

Congress of the United States
Washington, DC 20515

July 8, 2003

The Honorable Tom Ridge
Secretary of Homeland Security
Washington, D.C. 20528

Dear Secretary Ridge:

We are writing today to express our concerns about the growing acceptance of consular identification cards, which we see as a threat to homeland security.

In recent years, the Mexican government has aggressively lobbied local and state entities to accept its consular identification card, the *matricula consular*. These efforts have been, with notable exceptions, successful. This month, Mexico announced that 402 localities, 32 counties, 122 financial institutions and 908 law enforcement offices now accept the *matricula*. Thirteen states have passed laws that expressly recognize the *matricula* as valid identification to obtain a driver's license. Despite the widespread acceptance of these cards, however, it appears that they are neither reliable nor secure.

Even before recent Congressional hearings on consular identification cards, we received a substantial number of reports suggesting that there is no centralized database for the *matricula*, that there were no uniform standards for its issuance, and that the application process for the *matricula* is susceptible to fraud and abuse.

Those reports were verified by the Federal Bureau of Investigation (FBI) on June 26, 2003, in testimony before the House Judiciary Committee's Subcommittee on Immigration, Border Security, and Claims. At that hearing, the FBI's Assistant Director of the Office of Intelligence detailed a list of the bureau's concerns about the *matricula*:

First, the Government of Mexico has no centralized database to coordinate the issuance of consular ID cards. This allows multiple cards to be issued under the same name, the same address, or with the same photograph.

Second, the Government of Mexico has no interconnected databases to provide intra-consular communication to be able to verify who has or has not applied for or received a consular ID card.

Third, the Government of Mexico issues the card to anyone who can produce a Mexican birth certificate and one other form of identity, including documents of very low reliability. Mexican birth certificates are easy to forge and they are a major item on the product list of the fraudulent document trade currently flourishing across the country and around the world.

Fourth, in some locations, when an individual seeking a Matricula Consular is unable to produce any documents whatsoever, he will still be issued a Matricula Consular by the Mexican consular official, if he fills out a questionnaire and satisfies the official that he is who he purports to be.

The FBI witness also noted that the *matricula* was also vulnerable to forgery. Because of these problems, the FBI concluded, the *matricula* cards pose both criminal and terrorist threats to our nation.

There are several aspects to the criminal threat posed by the *matricula* according to the FBI. The *matricula* "can be a perfect breeder document for establishing a false identity," and therefore can be used to facilitate a variety of crimes, "from money laundering to check fraud." A false identity can also be used by a criminal seeking to conceal his or her true identity.

The FBI also linked *matriculas* to alien smuggling. The bureau witness noted that federal officials have arrested smugglers with as many as seven different *matricula* cards in their possession. Given the nature of alien smuggling, and the need that smugglers have to cross the border repeatedly, it is useful for smugglers to have access to multiple forms of identification in various names, to hide both their travels and their crimes. The FBI also testified that *matricula* cards themselves "serve as a magnet for" the aliens who are smuggled, because they believe that the *matricula* "that awaits them will entitle them to all sorts of benefits within the United States."

With respect to terrorism, the FBI testified that federal officials have discovered individuals from "many different countries" in possession of the *matricula*. While most of these individuals were citizens of other Central or South American countries, the FBI witness noted that an Iranian national was also found in possession of a *matricula* card. As he stated:

The ability of foreign nationals to use the Matricula Consular to create a well-documented, but fictitious, identity in the United States provides an opportunity for terrorists to move freely within the United States without triggering name-based watch lists that are disseminated to local police officers. It also allows them to board planes without revealing their true identity.

These threats were in addition to the potential use of the cards to transfer terrorist funds, an activity facilitated by the use of false identities.

Given the aforementioned reports and the cited testimony, we have numerous concerns about the widespread acceptance of *matricula* cards within the United States. We have particular misgivings about the regulations promulgated by the Treasury Department in response to Section 326 of the USA PATRIOT Act. Those regulations allow banks to rely on the *matricula* card and similar foreign identification cards as acceptable forms of identification to open bank accounts. It was our intention in section 326 of the USA PATRIOT Act to make it more difficult for potential terrorists to open bank accounts. Because it allows banks to accept unreliable documents, like the *matricula*, from aliens, the Treasury regulation appears to subvert that intention.

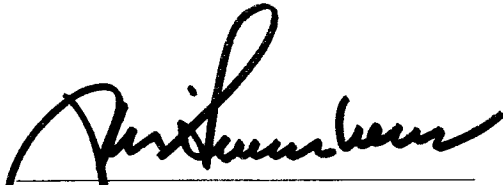
At a June 16, 2003 hearing before the Subcommittee on Infrastructure and Border Security, Commissioner Bonner of the Bureau of Customs and Border Protection was unable to inform the Select Committee of the Department's position on these regulations, if any, in the administration's inter-agency process. We write because we believe it is critically important that the Department take a position on the acceptability of the *matricula* card as identification for financial transactions within the United States.

The questionable reliability of the card for banking purposes is underscored by the fact that currently, no major bank in Mexico recognizes the *matricula* card as an acceptable form of identification to open a bank account, and only 10 of the 33 Mexican provincial governments consider it valid identification.

Further, acceptance of the *matricula* hinders domestic investigations. Only the Mexican government has any source identity records to authenticate, or invalidate, the identity information contained on its consular identification card. Thus, our law enforcement agencies cannot independently confirm the identity of an individual arrested for a serious crime whose only identification is a *matricula*, and are wholly reliant upon the Mexican government to provide it with any additional information that was submitted in the *matricula*-issuance process that does not appear on that card. Contrast this to the investigation of the September 11 terrorists, when the FBI was able to assemble significant information about the hijackers because the identity of each had been confirmed by the U.S. State Department during the visa-issuance process, and their identities validated by the former Immigration and Naturalization Service (INS) during inspection at airport Ports of Entry.

This issue is of increasing concern to us as numerous other nations consider the use of consular identification cards for their citizens residing in the United States. Any federal government acceptance of unreliable identification cards from persons resident in the United States compromises our homeland security. We hope that you act decisively in response to the homeland security concerns associated with domestic acceptance of consular identification cards as you continue your dedicated service to the Department of Homeland Security.

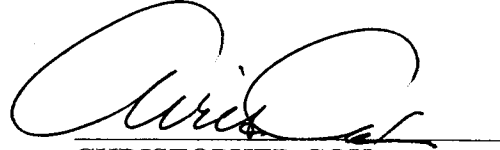
Sincerely,



F. JAMES SENSENBRENNER, JR.
Chairman
House Committee on the Judiciary



LAMAR S. SMITH
Chairman,
Subcommittee on Courts,
the Internet, and Intellectual Property



CHRISTOPHER COX
Chairman
House Select Committee on Homeland
Security



HAROLD ROGERS
Chairman,
Subcommittee on Homeland Security,
House Committee on Appropriations