

ISSUE BRIEF

The Real ID Act: A Biblical Perspective

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Introduction

The purpose of this article is to introduce state legislators and other interested parties to the moral, scriptural, and “matters of conscience” issues surrounding the Real ID Act. It is not an attempt to “convert” anyone to biblical thinking, nor will it delve into the myriad sermons that have been written about such things as marks of beasts, and etc. We will, however, examine certain key scriptural passages, with an eye on how those passages are being understood or interpreted by those who follow a biblical context for their lives; and how they perceive the Real ID Act to be either a compromise of their faith, or diametrically opposed to it. The writer is indeed a believer in a single Creator, in His Son (herein “Messiah”), and the Holy Spirit. As such, this writing may be both passionate and biased toward those views, however it is beyond obvious that much of the opposition to the Real ID Act is coming from professed believers, and therefore it is meet that those in the American body politic be aware of both the rational principles held by these believers, and the level of passion they will encounter surrounding this subject.

The time is long past where those of lesser “organized” sects and bible-believing factions can be ignored as though they do not exist. In fact, a nation such as America has so long held fast to variant belief modes that the mingling together of these beliefs across communities and states has brought many of formerly divergent views together. It is now, therefore, no less than folly to try to either ignore, or “wish away” the similarities. Put another way, in a bygone era, many who held to a pacifist general mode may have been a “separatist” in the broadest sense of the term. But it is now true that more militant faiths have mingled among the separatist movement, producing potentially explosive results when these people believe they are being backed into a corner that conflicts with their understanding of scripture. This is true among even non-Christian elements within America, such as the ever-growing congregations of Islam and other far and middle Eastern religions.

We will, however, only deal with the larger biblical-based Protestant faiths. America has always been a melting pot for Protestant denominations. This is true because it was indeed the “state sponsored churches” in Europe who persecuted those of divergent (Protestant) faiths, and forced them to flee for their very lives. They landed in America, bringing their “protester”

mind sets with them. Be it Baptist, Presbyterian, Lutheran, or otherwise, there is a general sentiment among a very large number of Americans that obedience to either “scripture alone” (a sola scriptura approach), the teachings of their “church fathers” (be it denominational leadership, or the Apostles of the New Testament), or some combination of the twain, is required in their faith. And though the interpretation of such biblical books as Daniel, Revelation, and the teachings of the Christian Messiah among the 4 Gospels of the New Testament is subject to diverse and wild variations among the denominations, sects and even at the individual level, nearly all of the “Protestant” faith models are in agreement that:

1. We are currently living in what might be described as either “the end times,” or that our generation is very nearly approaching that era of world history; and
2. That a future “judgement day” will come on all souls, at a time when we know not, and that our actions in this world will be judged on that day; and
3. That “salvation” or the entry into everlasting life with the Creator is, in no small part, to be determined by our actions and interactions with one another in society generally, and even how much persecution we are willing to endure for our faith.

With those things in mind, we will now look at the Real ID Act when mixed with religion – an angle that cannot be ignored by those in law and policy-making positions within government. We shall dispense with the line-item components of the bill generally, leaving that to other authors for their commentary and critique. Here we will address the general scope of how the practical aspects thereof are destined to clash head-on with the practical aspects of obedience to scripture and/or one’s faith model, particularly from the Protestant view.

Separatists

Denominations and individual believers take diverse interpretive views of a number of biblical passages that deal with “separation from the world.” Indeed, one of the tenets of Protestant faiths generally is for each person to “work out their salvation with fear and

trembling.” In this aspect, no congregational leader can ever “have a handle” entirely on his respective flock. Many believers will digress from the “majority view” on many individual issues, yet agree to the common ground simply to prevent dissenting and strife generally in the congregation.

For example, on one hand, those of “Old-Line” Amish and like faith models take a very strict view of the passages that relate to the notion of separatism, where others even of like denominational characteristics are totally opposite on that single concept. Such scriptures as Romans Chap. 12-13, and 2 Corinthians 6:17, and the like, may be taken to mean a total separation from the world and its trappings by one sect, and a more cooperative-with-society view will be held by others. Individuals who hold to those stricter standards are unlikely to even have a bank account, as doing so could be seen to violate Proverbs 1:10-16 and similar teachings against having a “common purse” with the unrighteous. There are a number of groups of people taking this “hard line” approach, and not at all strictly within the “anabaptist” (Amish-Mennonite) communities. These may reject such things as electricity, driver’s licenses, and other “things of this world” that appear, in their eyes, to violate some tenet of canon and their faith model.

