



June 4, 2009

AMERICAN CIVIL
LIBERTIES UNION
OF OREGON

P.O. BOX 40585
PORTLAND, OR 97240
T/503.227.3186

P.O. BOX 50426
EUGENE, OR 97405
T/541.345.6162

WWW.ACLU-OR.ORG
INFO@ACLU-OR.ORG

Governor Ted Kulongoski
160 State Capitol
900 Court Street
Salem, Oregon 97301-4047

Dear Governor:

On behalf of the ACLU of Oregon, we are writing to request your support of SB 536 and ask you to sign it into law when it reaches your desk. SB 536 would prevent Oregon from taking any new action to implement the federal Real ID Act unless there are sufficient federal funds and privacy safeguards to protect Oregonians.

SB 536 was a bi-partisan proposal, co-sponsored by 27 Senators and Representatives. It passed the Senate 30-0 and the House 39-6 (with 15 members excused). SB 536 would not affect any current Oregon laws or efforts by DMV that may have the effect of complying with Real ID, including SB 1080 (2008). Those provisions are currently set forth in Oregon statute and SB 536 does not repeal any existing Oregon laws or administrative rules.

In addition to the significant unfunded mandate on states, ACLU is gravely concerned about the privacy risks to all Oregonians, especially identity theft, if further steps are taken to implement Real ID in Oregon at this time. Under the Real ID Act, Oregon and other states are required to create and operate a 50-state shared database. That database will contain scanned copies of all of our original identity documents (such as passports, birth certificates, documents containing our Social Security number) that have been used to establish identity with DMV. The Real ID Act requires this new database to be accessible to DMVs across the country and to the federal government, which would create security risks for all of us. Such a database would be a gold mine for identity thieves because it would provide precious personal information about millions of Americans in one place.

As you may recall, the Real ID Act was never debated or discussed but was added to must-pass funding legislation for Tsunami relief and the war in Iraq. We believe there is a better approach. As directed by the Intelligence Reform and Terrorism Prevention Act of 2004 (based on the Report of the 9/11 Commission) all stakeholders, including federal lawmakers, state motor vehicle representatives and civil liberties groups, including the ACLU, had already begun meeting in a negotiated rulemaking process aimed at securing driver licenses and identification

Letter to Governor Kulongoski
June 4, 2009
Page Two

cards in a cost effective manner that would respect the privacy rights and security interests of all Americans. Unfortunately, those efforts were swept aside by the Real ID Act.

With enactment of SB 536, Oregon will join 23 states that have already taken action against Real ID. Thirteen states – Alaska, Arizona, Georgia, Idaho, Louisiana, Maine, Minnesota, Montana, New Hampshire, Oklahoma, South Carolina, Virginia and Washington – have adopted legislation prohibiting participation in the Real ID program. Another 10 states have passed resolutions urging Congress to fix Real ID.

We hope Oregon can add its voice to this bi-partisan effort across the country so that Congress will take prompt action to address the fundamental problems with Real ID. We very much appreciate your consideration of this legislation.

While we know that you have been a vocal supporter of Real ID in the past, we hope you will agree to sign SB 536 so that these problems can be addressed. If you have any questions or concerns about the bill, please do not hesitate to contact us.

Sincerely,

/s/

David Fidanque
Executive Director,
ACLU of Oregon

/s/

Andrea Meyer
Legislative Director
ACLU of Oregon