

Chairman Don Young
Committee on Transportation and Infrastructure
United States House of Representatives
2165 Rayburn House Office Building
Washington, DC 20515

Representative James Oberstar, Ranking Minority Member
Committee on Transportation and Infrastructure
United States House of Representatives
2163 Rayburn House Office Building
Washington, DC 20515

June 27, 2002

Dear Chairman Young and Representative Oberstar:

We, representing a broad and diverse coalition of national organizations, urge you to oppose H.R. 4633, the "Driver's License Modernization Act of 2002." This legislation establishes a nationwide identification system (national ID) through the bureaucratic back door of state drivers' licenses.

One reaction to the terrible events of September 11 last year was renewed discussion about instituting a national ID card as a counter-terrorism measure. The creation of a national ID card or system is a misplaced, superficial "quick fix" to terrorist threat. H.R. 4633 would not effectively deter terrorists, but it would pose a serious threat to the freedom of everyone in the United States.

Although national ID proposals received fierce debate in the fall, the Administration and Congress wisely rejected them. Direct passage of a national ID card, however, is only one possible path to such a system. H.R. 4633 would establish a national ID bureaucratically by mandating the standardization of state drivers' licenses.

H.R. 4633 requires each state to standardize state drivers' licenses and identification cards within five years. Section 2 of the bill establishes uniform standards for licenses and identification cards (a.k.a. "smart" cards), including standards for the biometric identifiers embedded in the card and interoperability requirements that would enable multiple government and private industry applications of the card. The bill would also require states to adopt uniform procedures for establishing the identity and residence of applicants and to link state motor vehicle databases. H.R. 4633 is essentially the same as the American Association of Motor Vehicle Administrators' (AAMVA) standardization proposal that the National Research Council has called a "nationwide identity system."¹

¹ Stephen T. Kent & Lynette Millett, eds., *IDs—Not That Easy, Questions About Nationwide Identity Systems*, National Research Council, 2002.

H.R. 4633 would establish a national ID and establish the infrastructure for an unparalleled system of personal information sharing. We urge you to reject the Moran-Davis national ID because:

The Moran-Davis national ID would not prevent terrorism. An identity card is only as good as the information that establishes identity in the first place. Terrorists and criminals will continue to be able to obtain -- by legal and illegal means -- the documents needed to get a government ID, such as birth certificates and social security numbers.² H.R. 4633 builds a hi-tech card system on a faulty foundation of potentially false “breeder” documents. As a result, a national ID would create a false sense of security because it would enable individuals with an ID -- who may in fact be terrorists -- to move through society undetected, and even avoid certain heightened security measures.

The Moran-Davis national ID would both contribute to identity fraud and make it more difficult to remedy. Americans have consistently rejected the idea of a national ID and limited the uses of data collected by the government. In the 1970s, both the Nixon and Carter Administrations rejected the use of Social Security Numbers as a uniform identifier because of privacy concerns. A national ID would be “one stop shopping” for perpetrators of identity theft who usually use Social Security Numbers and birth certificates for false IDs (not drivers’ licenses).

Even with a biometric identifier, such as a fingerprint, on each and every ID, there is no guarantee that individuals won’t be identified – or misidentified – in error. The accuracy of biometric technology varies depending on the type and implementation. Recently, a Japanese researcher used gelatin (the same substance found in Gummi bears) and other easily available tools to create a fake finger that fooled fingerprint biometric devices 80% of the time.³ Other researchers have shown how easy and inexpensive it is to outsmart “smart” cards.⁴ H.R. 4633’s technological quick fixes would make it even more difficult to remedy identity fraud when a thief has a national ID card with your name on it, but his biometric identifier.

The Moran-Davis national ID could require all Americans to carry an internal passport at all times, compromising our privacy, limiting our freedom, and exposing us to unfair discrimination based on national origin or religion. Once government and private industry databases are interoperable through a unique identifier (as required under H.R. 4633), access to and uses of sensitive personal information would inevitably expand. Law enforcement, tax collectors, and other government agencies would want use of the data. Section 5 of the bill facilitates this very outcome, providing state grants for the development of new uses of the national ID card including voter registration, food stamps and commercial applications. Employers, landlords, insurers, credit agencies, mortgage brokers, direct mailers, private investigators, civil litigants, and

² See e.g., Dan Luzadder, *Birth, death certificates stolen, 2,306 blanks could be used to forge identities*, DENVER POST, April 19, 2002.

³ John Leyden, *Gummi bears defeat fingerprint sensors*, THE REGISTER, May 16, 2002.

⁴ John Markoff, *Vulnerability is Discovered in Security for Smart Cards*, N.Y. TIMES, May 12, 2002.

a long list of other private parties would also begin requiring the ID, further eroding the privacy that Americans rightly expect in their personal lives. H.R. 4633 would take us even further toward a surveillance society that would significantly diminish the freedom and privacy of law-abiding people in the United States. A national ID would foster new forms of discrimination and harassment. The ID could be used to stop, question, or challenge anyone perceived as looking or sounding "foreign" or individuals of a certain religious affiliation.

The Moran-Davis national ID would depend on a massive bureaucracy that would limit our basic freedoms. A national ID system would depend on both the issuance of an ID card and the integration of huge amounts of personal information included in state and federal government databases. H.R. 4633 requires States to issue a standardized card with a biometric and requires the "smart card" to be interoperable with other government and private industry databases. As the card is used for more and more government and private applications, individuals would become more dependent on the bureaucracy of states' Departments of Motor Vehicles' (DMV) to get it right. One employee mistake, an underlying database error rate, or common fraud could take away an individual's ability to move freely from place to place or even make them unemployable until a government agency fixed their "file." Anyone who has attempted to fix errors in their credit report can imagine the difficulty of causing an over-extended government agency such as the DMV to correct a mistake that precludes a person from getting a valid ID.

We urge you to reject H.R. 4633 as a national ID proposal. There are more effective methods to prevent terrorism that would not impact the liberty interests of Americans. Congress should leave the administration of states drivers' licenses to the states.

We would appreciate the opportunity to meet with you to discuss these issues in more detail. Please contact Lori Waters at the Eagle Forum, (202) 544-0353; Katie Corrigan at the American Civil Liberties Union, (202) 675-2322; J. Bradley Jansen at the Free Congress Foundation, (202) 546-3000.

Sincerely,

American-Arab Anti-Discrimination Committee
American Civil Liberties Union
American Conservative Union
American Land Rights Association
American Legislative Exchange Council
American Policy Center
Americans for Tax Reform
Arab American Institute
Center for Democracy and Technology
Citizens Committee for the Right to Keep and Bear Arms

Citizens' Council on Health Care
Common Ground
Consumer Action
Consumers Against Supermarket Privacy Invasion and Numbering
Council on American-Islamic Relations
Eagle Forum
Electronic Frontier Foundation
Free Congress Foundation
Gays and Lesbians for Individual Liberty
Global Strategic Management
God Bless America
Home School Legal Defense Association
Identity Theft Resource Center
Indian American Center for Political Awareness
Japanese American Citizens League
Leadership Conference on Civil Rights
Libertarian National Committee, Inc.
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Mexican American Legal Defense and Educational Fund
Multiracial Activist
National Asian Pacific American Legal Consortium
National Conference of State Legislatures
National Consumers League
National Council of La Raza
Organization of Chinese Americans
Parents Requesting Open Vaccine Education (PROVE)
People for the American Way
Privacy Rights Clearinghouse

cc. United States House of Representatives