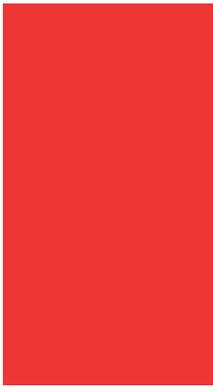


Center for Latin American Studies
University of California, Berkeley



A Social, Public Safety, and
Security Argument for Licensing
Undocumented Drivers

Gilbert Cedillo
State Senator
California

December 2004
Paper No. 2

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A Social, Public Safety, and Security Argument for Licensing Undocumented Drivers

Gilbert Cedillo

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The Californian immigration debate is fraught with high political tension and ideological extremism but it also provides a unique stage upon which to have a conversation on the basic and fundamental role of state government vis-à-vis national immigration policy. It centers on the question of what state government can and should do for its entire population in order to provide for the common good; all the while making public policy that is both cognizant of and sensitive to subpopulations of immigrants that play specialized and niche roles in a state's economy. This paper will explore the legitimate and primary purposes of government in the issuance of driver's licenses and discuss the methods by which a state can carry out this function while addressing issues that pertain to concerns about undocumented immigrants and the issues that they pose for society.

POLICY HISTORY

Over the past six years, I have crafted and worked to pass legislation in our state that restored driving responsibilities and privileges to undocumented immigrants. There is no federal mandate that requires California to deny licenses to drivers who cannot provide proof of lawful immigration status. In fact, until the last decade, California has always required that drivers be licensed, regardless of citizenship or immigration status. In the mid-1990s, in the midst of a difficult economic recession and an immigration debate reaching fever pitch levels, the politics around government-sanctioned entitlements for immigrants moved to the forefront of the legislative arena. In March 1994, the state began denying driver's licenses to applicants who did not submit satisfactory proof that their presence in the United States was authorized under federal law.¹

The ban on the licensing of undocumented immigrants was approved within the charged political climate that generated the statewide ballot proposal, Proposition 187. Like a similar measure just passed in neighboring state Arizona, Proposition 187 sought to curb immigrant access to fundamental government services and also included provisions that prohibited state-supported education and health care for undocumented immigrants. Propositions 227 and 209

soon followed in the wake of Proposition 187 and were similar in focus—anti-immigrant. Truth be told, this mean-spirited trifecta was carried under an ideological flag that attempted to marginalize immigrants, non-English speaking populations, and communities of color, thus reversing progressive policies in our state. My attempts to overturn the 1994 law and allow undocumented immigrants access to the training, testing, and licensing for driving has been met with a strong and often daunting opposition. It is a political puzzle that has been further complicated by the inordinate concern over the role of immigrants in the 9/11 terrorist attacks; which, it should be noted, were masterminded and carried out by several legal immigrants.

It is both unfortunate and ironic that victims in the attack on the Twin Towers included immigrants who worked in the maintenance and restaurant sectors of the buildings. The oftentimes overheated debate on driver's licenses further victimizes this largely working-class population with quick assumptions that immigrants are more likely than anyone else to be terrorists—something known to be inaccurate at best and false at worst. One simply needs to look at the profile of criminals involved in recent tragic, terrorist events on U.S. soil. Terry Nichols, Timothy McVeigh, and Ted Kaczynski shared the privilege of U.S. citizenship status with Ali Mohammed, Wadi al-Hage, and Khalil Deek, all plotters of the Sept. 11 attacks. Yet immigrants, who share little in common with this class of terrorists, are being denied access to the basic privilege and responsibility of being licensed, tested, and insured to drive on state streets and highways.

Advocacy around the driver's license issue has been passionate and heartfelt—especially as seen through the many activists, community members, and immigrants who attended community forums and town hall meetings I held to discuss the need for this policy change. Despite the emotion involved and California's reputation as a progressive bellwether for the rest of the country, I have faced an uphill battle in the State Legislature. This legislative challenge has resulted in several versions of the driver's license bill. Last year, after twice vetoing similar bills, Governor Gray Davis signed Senate Bill 60, which amended the California Vehicle Code

to require that all California drivers be tested and licensed, regardless of “lawful” immigration status or United States citizenship.

