 billion over the next 10 years to implement – all while we are facing an unprecedented budget crisis in Kansas.

Mr. Chairman and members of the Committee, the time has come for Kansas to stand with the more than 34 states that have already acted to stop implementation of REAL ID compliance measures, and say “enough!” to a federal government that continues to encroach on personal and states' rights at breakneck speed. Even today, the US Senate is considering a REAL ID-compliant National Worker ID card, complete with digitized biometric information, which would be required to seek employment anywhere in the United States. It is time to chisel a line in stone and demand that the federal government cease its invasion of the privacy and sovereignty of its citizens, and its assault on the integrity of the states that it should be serving, and support House Bill 2727.

I will leave you with this quote from the late President, Ronald Reagan: “Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same, or one day we will spend our sunset years telling our children and our children's children what it was once like in the United States where men were free.”

Thank you again for hearing my testimony this afternoon.

- Steve Shute, 18401 Sycamore Ct, Gardner, KS

## COVER LETTER FOR WRITTEN TESTIMONY PROVIDED

**Thank you for the opportunity to provide both written and oral testimony to the committee.**

My name is Mark Lerner. I am the Co-Founder of the Stop Real ID Coalition and the Constitutional Alliance. Both organizations are non partisan and are comprised of state lawmakers, national & state groups/organizations and private citizens.

I have testified in many states regarding both the Real ID Act 2005 and the use of biometrics.

I have found that rather than offering a lengthy written statement of my own that is more beneficial to include a cover letter with a number of other documents. I ask that those documents be considered along with my oral testimony and this letter.

The issues of the Real ID Act 2005 and the use of biometrics transcend party lines. I have worked with Democrats and Republicans on these issues.

I will refer to a neighboring state of Kansas, Oklahoma, as an example of the non partisan work our organizations do.

In Oklahoma we asked a Republican in the Oklahoma House of Representatives to author legislation that would prohibit Oklahoma from participating in the Real ID Act 2005. We asked that a Democrat author the legislation in the Oklahoma Senate. The legislation was passed and signed into law by the Governor in 2008.

I do ask that each of you keep in mind our foremost responsibility as citizens. We must insure that we pass on to future generations the rights, liberty and freedom we inherited from previous generations at such great sacrifice.

Thank you for your time and consideration,

Mark Lerner

House Transportation  
Date: 3-17-10  
Attachment # 2

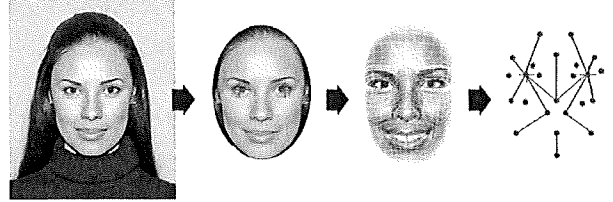
# YOUR BODY IS YOUR ID

Problems, answers and legislative solutions

## Enrolling the world into a single global biometric ID system

The world is being enrolled into a single global system of identification and financial control. One's body is now directly linked to the control of financial transactions through biometric ID, an international ID system that uses computers to automatically identify individuals based on unique physical characteristics, such as a facial image.

Facial recognition and digital fingerprinting are common forms of biometrics. Almost all states and nations now use biometrics to identify their residents.



Facial recognition creates a digital map of the face

Facial recognition software uses a high-resolution photo to create a digital "map" of the face. This "map" is linked to other personal data (name, Social Security number, etc.) to create one's unique biometric identity. A photo, collected for a driver license/ID card (DL/ID card) or passport, can be used to deceitfully enroll individuals into a global ID system, over which they have no control, and that can be used to identify and track individuals, in public, using surveillance cameras. Once identified, programs, such as "Project Hostile Intent," may also be used to "judge behavior" and determine if the individual is a potential "threat" to society.

To create a global biometric system, states and nations must:

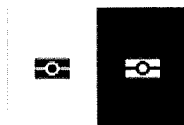
1. Enroll their citizens (DL/ID cards, passports, national ID, school ID, etc.)
2. Adopt international standards for documents, photos and data sharing
3. Link databases for global information sharing, global ID-tracking and surveillance

Such a system is the goal of the Department of Homeland Security (DHS), according to Robert Mocny (DHS US-Visit), who stated that "*information sharing is appropriate around the world,*" and DHS plans to create a "*Global Security Envelope of internationally shared biometric data that would permanently link individuals with biometric ID, personal information held by governments and corporations.*" Database sharing turns State ID into global biometric ID.

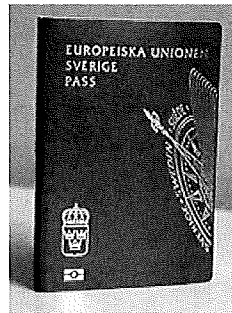
## DRIVER'S LICENSE or PASSPORT = GLOBAL BIOMETRIC ENROLLMENT



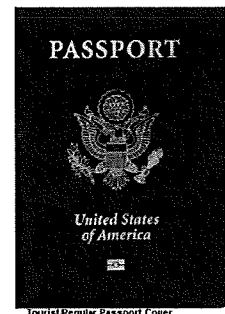
Driver's License with Facial Recognition Biometrics



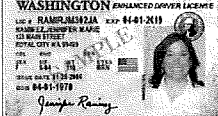
ICAO's Biometric e-Passport Logo



EU e-Passport with biometrics, RFID chip and ICAO biometric e-Passport Logo



US e-Passport with biometrics, RFID chip and ICAO biometric e-Passport Logo



Enhanced Driver's License - Facial Recognition - RFID chip - used as a DL/ID-passport for border-states



ICAO Logo - ICAO is part of the UN



**RFID** - Biometric ID is linked to RFID (radio frequency identification) technology. RFID chips are often used in biometric documents, such as Enhanced driver licenses and e-Passports. RFID devices are commonly used for product ID, animal ID and turnpike passes, but in personal ID, the devices contain personal-biometric data or a personal-biometric RFID number. These devices will transmit the stored data when scanned, which raises serious privacy, fraud and ID theft concerns.

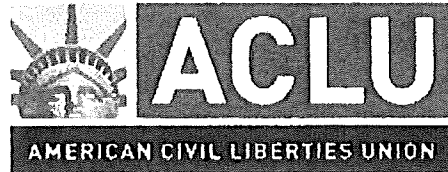
A global biometric system is ineffective, unless there is total global enrollment. National sovereignty is replaced by international laws, converting our “unalienable rights from God,” into “tolerated privileges.” States’ rights, privacy and religious freedom are under attack, especially in view of new technologies, such as the Somark RFID ink “tattoo,” or “RFID mark,” that can be used on humans, who would already be enrolled into a global biometric system of control.

