

Trenton Requires Citizen Proof for Drivers

The New York Times

July 29, 1992, Wednesday, Late Edition - Final

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Distribution: Metropolitan Desk

Section: Section B;; Section B; Page 5; Column 1; Metropolitan Desk; Column 1;

Length: 872 words

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Dateline: **TRENTON**, July 28

Body

New Jersey today resumed **requiring** applicants for **driver's** licenses to provide **proof** of United States citizenship, after a nearly four-week interlude in which licenses might have been issued to thousands of illegal aliens.

Within hours, two lawyers from Princeton, Bruce I. Afran and Roger C. Martindell, filed a lawsuit taking the state to court.

"Illegal aliens are here and they are not going to leave because they can't get a **driver's** license," Mr. Afran said. "This law is not going to achieve any practical purpose except to make poor people's lives more miserable than they already are."

The policy switch came a day after Attorney General Robert J. Del Tufo advised the Division of Motor Vehicles that he believed the practice was legal and defensible in court.

Legislative Action Urged

"This matter demands legislative clarification as to what information Motor Vehicle Services can and should be asking people to supply upon seeking a license," Mr. Del Tufo said. "The issues are delicate, human and far-reaching, and should appropriately be considered by the Legislature."

Most states, including New York and Connecticut, **require** applicants for **driver's** licenses to provide documents to prove their identity and age. Only New Jersey and Colorado place restrictions on undocumented individuals or foreigners, Mr. Afran said.

The lawsuit was filed on behalf of a dozen individuals and organizations, including six people listed as illegal aliens but not identified by name.

"The state under the United States Constitution has no right to set immigration policy," Mr. Afran said. "If the United States Government can't do it or won't do it, then the state has to accept it."

"Also, under the 14th Amendment, each person is entitled to equal protection of the law. It does not say each **citizen** or each resident; it says each person."

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Fake Documents Confiscated

There were long lines at dozens of Motor Vehicle Services offices when they opened for business today, and officials at some offices said they had confiscated an usually large number of fake documents, including Social Security cards and passports, from people applying for licenses.

Legal Services of New Jersey, a nonprofit group that provides legal representation to low-income people, said it was disappointed with the state's decision to resume the documentation policy, whose legality the group questioned.

"The Division of Motor Vehicles is not an authority on immigration law," said Dawn Miller, a lawyer with Legal Services. "Alienage is not a proxy for safe driving, and there is no reason for the Division of Motor Vehicles to treat aliens differently from others who seek to demonstrate their ability to drive safely."

The threat of a lawsuit by Legal Services in December prompted the Division of Motor Vehicles to rethink the policy. The division's officials asked state lawyers to give an opinion.

"We were advised in June that we would have to change our policy, that we could no longer require people to provide proof that they were legally in the country," Michael A. Santaniello, deputy director of the Division of Motor Vehicles, said today.

Mr. Afran said he and Mr. Martindell had prepared a lawsuit in early June challenging the D.M.V. policy, but they withheld their complaint after meeting with Mr. Santaniello and being told that the state intended to end the practice.

The new directive required applicants for a driver's license to provide only documents proving identity and age, not legal status in the United States. The policy took effect on July 1, the first day of a fiscal year that already promised long lines because of budget cuts that forced motor vehicle agencies to suspend late-night and weekend services.

As word spread of the policy change, lines at motor vehicle stations grew by the hundreds, and many patrons were forced to wait up to four hours for service. Unable to cope with the flood of applicants, dozens of stations were forced to close at 1 P.M., which only worsened the problem on successive days.

"We did not agree with the position by the Division of Law, and we continued to solicit the Attorney General for a direct review," Mr. Santaniello said.

Mr. Del Tufo, the Attorney General, issued his opinion on Monday, directing the D.M.V. to resume the previous policy.

"There was sound legal support for the July 1 policy change," Mr. Del Tufo said. "However, there are compelling arguments as well that people illegally in this country have no right to licensure."

Accused of Reneging

Charging that the D.M.V. had reneged on its promise, Mr. Afran went to State Superior Court today to file suit against the state and the D.M.V.

Mr. Santaniello said that his division had no way of knowing exactly how many learner's permits or driver's licenses might have been issued to illegal aliens between July 1 and July 27, but that it was probably in the thousands. He based that estimate on the number of applicants who showed up without Social Security numbers, which had been required on New Jersey driver's licenses.

In June, there were 39 applicants for licenses who did not have Social Security numbers. Since July 1, there have been more than 9,000, he said.

Graphic

Photo: New Jersey resumed **requiring** applicants for **driver's** licenses to provide **proof** of United States citizenship. A woman took the written test yesterday in the Lawrenceville, N.J., Motor Vehicles office. (Laura Pedrick for The New York Times)

Classification

Language: ENGLISH

Subject: ILLEGAL IMMIGRANTS (90%); **DRIVERS** LICENSES (90%); LICENSES & PERMITS (90%); SUITS & CLAIMS (90%); LITIGATION (90%); IMMIGRATION (89%); EQUAL PROTECTION (89%); IMMIGRATION LAW (89%); LAWYERS (89%); US STATE GOVERNMENT (79%); PASSPORTS & VISAS (78%); CITIZENSHIP (78%); LEGISLATIVE BODIES (78%); PUBLIC POLICY (76%); CONSTITUTIONAL LAW (76%); POOR POPULATION (75%); ATTORNEYS GENERAL (72%); LOW INCOME PERSONS (70%); NONPROFIT ORGANIZATIONS (70%); ASSOCIATIONS & ORGANIZATIONS (69%)

Company: LEGAL SERVICES OF NEW JERSEY (58%); LEGAL SERVICES OF NEW JERSEY (58%); DIVISION OF MOTOR VEHICLES (80%)

Organization: DIVISION OF MOTOR VEHICLES (80%); DIVISION OF MOTOR VEHICLES (80%)

Industry: **DRIVERS** LICENSES (90%); LAWYERS (89%)

Geographic: NEW JERSEY, USA (93%); NEW YORK, USA (79%); CONNECTICUT, USA (79%); UNITED STATES (93%)

Load-Date: July 29, 1992