

THE WHITE HOUSE
WASHINGTON

October 21, 1983

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MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*
SUBJECT: National I.D. Comments

With respect to your comments on my memorandum of October 19, Brandemuehl's testimony does point out the rising problem of counterfeiting documents used to obtain the benefits of citizenship. One could certainly respond to this problem by advocating the nationwide use of more secure identifiers. Brandemuehl's testimony does not do so, but instead outlines increased law enforcement attention to the problem.

The problem of rampant counterfeiting of INS identifiers and identifiers used by INS is well known and can hardly be ignored, so I do not think recognition of the problem in Brandemuehl's testimony hurts our bill more than does the existence of the problem itself. In fact, Brandemuehl's testimony puts the best possible face on INS efforts to respond to the problem short of establishing a secure national identifier. If you are not persuaded that those efforts will succeed, however, the conclusion you are afraid might be drawn - that we must have a more secure national identifier - could well follow.

I recognize that our office is on record in opposition to a secure national identifier, and I will be ever alert to defend that position. I should point out, however, that I personally do not agree with it. I yield to no one in the area of commitment to individual liberty against the spectre of overreaching central authority, but view such concerns as largely symbolic so far as a national I.D. card is concerned. We already have, for all intents and purposes, a national identifier - the social security number - and making it in form what it has become in fact will not suddenly mean Constitutional protections would evaporate and you could be arbitrarily stopped on the street and asked to produce it. And I think we can ill afford to cling to symbolism in the face of the real threat to our social fabric posed by uncontrolled immigration.

Be all this as it may, the short answer to your question is that Brandemuehl's testimony does not hurt our bill or compel support, even indirectly, for a national I.D. card. The problem he is discussing, if it cannot be solved by more vigorous law enforcement, does.