After the successful recall election, newly elected Governor Arnold Schwarzenegger sought the repeal of SB 60 through the legislative process, citing security issues and the need for background checks. Concurrent to the recall election, a statewide ballot initiative effort was launched and signatures were gathered, which sought the same anti-immigrant results as Proposition 187 on the grounds that undocumented immigrants should not be permitted to obtain licenses. Within the context of this impending initiative, collaborative work began with the governor to the repeal Senate Bill 60 and replace it with a compromise proposal working with immigrant activists, trade unions, insurance and agricultural industry representatives, law enforcement agencies and leaders, and other community organizations.

The goal of this unique collaboration was to include at the center of the driver’s license debate the institutional and community interests affected by the proposal. The state’s interests in highway safety—in ensuring an applicant’s identity before the issuance of a license—and establishing a process that supports important national security efforts can be achieved and work continues in Sacramento to make this happen. My current measure, Senate Bill 1160, commonly referred to as The Immigrant Responsibility and Security Act, seeks to protect national security interests, strengthen public safety, and promote citizenship, responsibility, and civic participation.²

THE STATE'S ROLE IN IMMIGRATION POLICY

The federal government is responsible for immigration policy, our national borders, and the national systems that regulate the ability of individuals to move in and out of the country. Like the other forty-nine states, California has no lawful authority or particular expertise in regulating immigration. However, a state may choose to be more active in the area, despite federal jurisdiction, by allowing law enforcement to work more closely with the Homeland Security Department and ensure that arrestees without legal immigration status are deported.

Nonetheless, strengthening the enforcement of federal immigration laws as a permissible aim of state legislation is open to question, as the fate of California Proposition 187 illustrates. The power to regulate immigration is generally considered to be exclusively the prerogative of the federal government.

As a practical matter, refusing to license immigrant drivers has had no discernible impact on the number of undocumented immigrants living in or leaving California. Despite the electoral success of Proposition 187 ten years ago, immigration increased for three consecutive years thereafter. This widely unknown fact, in tandem with an analysis of immigration patterns during the sixty-five years when licenses were issued to undocumented immigrants prior to the 1994 change in the law, show that trends are unrelated to particular restrictions in the licensing law. It is well known and widely accepted that immigrants come to California because of its proximity to the border, job opportunities, and family reunification. Because of these incentives, many families historically settle in the state permanently, resulting in mixed immigration status households that include legal residents, citizen children, and undocumented immigrants all within one family unit. Suffice to say, the legal ability or inability to obtain a driver's license has no effect on whether an immigrant chooses to enter the U.S. or not.

It should be noted that even if a state assumes a strong interest in punishing violators of federal immigration laws and uses the issuance of driver's licenses as the main stick, the state's legitimate and demonstrable interest in safe streets and highways easily outweighs any speculative interest in regulating immigration by barring immigrant drivers from being tested and licensed. The argument almost becomes a nonsensical debate over which "public safety" area trumps the other.

THE STATE'S INTEREST IN PUBLIC SAFETY

The reality of the California demographic picture, to the chagrin of some, is that the undocumented immigrant population in California numbers roughly 2 million and looks to be a permanent presence. The question then becomes, "If the immigrant population is here to

stay, should they not be obligated to be responsible drivers on our streets and highways?”, or “Should driving be considered a privilege that the state dispenses with discretion, subject to the political whims of the electorate?” And a couple of larger questions emerge: Is the state, in the administration of its driving program, responsible for reducing auto deaths, serious injuries, and property damage? Should the privilege of driving be arbitrarily defined by document status or should it be influenced and defined by state interests to ensure and promote the public’s interest in safety?

