

January 13, 2006

The Honorable Michael Chertoff
Secretary of Homeland Security
U.S. Department of Homeland Security
Washington, DC 20528

Dear Secretary Chertoff:

The Department of Homeland Security (DHS) is currently drafting regulations to implement the REAL ID Act. We, the undersigned individuals and organizations, have a wide variety of concerns about the proposed REAL ID card and system and we have urged DHS to establish a standard that provides the greatest possible security at the most reasonable cost while protecting individual privacy. This letter addresses one of those concerns – the use of radio frequency identification chips (RFID) as the “machine readable” feature in the card.

Congressional intent in enacting the REAL ID Act was to build upon the states’ best practices. States have spent years testing different applications to determine which systems work best for their administrative and law enforcement needs. Machine readable technologies such as 2D bar codes are an example of an anti-fraud tool that is already in wide use. These technologies are also secure against attempts to harvest information from a distance. This is one reason that states do not currently use a RFID or computer chip of any kind in their drivers’ licenses.

In the past year, both New York and West Virginia have rejected the use of a computer chip in licenses. A spokesman for the New York State Department of Motor Vehicles (DMV) told Card Technology magazine that the state rejected chips because the technology is “changing dramatically” and there is “no set standard for states to follow.” He also cited the additional expense as a problem. A West Virginia DMV official said of including RFID technology that “the main thing is the cost,” which “would have been astronomical.” In May, 2005, the California State Senate approved SB 682, legislation that specifically prohibits the use of RFID tags in drivers’ licenses, library cards, and several other forms of identification.

An exact tally of the potential costs of RFID technology is hard to come by, but there is no question it would be expensive. While the Congressional Budget Office estimated that the cost of complying with the REAL ID Act would be \$100 million for all 50 states, the state of Washington concluded that it would have to spend \$97 million just to upgrade its existing technology. The National Conference of State Legislatures estimated the cost of implementation of the REAL ID Act would be \$9-\$13 billion. Citizens Against Government Waste has estimated that a federal chip mandate for state drivers’ licenses would cost \$17.4 billion.


Aside from the cost issue, we are concerned about the lack of adequate protections against the theft of personal information arising from remote-sensing devices.

Local and state law enforcement agencies have already implemented many processes and technologies to use existing security features. Mandating drastic change to new unproven technologies might actually weaken the security of citizens at state and local levels and decrease the ability of law enforcement and the states to prevent identity theft, fraud, or other criminal acts.

Safeguards against the abuse of RFID chips by unauthorized persons are not sufficient to guarantee that personal information cannot be remotely harvested. The RFID chip technology is designed to be read at a distance to track inventory and animals and therefore offers opportunities for potential abuse not found in existing human ID applications.

Although some of the organizations signed below have criticized DHS in the past, we are hopeful that the implementation of the REAL ID Act will give us an opportunity to commend a wise decision by DHS. The implementation of regulations that provide the appropriate level of security and privacy in drivers' licenses without trampling upon privacy and inflating the cost of individual drivers' licenses would elicit such praise.

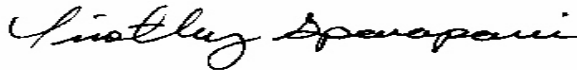
Sincerely yours,



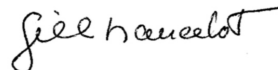
Thomas Schatz, President
Council for Citizens Against Government Waste



David Keene, Chairman
American Conservative Union



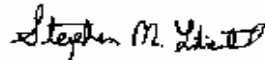
Timothy Sparapani, Legislative Counsel
American Civil Liberties Union



Jill Lancelot, President / Co-founder
Taxpayers for Common Sense



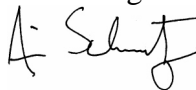
Grover Norquist, President
Americans for Tax Reform



Stephen M. Lilienthal, Director
Free Congress Foundation



Lawrence D. Pratt, Executive Director
Gun Owners of America



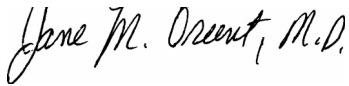
Ari Schwartz, Deputy Director
Center for Democracy and Technology



John Berthoud, President
National Taxpayers Union



Bob Barr, Member of Congress, 1995-2003;
Chairman, Patriots to Restore Checks and
Balances



Jane Orient, MD, President
Doctors for Disaster Preparedness



Richard O. Rowland, President
Grassroot Institute of Hawaii



David M. Strom, President
Taxpayers League of Minnesota

Chuck Michaels, Liberty Coalition
Representative for the
National Lawyers Guild/National Office

Kenneth Christman, M.D., President
Association of American Physicians and
Surgeons

Mike Stollenwerk, Chairman
Fairfax County Privacy Council

Bob Fertik, President
Democrats.com

Dane von Breichenruchardt, President
U. S. Bill of Rights Foundation

Michael D. Ostrolenk, National Director
Liberty Coalition



Melissa Ngo, Staff Counsel
Electronic Privacy Information Center



Kathryn Serkes
Coalition Against Prosecutorial Abuse