



Homeland
Security

MAR 03 2008

The Honorable Mark Sanford
Governor of South Carolina
P.O. Box 12267
Columbia, South Carolina 29211

Dear Governor Sanford:

I am writing to you with regard to REAL ID. To date, your State has not requested an extension. The Act implements one of the last unfulfilled recommendations of the 9/11 Commission. The Commission found that the terrorists had easily abused the driver's license system in this country; it declared, "Secure identification should begin in the United States. The Federal Government should set standards for the issuance of birth certificates and sources of identification, such as driver's licenses."

I am responding to a letter sent to you by the Governor of Montana; in it, he urged you to defy the 9/11 Commission's recommendation and the REAL ID Act. Governor Schweitzer asked other States to join Montana in refusing to seek an extension of time to come into compliance with the Act, saying that, "if we stand together, either DHS will blink or Congress will have to act..."

I am pleased to report that the States are indeed choosing to stand together, but they are standing up for secure driver's licenses. As of today, 45 States have already requested extensions. These States issue 237.5 million of the 245 million State driver's licenses and identification cards in circulation in the United States. In other words, 97 percent of the driver's licenses issued in the United States are already on track toward improved security.

This has not been an easy choice because opponents of REAL ID have leveled harsh charges against it. For example, Governor Schweitzer's letter claims that the REAL ID final rule does not resolve any major issues from the earlier proposed rule and is "a major threat to the privacy, constitutional rights, and pocketbooks of ordinary Montanans."

I could not disagree more. Here are the facts.

First, as far as expenses are concerned, we have cut the hard costs to States by more than \$10 billion -- a 73 percent reduction. Your cost savings may be even greater. Recently, according to press reports, West Virginia's Division of Motor Vehicles (DMV) ran the numbers and found that its original estimate of \$40 to \$60 million in REAL ID compliance costs had fallen to just \$5 million, thanks to the revised rule.

At the same time, the Federal Government is making hundreds of millions of dollars available to States for compliance. That includes \$80 million in grant funds announced in the last few weeks, plus another \$50 million grant program proposed for FY 2009, plus approximately \$280 million in Homeland Security grant funds that will be made available to assist with the program.

Second, the cost and burden savings are the direct result of input from State officials. We responded to State input by providing an extended compliance timeline and moving to performance standards rather than a one-size-fits-all solution for the 56 jurisdictions. States are also given flexibility regarding the card design and physical security features applied to the card.

Third, the regulation is not a threat to privacy or constitutional rights. In fact, privacy is enhanced by REAL ID. Every 3 seconds a new identity is stolen in America, and in one out of three of those cases, the thief uses a fraudulent driver's license. As long as licenses are easy to fake, identity thieves will prosper. REAL ID will make it harder to obtain a fraudulent license, and the "defenders of privacy" who oppose REAL ID are doing more to harm privacy than to help it.

Claims that the law will create a national database are false. REAL ID does not establish a national database of driver information. DMV data will stay in the State DMV database, where it is already protected by the Driver's Privacy Protection Act. States will continue to issue driver's licenses and identification cards as they do today. The Act does not create a national ID card; it simply sets minimum standards so that States, federal agencies, and other public organizations can have confidence in the security and integrity of credentials issued by all other participating States.

Every day of the year, Americans use licenses from one State to prove their identities in another State. Because licenses are accepted so widely, if any State fails to take security seriously, its licenses can be used all across the country by terrorists, con artists, and illegal immigrants.

In closing, I urge you to move forward with REAL ID compliance and join DHS in strengthening our National security. If you would like to discuss further, please do not hesitate to contact me at (202) 282-9708.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Baker', with a long horizontal flourish extending to the right.

Stewart Baker
Assistant Secretary
for Policy