

A Driver's License Policy to Make New York Safer

Our fundamental obligation as public officials in a democracy is to help the public understand—for any given issue—the real choices that are at stake. So what I want to do today is cut through the heated rhetoric we have heard over the past several weeks, and get right to the essential question:

Under which scenario is New York safer and more secure? When 1 million undocumented immigrants are kept out of our license system or when they're brought in?

While it is perhaps counterintuitive to some, I believe the answer is clear. Bringing 1 million people out of the shadows and into the system will increase our chances of catching terrorists and criminals, and will make New York a safer place to live.

But before we play this out, let me make one point extremely clear: This issue is not about immigration. As much as the Tom Tancredos of the world wish it were, it's not. Rather, this is a safety and security issue—how do we keep New York safe and secure given those who are already here?

While there is an immigration debate to be had—about who we should allow into this country, how many, or whether a path to citizenship is the right way to go—the fact is that none of these questions have anything to do with the real choice at hand. That's because our nation's 50 governors and state legislatures have no authority to make immigration policy. That power resides in Washington.

The obligation we do have at the state level—and I have as Governor—is to protect the public: to keep our roads safe, to solve crime and to prevent terrorism.

At the end of the day, we're not talking about bringing more people into this country, we're talking about being practical about the ones who are already here. No matter how the immigration issue is addressed nationally, we have a single and serious obligation here locally: to make New York as safe as possible.

So, once you take immigration off the table and focus on public safety, these are the essential facts that remain, undisputed by either side:

- First, there are up to 1 million undocumented immigrants in New York State;
- Second, these 1 million immigrants are not going anywhere. Raids and enforcement will never solve an issue of this magnitude. Whether an they get a license or whether they don't get a license, they're here for far more fundamental reasons;
- And third, because of our broken federal immigration laws, that 1 million figure will only increase in the years ahead.

So given these undisputed facts, what is our real choice? What is the real policy question at stake?

The status quo we inherited was a policy that said: even if you could prove your identity and even if you could prove your fitness to drive, if you couldn't prove your legal status in the United States you couldn't get a license.

What I am proposing is that we continue to make certain of the first two things, and even improve our ability to verify the accuracy of these two facts—proving one's identity and one's fitness to drive—but that we drop the immigration status requirement.

So let's play this out.

Given that security and safety is our ultimate responsibility, the key question is: Is New York a safer state when its 1 million undocumented immigrants are kept out of our license system or when they're brought in?

Let's look at that first scenario—the status quo, a policy that has kept up to 1 million undocumented immigrants out of our system.

The very reason I pursued reversing this policy in the first place was that, from a security and safety standpoint, the status quo was unacceptable.

Why?

First, just because undocumented immigrants can't get a license doesn't mean they're not going to drive. Our immigration status requirement has created a situation where thousands of additional unlicensed drivers are on our roads, making them unquestionably less safe for all New Yorkers. In fact, AAA found that, unsurprisingly, unlicensed drivers are more likely to be involved in hit-and-run accidents and five times more likely to be involved in a fatal accident than licensed drivers.

Second, because we have kept so many people out of the system, we have created an entire population of 1 million people who are living in the shadows—undetected and unknown, with no photograph, name, address or record of any kind in any law enforcement database.

Now everyone understands the argument about safer roads. If people are going to drive anyway—and all the enforcement in the world isn't going to stop that—it makes a lot more sense to know that that driver has taken the required five-hour training course, has passed a written test and road test and has insurance.

No one disputes that.

But this second idea—the security argument—that hundreds of thousands of people are living in the shadows and are not in any database—seems to have been lost on some. So let me describe what this means in real terms.

When you think about it, the nation's DMV databases are the largest law enforcement databases in the country. When law enforcement is looking for a suspect, that's where they go, which is why our DMV database gets more than 100,000 inquiries a day from the New York State Police Information Network alone. Yet, because we have denied driver's licenses to undocumented immigrants, there is an entire population of people in New York—up to 1 million—who exist completely outside this system. That means when law enforcement taps DMV's database, they are only tapping a limited pool. As a result, thousands of no-matches are returned to inquiring law enforcement each day.

So here's the question: If an AMBER Alert goes out because a child has been abducted and the police have a suspect, do you want our law enforcement officials to be able to search a full database of photographs and addresses—or do you want them searching a database that has no information on 1 million people who we know are here?

I think the answer is clear. From a security perspective, keeping an entire population out of the system makes no sense at all. It gets back to that basic choice I have discussed time and again—we can pretend that the 12-plus million undocumented immigrants living in this country don't exist, which is essentially the way our license policy is set up today, recognize the reality and bring these people into the system.

