

Lamar Alexander." That note kept me out of trouble. I still have it.

We hope Tim's prayers, as well as our own, will keep our brave Tennesseans safe so they can accomplish their mission and come home soon.

DRIVER'S LICENSES

Mr. ALEXANDER. Mr. President, I would now like to speak for 4 or 5 minutes on another subject. I again thank the Senator from Texas. This is a subject that I recently wrote an op-ed about, which was published last week in the Washington Post. Fearing that many of my colleagues might have been in places such as Texas or Tennessee or Iraq and might have missed it, I will make virtually the same remarks here.

Specifically, I am concerned about the so-called "Real ID Act," a bill recently passed by the House of Representatives that would require States to turn 190 million driver's licenses into national identification cards, with State taxpayers, I am afraid, paying most of the costs.

The first thing wrong here is that some House Members want to stick that identification card proposal on the appropriations bill that supports troops in Iraq. We should not slow down money for our troops while we debate identification cards.

The second problem is that States not only get to create these identification cards, States will likely end up paying the bill. This is one more of the unfunded Federal mandates that we Republicans especially promised to stop.

Supporters argue this is no mandate because States have a choice. Well, true. States may refuse to conform to the proposed Federal standards and issue licenses to whomever they choose, including illegal immigrants. But, if they do, States' licenses will not be accepted for "Federal purposes," such as boarding an airplane. That is some choice. What Governor will deny his or her citizens the identification they need to travel by air or to cash Social Security checks or for "other Federal purposes?"

Of course, this identification card idea might backfire on us, the Members of Congress. Some feisty Governor might ask: Who are these people in Washington telling us what to do with our driver's licenses and making us pay for them, too?

A Governor, let us say from California, might say: California will use its licenses for certifying drivers, and Congress can create its own identification cards for people who want to fly and do other federally regulated things. And, if they do not, I will put on the Internet the home telephone numbers of all the Congressmen.

That is what some feisty Governor might say.

If just one State refuses to do the Federal Government identification work, Congress would be forced to create what it claims to oppose, a Federal identification card for citizens of that State.

Finally, if we must have a better identification card for some Federal purposes, there may be better ideas than turning State driver's license examiners into CIA agents. For example, Congress might create an airline traveler's card, or there could be an expanded-use U.S. passport. Since a motive here is to discourage illegal immigration, probably the most logical idea is to upgrade the Social Security card, which directly relates to the reason most immigrants come to the United States, to work.

I have fought government identification cards as long and as hard as anyone in this Chamber. In 1983, when I was Governor of Tennessee, our Tennessee Legislature voted to put photographs on driver's licenses. Merchants and policemen wanted a State identification card to discourage check fraud and teenage drinking. I vetoed this photo driver's license bill twice because I believed driver's licenses should be about driving and that State identification cards infringed on civil liberties.

That same year, 1983, I visited the White House on the annual visit that Governors have with the President of the United States. As I got to the gate, a White House guard asked for my photo identification.

I said to the guard: We don't have photo driver's licenses in Tennessee. I vetoed them.

The guard said: Well, you can't get in without one.

Fortunately, the Governor of Georgia, the late George Busbee, was standing there next to me. He had his Georgia photo driver's license. He vouched for me. I was admitted to the White House.

The legislature at home overrode my veto, and I gave up my fight against the State identification card. For years, the State driver's licenses have served as a de facto national identification card. But they have been unreliable. All but one of the 9/11 terrorists had valid driver's licenses.

Even today, when I board an airplane, as I did this morning, security officials look at the front of my driver's license, which expired in 2000, and rarely turn it over to verify that it has been extended until 2005.

My point is, we already have a national identification card. They are called driver's licenses. They are just ineffective.

I still detest the idea of a government identification card. South Africa's experience is a grim reminder of how such documents can be abused.

But I am afraid this is one of the ways 9/11 has changed our lives. Instead

of pretending that we are not creating national identification cards, when we obviously are, I believe Congress should carefully create an effective Federal document that helps prevent terrorism with as much respect for privacy as possible.

I thank the Senator from Texas for his courtesy. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

FEDERAL COURTS

Mr. CORNYN. Mr. President, I wanted to talk a little bit about our courts, and specifically our Federal courts, and even more specifically the United States Supreme Court.

Before I start, let me just say I have the greatest respect for our judiciary, the men and women who wear black robes—whether it is on a municipal court or a county court or a district court like I served on in San Antonio, Bexar County, TX, for 6 years, or those who work on appellate courts, whether State or Federal, like I did on the Texas Supreme Court for 7 years.

For 13 years of my professional life, I have worn a black robe, judging cases, first presiding over the jury trials, and coming to have a great deal of respect not just for those judges but for men and women who serve on juries and decide hard cases, cases which, perhaps, they would prefer not have to sit in judgment of, some involving even the death penalty.

I don't want anyone to misunderstand what I say as being a blanket criticism of either the judiciary or the U.S. Supreme Court, in particular. From my own experience, judges, although they have important jobs to do, are no different than you and I. They are mere mortals, subject to the same flashes of mediocrity, sometimes making mistakes, and sometimes displaying flights of brilliance. These are not, as some people have suggested, high priests able to discern great truths that you and I are unable to figure out. They are generally very intelligent, with outstanding educational pedigrees, but no one has agreed that judges, particularly Federal judges, can be or should be a law unto themselves.

Federal judges are appointed subject to advice and consent provisions of the Constitution for a lifetime. They do not run for election. They do not have to raise money as do other politicians. I know those who do envy them that. But the idea is they are supposed to use that independence in order to be impartial umpires of the law—it is called balls and strikes—and they should use that independence that has been given to them in order to resist politics, in order to resist those who would suggest that in order to be popular you must subscribe to a particular way of thinking or a particular social or political or ideological agenda.