

Center for American Progress



PANEL DISCUSSION:

“DEBATING REAL ID: A NEW NATIONAL DRIVER’S LICENSE?”

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FEATURING:

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**12:30 PM – 2:00 PM
THURSDAY, MAY 26, 2005**

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RAJ GOYLE: It seems like everybody has had their lunch and we will go ahead and get started. My name is Raj Goyle and I am a senior domestic policy analyst here at the Center for American Progress and I am your cruise director for the next hour and a half or so as we have this wonderful panel before us. I'm absolutely thrilled to see all of you here for what will certainly be a thought provoking and lively discussion on a piece of legislation that I predict many Americans will soon or eventually come to know, the REAL ID Act.

Before we begin the program, of course, we have always got a couple of announcements. The first one is please turn off all cell phones and pagers, remain seated in your – remain seated for the first 30 minutes of this flight and the restrooms are behind you only on your right, on my left. But actually I was at a dinner two weeks ago. Senator McCain was the keynote speaker and at the height of his speech right at the crescendo my cell phone went off three times, so I hope you have much better etiquette than I do, but it is important that we keep attention on the panelists.

Also, this panel takes a small village to accomplish, so I would like to have the thank yous at the beginning. First and foremost to the senior vice president for domestic policy of the Center for American Progress, Cassandra Butts. Thank you also to Theo LeCompte and Anna Soellner and our great events team and our communications department, Jay Heidbrink and Nora Toiv who did a wonderful job. And also I would like to thank, certainly not last, but not least, John Monahan who is an intern in the Domestic Policy Department who worked tirelessly to make this happen and has been a general researcher on the immigration program. So thank you very much to all of you.

Now let's turn to REAL ID. What is it and why are we here? We agreed, the panelists and I, that to begin this discussion it is important to have some common context for what the bill does. I think probably some of you are experts in this legislation and I know some of the subpoint As and subpoint Bs of the provision, some of you probably know very little about it, but you want to learn more, so I am going to very quickly go through the history of the bill in terms of how it got here and then talk a little bit about its provisions and then let the real show start with our distinguished panel.

So first and foremost the REAL ID Bill started last year. It really came out of the 9/11 recommendations. If you recall, the 9/11 Commission published a book in the summer, and it talked about identity theft and document fraud and so out of that bill the 9/11 Commission certainly didn't make legislative recommendations, but it made general recommendations in its book, and the House Judiciary Committee Chairman, James Sensenbrenner from Wisconsin, started championing something called the REAL ID Act. And as you may recall, the 9/11 bill, as it colloquially became known – it as the – now it is known as the Intelligence Reform Act, was going through Congress and Chairman Sensenbrenner threatened and in fact did hold up the bill because of these driver's license

provisions because he believed that to combat terrorism and to prevent another 9/11-style plot we needed to toughen up our standards for driver's licenses.

However, the 9/11 Commission actually opposed REAL ID or the public discourse project that grew out of the 9/11 Commission and the 9/11 bill that did pass did not have REAL ID in it. What it did instead, it contained provisions that required minimum standards for states – federal standards for driver's license and it delegated the development of those standards to a working committee at the Department of Transportation, of which Secretary of State Matt Dunlap was a member and which he will discuss. So, we thought actually that, that was that was settled law, but there was a catch and the catch was that Chairman Sensenbrenner had extracted a promise from the congressional leadership that in this legislative year they would reconsider the provisions of REAL ID and in fact they would discuss it in the context of the first must-pass legislative bill of the year.

So REAL ID came back up in the front of the House and it passed the House 261 to 161, I believe, in February as a standalone measure. It then went over to the Senate and in fact there it most likely would not have passed. A bipartisan group of senators actually said that immigration reform needed to be addressed comprehensively and thoughtfully and therefore please don't attach REAL – or let's not consider REAL ID.

Well, Chairman Sensenbrenner had gotten his promise and so the REAL ID bill was then subsequently attached to the supplemental appropriations bill to fund the war in Iraq. It is a provision – a bill rather, that certainly very few members of Congress could vote against. I believe the vote in the Senate was a 100 to 0. And so two weeks ago President Bush signed the supplemental appropriations bill and REAL ID became law.

And of course that happened with virtually no public debate, certainly not a congressional hearing, and it actually have been only generated public attention in terms of major news attention, really, before – after it was too late; before it is going to be passed by the Congress. So what does REAL ID do? You know, attaching things to supplementals happens all the time, but that's not the reason we gave you free lunch and decided to have this panel. There is a reason why REAL ID is – demands this attention, and it is because REAL ID for the first time is a sweeping reform to the way – the process by which the states issue driver's licenses. It essentially federalizes the process, and I know my panelist Amanda Bowman will also speak to that characterization, but it federalizes the process and requires that each state reform the way it issues a driver's license within the next three years. Each driver's license will now have to have certain minimum standards: digital photograph, full name, residence, and so on and so forth, but the real rub with REAL ID is that it requires you as an individual applying for driver's license to provide your identity documents and your legal status in this country.

So you have to prove that you are here legally and you have to prove your residence, and furthermore the state then has to authenticate the document that you gave the state for that license to be issued and so that's what has set off – and obviously the implication of that is that if you can't prove your immigration status or your citizenship

status, either one, that undocumented immigrants in this country will not be allowed to have a driver's license. And then one other provision I should mention is that each state's database of driver's license is required by this law to be open and accessible to every other state's driver's license database, thereby invoking the specter of a national identification system, perhaps even a card, from civil libertarian and privacy quarters. So as you can imagine, a bill of that is that sweeping has spurred quite an outcry of sorts from the states.

Many state governments – and, again, Secretary Dunlap is here to talk about that – have threatened to sue over the bill or actually have even threatened noncompliance. In particular, Governor Huckabee of Arkansas has made statements to that effect. And of course it has spurred outrage and concern from immigrants rights groups and, as I mentioned prior, civil liberties and privacy groups.

I should also mention that the REAL ID bill does have some other provisions, regarding restricting or increasing the burden of proof for asylum seekers, restricting the habeas access for immigrants and also a waiver – the secretary of homeland security can waive any federal law in constructing a border fence. Those are very important provisions that I would love to actually discuss, but as you can tell by the title of this panel it will be outside of the scope of this discussion because there is enough to chew on with just the idea of driver's licenses that we are actually going to have that outside the scope of this talk, but we will be paying attention to it in the future.

You do have a handout in front of you that the Center for American Progress has put together called “Real problems with the REAL ID.” I am the moderator today, so I won't prejudge the bill, but that does – you can get a sense of our perspective and the very serious concerns that the Center does have with the bill and that we definitely will be monitoring implementation of the bill as we go on.

So with that, I will actually introduce our panelists and to my immediate left we have Amanda Bowman, who is the executive director of the Coalition for a Secure Driver's License and I would say arguably the Coalition is the leading advocacy group in support of REAL ID. And she has been active on this issue for several years and in particular in the state of New York.

To her left is the Secretary of State of Maine, Matt Dunlap, who – we thank him especially because he left on a plane from Bangor, Maine, early this morning and made it with time to spare. Secretary Dunlap has served in the state legislature and the secretary of state's office in Maine has jurisdiction from motor vehicles and driver's licenses and in particular, as I mentioned before, Secretary Dunlap was heavily involved in the negotiated rule committee with the Department of Transportation that was setting those minimum standards and so we would love, I think, to hear some of the stories that came about from that committee. And I should have mentioned that the REAL ID bill suspended the work of that committee, so Secretary Dunlap can talk about that as well.