For the first time in history, a single global system of ID and financial control is possible. Multi-national businesses, governments, law enforcement agencies and international organizations such as the ICAO (International Civil Aviation Organization-an agency of the United Nations) and AAMVA (American Association of Motor Vehicle Administrators) are working in harmony to impose this system on all nations while keeping the people and even lawmakers in the dark.

**How did this happen?** Dating back to 1986, federal laws have tried to impose biometrics on state ID. After 9/11 such efforts were fast-forwarded, resulting in federal legislation such as the “REAL ID ACT of 2005,” the proposed “PASS ID ACT of 2009” and the ICAO’s “E-PASSPORT” system. Legislation becomes law and the rules for the laws are often issued by a government agency, such as DHS. It is in the rules where we see the influence of international organizations pushing biometrics on our nation. With little or no government transparency or oversight, implementation of these rules directly attacks the rights of all, regardless of one’s political party.

**ACTION – States have the power! People are already enrolled in DL/ID card databases. International standards are in place, but States can erase personal-biometric data, before it can be shared globally.** Use this document to inform State and U.S. lawmakers of the problems and solutions. Email “Stop REAL ID Coalition” for digital documents and legislation. Share this document with pastors, religious organizations, privacy groups and political groups but especially with lawmakers. **Ask lawmakers to author or support legislation that will:**

- Ban participation in REAL ID, PASS ID and other federal standards for state issued ID
- Ban the use of biometrics
- Reduce DL/ID card photo resolution so photos are less compatible with facial recognition
- Wipe existing biometric information (fingerprints/high-resolution photos-active & backup)
- Restrict access to driver license databases, by law enforcement, to one name-one record, preventing facial recognition searches of the all records, and preventing “Federal Fusion Centers” from accessing state records for the purpose of global sharing
- End participation in federal or state programs that collect a SSN for DL/ID cards
- Create a State-to-State data sharing system (not AAMVAnet, an international system)



February 7, 2008

The Honorable Samuel H. Rohrer  
Pennsylvania House of Representatives  
House Box 202128  
Harrisburg, PA 17120-2128

The Honorable Babette Josephs  
Pennsylvania House of Representatives  
House Box 202182  
Harrisburg, PA 17120-2182

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NADINE STROSSEN  
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ANTHONY D. ROMERO  
EXECUTIVE DIRECTOR

RICHARD ZACKS  
TREASURER

Dear Representative Rohrer and Representative Josephs,

On behalf of the American Civil Liberties Union, a non-partisan organization with hundreds of thousands of activists and members and 53 affiliates nationwide, we commend you for leading the fight against the Real ID Act in Pennsylvania. We congratulate you for introducing House Bill 1351 which now has 73 cosponsors, both Democrats and Republicans.

Since its enactment, the Real ID Act has troubled people across the political spectrum. It was enacted through procedural trickery out of keeping with the spirit of democratic process vital for such a sweeping measure. It imposes substantial burdens on the states – currently estimated by the Department of Homeland Security (“DHS”) to total a minimum of \$9.9 billion – providing minimal federal funding, amounts to a hidden tax increase, invades everyone’s privacy, and embodies the worst excesses of bureaucratic government.

On January 11, 2008, DHS issued its final regulations for implementing Real ID. The results of two and a half years of deliberations reveal barely any attempt to deal with the hard issues presented by the statute, or any improvement over the proposed regulations that received over 21,000 public comments after their release in March 2007. DHS failed to respond to the legitimate concerns of interested parties and employed highly questionable assumptions and fuzzy math in order to bring down its original cost estimate of \$23 billion. The resulting final regulations are nearly impossible to implement.

A grassroots rebellion against Real ID is currently sweeping the states. 17 states passed anti-Real ID bills or resolutions in their legislatures last year, and 14 states currently have such bills pending. Of the 17 states, seven, Georgia, Maine, Montana, New Hampshire, Oklahoma, South Carolina and Washington passed binding legislation prohibiting the state from participating in any implementation of the Real ID Act. The recent publishing of the unworkable Real ID regulations by the Department of Homeland Security has only added fuel to the anti-Real ID fire.

The fundamental problem with Real ID is that it imposes the United States' first-ever national identity card system. The danger of a National identity card is greatly exacerbated by the huge strides that information technology has made in recent decades. National identity cards would violate privacy by helping to consolidate data and facilitate tracking. The end result could be a situation where citizens' movements inside their own country are monitored and recorded through these "internal passports." These problems cannot be solved by regulation or by tinkering around the edges of Real ID. Instead, the entire unworkable system should be scrapped and replaced with a system that does not endanger Americans' fundamental freedoms.

In addition to the fact that the Real ID Act establishes the first true National identity card system, it creates serious new threats to personal privacy. The Act mandates significant changes to the amount and type of sensitive, personally identifiable information states will obtain, store and share about each and every applicant for an ID card. These mandates will likely lead to rampant identity theft and significant invasions of personal privacy.

Real ID amounts to a \$9.9 billion unfunded mandate, and imposes an enormous new administrative burden on individuals and the states. The expense of implementing Real ID will be borne by individuals through tax or fee increases. In order to implement the Real ID Act, states will have to defer other desperately needed transportation initiatives. State administrators, governors, and advocates have been warning about the disruption and chaos that actual implementation of Real ID will likely bring. These new burdens include longer wait times and service times at DMVs, as well as the time necessary to obtain new source documents, which some citizens may not have access to in the first place.

Real ID also violates several constitutional provisions. The First Amendment-protected Free Exercise of Religion is burdened for certain religious minorities by requiring digital photographs on each license and by requiring citizens to have a Social Security number in order to obtain a license. The Equal Protection and Due Process Clauses are violated for several classes of lawful residents because they are omitted from the categories of citizens and lawful residents who may obtain either a regular or temporary license. In addition, Real ID places burdens on the

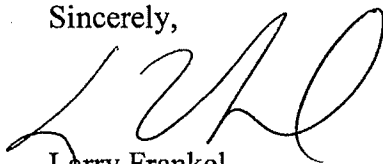
constitutionally protected right to travel, the First Amendment-protected Right of Assembly, and the First Amendment-protected Right to Petition One's Government for Redress. Unfortunately, the rigid statutory language of the Act does not provide any regulatory flexibility.

