

# “Your Papers, Please!”

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Not long ago, Americans feared and ridiculed the police states cursing too many parts of the world. We worried that they might one day conquer us despite their poverty and general misery even as we mocked their totalitarian tactics — especially their “Papers, please” mentality.

Indeed, being forced to prove one’s identity to a bureaucrat on demand, having to carry and produce documents with personal information for his approval — or condemnation — seemed especially horrifying. One of our classic films, *Casablanca*, revolved around the deadly hassles of obtaining or forging such papers under the Nazis; episodes of *Mission Impossible* in the 1960s often featured the same detail as American agents outwitted sinister Slavic tyrants.

What tragic irony, then, that the U.S. government increasingly compels us to identify ourselves. And it’s an even greater tragedy that this command no longer terrifies Americans, let alone goads them to protest.

Until now. While the president and his cronies push the country toward full-fledged fascism, state legislatures have rebelled against a federal edict that establishes a key component of such tyrannies: the national ID card.

Congress passed the REAL ID Act in 2005 as a rider on a bill handing more of our money to the military. There was no debate about either the concept of a national ID or the details of implementing it — including the astronomical costs of forcing states to convert the driver’s licenses they issue into national ID cards.

That expense may explain the fiery opposition REAL ID sparked — opposition unprecedented in our lifetime. Some states forbade their bureaucracies to comply with REAL ID while others officially denounced the legislation.

## Feds Firing Back

But the feds haven’t surrendered. Instead, they’ve drafted virtually identical legislation under an alias — “Providing for Additional Security in States’ Identification Act of 2009” (PASS ID) — with one difference: states keep more of the taxes they extort from us (or, as *Government Technology* puts it, PASS ID “reduc[es] costs by providing greater flexibility for states to meet federal requirements by eliminating fees associated with the use of existing databases”). Nevertheless, the last time a federal outrage generated this much fury, Northerners and Southerners went to war.

And an outrage it is. By whatever name, this legislation puts your driver's license on speed, ramping it up into a national ID. It dramatically increases the personal information your license contains, the number of bureaucrats who can access that data, and the circumstances when the government will not only scrutinize your ID but then decide whether you may proceed with your business — or not.

Though REAL ID wasn't and PASS ID isn't explicit about embedding a tracking chip or including biometric data such as fingerprints or retinal scans in licenses, it's likely both would occur sooner rather than later. And you'll be flashing your card so much you'll probably wear it around your neck rather than dig it out of your wallet: the feds will inspect it each time you so much as enter a location under their jurisdiction, including courthouses and airports. You'll have to show it to open a bank account as well. That custom will doubtless spread to all financial transactions, even the most picayune, as Americans become inured to the constant order, "Papers, please."

No wonder REAL ID provoked rebellion. But little of it was grass-roots: except for members of organizations like the John Birch Society or Campaign for Liberty, most folks still know very little about REAL ID or PASS ID and care even less; a few actually applaud a national ID because the government claims it fights terrorism. Rather, organizations like the American Civil Liberties Union and the Electronic Frontier Foundation (which "defend[s] your rights in the digital world") led the charge. Joining them were the governors of various states in a high revolutionary stand-off with the feds. That's even more remarkable when we consider Washington, D.C.'s countless other anti-constitutional incursions over the last hundred years, most of which eviscerated states' sovereignty just as much as if not more than REAL ID does. Yet it was REAL ID — not affirmative action and its contempt for freedom of association, nor environmental regulations that gut property rights, nor the massacres at Waco and Ruby Ridge — that finally galvanized states to defy the federal Frankenstein.

Why? Most of the governors opposed to REAL ID cited two reasons. They professed concern about our vanishing liberty — a concern strangely missing from their acceptance of other unconstitutional mandates, as well as their own tyrannical decrees. They also complained about its cost, which conservative estimates put somewhere around \$23 billion. Yet D.C.'s dictators impose plenty of other unfunded mandates on states, and while governors complain, they don't rebel.

Still, money likely motivated their mutiny. For one thing, the National Governors Association likes PASS ID because it believes the feds have learned their lesson and will put the dollars where their bill is this time. For another, states resented spending billions on REAL ID's outlay, but that's only a tiny part of the story. Licensing drivers is a gold mine for local governments, one so lucrative that

they're highly suspicious of federal interest in the process.