And finally at the end of the table we have Gustavo Torres, who is the executive director of CASA de Maryland, the largest Latino advocacy organization in Maryland and Gustavo and CASA has been working on the issue of driver's licenses and particularly the impact on immigrants for several years now, predating Real ID.

And before I turn it over actually to Secretary Dunlap, I would like to say that one of the reasons that we put this panel together is that we wanted a perspective from the states. This is an issue that from a beltway perspective we see a lot of things get into supplementals and passed without public debate, but this is an issue that really has resonated outside the beltway because of the great impact it will have on citizens and immigrants. There are 220 million driver's licenses. It is – one state legislator said it's probably the most basic interaction that a citizen has with his or her state, so that's why we in particular appreciative of their perspectives.

So with that I will turn it over to Matt. Just so you know, we are going to – each panelist will talk for about 10 minutes, then we will have some cross talk or, then we might even have some questioning from the panelists to the other panelists, and then we would like to open it up to you for a lively and provoking discussion.

MATTHEW DUNLAP: Well thank you. My name is Matt Dunlap and I'm from Old Town, Maine, and I am the secretary of state for the state of Maine and among our many tasks that we execute in the Office of the Secretary of State is the administration of the Bureau of Motor Vehicles. We issue about one and half million motor vehicle registrations each year along with about 900,000 total driver's licenses, which are renewed on a rotating basis. Each license is good for six years, so we go through waves of renewals of driver's licenses. Our driver's license has evolved like many states over the course of the last 25 years from a cardboard piece of paper with some typing on it to a photograph ID to the digital photograph with bar code and magnetic strip.

As I took a office in January, the Intelligence Reform Act had just passed and I was asked by our governor to represent him as a representative of the National Governors Association, as a member of the Negotiated Rulemaking Committee that came out of the passage of the Intelligence Reform Act. The negotiated rulemaking process is something that's probably not well understood by the general public. It's a little bit different from statutory passage of a law and different from department rulemaking in that it is convened by stakeholders who have an interest in the particular issue at hand and we – our charge specifically was to come together and propose rules for the U.S. Department of Transportation to then develop over the course of the next year in setting minimum standards for the issuances of state driver's licenses and ID cards. This is a real sea change in public policy because this is an area that's always been the purview of the states to do essentially as they wish.

Maine's Bureau of Motor Vehicles is 100 years old this year, so we have been at of this business for quite a while. Maine is a rural state with a long border with Canada, with a very diverse population with an urban component, a farming component, and vast tracts of unorganized territories where people may live their whole lives and never see a

city. So our participation on the Negotiated Rulemaking Committee was appropriate given the vast diversity of challenges that we face.

The Real ID Act poses a peculiar administrative challenge, or I should say an acute administrative challenge, even for a state like ours, which has already largely undertaken some of the parameters described in Real ID, at least for the security of the actual document. The issues that were been discussed in the Negotiated Rulemaking Committee really revolved around two pieces. First, the security of the ID itself; protection from forgery, theft, fraud, anything that you can imagine that could happen to your driver's license. And I think traditionally people have thought of this in the venue of young people trying to get alcohol changing the date on their driver's license, that sort of thing, and traditionally that was the administrative and criminal problem that we had in a state like Maine. Recent decades have seen the evolution of identity theft and other types of fraud and theft that revolve around the issuance of driver's licenses which have called for greater security in those documents. And many states, including Maine, have taken steps to make those documents harder to duplicate or recreate or forge.

The other component of the problem that we are dealing with really centered around the originating documents, the parent documents or the so-called breeder documents depending on how you characterize them. And those are the documents that you would take to a motor vehicle branch office, like we have in Maine, to say my name is Matt Dunlap and I qualify for driver's license and here is the documents to say that I am who I say I am. And we would require – we have an entire matrix of documents that we will accept for identification purposes, but we require at least a photo ID of some sort and something with your signature on it.

The Real ID Act take things a great step farther because not only you got to have those documents with those parameters, but you also – the branch employee will then have to verify the validity of those documents. In the negotiated rulemaking process, we discussed some of the issues around those parent documents and I think some of us on the committee – now, the committee itself was made up of 18 individuals representing a vast array of agencies and interests, including Homeland Security, the Department of Transportation, several law enforcement agencies from across the country, the technical support groups that work with the American Association of Motor Vehicle Administrators. AAMVA themselves was represented as well as the ACLU, the National Immigration Law Center, the National Conference of State Legislatures and myself with the National Governors Association; so a very diverse group of interests working together on the same problem.

And one of the things that came up when we were talking about the parent document component was, just as an example, birth certificates, which everybody was quite ready to hang their hats on as being something that you could pretty much count on as a secure document that says you are who you say you are. And there was a little bit of surprise, I think, in the room when I pointed out that in our state and in most states – in fact, I think pretty much every state – a birth certificate is in fact a public record and that,

you know, you can go to a department of human services or a county seat and get a copy of someone's birth certificate.

Identity theft, which is one of the things we are talking about at least in part dealt with – one of the things we haven't dealt with is that fastest growing area of identity theft whereby identity thieves have now turned their attention to young people who have deceased before they ever held a job and they are able to surreptitiously obtain social security numbers, IDs, addresses, and they go out, they slip off unseen and unknown perhaps forever and a great amount of damage can be done by people committing that type of crime.

When I was coming to the table with this, my position as a secretary of state and a motor vehicle administrator and also a representative of the Governors Association was my interest is purely administrative. Knowing that 50 states have many different standards, some states do not yet issue photo IDs; some states have very fancy systems. I was operating on the premise that a convoy can only really move as fast as its slowest ship; that if you are going to have a national standard, it must be something that every state can attain and every state can afford and every state can do within a given time line. The challenges that face a state like Maine are profoundly different than the challenges that faces a state like California or Nebraska or Florida or New Jersey: different demographics, different population basis, different access to technology, different customer service levels for its citizens because public service is supposed to be what we are all about.

And because in a small rural state like Maine, which – you know, the secretary of state's office is considered to be quite large. We have 13 branch offices that cover an area that is roughly the size of the rest of New England and we serve 900,000 people at least once every 6 years. In the sweep of things, the thing that I think concerns me and the organization I represent the most is the ability of a state to comply with this in a timely fashion, but also that customer service component which right now we're looking at a spike where we could see our wait times in branch offices, because of the normal traffic of license renewals, increased by up to 200 percent, so heaping on top of that REAL ID, and without even discussing the immigration aspect – something important to point out about the negotiated rule making process: our charges specifically were not to deal with immigration law, nor to deal with a national identification, but rather to create minimum standards of all states could live up to.

We were supposed to have that completed by the end of July and it would be implemented next year and it would all be done. REAL ID must be implemented within three years and if a state does not comply with that, then you cannot use that state's driver's license to obtain federal services, which include things like boarding a plane. That could create an enormous hardship for many states, especially with no funding attach to it, so when you talk about the context of reform, the definition of the word "reform" must be used carefully because if you crash the car into bridge abutment, you are reforming it in a serious way. So we need to be careful how we judge these things.

