

from
Upholding the Law
and Other Observations

by
Peter E. Hendrickson

Stop This Train



"Every reform is only a mask under cover of which a more terrible reform, which dares not yet name itself, advances."

-R. W. Emerson

I participated in a gathering the other day which was addressed by the "Southeast Michigan Liaison" to Michigan's Secretary of State, Terry Lynn Land. This fellow was there on the Secretary's behalf, seeking to gain our support for her proposal to combine two impending expansions of federal control over Americans into one.

Ms. Land is proposing that the provisions of the Western Hemisphere Travel Initiative (WHTI)-- purporting to require that Americans produce a passport in order to gain re-entry into their own country-- be blended with those of the Real ID Act, which purport to require that Americans carry internal passports in order to enjoy the services of their own federal government and any institution or industry-- public or private-- which the feds have persuaded to accept subsidies from the public purse, or over which the federal government has assumed regulatory authority. Her proposal is that the new Real ID-qualified driver's

licenses be "enhanced" with the data requirements mandated for external passports under the WHTI, so that the one set of papers serves both purposes.

Land reasons that her idea is just a matter of looking out for the interests of Michiganians. Since many of us travel in and out of Canada, many of us would be put to the trouble and expense of obtaining passports for the first time in their lives under the new protocol as it stands at present, since over all of the eighty years or so that modern American passports have been in use, these permission-slips have not been demanded for travel between the two countries. By making the internal passport serve as an external passport, we will be spared that trouble and expense.

Land is asking the Department of Homeland Security for approval to institute her notion on a pilot basis, and in advance of the 2008 Real ID deadline. She suggests that if it proves functional (how could it not?), the driver's licenses of all of the states would be similarly enhanced for the same purpose, and this latest transfer of power and authority from individual Americans to the central government could be accomplished with that much less trouble and fuss.

Hannah Arendt famously remarked on the banality of evil as manifested in Nazi Germany. She was referring to the contributions of those Germans who blithely incorporated the new regime's programs into their daily routine-- doing their best to see to it, for instance, that the trains kept running on time, despite the new cargo being transported. Think of what it might have meant to the history of the twentieth century if the average German had taken a philosophical view, rather than a pragmatic one, and had put down his or her tools and said, "No!" Land should do just that, rather than seek to make the adoption of these schemes more palatable.

I am not suggesting that the ambitions behind the WHTI and the Real ID Act are to be classed with those of Nazism. But I am stating outright that even though the true character of those ambitions are not known to me, they are wrong and bad, and should be resisted, not enabled.

For instance, when the concept of the Real ID Act is given a little thought, it becomes clear that whatever purpose will be served by it, it will be no good purpose. After all, it would be ridiculous to suggest that the implementation of an internal passport will eliminate-- or even mitigate-- any danger from "terrorism" (such as there is...). Are we to imagine that this program will lead to the removal of metal detectors at federal courthouses, and searches at airports, etc.? Of course not.

The prospect that his or her identity will be definitively established before entering the target, either as an American citizen with a "Real ID", or as a foreign visitor with whatever alternative will inevitably and unavoidably be provided for, is NOT going to deter a suicide attacker, is it? Similarly, those who intend to smuggle explosives, or whatever, into a target will do so unhindered-- and walk out again-- if all that is done at the door is a check of his or her "Real ID".

As for the WHTI, virtually the same can be said. The dangers posed by terrorists are not due to their anonymity, and unless we intend to refuse entry to any non-Americans upon the adoption of WHTI-- and we do not-- it will be a meaningless imposition, as far as the prevention of terrorism is concerned. But it will not be a meaningless imposition in other respects: With the adoption of these policies Americans-- who once did not-- will now carry papers to show bureaucrats on demand, and as a consequence of which their movements will be trackable and recordable, and they will evermore be at the mercy of the competence, caprice, ire or ill purpose of those who control the database.

Furthermore, only a fool or a child would fail to recognize that though the current protocol only makes access to "federally connected" services, institutions and industries dependent on the possession of a properly-functioning "Real ID", it will only be the briefest of intervals before most of one's day-to-day affairs are similarly dependent.

Indeed, consider this: The vast majority of banks in America are federal instrumentalities, legally. Thus, even before it inevitably becomes the case that a "Real ID" in good standing is necessary to get phone service or groceries, the status of one's 'papers' will determine not only whether or not one can board an airplane, but also whether or not access to one's money is permitted.

Rather than seeking ways to ease Michigan into participation with this noxious scheme with the least amount of friction, Terry Lynn Land (and every other Secretary of State) should be figuring out how to make this train-ride as bumpy as possible, in an effort to foment a statewide refusal to participate. Personally, I can't think of a single federal "service" I couldn't live without (or to which Michigan couldn't furnish a perfectly acceptable alternative); and if the 10 million citizens of Michigan (or any other state) were to say "No, thanks," to this scheme, I'm confident that Congress would quickly come up with a more palatable alternative.