Also, many of these same people view such “systems” as our current “welfare,” “old age insurance” and related programs as deliberate attempts by Satan to trick them out of their inheritance from the Creator. Teachings of scripture pertaining to the believers providing for their individual flocks, meeting the needs of the elderly, etc. all tend to push them away from the Social Security Number, and all the things that are today connected to it. Many people have rebuked their participation in and use of that system and number, for just that reason. Quite a few are not now, nor were they ever, “Old Line Amish.” And while many believers are not at the level of “faith in their brethren believers” required to personally take such a stand, that does not negate the reality for those who have.

In a nation where diverse biblical faiths have melted into society together, and a government was formed that would protect everyone alike in their personal matters of conscience, it is inconceivable that any proposals would be drafted or implemented in America that failed to recognize these realities. Indeed, it is totally unconscionable that a person, on account of their faith, would be denied any access to the services that government provides and regulates on behalf of the entire population of our nation. From a practical standpoint then, the Real ID Act seems to clearly violate the rights of at least a portion of believers who could be denied access to a plethora of social necessities on account of their faith.

For example, the Real ID Act purports to deny access to any “federal” building for a person not having a “proper” form of identification (as defined in that Act). Would then a person accused of a federal crime be unable to enter the federal court house to defend

himself in an action against him? Could a person be tried in absentia under this law? It would appear that both are the case.

Additionally, no person without this form of identification would have access to a federal court to bring any action – be it a petition to the government for a redress of grievances, or otherwise.

It is also conceivable that a person without a “proper” form of identification could be denied access to medical care as well, as governments regulate a large component of hospitals and medical service providers.

Banking institutions are also considered one of the facilities that would be off limits to a person without this form of identification. Presuming one does not even have a bank account (as many separatists live), often it is that they are paid by their employer or for contractual services in “check” form. By taking a check to the bank on which it is drawn, the payee is (currently) able to receive their due, without having any account with that institution. Under this Act, a bank could summarily refuse to pay the bearer of such commercial paper, leaving the laborer unable to be paid for work already performed.

Dozens of other examples could be brought to bear to demonstrate how the practical application of the Real ID Act will detrimentally impact those of certain faith models. Many of these believers belong to groups who are generally the most peaceable and meek of the total number of believers. Going about in humble silence, obedient to their Creator, and using whatever yardstick of interpretation would cause them to believe thus, these people will bear a disproportionate burden of suffering under the Real ID Act.

The question should never be asked of their willingness to suffer, or even for government to question in their faces the accuracy of interpretation in their mode of worship and beliefs. Rather the question should be, why should ANY peaceful believer in El Shaddai (God Almighty) be compelled, in America or any of her states, to suffer at all on account of a law that purports to address itself toward illegal immigrants and/or terrorists? Have Amish, Mennonite, and other even non-denominational separatist Christians suddenly become terrorists? By the manner and mode of implementation of the Real ID Act, one could easily make such a presumption.

Let us now consider another component of employment – the “day job.” Broadly defined as “daily work for daily pay,” it is the mode of labor preferred by any number of people. For the believer, the desire for obedience is based on the scriptures found at Lev. 19:13 (“the wages of him that is hired shall not abide with thee all night until the morning”) and Deu. 24:14-15 “thou shalt not oppress a hired servant ... at his day thou shalt give his hire, neither shall the sun go down upon it ...” In these passages the Creator is telling both boss and servant that daily work for daily pay is the biblical mandate. In that manner, a poor person will have always something on which to feed himself and family.

There are any number of bona-fide United States citizens who do the types of work that persons of “upper crust” mind sets would only associate with “illegal immigrants.” This would include itinerant agricultural, “day jobs” in construction, etc., in addition to genuinely “homeless” people and even “panhandlers” or street musicians. The Real ID Act fails to consider those realities. Should a street musician be treated as a terrorist?

Furthermore, those with “no fixed address” would not be able to obtain “proper” identification. Among these classes of people are very devout believers. Indeed, those who follow the model of belief established in the book of Acts have forsaken homes, families and more in their missionary work. To be “transient” is now a crime? Many ministers of the gospel are quite transient, and perform menial, servant-styled work, share cropping, and related tasks simply for bread on a daily basis. Are they to be treated as terrorists, denied identification, or subjected to prosecutorial and tribulatory reproaches simply because they deny the right of any government to make them subjects or serfs, or in the simpler analysis, because they have no “fixed address” for extended periods of time? It appears by the practical impact of “Real ID” that being a “transient” is now converted into a crime.