MR. GOYLE: Good, thanks.

Gustavo?

GUSTAVO TORRES: Thank you very much. Again my name is Gustavo Torres, and I am the executive director of CASA of Maryland. I just want to put a little – a different perspective of this situation, which is the real face to the REAL ID, and let me share one experience that I have working with our community and we work a lot with day laborers, with domestic workers, with tenants; most of them are Latinos, but not necessarily Latinos. A lot of people are from the different countries of Africa. And we normally have to identify our priorities; every year we have town meetings with the community; between 150 to 200 workers and tenants as well as domestic workers came and they vote on different priorities and select their priorities or they would like CASA to focus on.

And of course we have our own agenda and my agenda during that time was to push for healthcare for, for affordable housing, et cetera. And one of the tenants approached me and said, “You know what? This is not our priority. Our main priority right now is a driver’s license.” And I said, “Why?” I didn’t understand. And they said, “Well, because it’s the only way how we can take our kids to school. It’s the only way how we can go to our jobs. It’s the only way how we have an identity. It’s the only way how we can demonstrate that we had a human being.” And it was pretty choking for me about two or three years ago when we started to work in the campaign over driver’s license in Maryland. We’d realize now why for our community, regardless of immigration status, that the driver’s license is pretty important.

So when the – in Maryland is legal to have a driver’s license regardless your immigration status. We have started the campaign and we realize that the legislation already passed back to ten years ago, so the only thing that we need to do was to ensure that the legislation was enforced. So when the REAL ID legislation appeared, we immediately realize that is going to impact our efforts, that it is going to impact our community, that it’s going to impact a lot of people; not only the immigrants, not only undocumented immigrants, not only the workers who have TPS ABC – you are going to ask me, what is that?

Well, this is a kind of different immigration status that our community has right over here. And this is the challenges that the MVA’s are going to face because of the REAL ID. A lot of different documentations – legal immigration documentation that are very complicated and now they are going to – they’re going to implement the legislation without any training, without any funding actually, because this legislation has no funds to implement.

And I just want to emphasize and send a very clear message: we as immigrants, as Latinos – we are very concerned about the national security. We believe that it’s very important and should be one of the main priorities of our government. It should be one of their most important priorities for all the communities around, but we truly believe that

the REAL ID is not the right way to do it because we believe that it is inefficient. We believe that create a sense of security and safety that doesn't exist with the REAL ID.

They mentioned – the persons who are advocating for this legislation mentioned that if we had a REAL ID when the terrorist attack happened, probably could we have stopped that. That is not true because what happened is that those people were already legal in this country. The government provided already documentation. They easily have a driver's license. We are speaking about millions of people – between eight to 10 millions of undocumented immigrants in this country and we are going to put even more in the (chart to them?). So we believe that that is totally wrong. We believe that is not the way to address that issue. We believe that is going to impact all the community in general.

Right now many thousands, even millions of people are going to drive without driver's license, without insurance, so when you are going to have an accident, what is going to happen? The people don't have a driver's license. They don't have insurance because they are not entitled to have a driver's license under this new legislation so – but they are going to drive anyway because they are here. They are know going to go to any place; they are going to a stay here and I believe that this is not the solution to the problem.

We truly believe that the solution to that problem is what Senator McCain and Senator Kennedy presented back two weeks ago: a legalization to 12 – between eight to 12 million undocumented immigrants. We believe that this is a real policy change; that it's a real way to secure our borders; that it's a real way to secure our country. Even President Bush recognized that the immigration system is broken. He is proposing some changes the legislation and now with this REAL ID – this REAL ID legislation doesn't help at all. It's going to impact very negatively our communities. It's going to impact very negatively you in particular because you are not going to know, when you have an accident, who are you going to call, how you are going to deal with those kind of issues.

In addition to that, we believe that again the MVA employees, they don't have any expertise to deal with immigration documents. They don't have any expertise and they don't have the capacity to deal with all of those issues.

The other important thing that I believe that is – that we need to take in consideration is that, the 9/11 Commission in December, 2004, made a specific recommendation to standardized the driver's license. They were very clear and give to the states a lot of different possibilities and flexibility, recognizing, you know, that we are very – that we have different standards. And what this legislation is doing is pretty much denying that recommendation from the 9/11 Commission back to a year and a half ago.

This is the reason why we in CASA and different – hundreds of hundreds different organizations including the MVA Administrators Association, including different other nationally recognized organizations opposed to this legislation because it's

not going to help for our safety; it's not going to help to resolve the issue that we face in front of us.

Thank you, very much.

MR. GOYLE: Thanks Gustavo, Amanda.

AMANDA BOWMAN: Good afternoon. It's nice to be here with you. I thought I would – probably my group is the one least known by any of you here, so I'll try to give you a little bit of background about us. The Coalition for Secure Driver's Licenses is a group of citizens who came together after 9/11, and we include in our number, families who lost family members on that day.

And to put a slightly different face on this issue, I have something to show you: it's another thing (off mike) and can you see. I guess if you can't see, it's Mohammed Atta. What we realized when we came together and we met for the first time one mile away from ground zero with the smoke coming out of that terrible cataclysm and what we realized was that the one document that had in one – to a certain extent launched those attacks was the (communal garden?) American driver's license.

And it was because – for instance, with Mohammed Atta, his visa had expired a week before those attacks and he was stopped by law enforcement but his driver's license was valid, so he was allowed to go. And so what we realized when we started to look at what a driver's license can do, and it's so much more than – as all of you know – than a driver's license: you can open a bank account; you can rent a car; you can buy a firearm; you can rent the largest truck in Ryder's fleet; you can enter nuclear power plants and chemical facilities. Most of all, you can board an airplane. You can make a wire transfer. You can enter buildings both commercial and government. So this is really our internal passport, and we don't know very much about the people who carry that passport in many cases.

So our efforts were really focused on authenticating identity and that is what this whole effort is about. It is not an effort to penalize immigrants. I am an immigrant. I came over to this country 20 years ago. I am a legal immigrant and I have become an American citizen, and the reason I am doing what I am doing is because I have six kids, and one of whom is a firefighter, and I don't want to see happen to my children, any more than to anybody in this room, what happened at 9/11 and I think this is one of the key things that ordinary citizens could do to prevent that. So that's how we came together and we are not – you know, this is just a coalition. We are not paid. We do this voluntarily.

It really does make common sense. It's common sense to prove your identity before you give somebody an identification card and I would say that most of us, myself included, feel that if we have a driver's license that authenticates identity, we will never need a national ID card. I personally find a national ID card a difficult idea to work with.

The thought of carrying a card whose only purpose is to prove who you say you are – at least the driver's license guarantees other activities as well.

So that's why I think – and I think that was recognized by 9/11 Commission when they made these recommendations. And what we asked for here, and the reason that I gave Raj a hard time about calling this a national driver's license is we have not asked that the government – the federal government issue the driver's license. We have asked for certain provisions be required before you get a driver's license. And I have heard Matt's eloquent presentation about why this is such a problem. I would like to tell you a little about New York State because it is interesting that the states most closely affected by 9/11 have in fact introduced the provisions already that are in the REAL ID Act. And New York State has, as you can imagine, a very populous – citizens to deal with and this scenario of long lines and how difficult it is to get the documents simply it hasn't been the case of New York State.

