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Crabb

FAKE ID AFTER 9/11

What to Expect and How to Avoid the New Controls

by John Q. Newman

The horrific events of September 11 have created new complications for those seeking to establish a new identity. It turned out that some of the terrorists had used fake identities or fake documentation to aid them in their criminal enterprise. Although the creation and use of fake ID was not a critical part of the nefarious plans that culminated in the destruction of the World Trade Center Towers, fake ID did allow some parts of the terrorists' plans to proceed more easily and more efficiently. Right now, the states and the federal government are considering numerous proposals that will make obtaining most types of identity documents harder to do. So the central questions to be considered are: What are these proposed changes, how likely are they to be implemented, and what would be the strategy to follow to successfully create a new identity in this atmosphere of enhanced scrutiny?

We can use the terms fake ID and new identity interchangeably, because a new identity is not “real” until it has been documented with the appropriate paperwork. In the United States, most identity documents are issued by the individual states. This panoply of identity documents includes such things as state identity cards, driver's licenses, birth certificates, fishing licenses, hunting licenses and voter registration cards. Local municipalities issue such things as transit passes and library cards. Then there is an additional level of documentation issued by quasi-governmental entities, such as the student identity cards issued by colleges and universities. Private organizations issue identity documents – health club membership passes, insurance identification cards, bank account ATM cards, etc.

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documents harder to do.

Unlike most other nations, the U.S. federal government does not issue the majority of identity documents carried by most people. The most common federal identification document is the Social Security card – and this is the only federal identification most Americans will ever obtain. The federal government also issues passports, but only a small minority of Americans ever get a passport because the foreign countries Americans visit most – Canada, Mexico and the Caribbean nations, do not require a passport for entry or return to the United States.

On a daily basis, the driver's license and state identity card are the fundamental identity documents used in America. When someone asks to see identification, they are in fact asking to see one of these documents. This has come about due to the fact that most Americans will learn how to drive a car, and most people in the United States depend upon a private automobile to get to work, and do not use public transit. Each state issues driver's licenses, and each state has its own requirements for issuance.

In general, most of these requirements include that the applicant be at least 16 years of age, be a resident of the state in question, establish proof of his or her identity, and not be under a license suspension or revocation in another jurisdiction. If these requirements are met, a written and driving test must be taken, fees paid, and the applicant will walk away with a new license, recognized from border to border.

To establish identity, the license applicant will be required to provide a birth certificate – either an original or certified copy issued by the state, county or municipal registrar. Additional secondary documentation must also be provided to establish the identity of the individual. What is acceptable will vary from state to state. Some states use a point system, where numerous different types of documents can be used – such as health insurance cards, apartment leases, bank account ATM cards, etc., so long as in the end, the applicant scores the required number of points under the system. In a few states, one can even obviate the need to show a birth certificate if enough of these documents are presented.

Some states require the applicant to show proof of the Social Security number explicitly during the licensing process. Most states will accept a variety of documents for this purpose – Social Security cards, payroll check stubs, even college transcripts that have the student's Social Security number on them. A few states require that the applicant show proof of residency in the state. This can be done by presenting a voter registration card, apartment lease or mortgage papers, or an insurance policy with a local address on it.

Once a person has obtained a driver's license or state identification card in one state, he can use it in any other state, and more importantly, easily exchange it for a different state's license or identity card. An exchange is faster and requires much less documentation than a new issue. The fact that the applicant already has a license or identity card from another state is proof in the new state that the person is who they say they are.

The September 11 terrorists exploited a loophole in the Virginia motor vehicle code to easily obtain driver's licenses in that state. In Virginia, you could arrange for a state resident to fill out a notarized affidavit attesting to the in-state residency of the license applicant. You then showed this affidavit to the motor vehicle clerk, and she or he would process your application. Some of the suicide bombers had obtained Virginia licenses this way. Now, all states are examining ways to make the issuance of driver's licenses more secure. Let's look at what some of these proposals are, and how they would affect the public.

Many states are considering making the application procedure more complete, particularly in the case of non-U.S.-citizen applicants on temporary residence permits. These applicants carry identification documents issued by the Immigration and Naturalization Service. The problem states face is that the validity of these documents cannot readily be determined. The INS issues plastic student visas and work permit identity cards to foreign nationals, and these cards look very much like driver's licenses. All states can verify online, in real time, an out-of-state license's validity, but they cannot do so with immigration documents. These documents can only be verified with INS, and that is a time-consuming and difficult process.