But the status quo—the immigration status requirement that has been in place for six years—does not recognize this reality. As a result, we have more unlicensed and uninsured drivers; more hit-and-runs; 1 million people in the shadows; and law enforcement agencies handcuffed, rendering our state more vulnerable to crime and terrorism.

While some may be satisfied with this status quo, I find it unacceptable.

Still, there are some who say that this requirement is necessary to prevent another 9/11. However, when the 9/11 Commission released its report—which included a comprehensive list of recommendations to prevent a future terrorist attack—it specifically did not recommend that states begin denying licenses to applicants based on immigration status. As stated definitively by the Commission: “We did not make any recommendations to state governments about which individuals should or should not be issued a driver's license...We did not make any recommendation about licenses for undocumented aliens.”

What the 9/11 Commission *did* recommend was a series of steps to make the license system more secure—steps that we are now taking.

So what is our solution?

Our solution is to bring people out of the shadows and into the license system, while at the same time, implementing the strictest security measures in the nation to make sure the process is not abused.

I sometimes point out that, despite the hysteria this policy has created in some circles, it is simply a return to the policy we had for most of our state's history. In fact, it has only been the past six years that we have restricted access to driver's licenses based on immigration status.

But as Senator Leibell said recently at a Senate hearing, in the post-9/11 world, the "norm" isn't good enough, we can't go back to the way things were before.

I agree. But here's the thing. We're not simply restoring access in a vacuum and walking away. We're restoring access while imposing the strictest set of security measures of any State DMV in the nation. That's hardly the "norm."

So, that brings us to the second part of our plan. As we bring a new population into the system, how can we make sure that we maintain and even increase the security of our licensing system—and what do we even mean by "the security of the licensing system?"

If you talk to security experts, they'll tell you that what makes a system secure is that the person in front of you is who they say they are, and that person only gets one license. DMV calls this concept, "one person, one license."

Now some say we've thrown this concept out the window, that the security of our system is being undermined. One politician even suggested that we are going to start giving out licenses like lollipops.

Let me dispel these myths.

With the new anti-fraud security measures we are implementing, our ability to prove a person is who they say they are, our ability to make sure there is only one person with one license, will increase, not decrease.

To understand why, let's follow the path of an undocumented immigrant who applies for a driver's license under the new system.

First, applicants without a Social Security Number, or a letter of ineligibility from the Social Security Administration with attached INS forms to prove legal status, will be required to go to their local DMV office. There, they will be required to have their photograph taken and to present not one, not two, not three, but six points of current and valid identification. And one of the identity documents they present must be a current and valid passport.

Document Scanning and Authentication Machines

These passports will not simply be looked over by the clerk sitting across the counter, as is the current process, but they will be scanned through state-of-the-art document authentication machines, similar to those used by many U.S. Customs stations.

For those of you who may be skeptical about the security of a passport, currently, 190 of the 194 countries in the world issue passports that meet internationally-recognized standards set by the

International Civil Aviation Organization, which, incidentally, are also recognized by the U.S. State Department. ICAO requires passports to have machine-readable zones, special security features and a unique lay out.

The machines scan the machine-readable zones for identity information; use white light, infrared light and ultraviolet light to confirm the presence and authenticate the required security features; and confirm the unique lay out of the passport down to a fraction of a millimeter using optical character recognition. The machine can also read information off of Radio-Frequency Identification chips, known as RFID chips, which all ICAO countries are moving toward.

In addition to their state-of-the-art verification technology, these machines will also be intelligent, which means they have the ability to learn the security features of a document not already in its system. So this system will continue to grow and adapt as documents do.

Enhanced Identification Verification Unit

All the identity documents that cannot be authenticated on site will be sent to DMV's new Enhanced Identification Verification Unit—the first of its kind in the nation. Let me explain who will operate this unique facility and what will go on there.

The EIV Unit will be staffed by investigators working with specially-trained clerks, who will be certified by the very same training program used to train federal agents who review breeder documents at agencies like the Department of Defense and the State Department.

These investigators will first double check the authentication previously done at the local DMV so two separate pairs of eyes are examining each document. The investigators will then verify the rest of the documents using forensic-level document verification equipment that can examine foreign-sourced documents by authenticating watermarks and types of ink, and by making side-by-side comparisons. These forensic-level machines are the same ones currently used by the FBI, Immigration and Customs Enforcement and the Secret Service. The EIV Unit will also have access to a variety of databases such as SAVE and databases like ChoicePoint to verify addresses and other information to make sure people are who they say they are.

If an applicant's 6 points of identification are approved, DMV will initiate a very low-tech, but highly effective security measure, by mailing an approval letter to the address given by the applicant. This letter will not only notify applicants that they can come back to their local DMV office to complete the application process, but will make sure that original address is valid because the applicant will actually have to be at that address to pick it up.

Facial Recognition Technology

Another highly effective tool we are implementing is facial recognition technology—currently used by the State Department and 18 other states.