Let it now also be said that the most pious, devout and peaceful people are not merely “believers” as many understand the term. There are quite a few people who “believe” yet never put their beliefs into motion in their lives. Others, however, strive to walk a daily walk in the footsteps of their Messiah, to the end of a greater knowledge of and closeness to the Creator of all. And even if one is a “believer” and has read much of scripture, there are many who, through different interpretations, and perhaps stronger devotion to what they glean from the Word, will have and hold stronger ties to it. This may manifest in many ways. Yet it is not for government to either attempt to discern the consciences of our people, nor really is that conscience any of government’s business.

Those who are more than just “hearers” of the Word often believe, even if secretly, that the “lip service” believers are apostates, or fakes. Some would say Satan himself is a believer, and that therefore those who are not as in-tune with scripture as they are in no position to lord any authority whatsoever over their actions. So though many who read this might call themselves “believers” in the general sense, those who would suffer the worst under the Real ID Act could be considered much more devout believers than the “average” Christian. And their reaction to the attempted compulsory use of such a “mark” may lead to any of a diverse range of reactions in them.

Should any level of persecution and tribulation be brought upon them for their deeper level of devotion? Is it right that our government would establish or even condone such treatment on the pious among us – even ministers of the gospel? Heaven forbid! Will this perhaps be one more series of cries from the saints

toward heaven for relief, bringing judgement on America and her leaders all the more swiftly and harshly?

These are some of the thoughts that go through my own mind as I ponder the realities of an America under the Real ID Act. I hear them oft echoed among other brethren and sisters, and convey these thoughts here only to help deepen the level of understanding among those entrusted with the duties of governing our states.

Prophecy

We will now look at an area where the greater number of believers agree that ANY governmental system of numbering or identification is, in one way or another, or to one degree or another, both prophetic fulfillment and evil.

The prophecies pertaining to the “number of the beast” and a “mark of the beast” is a rather simple spiritual concept to grasp, with a proper understanding of the allegorical term “beast.” In the book of Daniel, this prophet himself says that the “fourth beast” is the “fourth kingdom” (Chapter 7 v. 23). In the book of revelation, again “beast” and “kingdom” are used synonymously. This fulfills the scriptural requirement for “two witnesses” that a thing be established (John and Daniel). Therefore, allowing prophecy to interpret prophecy, a very large number of bible-minded people equate a “beast” with something of a world-governing kingdom.

It takes no large leap of faith to understand that the United Nations is a world-governing kingdom, and that the United States is a huge component thereof. Contributions of our nation toward such international funding mechanism as the International Monetary Fund cause many believers to perceive, for better or for worse, that not only is the United States a component of this “beast” kingdom, but a driving and controlling element. Ipso facto, anything the federal government does that tends to indicate an international motive also drives those who believe in such prophecies deeper toward the “separatist” mind set when reviewing whether or not they wish to partake.

Likewise, it takes no large leap of faith to review that such things as “Social Security” are not only nearly universal, but controlled at some level by the United Nations, or at least via international treaty. The United Kingdom, Australia, Canada – virtually every nation worth mentioning in the world – has a “system” within it whereby people are numbered from birth, tracked, taxed, and indeed micro-managed by parallel systems of banking and credit. Though it be called “Centre Link” in Australia, and a Social Insurance Number (SIN) in Canada, these systems are virtually undistinguishable from our own Social Security system.

When the Real ID Act purports to tie that Social Security number to such things as driving rights and full-fledged national identification (especially when it was sold to them as “not for identification purposes” when it was created), then it appears that this allegedly “America” retirement scheme has taken on a much

more “bestly” role over the lives of the population. Many Christians now believe that if the Social Security Number is not itself the prophesied “mark of the beast,” that it is at least a precursor to it. Therefore, those who might have previously taken lightly the concept of having such a number assigned to them from birth are no longer so sure, and many have indeed begun trying feverishly to untangle their persons from that identifier because of the prospects of the Real ID Act’s dawning days.

