

Editorials/Op-Ed



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An Unrealistic 'Real ID'

In a more rational world, Congress would have started thinking hard about identity cards right after Sept. 11. By now, the nation's lawmakers could have had a long and serious discussion about how to create a sensible national ID that would provide identification and security while protecting privacy. This is, after all, a critical issue in terms of both safety and civil liberties.

Too bad. What Congress is doing instead is to ram through a bill that turns state-issued driver's licenses into a kind of phony national identity card through the mislabeled "Real ID" provision. And in order to make absolutely sure there's no genuine debate, the sponsors have tied it to a crucial bill providing funds for American troops in Iraq and Afghanistan.

Attaching a bad bill to a vital one is a sneaky business, making it nearly impossible for thoughtful members of Congress to vote against it. In this case, in order to provide financial support to American troops doing dangerous service abroad, lawmakers are stuck also supporting a plan that eliminates the chance of doing anything serious about identity security. It also puts a new burden on the states and potentially subverts the real purpose of driver's licenses: safe drivers.

This federal driver's license mandate will require states to verify whether an applicant for a license or renewal is in the country legally. Although that has always sounded like a reasonable goal, it bumps up against the arguments of the police and highway safety experts in many parts of the country who are concerned about the illegal immigrants who drive. Eleven states have modified their licenses in ways that make it easier for noncitizens to learn the rules of the road, qualify for licenses and get automobile insurance.

The most optimistic explanation for the Congressional leaders' irresponsibility on this issue is that it's a sop to conservatives led by Representative James Sensenbrenner Jr., a Wisconsin Republican. The conservatives are determined to get this bill passed before they'll listen to any discussion of more comprehensive immigration reform. The Real ID measure is no small price to pay to get the larger reforms, which President Bush has yet to show any signs of seriously pushing.

Once this new driver's license requirement becomes law, licenses from states that do not screen for immigration status will not be accepted as federal identification for things like boarding airplanes or entering federal buildings. Many state officials are understandably concerned about the added cost of this new license because so far there is no federal money attached to Mr. Sensenbrenner's bill. Security-conscious Americans will also be

concerned about making state motor vehicle department employees the ultimate authorities on identity security. They will be the ones required to ask for and verify birth certificates - something that is a challenge, given the slapdash way some local communities deal with these documents. States will also be required to keep copies of every applicant's file for a decade and to house those documents in secure buildings.

Senator Lamar Alexander, a Republican from Tennessee, argued in *The Washington Post* that the bill was not only another unfunded mandate, but would also turn "state driver's license examiners into C.I.A. agents." For states, like Tennessee and Utah, that have found a way to provide special driver's licenses to illegal immigrants, this change is particularly irksome. In these states, residents who cannot prove they are legally in the country can get a license that's good only for driving. In Tennessee, the driving-only license looks considerably different and is labeled: "For driving purposes only. Not valid for identification." That makes sense, and it's the kind of solution that states help create in their roles as legislative laboratories.

Many state officials have been helping to put together new national guidelines for driver's licenses as part of the intelligence reform law enacted last year. The Sensenbrenner bill eclipses that effort. Here, yet again, is another state effort that's being countermanded from Washington by conservatives who once made states' rights their hallowed code.