

Response to Sen. Van de Putte's Attack on REAL ID

Murphy's Law summarizes much of human experience: "anything that can go wrong will." The First Corollary to Murphy's Law expands on this saying that "Murphy was an optimist." In his 1968 book, *The Peter Principle: Why Things Always Go Wrong*, Dr. Laurence J. Peter went a long way to explaining why Murphy's Law is a fact of life. Dr. Peter observed that the reason things go wrong is because "in a hierarchy every employee tends to rise to his level of incompetence."

I postulate the following corollary to the Peter Principle: "In government bureaucracies elected officials tend to rise far above their level of incompetence." To restate: "As regards politicians, Dr. Peter was an optimist." A perfect example is Leticia Van de Putte who is not only a Texas State Senator (D-San Antonio) but is also President of the National Conference of State Legislators (NCSL). This is a woman who has not just risen to her level of incompetence, but skyrocketed stratospherically beyond it. She revealed this fact in a column on REAL ID that she recently wrote for her hometown paper the San Antonio *Express-News*. Her column contained so many wildly false statements about REAL ID that it puts into question the credibility of the NCSL for having such a person at its head, not to mention the competence of San Antonio voters.

Before examining her statements and embarrassing her, let me say that I don't believe Sen. Van dePutte *intentionally* misled her readers; she probably believes that what she wrote was accurate. Being familiar with the history of false assertions made by NCSL staff members as to the "reliability" of Mexican matricula cards and 'the states' commitment to securing American drivers' licenses,' it's my guess that Leticia was the victim of an assumption that the NCSL staff was reliable.

Let's examine her statements the *Express*

1. *"State legislators are committed to strengthening the security of the license-issuance process...Shortly after Sept. 11, 2001, state lawmakers went to work strengthening the security of licenses."*

She must be talking about states other than those in the USA.

Consider:

a) After 9/11 the States of New Mexico and Utah, responding to a well financed lobbying campaign by the open borders lobby, *loosened* their laws, passing legislation specifically permitting illegal aliens (i.e. people who are "undocumented," with no verifiable identity documents) to obtain drivers' licenses in their states.

b) The legislatures of Tennessee, North Carolina, Maryland, and Connecticut voted to kill legislation that would have required applicants to provide verifiable proof of identity such as a valid social security number or valid foreign passport with a US visa. As a result, Tenn., N.C. and Md. have become Meccas for people lacking verifiable identity documents who want US drivers' licenses. Fraud, corruption, and highway mayhem caused by the beneficiaries of these lax rules has increased substantially. Connecticut avoided that fate only because its DMV, along with those of New York and other states, implemented strong regulations without legislative action under their Governors' inherent executive authority.

c) California's legislature also voted, after 9/11, to give licenses to the "undocumented," but Gov. Davis's signing of the legislation resulted in his recall and removal from office by the voters. Only as a result of the public outcry was the bill then repealed.

d) The following states still today do not require verifiable identity documents of license applicants: Oregon, Alaska, Louisiana, Michigan, Vermont, Delaware, Kansas and Hawaii.

e) Virginia, Illinois, Wisconsin, and Colorado, did pass strengthening laws but *only* as a result of intense lobbying by victims of the 9/11 terrorist attacks and local activists. And who, in every case, opposed this strengthening legislation? None other than the National Conference of State Legislatures of which Sen. Van de Putte is president.

f) Maine is one state that enacted strong legislation in 2006, but only after DMV official Jen Pease testified to a joint legislative committee that state policy required issuance of licenses

virtually anyone who asked for one. She cited the example of a man whose only "identity documents" were photocopies of an Egyptian passport and of a New York license. She testified that the man admitted he was an illegal alien unable to renew his NY license and that was why he'd come to get one in Maine. Ms. Pease testified that DMV headquarters instructed her to grant him a license...but first he had to obtain a Maine P.O. box. Over a year after her testimony scandalized the state, the legislature finally enacted a reform measure. Nevertheless, given the power of the ACLU and the rest of the open borders lobby in that state, without some federal incentives, it is unlikely that effective regulations will ever be implemented.

Is this what Sen. Van de Putte regards as legislators committed to "strengthening the security" of drivers' licenses?

2. Sen. Van de Putte claims that REAL ID Act "*requires the reissuance of more than 245 million licenses.*"

This too is false. No license will expire before the date originally scheduled when it was issued, although after the license expires, the applicant will have to provide to the DMV identity documents that can be authenticated. In other words, you're going to have to show that you are who you say you are. Evidently, Sen. Van de Putte thinks that is an unreasonable requirement.

3. She actually attempts to blame the states' failure to secure their licenses on REAL ID! She says "*license security has been in limbo as states have awaited the implementing regulations*" under REAL ID.

Talk about a whopper. REAL ID was passed only in 2005, four years after 9/11, and only because so many states had failed to make any effort to prevent terrorists could not obtain licenses as did the terrorists who murdered 3000 Americans on 9/11.

4. Van de Putte claims that under REAL ID the "*authenticity of each identifying document must be verified through a "national database."*

There is no "national database." States will, however, have to check with the agency that issued the document to confirm that it is *authentic* so that if you claim you are John Smith, born in Anytown, Nebraska on September 1, 1967, the people of the United States can be confident that you are not in fact Mohammed Atta, an Egyptian al Qaeda terrorist.

5. Here, Sen. Van de Putte stumbles on at least a **half** of a fact when she says "*Real ID was enacted without so much as a public hearing.*"

Actually, it was considered and discussed in the US House, but there was no hearing in the Senate because of open borders lobbyists who opposed it, some of them from the NCSL, successfully got Senators to block any hearings from ever taking place.