I am just going to read you a few things that have come out of this because I want to get my numbers right: 100,000 New York State residents have had their Social Security number used without their knowledge to obtain ID cards; 3,600 cases were discovered where the same number has been used by at least three individuals to obtain an ID card. One individual was found to have 16 active licenses or ID cards from New York State, 14 from New Jersey, and 10 from Texas. Over 500 taxi drivers were found to have several active licenses, which they used to avoid license suspensions and insurance surcharges due to tickets. More than 21,000 people were found to have multiple licenses and ID cards in several different names, many of whom had arrest warrants or license suspensions under their true name and were able to avoid detection because they had another license with a different name on it. It's working in New York State.

I met with the commissioner of motor vehicles. He estimates that it's costing the state an extra dollar per license to put in these requirements, and in addition to obviously the security implications are these criminal implications and it's made law – the situation for law enforcement a great deal easier because of these provisions being in place. So I don't think the scenario that we listened to is necessarily the one.

And other issue I think that is really important here is that the key thing is – in our society now I think is authenticating identity. We really have reached a point where we have to know who people are, and we cannot skate by with people whose identity we have no proof of carrying what is our internal passport. Apart from the fact that – and by the way, I disagree with Gustavo's statement about the terrorists; they had multiple licenses obtained legally precisely because it's so easy to obtain a legal license and that's why one of the reasons that we – really compelling reasons for doing what we are doing, and we are not tackling that issue with a view to creating an unfair situation for the people who are in this country working as immigrants; however, there is a larger dialogue here of which is not a part which the whole issue of legality and illegality and immigration.

Driver's licenses are a privilege and I think the least we can do is to ask that we know who the person is who has that privilege because it does so much for us. And I would say this, that we have researched this. Before the 9/11 Commission came out, we did a survey and 70 percent of Americans really supported having an authenticated driver's license, so it's not like we are sort of rightwing crazies here. We're doing this because we think that this whole issue of authentication is probably the key issue in our civic society and driver's licenses form the documents that are really authenticate on a day-to-day basis our identity, so that's why we were looking at this; not from the larger policy issues of immigration, but from the point of view of having authenticated driver's licenses, knowing that this document is key – which is key to our conduct of civil life; that we know who that persons is who carries it.

So that's really where we are coming from this one, and it's not – as I say, it's cost New York State an additional \$1, and it's a price that New Yorkers have been ready to pay and happy to pay, and I think most of our citizens feel the same way if it's going to make our country safer against terrorism.

It's only going to mitigate the risk. I am not making the case that (have a?) driver's license we will never get another attack, but I am saying this is the key way of at least mitigating the risk. And so much changed after 9/11, but most of all I think what changed is our priorities in terms of our security and I think this is going to be achieved without the sacrifice of the liberties that make it so worthwhile to be an American.

Thank you.

MR. GOYLE: Thank you, Amanda, and thank you to all of you for your presentations. I think that they were wonderful overviews of where each perspective comes from and it reminds me of a quote: there is a state representative, a Republican, in New York named Michael Balboni, who Matt Dunlap knows well because he also was on that Negotiated Rulemaking Committee, and of his quotes was that everybody agrees on the concept "One person, one driver's license;" the hard part is that how you get there and I think all of these presentations have made clear that in fact probably there is more shared consensus on the goals that we all have of enhancing security, but the question is really implementation and whether or not REAL ID was the right vehicle.

So in that vein, perhaps if I could push Amanda a bit here and say that in regard – you may – the principle, of course, is that it should not – that you also are a legal immigrant, as you said, and we also – Gustavo is also a legal immigrant and I'm the son of immigrants, so we have an immigration heavy, immigrant heavy panel here, but nonetheless REAL ID does have a serious impact, as Gustavo was outlining on undocumented immigrants and good – and I think we can all presume that a vast majority of them are not wishing to do harm to our national security.

So if I could push you a bit, Amanda, to maybe speak more to – perhaps legislatively you are in favor REAL ID because you wanted those standards and you

wanted the requirements therein, but is there a cost to the immigrant community, both documented and undocumented, in this country pursuant to Gustavo's comments?

MS. BOWMAN: I don't think there is any cost to any legal immigrant community because you just have to produce the documents you have to produce to get a Green card, so the answer is no to the legal community, nor of course to American citizens. I just got my driver's license renewed and there were no horrendous lines or anything. It seem to go pretty straightforward and so I wouldn't say that there is the inconvenience factor either.

Obviously, it poses a whole different issue for illegal immigrants and that's a tremendous issue – policy issue in our country that has to be discussed, but it's not what this bill is about. I am afraid it's like saying that hard case – you know, hard cases don't make good law. If the ultimate of this is that we have an honest discussion about illegal immigration and the role of immigration in our country, that's a good thing. We need to have that discussion. We're extremely bifurcated on this issue at the moment, but that is not what – the intention of this bill is not to target the immigrant population

MR. GOYLE: Go ahead, Gustavo.

MR. TORRES: Can I respond a little bit to that because I am not totally in agreement with Amanda, as you can see. (Laughter.) First of all, not everybody has a Green card and this is part of the problem. It's a very complicated situation with immigration status. As I mentioned before, people have TPS, ABC, political asylum, refugee status green cards. And Amanda just mentioned, "Oh, no. No. It's not a problem for a person who is legally having a green card." Green card is just one of many status that you have in this country, so I believe that the impact is going to be enormous for our community, and I insist not only for the immigrant community; for you it's going to be a huge issue.

And just to clarify about the terms, we truly believe that no human being is illegal. This is the reason why we always use undocumented workers. I just wanted to make that comment.

MR. GOYLE: Sure. Matt, perhaps if I could press you a bit from Amanda's perspective, which is New York's State is doing it at a cost of a dollar a license, there are various cost estimates, I should have mentioned at the outset. The CBO has put the cost of this at \$100 million for the states. The National Conference on State Legislatures has estimated anywhere from \$500 to \$750 million. The state of Virginia alone has estimated a cost of \$237 million, so I think what we can take from that is that it's a little unclear right now, but we know the number is going to be high.

But from Amanda's perspective, so legal immigrants can – or anybody as citizens can go ahead and get in line like they used to. New York State is doing it. Isn't this simply what state should be doing? You know, there of course are valid implementation problems in any public policy issue, but you've got three years. What's the problem?

MR. DUNLAP: Well, I think the problem is – at least the simple answer is problem is the 10th Amendment, which separates federal and state powers. And Gustavo I think hit right squarely on the head; I mean, the 100 or so service representatives I have in my 13 branch offices and two mobile units are incredibly skilled, dedicated people. Issuing driver's licenses is not simple work. Not only do you have the problems with the normal driver's licenses, but you get into commercial driver's licenses. We have something like 97 different forms of registration. There is a lot of – it's a fairly complicated body of lot of implement even on a small state like Maine.