Indeed, the loot from licensing us, as well as the plunder from concomitant fees and fines, is so vast that no one knows the actual amount. That's partly because governments conceal their profits lest bigger, badder governments steal from them what they stole from us: municipalities often hide how much they extract in traffic tickets for fear their state will demand a bigger cut. So even in our computerized age with its sophisticated methods of accounting, no one knows how much tickets alone filch from us. The National Motorists Association estimates the amount at somewhere between \$3.75 and \$7.5 billion annually — and that excludes parking tickets. Now add fees for car registration, driver's licenses, license plates, title certificates, and inspections, as well as the taxes that encumber all things automotive (sales of cars, insurance, gasoline, and parking), to say nothing of parking meters and tolls. (*Newsday* reported that New York City alone collected 126 million tolls solely for crossing to and from the island of Manhattan in 2006; these ranged from a couple dollars for motorcycles to \$36 or more for a truck with five axles.)

Picking our pockets on behalf of the State is one of licensing's two basic purposes, regardless of its type: professional (doctor's, realtor's, broadcasting), fishing and hunting, driver's. Linda Lewis-Pickett, president and CEO of the American Association of Motor Vehicle Administrators in 2006, frankly admitted that "each state agency has looked at DMVs as revenue generators — 'Come in and pay taxes and give us money.'" The driver's licenses and plates those DMVs dispense also enable officials to track us to a billing address, no matter how flawed the issuing cop's judgment, regardless of how we disagree with his assessment of our speed or the length of time we paused at a stop sign.

### Paternal Regulations

Licensing's other purpose is the control it grants rulers. There's a reason licenses are also known as "permits": what the government permits one day it may prohibit the next. Wielding the power to deprive a man of his livelihood or his ability to travel keeps him obedient and cringing.

If that doesn't inspire us to question government's licensing of drivers, perhaps the system's inherent insult will. Licensing implies that we are silly children eager to drive without bothering to learn how; only the fatherly State saves us from automotive annihilation.

That paternal motif increasingly characterizes states' interactions with drivers as they withhold this "privilege" to coerce our behavior, the way parents do teens. Many revoke licenses for a long list of infractions, not just those that pertain to driving. Minnesota will suspend a license for "truancy," "underage consumption of alcohol," or merely the "attempt to unlawfully purchase alcohol or tobacco,"

“failure to pay child support,” and “out-of-state conviction.” Ohio repeals its permission to drive for “dropping out of high school, drug-related offenses, unsatisfied civil judgments, delinquent, unruly, or habitual drug user (juveniles), failure to appear in court on a bond, liquor law violations, medical condition that would impair your driving ability [and who decides that?], tagged as a ‘problem driver’ in the National Driver Registry, insurance noncompliance, unresolved out-of-state ticket, out-of-state alcohol- or drug-related offenses.”

DMVs not only exploit this authority, they brag about it. “We walk a very fine line with incredible power over people,” David Lewis, deputy registrar of the Massachusetts Registry of Motor Vehicles, told author Simson Garfinkle in 1993 for an article published in *Wired Magazine*. Peter Nunnenkamp, manager of driver programs at Oregon’s Driver and Motor Vehicle Services agreed. “[Suspending a license is] the most effective thing that you can do without throwing them in jail.... And it’s fairly cost effective.” So much so that DMVs seldom struggle with delinquent debtors. “Last year,” Garfinkle wrote, “the Massachusetts Registry collected more than US\$660 million in fees and fines; less than \$600,000 came back as bounced checks — a whopping 0.1 percent. ‘How can you afford to stiff us?’ Lewis asks rhetorically. ‘Whatever it is you have, we’ll take it. We’ll pull your driver’s license. We’ll take your title.’” A capo in the mob sounds less menacing.

If government were honest enough to say, “Look, we want lots and lots of your money, and we also want to subjugate you,” most people would (we hope) deny it the power to license. So as usual, the State cloaks its motives in false solicitude. Licensing protects us, it claims — from selfish sportsmen who would hunt and fish our fields and streams to exhaustion, from broadcasters who would assault our ears with foul language, from reckless drivers. But is any of that true? And if so, if fishermen and radio announcers and drivers are as great a menace as rulers allege, are there more effective ways to protect us from their dangers than by licensing them?