This “mark of the beast” is spoken of dramatically in the Revelation of John. In Rev 13:17 it is said that “no man might buy or sell, save he that had the mark.” In practical terms, the Real ID Act will (if implemented in its current form) preclude many forms of commerce for many people – banking among them. This would not only “tie up” the assets of people who refuse to cooperate for matters-of-conscience reasons, but would in no small way stop their ability to “buy or sell,” obtain credit, receive money, etc. It would evidence many other deleterious effects on economics within our nation, and even world-wide.

The prophecy concerning our acceptance of ANY “mark” that ties us to a kingdom of this world is more than just a warning of the eventual coming of such a system. Indeed, it is a concept that believers connect as directly tied to salvation, A believer takes this subject lightly only at the risk of his soul’s survival in the next world to come. For in Rev. 14, vss. 9-11 it is said that any who take this mark will drink of the cup of the wrath of God and that the smoke of their torment rises up forever.

Rare is the person who takes any scripture seriously who has not heard of this prophesied “mark.” And while many will endlessly hope that this scenario is for a future generation to endure, a huge number of Americans, right now, believe this Real ID Act is the culmination of a spiritual battle foreseen nearly 2000 years ago by a disciple of Israel’s Messiah.

This has the potential to cause a vehement and tumultuous set of civil circumstances in our nation. Many will resort to hunger and a lack of medical care, rather than give in. Others will take up arms to defend what they have, rather than conform to a society they view (perhaps rightly) as having gone mad and departed from the wisdom of scripture’s warning. Indeed, if a revolution was created over a mere tax on tea in the 1770’s, the circumstances proscribed by a foolish and evil attempt to compel a “mark” of this nature on all our people could prove far more revolutionary in both scope and outcome.

It could, and perhaps will, mean, one way or another, the end of this nation as we have known it. On one hand, if the Real ID Act is implemented, and the people perform accordingly as spoken of in the Declaration of Independence (whereby mankind is more inclined to suffer ... than to right the wrongs ...) then freedom as we have known it is nothing but history. If, however, the courageous believers do stand resolute against this Real ID Act to prevent its implementation by

force of public will alone, then this nation could be headed directly for revolutionary bloodshed.

There is an option. State legislators can simply say “no” and exercise their proper check and balance in the federal system. By standing with our sister states, we do not risk the probable outcome of individual defiance at the citizen level.

Many individuals will certainly rebel against this Real ID situation – one way or another – and among them courageous Christian fathers. Is it to be in this nation that we will now pass legislation that can only cause spiritually-led people to be compelled to self (and soul) defense modes of thinking? That course can only cause more disasters in our Christian families. Incarceration of our men, destruction of biblical marriages through separation, and even violence, is a distinct possibility if “Real ID” becomes implemented in our states.

If, however, our states stand in unison against this outrage of mad men in Washington, DC, we have the ability to overcome whatever feigned acts of tyranny they might pretend our direction. If they attempt to enforce their acts of beastly oppression against us, then it is the duty of our states to again call into question the validity of any system of joint government that would crush the rights of individuals, and in particular the pious Christians among us. Indeed we may, and of right ought, to dissolve the federal union entirely, and start over as an independent Christian state among equals of that stature.

Rather than stand as helpless state legislators looking at a benevolent but arrogant and usurping tyrant government in the capitol of a larger nation of states, perhaps state legislators should look at themselves as co-equal princes among princes in sovereign nations of their own. And as 50 nation-states currently comprise a larger union, so too could these 50 states establish yet another union and throw off the tyrant government that would rather persecute native-born Christians than to enforce their extant immigration laws already designed to protect the rights of our people.

Immigration

Now the subject of immigration is a long one, and it too carries biblical overtones. For just as Israel of old was forewarned of the punishment for their idolatry and wickedness, so too did the prophesied punishment befall them. If you are unaware of the immigration punishment, notice this prophecy of Ezekiel:

“Now I will shortly pour out my wrath upon thee, and fulfil mine anger upon thee: I will judge thee according to thy ways, and will lay upon thee all thine abominations. ... Wherefore I will bring the worst of the nations, and they shall possess their houses: I will also make the pomp of the strong to cease; and their holy places shall be defiled. ... And I will give it into the hands of the strangers to be spoiled, and to the wicked of the earth to be robbed, and they shall pollute it.”

The foregoing were assorted quotations pulled from the quite larger context of Ezekiel, Chapter 7. We see clearly that the punishment declared would be an invasion of foreign peoples who would bring down the arrogant, and that these foreigners would then possess that which once belonged to Israel.