Finally, the entire Real ID Act rests on the faulty premise that identity-based security is a useful tool for combating terrorism. The fact is that identity-based security does not work to stop terrorists. Knowing a terrorist's name, phone number, and Social Security number will not by itself prevent any acts of terrorism. In fact, Real ID makes other security problems worse. The single interlinked database of drivers' personal information mandated by the Real ID Act will be an irresistible honey pot for identity thieves. Further, the common machine-readable component and common data elements on the physical card will allow private entities to scan, store, and sell sensitive information.

As an alternative to Real ID, U.S. Senators Akaka (D-HI) and Sununu (R-NH), have introduced S. 717, the Identification Security Enhancement Act of 2007 to address these problems by repealing Title II of the Real ID Act and restoring section 7212 of the Intelligence Reform and Terrorism Prevention Act of 2004.<sup>1</sup> S. 717 (a version of which, H.R. 1117, is also pending in the U.S. House of Representatives) would offer Americans a secure form of identification well before Real ID would go into effect, while securing drivers' personal information, protecting privacy, and upholding the states' ability to determine the rules governing driver's licenses.

For the above reasons, the ACLU formally opposes the Real ID Act. We applaud your efforts in resisting demands by the Federal Government to comply, and urge you to oppose all legislation in your state containing provisions that would fund Real ID Act implementation or require individuals to possess or present a Real ID Act-compliant license. We thank you for your commitment to your constituents' privacy and civil liberties and hope you will help to avert the real nightmare that is Real ID.

Sincerely,



Larry Frankel  
State Legislative Director, ACLU

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<sup>1</sup> Section 7212 of the Intelligence Reform and Terrorism Prevention Act of 2004 created a negotiated rulemaking under the Administrative Procedures Act and began a process that was to set new drivers licensing standards for states by September of 2005.



January 31, 2008

Representative Charles Key  
2300 N. Lincoln Blvd., Room 405  
Oklahoma City, OK 73105

Dear Representative Key:

This letter is in response to your request for information from the American Center for Law & Justice (“ACLJ”) regarding the REAL ID Act of 2005 (“REAL ID”). In your letter, you expressed concerns that REAL ID implicated constitutional issues such as state and national sovereignty, individual privacy, and religious freedom. In addition, you expressed concern about the use of biometrics connected to the growing trend of information sharing internationally. While we recognize that many aspects of REAL ID are justifiable in light of the current world situation, the ACLJ’s research indicates that there are legitimate causes for concern. As you are aware, REAL ID is the subject of increasing debate as the deadline for state compliance nears. While the issues of privacy and identity theft appear to be the most easily recognized and most commonly discussed, our research has revealed that within REAL ID, there are other issues which merit careful scrutiny. We appreciate your bringing this subject to our attention, and we will continue to monitor these issues as they develop. This letter addresses some preliminary observations.

## **I. REAL ID: BACKGROUND**

The REAL ID Act of 2005 was passed as an amendment to the 2005 Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief. The REAL ID amendment was passed unanimously in the U.S. Senate without debate, and passed overwhelmingly in the U.S. House of Representatives with limited debate. The Act prohibits any federal agency from “accept[ing], for any official purpose, a driver’s license or identification card issued by the State to any person unless the State” meets certain requirements. These requirements comply with internationally accepted standards for ID cards: anti-fraud features, universal “interoperability” via machine-readable technology, biometric data, and a linked electronic database operated by an international organization containing all such information. The Final Rule for implementation of REAL ID has been issued, which specifies May 11, 2008 as the effective date for REAL ID.

★

201 Maryland Avenue, N.E.  
Washington, DC 20002  
202-546-8890  
202-546-9309 (Facsimile)

If a state does not comply and does not formally request an extension for a U.S. Department of Homeland Security (“DHS”)-approved reason, the drivers’ licenses of that state will not be an acceptable form of personal identification for “official purposes.” For example, because the State of Oklahoma has refused to comply with REAL ID, an Oklahoma resident will not be able to use his or her drivers’ license as personal identification to board a plane or enter a federal building or federal park. Such a citizen would have to use a passport or other REAL ID compliant form of identification. The term “official purposes” has been left intentionally vague, leaving great discretion to DHS to add more activities in the future as it deems necessary and prudent. Other federally regulated activities include, but are not limited to, gun purchases, voting, and certain banking transactions.

Among many of its laudable goals, REAL ID sets standards for tamper-proof identification cards, requires verification of citizenship for card issuance, and calls for background checks and screening of DMV employees. REAL ID sets security standards for state DMV and card manufacture facilities. “Breeder documents” (e.g., birth certificates) must be presented and scanned into permanent electronic storage. While authentication of breeder documents within the United States is a legitimate expectation, the incorporation of electronic copies of such documents into a database system accessible by foreign officials, not governed by U.S. privacy law, is cause for concern. Moreover, that the personal information and biometric data of common citizens will be incorporated into this system is disconcerting. Naïve reliance on existing data protection and privacy laws seems misplaced, especially since such laws appear outdated and irrelevant in light of modern technological advances and global cooperation.

Among some of its more controversial goals, REAL ID relies heavily on the wholesale collection and use of biometric identifiers, such as the high-resolution digital facial photograph, fingerprint, and signature recognition. A high enough resolution photograph also enables the use of iris-scanning technology. DNA make-up and voice recognition are other types of biometric identification under development. The digital facial photographs required under REAL ID meet technology requirements that will soon allow individual faces to be identified by live, real-time video “security” cameras. While collection and use of such data domestically poses issues meriting vigorous debate, the impact of the interoperability of data and databases worldwide combined with international trends in data collection must be discussed openly and considered carefully by citizens and elected leaders alike.

Currently, at least thirty-five states have expressed varying degrees of concern over REAL ID and have bills in various stages of the legislative process. Many states, such as Oklahoma, have already rejected REAL ID outright. It appears that the swell of opposition is growing and gaining momentum.