When you heap on top of that, just in the United States we have around 200 different forms of identification, either ID cards, driver's licenses of various levels, it amounts to a pretty hard nut to crack right there. The complications of immigration documents when you add in visas from however many hundreds of different countries, passports, immigration documentation, that makes it – you know, you are going to ask a branch employee who is making about \$25,000 a year to become an expert not only in title 29-A, the Maine revised statutes on transportation law, but also all federal immigration law as well, and to be able to do that with somebody standing in the window in front of them waiting for their license to be issued with 50 people behind them in line, who get pretty crabby by the time they get to the window – it's asking a lot of those employees and they are not qualified to do the work.

And we had an executive order issued in Maine, because of some of the service issues not only in motor vehicles, but across state government dealing with immigration issues. The executive order stated that immigration status was not to be considered in issuing state services because we don't have any way to determine that and it was causing an enormous amount of inconvenience for legal immigrants trying to prove their documentation was in fact real and not fraudulent because of something that somebody had not seen before and questioned. Instead, our policy is if you have a question about someone's documentation you pass it up the line of command and ultimately if there is a question about the legality of someone's documentation it goes to our office of investigations. We have sworn law enforcement officers who investigate these types of documents.

It's a system that works pretty well for us within the parameters that we have to work with, and it is a live debate and I don't certainly – and certainly when it comes to national security I don't want the perfect to be enemy of the good, but nonetheless we labor under very tight budget. In fact, I should be in Maine right now because I have been asked by our Governor and presiding officers to find a 5 percent across the board cut in my budget and there is no funding attached to this bill. And right now we are in the middle of a computer upgrade in our motor vehicle computer system, which is right now one third done and consist of almost five million lines of code and it's going to cost us a total of about \$13 million.

The issue with coterminous expiration to have a driver's license expire on the same day as a visa sounds neat and clean, but anyone with a visa that expires can apply

for an extension and what's that do to one's driver's license. I think the punch line to the whole thing is if you want to make illegal what legally happened on 9/11. They had their licenses, many of them, legally with legal documents. They were in the country legally. In order to outlaw that, you wind up cutting through enormous swaths of people who pose no threat to national security. And are you going to then be more secure? The net effect, I believe, is what we are trying to attain here and I don't think we are going to get out it with REAL ID, speaking both from our administrative perspective and a practical one.

MR. GOYLE: Thanks. And I'm going one more question to Gustavo and then open it up to the floor because I know we have – sure – and then Amanda is going to ask a question.

But Gustavo, what about the role of fraud in identity documents and particularly within the immigrant community that you've experienced? There is obviously – there is no question about the black market for identity theft; there is no question about the black market in Social Security numbers for undocumented immigrants to work. You of course stated the principle that you are very much committed to security, which of course as I said we all are, but in your experience in Maryland, how do you combat the fraud that you have experienced or are you seeing a lot of fraud in document traffic in Maryland?

MR. TORRES: Yeah, it is a problem in our communities and I imagine in your communities also. It's a serious problem. We are against that. We educate our community every single day about that issue. For instance, we know that some of our workers – day laborers, domestic workers – they pay \$1,000 for the driver's license to somebody who is corrupt in MVA and we tell that is illegal; we tell them that it is a crime – a very serious crime in this county; that they need to take in consideration that before they make those kind of decisions.

And the reason why they are doing it is because they are desperate. They need a driver's license. And we don't justify that; we just are trying to explain to you that it is a serious problem in our community. And actually we just – today, actually, the governor signed the legislation that we strongly, strongly support and we advocated for that legislation, which is pretty much focused in the notaries – the notary, which is very common in Latin America. A notary of Latin America is totally different what is right over here. It's somebody who is an attorney and has very prestigious status, but right here anybody can be a notary and what happens is that our community confuses those kind of different titles and responsibilities right over here. And that notary just comes and says, "I can do this for you. I can sign this for you. I can notarize that for you. I can organize these documents for you." And that legislation specifically targets those notaries who are impacting and affecting our community. So definitely it's just a preliminary community and we are very opposed and we fight against those issues every single day.

MR. GOYLE: Amanda?

MS. BOWMAN: Yes. Gustavo, I would be interested to know what your point of views is about the solution adopted by a few states which is a two-tier system, which is a – would answer the question – the issue that you raised about insurance, et cetera; namely, that in Utah and Tennessee they are the issuing to illegal immigrants a driver's certificate which allows them to drive. It cannot be used as ID. It cannot be used as federal ID. It can't be used for any of the purposes that I outlined in – you know, a full license is allowed. But I was interested to know what your perspective was on that solution.

MR. TORRES: Thank you, Amanda, for the question. We are opposed to that because it creates two different tiers and it creates a potential possibility of discrimination because some different police departments do not accept that kind of driver's license or even the insurance companies. They believe that it's not a real driver's license and it creates a lot of problems in our communities. So we are opposed to that because it could be a potential for targeting you as, oh, you have that kind of thing so you are undocumented. Oh, so you are illegal aliens – is the way how they go, so this is the reason why we are opposed to that.

MR. GOYLE: Maybe, Matt, you could also chime in on that.

MR. DUNLAP: Well, I think we have the situation in our state where people who live up near the Canadian border may never have been to a hospital. You know, they were born in their homes. They work their whole lives in the woods, usually working for cash or for barter and they don't have Social Security numbers. And one of the documents that we currently utilize to help those people out is their baptismal records, which are kept in the churches. We tried – we do our utmost to serve people and help them solve their problems, but when you get into rural states, especially border states, a lot of people have dual citizenship and establishing their documentation in an orderly way can be complicated.

The issue around driver's-only licenses – I mean, essentially that is what the driver's license is; it is only supposed to prove that you can drive an automobile and over the course of time it's become many others things and has been required from different sectors of society for different services, whether it is, in fact, opening a bank account; taking out a loan to buy a car – you have to get a photocopy of your driver's license; getting on a plane. These are the types of things that now picture ID's are used for and they have sort of become a de facto ID.

And what we are – we're just trying to be fair in how we implement it, and we do have a significant immigrant population in the state of Maine. In fact everybody is tied to immigrants somehow, expect for those portions of the populations like in those in my old house district who were members of the Penobscot Indian nation. They did not have any immigration ties to speak of, but everyone else pretty much is a product of some form of immigration.

And when we try to cope with a growing immigrant community, we try to make sure that if they aren't able to obtain the services we offer that we can direct them where they need to go. If their documentation – if their residency – if they can't have a Social Security number, for example, a resident alien obviously can't have Social Security, we do get a letter from the Social Security Administration saying that they are not eligible and that helps us identify them as a resident alien.

So the issue of legal presence and issuance of licenses versus identity cards gets very complicated and when we discussed that in the Negotiated Rulemaking Committee it kept coming around, but we kept trying to not focus on it because that was not our charge, but it is intertwined very, very thickly in the whole issue and I think that the points that both Amanda and Gustavo raise are incredibly valid because it can lead to confusion, discrimination. It can lead to actually less secure IDs.

MR. GOYLE: For the record, we are three minutes ahead of schedule so this is quite a record here and so that means that we have more time for questions and so I would like to get in open it up. We do have any standing rule here where the first round of questions goes to the press in the room and so I would invite any of the reporters and members of the media if they would please identify yourself and your organization and the microphone will come right to you.

Theo?

Q: Hi, my name is Andrew Bossone. I am a reporter for WDAY in Fargo, and my question is for Amanda Bowman. Will the creation of a national database that is open to all states – will that actually exacerbate the problem of identity theft and acquiring illegal licenses?

