Driver's Licenses For Illegals?

by Phyllis Schlafly
April 20, 2005
Printer Friendly version
Google Ads are provided by Google and are not selected or endorsed by Eagle Forum

The American public is overwhelmingly opposed to the granting of driver's licenses to illegal aliens, but the establishment, the media, and the pro-open-borders lobby are pulling out all the stops to defy the will of the people. This issue is festering in Congress, in state legislatures, in the courts, and in the bureaucracy.

New York's Department of Motor Vehicles (DMV), taking its responsibilities seriously, wants to grant driver's licenses only to legal New York residents, and last year suspended about 300,000 driver's licenses after computerized searches discovered that they were based on fake Social Security numbers. New York's DMV contends that its efforts to verify the identity of drivers can help prevent terrorism.

In February, a New York judge enjoined the DMV from requiring Social Security cards or a satisfactory visa as a condition of license renewal. In Cubas v. Pataki, the judge also blocked New York's suspension of the 300,000 driver's licenses.

New York's state lawmakers, led by the Black, Puerto Rican and Hispanic Caucus, then retaliated against the DMV by slashing its budget by $750,000. The open-borders crowd argues that illegal aliens should enjoy the same rights as American citizens.

Other states have gotten the message about the danger of giving driver's licenses to illegal aliens. Virginia, embarrassed by the fact that several of the 9/11 hijackers carried that state's driver's licenses, acted quickly to pass new legislation to prevent a repeat occurrence.

Congress's attempt to stop the issuance of driver's licenses to illegal aliens passed the House in the REAL ID Act, H.R. 418, on February 10 by a vote of 261 to 161. It requires driver's licenses to meet certain minimum standards if they are to be recognized as proof of identity for federal purposes such as boarding a plane or entering a federal building.

A driver's license applicant must provide proof of lawful presence in the United States by means of a U.S.-issued document or valid foreign passport. The expiration date of a license issued to a temporary foreign visitor must match the expiration date of the visa.

All but 10 states already require driver's license applicants to prove legal presence in the United States. All but 14 states require verification of at least one of the documents applicants produce, and 22 states and the District of Columbia require licenses to expire with temporary visas.

The states that don't currently have these standards are a magnet not only for illegal aliens, but also for foreign terrorists and U.S. criminals and identity thieves. Congress has a duty to close these monumental gaps in our national security, and the Senate should promptly pass REAL ID.

The 9/11 Commission found that the 19 hijackers held 16 driver's licenses and 14 state-issued ID cards, which enabled these terrorists to rent cars and apartments, open bank accounts, take flying lessons, and otherwise blend into American society while they planned their attacks. At least two of them (including Hani Hanjour, the pilot of the plane that flew into the Pentagon) were illegally in the United States (because they had overstayed their visas) at the time they obtained their driver's licenses.

Driver's licenses are a crucial national security issue. In 2004, the Border Patrol apprehended 75,389 OTMs (Other Than Mexicans) illegally entering the United States. They came from more than 150 nations, including every major state sponsor of terrorism.

The open-borders lobby is crying that the REAL ID Act would give us a national ID card, something that sounds un-American. The truth is that requiring the states to stop issuing driver's licenses to illegals is the best way to prevent the demand for a national ID card, which might prove irresistible if we suffer another terrorist attack on our own soil.

The REAL ID Act would make no change in the Federal Driver's Privacy Protection Act, as well as each state's privacy laws, which currently protect all the information in state DMV databases. H.R. 418 requires additional privacy measures to protect data privacy and to compel states to protect identities from theft and fraud.

The open-borders lobby, fearful of losing the battle in public opinion and in state legislatures, runs to the judges in the hope that they will ignore the will of the American people. They found a friendly judge in New York, as noted above.

But out in heartland America, the result was different. A class-action suit was brought to get activist judges to overturn Iowa's law that limits the licensing of foreign nationals to the period of time the foreign national is authorized to be in the United States, and in no case longer than two years.

This litigation wound its way to the Iowa Supreme Court which, in Sanchez v. Iowa, emphatically rejected every single statutory and constitutional claim of the illegal aliens. Noting that Iowa had an estimated 24,000 illegal immigrants in 2000, the Court agreed with the state that licensing should not be allowed "to be a facilitator for the concealment of illegal aliens."