## II. REAL ID IN THE CONTEXT OF VARIOUS FEDERAL INITIATIVES

Our research revealed that REAL ID is but one of several federal initiatives involving data collection, storage, and sharing. Many DHS and other federal initiatives are based on electronic and biometric data collection, storage, use, and sharing, and are in various stages of implementation. Such initiatives include:

- Registered Traveler Program
- Secure Flight Program
- E-Passport
- US-VISIT
- Western Hemisphere Travel Initiative (“WHTI”)
- Transportation Workers Identification Credential (“TWIC”)
- Security and Prosperity Partnership of North America (“SPP”)
- US-EU Passenger Name Record (“PNR”) Agreement
- Federal Election Reform
- Electronic Health Records (“EHR”)

These programs and agreements, like REAL ID, are built on international trends in personal data collection, storage, use and sharing (to use the UN’s term—“civil registration”). They reflect the *internationally* implemented efforts to replace “hard” borders with transparent “smart” borders, creating “Global Security Envelopes” to facilitate changing demands in the transportation of goods and people. “Interoperable” biometrically tagged “smart” cards and expansive inter-connected databases are the backbone of the proposed systems of the future.

While governmental systems of expansive data collection and sharing certainly did not begin with, and are not unique to, REAL ID, the application of such systems to citizen drivers’ licenses and identification cards does represent an unprecedented and much broader initiative. Moreover, the extent of international involvement in the proposed REAL ID database system implicates national sovereignty issues in addition to the concerns expressed by many Americans that their personal information and biometric data will be made available outside the United States, without the citizen’s knowledge or consent.

REAL ID proponents assert that the REAL ID initiative is a result of the 2004 9/11 Commission report. However, at least as early as 1996, various forms of a national ID card system had been introduced into the legislative process—REAL ID is the first to come close to actual implementation. Moreover, REAL ID is the realization of the international community’s objectives which long preceded the attacks of 9/11.

### III. INTERNATIONAL ISSUES RAISED BY REAL ID

Years before the attacks of 9/11, the American Association of Motor Vehicle Administrators (“AAMVA”) sought a unified North American drivers’ license and record database (the Driver License Agreement, “DLA”). AAMVA views REAL ID as a key step towards realizing its goal. REAL ID incorporates a linking of state electronic DMV databases which will collect, store, use, and share biometric data, namely the high-resolution digital portrait. It appears that AAMVA will operate this database linking system. AAMVA is an international organization; hence, it represents interests beyond those of the United States, or any particular State. It appears that the issue of REAL ID has forced many state legislatures to reconsider the amount of discretion given to their DMV’s, due to the level of dependence on AAMVA most DMV’s have developed.

As you may be aware, REAL ID also complies with certain technical requirements set by the United Nation’s International Civil Aviation Organization (“ICAO”). DHS and ICAO are also working together, along with numerous agencies in other nations, to implement data collection and sharing programs related to airline passengers (*e.g.*, Registered Traveler Program, Secure Flight). It appears that the UN is heavily involved in the growing international trends of personal data collection, storage, and use. Moreover, it appears that the REAL ID system is being engineered to be interoperable worldwide. The concerns raised by REAL ID’s semblance to clear international trends, to our knowledge, have not been adequately addressed. DHS has clearly indicated its intentions to share U.S. citizens’ biometric and other data with other nations, international organizations, and security corporations, and indeed has already implemented such programs. While the collection and sharing of data pertaining to known or suspected international terrorists is a practical and constitutionally sound mechanism for national defense, it appears REAL ID and its related initiatives expand this mechanism to collect, organize, and dispose of the personal and biometric data of common, law-abiding citizens.

REAL ID should not be analyzed in isolation from other related initiatives here in the U.S. Instead, it is important to also consider related developments and initiatives around the globe. For example, the United Kingdom, Egypt, Iraq, and China either already have or are moving to implement a modern “smart” national ID card, and each collects religious affiliation data in its census. Nations with national ID cards often collect religious data from citizens, and as in Egypt, this religious data ends up on the card, directly affecting the holder’s legal status in the country. Nations with ID cards are increasingly conditioning receipt of Government services, entitlements, or privileges on a satisfactory status. Very often, international trends in religious data collection and national ID cards are connected to disturbing discrimination and even violence against religious or ethnic minorities. Regardless of such abuses, the UN actively promotes the collection of as much data as possible by governments, specifically recommending the collection of religious information. For example, it is reported that ID cards in China contain electronic data such as a citizen’s high-resolution digital photograph, *religion*, ethnicity, police and health records, and reproductive history. Much of this data will be contained within RFID chips inside the cards. Surveillance cameras installed along streets in certain parts of China will automatically identify passing citizens by the stored digital photograph. Closer to home, U.S. neighbors Canada and Mexico collect religious affiliation data in their national censuses. Both



neighbors will be connected to the U.S. through AAMVA's stated "one-driver, one-record" REAL ID jurisdictional scheme. Further, they are increasingly tied to U.S. interests as the North America Free Trade Agreement ("NAFTA"), Security and Prosperity Partnership ("SPP"), and smart-borders of the future are implemented.

#### **IV. BALANCING THE LEGITIMATE GOVERNMENTAL INTERESTS IN NATIONAL SECURITY WITH INDIVIDUAL LIBERTIES**

Islamic extremism is changing the world, as well as the American way of life. Many of the changes were inevitable, even necessary, in a post-9/11 world dominated by non-traditional warfare against shadowy international terrorist organizations. The United States Constitution permits that, as various interests are balanced in times of war, individual liberty may sometimes necessarily yield to the Government's legitimate, and, indeed, primary interests in ensuring national security and preserving national sovereignty. In western liberal democratic systems, however, this understanding does not require that all governmental decisions that effect the balance between national security, sovereignty, and individual liberty be made outside of the public's knowledge or against the public will. Indeed, the Constitution also protects the citizenry's right and duty to stay informed and to influence its Government.

Moreover, United States sovereignty should not be casually exchanged for perceived gains in international security or international trade. On the contrary, a vibrant national sovereignty is the surest and most legitimate mechanism for ensuring security in the international realm. Although a degree of cooperation is necessary in an increasingly interconnected world, it would be imprudent to entrust U.S. security interests to the diverse and competing interests represented within the international community. Besides the privacy implications of sharing citizens' data abroad, a careless approach to international cooperation could well lead to an attenuation or even redistribution of power and technological advantage at the expense of the long term national interests of the United States. Collecting and electronically linking U.S. citizens' data raises concerns, not just of privacy but also of further federal governmental expansion and centralization. Sharing such data with international entities and foreign nations significantly raises the stakes. While many post-9/11 strategy changes were needed and long overdue, most changes focused on targeting the communications, financial transactions, and travel, of the suspected terrorists. New trends appear to focus more broadly, directly impacting common citizens. The American people ought to be aware of the implications and engage the debate.