The principal public interest underlying California’s driver’s licensing program is ensuring that individuals who operate motor vehicles on its streets and highways are qualified to drive. The stated mission of the California Department of Motor Vehicles (DMV) is to “Administer the motor vehicle laws, protect and secure the public interest, and serve the public.” Complementing these goals is the DMV vision statement: “The California [DMV] will be the nation’s leader in motor vehicle administration, recognized for attaining ‘one-record, one-license, one-identity,’ and providing unrivaled customer service.”³ There is no question that any state’s streets and highways will be significantly safer if the state requires that all drivers within permissible ages be trained, tested, and licensed.

While the state may possess the power to withhold testing and licensing for immigrants who cannot establish lawful presence under the federal Immigration Act, no one is arguing that this stops long-term, employed residents from driving. While the number of immigrant drivers may be minimally reduced, most simply drive without being trained, tested, licensed, and insured. As with other issues such as the abortion debate, the realistic, unintended, and harmful consequences of a ban can provide policy incentives for changes in the law.

Take the example of another Southwest state, New Mexico. New Mexico recently became the eleventh state to not require legal residency to obtain licenses when its Governor, Bill Richardson, signed legislation that took effect in 2003. In the year since implementation, state officials say that the percentage of uninsured drivers has been cut by a third. What is more,

insurance premiums have dropped and law enforcement officials—who supported the proposal—reported that fewer motorists are leaving the scene of accidents.⁴

The data clearly demonstrates a link between the licensing of drivers and highway safety and is something that cannot be ignored or dispensed with when discussing the driver's license issue or in a general criticism of immigration. The American Automobile Association (AAA) Foundation for Traffic Safety's report, *Unlicensed to Kill*, January, 2003, states that 21 percent of drivers in fatal crashes in California did not have a valid license at the time of the crash. The number nationwide is 20 percent. How many other states could benefit by New Mexico's example?

The data clearly shows that unlicensed drivers are significantly more likely to cause accident-related deaths, serious injuries, and property damages. Unlicensed drivers are 4.9 times more likely to be involved in a fatal crash. Unlicensed, and therefore uninsured, drivers cost Californians alone over \$831 million a year in uninsured motorist coverage. In addition, medical costs to care for uninsured motorists injured in an accident force significant costs onto the public.⁵

COSTS OF UNLICENSED, UNINSURED MOTORISTS

Nationally, uninsured motorists are involved in 14.5 percent of all accidents and account for more than \$4.1 billion in insurance losses per year. Three million of the state's 22 million cars are uninsured, according to the California Department of Insurance, and the uninsured rate soars to 90 percent in sections of Los Angeles where the immigrant population is high.⁶ The percentage of uninsured motorists in California in 1995–97 was estimated at 22 percent compared to 14 percent nationwide.⁷

In 1997, California passed a law requiring licensed drivers to carry insurance. Elevated premiums seen in the years since the 1997 law are the result of licensed drivers also paying for uninsured motorist coverage.⁸ A representative from the Insurance Information Institute states

that the prices for uninsured motorist coverage are going up at a faster rate than any other part of the auto insurance policy.⁹ According to an actuarial analysis on uninsured drivers commissioned by the California Senate in 1999, approximately 1 percent of uninsured motorist losses would be eliminated for every 1 percent reduction in the number of uninsured motorists. If 30 percent of California's uninsured drivers were to get insurance, the annual savings in uninsured motorist coverage could reach \$250 million.¹⁰

New Mexico is not the only state to find that by allowing undocumented immigrants to receive driver's licenses, substantial reductions in the number of underinsured drivers occurred. Utah, for example, began licensing undocumented drivers in 1997 after a study found that one-fourth of all car accidents in the state involved uninsured drivers.¹¹ In 1998, about 20 percent of drivers in Utah had no insurance, now the proportion is less than 4 percent.¹²

NON-NEXUS BETWEEN CRIME AND LICENSES

In the absence of a national identification card program, the accepted routine to establish identity has resulted in widespread acceptance of driver's licenses as *prima facie* proof of the bearer's identity.¹³ For better or worse, California driver's licenses, at least as they are currently issued, serve as a principal form of identification and not exclusively as proof of one's right to operate a motor vehicle on public streets and highways. For the purpose of strengthening national security and public safety, the provisions in my driver's license bill, SB 1160, helps to facilitate enhanced data collection and monitoring of illegal immigrants and their presence in California.