In the case of driver’s licenses, the allegations about safety postdate licensing by several decades. Early drivers simply bought licenses without meeting any requirements whatsoever. In fact, folks often ordered them through the mail: no one tested eyesight, competence, or anything else. Only payment received mattered to the issuing government. Carl Watner at [voluntaryist.com](http://voluntaryist.com) reports that by 1909, “twelve states and the District of Columbia required all automobile drivers to obtain” licenses. These generally listed the operator’s “name, address, age, and the type of automobile he claimed to be competent to drive.”

That contented many states for years; decades sometimes passed before they also forced drivers to satisfy a bureaucrat as to their vision and skills. Massachusetts and Missouri were both selling licenses by 1903, but only in 1920

did “Massachusetts . . . [pass] its first requirement for an examination of general operators,” and “Missouri had no driver examination law until 1952.” This at a time when both cars and roads lacked many of the protective features we now take for granted.

DMVs have come a long way since then. Modern ones administer driving and eyesight exams. They harp on seat belts and speed limits. They hang posters about defensive driving in their offices, then compel us to camp out there for hours while slow, surly clerks waste our time and money. That fools most Americans into equating licensed drivers with safe drivers.

Yet little research proves that licensing ensures anything other than increased revenues for government. Some studies purport to establish a link between licensing and safety, but two problems doom these. First, most of them assume rather than prove that governmental licensing equals safety (licensing by a private entity, perhaps an insurance company that requires proof of superior skill and prudence before staking its money on an applicant, would be another and very different matter). Then they compare two incomparable groups: licensed drivers, about whom we know a great deal (how many exist overall, their ages, their driving records, their places of residence, etc.), and unlicensed drivers, about whom there’s almost no information, collectively or individually. As the American Automobile Association warns, “[The] methodology [of researchers who study licensing and safety] has limitations.... [I]t is hard to arrive at reliable findings for unlicensed drivers simply because so little is known about them.”

And one set of such drivers actually establishes the futility of Leviathan’s licensing. The American Academy of Pediatrics reported last year: “No relationship was found between license status and reported crashes” among teen drivers — despite the fact that the unlicensed ones tended to drink and drive, speed, etc. It concluded that about six percent of them “drive unlicensed” — *but* “on average, they do not seem to have increased crash risk compared with licensed teens. However, they display increased unsafe driving behaviors, particularly lower rates of seat belt use, which puts them at higher risk for injury and death when a crash occurs.”

Meanwhile, many of the drivers Leviathan licenses are notoriously dangerous nonetheless. Not only are teens a hazard, as their insurance rates testify, so are elderly drivers. A study from 1998 noted that “some statistics show they are more likely to be involved in fatal accidents than all other age groups but those under 25.” Licensing does not quicken slow reflexes, and the visual tests most DMVs administer are so fatuous even patients suffering from cataracts and glaucoma can pass them. Then, too, we’ve all read about or known someone injured or killed by a drunk but licensed driver with multiple offenses to his credit. The bureaucrats who promise to protect us so long as we cede our liberty to

them have failed abysmally.

There's an army of them, too. The agencies connected to automotive transportation in each state — from those that build and repair the roads to those that issue driver's licenses and plates to those that cruise the highways trapping unwary drivers and robbing them of even more money — are myriad and labyrinthine. They hire phalanxes of union members who protest each and every cut a state makes to their budget with the excuse that the "customers" they "serve" deserve better: when California recently tried to cut expenses by eliminating overtime — not jobs, mind you, just overtime — at DMVs, one employee moaned to ABC News, "We had to turn a lot of people away because we can't serve them because we have to be out at 5:00 p.m. We cannot get no overtime [*sic*], so now we have customers yelling at us thinking it's our fault."

"Customers" should wise up. Rather than begging our rulers for longer hours and shorter lines so that we can more easily pay their extortion, we should demand that they quit charging us for a "privilege" we already own as a right.