Furthermore, while the addition of biometric data to an individual's electronic file may add a layer of protection against certain types of common fraud, the inclusion of such data also greatly heightens its value for fraudulent use. That these electronic databases or networks are subject to security breaches is reported almost weekly. Recent examples include: the UK's loss of discs containing tax, benefits, and related personal data records for half of its population; the infiltration of the Pentagon network by the Chinese military – accomplished in as little as a few months; and the breach of the USAJOBS executive branch database subcontracted to the private sector job source, Monster. It is undisputed that there is no perfect or foolproof "system," but

REAL ID proponents insist that risk allocations are necessary. This may or may not be the case, but our initial concern is the apparent lack of general public knowledge on an issue that will significantly impact the lives of law-abiding citizens. Regardless of Governmental intent, it appears that the REAL ID data collection and database linking system would set in place a system which allows the movement and activities of all citizens to be tracked, as is done in China.

Many of REAL ID's objectives are legitimate, even necessary; however, some pose concerns and merit in-depth consideration. REAL ID was passed with little to no debate or public involvement, yet it significantly impacts all law-abiding citizens. Many DMV activities, such as standardization and interoperability compacts, take place largely outside of the legislative process, and outside of public view. Legislative oversight and vigorous debate is needed in such a comprehensive issue. REAL ID's overwhelming passage in the U.S. Senate and House contrasts starkly with its growing opposition among states. State legislators, along with state citizens, should communicate with their U.S. congressional delegations regarding each state's policy position on these issues. It is an *absolute necessity* that all data included in such a system be secured. As of yet, there are grave doubts that the required level of security has been, or can ever be, achieved.

Again, we appreciate that you brought these issues to the ACLJ's attention. The ACLJ will carefully monitor the situation. We value your perspective as legislators of the State of Oklahoma, and we are grateful for the opportunity to be of assistance. If you have further questions or concerns, please do not hesitate to contact us.

Sincerely,

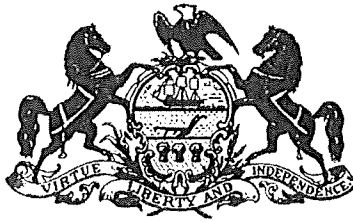


Robert W. Ash  
Senior Litigation Counsel for  
National Security Law

cc: Representative Mike Reynolds  
Representative Jason Murphey  
Representative Sally Kern  
Senator Randy Brogden

**SAMUEL E. ROHRER, MEMBER**  
128TH LEGISLATIVE DISTRICT  
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READING, PA 19607  
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FAX: (610) 775-3736  
www.samrohrer.com



*House of Representatives*  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

COMMITTEES

-----  
GAME & FISHERIES,  
REPUBLICAN CHAIRMAN  
EDUCATION  
SPEAKER'S COMMISSION  
ON LEGISLATIVE REFORM

CAUCUSES

-----  
EAST CENTRAL CAUCUS  
PA LEGISLATIVE SPORTSMEN

February 11, 2008

Stop Real ID Act Coalition  
17308 E 37<sup>th</sup> Terrace South  
Independence, MO 64055

Dear Mr. Lerner,

I want to take this opportunity to thank you and the Stop Real ID Act Coalition for the work that you have done to bring the Real ID Act to the forefront of public awareness and for your work in bringing together the ACLU and the ACLJ on this matter.

The Real ID Act of 2005 is a matter of grave importance to all citizens of this great country. This law establishes a National Identification system, and in effect an international system, requiring the states to store and share significant pieces of very personal and private information, including biometric data, on all of our citizens and opens the door to widespread identity theft and significant invasions of privacy. The final regulations issued by the Department of Homeland Security on January 11, 2008, have done little to respond to the legitimate concerns of the individual states and the citizens of those states.

Dozens of groups from every segment of society and the political spectrum have joined to rise in opposition to this onerous law. Last year seventeen states, including Pennsylvania, passed anti-Real ID bills or resolutions in their legislatures, while fourteen states currently have legislation pending. This bipartisan support is evidenced here in Pennsylvania by the 73 cosponsors, both Republican and Democrat, of House Bill 1351, which withdraws Pennsylvania from compliance with Real ID.

You, along with the Stop Real ID Act Coalition, have been instrumental in bringing awareness to the citizens, including lawmakers at the state and federal level. I appreciate that you have been working, not only in my state of Pennsylvania, but in all the states to raise public awareness and to work directly with the individual state legislators. In addition you have met with the leaders of national organizations to rally their support, as well as bringing evidence of wrongdoing in the biometrics community to various committees in Washington, D.C.

Again, I am pleased to have this opportunity to thank you and the Stop Real ID Act Coalition for all the work you are doing and would encourage the public, media, and state and federal legislators to take advantage of the information and insight that you and your organization have on this critical subject.

Sincerely,

A handwritten signature in cursive script that reads "Sam Rohrer".

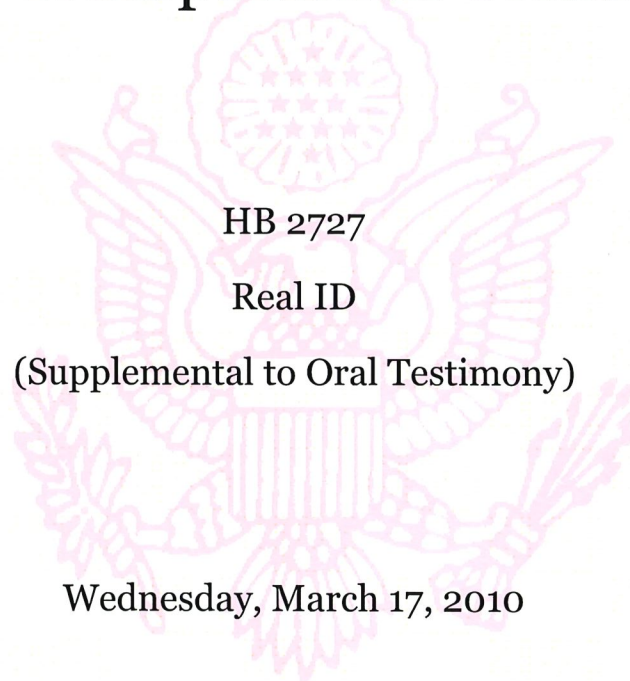
Samuel E. Rohrer  
State Representative  
128<sup>th</sup> Legislative District

SER/bjj

VOTE

November  Patriots

Richard D. Fry  
Testimony before the  
House Transportation Committee



HB 2727

Real ID

(Supplemental to Oral Testimony)

Wednesday, March 17, 2010

"Government is not reason, it is not eloquence, it is force; like fire, a troublesome servant and a fearful master. Never for a moment should it be left to irresponsible action."

