

1 SENATE JOINT MEMORIAL 11

2 **48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

3 INTRODUCED BY

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8 FOR THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

9
10 A JOINT MEMORIAL

11 OPPOSING THE CREATION OF A NATIONAL IDENTIFICATION CARD AND THE
12 IMPLEMENTATION OF THE REAL ID ACT OF 2005.

13
14 WHEREAS, the state of New Mexico recognizes the
15 constitution of the United States as our charter of liberty and
16 the bill of rights as affirming the fundamental and inalienable
17 rights of Americans, including freedom of privacy and freedom
18 from unreasonable searches; and

19 WHEREAS, New Mexico has a diverse population whose
20 contributions are vital to the state's economy, culture and
21 civic character; and

22 WHEREAS, New Mexico is proud of its tradition of
23 protecting the civil rights and liberties of all its residents,
24 affirming the fundamental rights of all people and providing
25 more expansive protections than are granted by the United

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1 States constitution; and

2 WHEREAS, the state of New Mexico denounces terrorism in
3 all its forms and condemns all acts of terrorism by any entity,
4 wherever the acts occur; and

5 WHEREAS, any new security measures to protect from
6 terrorist attacks should be carefully designed to enhance
7 public safety without infringing on the civil liberties and
8 rights of citizens; and

9 WHEREAS, the federal REAL ID Act of 2005, Public Law 109-
10 13, creates a national identification card by mandating federal
11 standards for state driver's licenses and identification cards
12 and requiring states to share their motor vehicle databases;
13 and

14 WHEREAS, the REAL ID Act mandates the documents that
15 states must require to issue driver's licenses and requires
16 states to place uniform information on every driver's license
17 in a standard, machine-readable format; and

18 WHEREAS, the REAL ID Act prohibits federal agencies and
19 federally regulated commercial aircraft from accepting a
20 driver's license or identification card issued by a state that
21 has not fully complied with the act; and

22 WHEREAS, the REAL ID Act places a costly unfunded mandate
23 on states, with initial estimates for New Mexico of more than
24 thirty-seven million dollars (\$37,000,000) over five years and
25 national estimates of more than eleven billion dollars

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1 (\$11,000,000,000) over the next five years; and

2 WHEREAS, the REAL ID Act requires the creation of a
3 massive public sector database containing information on every
4 American that is accessible to all motor vehicle employees and
5 law enforcement officers nationwide and that can be used to
6 gather and manage information on citizens, and this is not the
7 business or responsibility of government; and

8 WHEREAS, the REAL ID Act enables the creation of
9 additional massive private sector databases, combining both
10 transactional information and driver's license information
11 gained from scanning the machine-readable information contained
12 on every driver's license; and

13 WHEREAS, these public and private databases are likely to
14 contain numerous errors and false information, creating
15 significant hardship for Americans attempting to verify their
16 identities in order to fly, open a bank account or perform any
17 of the numerous functions required to live in the United States
18 today; and

19 WHEREAS, the federal trade commission estimates that ten
20 million Americans are victims of identity theft annually, and,
21 because identity thieves are increasingly targeting motor
22 vehicle departments, the REAL ID Act will enable the crime of
23 identity theft by making the personal information of all
24 Americans, including date of birth and signature, accessible
25 from tens of thousands of locations; and

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1 WHEREAS, the REAL ID Act requires a driver's license to
2 contain a person's actual home address and makes no exception
3 for individuals in potential danger, such as undercover law
4 enforcement or victims of stalking or criminal harassment; and

5 WHEREAS, the REAL ID Act contains onerous record
6 verification and retention provisions that place unreasonable
7 burdens on the motor vehicle division and on third parties
8 required to verify records; and

9 WHEREAS, the REAL ID Act will place enormous burdens on
10 consumers seeking new driver's licenses such as longer lines,
11 higher costs, increased document requests and a waiting period;
12 and

13 WHEREAS, the REAL ID Act will place state motor vehicle
14 staff on the front lines of immigration enforcement by forcing
15 state employees to determine federal citizenship and
16 immigration status, excessively burdening both foreign-born
17 applicants and motor vehicle staff; and

18 WHEREAS, the REAL ID Act passed without sufficient
19 deliberation by congress and did not receive a hearing by any
20 congressional committee or a vote solely on its own merits,
21 despite opposition from more than six hundred organizations;
22 and

23 WHEREAS, the REAL ID Act eliminated a process of
24 negotiated rulemaking initiated under the Intelligence Reform
25 and Terrorism Prevention Act of 2004, which had convened

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1 federal, state and local policymakers, privacy advocates and
2 industry experts to solve the problem of the misuse of identity
3 documents; and

4 WHEREAS, the REAL ID Act provides little security benefit
5 and leaves identification systems open to insider fraud,
6 counterfeit documentation and database failures;

7 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
8 STATE OF NEW MEXICO that it support the government of the
9 United States in its campaign against terrorism, while
10 affirming the commitment of the United States that the campaign
11 not be waged at the expense of the essential civil rights and
12 liberties of the citizens of this country; and

13 BE IT FURTHER RESOLVED that it is the policy of the state
14 of New Mexico to oppose any portion of the REAL ID Act that
15 violates the rights and liberties guaranteed under the
16 constitutions of New Mexico or the United States, including the
17 bill of rights; and

18 BE IT FURTHER RESOLVED that the New Mexico legislature
19 enact no legislation nor authorize an appropriation to further
20 the passage of the REAL ID Act in New Mexico, unless such
21 appropriation is used exclusively for the purpose of
22 undertaking a comprehensive analysis of the costs of
23 implementing the REAL ID Act or to mount a constitutional
24 challenge to the act by the state attorney general; and

25 BE IT FURTHER RESOLVED that the New Mexico legislature

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1 urge the New Mexico congressional delegation to support
2 measures to repeal the REAL ID Act; and

3 BE IT FURTHER RESOLVED that copies of this memorial be
4 transmitted to President George W. Bush, United States Attorney
5 General Alberto Gonzales, Governor Bill Richardson, Senator
6 Pete Domenici, Senator Jeff Bingaman, Representative Tom Udall,
7 Representative Heather Wilson and Representative Steve Pearce.

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