One proposal being considered is to make the database of all temporary residence visas and green cards verifiable at local motor vehicle department offices. This may happen in the future, but right now, it is not being done because of the expense required. Even if the funds are appropriated for this, it will take some time for this to be implemented. It is well known that immigration documents are hard to verify, and many illegal immigrants successfully establish valid driver's licenses on the basis of these documents. High-quality forgeries of immigration documents are available for sale all across the country. The INS has responded by making these documents harder to forge by instituting tough new anti-counterfeiting features, but this has had an unintended effect. There are now numerous versions, all valid, in circulation of the same document. By the time all of the previous versions have been superceded, the document fakers will have a flawless copy of the current-issue document ready for sale.

Some states have instituted new rules for foreigners here on temporary visas. Many states will now only issue a driver's license valid for one year, and some look different than those issued to American citizens. Other states have gone to mailing out the license to foreign applicants later, even if it is a state that normally has instant issuance of the final license. Clearly, one reality of September 11 is that foreign applicants from anywhere but Canada will face more scrutiny at motor vehicle departments, particularly people who are from Arab nations.

The Social Security number requirement is receiving renewed attention. Some states require that the license applicant show proof of the Social Security number, but most do not verify the number presented with the Social Security Administration. Some states have outlawed the Social Security number requirement in driver licensing for privacy reasons. It has been proposed that all states require the Social Security number as part of the licensing process, and that all states verify this number directly with the Social Security Administration. Would this have made any difference in the case of the September 11 terrorists?

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All of the terrorists had valid Social Security numbers, which would have been verified with no trouble. Why? Because all of the terrorists were in the United States legally. As a result, they had the necessary paperwork from the INS to qualify to obtain valid Social Security numbers. There is also an unintended consequence from enforcing the Social Security number requirement, one that has more relevance for most of the public on a daily basis. We can use California as an example.

Into the early 1990s, it was easy for anyone to obtain a valid California driver's license. All you had to do was present a birth certificate and a little other documentation, pass the tests, and you would be duly licensed. It did not matter what country the birth certificate was from, or what your immigration status – legal or illegal – was. This is no small consideration in a state where over 2,500,000 illegal immigrants

live. California now requires that proof of the Social Security number be provided, and this number is verified before the final, permanent driver's license is mailed out from Sacramento. California also requires anyone born outside of the United States to provide documents from the INS to validate their "legal residence" within the United States.

The unintended consequence of these actions has been a rapid increase in the number of unlicensed, uninsured drivers on the roads in California. The fact is, the illegal immigrants are in the state, and they will drive, one way or the other. So the central question is: Do you want these people driving with valid licenses and auto insurance, or the current situation, where they have neither? Many people in California, who have been in accidents with these unlicensed, uninsured drivers, probably wish the law had not been changed.

Some states have seen the folly of this. Utah, Texas and North Carolina eliminated the Social Security number requirement, because all three of these states have large illegal immigrant populations. The states want these people to be safe, licensed and insured motorists, and the only way that this can happen is if they are able to obtain a valid driver's license. The fact that they are in the country at all is an issue for the federal government.

Many states have also eliminated Social Security number requirements on licenses for privacy reasons. The crime of identity theft has grown exponentially over the last decade, helped in large part by many states displaying the Social Security number on the license, or in many instances, using the Social Security number as the license number. Some states, such as Washington, have outlawed this requirement, and others, such as Alabama, request the number, but it does not appear on the license, and it is not verified.

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Another change states are considering is the use of biometrics on licenses. Biometrics are the use of theoretically unique physical identifiers – such as fingerprints – on the license document. Many states, such as California and Hawaii, already take a thumbprint from license applicants. The utility of fingerprints on a license is primarily to make sure that a person who lost a license does not turn around and obtain another license in the same state under a different name. It is hard to see how fingerprints could be very effective in curbing identity fraud unless all states were to use them in the licensing process, and then it would only deter someone from getting a second license in the same state. This is unlikely to happen because many states have explicitly outlawed the use of biometrics, because of privacy law implications and the fact that it smacks of treating people like criminals.