MS. BOWMAN: Well, Raj is nodding. I don't agree. No, I don't think so. I think technology actually provides the solution, not the problem – sophisticated technology, but I don't – I mean, my quick answer is it's not – it's going to actually create a situation where we have – we are able to authenticate people's identity better because we're going to have interstate.

MR. GOYLE: Maybe, Matt, do you want to pitch in on that?

MR. DUNLAP: I think when you get into the national database idea, I think it can be pretty secure certainly, but I think the policy question that arises is what other uses do you put that database to? Napoleon III said the problem with a bayonet is that you can do everything with except sit on it, and I think that the presence of a database that could be used for other policy areas does give concern to many disparate groups that are a little bit surprising. I know that the National Rifle Association has had concerns about that because of the possibility of, geez, if you have driver's licenses tied to a national database, isn't it that much easier to then push things like gun licensing and gun registration? And that's way out in the future. That's almost science fiction stuff, but it does raise the questions what other purposes you put that database to? And that's not

really a part of this immediate debate, but I do think it is something that people should think about.

And also an immediate question is how do you create this national database? How do you implement it? I mean, we have 50 states and 50 different computer systems. How do you integrate those and who is going to pay for it? How is it going to happen? I have been working on – we have been working on our computer system in Maine for 11 years and it should be done finally this year after several fits and starts. When that's done, is it going to be now noncompliant because of the need for a national database and require millions more of treasure to be spent?

And then, again, I want to turn back that same question: to attain what? What is it we are attaining? And if it is national security, I am doubtful. The French spent billions of treasure on the Maginot Line to defend against tanks from the Germans. When the Germans came, they rode bicycles and they breached it in three hours. So I think that we need to carefully examine all facets of this security problem and be open to many different solutions and not wed ourselves to anyone.

Congress already reversed itself 180 degrees. It took a fairly major process, which I would – I consider the negotiated rulemaking process, and they cast it aside for REAL ID. I think given some reflection I am hopeful. I have a lot of faith in Congress – I am one of those citizens that does – that they will examine this more closely and come up with some solutions to some of the questions that we are raising here today.

MR. GOYLE: It's probably a good time to mention that another organization, EPIC, the Electronic Privacy Information Center, is having a panel discussion on June 6th. Lilly Coney here is in the audience, and if you are interested in that issue of the database and the privacy implications, I would recommended that panel and that event.

Any other questions from the press?

Q: Hi. I am the Marcel Honore with the Santa Barbara News Press. My question is for Ms. Bowman. Some of the standards that are proposed that would essentially prevent undocumented immigrants from obtaining IDs – do you think that could create possibly other security implications by in essence pushing some of these people further into the shadows?

MS. BOWMAN: I think that is a risk and that's why I think this has to be a kind of like a national debate around our whole – and have a thoughtful comprehensive immigration policy because we don't have one now and that's why we are having the kind of conversations we are having today.

And I just have to hold onto the point of view that hard cases don't make good laws, and we have to have – we have to make some important steps that we can authenticate identity across our society whether it's against – for security reasons or for civil reasons and so these are issues that have to be looked at. And I agree with you: I

think there is a penalty pay, but we have to look at this whole issue of immigration. And I have tried to keep away from it only because I sincerely believe that we all – and I am sorry if I am repeating myself, but I sincerely believe that we are looking at trying to prove – to find out who somebody is; that they are the person they claim to be. And that's it.

And we have a society where there are a lot of people floating around and you don't know who they are and the danger that we have at the present is that we are only as strong as our weakest link state, and the states most closely affected by the events of 9/11 have taken the appropriate action. And it's the ones that are furthest away and have conflicts around depending on undocumented populations that have not been able to do this. And I say this with great sincerity. My son is a firefighter in Santa Fe, New Mexico. All you need to get a driver's license in Santa Fe, New Mexico – in Albuquerque is a utility bill that proves you live in the state. It's not enough because you can get on a plane and come across and attack one of our major cities again or – you know, we just need to know who people are.

MR. GOYLE: Gustavo, did you want to comment?

MR. TORRES: Sure. I want to make a comment. You know, I am also in agreement with Amanda. Sometimes we are in agreement totally, but I want to go a little bit beyond. I think that it's not a risk; it's a fact. I believe that the REAL ID is going to create a serious problem for the millions and millions of undocumented workers. While they are here, they are going to be in the shadows. We are not going to know who they are, what they are doing, and this is a serious problem that we are facing.

In addition to that, you know that to go to the airplane you don't need to have a driver's license. Your passport is enough, so anybody can do it. Anybody who is a terrorist or anybody – you – anybody – we can do it. We don't need a driver's license to do that. So I believe that denying a driver's license to undocumented workers and to our community in general is going to create more possibilities to the black market to create fake documents, so this is one of the concerns that we fear.

MS. BOWMAN: Just very quickly, you should know that you can use a matricular card issued by the Mexican government, which you can buy on the street or off the internet, as you are authenticated identification to get on to a plane today, so it gives you an idea of the kind of problem that we have.

MR. TORRES: This is not – this is not correct. I mean, it is not true. I mean, you are telling something that is not totally true.

MS. BOWMAN: I'm sorry, we have one.

MS. TORRES: I mean, you can – (a card?) that is fake ID, the matricular consular, you can do it, but I can tell you the matricular consular – Mexican matricular

consular is even more secure than the driver's license that we have right now in Maryland.

MR. GOYLE: And I think –

MR. TORRES: This is reality. It's a fact. We demonstrate that. So (unintelligible) that you can fake that as driver's license can fake, so – but anyway.

MR. GOYLE: The matricular card actually will be banned under REAL ID, and I also think another fact that's important to know in light of Amanda's visual is that there was a hijacker on 9/11 who did have an expired driver's license but did board the plane with a passport, so while at the same time I think the purpose of the visual is to show that we had hoped that a week before perhaps if Atta had been caught or the plot had been unraveled, but it's clear that there are other policies at stake in terms of airport security that are also invoked.

But I would love to open it up here to questions. I am sure there are a lot of questions. Actually, the gentleman in the glasses in the back, Theo.

Q: My name is Joe Icamtawe (ph). I work for Advocates for Survivors of Torture and Trauma.

MR. TORRES: Okay. Could you speak a little louder please? Thank you.

Q: So my name is Joe Icamtawe. I work for Advocates for Survivors of Torture and Trauma. We're based in Baltimore, but we were also work in Wheaton. I'm a therapist.

One of the challenges that we see – we work with asylum-seekers who come to the U.S. One of the challenges we see is that most of our clients who live in Silver Spring and around Washington, DC, already have many problems getting on the train to come to Baltimore and I see that this REAL ID, I think – isn't it going to make things much more difficult for some of these people who are traumatized to travel from where they are living to come to places where they can seek help? And most of these people – the symptoms that they have – they make so anxious that they are not able to get out of their houses sometimes and so there is that fear, I think, which will just grow with the REAL ID.

