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FAX TRANSMISSION

TO: Stewart Baker
FAX NO.: 202-282-9598
FROM: Mike McGrath
DATE: March 21, 2008
NUMBER OF PAGES TO FOLLOW: 1
COMMENTS: Stewart -- As requested, here's today's letter to Secretary Chertoff.

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March 21, 2008

Hon. Michael Chertoff Secretary
U.S. Department of Homeland Security
3801 Nebraska Ave NW
Washington D.C. 20520

Dear Secretary Chertoff:

As you and the U.S. Department of Homeland Security have recognized, Montana has worked hard for a number of years to make its driver license one of the most secure in the nation. Because of this effort, Montana driver licenses will, coincidentally, meet most of the standards established in the federal REAL ID law well ahead of the projected implementation deadlines.

With approval of and funding from the Montana legislature, the state has already taken the following steps to improve our driver licenses: providing our personnel with training in recognizing fraudulent documents; requiring evidence of authorized presence from applicants; tying the validity of a license to the end of lawful status; documenting our exceptions process; taking photographs of all applicants even if they do not complete the application process, and using digital photography to ensure that applicants do not have more than one license. Also, Montana will soon introduce an enhanced card with features at three levels of security, and an enhanced licensing application and data management system, known as the Montana Enhanced Registration and Licensing Information Network (MERLIN).

In addition, Montana is taking a look at the enhanced driver license now being piloted by the State of Washington in an effort to offer an additional level of security and convenience for cross-border travel to Canada.

Montana's legislature voted unanimously in 2007 to forbid implementation of REAL ID in Montana. Since the Montana legislature will not convene again until January 2009, I cannot authorize implementation of the REAL ID Act.

However, I urge your department not to take any steps that would penalize Montanans' ability to use their valid Montana driver licenses for federal identification purposes and commercial air travel.

Very truly yours,


MIKE McGRATH
Attorney General