Despite the broad acceptance of California driver's licenses as proof of identity, it is important to note that the driver's license is not intended to and does not convey information about the criminal history of the individual identified, nor about his or her propensity to violence, crime, terrorism, or other deleterious behavior. In addition, it does not appear that any state has declared individuals ineligible for standard driver's licenses due to a criminal record of offenses unrelated to driving or because they are generally disposed toward crime. Therefore, where an otherwise qualified applicant has committed no criminal offense bearing on his or her ability to

drive, state law provides that the DMV issue to that person a driver's license as applied for.

The state considers its policy of safe highways so compelling that it currently acts to facilitate the testing and licensing of criminals prior to their release from incarceration. In contrast, SB 1160 states that the DMV shall not issue a driver's license to an undocumented immigrant for whom it receives a report indicating that the person has been convicted of a public offense, other than infractions related to driving without a license. This provision is buttressed by a notice to the applicant—in no uncertain terms—that the license does not allow them to vote, purchase a firearm, serve on a jury, or establish his or her eligibility for employment or public benefits.

ASSESSING IDENTITY

If identity is a central concern in the expansion of licenses to undocumented immigrants, then the role of the driver's license can be narrowed to strictly apply to the driving function, with the California Identification Card being the identifier of legal status, a document that would be denied to the undocumented class of applicants. This bifurcated approach of separating the identity function from that of driving may allay some concerns raised by my opposition but it is still an idea that requires further thought. Current policy allows a California resident—undocumented immigrant or otherwise—to pay for and receive a California ID card. But upon procuring a driver's license, it is almost redundant to use both and nearly all simply opt for the de facto ID card, the California driver's license.

Some of the documents on the DMV's current list of acceptable identity documents are issued by the Immigration and Naturalization Service or its successor agency, the Bureau of Citizenship and Immigration Services (BCIS). In the receipt and recognition of this document, the DMV assumes that the BCIS has verified the identity of the bearer such that state authorities need make no independent determination of identity. However, access to such secondary identification is by no means essential to the DMV's determining identity with reasonable certainty. U.S. citizens, who make up the vast majority of applicants, are not issued BCIS

documents, and the DMV routinely verifies their identity on the basis of birth certificates and like foundational documents.

My current driver's license proposal, SB 1160, requires an applicant to sign an affidavit under penalty of perjury attesting that he or she is not eligible for a social security account number. The DMV currently has the authority to assign a number or other identifier that is deemed appropriate. The legislation further requires the applicant to present a passport or an identification card issued by the consulate of the applicant's country of origin to nationals residing in California. Criteria are also included in the measure for the conditions under which the issuance of the identification document from the consulate would be made, including the presentation of the an original birth certificate from the applicant's country of origin, an official identification document from the country of origin other than a birth certificate, proof of address within California, and that the document have security features that meet or exceed those of the current California driver's license.

It might be asked whether foreign documents can be verified with the same degree of reliability as like documents issued by domestic government sources. As a practical matter, countless agencies, including the BCIS itself, accept a wide array of foreign documents to verify identity including passports, birth certificates, and national identity documents from a foreign country bearing a photo and/or fingerprint. As a general proposition then, allowing undocumented drivers to establish identity through foreign foundational documents is neither more nor less problematic than permitting them to establish identity by way of BCIS-issued documents. To be sure, the DMV need not accept any evidence of identity at face value and may request additional, corroborating documents depending on the needs of the case.

The DMV is authorized to assess the credibility of a license applicant's evidence of identity and to require additional proof of evidence when necessary. This authority, if exercised in accordance with reasonably clear guidelines and particularly if coupled with improved training in detecting fraudulent documents, is a valuable safeguard on the integrity of the license-identification function.

