

Testimony of  
**Allen Gilbert**

May 8, 2007

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Executive Director

American Civil Liberties Union of Vermont

On the topic of Will REAL ID Actually Make Us Safer? An Examination of Privacy and Civil Liberties Concerns

U.S. Senate Committee on the Judiciary

May 8, 2007, 10 a.m.

Dirksen Senate Office Building, Room 226

My name is Allen Gilbert. I live in Worcester, Vermont. I've been a journalist, a teacher, and I ran a small business for 15 years. I'm currently the executive director of the American Civil Liberties Union of Vermont.

Thank you, Chairman Leahy, and Committee Members for this invitation to testify.

People in Vermont have a lot of unanswered questions about Real ID. Seldom have I encountered an issue that raises concerns among such a wide range of people.

I can talk with a legislator about Real ID, and she'll point out that the National Conference of State Legislatures expresses misgivings about the program.

I can talk with a member of the National Gun Owners, and he'll worry about government intrusion.

A member of an advocacy group for victims of domestic and sexual violence worries that Real ID threatens protection programs for women and children.

The Ancient Order of Hibernians doesn't like Real ID, and neither does the American Friends Service Committee.

Earlier this year, the Government Operations Committee of the Vermont House of Representatives passed, unanimously, a resolution opposing Real ID. The resolution was subsequently approved, also unanimously, by the full House. The longest-serving member in the Vermont House sits on the Government Operations committee. Rep. Cola Hudson was born when a fellow Vermont Republican, Calvin Coolidge, was president. Rep. Hudson just shook his head "no" when Real ID was described.

Our Motor Vehicles commissioner testified in another committee about the "re-enrollment process" required by Real ID. Everyone will have to visit a DMV office with proper documents. For some people in Vermont, that means a long trip. And when they get to the DMV office, our commissioner said, "The jokes about waiting in line at DMV are no longer going to be jokes but reality."

Long-time residents will feel like suspects when they're required to report and show their papers. Our commissioner noted that her father is 82 years old. He's had a driver's license for years. It's going to be hard to tell him, she said, that he has to prove his identity before he can get his license renewed. People in Vermont pride themselves on being part of tightly knit communities. Questioning who someone is, is seen as a sign of unfriendliness.

Birth records are kept by town clerks in Vermont. The clerks - some of whom work part-time -- are already in a frenzy over the thought of complying with the myriad requests for records that they'll get because of Real ID.

A state senator who in his other life runs a construction company and races stock cars, said, "I'm not sure if it's the budgetary concern or the privacy concern or the nightmare it's going to create that concerns me most about this."

A series of data breaches this winter in Vermont led people to wonder about the security of stored data anywhere. DMV officials acknowledge that there are hundreds of unauthorized attempts daily to get at the department's information database.

Increasingly, Vermonters are worried that too much data is being collected about too many things. It's not just a sense that privacy is eroding. Vermonters are worried that their identities will be stolen by identity thieves.

Vermonters are pretty responsible people. They generally step up to the plate when asked to do the right thing. But many people aren't so sure that Real ID is the right thing. It seems too big, too expensive, and too centralized. Real ID has hit a nerve with people.

Mr. Bruce Schneier will testify later this morning. I've heard him lecture, and one thing that he's said has really stuck with me. He has said that security is an equation, with one side being what you're giving up and the other side what you're getting in return. I'm afraid that with Real ID, we're giving up too much and not getting much, if anything, in return.

Real ID is also going to cost the states a lot of money. The cost in Vermont is now estimated at around \$8 million. That is a substantial expenditure for us. Some of our state senators want to raise license fees and call the increase a congressional Real ID tax.

The cost, the implementation, the risk of identity theft - these things worry Vermonters.

Vermonters are not convinced that Real ID is a program that will make Americans safer. It is a caution that I hope Congress will heed.

People are saying that we need minimum licensing standards, and we agree. That's why the ACLU participated in the negotiated rulemaking created by the Intelligence Reform and Terrorism Prevention Act of 2004. If Rep. Sensenbrenner hadn't interfered, we would have had those standards by September 2005 and they would have been created in a cooperative fashion. But, what Janice Kephart and Jim Carafano are proposing is to push forward with a system that the states are rejecting en masse and that -- because of its impracticality, extraordinary costs, and constitutional infirmities -- will be delayed years and years, if it's ever built at all.

There's a better way. On behalf of the ACLU, its 53 affiliates and hundreds of thousands of members nationwide, I urge you to mark up and move S. 717, the Akaka-Sununu-Leahy-Tester bill. That bill would replace Real ID with sensible, cost-effective driver's license standards. The problems with Real ID would be fixed, and the standards could be achieved in a cooperative

fashion with state officials, federal government agencies, and privacy and civil liberties experts. S. 717 paves the way for a better system, one that complies with the 9/11 Commission's minimal statement.

And S. 717 will not threaten to change the quality of life of Vermonters, in all the ways that Real ID will.

The written testimony I am submitting includes the ACLU's comments on the rules proposed by Homeland Security to implement Real ID, a map showing state-by-state actions regarding Real ID, and Vermont news articles on Real ID.

Again, thank you for this opportunity to testify before you.