

## Driver's Licenses

If there was once a murmur about whether illegal immigrants should be issued driver's licenses, it became a roar after September 11, 2001. Restrictionists argue that issuing driver's licenses to illegal immigrants threatens national security and gives them too much access to society. The restrictionists have been successful in their campaign as state after state has increased its requirements that drivers prove lawful immigration status prior to being issued a license.

Anti-immigrant groups frequently throw around the claim that US driver's licenses were what enabled the September 11th attackers to get on the planes. While it is true that most of them used a driver's license to board, they could have instead used their passports, and one of them in fact did. Furthermore, having their information and driver's license photos on file aided in the investigation. According to the American Association of Motor Vehicle Administrators, "[F]ederal authorities relied heavily on those [driver's license] images for the identification of the individuals responsible"<sup>1</sup> for the September 11th attacks. Restrictionists claim that being able to get a real driver's license also enabled the terrorists to get apartments and enroll in flight school. The truth is that these were some extremely motivated individuals who were part of a large, well-funded organization, who could have gotten high quality fake driver's licenses just as easily as they got the real ones. It is downright foolish to argue that while the CIA and FBI didn't catch them, they could have been easily defeated by the the DMV (though I have to admit, I've felt pretty defeated in line there from time to time). The fact that they got driver's licenses did not change what they were able to do; it only made it easier to identify them after the fact. While there have not been any more terrorist attacks in the United States since September 11th, it is not a foregone conclusion that new driver's license restrictions have had anything whatsoever to do with the absence of subsequent attacks.

Driver's licenses are not only a tool for national security, they are also a tool for local police. The police use driver's license records to track down criminals all of the time. Making real driver's licenses available to all of the drivers on our roads would not allow anyone to commit new crimes; it would only aid the police in finding those criminals faster. If you are concerned about tracking terrorist and criminal activity, don't you want as many people as possible to provide their real name and photograph to the government? It should be a no-brainer (meaning even the restrictionists should understand) that it aids law enforcement officials when as many people as possible provide their name and photograph to the government.

The restrictionists' other argument, that driver's licenses give illegal immigrants too much access to society, is more of a moral question. The stance is rooted in the general indignation over illegal immigration. Restrictionists feel that illegal immigrants should not have any of the benefits of living in society, regardless of their contributions to that society. Restrictionists hope that by making things difficult for illegal immigrants, those immigrants may choose to voluntarily depart on their own. But the vast majority are not

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<sup>1</sup> Access to Drivers License & Identification Card Data by Law Enforcement, AAMVA, October 2003.

leaving. They are simply driving without a license and, as a frequent by-product in many states, without insurance.

The State of New Mexico provides an illustration of how the roads can be made safer by allowing illegal immigrants to have driver's licenses. In 2002 over 30% of drivers in New Mexico were uninsured. In 2003, the state revised its driver's license laws to allow illegal immigrants to obtain licenses. This was coupled with a new program to check whether drivers are insured. The percent of uninsured drivers has since dropped to about 10%.<sup>2</sup>

The driver's license issue mirrors the illegal immigration issue itself. If you create laws based on practical considerations that the average person can reasonably follow, then the average person will follow them. If you create laws based on emotion and vindictiveness without due consideration to practical concerns and motivations, people won't follow them. It is not legal or correct for anyone to drive without a license or insurance. But if you deny licenses to an entire segment of the population and they continue to drive anyway, then you have contributed to the creation of an unsafe situation. The laws that deny licenses to illegal immigrants frustrate the intended purpose of the driver's license, which is to make the streets safer.

When one examines the effect of restrictive licensing laws, it becomes clear that these laws have placed a higher value on punishing illegal immigrants than on improving the public safety. Even though restrictionists argue that we must deny driver's licenses in the name of public safety or national security, they are willing to sacrifice that public safety in order to persecute illegal immigrants.

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<sup>2</sup> National Immigration Law Center, [http://www.nilc.org/immspbs/DLs/FactSheet\\_DLs\\_2008-01-16.pdf](http://www.nilc.org/immspbs/DLs/FactSheet_DLs_2008-01-16.pdf), citing to Ken Ortiz, "New Driver's Licenses Don't Have 'Loophole'," ALBUQUERQUE JOURNAL, Dec. 29, 2007.)