



STATEMENT BY
TERRI BURKE
EXECUTIVE DIRECTOR,
ACLU OF TEXAS

IN SUPPORT OF HB 384

What does an American citizen look like?

That's the essential question Rule 15.171 requires DPS employees to answer. What does an American citizen look like? And for that matter, what does someone on a student visa look like? A religious visa? A temporary worker visa?

Where is the guidance for those questions?

If the employee gets it right, if the applicant is an immigrant, then this new rule requires her to make sense of immigration documents – and immigration code makes the tax code look simple. Asking DPS employees to interpret immigration documents will result in complaints, confusion and unintended errors, and is ultimately asking for trouble. In fact, two lawsuits have already been filed.

All because, DPS employees have to know the difference between what an American citizen looks like and what a non-citizen looks like.

We know that the rule is being implemented inconsistently; that driver's license division employees have been given discretion to judge an individual's claim of citizenship.

Discretion and inconsistency are precisely the reasons HB 384 is necessary: inconsistency and discretion can lead to racial profiling. Even though the new rule states that it does not apply to citizens or lawful permanent residents (LPRs, or individuals with "green cards"), both citizens and LPRs have been required to prove their status in order to renew their driver's licenses. At least one lawful permanent resident was inappropriately issued a vertically-oriented driver's license.

Many U.S.-born citizens who are Latino have come forward with complaints because they have been required to prove their citizenship to renew their driver's licenses when others were not asked for proof of citizenship. DPS employees may intentionally or unintentionally resort to racial or ethnic appearances to make judgments on an individual's national origin or citizenship status.

Because they are required to know what an American citizen looks like.

This bill protects against discrimination without creating additional burdens for DPS.

HB 384 does not create a private right of action, and it does not require DPS to keep any new statistics. DPS already has a complaint process and this bill ensures that there is a clear prohibition against racial profiling for supervisors to point to in addressing complaints from the public.

On behalf of the ACLU of Texas, I urge you to move this bill to the floor, because I don't think any of us know what an American citizen looks like.

Contact: Terri Burke
512-467-4467
tburke@aclutx.org