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Show Me Your Papers

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THE Arizona law requiring police to check the immigration status of anyone they suspect of being in the country illegally — a statute tentatively blessed last week by the Supreme Court — is an invitation to abuse. It is all too likely to be used, as the court itself seemed to fear, to intimidate and demean people with the wrong accent or skin tone, thus delivering a get-out-the-humiliated-Hispanic-vote bonus to President Obama. The less likely alternative is that it will be applied more like the random T.S.A. searches at airports, thus infuriating Arizonans across the board.

While we wait for this to play out, let's turn our attention to another aspect of the so-called "show me your papers" law: Show me WHAT papers? What documents are you supposed to have always on hand to convince police that you are legit?

Welcome to an American paradox. This country, unlike many other developed democracies, does not require a national identification card, because the same electorate that is so afraid America is being overrun by illegal aliens also fears that we are one short step away from becoming a police state.

I've **suggested before** that, as part of any comprehensive reform of our senseless immigration laws, Americans should master their anxieties about a national identification card. The Arizona controversy reinforces my conviction.

This is not a peripheral issue. The reason Arizona and other states have deputized police as amateur immigration agents — and contemplated making enforcers out of school principals, emergency-room nurses and other civil servants — is that we have failed so utterly to fortify the most obvious line of defense. No, not the Mexican border. Employers. Jobs are, after all, the main magnet for illegal immigration. If we had a reliable way for employers to check the legal status of prospective workers, and held them strictly accountable for doing so, we would not feel the need for all these secondary checkpoints.

What we have now is a laughably ineffective program called E-Verify, in which employers send information supplied by job applicants to be matched against databases in the Social Security Administration or the

Department of Homeland Security. The most [extensive study of this program](#), published in 2009, found it to be so easy to fool the system with stolen or fraudulent documents that more than half of the unauthorized job applicants got a green light.

In the absence of a credible federal system, frustrated states are improvising their own controls. For example, in many states you now have to prove U.S. citizenship or legal residency to get a driver's license. This is presumably what most Arizonans will show police if they are challenged under the "show me" law. But by transforming a driver's license into a kind of internal passport, Arizona and states with similar laws have created a different problem. Illegal immigrants don't stop driving; they just drive unlicensed, untested and uninsured.

I understand that the idea of a national ID comes with some chilling history, which is why it has been opposed by activists on the right and left — by the libertarian Cato Institute and the [A.C.L.U.](#), by People for the American Way and the American Conservative Union. Opponents associate national identification cards with the Nazi roundups, the racial sorting of apartheid South Africa, the evils of the Soviet empire. Civil rights groups see in a national ID — especially one that might be required for admission to the voting booth — a shadow of the poll taxes and literacy tests used to deter black voters in the Jim Crow South. More recently, accounts of flawed watch-list databases and rampant identity theft feed fears for our privacy. The most potent argument against an ID is that the government — or some hacker — might access your information and use it to mess with your life.

"The one thing we know with certainty about databases is that they grow," said Marc Rotenberg, executive director of the [Electronic Privacy Information Center](#), which includes national ID cards on its list of threats. The official urge to amass and use information, he told me, "takes on a life of its own."

But on the subject of privacy, we are an ambivalent nation. Americans — especially younger Americans, who swim in a sea of shared information — are casual to the point of recklessness about what we put online.

The trick, and I won't pretend it's always easy, is to distinguish the reasonable and constructive from the invasive and excessive. We want the sales clerk at the Gap to know our credit card is good, but not to have access to our whole credit history. We want our doctors to share our health histories with one another, but probably not with our employers. We may or may not want retailers to know what kind of books we read, what kind of car we drive, where we are thinking of traveling. We may or may not want those who follow us on the Web to know our real-time location, or our real name.

So imagine that you wanted to design an ID that would effectively control illegal hiring without stirring fears of Big Brother. It would be a single-purpose document, containing only the information that establishes you are eligible to work here. As passports are required for traveling abroad, as library cards are required for

checking out books, the ID would be required for starting a job. I'd apply it to future hires only, to avoid forcing employers to be part of a national witch hunt.

You might start with the Social Security card. You would issue a plastic version, and in it you would embed a chip containing biometric information: a fingerprint, an eye scan or a digital photo. The employer would swipe the card and match it to the real you. Unlike your present Social Security card, the new version would be useless to a thief because it would contain your unique identifier. The information would not need to go into a database.

The Government Printing Office already embeds biometric information in passports — 75 million of them so far — and a slew of other documents, such as border-crossing smart cards for Americans who commute to Mexico or Canada, and security passes for the F.B.I. And one major employer is already rolling out a system of biometric IDs for all its millions of workers and contractors: the federal government. This is not exotic technology. I just stayed in a hotel in Barcelona that uses a fingerprint reader in place of a room key.

There would be a significant cost to set up and maintain the system, though it's reasonable to assume that some of that money could be recouped through modest fees and fines on violators.

This will not satisfy those who fear that any such mandate is potentially “a tool for social control,” as Chris Calabrese of the A.C.L.U. put it. But the only way to completely eliminate the risks of a connected world is to burn your documents, throw away your cellphone, cancel your Internet service and live off the grid.

As it happens, the proposal I described is already on the table. Senators Charles Schumer and Lindsey Graham included it in their menu for comprehensive immigration reform in 2010. For obvious reasons, they didn't call it a national ID. They called it an “enhanced Social Security card.”

Like just about everything else, immigration reform is stuck in the mangle of election-year partisanship. And if Congress ever does revert to the business of solving problems, there should be many parts to a humane, sensible immigration bill — including expanded legal immigration and a path to citizenship for many of those already here. But a fraud-proof, limited-use national identification card is an essential part of the package.

Then the Arizona police can go back to doing their real jobs.