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April 28, 2005 Edition > Section: [National](#) > Printer-Friendly Version

## With Bush's Backing, Congress Weighing Law To Require National ID

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A measure that would create a uniform national driver's license came closer to becoming law yesterday as House and Senate negotiators met to seek a compromise. Some opponents called the proposal the most virulent anti-immigrant legislation in decades.

Supporters of what is called the Real ID Act, which was included in the House emergency supplemental appropriations package to finance military spending in Iraq and Afghanistan, said it will make America more secure by enhancing internal security and border controls. The Bush administration wrote a letter of support Tuesday, and some congressional aides said it could pass as early as the end of this week.

In addition to imposing new standardization measures at the federal level, the House Republicans' bill forbids the states to grant driver's licenses to undocumented immigrants, makes it more difficult for immigrants without legal status to claim political asylum, and allows federal officials to complete a fence along the Mexican border, among other provisions.

Opponents warned that those steps would not protect America from terrorist attacks and would only drive illegal immigrants farther underground. Moreover, they said the Real ID Act has the potential of derailing the movement toward comprehensive immigration

reform, promoted by President Bush and based on the principle that the country will be more secure if illegal immigrants, estimated to number between 10 million and 12 million, are brought into the system.

**"I think this is the most extreme anti-immigrant legislation that has a good chance of passing in decades," the director of federal policy for the National Immigration Law Center, Josh Bernstein, said. "This legislation, in addition to not solving problems, is a really dangerous approach. Each of the aspects will make us less secure from terrorists."**

The provisions on driver's licenses, which some opponents called a back door to a national identification card, have generated the most controversy. Immigrant advocates said the measure would encourage a black market in identity documents, make roads less secure, drive up insurance costs, and punish economic immigrants for terrorists' actions.

Today, as part of a week of coordinated, nationwide protests, hundreds of immigrants and community leaders plan to protest at the Department of Motor Vehicles' X-Press office at Midtown that they are being targeted. In New York, the issue of granting driver's licenses to illegal immigrants has been playing out since last year, when the DMV began sending letters to more than 300,000 New Yorkers who had secured their licenses with what appeared to be fraudulent Social Security numbers. The letters threaten suspension of licenses of drivers who cannot demonstrate that they have valid identification documents.

"The fate of what happens at the state level really is hinging on what happens at the federal level with Real ID," an attorney with the National Employment Law Project, Amy Sugimori, said. She said the federal legislation would prevent states from coming up with policies that reflect the needs of their residents.

Nine states allow drivers' licenses to be granted to illegal immigrants. New York does not explicitly bar it but has stringent requirements for issuing licenses.

Recently, states began to work with the federal government to develop federal drivers' license reforms, based on intelligence legislation passed in December.

Some of those involved in that effort said the Real ID Act, which sets minimum standards for documents such as verification of documents provided, evidence of applicants' lawful status, and sharing of driver's license data, would abort that process.

**"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."**

Supporters of the bill, however, maintained that the provisions on drivers' license, and in particular the federal requirement of legal status as a prerequisite for receiving a license, would protect America against terrorists.

"The problem is that the provisions that were in the bill last December are meaningless because they have such weak standards," a spokesman for Rep. James Sensenbrenner of Wisconsin, chairman of the Judiciary Committee and author of the bill, said.

"They don't have a lawful-presence requirement, which is the most glaring loophole," the spokesman, Jeff Lungren, said. "That's why this bill is known as the Real ID. That is why you see some trying to derail it, because they realize it has real teeth to it, as opposed to the fig leaf that was passed in December."

Supporters of the bill have emphasized their view that it would help prevent a repeat of the September 11 attacks.

"Basically, 19 terrorists were carrying well over 50 false IDs among them," Rep. Peter King, Republican of Long Island, said. "Obviously identification is a way for terrorists to move around."

Mr. King was among the 261 House members who supported the bill.

In the New York delegation, all nine Republicans and one Democrat, Michael McNulty of the Albany area, voted for it, and 18 Democrats opposed it.

One of the 161 House members who voted against the bill, Carolyn Maloney, Democrat of Manhattan, said in a statement: "The asylum provisions in this bill are so stringent that we would end up turning away most refugees, even if they are legitimate victims. We can never forget that this nation is a beacon of hope to the persecuted across the globe. It is inhumane and un-American to deport the innocent back to countries that will torture them."

The supplemental spending bill, to which the Real ID Act was attached, stalled in the Senate last week. It eventually passed, but without the Real ID immigration provisions. The Real ID Act was never voted upon in the Senate. Senators Clinton and Schumer have not made clear their positions on it - to the dismay of its proponents and opponents alike. Neither New York senator returned calls seeking comment on the legislation.

In 1996, the last time that major immigration legislation was enacted, controversial measures tacked on to an appropriation bill resulted in significant changes in the rights of non-citizens. In written testimony submitted to a Senate subcommittee last week, a professor at the New York University School of Law, Nancy Morawetz, warned of repeating the unintended consequences of hastily drafted immigration legislation.

"Immigration law is highly technical, making it dangerous to legislate without careful deliberation based on hearings and committee deliberation," she said.

Rather than careful deliberation, immigrants' advocates said, the measure is being rushed through.

"People in both parties have said the system is broken and this needs to be fixed," the counsel to the Leadership Conference on Civil Rights, Bob Randava, said. The Leadership Conference, a coalition of more than 180 national civil-rights and human-rights organizations, has joined with more than 600 groups to oppose the Real ID Act.

"It's really foolish to try and attach all this in some kind of mad rush onto a bill that is designed for U.S. troops fighting in Iraq," Mr. Randava said. "These are provisions that need really serious study, and none whatsoever has taken place."

**Correction from April 29, 2005**

Rob Randhava is the spelling of the name of a counsel to the Leadership Conference on Civil Rights. The name was misspelled in a story on page 1 of yesterday's New York Sun.

April 28, 2005 Edition > Section: [National](#) > Printer-Friendly Version