

# The Identity Project

www.PapersPlease.org

## REAL-ID Facts for Alaskans

**Alaska Department of Administration:** “What if I don’t want to get a *REAL ID*? You won’t have to — the Governor’s bill gives you a choice.”

**Fact:** In order for Alaska to issue *any* “compliant” driver’s licenses or ID cards, data about *all* Alaskan driver’s licenses and IDs must be included in the national database, and all information in Alaskan DMV records about any of those licenses or IDs (including “noncompliant” licenses and IDs) must be provided on request to any other state. Alaskans would have no choice about national “sharing” of their data.

**Alaska Department of Administration:** “You will face restrictions for entering military bases and being able to pass through airport security unless you get a *REAL ID*.”

**Fact:** Today, many people enter military bases or board planes every day with no ID at all. There is no current or proposed law or regulation that would change this.

**Alaska Department of Administration:** “What if we don’t pass the bill to comply with *REAL ID*? June 6, 2017, all Alaskans will need alternate ID to enter a military base.”

**FACT:** Only people (b) who want *unescorted* access and (b) who are currently required to show ID will be required to show ID to enter bases. People without ID can enter bases with an escort or in situations where no ID is required. Students on school buses entering bases aren’t required to show any ID today, and there is no proposal to change that.

**Alaska Department of Administration:** “January 22, 2018, all Alaskans will need alternate ID to pass through airport security to fly.”

**Fact:** As the TSA has repeatedly told Federal courts, no Federal law or regulation requires air travelers to have or show any ID. “People fly without ID every day. We have a procedure for that,” the TSA’s lead witness said under oath in the most recent such case. Detailed daily TSA reports on how many people fly without ID, obtained under the Freedom Of Information Act, and the experiences of Alaskans who have flown after having lost or forgotten their ID, confirm that this is true. There is **no** current or proposed law or regulation that would require travelers to show any ID to fly. Any such law or regulation would be of dubious Constitutionality, and subject to legal challenge. Because of the absence of alternatives to air travel in many parts of Alaska, Alaska has by far the strongest legal basis of any state to challenge such a threat or proposed rule in court.

**Alaska Department of Administration:** “What is an Alternate ID? The most common form is a passport.”

**Fact:** The most common forms of alternate ID are a “passport card” (a wallet-sized card, more convenient and less costly than a passport), or for commercial drivers a TWIC card (“Transportation Worker Identification Card”), which most truckers who pick up or deliver at military bases or ports are already required to have.

**Alaska Department of Administration:** “Does REAL ID create a national database? No. Neither does the Governor’s legislation. The Alaska DMV will use existing databases to verify birth certificates, passport validity, and/or lawful status.”

**Fact:** A national database, the “State Pointer Exchange System” (SPEXS), has been created to implement the REAL-ID Act. The Alaska DMV uploaded information about all holders of Alaska driver’s licenses and IDs – including name, date of birth, Social Security Number, etc. – to the SPEXS database over the weekend of January 28, 2017.

**Alaska Department of Administration:** “Will our DMV database be shared with other states or the federal government? The Alaska DMV would use an encrypted, secure bridge to verify information with other states on certain, specific data points.”

**Fact:** In order for Alaska to issue any licenses or IDs compliant with the REAL-ID Act, all data in the Alaska DMV database, including data about Alaskans who have requested “noncompliant” IDs, must be shared with all other states. According to the Federal law, “To meet the requirements of this section, a State shall ... Provide electronic access to all other States to information contained in the motor vehicle database of the State.”

**Alaska Department of Administration:** “How can the DMV protect my information? The DMV information is stored in Alaska and it is ... strictly controlled and monitored.”

**Fact:** SPEXS data about Alaskans is stored in Virginia by a private organization, AAMVA, and a private contractor, Clerus Solutions. Neither AAMVA nor Clerus Solutions is subject to the Privacy Act, Freedom of Information Act, or any of the other accountability and transparency laws that apply to Federal or state government agencies.

**Alaska Department of Administration:** “What’s the difference between getting a REAL ID and a passport? For many Alaskans, getting a passport is a hardship — many communities do not have passport facilities.”

**Fact:** You can apply for a passport or passport card at most U.S. Post Offices. There are many more Post Offices and other locations in more communities in Alaska that accept passport applications than there are Alaska DMV offices. To get a REAL-ID compliant state ID, you will have to go to a DMV office in person with your birth certificate and other documents. You can’t get a compliant driver’s license or state ID by mail.

**Alaska Department of Administration:** “Not all Alaskans will qualify for a passport — the requirements are more stringent than a *REAL ID*.”

**Fact:** Any U.S. citizen who qualifies for a compliant state ID also qualifies for a U.S. passport or passport card. The experience of residents of other states has been that because of different requirements for how to prove identity and eligibility, it’s often easier to get a passport or passport card than a compliant state ID. A passport card can be used for any purpose for which a compliant state ID can be used, plus a passport card is valid for land or sea travel between the U.S. and Canada – a major benefit for Alaskans.

**Alaska Department of Administration:** “Will the Federal Government repeal *REAL ID*? We have no indication they will. The Department of Homeland Security has told us repeatedly they plan to move forward with the implementation of *REAL ID*.”

**Fact:** Whether to repeal the REAL-ID Act is up to Congress, not the DHS. Legislation to repeal all or the most objectionable portions of the REAL-ID Act is pending in both the U.S. Senate and the U.S. House of Representatives. Members of Congress from each of the five states being threatened with restrictions on their residents’ rights if they don’t comply with the REAL-ID Act, except Alaska, are among the sponsors of these bills.

**Alaska Department of Administration:** “There are 5 states that have not passed bills to enact REAL ID.”

**Fact:** Forty states, with more than 85% of the population of the U.S., are not compliant with the REAL-ID Act. Thirty-six states are not participating in SPEXS and therefore are not compliant with the national database access requirement in the REAL-ID Act. Four other states, including Alaska, are participating in SPEXS but have not complied with other provisions of the REAL-ID Act. In the exercise of its standardless discretion, the DHS has issued “extensions” or “certifications” to different states with different dates. Only five states are currently being threatened by the DHS. But these discretionary decisions and threats can be completely arbitrary. They are not required to be based on whether states have complied with any specific criteria. Both the certifications and the dates of threatened DHS actions are subject to change at any time, for better or worse, state by state, at the discretion of the DHS, regardless of what state legislation is enacted.

Edward Hasbrouck  
Consultant on ID and travel issues

The Identity Project (PapersPlease.org)  
1736 Franklin Street, 9th Floor  
Oakland, CA 94612

415-824-0214 (cell)  
eh@papersplease.org