[-George Washington](#)

Chairman  
**Representative Gary Hayzlett**

785-296-7640

[gary.hayzlett@house.ks.gov](mailto:gary.hayzlett@house.ks.gov)

House Transportation

Date: 3-17-10

Attachment # 3

Object Tracking and Identification Systems (OTIS) use a vernacular similar to that use in ranching. It relates to the marking of an object, just as live stock is branded, for purposes of identification, information storage and transference. It's a system which seems innocuously enough when the web is filled with tin cans and sacks of flour whizzing by on a high speed conveyor belt, or shiny new automobiles coming off an assembly line. Inventory control managers can know with great certainty if the case of beets is on its way to Duluth and FedEx knows your package has just made the turn around flight at the national hub. When it's a UPC on a bag of chips at the grocery store or even a RFID chip in the pet dog it seems downright handy.

But OTIS has evolved beyond those mundane tasks. Now it is a complex system of data acquisition, storage, retrieval and tracking in which the object may well not know that it has been ensnared in an almost invisible and very sticky web network. It's a web which may extend across state lines and national borders, from commercial enterprises to private public partnerships and to "governments" as well.

We have arrived at a brave new world, a cyber world, where every aspect of a human being can be converted to a digital virtual reality sans a soul. A place where every nuance of a human being's activities and even inactions can be observed, recorded, digitized and become part of the being's digital reality. In this world, patterns of daily living are recorded and interactions with other objects, both living and inanimate, are noted and such are cross referenced with memory banks. Profiles and dossiers are quietly compiled and updated and even in some cases an electronic threat assessment is

made. It's a world where nearly imperceptible micro communications devices respond to an invisible and inaudible request for "Your papers please. Identify yourself." It's a world where an ever observant and monitoring global Father state may protect us from ourselves and each other for the good of the state collective. It is an administrative tool which any Nazi logistical officer or concentration camp commandant would take great delight and indeed pride.

We stand on the threshold of this new world. We are urged to step over into this new world. We are encouraged by a promise of increases in security and convenience and other shades of plausible acceptably with no reference to or consideration of liberty, privacy or sovereignty.

*"A society that will trade a little liberty for a little order will lose both, and deserve neither" — Thomas Jefferson*

The federal government has even gone so far as to bribe and coerce our state governments to impose this unholy artifice upon their citizens with threats that if rejected the citizens will not be able to get jobs, will not receive their social security benefits and may not fly. No doubt the threat to withhold highway funds has or will be made. Such threats are reminiscent of biblical prophecy:

*And he caused all, the small and the great, and the rich and the poor, and the free men and the slaves, to be given a mark on their right hand, or on their forehead,*

*And he provides that no one should be able to buy or to sell, except the one who has the mark, either the name of the beast or the number of his name.*

Revelations 13:16, 17

Real ID represents the worst in a government gone awry. It is nothing short of governmental stalking of its own citizens. It is another step in an already too big of a government getting bigger and of a servant becoming the master. It may not be the “Beast” but it is certainly a beast.

There is no Constitutional authority for this imposition and invasion by the federal government upon the states and their citizens. It is yet another example of a government that no longer lives under the rule of law but by force and threat of force. It does as it wishes to do simply “because”. Such authority to issue licenses and to regulate traffic has always been in the hands of the states under their inherent police power. It is part of the rights and authority noted to be reserved to the states and the people by the Tenth Amendment.

The first duty of any government is to protect its citizens and their rights. In your oath of office you swore to uphold and defend the Constitution. Your oath does not require you to protect the Constitution from all but the federal government. As part of the checks and balances of power the states’ duties include protecting the Constitution from any and all including the

federal government and to safe guard their citizens rights including from usurpations of the federal government.

I urge you to be faithful to your oath and fulfill your duties to the citizens of this sate and pass HB2727 to stop the federal government's further violation of its Constitutional restraints and its infringement upon the rights of the citizens of Kansas.

For the sake of Liberty,

Sincerely,

Richard D Fry

Richard D. Fry

November Patriots

CCAG-SSS

Co-Coordinator



"Our best protection against bigger government in Washington is better government in the states."

-- **Dwight D. Eisenhower**



The Honorable Gary Hayzlett  
Chair, Kansas House Transportation Committee  
Members of the Kansas House Transportation Committee

Chairman Hayzlett and Members of the Committee:

It is a pleasure to speak with you today about House Bill 2727. It is more important than ever for Kansas to opt out of all national ID schemes including the system created by the Real ID Act of 2005. I wholeheartedly support HB 2727 in my capacity as a citizen of the great state of Kansas.

As a citizen of Kansas I am appalled that the federal government dared to pass legislation forcing Americans to carry a national ID card disguised as a driver's license. National ID schemes are the tools of tyrants and dictators. They are antithetical to the ideology of liberty, the foundation of our constitutional republic. The phrase "show me your papers" became famous during World War II when a form of national ID was used to control the German populace. To implement national ID is to toy with the freedom of movement and privacy of every American. HB 2727 provides a bulwark against this dangerous infringement on the liberty of Kansans.

As a citizen of Kansas I am also dismayed by the language of the Real ID Act which transfers power from the legislature to bureaucrats. Section 202, (a) (1) reads: "... a Federal agency may not accept, for any official purpose, a driver's license or identification card ... unless the State is meeting the requirements of this section." Section 201 defines the term "official purpose" as "any ... purpose that the Secretary [of Homeland Security] shall determine". This means that any activity can be regulated or restricted according to the discretion of the Secretary of Homeland Security. This is the same department that brought us the 2009 report indicating that veterans, gun owners, national sovereignty advocates, and those who oppose government are national security threats.<sup>1</sup> DHS also has a hand in the creation of the infamous fusion centers, one of which distributed reports classifying the following groups as potential modern militia or terrorists: Pro-life groups; Anti-illegal immigration groups; Anti-income tax groups; Members of 3<sup>rd</sup> political parties; Supporters of Presidential candidates Ron Paul, Chuck Baldwin, and Bob Barr; and members of the political organization Campaign for Liberty.<sup>2</sup> This report, known as the MIAC report, was used to detain Campaign for Liberty members who attended a Missouri conference.<sup>3</sup> Kansas legislators must not allow the Federal Government to force us into a National ID scheme controlled by bureaucrats with a track record of ignoring American's natural rights protected by the Constitution.

