



NY Coalition for Immigrants' Rights to Driver's Licenses

Asian-American Legal Defense and Education Fund (AALDEF)
 Afghan Communicator
 African Services Committee
 Alianza Dominicana
 Andolan (Organizing South Asian Workers)
 Asociación México Americana de Trabajadores (AMAT)
 Centro Hispano Cuzcallán
 CHAMP (Community HIV/AIDS Mobilization Project)
 Commission on the Public's Health System Comunitaria La Aurora
 DC 37, AFSCME
 Domestic Workers United
 Dominican American Society
 Dominican Women's Development Center
 Desis Rising Up and Moving (DRUM)
 El Centro de Hospitalidad
 Farmworker Legal Services
 Forest Hills Community House
 Greater New York Labor Religion Coalition
 Green Worker Cooperatives
 Guyanese-American Workers United
 Holy Rosary Church
 Iglesia San Romero de las Americas
 Immigrant Justice Solidarity Project
 Immigration Equality
 Jews for Racial and Economic Justice
 La Esperanza Center
 La Fuente
 Latin American Integration Center
 Make the Road by Walking
 National Employment Law Project (NELP)
 National Immigrant Solidarity Network
 New Immigrant Community Empowerment
 New York Civic Participation Project (NYCPP)*
 New York Immigration Coalition*
 New York State Labor Religion Coalition
 New York Taxi Workers Alliance*
 Northern Manhattan Coalition for Immigrant Rights
 New York Association for New Americans (NYANA) Center for Women and Families
 NYC AIDS Housing Network
 New York State AFL-CIO
 New York City Central LACLA
 Organización Latino Americana (OLA)
 Puerto Rican Legal Defense and Education Fund (PRLDEF)
 Professional Staff Congress-City University of New York (PSC-CUNY)*
 Queer Immigrant Rights Project
 Rainbow Center, Inc. of New York
 Restaurant Opportunities Center of New York
 Roman Catholic Diocese of Brooklyn & Queens
 Rural and Migrant Ministry
 SEIU Local 32BJ
 Staten Island Immigrants Council
 St. Mary's Church
 Sylvia Rivera Law Project
 The Experiment
 UNITE HERE Metropolitan Area Joint Board
 Union Settlement Association
 Workers' Rights Law Center of New York
 Working Families Party
 YKASEC - Empowering the Korean American Community*

BY FACSIMILE AND FIRST CLASS MAIL

July 3, 2007

Governor Eliot Spitzer
 The Executive Chamber
 State Capitol
 Albany, New York 12224

Re: Real ID Act implementation in New York State

Dear Governor Spitzer:

On behalf of the 60 organizations that comprise the New York Coalition for Immigrants' Rights to Driver's Licenses, I write to request a meeting to discuss New York State's position on implementation of the federal Real ID Act. The New York Coalition for Immigrants' Rights to Driver's Licenses strongly opposes implementation of the Real ID Act in New York State. We believe that the Real ID Act would:

- lead to widespread discrimination against New York's immigrant communities, as well as against anyone who may be perceived to be a foreigner;
- deputize local police officers and Department of Motor Vehicle representatives to become immigration enforcement agents; and
- raise serious privacy, fiscal and administrative concerns for all New Yorkers.

We urge New York to join the growing bipartisan movement to oppose implementation of the Real ID Act. Since its initial passage in 2005 as part of a must-pass Iraq War/Tsunami relief appropriations bill, The Real ID Act has faced stiff opposition from state policymakers. Sixteen states have already passed legislation rejecting the Real ID Act. Similar legislation is pending in 20 other states. We urge New York to add its name to the list of states resisting this ill-advised law.¹

We would also like to address with you the following issues raised by the Real ID Act:

- **Discrimination against holders of non-Real ID Act compliant driver's licenses**

How does New York State propose to deal with the document design requirement that, if implemented, would lead to discrimination against holders of non-Real ID Act compliant driver's licenses?

The Real ID Act requires that all licenses that do not meet the Act's minimum

* Coalition's Steering Committee

issuance requirements bear an endorsement stating that they are not Real ID Act compliant. In written comments submitted last month by NY Department of Motor Vehicles Commissioner David Swarts to the U.S. Department of Homeland Security (“DHS”), Commissioner Swarts described such a requirement as an “imping[ment] on the prerogative of the states.” He then recommended that Real ID Act compliant driver’s licenses should include an affirmative statement that they “Meet Federal Standards,” rather than including a negative statement of noncompliance on non-Real ID Act compliant driver’s licenses.

We agree with Commissioner Swarts that the document design requirement set forth in the Real ID Act impinges on states’ rights. Furthermore, and even more disconcerting, we are concerned that such a design label will serve as a “scarlet letter” on all bearers of a non-Real ID Act compliant driver’s license, and lead to discrimination against such license holders.

