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LRB095 11206 DRH 31743 r

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HOUSE JOINT RESOLUTION

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WHEREAS, The State of Illinois recognizes the Constitution of the United States as our charter of liberty and that the Bill of Rights enshrines the fundamental and inalienable rights of Americans, including the freedoms of privacy and from unreasonable searches; and

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WHEREAS, Each of Illinois' duly elected public servants has sworn to defend and uphold the United States Constitution and the Constitution of the State of Illinois; and

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WHEREAS, The State of Illinois denounces and condemns all acts of terrorism by any entity, wherever the acts occur; and

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WHEREAS, Terrorist attacks against Americans, such as those that occurred on September 11, 2001, have necessitated the crafting of effective laws to protect citizens of the United States and others from terrorist attacks; and

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WHEREAS, Any new security measures of federal, state, and local governments should be carefully designed and employed to enhance public safety without infringing on the civil liberties and rights of innocent citizens of Illinois and the United States; and

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1           WHEREAS, The federal Real ID Act of 2005 creates a national  
2 identification card by requiring uniform information be placed  
3 on every state drivers' license, requiring this information to  
4 be machine-readable in a standard format and requiring this  
5 card for any federal purpose including air travel; and

6           WHEREAS, Real ID will be a costly unfunded mandate on the  
7 State with the National Governors' Association, the National  
8 Conference of State Legislators, and the American Association  
9 of Motor Vehicle Administrators estimating that Real ID will  
10 cost at least \$11 billion nationally over the next 5 years; and

11           WHEREAS, Real ID requires the creation of a massive public  
12 sector database containing the drivers' license information on  
13 every American, accessible to every state motor vehicle  
14 employee and state and federal law enforcement officer; and

15           WHEREAS, Real ID enables the creation of an additional  
16 massive private sector database of drivers' license  
17 information gained from scanning the machine-readable  
18 information contained on every drivers' license; and

19           WHEREAS, These public and private databases are certain to  
20 contain numerous errors and false information, creating  
21 significant hardship for Americans attempting to verify their  
22 identity in order to fly, open a bank account, or perform any

1 of the numerous functions required to live in the United States  
2 today; and

3 WHEREAS, The Federal Trade Commission estimates that 10  
4 million Americans are victims of identity theft annually and  
5 these thieves are increasingly targeting motor vehicle  
6 departments, Real ID will enable the crime of identity theft by  
7 making the personal information of all Americans including  
8 name, date of birth, gender, driver's license or identification  
9 card number, digital photograph, address, and signature  
10 accessible from tens of thousands of locations; and

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

16 WHEREAS, Real ID contains no exemption for religion, limits  
17 religious liberty, and tramples the beliefs of groups such as  
18 the Amish and some Evangelical Christians; and

19 WHEREAS, Real ID contains onerous record verification and  
20 retention provisions that place unreasonable burdens on both  
21 state Driver Services offices and on third parties required to  
22 verify records; and

1           WHEREAS, Real ID will likely place enormous burdens on  
2 consumers seeking a new drivers' license including longer  
3 lines, higher costs, increased document requests, and a waiting  
4 period; and

5           WHEREAS, Real ID will put under-resourced motor vehicle  
6 administration staff on the front lines of immigration  
7 enforcement by forcing them to determine citizenship status,  
8 increasing the potential for discrimination based on race and  
9 ethnicity, and placing an excessive burden on foreign-born  
10 license applicants and motor vehicle staff; and

11           WHEREAS, Real ID was passed without sufficient  
12 deliberation by Congress and never received a hearing by any  
13 Congressional committee or any vote solely on its own merits;  
14 and

15           WHEREAS, Real ID eliminated a process of negotiated  
16 rulemaking initiated under the Intelligence Reform and  
17 Terrorism Prevention Act of 2004, which had convened federal,  
18 state, and local policy makers, privacy advocates, and industry  
19 experts to solve the problem of misuse in identity documents;  
20 and

21           WHEREAS, More than 600 organizations opposed the passage of

1 Real ID including the American Civil Liberties Union of  
2 Illinois; and

3 WHEREAS, Real ID would provide little security benefit and  
4 still leave identification systems open to insider fraud,  
5 counterfeit documentation, and database failures; therefore,  
6 be it

7 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE  
8 NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE  
9 SENATE CONCURRING HEREIN, that the Illinois General Assembly  
10 supports the government of the United States in its campaign  
11 against terrorism and affirms the commitment of the United  
12 States that the campaign not be waged at the expense of  
13 essential civil rights and liberties of citizens of this  
14 country that are protected in the United States Constitution  
15 and the Bill of Rights; and be it further

16 RESOLVED, That the members of the Illinois General Assembly  
17 oppose any portion of the Real ID Act that violates the rights  
18 and liberties guaranteed under the Illinois Constitution or the  
19 United States Constitution, including the Bill of Rights; and  
20 be it further

21 RESOLVED, That the Illinois General Assembly urges the  
22 Illinois Congressional delegation in the United States

1 Congress to support measures to repeal the Real ID Act of 2005;  
2 and be it further

3       RESOLVED, That a copy of this resolution be delivered to  
4 President George W. Bush, Attorney General Alberto R. Gonzales,  
5 Governor Rod R. Blagojevich, Senator Richard Durbin, Senator  
6 Barack Obama, and each of the members of the Illinois  
7 Congressional delegation.