As a citizen of Kansas I am outraged by a Federal Government who claims the right to force Kansas to collect data on law abiding citizens and store such data in a format that can be accessed and integrated with databases across the nation. The Real ID Act specifies the minimum requirements for data collection but there is no mention of limitations on the data to be collected. Nothing in the legislation prevents law enforcement or other government agencies from collecting data on one's health history, politics, family, et cetera. This is especially chilling when paired with the dangerous profiling perpetrated by the Department of Homeland Security.

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<sup>1</sup> <http://www.fas.org/irp/eprint/rightwing.pdf>

<sup>2</sup> <http://www.scribd.com/doc/13290698/The-Modern-Militia-MovementMissouri-MIAC-Strategic-Report-20Feb09->

<sup>3</sup> <http://www.aclu.org/national-security/bierfeldt-v-napolitano> ; <http://www.youtube.com/watch?v=0CXgXFD8yvl>

House Transportation  
Date: 3-17-10  
Attachment # 4

As a citizen of Kansas I am saddened by the dishonest methods that the Federal Government uses to sell the idea of national ID to Americans. First they said that a national ID would prevent terrorism. Now they say that a national ID will prevent illegal immigration. The only people that a national ID will actually affect are law abiding Americans. If the federal government were serious about preventing illegal immigration or terrorist attacks, they would enforce current deportation laws and protect the borders. Would-be terrorists, illegal immigrants, and other people with disregard for the law will always find a way around an ID requirement. Even worse, “[t]he creation of a single interlinked database as well as the requirement that each DMV store copies of every birth certificate and other documents ... will create a one-stop shop for identity thieves.”<sup>4</sup> Real ID will endanger Kansans rather than keep them safe.

As a citizen of Kansas I resent the Federal Government’s disregard for the Constitution of the United States, which has no provision for any form of national ID, including the Real ID. I, like so many other Kansans, am appalled at the seemingly pervasive attitude in Washington that the Constitution doesn’t matter. The Kansas House recently passed SCR 1615, the Kansas State Sovereignty Resolution. This resolution reasserts that the 10<sup>th</sup> Amendment of the Constitution is alive and well in Kansas. Kansas legislators and citizens have reaffirmed that “[t]he powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” HB 2727 is the next step in the process of reasserting the Sovereignty of Kansas.

As a citizen of Kansas I am frustrated that we are not among the 25 + states that have passed resolutions and binding laws refusing to implement Real ID. The Kansas Legislature has an obligation to protect Kansas citizens from the overreaching power of the Federal Government. Now is the time to rectify this glaring dereliction of duty.

I understand that the Kansas Department of Revenue will testify against HB 2727. They will likely talk about money already spent on Real ID implementation and the necessity to stay the course. Undoubtedly they are concerned about loss of appropriations if the Real ID program is repealed in Kansas. The fact that they are testifying against this legislation is proof that the KDR bureaucrats have lost their way. They have forgotten that they are the *employees* of Kansas citizens and are paid with *our money*. Any and all monies that they have the privilege to spend belong to the Kansas citizens. It is our opinion that counts with regards to which programs are funded. The citizens of Kansas - Left, Right, Libertarian, and Independent – overwhelmingly choose liberty over tyranny and reject Real ID or any other national ID implementation in Kansas.

I encourage you to pass HB 2727 through the Transportation Committee so that it can get a vote in the House as soon as possible.

Respectfully,  
Amanda Dewoody

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<sup>4</sup> <http://www.realnightmare.org/about/1/>

**JAMES O. GUEST**  
STATE REPRESENTATIVE  
DISTRICT 5

P.O. Box 412  
KING CITY, MO 64463

Tele: 660-535-6664

**CAPITOL OFFICE**  
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Jefferson City, MO 65101-6806  
Tele: 573-751-0246  
Fax: 573-526-7740  
E-Mail:  
jim.guest@house.mo.gov

**MISSOURI**  
**HOUSE OF REPRESENTATIVES**

TO: Members of the Kansas House Transportation Committee

FROM: State Representative Jim Guest, District 5

DATE: March 17, 2010

RE: House Bill 2727

I am Missouri State Representative Jim Guest and I am providing testimony in support of House Bill 2727.

The National Real ID Act passed in 2005, would create a national data base and allow excessive access to the data base, creating the opportunity for excessive identity theft. Three years ago, I formed Legislators Against Real ID (LARI), a coalition of legislators around the country working to pass legislation to reject the Real ID Act. To date, fourteen states have passed legislation to reject this Act, with two other states nearing approval. In addition, other states have passed resolutions to oppose this Real ID Act. There are many reasons to oppose the Real ID Act, but most importantly, it violates the US Constitution. It violates our ability to “be secure in our papers and effects” as stated in the 4<sup>th</sup> Amendment, when our personal data is placed in a state data base. The Real ID Act is also a direct violation of the 10<sup>th</sup> Amendment, where the federal government assumes powers not delegated to them.

I strongly urge you to vote Do Pass on House Bill 2727 and retain our rights guaranteed under the Constitution.

JG/pc

House Transportation  
Date: 3-17-10  
Attachment # 5

**COMMITTEES**  
Chairman – Real ID and Personal Privacy  
Member – Agri-Business and  
Health Care Policy  
Interim Committee on State Intelligence Analysis Oversight

STATE OF KANSAS



TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS

CHAIRPERSON: VETERANS, MILITARY & HOMELAND  
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MEMBER: ECONOMIC DEVELOPMENT AND  
TOURISM  
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DON MYERS  
REPRESENTATIVE, 82ND DISTRICT  
SEDGWICK COUNTY  
613 BRIARWOOD  
DERBY, KANSAS 67037  
(316) 788-0014 HOME

STATE CAPITOL BUILDING, ROOM ~~442-N~~ 541-W  
TOPEKA, KANSAS 66612  
(785) 296-7695

March 17 2010

Chairman Hayzlett and Members of the Transportation Committee:

The Kansas Drivers' License Statutes in existence today were developed over a period of years to assist the Kansas Division of Motor Vehicles in an effort to stop the manufacturing of fraudulent licenses.

The Veterans, Military and Homeland Security Committee assisted in placing into statute the necessary tools to stop the practice of manufacturing fraudulent licenses and improve security.

The State of Kansas has, without interfering with individual privacy rights, been able to provide the citizens of Kansas a safe and secure method of obtaining drivers' licenses as well as non-driver ID cards.

