



Leadership Conference on Civil Rights

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February 28, 2007

The Honorable Daniel K. Akaka
United States Senate
Washington, DC 20510

The Honorable John E. Sununu
United States Senate
Washington, DC 20510

Dear Senators Akaka and Sununu:

On behalf of the Leadership Conference on Civil Rights (LCCR), the nation's oldest, largest, and most diverse civil and human rights coalition, we write to express our strong support for your efforts to repeal the REAL ID Act of 2005. Repealing the law is one of LCCR's top legislative priorities in the 110th Congress.

Enacted with no hearings, with minimal debate, and rushed through Congress as part of an unrelated emergency appropriations measure, the REAL ID Act mandates drastic and expensive changes to the manner in which states produce drivers' licenses and other forms of ID. Because state ID cards that fail to comply with the law's requirements by May 2008 will no longer be accepted for any "official purpose" by any federal agency – including by the TSA at commercial airport security checkpoints, as well as in federal facilities such as courthouses and office buildings – the REAL ID Act will soon have a drastic impact on virtually every single American who drives or flies.

We strongly opposed the REAL ID Act – and have, since its enactment, become even more convinced that it is completely unworkable – for the following reasons:

- Even without DHS regulations, the National Conference of State Legislatures and the National Governor's Association have estimated that it will cost *at least* \$11 billion to carry out the requirements of the law in the first five years. It is almost certain that these costs will mean drastically higher fees for drivers' licenses, tax increases, ballooning state deficits, or cuts in other critical state expenditures – not to mention drastically longer waits at DMV facilities.
- The law requires states to verify each document (birth certificate, utility bill, passport, etc.) that drivers' license applicants use to prove their identity, with the agency that issued it. Less than 15 months before the deadline for compliance, states still do not have any helpful standards for what counts as adequate "verification," any uniform system for obtaining it, or any way to compel assistance from uncooperative agencies.
- The law requires states to determine the citizenship or immigration status of every applicant for an ID card. Yet states do not have the infrastructure to get this information, and state DMV employees simply do not have the expertise in immigration law – a subject that rivals tax law in its complexity – to interpret it in a fair and accurate manner.

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Hubert H. Humphrey Civil Rights Award Dinner • May 10, 2007



- The law requires states to set up new computerized databases that share personal details of ID card holders with other states and the federal government. This must be done in a way that allows easy maintenance and error correction but which, simultaneously, protects individual privacy and prevents identity theft on a potentially massive scale. Yet since the law was enacted, DHS has flatly refused to guarantee privacy protections in the ID card itself or in the mandatory databases, on the basis that the REAL ID Act does not require any such protections.
- Because the REAL ID Act gives DMV employees the authority to determine whether someone is a citizen or noncitizen before issuing an ID card, it could easily lead to discrimination against U.S. citizens who may look or sound “foreign.” Other citizens simply will not have birth certificates or other types of documentation required to get a REAL ID card.
- Because the REAL ID Act bars states from issuing REAL ID to noncitizens who cannot prove their lawful immigration status, and because immigration databases are notoriously incomplete and erroneous, many legally-present noncitizens could wrongfully be turned down. As a result, the law will drive countless numbers of immigrants further underground.
- Some states may provide “second-tier” licenses, as an alternative to REAL ID cards. Such cards will almost certainly be viewed with suspicion by police and other officials. In other states, the REAL ID Act will simply lead to more unlicensed, and, therefore, uninsured drivers on the roads – so *even if* the REAL ID Act made air travel safer, a very questionable assumption, it will make our roads more dangerous in the process.

The REAL ID Act was a poorly-conceived law that can *never* be made to work in any fair or reasonable manner. As such, we greatly appreciate your introduction of legislation to repeal it, and we look forward to working with you. If we can be of any assistance, please contact Rob Randhava, LCCR Counsel, at 202-466-6058 or at randhava@civilrights.org.

Sincerely,

Wade Henderson
President & CEO

Nancy Zirkin
Vice President / Director of Public Policy

National Co-Signing Organizations:

Alliance for Justice
American Civil Liberties Union
American Federation of Labor and Congress of Industrial Organizations
American Federation of State, County, and Municipal Employees
American Library Association
American Policy Center



Americans for Democratic Action, Inc.
Arab American Institute
Asian American Justice Center
Asian Law Caucus
Backbone Campaign
Bill of Rights Defense Committee
Brennan Center for Justice
Center for Democracy & Technology
Center for Financial Privacy and Human Rights
Center for National Security Studies
Church World Service/Immigration and Refugee Program
Citizen Outreach Project
Citizens Against Government Waste
Common Cause
Consumer Action
Council on American-Islamic Relations
Demos: A Network for Ideas and Action
Disability Rights Education and Defense Fund
DownsizeDC.org, Inc.
Episcopal Migration Ministries
Farmworker Justice
Hate Free Zone
Identity Project
Immigrant Legal Resource Center
Interfaith Refugee Action Team-Elizabeth
Japanese American Citizens League
Lambda Legal
Lawyers Committee for Civil Rights Under Law
Legal Momentum
Liberty Coalition
Mexican American Legal Defense and Educational Fund
NAACP
National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund
National Center for Transgender Equality
National Congress of American Indians
National Council of Jewish Women
National Council of La Raza
National Disability Rights Network
National Employment Law Project
National Gay and Lesbian Task Force
National Health Law Program
National Immigrant Solidarity Network
National Immigration Forum
National Immigration Law Center
National Korean American Service and Education Consortium
National Legal Sanctuary for Community Advancement
National Organization for Women
New Immigrant Community Empowerment



Patriots to Restore Checks and Balances (Bob Barr, Chairman)
People For the American Way
Parents, Families and Friends of Lesbians and Gays (PFLAG) National
Privacy Activism
Privacy Rights Clearinghouse
Puerto Rican Legal Defense & Education Fund
Republican Liberty Caucus
Service Employees International Union
South Asian American Leaders of Tomorrow (SAALT)
Southeast Asia Resource Action Center
Sweatshop Watch
The American-Arab Anti-Discrimination Committee (ADC)
The Arc of the United States
The Multiracial Activist
The Rutherford Institute
United Automobile Workers (UAW)
United Cerebral Palsy
United Food and Commercial Workers International Union
United Steelworkers
U.S. Bill of Rights Foundation
VelvetRevolution.us

Statewide and Local Co-Signing Organizations:

Águila del Norte Immigrant Justice Project Community to Community Development
Asian Pacific American Legal Center of Southern California
Coalition for Humane Immigrant Rights of Los Angeles
El Centro de Hospitalidad
Fairfax County Privacy Council
Florida Immigrant Advocacy Center
Greater New York Labor-Religion Coalition
Idaho Community Action Network
Kentucky Coalition for Immigrant and Refugee Rights
La Fuente, a Tri State Worker & Community Fund (New York)
Long Island Immigrant Alliance
New York Immigration Coalition
Washington Defender Association's Immigration Project
Western Washington Fellowship of Reconciliation