### **Rights and Reasoning**

Despite DMVs' propaganda to the contrary, traveling by any means — walking; riding a horse, bus, train, or plane; driving a car — is one of the inalienable rights we possess by virtue of our humanity. Unless we trespass, we assault no one's life, liberty, or property by simply moving from one location to another. The State has no moral authority to interfere.

Why, then, did our grandparents allow government to license cars in the first place? Didn't this strike them as a bizarre and intrusive innovation? After all, no one licensed horses and buggies.

Unfortunately, inventors developed the internal combustion engine just as progressive politics with its veneration of Leviathan was hijacking the nation. Progressives convinced Americans who had formerly distrusted government that it was in fact their best friend, a benign giant protecting them in the frightening, rapidly changing world of electricity, telephones, airplanes, and automobiles.

Add to that the fear most people harbor for new technology, especially technology they can't afford. Cars were playthings for the wealthy when they first appeared on the market — but noisy, smelly nuisances to everyone else. The folks whose horses shied as a newfangled automobile zipped past deeply resented this emerging industry.

And once Mr. Millionaire bought his car, where did he drive it? The early 20th century boasted very few paved roads.

These considerations spurred automotive enthusiasts to welcome government's interest in their hobby. If the State approved of driving enough to license it, everyone must accept it, even those too poor to afford cars. And what politicians regulate, they usually fund, too. The magnates buying horseless carriages wanted all taxpayers, not just themselves, to subsidize the infrastructure their new toys required.

Since then, government has consolidated its conquest of our automotive lives — a conquest so complete most people take it for granted despite the State's incompetence and even criminal negligence. It monopolizes the design and construction of roadways; meanwhile, we mourn roughly 42,000 traffic fatalities year after year. Deliberate carelessness like drunk driving accounts for some of these deaths, but others result when drivers follow the rules of the road as imposed by the State.

Bureaucrats heavily regulate automotive design and manufacture, too. Their latest mania is more miles to the gallon. But many experts blame the requisite flimsiness for more fatalities when crashes occur: cars built from plastic rather than steel reduce consumption of fuel but put occupants at risk. And government's decades of ineptly micromanaging Detroit's Big Three led directly to their failure and nationalization.

In short, an accident of history put government behind the wheel of all things automotive. But there's no reason we should acquiesce in this. Certainly we should work to ensure that PASS ID suffers REAL ID's same fate. But let's go the extra mile and oppose the State's licensing of drivers at all.

Whether in their current incarnation or REAL ID's *uber*-version, driver's licenses swindle huge amounts of our money while giving the State virtually unlimited authority and an excuse for spying on us. They also destroy the private market that would otherwise exist for authenticating one's name and credentials — a market with virtually none of the fraud and identity theft that characterize the government's monopoly of this industry. It would be a differentiated market, too, offering degrees of authentication for everything from cashing a check to entering a restricted area, rather than the one-size-fits-all approach of driver's licenses that divulges our names, addresses, birthdates, height, and weight to every bank teller and supermarket clerk.

Indeed, frightening amounts of our personal data clog DMVs' computers. Professor Margaret Stock of the United States Military Academy at West Point inadvertently makes that point when arguing that governments should issue driver's licenses to illegal aliens. She writes that "driver license and state identification databases play" a huge "role" "in national security and law enforcement."

“The collective DMV databases are the largest law enforcement databases in the country,” she continues, “with records on more individual adults than any other law enforcement databases. The collective DMV databases are the only comprehensive internal security database.

“The Department of Homeland Security (DHS) does not yet have a comprehensive database on all adult residents of the United States.... When DHS wants to find someone, the primary government database it relies upon is the driver license database.

“When a person ... applies for a driver license, that person ... provides the DMV with a variety of valuable personal information — including a key identifier, the digital photo. DMV databases thus contain biometric information, and a wealth of other valuable information that is updated on a regular basis ... by the individual who has the license.” She insists that other databases can’t compete with the depth and breadth of the DMVs’ — not the “state birth certificate databases,” which record a one-time event without updates, nor the “federal Social Security” and “Internal Revenue Service databases,” which lack “biometric information.”

Should government know this much about us simply because we drive cars we own on roads we pay for?