



## Repeal REAL ID – Seven Reasons

1. **FEDERAL INFRINGEMENT** – REAL ID is a National ID system, foisted on the American people, threatening state and individual sovereignty.

In 2005, during the Senate floor debate, **U.S. Senator Lamar Alexander** stated: This really is a National Identification card for the United States of America for the first time in our history. We've never done this before, and we shouldn't be doing it without a full debate... I'm very, very reluctant for this country to have a National ID card . . .

**U.S. Senator Patty Murray** also remarked during that 2005 debate: “The REAL ID provision has ramifications for privacy, for States rights, and for immigration policy, and I am really disappointed that it has been rammed through as an attachment to a desperately needed bill that funds our troops... I think a lot of us are kind of scratching our heads about how this REAL ID provision ended up in this conference report. I know I didn't vote for it. I know there wasn't even a discussion of it in conference... I serve on the conference committee and want to share with my colleagues exactly what happened, so they'll understand why the sudden appearance of the REAL ID provision is so surprising to many of us... The REAL ID provision will have dramatic and far-reaching changes and puts an unfunded mandate on many states. And yet, it was never brought before a Senate committee, and it was never voted on in the conference... that is exactly why I did not sign the final conference report.”

2. **UNCONSTITUTIONAL** – REAL ID is a **usurpation of States' rights** under the Tenth Amendment. In 2017, 114 Pennsylvania legislators wrote to President Trump to oppose REAL ID calling it a “usurpation” and a violation of **individual privacy rights** under the 4<sup>th</sup> Amendment. The Pennsylvania letter also stated:

“The Tenth Amendment establishes 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...”

By “federalizing” driver licensing the REAL ID Act usurps this power which has been reserved to the states. Thus, REAL ID is an unconstitutional overreach of federal power.

3. **DELIBERATE DECEPTION** – TSA, previous administrations, and the news media have too often promoted the “Without a REAL ID, You Can't Fly” LIE.

In the fine print, and online, TSA acknowledges 15 other acceptable documents to verify identity for the purposes of boarding an airplane, including a passport and passport card, and also states that you can fly without an ID of any type but may be subject to additional screening steps: <https://www.tsa.gov/travel/security-screening/identification>

Even the 2008 REAL ID rule, which TSA/DHS is moving to enforce today, acknowledges this fact: “DHS notes that 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.”

4. **DMV COLLUSION**– State agencies and government bureaucrats colluded with AAMVA and DHS to secretly receive funding and implement REAL ID requirements despite 25 states having laws prohibiting conformance with REAL ID and 12 states passing resolutions opposing REAL ID.

In a 2020 article by Magdalena Krajewska titled, *“Implementing the REAL ID Act: Intergovernmental Conflict and Cooperation in Homeland Security Policy,”* she wrote:

“Nevertheless, it is telling that despite what was happening at the higher level, DMV chiefs were largely cooperative with the REAL ID Office. One interviewee said that although some governors prohibited their states from becoming compliant with REAL ID, those states still implemented perhaps 95 percent of the Act’s requirements. State DMVs would use the language of being “consistent” with the Act’s requirements, rather than “compliant,” thereby avoiding embarrassing their governors, while at the same time making the licenses more secure.”

5. **SOLE CONTROL** – The Secretary of the Department of Homeland Security has unilateral authority to expand the uses of REAL ID or requirements in the future.

The 2005 federal REAL ID law states: “the term ‘official purpose’ includes but is not limited to accessing Federal facilities, boarding federally regulated commercial aircraft, entering nuclear power plants, and any other purposes that the Secretary shall determine.”

In the 2008 REAL ID rule by DHS, they wrote. “DHS does not agree that it must seek approval of Congress as a prerequisite to changing the definition in the future. . . as 201(3) of the Act gives discretion to the Secretary of Homeland Security to determine other purposes.

6. **DIGITAL ID IN THE WORKS** – The American Association of Motor Vehicle Administrators (AAMVA) shared testimony with the U.S. House Committee on Homeland Security on December 5, 2023, where they supported putting the REAL ID on mobile phones where it could be accessed by the government and updated in real time.

**Video:** <https://homeland.house.gov/hearing/identity-management-innovation-looking-beyond-real-id/>; **Written Testimony:** <http://bit.ly/3DXXmrO>

7. **ENFORCEMENT AND PENALTIES** – Per the 2025 rule, 44% of driver’s licenses and IDs nationwide were not REAL ID compliant cards, and fearful Americans are flooding DMVs.

The final TSA rule issued January 14, 2025, permits “**progressive enforcement**” for two years (May 7, 2025 - May 5, 2027), including a suggested “three-strikes” action against travelers without REAL IDs or TSA-acceptable documentation. However, TSA notes a “three strikes” database system may be difficult to fund and use. TSA also notes concern about “public backlash” at airports if people are denied permission to fly. (<https://bit.ly/4jnmUxg>)

No American should be refused access to federal facilities or threatened with not being able to board a plane for failure to submit to an unconstitutional National ID card and system.

To restore individual and states’ rights, unconstitutional REAL ID rules should be rescinded, the federal REAL ID law should be repealed, and state-conforming laws should be repealed.

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