

September 20, 2004

Re: Recommendations in the 9/11 Commission Report That Could Lead to a National ID Card

Dear Senator:

We, representing a broad and diverse coalition of national organizations, urge the Senate to reject any suggestion, plan, or proposal which would lead to the creation of a national identification system (national ID) through the bureaucratic back door of state drivers' licenses.

The 9/11 Commission made numerous recommendations focusing on structural and organizational changes in government. Largely buried in the overall report was a recommendation regarding "terrorist travel" which could be interpreted to require standardization of drivers' licenses.

"Recommendation: Secure identification should begin in the United States. The federal government should set standards for the issuance of birth certificates and sources of identification, such as driver's licenses. Fraud in identification documents is no longer just a problem of theft. At many entry points to vulnerable facilities, including gates for boarding aircraft, sources of identification are the last opportunity to ensure that people are who they say they are and to check whether they are terrorists." Pg. 390

Coupled with the recommendation on page 387 which seems to suggest internal checkpoints, comprehensive screening systems, and setting common standards, Americans increasingly may find themselves in their everyday lives having to "present their papers" in order to conduct their business.

Although proposals for a national ID card have been debated since September 11, Congress and the Administration have wisely rejected them. Direct passage of a national ID card, however, is only one possible path to such a system. A national ID would more likely evolve bureaucratically through existing forms of ID, such as state drivers' licenses. Even the apolitical National Research Council has recognized that standardized driver's licenses would be a "nationwide identity system."

The creation of a national ID card or system is a misplaced, superficial "quick fix" to the terrorist threat. A national ID system would not effectively deter terrorists and, instead, would pose serious threats to the rights of freedom and equality of everyone in the United States.

We urge you to reject this proposal because:

A 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. 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 avoid heightened security measures.

Identification documents do only that: identify the individual. They do not provide any evidence about the person's intentions. It would have done little good to know the names of Timothy McVeigh, the Unabomber, or the D.C. snipers before they were arrested. Suicide bombers may have no history of terrorism. Because identity provides little evidence of intention, it is ineffective as a method of preventing terrorism.

Additionally, there is no indication that countries that already have national identification systems are any safer against terrorism than those without such systems.

A 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. One employee mistake, an underlying database error rate, or common fraud such as identity theft, now rampant in the U.S., could take away an individual's ability to move freely from place to place or even make them unemployable until the government 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 department of motor vehicles to correct a mistake that precludes a person from getting a valid ID.

A national ID would be expensive and direct resources away from other more effective counter-terrorism measures. The costs of a national ID system have been estimated at a minimum of \$4 billion, with one estimate of \$25 to \$30 billion to establish the program, and another \$3 billion to \$6 billion per year to run. Even more troubling, a national ID system mandated through state agencies would burden states who may have more effective ways to fight terrorism and strengthen ID systems. Neither the 9/11 Commission or any hearings on the recommendations have thoroughly studied the costs and ramifications of a national identification program.

A 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. And, it would be even more difficult to remedy identity fraud when a thief has a National ID card with your name on it, but his biometric identifier.

A 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 databases are integrated through a uniform ID, 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. Employers, landlords, insurers, credit agencies, mortgage brokers, direct mailers, private investigators, civil litigants, and a long list of other private parties would also begin using the ID and even the database, further eroding the privacy that Americans rightly expect in their personal lives. It 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.

We urge you to reject national ID systems in any form. No steps should be taken to implement such a system or fund any proposals that would result in a national ID, including the study or development of standardized state drivers' licenses.

Sincerely,

American-Arab Anti-Discrimination Committee
American Civil Liberties Union
American Conservative Union
American Library Association
American Policy Center
Americans for Tax Reform
Arab American Institute
Asian American Legal Defense and Education Fund
Association of American Physicians and Surgeons
Center for the Defense of Free Enterprise
Citizens Committee for the Right to Keep and Bear Arms
Citizen's Council on Health Care
Consumer Action
Consumer Alert
Eagle Forum
Electronic Frontier Foundation
Electronic Privacy Information Center
Fairfax County Privacy Council
Friends Committee on National Legislation (Quaker)
Liberty Counsel
Life Coalition International
Multiracial Activist
National Asian Pacific American Legal Consortium
National Council of La Raza
National Immigration Law Center
National Vaccine Information Center

Organization of Chinese Americans

PrivacyActivism

Privacy Rights Clearinghouse

Privacy Times

Second Amendment Foundation

Sikh Mediawatch and Resource Task Force (SMART)

World Privacy Forum