



April 9, 2008

Senator Dennis S. Damon, Chair
Representative Boyd P. Marley, Chair
Joint Committee on Transportation
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Augusta, ME 04333-0100

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TREASURER

Dear Senator Damon, Representative Marley, and Members of the
Transportation Committee,

I write to you with concern about LD 2309, which would require Maine residents to prove they are lawfully present in the country. As a former FBI Agent with 16 years of experience including counterterrorism, I believe this bill is a misstep for the state of Maine from a security perspective, and, as Policy Counsel for the ACLU Washington Legislative Office, I believe it would also result in harm to the civil rights and civil liberties of all Mainers.

First, there is widespread agreement among national security experts that identity is not a good indicator of threats to security. Identity does not reveal malicious intent, and in many cases, such as that of a decorated military veteran like Timothy McVeigh, it can actually mask it. 17 of the 19 hijackers were here in this country legally on 9/11 and had obtained state driver's licenses through perfectly lawful means. A lawful presence requirement would not have prevented them from boarding airplanes, and in fact, would have created a false sense that because those individuals were in the country lawfully, that they were not a threat to our national security.

In addition, I agree with the judgment of Los Angeles Police Chief William Bratton and former counterterrorism czar Richard Clark, that requiring lawful presence actually harms public safety by creating more unlicensed and uninsured drivers. It is of no benefit to our overall security to increase the number of hit-and-runs on Maine's roadways.

Finally, lawful presence requirements breed discrimination at the DMV against anyone who might "look" or "sound" foreign. This policy would ensnare many law-abiding American citizens, and will potentially force minority communities into the shadows. Any law enforcement agent knows that building trust with the community is critical to maintaining public safety. This bill will make that job far more difficult. Lawful presence requirements have led to bureaucratic blunders in other states, such as in Colorado, where the sponsor of a bill to require lawful presence was surprised to find that his own daughter could not prove her citizenship

sufficiently to receive a learner's permit (see April M. Washington, "Red Tape Ensnarers State's New ID Law," *Rocky Mountain News*, September 25, 2006). For good reason, immigration enforcement is the responsibility of the federal government, not state agencies.

For these reasons, I urge you to vote against LD 2309.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike German", is positioned above a vertical line. The signature is stylized and cursive.

Mike German
Policy Counsel