The way facial recognition technology works is that it focuses on a person's eyes, and takes 30 to 50 measurements between different facial features. The technology itself is highly precise. For

example, it is programmed to recognize the same face regardless of aging, weight loss, weight gain and even some plastic surgery.

Why is facial recognition technology such an important part of our plan? Because it takes DMV's "one person, one license" security principle to the next level and will be a major weapon in our fight against identity theft.

Facial recognition technology will enable us to compare the photograph of every driver's license applicant against every single photograph in the current system to make sure applicants can't create multiple identities.

Let me make this a little more real for you. One individual our DMV investigators recently tracked down held 17 different New York-issued licenses and non-driver IDs. Although he was eventually caught after a long stint of bank, credit card and real estate fraud, he would have been caught instantly under our system the very first time he tried to get a second New York-issued ID. It wouldn't have taken the 17th time because the technology would have recognized that he was already in the system.

Such abuses are, in fact, widespread. Massachusetts recently implemented facial recognition technology and immediately discovered thousands of cases of fraud. They continue to prosecute 40 cases of identity fraud per week.

Residency Requirement

Finally, before DMV begins implementing this policy, we will establish a strict residency requirement so only New York residents can get a New York license. In the past, our DMV only required that an applicant provide a mailing address, even a P.O. Box would work. That will now change. Currently, 27 states have a residency requirement and we are currently culling their best practices to ensure our residency requirement will be as close to airtight as possible.

Taken together, these security measures will make New York's driver's license process the most secure in the nation.

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Why have I gone into so much detail about the specific security measures that we tied to this policy change?

It is essential in a debate over a topic as serious as this one that we not permit distortions for whatever purpose. We must focus on the facts and the real—and I believe overwhelmingly positive—impacts this policy change will have for all New Yorkers.

However, some critics still point out that there are a lot of 'ifs' in our plan. In other words, "IF the scanning and authentication machines work, IF the photo comparison technology works, IF the central Enhanced Identification Verification Unit gets set up, then we will be okay."

That's not an unreasonable expectation, and I accept that challenge. Even though each of these security measures have proven out on their own, I will not begin implementing this policy until our security measures are in place and they have proven to work in concert. In fact, I will invite our State legislators into DMV to test the equipment themselves.

Yet, even when you get critics to buy into these security measures and admit that New York will be head and shoulders above other states, you still hear some people say: "The security measures are great, I get all that, but why don't you just implement those and leave out the part about giving immigrants licenses?"

The problem with this question is its starting premise. The critic is starting from an immigration position. I'm starting from a security position. Thus, my answer is, unless you include the immigrant piece, unless you bring people out of the shadows and into the system, you'll continue to have the very real security concerns that come from leaving 1 million people out of the system, with no identity, no photograph, no address and no record to speak of.

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But at the end of the day, if you don't like our policy because of your immigration politics, that's fine. There's probably nothing I can do to change your mind.

I only ask you to recognize that my challenge as Governor has very little to do with how someone got into New York. My challenge is dealing with the reality that they are here. Because we are not talking about bringing more people into this country; we are talking about being practical about the ones who are already here.

So back to that central question I started with. The real choice we face is between the status quo—continuing to deny driver's licenses to undocumented immigrants—and allowing them to obtain a license, tied to the strictest security measures in the nation. Under which scenarios are New Yorkers safer?

I hope I have made the answer clear. From a public safety perspective, the status quo makes our roads less safe and leaves 1 million people in the shadows, outside of any law enforcement database. There are some who want to protect the status quo and defend the current system. But I know the current system is broken.

Instead, let us heed the common sense advice of someone who is used to giving common sense advice even when no one wants to hear it.

In the words of Richard Clarke, former White House National Coordinator for Security and Counter-Terrorism in both the Clinton and Bush Administrations, and a person known for cutting through the politics: "States should act to register immigrants, legal and illegal, who use our roadways as New York is doing. From a law enforcement and security perspective, it is far preferable for the state to know who is living in it and driving on its roads, and to have their photograph and their address on file than to have large numbers of people living in our cities whose identity is totally unknown to the government."

Here's a person who, at a critical time in our nation's history, had the courage to stand up and say the hard truths that no one wanted to hear. At a moment when it was easy to lapse in to commonplace rhetoric, he never lost sight of the facts.

Unfortunately, Richard Clarke was ignored by those who had the capacity to change the course that we were on. We must not make that mistake again.

So I'm not asking anyone to be happy about the problems that have resulted from our federal government's failure to reform our immigration laws. I'm asking everyone to recognize that when you clear away the rhetoric, separate immigration politics from security policy, and look at the evidence, restoring access to the license tied to increased security measures will make all New Yorkers safer.

Thank you.