Many believers perceive that the nation of America was given to a people who prayed for deliverance from the persecutions in Europe. But as we have departed from our first love (the Creator), so are we destined to repeat history and be punished again. This is the belief mode of a large number of believing Americans, myself included.

The flood coming through our porous southern border contains thousands who have been released from prison. Indeed the "worst of the nations" are not only coming – they are already here! The "church" that persecuted so many "Protestants" in Europe is even conspiring with these Latin American nations to accomplish a "reconquista" (re-conquest) of this Nation. Texas, Arizona, New Mexico and California are the primary targets, but no state is immune. My state of South Carolina has seen at least a 10 fold increase in immigration from the south in the past decade.

This truth cannot be ignored. It isn't even a matter of opinion about the existence of such a Catholic mission – their own news releases and printed material disclose quite clearly that the objective of the Catholic church is to aid and abet illegal immigration from Latin nations to the end that the Roman Church in America might be strengthened and conquer the Protestant people. "Take back what was taken from you" is the message of the Priests to those about to cross the border.

Is this immigration problem one symptom of a larger Divine judgement against this nation for the innocent blood on our hands? Many Christians in this nation perceive that to be the case. And whether the "blood" in question has come from legalized abortion, unrighteous foreign wars, or the persecution of our own people, the results are the same. With so much evil in our land, one might pause to reflect why it has taken this long for the judgements to begin.

Many erroneously believe that Americans are stupid. On the contrary, despite the falling standards of academics in this nation, quite a few people have been led to read and study political science and related issues on their own. Of course, many of them also intently study scripture and even international affairs as the two subjects overlap. They don't always take their preacher's "word" for things, and dig deeper to get at what is under the honey-coated surface of both the nightly news, and the preacher's dialogs.

What we have discovered is that Mexico, for example, puts an incredible number of restrictions on those who wish to migrate to their nation. Indeed, if we, as a nation, imposed the same sets of standards on migratory policy as does Mexico, the desirability of coming here would be greatly reduced. In many of our states, policies have been enacted whereby the cost of

obtaining something like an "out of state" hunting license is set to match those of other states. Whichever is the greater is the cost for a non-resident. Our nation could, similarly, lay out an immigration policy that provided for our law, or the law of the nation from which the immigrant migrated, whichever was the more stringent.

In Mexico, for example, an immigrant may not buy a water-front property. Native language speaking is a requirement, and there are no bi-lingual programs in their schools, or special ballots for elections. No foreigners get the right to vote, no matter how long they are in the country. No foreigner may ever hold a public office. Only investors and professionals may migrate. A minimum of 40,000 x the minimum daily wage is the investment minimum. No welfare or other social programs are open to a foreigner. Foreigners may not protest, nor demonstrate, nor waive a foreign flag.

Should we institute such policies in this nation? That is, of course, an entirely different subject matter. However, if "immigration" is the underpinning rationale being used to promote the Real ID Act, then we must consider if, or not, immigration laws already protect us from invasion, and if, or not, the federal government's policies of amnesty and/or their dereliction of duty to enforce extant immigration laws are the probable causes of this current invasion. If it can be even marginally argued to the affirmative, then the solution is not to compel persecution and denial of basic liberties on our own citizens, but rather to hunt down and deport those illegally in our states.

This, of course, can also be instituted at the state level. Each state is capable, in its own sovereign capacity, to use its police powers to enforce the general laws of the United States. This includes, of course, Title 8 of the United States Code that pertains to immigration. And while the mechanics of this are best left to other discourses, the very idea that Real ID will stop illegal immigration is built on a foundation made entirely of sand. It cannot withstand serious scrutiny.

CONCLUSION

To the end that America withstand any and all assaults on the liberties of her people, and consistent with the Constitutional standards for elected officials, it is imperative that our States, stand resolute against the Real ID Act. Because the practical implementation of the policies contained in such act will have a direct impact on the liberties of the most devout of bible believing and humble people in this great land of ours, state legislators should carefully understand how that law will impact on these believers. To prevent any Christian from being denied due process, or the enjoyment of any right or liberty bestowed on us by our Creator, and protected by our collective bills of rights, the Real ID Act must be stopped in its tracks.

