

NVCCA* Top 10 Reasons to REJECT implementation of the Real ID Act of 2005

* National Veterans Committee on Constitutional Affairs

10. It will cost the states (i.e. the taxpayers) too much money!

The “controlled debate” of Real ID has largely been the cost of implementation. The National Governor’s Association, the National Conference of State Legislators, and the National Association of Motor Vehicle Administrators have all pitched into the public debate about how expensive it will be to comply with this “unfunded federal mandate.” Most such groups are demanding that the federal government provide the funding. Of course, this approach ignores all the OTHER critical rationale against Real ID. And while this is a REAL problem at a certain level, the NVCCA thinks this reason ranks as only #10 – the worst real reason to reject Real ID.

9. Technology profiteering by elite corporations!

As discussed by the Electronic Frontier Foundation and other groups concerned with the technology aspects of implementing Real ID, the creation of a massive public sector data base, sophisticated computer systems for implanting tomes of information onto identification cards, and numerous other aspects of the practical implementation of Real ID, will only be possible by a select few technology firms. This guarantees enormous profits to those principal corporations, at the expense of the taxpayers and citizens of this nation. And while this is also a huge concern to those who ultimately must bear the cost of implementing Real ID (the general public), this is still only important enough to rank #9 on the overall list of reasons for our States to stand together in Rejecting Real ID.

8. Immigration Control has other answers!

Many of the groups touting Real ID as the “silver bullet” to end illegal immigration are ignoring the obvious REAL answers to that problem. The fact is that our national and international leaders are committed to conducting “wars for oil” on foreign soil – while our borders go unpatrolled. Funds could be appropriated for southern border fencing. Local police, national guard units, and even constitutional state militia could be employed for border detail. Minutemen corps can be created. States can round up the illegals within their own boundaries and bus them to the local Federal Court for processing by trained prosecutors. Better yet, Congress could just do its CONSTITUTIONAL OBLIGATION and enforce the “uniform law of naturalization” (which we already have) at the entry points to our nation. If Congress is going to ignore one of its enumerated powers, why should the states comply with an “unauthorized mandate” that will do nothing but invade the privacy of every legitimate American citizen?

7. Security is actually decreased by Real ID proposal!

Proponents of Real ID would have us to believe that this new form of identification would be “more secure” than those that currently exist. This is a preposterous notion, because as experts have warned, creating a *single* identification standard would actually increase the likelihood of identity and even asset theft. Currently, each of our 50 states has its own driver’s licenses and identification creation standards. It is MUCH more difficult to accurately duplicate such diverse forms of identification than it would be to duplicate only a single one across America. Furthermore, with the plethora of information that will be required on these new proposed identification cards, when one of those are stolen, personal financial, medical and other information will be at extreme risk. This is a major concern of women’s groups, and the public generally. Real ID cannot protect against identity theft. In fact, it actually *increases* the amount of information at risk if stolen, or if an ID card would be lost or otherwise fell into the wrong hands.

6. SSN Connection to Identification is a Violation of Federal Law!

In point of fact, the Real ID act seeks to compel the connection of an individual’s Social Security Number to this identification card. According to the Social Security Administration, there is not even a federal law which requires an individual to HAVE that number! *“The Social Security Act does not require an individual to have a Social Security Number (SSN) to live and work within the United States, nor does it require an SSN simply for the purpose of having one ...”* When it was created, the Social Security Act established a system whereby those who wanted a public “old age survivor’s insurance” could join that federal program. The purpose of the number is solely to “obtain or retain” this “federal benefit.” The public was also told, and existing federal law confirms, that it is a criminal act to use this number for identification purposes. The very card itself says on its face “For Social Security and Tax Purposes – Not For Identification.” Therefore, the very notion of states compelling citizens to put this number onto their driver’s licenses and other documentation could subject state Motor Vehicle Administrations to lawsuits under the Privacy Act and related civil rights statutes. Social Security has always been 100% VOLUNTARY!

5. There are numerous Religious Objections to Real ID!

Many of various religious faiths have rejected participating in Social Security and other “numbering” schemes because of scriptural objections. They have opted out of this “insurance” program for fear that number would one day be connected to evil. Those who have opted out now see persecution coming for their stand. Each progressive year has proven these prophets correct in their suppositions. The potential connection to the “mark” or “number” of a “beast” (kingdom) according

to the Prophets Daniel and John are uncanny. Religious objections to Real ID are flying in fast and furious, and include such normally diverging theological viewpoints and faiths as Jewish, Catholic, Mennonite, Messianic, Methodist, Baptist, Presbyterian, and more! RARE is it when these diverse faiths agree as touching any individual political subject. Real ID has polarized all biblical faiths against the federal government.

