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HOUSE JOINT MEMORIAL 4029

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State of Washington                      59th Legislature                      2006 Regular Session

By Representatives Nixon, Appleton, Upthegrove, Morrell, Williams,  
Simpson and Moeller

Read first time 01/10/2006. Referred to Committee on Transportation.

1            TO THE HONORABLE GEORGE W. BUSH, PRESIDENT OF THE UNITED STATES,  
2            AND TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF  
3            REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE  
4            UNITED STATES, IN CONGRESS ASSEMBLED:

5            We, your Memorialists, the Senate and House of Representatives of  
6            the State of Washington, in legislative session assembled, respectfully  
7            represent and petition as follows:

8            WHEREAS, The state of Washington's highly utilized waterways, large  
9            active ports, major international airports, multiple bridges, access to  
10           military bases, dispatch and transport of hazardous waste into Hanford,  
11           and sharing a border with Canada make the state uniquely vulnerable to  
12           terrorism; and

13           WHEREAS, Washington has a diverse population whose contributions to  
14           the state are vital to its economy, culture, and civic character; and

15           WHEREAS, Washington denounces terrorism and acknowledges that  
16           federal, state, and local governments have a responsibility to protect  
17           the public from terrorist attacks and should ensure that any new  
18           security measures enhance public safety without unconstitutionally  
19           impairing civil rights or civil liberties; and

1           WHEREAS, The Bill of Rights of the United States Constitution and  
2 the Declaration of Rights of the Constitution of the state of  
3 Washington guarantee fundamental and inalienable rights, including the  
4 right to privacy and protection from unreasonable searches and  
5 seizures, for all people living in Washington; and

6           WHEREAS, Washington is proud of its tradition of protecting the  
7 civil rights and civil liberties of all its residents and affirming the  
8 fundamental rights of all people, including providing for a more  
9 expansive protection of the right of privacy in the Washington State  
10 Constitution than exists in the United States Constitution; and

11           WHEREAS, The preservation of civil rights and civil liberties is a  
12 pillar of American society and is essential to the well-being of any  
13 democracy; and

14           WHEREAS, The Washington legislature believes that there is no  
15 inherent conflict between national security and the preservation of  
16 constitutional rights and liberties; and

17           WHEREAS, The REAL ID Act of 2005 creates a national identification  
18 card by requiring that uniform information be placed on every state  
19 driver's license, requiring this information to be machine readable in  
20 a standard format, and requiring this card for any federal purpose  
21 including air travel; and

22           WHEREAS, REAL ID will be a costly unfunded mandate on the state,  
23 with the Department of Licensing estimating a cost of two hundred fifty  
24 million dollars over five years, and media reports indicate that REAL  
25 ID will cost up to thirteen billion dollars to implement nationally;  
26 and

27           WHEREAS, REAL ID requires the creation of a massive public sector  
28 database containing driver's license information on every American,  
29 accessible to government employees and law enforcement officers in  
30 every state of the country; and

31           WHEREAS, REAL ID enables the creation of additional massive private  
32 sector databases combining both transactional information and driver's  
33 license information gained from scanning the machine-readable  
34 information contained on every driver's license; and

35           WHEREAS, These public and private databases are likely to contain  
36 numerous errors and false information, creating significant hardships  
37 for Americans attempting to verify their identities in order to fly,

1 open a bank account, or perform any of the numerous functions required  
2 to live in the United States today; and

3 WHEREAS, The Federal Trade Commission estimates that ten million  
4 Americans are victims of identity theft annually and these thieves are  
5 increasingly targeting motor vehicle departments, REAL ID will enable  
6 the crime of identity theft by making the personal information of all  
7 Americans including name, date of birth, gender, driver's license or  
8 identification card number, digital photograph, address, and signature  
9 accessible from tens of thousands of locations; and

10 WHEREAS, REAL ID requires the driver's licenses to contain actual  
11 home addresses in all cases and makes no provision for securing  
12 personal information for individuals in potential danger such as  
13 undercover police officers or victims of domestic violence, stalking,  
14 or criminal harassment; and

15 WHEREAS, REAL ID contains onerous record verification and retention  
16 provisions that place unreasonable burdens on both the Department of  
17 Licensing and on third parties required to verify records; and

18 WHEREAS, REAL ID will likely place enormous burdens on consumers  
19 seeking a new driver's license including longer lines, higher costs,  
20 increased document requests, and a waiting period; and

21 WHEREAS, REAL ID was passed without sufficient deliberation by  
22 Congress and never received a hearing by any Congressional committee or  
23 any vote solely on its own merits; and

24 WHEREAS, REAL ID eliminated a process of negotiated rulemaking  
25 initiated under the Intelligence Reform and Terrorism Prevention Act of  
26 2004 which had convened federal, state, and local policymakers, privacy  
27 advocates, and industry experts to solve the problem of misuse in  
28 identity documents; and

29 WHEREAS, REAL ID would provide little security benefit and still  
30 leave identification systems open to insider fraud, counterfeit  
31 documentation, and database failures; and

32 WHEREAS, The Washington legislature affirms its abhorrence of and  
33 opposition to global terrorism, and affirms its commitment to  
34 protecting the civil rights and civil liberties of all Washington  
35 residents and opposes any measures, including the REAL ID Act, that  
36 unconstitutionally infringe upon those civil rights and civil  
37 liberties;

1       NOW, THEREFORE, Your Memorialists respectfully pray that the  
2 Washington legislature calls on Congress to repeal the REAL ID Act of  
3 2005.

4       BE IT RESOLVED, That copies of this Memorial be immediately  
5 transmitted to the Honorable George W. Bush, President of the United  
6 States, the President of the United States Senate, the Speaker of the  
7 House of Representatives, and each member of Congress from the State of  
8 Washington.

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