THE SOCIAL SECURITY NUMBER REQUIREMENT

The fact that undocumented immigrants applying for testing and licensing would not possess a Social Security number (SSN) does not in any significant way undercut the DMV's ability to verify a driver's identity. Requiring a driver to produce a SSN was not originally intended to aid in verifying identity. The DMV's requirement for a driver's SSN as a condition of licensing was instituted in order to comply with a federal mandate aimed at improving collection of child support and to facilitate the collection of state taxes through the Franchise Tax Board.¹⁴

In 1999, the U.S. Department of Health and Human Services clarified that states need not obtain a SSN from drivers who have no such numbers.¹⁵ Such individuals may instead "submit a sworn affidavit, under penalty of perjury, along with their application stating that they do not have a social security number." Accordingly, California is under no federal obligation to collect SSNs from driver's who have none.

The SSN was itself created as an account identifier, not proof of identify. Social Security cards are rarely carried, bear no photograph of the holder, and are otherwise devoid of information tying them to their possessor. The SSN's usefulness as evidence of identity, then, is limited to those circumstances where the information taken from the applicant can be checked against the records of the Social Security Administration (SSA). SSN verification primarily serves to corroborate the identity information submitted by driver's license applicants. If the identity document contains a photograph or biometric information, licensing employees may visually inspect or electronically read these data as well as use interviewing techniques to determine if the documents actually belong to the individual presenting them.

Like BCIS documents, SSNs are themselves issued on the basis of birth certificates, U.S. or foreign, and similar proofs of identity. Thus, there is no guarantee that the SSA's records reflect an individual's true identity. Indeed, the vast majority of SSNs are issued to individuals who are or who purport to be U.S. citizens and who generally receive SSNs via SSA's birth registration process handled by hospitals. Individuals seeking SSNs can apply in person at a

SSA field location, through the mail, or over the Internet. Accordingly, obtaining a false SSN is often the first step in creating a false identity, and SSNs are often the identifier of choice among individuals seeking to create false identities.

If the SSN, name, and date of birth submitted to SSA by a driver's licensing agency match SSA's records, SSA will verify the match to the agency. If one or more elements do not match, SSA will inform the agency of the mismatch but will not disclose further information. A match only establishes that the information agrees with SSA's records and is not proof that the individual using the SSN is the person to whom SSA assigned the number. According to the SSA, SSN verification should not be perceived as a means for verifying identity.

RECONCILING WITH THE NEED FOR TERRORIST INFORMATION AND SURVEILLANCE

An important benefit of expanding access to licenses, in light of concern regarding the lack of information about the undocumented population, is to facilitate data collection on this extensive and permanent population that would otherwise remain underground. The driver's license bill requires that undocumented applicants submit all of the personal information required by current applicants, augmented by an identifier number, if deemed appropriate by the department, documentation showing the applicant is presently residing in the state, a passport or consulate-issued identification card, a full set of fingerprints used for the purpose of background checks, and a sponsorship form signed by a person with a currently valid driver's license who is a U.S. citizen.

The legislation requires that, utilizing the set of fingerprints, background checks be conducted with the California Department of Justice and with the federal Automated Criminal History System, run by the Federal Bureau of Investigations. At the federal level, names are checked against the Terrorist Watch List. However, the inherent benefit of data gathering and monitoring outside of the usefulness of background checks is worth emphasis. Law enforcement has stated that under the provisions of SB 1160, investigators would have immediate access to

suspected terrorists' photos and fingerprints.¹⁶ It is not hyperbole to say that my driver's license bill is the most secure and safe driver's license proposal in America.

Utah, among other states, determined that collecting data on undocumented drivers would help the state track what is a large population and to ensure that they are driving safely.¹⁷ Licensing drivers regardless of federal immigration status would permit California to collect photographs, fingerprints, and demographic data on individuals who would otherwise remain a largely unknown population. Although the law bars the use of DMV data for most purposes unrelated to highway safety, such data may be used, as is the case with the SSN, to collect child support and court-imposed fines and to report to the Franchise Tax Board. However, fingerprints, taken and used by the DMV for background checks to inform the qualification of an individual at the time of application, are retained on file, but are only used thereafter to detect the issuance of duplicate licenses.