MR. GOYLE: Thank you for the question, and I think it raises a good question about travel other than driver's license. We have talked about the fact that a driver's license, of course, has grown. It's not simply there to make sure that you can operate a car and you know how to use the steering wheel and the pedals. It's obviously an authentication document now. But as the question raises, the driver's license now is – what about other modes of travel? And maybe I will actually go over to Amanda first to ask about its impact on other modes of travel. You know, do you think that REAL ID is

enough of a policy solution to – in fact, it links back to what we talked about before: boarding a plane, getting on the train, doing those day-to-day things of life.

MS. BOWMAN: I don't think I understand your question.

MR. GOYLE: Well, then I should probably rephrase. What I mean is, because REAL ID so sweepingly reforms the way the driver's license is issued, do you think there is a need for another debate or a further legislation, for example on other aspects of travel? Should the driver's license be roped in or reigned in in terms of its expansive scope?

You asked the question earlier about the two-tiered system, but would you argue that the driver's license now should go ahead and be used as expansively as it is used now or would you also advocate, along with increasing the standards for driver's license, a multiplicity of licenses to be used or other documents for other issues like getting on a train and such?

MS. BOWMAN: Well, my approach has been different. I think most of us who are in the coalition have come to this feeling – this sense that that the driver's license was the one thing that we could as ordinary citizens to make America safer in a perilous world where there is a war going on against us even if we don't feel we are at war ourselves.

The reason that I think getting the driver's license is important is just so that we don't need to end up with a national ID card and I think that the way your – you know, your question leads to this that the logical conclusion then is, okay, we should reduce the uses for which a driver's license is applied to and have something different. Well, what is that something different going to be except a national ID card? And then your walking around, as you do in France, Germany, Italy – all across Europe you have to carry a card in your wallet that just proves you are who you say you are, and nobody has a problem with that there, but most of us as Americans and as an adopted American I have this – that kind of intrusiveness I find not to be an American solution.

MR. GOYLE: Matt?

MR. DUNLAP: Well, I had the opportunity to go to the Russian Federation a couple of times and travel around there and if a militiaman holds his hand out in traffic and vehicles don't stop immediately, they are opened fire on. Now, that's pretty tough security right there and yet the Chechen rebels took a theater in downtown Moscow and killed a bunch of people, so security is relative and I think that the efforts that you place on it need to yield proportional results. I mean, we are supposed to be a free society with one of the basic assumed rights being the right of travel – unimpeded, without having documents that you show to militiamen with machineguns who are there to make sure that you are who you say you are.

And I think getting back again to the core issue of what we are facing in the states; you know, if you look at the immigration issue – if immigration is seen as a threat

because it's an open, ragged filter for terrorists to get into the country, then an open question is if the Coast Guard, the Secret Service, Immigration, and the border patrol can't keep the illegal immigrants and the terrorists out, how are my \$13-an-hour service reps supposed to do it? And if they are going to be constructed into the last line of defense against terrorism, then I think that we have probably deeper problems than we have assumed up to this point.

My father fought in Okinawa and he was anti-aircraft gunner on a 20mm gun crew and one of his shipmates said, you know, below decks when the 20s open up we know we are in deep trouble because the 20s aren't very accurate and when they start firing, you know the kamikaze planes are close enough to cause us real damage. And I think that if you are going to be – at that point somebody gets through all these border security and the immigration laws and the last line of defense is at the motor vehicle service window, I think that we may be looking at a host of different issues that we are not really talking about.

And the immigrant community in our state has looked at REAL ID as a Trojan horse of the anti-immigrant movement. You know, I think there is sincere effort to try to increase national security, but nonetheless that's not a debate that I am participating in. I am looking at it purely from the administrative piece and I think that the effort that's being placed in REAL ID neither makes things easier, nor more secure.

MR. GOYLE: Great. Let's get some more questions in. Yes, the woman right next you, Theo.

Q: This is Lilly Coney with the Electronic Privacy Information Center. First, I wanted to thank the Center for American Progress for doing something that Congress and the Senate should have done prior to the passage of the law.

The first point that I would like to make is that not only are DMV employees being asked to try to act as INS employees, but also collect personally identifiable information on people who are applying for driver's licenses. A lot of people assume that everyone has documentation that you have if you have a passport, but the overwhelming majority of Americans do not have passports.

From your perspective, Secretary Dunlap, do you think with your relationships with other secretaries of state and others who do the work you do with driver's licenses, that this will present a problem in those states? And second, how will those documents be secured because they also provide opportunities for identity theft?

MR. GOYLE: Thanks, Lilly.

MR. DUNLAP: I think the answer of both your questions is we don't know. We don't know because among secretaries of state only three of us actually deal with motor vehicles and we have not had an opportunity – the coalition of the three of us – to get together and issue a position statement on that, but I think in terms of how we are going

to implement these provisions not only in terms of the computer systems and the training structures – we haven't even considered that at this point. I mean, our work really was focused on the negotiated rulemaking process and we had sort of tried not to let the specter of REAL ID bother us than that, but I think going in the out years – you know, it was raised earlier by Raj that some states may choose to not comply and I think for some states they don't comply that may not be a choice. It may not be – they may not be capable of doing it. I'm having difficulty hiring into those vacant customer service positions now. If I increase the qualifications and the training that much more, given the service climate, I won't be able to keep the ones I have. So I think that's sort of the challenge that I'm up against.

MR. GOYLE: Thanks.

Theo?

Q: Thank you, and thank you for doing this. I just have one question for Gustavo just to push on a little bit more about what the state legislatures are going when the argument comes up – and I would just like to hear your response because I hear it – is that in granting illegal immigrants driver's licenses, you're in essence rewarding unlawful behavior and that therefore giving driver's permits is a fair and practical measure that allows illegal immigrants to drive to work, drive their children, while keeping U.S. citizens secure, which is an argument that's often made and I would just like to hear how I can respond to that.

MR. GOYLE: I'm sorry. If you wouldn't mind just stating your name and organization quickly?

Q: Sure. Astrid Schmidt with Families USA.

MR. GOYLE: Great. Thanks. Go ahead, Gustavo.

MR. TORRES: You speak about the two tiers again?

Q: The two tiers, but more specifically when the argument's made that in granting in illegal immigrant a driver's license you are in essence rewarding unlawful behavior and that it's a balanced, fair approach in balancing the interests of illegal immigrants with that of the citizens – just to hear your response so I can know how to respond to that.

MR. TORRES: Thank you for your question. Our position is that they are here anyway. They are with their families right over here. And I think it is our responsibility as a society to try to integrate them as much as we can because they go to school, they – you know, they spend a lot of money and they pay taxes. And by the way, probably you heard the last (statistic?) from the *New York Times* about how much money undocumented workers pay and save our Social Security system. So they are here paying a lot of taxes and they are here making a great contribution to our community, so the

minimum that we can do is integrate them as much as we can. So this is our position regarding that.

MR. GOYLE: Matt, do you want to quickly respond to that?

MR. DUNLAP: I want to add to that. Again using my own state as a reference point, we are one of the leaders in the country in compliance with insurance laws. Nonetheless, the 5 percent they don't comply amount to about 5,000 accidents involving uninsured motors every year, which causes millions and millions of dollars in damage. This is a problem that's probably – in my conversations with other motor vehicle administrators is more systemic in the Southwest and it is in the Northeast certainly, but they want to issue licenses to everyone they can because if you get a license they also get insurance and they try to fit into that mainstream of society.

