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Sept. 11 relatives join ID battle

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A group of Sept. 11, 2001 relatives has filed papers in a Maryland court seeking to become a defendant in a lawsuit they say is aimed at forcing the state Motor Vehicle Administration to issue drivers licenses to undocumented immigrants.

The suit, brought last November by a number of immigrant advocacy and service organizations, charges that the Maryland Motor Vehicle Administration illegally discriminates against foreign-born applicants for licenses.

"Because the Maryland attorney general has expressed sympathy for the plaintiffs' position (in the case), we are seeking to become defendants to prevent a sweetheart deal," Peter Gadiel of the group Sept. 11 Families for a Secure America told United Press International.

All of the Sept. 11 suicide attackers had driver's licenses or state-issued non-driver's identity cards which they used to board the planes they hijacked, despite the fact that most were in the country illegally.

Maryland is one of eight states with no so-called legal presence requirement -- a law requiring applicants for licenses to prove they are in the country legally -- according to the Coalition for a Secure Driver's License, a pressure group that advocates for such measures and for increased document security features.

Since the Sept. 11 commission recommended tightened national standards for drivers' licenses, legal presence requirements have been slowly spreading.

"The problem is, if you are issuing licenses to illegals, you don't know whether there are terrorists among them," said Gadiel.

There are about 595,000 foreign-born residents of Maryland, according to the U.S. Census Bureau, and nearly 135,000 mother-tongue Spanish speakers without proficiency in English.

Under current law in Maryland, "the (Motor Vehicle Administration) may not deny a license to an individual because he or she is unable to prove lawful presence in this country," according to a legal opinion from state Attorney General J. Joseph Curran, Jr.

But the opinion also says the agency can ask for immigration-related documents as a form of proof of identity. "Although lawful residence status is not a pre-requisite for a driver's license, the (Motor Vehicle Administration) could determine that official immigration-related documentation is helpful in establishing a person's identification and, when other satisfactory documentation is unavailable, could require such information," says the opinion.

The agency's Web site lists "Valid out-of-country passport with visa," and several other immigration-related documents as one of the so-called primary sources of identity. But there are more than a dozen other primary sources, including baptismal certificates and foreign drivers' licenses.

Applicants must present at least one primary source document with their application.

But the lawsuit launched last November alleges that many immigrants are turned down because of informal rules which are far more restrictive.

In effect, it charges that the agency is not following its own procedures, according to a spokesman for Casa de Maryland, a local non-profit serving the state's Latino community, and one of the groups that brought the action.

"There's no uniform process," Dario Muralles told UPI. "It's a matter of luck (for immigrants applying). If they find an employee (of the agency) who is sympathetic, they will get a license," he said. If the person dealing with them was not sympathetic, immigrants could be spuriously refused a license.

No one from the Motor Vehicle Administration could be reached for comment Sunday, but in the past, officials have said that their staff examine the documents each applicant submits and make a determination of whether they have satisfied the requirements on a case-by-case basis.

Gadiel, too, said that the result was a process that could be inconsistent. "In some states, there is a mismatch between what is officially said on the Web site of the Motor Vehicle Administration and what happens in reality," he told UPI.

Gadiel's group also backs the introduction of a legal presence requirement in Maryland law. GOP State Delegate Herbert McMillan of Annapolis has, three years running, pushed a bill to introduce such a requirement, and each time the Democrat-controlled state legislature has killed it.

"The state legislature has shown a strong leaning towards providing drivers' licenses to illegals," Gadiel said. All of the Sept. 11 suicide attackers had driver's licenses or state-issued non-driver's identity cards which they used to board the planes they hijacked, despite the fact that most were in the country illegally.

A new federal law, the Real ID Act of 2005, will require states to have much tighter rules by 2008 -- including legal presence -- if their licenses are to continue to be accepted by federal agencies as a form of identification.

But the Real ID Act's introduction of uniform national standards for licenses, and the free exchange of information among state vehicle licensing databases and between them and the federal government that it promotes, has been criticized by some as the introduction of a national ID card through the back door.

In a number of states, notably New Hampshire, coalitions have sprung up to oppose the act.

"Having lost the argument [about the Real ID Act] on the merits," said Gadiel, "the political left has successfully planted the idea that this is a national ID card," feeding conservative and Republican fears about big brother-type government.

But even some of those who issue licenses have said they are uneasy about a new role as gatekeepers to a national ID system for citizens and legal aliens only, especially given the complexities of immigration law.

This year more than 460 bills relating to immigration issues have been offered in state legislatures, according to a survey by National Conference of State Legislatures.

But the survey found that only 19 of the measures had been passed, and that



only a dozen imposed any significant restrictions on illegal immigrants.

"Our initials are DMV, not INS," American Association of Motor Vehicle Administrators' spokesman Jason King told United Press International last year -- referring to the acronyms of the Department of Motor Vehicles and the Immigration and Naturalization Service, which was absorbed into the Department of Homeland Security in 2003.

"We are the experts in driver licensing, not immigration," King said.

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