Furthermore, under no circumstances should any state allow itself to be either blackmailed into complying with "Real ID," nor should the money, or lack thereof provided by the federal government, be any excuse. For if Congress had the slightest authority

under the Constitution to implement Real ID, then it would be our states' obligation to come up with the money to implement it. The fact is that the powers vested in the federal government by the Constitution contain NO PROVISION whereby Real ID can be construed as a valid exercise of federal power. Ipso facto, the Act is entirely void on its face, and should in no wise be made policy or implemented by any of our sister states.

The arguments put forth by those claiming this Act will have some salutary impact on illegal immigration are extremely weak at best. Other lawful means exist to address that component of this situation.

The beliefs of many of our citizens to withstand even the appearance of evil present the greatest threat

where implementation of the Real ID Act is concerned. The very real potential of massive civil disobedience is present with the implementation of this law. And even there are many who, for reasons of their faith, will not vocally or physically rebel against it, there exists the reality that many will simply crank up to another level their "separatism" from the world. Quietly dropping off the radar by simply refusing to participate, these people will suffer in many ways on account of their beliefs.

State legislators are at the forefront of this battle, standing as a potential protective shield for their state's people. Whether or not these individual legislators have the collective will to exercise and perform this inherent duty of their office is the only question that remains.

STATE OF SOUTH CAROLINA – 2007

INTRODUCED BY:

A RESOLUTION DECLINING TO IMPLEMENT THE REAL ID ACT OF 2005 AND OPPOSING THE CREATION OF A FEDERAL NATIONAL IDENTIFICATION CARD IN SOUTH CAROLINA

Whereas, the state of South Carolina recognizes the Constitution of the United States of America as our most fundamental charter of Liberty and the Bill of Rights as affirming the fundamental and inalienable rights of Americans, including freedom from unreasonable searches and seizures and freedom of privacy; and

Whereas, given that said Constitution of the United States grants to the federal government the ability to make only seven mandates upon these States of the Union, demands such as are contained in the federal REAL ID ACT OF 2005 (Division B of Public Law 109-13 signed by President George W. Bush on May 11, 2005) are not to be found among them; and

Whereas, it is unconscionable for this State to submit to any act of Congress which exceeds the limited grants of power contained in said Constitution, and even more particularly so when such Act would infringe upon the protected rights of this State and her people; and

Whereas, the state of South Carolina denounces terrorism in all its forms and condemns all acts of terrorism by any entity, foreign or domestic, wherever the acts of terrorism occur; and

Whereas, any security measures designed to protect U.S. citizens from acts of terrorism shall be designed to enhance the safety of said citizens without infringing upon Constitutionally protected rights and liberties of U.S. citizens and without being enacted outside the limited grants of powers on such legislative bodies; and

Whereas, said REAL ID ACT purports to create a federal national identification card by mandating federal standards, to be approved by the federal Department of Homeland Security, for state driver's licenses and other identification cards and requiring states to share their motor vehicle databases, with no Constitutional authority existing for the Federal Government to do the same ; and

Whereas, the REAL ID ACT purports to mandate the documents that states must require to issue or renew state driver's licenses and purports to require states to place uniform information on every driver's licenses in a standard, machine-readable format; and

Whereas, the REAL ID ACT prohibits federal agencies, federally regulated commercial airlines, and federally regulated private banks from accepting a driver's license or other identification card issued by a state that is not in full compliance with the ACT; and

Whereas, the REAL ID ACT would, if implemented by the State of South Carolina, prove a very costly long-term endeavor at the expense of the people of our good State, and their own liberties; and

Whereas, the REAL ID ACT purports to require the creation of a massive public sector database containing information on every U.S. citizen that is accessible to all motor vehicle employees and law enforcement officers nationwide, and that can be used to gather and manage information on U.S. citizens; and that this is not the Constitutionally sanctioned business or responsibility of government at federal or state levels; and

Whereas, the REAL ID ACT enables the creation of additional massive private sector databases, combining both transactional information and driver's license information gained from scanning the machine-readable information contained on every driver's license converted to a REAL ID; and

Whereas, these public and private databases are likely to contain numerous errors and accidental false information, creating significant hardship for Americans attempting to verify their identities in order to renew their driver's licenses, board commercial airplanes, open accounts with federally regulated private banks, or perform any of the other numerous functions required to live a normal life in these United States today; and

