An Identity Crisis We Can Ease
Time to Stop Blocking Secure ID Cards

By John Lehman
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The 41 recommendations of the Sept. 11 commission continue to stand the test of time and remain the framework for policy debate on our national security. That is because they were derived simply and directly from the unanimous nonpartisan findings of the commission investigation, because they were nonpolitical and nonideological, and because they are all achievable in the real world.

Recommendation No. 14, on identity security, was enacted into law in 2005 as the Real ID Act. That recommendation reads: "Secure identification should begin in the United States. The federal government should set standards for . . . sources of identification, such as driver's licenses." Today, two years later, a number of state legislatures are winding up their sessions by considering whether to comply with the act's requirements. This should not be an issue when the vulnerabilities in our identification issuance systems made so painfully evident by the Sept. 11 attacks still exist. Or when 70 percent of Americans support national standards for driver's licenses, as a Zogby-UPI poll found last month.

Identity security was one of our most important recommendations because the 19 hijackers had 30 state-issued IDs, at least seven of which were obtained by fraud. Most important, they used the IDs to assimilate into the United States and to board planes on Sept. 11, 2001.

We recommended shoring up the states' ID issuance system partly to avoid the question of a national ID card, an issue beyond our mandate. We sought to respect states' rights in balance with national security; thus, if a state declined to require proof of legal immigration status or would not check other states' data for identity or driver information, we proposed that the state be free to do so -- with the caveat that that state's identification would not be acceptable for a federal purpose such as boarding a plane.
Consider the case of Sept. 11 pilot Ziad Jarrah, who crashed Flight 93 into a field in Pennsylvania. Jarrah had obtained two driver's licenses from Florida -- one on May 2, 2001, and the other on May 24. In addition, he fraudulently obtained a state-issued ID from Virginia on Aug. 29. On Sept. 9, 2001, Jarrah was stopped for speeding -- potentially a major glitch in the hijackers' plans -- and presented the officer with one of his Florida licenses. Had the Real ID Act been in effect, Jarrah would have been limited to one active license and the officer could have checked for other violations. The officer also could have checked an immigration database, which could have shown that Jarrah had entered the United States illegally at least five times. But the officer had none of this information, and Jarrah got away with a $270 ticket.

The hijackers could have done the same today. The issuance of multiple IDs from a single state is possible because identities aren't verified. Obtaining IDs from multiple states is also possible and even likely, because states still don't exchange information with each other regarding those holding legitimate identification. Police officers' hands are tied when they can't cross-check against any other information the ID they've been handed.

The Sept. 11 hijackers are not the only terrorists we know have taken advantage of flaws and weak spots in our ID issuance systems. One terrorist caught in 2001 on our northern border, Nabil al-Marabh, had five driver's licenses and a hazardous materials permit. Mir Aimal Kasi, who killed two people outside CIA headquarters in 1993, got a Virginia driver's license despite being in the United States illegally. These problems exist in many states, and as long as they do, terrorists will continue to benefit from them.

Current efforts to gut the law are based on two concerns: Some object to denying illegal immigrants the right to drive legally, citing safety and compassionate concerns. Others see the Real ID Act as the thin end of the wedge of a national identity card. Neither objection is valid. States still can grant such driving rights to illegal immigrants if they choose; they just cannot use that class of license for federal identification. The second objection is just not true. There will be no federal database drawn from states complying with Real ID.

One objection that is legitimate, however, is that, so far, the legislation is an "unfunded mandate." Congress should step up and fully fund the real costs that this essential program will impose on the states.

The next Sept. 11-style attack will not be stopped by grandiose bureaucratic reorganization but by the workmanlike weaving of a web of pragmatic measures such as Real ID. These measures will choke off easy access to America's vulnerabilities that have been the basis of al-Qaeda planning, while safeguarding the privacy and civil liberties of all Americans and legal residents. While I respect states' right to choose, a decision not to comply is a decision that terrorists will approve. That is not a way to secure our nation.

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