Opponents of licensing undocumented drivers argue that doing so makes a widely accepted form of identification accessible to terrorists. This argument is predicated on several false or overstated assumptions I have alluded to above and will lay out specifically below.

First, nothing in current state law allows the DMV to deny a driver's license because it suspects the applicant may be a security threat. Indeed, California may not legally deny or revoke a driver's license without affording the affected individual due process. Mere suspicion that a driver or applicant is a foreign or domestic terrorist is not enough under any current law; the DMV cannot refuse licensing as long as the individual meets all relevant requirements.

Second, the driver's license says nothing about the holder's propensity to violence, compliance with federal immigration laws, or other deleterious behavior. Rather, to the extent it provides a reliable form of identification, it facilitates security checking at critical points in transportation, finance, and myriad other systems. Many in the opposition want to deny undocumented immigrants a driver's license because they are "lawbreakers." If their argument is carried out in full, all lawbreakers—rapists, murderers, bank robbers, and others—would also

be denied. At the present time, no argument is being waged that all “lawbreakers” be uniformly denied issuance, only the undocumented immigrant community.

Third, in the absence of broad new powers and funding, it is doubtful that the DMV could effectively screen licensees for characteristics unrelated to their identity or fitness to drive. And were such funding and authority feasible, the DMV would remain an ill-suited institution to combat terrorism or to ensure that drivers generally refrain from violating laws unrelated to the vehicle codes.

The argument that licensing undocumented drivers would compromise security also assumes that undocumented drivers are likely terrorists. I have no evidence of a nexus between terrorism and undocumented immigrants. As stated above, several of the most infamous acts of domestic terrorism, including both the Oklahoma City and the World Trade Center attacks, were carried out by U.S. citizens or aliens who were legally residing in the United States.

ACCOUNTABILITY FOR APPLICANTS

The political and policy context for the driver’s license legislation necessitates an overall higher standard of expectations for this class of applicants. Immigrants will be asked to take extra steps, provide additional personal information, and pay for these services directly with a specified dollar fee, without the state subsidy currently enjoyed by license applicants. The new class of immigrant applicants will pay more for their licenses, due to the costs of additional processing and background checks, and will be held accountable for their actions in a far more stringent way than any other applicant for a California driver’s license.

This legislation must and does clearly promote citizenship for undocumented immigrants, calling for the applicant to sign a statement, under penalty of perjury, that if she or he is not a citizen or legal resident of the United States, that the applicant has applied for legal residency or will apply for legal residency under the United States immigration laws, when and if they are eligible. Not only must immigrants meet the residency, background, sponsorship, criminal history, and other litmus tests for licenses, but they must also pledge to attempt naturalization.

These tenets of accountability and citizenship promotion, in tandem with the additional background and personal information requirements in the bill, are central to my legislative framework. This is perhaps best illustrated through the strict provision in the bill that if an undocumented immigrant applicant has a conviction for a public offense, they will be denied a license. The accountability and personal comportment threshold that immigrants must meet in order to receive a government-issued driving benefit is significantly more substantial than for those currently eligible to apply for a license.

OUTLOOK AND CONCLUSION

California has two legitimate, primary purposes in driver's licensing: the maintenance of safe streets and highways and the preservation of the integrity of the driver's license by ensuring that an individual proves their identity in the application process. In contrast, it has no lawful interest or expertise in regulating immigration, which is exclusively the prerogative of the federal government. The state's interests are compromised both by an absolute bar to the licensing of undocumented immigrants, as well as by issuing driver's licenses and identification cards to persons whose identity is inadequately documented. The foregoing has shown that there is no irreconcilable conflict between these two interests and that the debate need not be an either-or proposition. There are a range of measures short of an absolute bar on the licensing of undocumented drivers that reconcile and marry the public interest in safe streets and highways with the public interest in the integrity of the state-issued identity documents and in supporting federal anti-terrorist initiatives. My legislation, the Immigrant Responsibility and Security Act, is the most thoughtful attempt thus far to reach this delicate policy balance.