- **The threat to privacy and the risk of identity theft**

How will New York State protect the privacy of its citizens and guard against identity theft?

In his comments to DHS, Commissioner Swarts raised serious concerns about the Real ID Act’s requirement that states exchange private information about their customers. Commissioner Swarts explained that, “[t]he NYS DMV is concerned about the potential for information security breaches by requiring information exchange...The exchange of Personal, Private, and Sensitive Information (PPSI), with unknown motor vehicle employees in other jurisdictions, increase the vulnerability of identity theft. The use of this information is beyond the scrutiny of the state of record. The privacy claim is only as strong as its weakest link among all employees in fifty states.”

Commissioner Swarts also raised concerns about protecting confidential information contained in the driver’s licenses of domestic violence victims, undercover police officers, and judges.

- **Unfunded mandate**

How does New York State propose to fund this mandate?

- **Implementation of the Real ID Act would cost the state at least \$84 million annually**

Commissioner Swarts estimated that the annual cost of issuing a Real ID Act compliant driver’s license in New York will be at least \$84 million, excluding additional costs associated with implementing a satisfactory verification system, databases, and the personal costs borne by millions of New Yorkers applying for or renewing a driver’s license. The comments submitted by Commissioner Swarts also stated that the federal government should fund all of the costs associated with implementation of the Real ID Act in New York.

It is vital that this funding does not take away from money already allocated to New York for homeland security.

- **The federal government may—as it has in the past—fail to create and fund reliable and effective document verification systems for states to use**

Commissioner Swarts commented that the federal government has failed to implement reliable systems to verify such basic documents as birth certificates, U.S. passports, consular reports of birth abroad, and immigration papers. Inadequate verification systems will lead to great inconveniences for New Yorkers, many of whom will lose their driving privileges while stuck

in a bureaucratic nightmare. Moreover, Commissioner Swarts commented that state costs associated with developing these systems need to be funded by the federal government.

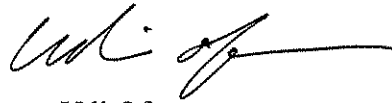
- **The Real ID Act's current requirement of in-office visits for address changes will cost New York about \$1 million annually**

Commissioner Swarts estimated that a requirement of in-office visits would cost approximately \$1 million in additional staff, and have an enormous impact on the wait and processing time of approximately 400,000 New Yorkers a year who are now able to file address changes by phone or mail.

We urge New York State to reject implementation of the Real ID Act as soon as possible. Should the state fail to do so before October 1, 2007, we urge New York to request a seven month extension of the statutory implementation deadline of May 11, 2008.

We look forward to discussing the questions and concerns raised in this letter. Due to the time sensitive nature of this issue, we respectfully request to meet with your administration prior to July 27, 2007. Please contact Udi Ofer by phone at (212) 607-3342 or by email at uofe@nyclu.org.

Sincerely,



Udi Ofer
Legislative Counsel, NYCLU
For NY Coalition for Immigrants' Rights
to Driver's Licenses

cc: Patricia Smith, Commissioner, Department of Labor
Michael Balboni, Deputy Secretary for Public Safety
David Swarts, Commissioner, Department of Motor Vehicles
Lorraine A. Cortés-Vázquez, Secretary of State
Assembly Speaker Sheldon Silver
Senate Majority Leader Joseph Bruno
Senator Eric Schneiderman
Assemblywoman Joan Millman, Chair, Commission on Government Administration
Assemblyman Felix Ortiz
Assemblyman Adriano Espaillat

ⁱ The federal government has attempted to force states to implement the Real ID Act by stipulating that state driver's licenses will not be accepted for "federal purposes" unless they are Real ID Act compliant. Some congressional lawmakers seek to effectively expand the definition of "federal purposes" and lay down the groundwork for a Real ID Act compliant driver's license to become a permanent fixture for Americans.

Title III of the immigration reform bill (S. 1348) recently debated in the U.S. Senate included provisions that would have required that U.S. citizens submit a Real ID Act compliant driver's licenses or U.S. passport in order to prove their work eligibility, thus forcing millions of Americans to obtain Real ID compliant identification. Moreover, Section 140 the Federal Housing Reform Act of 2007 (HR 1427), passed by the House of Representatives in May, adds a requirement for U.S. citizens receiving assistance under affordable housing grants to prove their lawful immigration status by providing a Real ID compliant driver's license, a social security card and government identification, or U.S. passport. Finally, Senator Mitch McConnell attempted during last year's immigration reform debate to add an amendment that would have reformed the Help America Vote Act to require that all voters present Real ID Act compliant identification to vote in an election.

The above legislative actions to reaffirm the Real ID Act will only increase as the implementation deadline approaches.