

# The 9/11 Terrorists and the REAL ID Act

Some critics of the REAL ID Act have argued that the driver's license provisions in the bill would not have stopped any of the 9/11 terrorists because they all entered the United States legally. Technically, of course, none of them came legally because they all committed fraud on their visa applications. More importantly, though, at least two of them overstayed their visas and remained here illegally. Both Nawaf al Hazmi—one of the four hijackers of Flight 77, which flew into the Pentagon—and Hani Hanjour—the pilot of Flight 77 who is believed to have murdered the real pilot by slitting his throat with a box cutter—were *unlawfully present in the United States when they obtained driver's licenses and/or ID cards.*

Al Hazmi entered the United States on a short-term business visa. He was issued a California driver's license while he was in legal status. His authorized period of admission ended on 1/16/01, after which he was unlawfully present. He was issued a Florida driver's license on 6/25/01 and a Virginia ID card on 8/2/01. He was added to the terrorist watchlist on 8/24/01. He applied for and received a re-issuance of his Virginia ID card on 9/5/01. His Saudi passport included an indicator of terrorist affiliation which could have raised a red flag for Federal authorities if they had known about such indicators at that time.

Hanjour entered the United States on 12/08/00 on a student visa. He violated the visa by failing to enroll in school, so he was unlawfully present from the time of his violation. Hanjour had an Arizona driver's license from a previous visit. He obtained a Virginia ID card on 8/1/01, went to another Virginia Department of Motor Vehicles the following day and failed the Virginia driver's license test, and then obtained a Maryland ID card on 9/5/01. It is likely that he, too, had a terrorist indicator in his passport.

The reason the terrorists got licenses and ID cards in the first place was so that they could avoid using their passports, which they feared would attract unwanted attention. The 9/11 Commission found that the 19 hijackers had been issued 16 state driver's licenses (from Arizona, California, Florida and Virginia) and 14 state ID cards (from Florida, Maryland and Virginia). They also had at least 364 aliases among them, according to the Commission, so it is possible that had additional licenses and/or ID cards that we will never know about.

Had the REAL ID Act been in effect prior to 9/11, neither al Hazmi nor Hanjour would have had a valid license or ID card with which to board the airplane they hijacked. The licenses they obtained while in legal status would have expired with their permission to be in the United States, and they would not have been able to obtain the other licenses and IDs at all. Moreover, had Federal authorities possessed the intelligence information they now have, it is possible that the terrorist indicators in their passports would have been spotted. If either al Hazmi

or Hanjour had been unable to board Flight 77, it is possible that the entire plan would have unraveled. At the very least, perhaps the passengers and crew of that flight, along with the Pentagon victims, may have escaped the horrors that ensued.

*—This paper is based on data from the 9/11 Commission's staff report, "9/11 and Terrorist Travel."*