I am requesting that the Committee not pass this piece of legislation. It will destroy the great work that has been accomplished up to this point. Let us not go backwards.

I stand in opposition to HB-2727.

Sincerely,

A handwritten signature in cursive script that reads "Don".

Representative Don Myers, Chairman  
House Committee on Veterans, Military and Homeland Security

House Transportation  
Date: 3-17-10  
Attachment # 6

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Memorandum

To: Chairman Gary Hayzlett  
Members of the House Transportation Committee

From: Carmen Alldritt,  
Director, Division of Vehicles

Date: March 17, 2010

RE: House Bill 2727

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**KDOR opposes HB 2727**

- Fraud Prevention and Identity Security
- Kansas Secure Drivers License and Identity Document
- Lawful Presence and Central Issue of Drivers License
- KDOR Fraud Prevention and Success

Kansas has become the model among all states for fraud prevention and identity security. If this bill passes, Kansas will be the weakest link in the chain among states and become a magnet for fraud. The people in Kansas deserve and trust the document, process and policies in place.

House Transportation  
Date: 3-17-10  
Attachment # 2

Region 1  
Cecil Greer



Region 2  
Julie Earnest



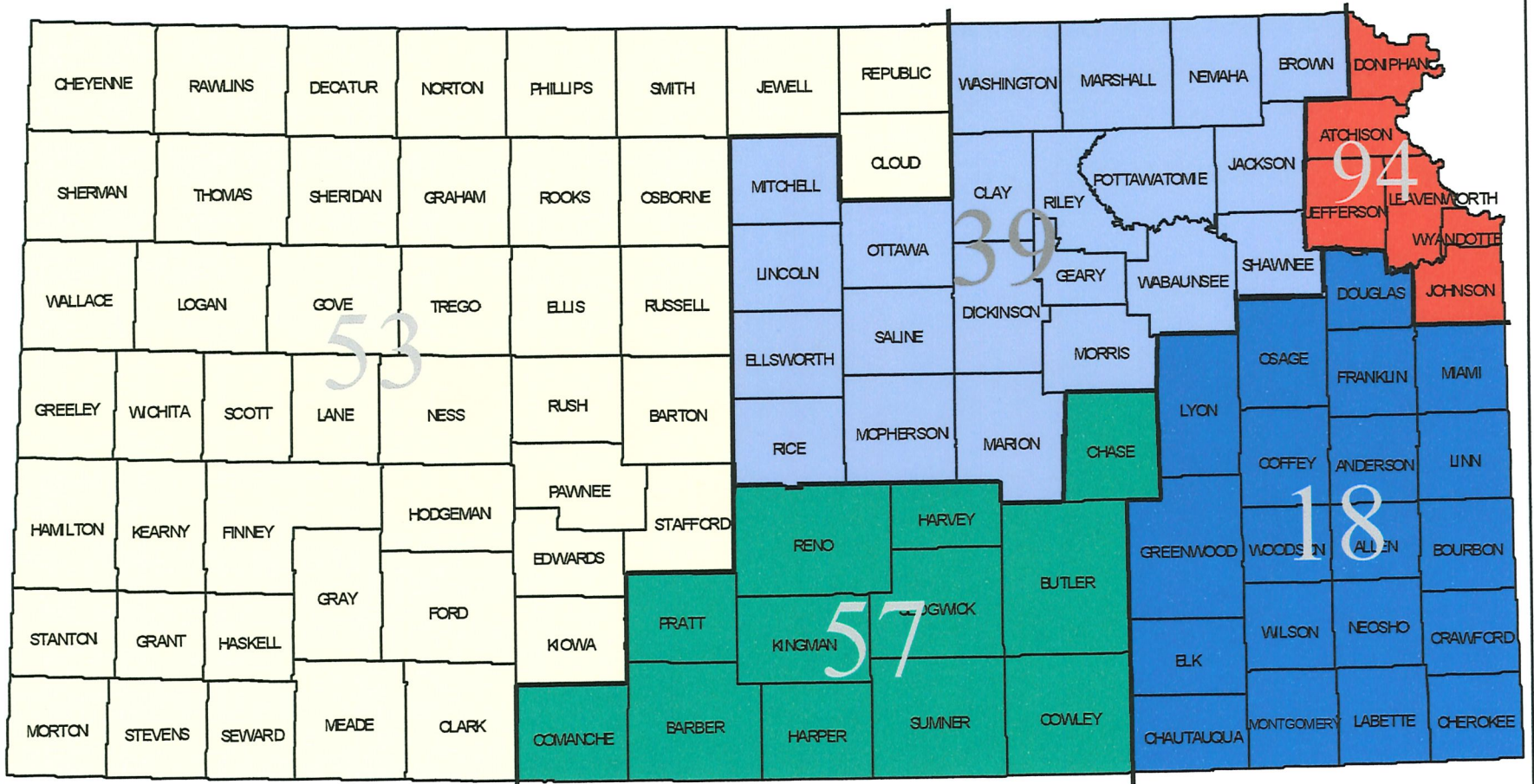
Region 4  
Wil Raynor



Region 5  
Noni Stuart



Region 7  
Jim McClellan



# STATE OF KANSAS



Additional Tools to Evaluate Performance	FY 09 Actual	
Number of customers that were waited on in DL offices statewide (Approximate number of DL's issued was 530,000)	1st	187,765
	2 <sup>nd</sup>	151,110
	3rd	145,203
	4 <sup>th</sup>	173138
	Ytd	<b>657216</b>
Number of people who had incomplete foreign documents.	1st	3140
	2 <sup>nd</sup>	2025
	3rd	2606
	4 <sup>th</sup>	2211
	Ytd	<b>9982</b>
Number of people who had incomplete documents/Birth Certificates/Marriage license/supporting documents (Original Driver's License Applications Only)	1st	19233
	2 <sup>nd</sup>	12081
	3rd	14004
	4 <sup>th</sup>	14430
	Ytd	<b>59748</b>
Number of people with incomplete address documents.	1st	15808
	2 <sup>nd</sup>	11404
	3rd	13036
	4 <sup>th</sup>	12393
	Ytd	<b>52641</b>
Number of PVS/Examiner cases referred to Fraud Unit.	1st	56
	2 <sup>nd</sup>	68
	3rd	83
	4 <sup>th</sup>	71
	Ytd	<b>278</b>
Number of Temporary Licenses Issued	1st	3574
	2 <sup>nd</sup>	2668
	3rd	2606
	4 <sup>th</sup>	2649
	Ytd	<b>11497</b>