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Customer Service Center
Safeway Inc. - M/S 10501
P.O. Box 29093
Phoenix, AZ 85038-9093

Re: Rejection of US Passport Card for Alcohol Purchase

Dear sirs:

On 16 January 2010 at about 5:00 PM, I was checking out at the Safeway store on 179 Branham Lane in San Jose, California. I happened to have a bottle of Marsala wine (making Chicken Marsala that night) and was asked for ID. On presentation of my US Passport Card:

- I was told that this is an unacceptable form of ID, and
- That there was a notice near the employee timeclock that specifically lists the Passport card as an unacceptable form of ID, and
- When I asked the cashier to double-check, she asked her line manager who confirmed that the Passport card is an unacceptable form of ID.
- No further explanation was offered (and frankly, I didn't feel like holding up the line any longer).

From what I can tell, the cashier (June) was simply doing as she was told and, while apologetic, was rather insistent that there was nothing she could do. I have no issues with her—she was simply doing as she was told by Safeway management.

My issue, in short, is the bizarre and inexplicable listing of the Passport card as an unacceptable form of ID. After a significant amount of research, I find no legal basis for this action and hereby request that this policy be reversed immediately. I present my research to you in the hopes of making your decision easier.

Summary of Findings

Disclaimer: I am not an attorney. I simply used to work as a law clerk and have a modicum of research experience. I am not licensed to practice law in any way. The following is intended as a jumping-off point for your own research and should not be construed as legal advice.

1. The US Passport card was enacted as a limited-use travel document in 2008 pursuant to the Intelligence Reform and Terrorism Prevention Act of 2004¹. While its use as a travel document

¹ 118 Stat. 3638. Proposed in Public Notice: 6066, implemented in 72 FR 64931, Nov. 19, 2007, as amended at 72 FR 74173, Dec. 31, 2007

is limited in scope (land and sea travel to Canada, Mexico, and certain destinations in the Caribbean), its intent was to be used as a "...a lower cost means of **establishing identity** and nationality for American citizens..." and "will show the bearer's origin, identity, and nationality and will be **subject to existing passport statutes.**"² In short, for all purposes other than broader international travel, the passport card has exactly the same force as a conventional passport. One Federal Government website summarizes the passport card thusly:



*"Although the passport card cannot be used for travel by air, it does carry the same rights and privileges of the traditional passport book, and is held to the same standards."*³

2. The passport card has already been explicitly validated for other uses by local and federal agencies. To wit:
 1. The Department of Homeland Security's I-9 form (which every US employee must fill out when starting at a new job), explicitly states that the US Passport Card as a "[d]ocument that establish[es] both identity and employment authorization."⁴
 2. The Transportation Security Administration explicitly lists the Passport Card as a valid form of identification for e.g. boarding an airplane.⁵
 3. The UCSF Police (among others) list it explicitly on their "Valid Forms of Identification" page.⁶
 4. Upon inquiry with the California Secretary of State's office, they confirmed that "the passport card is acceptable as identification under Civil Code section 1185."⁷
3. The California code is fairly clear on identification requirements for alcohol purchases as well.
 1. The vendor can demand "Bona fide evidence of majority as provided in Section **25660.**"⁸
 2. "Bona fide evidence of majority and identity of the person is a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, an identification card issued to a member of the Armed Forces that contains the name, date of birth, description, and picture of the person, or a **valid passport** issued by the United States or by a foreign government."⁹

2 Federal Register: October 17, 2006 (Volume 71, Number 200)

3 Frequently Asked Questions on USA.gov at http://answers.usa.gov/cgi-bin/gsa_ict.cfg/php/enduser/std_adp.php?p_faqid=7015

4 Department of Homeland Security Form I-9 (Rev. 08/07/09) Y Page 5, retrieved from <http://www.uscis.gov/files/form/I-9.pdf>

5 http://www.tsa.gov/travelers/airtravel/acceptable_documents.shtm

6 <http://police.ucsf.edu/index.php?/ID-Cards/valid-forms-of-identification.html>

7 I documented the email I received from the Secretary's office at <http://schmong.org/blog/node/113>

8 California code §25658.4

9 California code §25660

Summary

According to the US Code, the passport card IS a passport. As a result, any refusal to accept it as valid ID on the basis of illegitimacy under the eyes of the law is incongruous at best. Since any variety of other identification methods are acceptable (military ID, conventional passport), along with much less secure forms of identification (such as out-of-state driver licenses not yet completely conforming to RealID from e.g. Arkansas or Colorado), the decision by Safeway management to explicitly exclude the Passport Card seems arbitrary and bizarre.

While I understand that Safeway is well within their rights to refuse service to any customer for whatever reason they see fit, the decision to explicitly reject the Passport Card seems more arbitrary than based in any practical or *de legis* reality. Please change your policy and advise your stores that the US Passport Card is acceptable for all forms of identification within the United States.

Thank you for your time.

Sincerely,

William J. Black