

Jeff Epstein
2258 Huntington Avenue, Suite 530, Alexandria, VA 22303
Phone: 703-960-0363 e-mail: jec@pobox.com

DEPT. OF TRANSPORTATION
DOCKET SECTION

98 JUL -6 AM 11:48

Docket Management,
Room PL-40 1
National Highway Traffic Safety Administration
Native Building, 400 Seventh Street, S.W.
Washington, D.C. 20590

Re: Docket No. NHTSA-98-3945, FR Page 33219-33225. -20

CC:: Office of Management and Budget, the White House, Rep. James Moran, Sen. John Warner, Sen. Charles Robb

June 30, 1998

This letter is a public comment regarding Docket No. NHTSA-98-3945, "State-Issued Driver's Licenses and Comparable Identification Documents" as requested in the Notice of Proposed Rulemaking for this docket.

I am writing in response to this proposed rule as a private citizen with no relevant organizational affiliation and no direct interest in the rule other than as a private citizen. I wish to object strongly to the proposed rule on the grounds of its encroachment on individual and state rights, and its possible unconstitutionality. The relevant section of the underlying law that is the source of the proposed rule, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, is also possibly unconstitutional as well as misguided and certainly undemocratic.

The proposed rule would compel state motor vehicle agencies and administrators to conform to certain requirements in the design of driver's licenses. Among the requirements are that the state agency obtain from the applicant a Social Security Number as a means of identification? even though the state may not require such number to appear on the license itself. It further requires any person to have either a Social Security Number or a verifying document of legal residency if the person is a legal resident of the United States but does not have a Social Security Number.

The various requirements, in total, amount to a de facto compulsory national identification system. Such a system would violate the privacy and sanctity of lawful U.S. citizens and other lawful residents. It supersedes the authority of states and localities to make their own identification and governance requirements, makes illegal a private citizen's choice to not obtain or use government identification, and essentially forces individual citizens to surrender their rights to privacy and freedom from unnecessary state interference in their lives. It would also serve as a precedent by which additional identification requirements or citizen control requirements may be created against states and individuals.

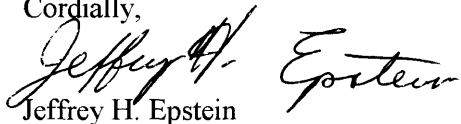
The implementation of this legislation and this regulatory rule, in the unwarranted creation of a national identification system, creates great harm to individual citizens, to the states, and to the general welfare of the United States. Such harm is evident in the effect of the regulation and does not require the showing of specific violation of statute. Nevertheless, Article X of the Constitution reserves rights not given to the federal government to the states, and this rule would clearly usurp and remove a previously held state right. This is the case regardless of any technicalities that may otherwise seem to preserve state rights.

The welfare of the people of the United States depends on common sense and common law as well as clauses of regulations.

I find that the stated purpose of the regulation and its underlying legislation, the control of illegal immigration, does not justify the creation of a national identification system. I willingly forfeit the federal government's ability to control illegal immigration to the extent it creates such greater harm as this proposed rule would.

I request the NHTSA to immediately suspend the implementation of this rule and any similar rules pending new legislation by Congress to repeal or modify the underlying statute.

Cordially,

A handwritten signature in cursive script that reads "Jeffrey H. Epstein". The signature is written in black ink and is positioned to the right of the typed name.

Jeffrey H. Epstein
2258 Huntington Ave. #530
Alexandria, VA 22303