

Let's Have No National ID Card

It is a threat to American freedoms

Testimony by Rep. Ron Paul (R-Texas)

Mr. Chairman, thank you for holding this important hearing examining the question of whether national ID cards would enhance security. Protecting the security of the American people from foreign threats is the most important responsibility of the federal government, and there is much government needs to do in this area. Among the steps the federal government should take is to restrict immigration from countries which support or harbor terrorists and to implement policies that effectively enforce existing immigration laws. Moreover, private property owners certainly can take steps to protect their property from terrorists and other criminals. For example, it is perfectly legitimate for airlines to issue private ID cards to passengers and perform background checks as a condition of selling them tickets.

However, Congress should reject proposals which provide only the illusion of security, while in reality simply eroding constitutional government and individual liberty. Perhaps the most onerous example of a proposal that creates the illusion of security (yet really promotes servitude) is the plan to force all Americans to carry a national ID card. A uniform national system of identification would allow the federal government to inappropriately monitor the movements and transactions of every citizen. History shows that when government gains the power to monitor the actions of the people, it inevitably uses that power in harmful ways.

Ron Paul, M.D., is a Republican Member of Congress from Texas. He gave this testimony before the Government Reform Committee, Hearing on National ID Card Proposals, November 16, 2001.

A national ID card threatens liberty, but it will not enhance safety. Subjecting every citizen to surveillance actually diverts resources away from tracking and apprehending terrorists toward needless snooping on innocent Americans! This is what has happened with "suspicious activity reports" required by the Bank Secrecy Act. Thanks to BSA mandates, federal officials are forced to waste time snooping

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through the private financial transactions of innocent Americans merely because their banking activities seem suspicious to a bank clerk.

Furthermore, the federal government has no constitutional authority to require law-abiding Americans to present any form of identification before engaging in private transactions (e.g., getting a job, opening a bank account, or seeking medical assistance). As we consider how best to enhance the federal government's ability to ensure the safety of the people, it is more important than ever that Congress remain mindful of the constitutional limitations on its power.

In conclusion, Mr. Chairman, I once again express my gratitude to the committee for holding this important hearing. I also would remind my colleagues that national ID cards are a trademark of totalitarianism that contribute nothing to the security of the American people. I therefore urge my colleagues to reject all proposals for a national ID and to focus instead on measures that will effectively protect both security and liberty. ■

The Illegals Among Us

Looking at 'clear' instructions from the courts to police agencies

by Robert D. Park

The events of September 11, 2001, what led up to them, and what has followed, have raised grave concerns over how our immigration laws are enforced. In 1996, Congress passed a law which gives power to state and local police to make arrests "of aliens not lawfully present in the United States."

If there is confusion over this law, it lies in the belief that police must ask the U.S. Attorney General to enter into an agreement and seek deputization of police officers as INS agents. Yet, under these provisions, no such agreement or training is "required."

Now comes the INS seeking help from the nation's police in arresting 314,000 absconded aliens under deportation orders (who are clearly "not lawfully present in the United States"). The question arises in some quarters: do police already have the authority to do so? It is possible that some states may not allow it. If so, that should be remedied legislatively.

Quoting the 1996 statute in part:

8 USC 1537 (g)...(10) Nothing in this subsection shall be construed to require an agreement under this subsection in order for any officer or employee of a State or political

Police agencies across the nation who want to help [in the apprehension of illegal aliens] are receiving little or no assistance from the INS.

subdivision of a State: (A) to communicate with the Attorney General regarding the immigration status of any individual, including reporting knowledge that a particular alien is not lawfully present in the United States; or (B) otherwise to cooperate with the Attorney General in the identification, apprehension, detention, or removal of aliens not lawfully present in the United States.

If this means what it says, why doesn't the INS take this opportunity to inform the press, public, and police of the fact? Perhaps then INS would get the

cooperation it seeks and the American public would be better served.

Court Review of This Provision

Section 133, Illegal Immigration Reform and Immigrant Responsibility Act (8 USC 1357), has, on two occasions, been examined by the U.S. Tenth Circuit Court of Appeals which concluded that the arrests made by police of aliens "not lawfully present in the United States" were lawful arrests.

The introduction to *U.S. v. Ontoniel Vasquez-Alvarez*, 176 F.3d 1294 (10th Cir. 1999), cert. denied, USSC No. 99-5643, Oct. 4, 1999, states that "Ontoniel Vasquez-Alvarez ('Vasquez') was arrested by an Edmond, Oklahoma, police officer. The arrest was based solely on the fact that Vasquez was an illegal alien..." The Court then analyzed the law in question, writing in part:

Significantly, however, Congress provided that a formal agreement is not necessary for state and local officers to cooperate with the Attorney General in the identification, apprehension, detention, or removal of aliens

Robert D. Park, formerly with the Border Patrol, is founder of the Article IV - Section 4 Foundation, Prescott, Arizona, (888) 820-0061. The name of the foundation refers to the wording in the U.S. Constitution which instructs Congress to guarantee that every state shall be protected from invasion.