Immigration policy must be viewed and made within the full light of the contemporary population context. It is an economic and social necessity, without adequate arguments to the contrary, that California allow undocumented residents to drive with full licensure under the law. Several legislative options are available based on a public safety policy that favors the training, testing, and licensing of all state drivers and serves and supports national security interests through appropriate data-sharing with reliable terrorist-suspects databases.

Reason and creativity can dictate a solution to this political and legislative dilemma. All too often, the California immigration debate hinges upon feelings of threat, anxiety, and fear. Our immigrant community, along with their citizen children and extended families, have suffered much and survived the many hurdles that are unfortunate byproducts of an anti-immigrant decade. What is often lost in the debate or war of words on the subject is the realization that immigrants are already an integral and permanent part of our social construct—to say nothing of their contribution to the service sectors of our economy. They are not going away; they are here to work and live. The issuance of licenses will allow this community to do this with less interference and the least harm to the population as a whole. The common good will benefit as a result.

Notwithstanding all of the stated reasons to support the licensing of undocumented drivers, my opposition overlooks the merits and instead stakes its claim on strict ideological grounds. To be perfectly frank, the statements and positions held by them can only be seen as naked anti-immigrant prejudice and xenophobic marginalization, no doubt aggressively fueled by shock jock radio programs that reap the commercial benefit of increased ratings. The face of California is inextricably affected by immigrants, as it has always been, and the broader mosaic of that community includes some of the most profound and revered leaders in public and private life. This includes California's current Governor Schwarzenegger, himself an immigrant.

I look forward to the day when California public policy and the immigration debate effectively build upon thoughtful, humane, and liberating philosophy in response to the contributions that immigrants and their families make to our society. The role of state government should not only be to advance the welfare of its citizens but also to promote the common good—a perspective that includes all of its residents and a recognition that society is made great by the hands of many. Perhaps only then will this immigrant community be afforded the dignity and respect that it deserves.

ENDNOTES

¹ See California Vehicle Code Section 12801.5, first added to statute by way of Senate Bill 976 (Alquist, Chapter 820, Statutes of 1993).

² Senate Bill 1160, as amended in Senate, August 6, 2004, 2003-04 California Legislative Session, authored by California State Senator Gilbert Cedillo (D-Los Angeles).

³ See the California DMV Web site at <http://www.dmv.ca.gov/about/aboutdmv.htm>

⁴ Rojas, Aurelio. New Mexico Steers in Different Direction on Licenses. *Sacramento Bee*, May 23, 2004.

⁵ Placencia, Art, Other Views: Changing the States Licensing Law will Benefit all Drivers. Special to the *Sacramento Bee*, September 22, 2003, hereinafter Other Views.

⁶ See Other Views.

⁷ Burger, Karen, IRC Study Estimates 14% of Drivers are Uninsured, Insurance Research Council, February 1, 2001, hereinafter IRC Study.

⁸ See Other Views.

⁹ Jones, Stephanie K. Uninsured Drivers Travel Under the Radar, Insurance Journal, August 18, 2003, quoting Carolyn Gorman, Vice-President, Insurance Information Institute.

¹⁰ Other Views, citing Donald Bashline, FCAS, MAAA, Actuarial Report on Low-Cost Auto Insurance Options, August 1999.

¹¹ Pratt, Timothy. Coalition Targets Unlicensed Immigrant Drivers. *Las Vegas Sun*, January 25, 2002.

¹² Urabani, Diane. Mexican ID Cards Welcomed in Utah. *Desert News*, June 4, 2003.

¹³ United States General Accounting Office. Social Security Numbers, Improved SSN Verification and Exchange of States' Driver's Records Would Enhance Identity Verification. Report No. GAO-03-920, September 2003.

¹⁴ See California Government Code Section 12419.10.

¹⁵ DHHS PIQ-99-05, July 14, 1999.

¹⁶ Letter from John Miller, Commanding Officer, Critical Incident Management Bureau of the Los Angeles Police Department, to Senator Cedillo, June 15, 2004.

¹⁷ Pratt, Timothy, Coalition Targets Unlicensed Immigrant Drivers, *Las Vegas Sun*, January 25, 2002.

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