

# **TALKING POINTS: NATIONAL SECURITY AND DRIVERS LICENSES**

- I. **The 9-11 Commission Did Not Recommend that Drivers Licenses Be Tied to Lawful Presence.**
  - a. In a October 20, 2004 letter to Senator Susan Collins and Representative Peter Hoekstra, Commission Chair Thomas Kean and Vice-Chair Lee Hamilton Governor Thomas Kean and Congressman Lee Hamilton reflecting **the unanimous view of the Commissioners** stated:
    - i. We believe strongly that this bill is not the right occasion for tackling controversial immigration and law enforcement issues that go well beyond the Commission’s recommendations. We note in this regard that some of these provisions have been advocated in response to Commission recommendations. They are not Commission recommendations. . . . **We believe we are better off with broad bipartisan agreement on key recommendations of the Commission in support of border security than taking up a number of controversial provisions that are more central to the question of immigration policy.**
  - b. Likewise, the 9-11 Disclosure Project, the successor to the 9-11 Commission stated:
    - i. “Specifically, **we did not make any recommendation about licenses for undocumented aliens.** That issue did not arise in our investigation. . . .”
- II. **Furthermore, barring undocumented persons from obtaining drivers licenses would not have prevented 9-11 attackers from obtaining identification.**
  - a. **The attackers did not register as undocumented persons when obtaining licenses** but rather obtained licenses while posing as lawful residents. Accordingly, they could have obtained licenses under the proposed one-tier system.
  - b. According to the 9-11 Disclosure Project, **“Their fraud in obtaining driver’s licenses did not arise from them being undocumented aliens.** . . . all hijackers entered the United States with documentation that appeared lawful to immigration inspectors. They were therefore ‘legal immigrants’ at the time they received their driver’s licenses.”
- III. **Drivers License Restrictions Weaken National Security**
  - a. Security experts have made clear that **it is counterproductive to deny identification documents to undocumented immigrants, because denying them identification makes the already difficult job of identifying terrorists even harder.**
    - i. Kim Taipale, executive director of the Center for Advanced Studies in Science and director of the Program on Law Enforcement and National Security in the Information Age at the World Policy Institute, stated, **“Denying identity legitimacy to 13 million illegal aliens — the vast majority of whom are not terrorists or otherwise threats to national security — just increases the size of the suspect pool for law enforcement to have to sort through.** Since law enforcement resources are already unable to effectively cope with the large illegal alien population, why further complicate their task?”

- ii. According to Margaret Stock, a former associate professor of law at the U.S. Military Academy at West Point, “Refusing to give driver licenses to illegal immigrants means taking [them] out of the largest law enforcement database in the country. Thus, **denial of licenses is a policy prescription that hampers law enforcement far more than it enhances it.**”
  - iii. In 2005, the Government Accountability Office reported that U.S. Immigration and Customs Enforcement found public and private databases, such as driver’s license databases, to be more current than the DHS database and more reliable for tracking down immigrants. **Denying licenses to undocumented immigrants simply increases the pool of state residents who are not in any database used to track outstanding criminal warrants, child-support delinquents, and threats to national security. Immigrant driver’s license restrictions are an ineffective way to fight terrorism.**
- b. **The real risk to U.S. security is in making immigrant communities afraid of the police.** Sophisticated terrorists will have the resources to get whatever documents they need to do their work. The ideal situation for terrorists is one where large segments of the population fear police contact. We need everyone’s help, including immigrants, to help track them down.  **Unnecessarily increasing the number of unlicensed drivers clogs courts and diverts scarce law-enforcement resources away from saving lives and preventing terrorism.**

**IV. Maryland driver’s licenses satisfy the requirements Congress created based on the 9-11 Commission’s recommendations.**

Security Recommendation <sup>1</sup>	Maryland Compliance
Each ID card should:	
Include the individual’s (1) full legal name; (2) date of birth; (3) gender; (4) ID card number; (5) digital photograph; (6) address; and (7) signature.	Yes
Contain physical security features designed to prevent tampering, counterfeiting, and duplication.	Yes
Be confiscated if any security components are compromised.	Yes
Comply with set minimum standards for documentation, procedures for verification of documents used; and standards for application processing.	Yes

<sup>1</sup> Intelligence Reform and Terrorism Prevention Act of 2004, P.L. 108-408 §§ 7211-7214, 118 Stat. 3638, 3825-3832 (2004).