Whereas, the Federal Trade Commission has estimated that approximately ten million (10,000,000) U.S. citizens are victims of identity theft annually, and because identity thieves are increasingly targeting motor vehicle departments, the REAL ID ACT will enable the crime of identity theft by making the personal information of all U.S. citizens, including signature, social security numbers, and date of birth, accessible from tens of thousands of locations; and

Whereas, the REAL ID ACT requires a driver's license to contain a person's physical home address and makes no exception for individuals without one, or those in potential danger, including police officers, judges (including federal judges), undercover law enforcement personnel; and including victims of stalking or other forms of criminal harassment; and

Whereas, the REAL ID ACT contains onerous record verification and retention provisions that place unreasonable burdens both on motor vehicle division personnel and on third parties required to locate and verify records; and

Whereas, the REAL ID ACT will place enormous burdens on law-abiding citizens of the State of South Carolina seeking new (or renewal of) driver's licenses including increased document requests and waiting periods, higher costs, longer lines, return trips, etc.; and

Whereas, the REAL ID ACT will place state motor vehicle staff on the front lines of immigration enforcement by forcing state employees to determine federal citizenship and immigration status, excessively burdening both foreign-born applicants and motor vehicle staff;

Whereas, the REAL ID ACT passed as Division B of the larger Appropriations bill without sufficient deliberation on the floors of the federal Senate and House of Representatives, and did not receive a hearing by any Congressional committee or a vote solely on its own merits by both Houses of Congress; and was passed despite opposition from more than six hundred organizations; and

Whereas, the REAL ID ACT eliminates a process of negotiated rulemaking initiated under the Intelligence Reform and Terrorism Prevention Act of 2004, which had convened federal, state, and local policymakers, privacy advocates and industry experts to solve the problem of misuse of identity documents; and

Whereas, the REAL ID ACT provides little security benefit and leaves identification systems open to insider fraud, counterfeit documentation, and database failure;

THEREFORE, BE IT NOW RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF SOUTH CAROLINA that it support the federal Government of the United States of America in its campaign against terrorists, and specifically to apprehend and bring to justice any persons, foreign or domestic, who were involved in the destructive acts which occurred on September 11, 2001, yet while affirming the commitment of the same not to wage this campaign at the expense of essential Constitutional rights and liberties of law-abiding U.S. citizens; and

BE IT FURTHER RESOLVED that it is the policy of the State of South Carolina to decline to implement the REAL ID ACT as such legislation exceeds the Constitutionally limited power of the Congress to place mandates upon this and our sister States; as well it violates the rights and liberties enumerated under and protected under the Constitutions of the United States of America or the State of South Carolina; and

BE IT FURTHER RESOLVED that it is the position of the State of South Carolina that the REAL ID ACT was, in fact, an action in excess of the limited authority granted to the Congress by the said Constitution to legislate; therefore, said ACT is ultra vires and altogether void, and of no force; and that the power to enact any legislation pertaining to a Federal Identification system can, in no wise, be enacted by the Congress Assembled unless an Amendment to the federal Constitution be passed by the States and the people to authorize it; and

BE IT FURTHER RESOLVED that it is the policy of the State of South Carolina that no ultra vires Acts of Congress shall be enforced or implemented within this State; and

BE IT FURTHER RESOLVED, therefore, that the South Carolina General Assembly neither enact legislation nor authorize any appropriations from any source, state or federal, to further the implementation of the REAL ID ACT in South Carolina; and

BE IT FURTHER RESOLVED that the South Carolina General Assembly urges support for any federal measure that once enacted repeals the REAL ID ACT; and

BE IT FURTHER RESOLVED that the State of South Carolina stands with the State of Maine where state legislation declining to implement the REAL ID ACT or participate in a federal national identification system has recently been enacted; and that the State of South Carolina stands with the States of Georgia, Hawaii, Massachusetts, Montana, New Hampshire, New Mexico, Oklahoma, Vermont, Washington State, and Wyoming where State legislation declining to implement or delaying the implementation of the REAL ID ACT or participating in a federal national identification system is pending; and

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted to President George W. Bush, United States Attorney General Alberto Gonzales, South Carolina Governor Mark Sanford, Senator Jim DeMint, Senator Lindsey Graham, Representative Henry E. Brown (1st Congressional District), Representative Joe Wilson (2nd Congressional District), Representative J. Gresham Barrett (3rd Congressional District), Representative Bob Inglis (4th Congressional District), Representative John Spratt (5th Congressional District), Representative James E. Clyburn (6th Congressional District).