Congress of the United States
House of Representatives
Washington, DC 20515

September 8, 2003

Governor Gray Davis
State Capitol
Sacramento, California 95814

Dear Gov. Davis:

As members of Congress representing California, we are writing to express our extreme dismay that you have signed into law a measure that seriously erodes our state's ability to protect against terrorist attacks, and could undermine security efforts nationwide.

The passage of SB 60, which allows the issuance of California driver's licenses to individuals without a single verifiable piece of U.S. identification, appears to us to be highly irresponsible and dangerous. That the final version of this bill was stripped of all security measures, and passed without a significant public hearing, makes it clear that this legislation was approved with little attention paid to potential consequences.

SB 60 creates a system of identification that is based on the federal Individual Taxpayer Identification Number (ITIN). It is significant to note, however, that the United States Internal Revenue Service, which issues these numbers, has advised states not to use ITINs as a basis for issuing drivers' licenses as they are designed for federal income tax purposes alone. We are concerned about the use of ITINs because the application process fails to include either extensive information verification or background checks. The California State Sheriff's Association has opposed this measure for these very reasons. Regrettably, despite the fact that there is no way for California officials to verify their authenticity, SB 60 will allow California to issue drivers' licenses upon the presentment of a foreign driver's license, consulate identification card, and ITIN.

You vetoed this legislation twice before over security concerns, stating just last year: "the tragedy of September 11 made it abundantly clear that the driver's license is more than just a license to drive; it is one of the primary documents we use to identify ourselves. Unfortunately, a driver's license was in the hands of terrorists who attacked America on that fateful day." In fact, seven of the September 11 terrorists obtained driver's licenses illegally from Virginia, whose laws at the time were essentially the same as the one you have now signed. Virginia legislators quickly moved to close that loophole, and now require proof of identity that can be verified - and that proves the applicant has legal standing in the United States. We find it unacceptable that California, with this measure, is moving in the opposite direction.

You were right in your assertion last year that the driver's license is a fundamental form of identification. Throughout the country, it is the primary identifier for services ranging from bank accounts to gun ownership. In fact, it is fundamental to airline security. By eliminating the need to authenticate identity to receive a driver's license, you and the legislature have undermined the integrity of our nation's airline security system, placing American lives in jeopardy. Furthermore, when the validity of government-issued identification can be easily compromised, other criminal activity such as identification theft, fraud, money laundering, and the funding of terrorist organizations is facilitated, if not encouraged.

Finally, this legislation will almost certainly make it more difficult for our delegation to defend California's needs in programs like the State Criminal Alien Assistance Program. Such funding may be viewed as superfluous if the State makes no effort to ascertain the immigration status of those who drive on its roads.

Your decision to sign SB 60 into law was a significant policy reversal that will negatively impact our constituents. Accordingly, we urge you and the legislature to reconsider and rescind this ill-advised legislation. If you do not, we are convinced that California voters will once again be forced to take things into their own hands and overturn this dangerous policy at the ballot box.

Sincerely,

David Dreier

Jerry Lewis

Bill Thornberry

Chris Cox

Duncan Hunter

Randy "Duke" Cunningham

Jerry Lewis

Mary Bono

CC: The Honorable John Burton, President pro Tem, State Senate
The Honorable Jim Brulte, State Senate Republican Leader
The Honorable Herb Wesson, Speaker of the Assembly
The Honorable Dave Cox, State Assembly Republican Leader