If you are looking at the issue of security, if you are not issuing people licenses and getting them in the system, you are not tracking them either. And if your interest is in tracking illegal activity, keeping them out of your system doesn't help you track them. So that's just a couple of points on that.

MR. GOYLE: Very, very quickly.

Q: Under the permit that would be given, though, they would be able to get insurance and they would be tracked?

MR. GOYLE: Great. Okay.

Yes, this gentleman here. And, again, if you can please state your name, your organization, and keep your question brief as we are running out of time.

Q: My name is Bruce Decell, a 9/11 family member. I belong to 9/11 Families for a Secure America. I don't know where to start with this panel, I tell you. First of all, you use the word interchangeably illegal alien and immigrant. They're two different things. That's like saying black is white and white is black. If you are an illegal alien, you are illegal and you don't belong in the country. That's part of our problem is that we have so many illegal aliens in our country that if there is terrorists we'll have a very difficult time to find them.

MR. GOYLE: Sir, could you go ahead and ask your question please?

Q: My question is how is it that all the people – 3,000 people were killed on 9/11. The 9/11 Commission came out and said that driver's license was a key component in their (deed?) to do this, and yet your panel – these two gentlemen – don't really see it. It's like not really there. You should have Ray Martinez on this panel, who is the commissioner of New York State motor vehicles and he would explain to you not only making the driver's license secure for – so it doesn't happen what 9/11 was, but he has also uncovered other massive fraud of deadbeat dads –

MR. GOYLE: Great. Thanks.

Q: Any number of different things and he had no trouble accomplishing that in a state as big as New York.

MR. GOYLE: Great. I appreciate that. Any quick comments on that?

MR. DUNLAP: Well I think we probably haven't emphasized enough that we – you know certainly I – I'm speaking for myself only. I mean, I agree that there is a lot that we can do and that we should do and as we were getting to the meat of the work of the rulemaking committee, we came to understand that this is a much bigger issue than we had really realized in terms of the security of documents and things that people assumed to be secured that are actually very common documents and when you try to narrow things out, asserting who is someone is, as Amanda said – I just want to make sure that we know who those people are. That's a much taller order than we had assumed going in and it's unfortunate and regrettable that part of the provisions of the REAL ID Act was that that commission was abolished because I think we could have had quite an exploration.

I think all of us who work in this field that were on that panel, and there was a lot of assumptions that were watched away pretty quickly about what we brought to the table and what our assumptions had been coming in. So, I mean, I don't think that there is any dispute that a lot of changes should be made. It's just how do you get everyone there and I think, unfortunately, the REAL ID has a –

Q: (Off mike.)

MR. DUNLAP: Well, it's – the REAL ID is – well, one of the things I've learned in my public policy experience is that no two states are alike and they are not interchangeable. You know, the demographics in New Hampshire are profoundly different than they are Maine. They – you know, so you are looking at two separate sets of problems. The problems in New York are far different from the Maine, or are far different from Wyoming or North Dakota or Washington State or any of the other 50 states. So, I mean, it's not quite that simple.

MR. GOYLE: Gustavo.

MR. TORRES: Thank you. Just to make a comment about this; again, the undocumented community are already over here. They're making a great contribution to our society. The numbers are right over there. And about the 9/11 Commission, what I mentioned before: we just strongly support their recommendations. We believe that if we follow through the process and recommendations made by the 9/11 Commission, I think we are not going to have the REAL ID Act. We are going to have a much better discussion, much better debate, and find a better solution for our national security.

MR. GOYLE: Great. We're going to have just two more quick questions to wrap up. Theo, take your pick.

Q: Thank you for this panel. I really appreciate the information. My name is Joan Friedland and I work with the National Immigration Law Center and I also was on the Negotiated Rulemaking Committee that's now defunct.

I understand Amanda Bowman's argument to be that REAL ID will serve the interest of making sure that people are who they say they are. In the way that I read REAL ID is that it will prevent many people from getting driver's licenses or state identification; that those people include citizens and documented immigrants as well as undocumented immigrants and it does that because it will demand documents that people can't provide whether they are citizens or documented immigrants or because it doesn't include lawful immigration statuses in the statute itself.

So my question is, if the system results in people being excluded from a system of being able to prove that they are who they say they are, how does that serve a national security purpose?

MS. BOWMAN: Are you addressing the question to me?

Q: I am addressing it to you because you are making that national security argument.

MS. BOWMAN: Okay. Well, we could get into a real inside baseball discussion about this and we don't have the time or probably the opportunity to do so here. I would just say this, that let's talk about what the provisions are. The provisions are – the universal standards are: proof of legal presence in the country, authentication and verification of your Social Security number, proof of residence in the state, and a biometric proof of identity. My hunch is that most American citizens and most people who are on visas, legal visas and Green cards, can meet those obligations.

We are not having – I mean I know it sounds like a broken record. We are not having a problem in New York State. What we are finding in New York State is that one person had 57 identities. That's a problem. This, I think, goes towards solving a problem and does make us safer. Is it the solution? No. It's not a complete solution. It mitigates risk. That's all.

MR. GOYLE: Okay, thanks. Last question, and before we do that, I neglected at the outset to thank P. J. Crowley, who is here, who is the director of the homeland security program, who helped with the panel; and also Carter Campbell, who assembled those lovely folders you have today. So a last question and then we are going to wrap up.

Go ahead.

Q: Hi. I am a reporter. Pat Zapor with Catholic News Service. At the very beginning you talked a little bit about some of the efforts, some of the states that might be resisting implementing REAL ID. I am just interested in a little more information about that – more discussion about what discussions have been going on in Maine.

MR. GOYLE: Is there a question there? Yeah.

Q: Any other information any of the panelists have?

MR. DUNLAP: Well, I think this is fairly nascent at this point in the game. I think most of the states have been acting individually with questions for their respective delegations – their congressional delegations about the status – their state status relative to the provisions of the REAL ID Act. At this time I don't know if there is any organized group of states, either through the National Conference of State Legislatures or the Governors Association or any of the groups planning any coordinated action to try to get clarification of REAL ID or some amendments to the provisions of it. That's, I think, going to be an ongoing discussion that's probably going to happen on its own within the Congress anyway because I know that there were concerns in Congress, especially on the Senate side, in regards to REAL ID. And I think they will probably revisit that and try to work more closely with the states.

I think – just from my own procedural experience, I think having REAL ID in law does change the negotiation platform from negotiating to such a point to negotiating from such a point, which is a far different posture to be in. And I think that certainly should make it clear that the proponents of the act mean business on this, and I think there is genuine concern about homeland security and I think we all share that and I think we all want to get there, and I think it's going to be an ongoing public discussion for the next couple of years – three years anyway – on how we are going to get there. But in terms of – even in my discussions with my own governor, we're sort of taking more of a wait-and-see approach to see exactly where the tide's going on that. I think we are very interested in working with the federal government to make sure that were a success in these endeavors and we do bring better security and better service to not only all of our citizens, but also all of our guests as well.

MR. GOYLE: Wonderful. I think it's a great note to close on because I think the one conclusion that we have is that you were hear more to come on REAL ID. This is just the beginning.

Please join me in thanking our panelists. Thank you very much.

(Applause.)

(END)