The problem motor vehicle department administrators face is balancing security considerations against the need to serve the public efficiently and without excessive intrusion. 99.999% of all people at a motor vehicle office are there to carry out legal activities. Even with this as the case, the lines and wait times at many motor vehicle offices across the country are long and increasing, with the current system. Consider what would happen if every birth certificate, every Social Security card, every immigration document, was subjected to verification. Instead of accepting a rent receipt or lease as proof of residency, the state could require that you show this, and then mail a card to your address which you would have to bring with you on a return visit to pick up your final license. To guard against counterfeiting of these cards, they would have to be individually numbered, and backed up with a database to perform verifications when the person presented it. This would complicate the licensing

process even more, and cost the states much more money.

What are the changes we are likely to see? First, clerks will be given more training in how to spot fake documents. There will be a tightening of the requirements of what will be acceptable. Where, before, a notarized copy of something might have been accepted, now, only certified copies or originals will do. Certainly, people from Middle Eastern countries will face much higher degrees of scrutiny, and the INS will institute new training for motor vehicle clerks on how to spot immigration document forgeries. It is possible that a real-time verification system for immigration documents will be instituted. The licenses themselves will become harder to forge, with more holograms, multiple pictures, and other anti-counterfeiting features.

In light of this, is it still possible for a new identity seeker to obtain a driver's license or state identity card in a new name? The answer is yes – with certain caveats. Anyone who has read my books on new identity creation understands that the key to a successful new identity is extensive preparation. First, some states are harder than other states. If the new identity seeker does not have a verifiable Social Security number, do not apply in a state that makes this a mandatory requirement and performs verification. This information can be determined by going online to the various state motor vehicle department websites and carefully reading what the requirements are. You can also call the public service phone numbers of these agencies and ask what they require. One way to get extremely detailed information is to say in your telephone call that you are an American returning from having lived overseas for the last 15 years, and need to know what you need to bring with you. This is an excellent strategy because they will assume you have not had a license from any state before, and will have to provide the maximum amount of documentation.

Older first-time applicants – people past 30 – have always faced more scrutiny, but not because of terrorism. It is assumed if you are over 30, and do not have a license, you must have had one before, but it was suspended or revoked. The motor vehicle clerks check your name and birthdate through what is known as the National Driver Register. The NDR is a listing of everyone in the country whose licenses have been suspended or revoked. Motor vehicle clerks do this online while you are waiting.

Most motor vehicle clerks have been given training in how to spot forgeries of birth certificates. But this training is complicated by the simple fact that there are hundreds, if not thousands of different styles of birth certificates in use. Birth certificates are issued both by county and state registrars in most states, and many larger cities still issue birth certificates. Birth certificates issued by the same office in different years will look different. Seals will vary, and some states and counties also issue wallet-sized birth cards.

Motor vehicle clerks are taught to look for an embossed seal and signature, for numbers that are typical for birth certificates from that jurisdiction, and to be suspicious if the person and the document do not seem to match. A good example would be someone presenting a birth certificate from West Virginia, but who is clearly Mexican and speaks little or no English. Many of the books on new identity creation explain in detail what real birth certificates look like, and what information the new identity seeker should make sure is on his birth document.

Clerks are also trained to look at the entire picture presented. This is why it is crucial, particularly after September 11, to be complete in preparation. A person waltzing into a motor vehicle office with just a birth certificate is suspect automatically. The new identity seeker should obtain as much documentation as possible before going to the motor vehicle department. If you are denied for some reason, you want it to be simply a matter that you just did not have something they need, not because they are suspicious of you. The way to avoid suspicion is to go to their office with a wallet brimming full of secondary documents, obtained over time, along with your birth certificate.

This means obtaining a voter registration card, health insurance card, YMCA card, library card, transit pass, etc., before you go. An excellent source of photo identification is the student identification card issued by a local college or university. Register for one course and the card is yours. Frequently, you can get the ID as soon as you register, even if you have not paid your fees. Bank ATM/debit cards can be obtained by applying for a bank account online, and these are frequently accepted as secondary sources of identification. In the clerk's mind, someone with all of this detritus of life must be the real deal.

What must be avoided are mail-order birth certificates, and other mass-produced identity documents. Since September 11, the surveillance of these document sellers has been increased, and even if they sell their wares within the law, the government will compile samples of the goods, and distribute copies of these documents to motor vehicle departments nationwide. Anyone using these documents will be detected, and, now, probably prosecuted. Most people, with computer technology, can produce at home birth certificates just as good, or better, than those issued by the state.

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So, we can conclude that the result of September 11 for fake ID is to create new hurdles, but none that are impassable. The new identity seeker will just have to be more careful and meticulous in his preparation, and stay informed as to the best places to penetrate the system. ♦

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