4. Protection from Terrorism should not penalize law-abiding Americans!

On its face, the disaster which occurred on 9-11-01 calls for Americans to be additionally protected from acts of Terror. Yet once we investigate beneath the surface of the 911 Commission's Report, all the general public can find are more and more lies and deceptions about what really happened. A recent CNN poll indicates that an overwhelming 82% of Americans believe their own National government had a hand in the events of that fateful day, and are demanding independent investigations to ascertain what roll, if any, the government had in permitting, covering up, and/or participating in those events. While every red-blooded American believes our government should take positive steps to prevent such things from occurring in the future, Real ID is NOT the answer. We want to see justice served on whomever it was (be they foreign OR DOMESTIC) that permitted, encouraged, or participated in the deaths of thousands of our brothers and sisters who were in the twin towers on that day, along with the servicemen and rescue personnel that continue suffering health consequences from being near the toxic results. To date, there has been not a single government official in the Department of Defense (who could have prevented it) or in the Federal Aviation Administration, held accountable for their failures on that morning. Criminal prosecutions, investigations of our federal leadership, and related acts are warranted. Confiscating the liberties of our own law-abiding citizens is not.

3. Congress is Exceeding Their "Mandate" Abilities with Real ID!

ONLY the Constitution for the United States of America is the source that defines and describes the powers of Congress to make mandates upon the states. When searching that document to discover if any power exists to compel the states into a "uniform" method of personal identification for its citizens, no such power can be found. In fact, there are only seven things which Congress can compel of a state – regardless of whether or not they provide the money to the states to implement the mandate. These are found at Article I § 8 (apportioned number of troops for military needs), Article I § 9 (an apportioned quota of money to balance the budget in times of deficit), Article IV (an oath of office to support the Constitution), Article IV § 1 (full faith and credit for the laws of other states), Article IV § 2 (extradition of fugitives), Article IV § 4 (republican form of government), and that all qualifying citizens have the right to vote (15th, 19th & 24th Amendments). Indeed if Congress had the power to make this "mandate" on the states, then the states would be obligated to find the money to do so – just as they provide all the funding needed independent of Congress to implement voting rights, fugitive extradition, etc.

2. Congress is Exceeding their "Legislative" Abilities with Real ID!

As with Item #3 above, Real ID also exceeds the duly constitutional legislative powers of the Congress Assembled. In no uncertain terms, the States attacked Congress only 2 years after the Constitution was ratified, when they attempted to legislate on the "Alien & Sedition" subject matter. The famous "Kentucky" and "Virginia" Resolutions addressed the excess of Congress, and the state's prevailed in clearly defining what subjects, and only those subjects, that the Constitution authorized Congress to pass laws about. The Constitution gives Congress the power to legislate only in the following areas: a power to punish treason, counterfeiting the securities and current coin of the United States, piracies, and felonies committed on the high seas, and offences against the law of nations. Furthermore, within the 9th and 10th Amendments (Bill of Rights) it is declared that "the 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.

And the #1 Reason why the states should REJECT Real ID is therefore!

1. Real ID is Void on its face!

Because Congress has exceeded its lawful authority in attempting to place a mandate upon the states which it has no constitutional authority to mandate, and because it has passed a law without the constitutional power or authority to do so, the Real ID Act, on its very face, is entirely VOID and of no effect. The Supreme Court has ruled that:

"The general rule is that an unconstitutional statute, though having the form and name of law, is in reality no law, but is wholly void, and ineffective for any purpose; since unconstitutionality dates from the time of its enactment, and not merely from the date of the decision so branding it. An unconstitutional law, in legal contemplation, is as inoperative as if it had never passed. Such a statute leaves the question that it purports to settle just as it would be had the statute not been enacted.

Since an unconstitutional law is void, the general principles follow that it imposes no duties, confers no rights, creates no office, bestows no power or authority on anyone, affords no protection, and justifies no acts performed under it...

A void act cannot be legally consistent with a valid one. An unconstitutional law cannot operate to supersede any existing valid law. Indeed, insofar as a statute runs counter to the fundamental law of the land, it is superseded thereby.

No one is bound to obey an unconstitutional law and no courts are bound to enforce it."