6. She says REAL ID will cost "\$11 billion."

In fact, many states already are very close to REAL ID compliance; both the hardware and software to implement the law already exist and have been in wide use by casinos and horse tracks under orders from IRS and DHS to prevent laundering of terrorist funds.

It appears that Sen. Van dePutte is merely a victim of the campaign of disinformation that the NCSL staff has long engaged in. The point man in the project to torpedo secure identification in general and REAL ID in particular was Cheye Calvo, formerly NCSL's Transportation Committee Director. His public statements, so consistently devoid of fact, are easily obtained on the 'net:

STATELINE.org Monday, December 20, 2004 *Politics & policy news, state by state Drivers' licenses now a tool for homeland security* By Kathleen Hunter

http://www.teleologic.net/osdb/daily/pdf/85/12_21_04_Drivers_licenses_now_a_tool_for_homeland_security.pdf

Speaking on behalf of the NCSL Calvo said: "Our concern is that federal standards will stifle innovation because states are doing things differently from each other, but **all states are advancing the ball in terms of security.**" (Emphasis added)

April 6, 2005 Fox News '*Real ID' Bill Caught in Limbo* By Kelley Beaucair Vlahos
<http://www.foxnews.com/story/0,2933,152328,00.html> **Calvo said that state and federal**

representatives had already been working on a rule-making committee to implement licensing standards as federal statute — the result of an agreement when a similar proposal failed the Senate in 2004. Congress bolstered that commitment when it passed the Intelligence Reform and Terrorism Prevention Act in December, he said.

"What concerns us is the Real ID Act repeals the negotiated rule-making and replaces it with a much more rigid prescriptive, and we believe, more restrictive set of requirements," Calvo said. "This basically kicks the state seats from under the table."

April 25, 2005 Federal Computer Week (FCW.com) *Fight Over Driver's License Standards Sensenbrenner Pushes His Controversial Bill* BY Dinya Sarkar <http://www.fcw.com/article88673-04-25-05-Print> " **'The Real ID Act, make no mistake, is a step backward,' Calvo said.** Although Congressional Budget Office officials estimate that the Real ID Act would cost \$100 million to implement in five years, NCSL officials estimate the cost to be \$500 million to \$700 million, Calvo said."

New York Sun, April 28, 2005, *With Bush's Backing, Congress Weighing Law To Require National ID* by Daniela Gerson <http://www.nysun.com/article/12951> " **'What the Real ID does is it eliminates and literally dismantles the 9/11 reforms,'** a spokesman for the National Conference of State Legislatures, Cheye Calvo, said. "In its place it puts in rigid, prescriptive, and in some cases unworkable mandates on states."

In June 2005, Calvo spoke to the National Immigration Law Center's 5th National Low-Income Immigrant Rights Conference. Only radical open borders groups were invited such as Derechos Humanos, Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA), LaRaza, and Center for Community Change, etc, etc, etc. Although Calvo's statement is not available on the web, considering the company he was keeping it is hard to avoid the conclusion that his own views comport with theirs, thus the true reason for his opposition to REAL ID or secure ID. His real motive is confirmed in a careless moment when he told Fox News that "A driver's license is not an immigration document and should not be an immigration document." One of the other speakers at that event, Josh Bernstein of the NILC had called REAL ID "extreme anti-immigrant" legislation. (see NY Sun, above)

The theme in all Calvo's interviews was that he wanted to replace REAL ID with something better, something that 'allow the states flexibility' What Calvo wanted specifically was a return to the previously passed "Intelligence Reform and Terrorism Prevention Act" of 2004 which had created a committee to "negotiate" rules for license issuance. And who was included in the committee? The American Civil Liberties Union, the NCSL, and the National Immigration Law Center. And just in case the other members of the committee managed to "negotiate" these open borders fanatics into something reasonably designed to secure America's licenses, the same bill contained the following language: Secretary [of DHS] *"may not directly or indirectly infringe on a State's power to set eligibility criteria for obtaining a driver's license or identification card from that State,"*¹ And just in case the point didn't get across in that paragraph the next section repeated it to make dead certain that states could go on forever issuing licenses to illegal aliens and the unknown terrorists among them: The Secretary *"(C) may not require a State to comply with any such regulation that conflicts with or otherwise interferes with the full enforcement of such eligibility criteria by the State."*²

At a conference of the Electronic Privacy Information Center on June 6, 2005 the blurb describing Calvo's expertise reads: "Cheye played a leading role in efforts to create state-friendly federal driver's license standards as part of the intelligence reform in December 2004 and more recently in opposing the driver's license provisions of the REAL ID Act."

<http://www.epic.org/events/id/speakers/>

In summary Cheye Calvo, as Director of the NCSL's Transportation Committee lied about the states "advancing the ball" on license security. Lied about their willingness to deny licenses to future Mohammed Attas. Lied about the cost of implementation of REAL ID, increasing it as his earlier, lower estimates failed to create sufficient opposition. "[P]layer a leading role in creating" a bill that was designed to mislead the country into believing that the federal government was implementing the 9/11 Commission recommendation on securing our licensing system.

¹ S. 2774 Sec. 890B(b)(3) (B)

² S. 2774 Sec. 890B(b)(3)(C)

Cheye Calvo's lies have now been accepted as truth by Madame Van dePutte, Texas State Senator and President of the NCSL. Maryland, Vermont, North Carolina, Utah, Maine, New Mexico, and others still insist on granting licenses to people who are "undocumented" and may be terrorists. Next time terrorists obtain drivers licenses in one of these states and use them as the 9/11 terrorists did, it's dead certain that Sen. Van dePutte will deny that she had anything to do with making that possible. Also certain it is that her voters won't hold her accountable, thus illustrating Dr. Peter's Principle and explaining how Leticia Van dePutte has been able to rise so amazingly far above her level of incompetence.