



May 5, 2017

Honorable Steve Bullock  
Governor of Montana  
Office of the Governor  
PO Box 200801  
Helena, MT 59620-0801

Dear Governor Bullock,

**We are contacting you with a simple request. We ask that you veto the REAL ID bill that is waiting for your signature.**

We appreciated reading the following in the Missoulian: *"Gov. Bullock continues to stand by Montanans in opposition to implementation of REAL ID,"* spokeswoman Ronja Abel said Tuesday. *"The act, which amounts to a mandated but unconstitutional national identification system, violates states' rights and jeopardizes the privacy rights of the law-abiding citizens in Montana."*

You are correct, and we thank you for saying so.

The federal government -- which is using the fear of "you can't fly" to federalize driver's licenses -- will not be able to impose a national ID system unless every state implements REAL ID. We ask you to be one of the states that refuses to accept the federalizing of your driver's licenses and ID cards. A veto will protect the entire country against a national ID system and encourage other states to refuse to submit to this unfunded and unconstitutional mandate.

Our organization has opposed REAL ID since 2008. We believe REAL ID could be used to implement a national *patient* ID system. Access to medical services is a logical next "official purpose" for REAL ID, given the 72 million Medicaid and 54 million Medicare recipients. Beyond this, there are numerous reasons why Montana should not submit to REAL ID:

### **Violation of State Rights**

REAL ID violates State rights and individual rights under the Tenth Amendment. The U.S. Supreme Court ruled, *"The Federal Government may not compel the States to enact or administer a federal regulatory program."* The federal REAL ID Act and Rules unconstitutionally prescribe requirements and demand state compliance. Even a non-REAL ID cardholder will be impacted because of data-sharing requirements and restrictions imposed by the federal government on the use of so-called "non-compliant" cards, which the REAL ID Act also requires to be compliant.

### **Unelected Official has Unilateral Authority to Expand REAL ID Uses**

The REAL ID Act of 2005 gives the Secretary of the Department of Homeland Security (DHS) unilateral authority to expand the list of "official purposes" for which REAL ID is required. In

fact, DHS commented in the federal rule that DHS does not need to go back to Congress to seek future changes. These changes can be imposed at any time. It is notable that DHS added a new rule in 2014 mandating all States re-certify REAL ID compliance every three years. Clearly DHS intends to make changes to REAL ID requirements in the future. These changes could include biometric requirements or RFID chips as proposed in 2007.

### **REAL ID Infringes on Privacy Rights of Montana Citizens**

Under the federal REAL ID Act and Rule, states wishing to become REAL ID compliant must “provide electronic access to all other States to information contained in the motor vehicle database of the State.” Therefore, even Montana citizens with “non-compliant” cards will have their information shared electronically. As a result, a DHS privacy impact statement warns of expected data breaches and recommends developing “breach notification protocol.” This “National Identity Registry” housed in Virginia by the Association of American Motor Vehicle Administrators is called the State Pointer Exchange Service (SPEXS, pronounced “specks”).

### **Empty Threats by Homeland Security**

For year, DHS has threatened States that refused to comply. There have been at least six official “deadlines” and when States still refused to comply, DHS extended the deadline. States began to conform only after DHS began to threaten citizens with a false “you can’t fly” message. That’s when citizens began pressuring elected officials to submit to this unconstitutional demand. However, citizens can still fly and DHS knows it. As DHS wrote in the 2008 REAL ID rule:

“Individuals without a REAL ID compliant document will still be able to enter Federal facilities and board commercial aircraft, and these rules cannot determine what alternative documents are acceptable for those purposes.”

*- Federal Register / Vol. 73, No. 19 / Tuesday, January 29, 2008 / Rules and Regulations / 5287*

The Transportation Security Administration (TSA) also provides a list of all the documents acceptable for identification purposes and even acknowledges in a TSA blog that individuals can fly without any ID at all. In addition, Military Base commanders are in sole control of what documents are necessary for entry. They may or may not require REAL ID. They also may not accept REAL ID without another form of identification. They can also deny entry for any reason.

Therefore, we urge you to protect the Constitutional rights of your citizens and the sovereign rights of the State of Montana by vetoing Senate Bill 366 and refusing to submit to REAL ID.

Sincerely,



Twila Brase, RN, PHN  
President and Co-founder