



Eastern Region Office
PO Box 40008
Philadelphia, PA 19106
215-592-1513 T
215-592-1343 F

Central Region Office
PO Box 11761
Harrisburg, PA 17108
717-238-2258 T
717-236-6895 F

Western Region Office
313 Atwood St.
Pittsburgh, PA 15213
412-681-7736 T
412-681-8707 F

MEMORANDUM

TO: The Senate of Pennsylvania

FROM: Andy Hoover, Legislative Director, ACLU of PA

DATE: May 21, 2011

RE: OPPOSITION TO SENATE BILL 9

The Senate calendar currently includes Senate Bill 9, and the Senate is likely to vote on this bill soon. SB 9 mandates that all applicants for public assistance programs, with some exceptions, must show government-issued identification. If the applicant does not have government-issued ID, he or she will not have access to aid, despite eligibility. A significant percentage of United States citizens do not have government-issued ID and, thus, would be denied assistance if SB 9 becomes law. With no credible evidence of impersonation fraud by ineligible immigrants, SB 9 is an expensive solution in search of a problem. The American Civil Liberties Union of Pennsylvania opposes SB 9, and on behalf of the 17,000 members of the ACLU of Pennsylvania, I urge you to please vote “no” on this bill.

In 2006, the state of Colorado passed a law similar to SB 9. Colorado spent \$2 million implementing the law but saved no money in stopping fraud.¹ Since then, multiple states have altered their verification process without including a government-issued ID provision like that in SB 9. Georgia, Idaho, Missouri, Nebraska, Oklahoma, South Carolina, Utah, and Virginia have all passed verification-related bills without the government-issued ID requirement. It is not clear why the supporters of SB 9 have refused to acknowledge this lesson from other states.

The experience of Bobby Hartwell of Colorado is instructive. Mr. Hartwell lives with cerebral palsy and intellectual disability. After Colorado passed its law like SB 9, Mr. Hartwell nearly lost his home due to the law’s ID requirements. When Mr. Hartwell was a year old, his parents placed him in a group home and never returned. The home destroyed its residents’ records when it closed in the 1980s. Mr. Hartwell did not have a driver’s license or non-driving ID card, his birth certificate, or his Social Security card. He could not get replacement copies of those documents without the others. It was only with the assistance of a legal clinic for people with disabilities that Mr. Hartwell was able to secure the necessary documents he needed to continue receiving aid.

¹ Couch, M.P. (2007) Colo. immigration law falls short of goal. *The Denver Post*. January 25, 2007. Available at http://www.denverpost.com/ci_5081255.

A Denver Post article chronicling Mr. Hartwell's experience is attached. I'm sure you agree that you do not want any of your constituents to go through a similar experience due to an action taken by the General Assembly.

In 2006, the Brennan Center for Justice at New York University School of Law conducted a survey to determine what percentage of United States citizens does not have government-issued photo identification. The study found that 11 percent of U.S. citizens do not have government-issued identification.² When the survey results were analyzed by demographics, it found that those without this form of ID are disproportionately those who might need public aid. Eighteen percent of citizens age 65 or over, 25 percent of adult African-Americans, and 15 percent of citizens who earn less than \$35,000 per year do not have government-issued photo ID.

If SB 9 passes into law, it will be a net loss for the commonwealth. Multiple state agencies have estimated that the total cost of SB 9 will be \$19 million. Meanwhile, no legitimate evidence exists that immigrants who are not eligible for benefits are fraudulently receiving aid. The 2009 study from the Federation for American Immigration Reform (FAIR), which is sometimes cited by supporters of SB 9, has been debunked as junk analysis.³

SB 9 will cost Pennsylvania money and bar public aid from eligible citizens. Please vote "no" on this bill.

² NA. (2006) *Citizens Without Proof: A Survey of Americans' Possession of Documentary Proof of Citizenship and Photo Identification*. Brennan Center for Justice at New York University School of Law. Available at http://www.brennancenter.org/page/-/d/download_file_39242.pdf.

³ Ewing, W. (2009) FAIR Targets Immigrants and Children. Available at <http://immigrationimpact.com/2009/07/28/fair-targets-immigrants-and-children-in-pennsylvania/>.

Disabled man wins ID bout

In the pink after red-tape battle

[By Karen Augé](#)

[Denver Post Staff Writer](#)

Posted: 04/11/2007 01:00:00 AM MDT

After four hours, two appearances before a judge, a clerk's curt denial and a court order, Bobby Hartwell, a disabled man who faced losing his home if he couldn't prove citizenship, on Tuesday got a state identification card.

Department of Revenue hearing officer Thomas McEwen ruled that Hartwell had proved his citizenship.

"He's my judge!" Hartwell said.

Hartwell, who has cerebral palsy and mental retardation, is among dozens of disabled people put at risk by tougher state rules for proving legal residence to obtain public benefits.

The battle to get Hartwell an ID was waged by Nola Nash of Denver's Atlantis/Adapt Center, which helps the disabled live on their own.

Since January, Nash has devoted much of her time to rounding up elusive documents and visiting state offices in an effort to keep about 40 clients from losing food stamps, housing assistance and Medicaid.

Hartwell's case was the toughest because he lacked a birth certificate.

In 1951, when he was a year old, his parents left him at what was then the Ridge Home for Mental Defectives and never returned. Hartwell became a ward of the state.

In the early 1980s, Hartwell and a dozen others were part of a first wave of what was to become a national trend: disabled people leaving institutions to live on their own.

After the home closed in the late 1980s amid charges of abuse, the state destroyed former residents' records.

For the past 24 years, Hartwell has lived in his own apartment with housing assistance and food stamps.

Early this year, however, he briefly lost his food stamps and was on the verge of losing his apartment.

Nash began the hunt to find Hartwell's birth certificate, which she finally got last month.

On Tuesday, Nash and Hartwell sat in McEwen's hearing office with the birth certificate and Social Security documents but no Social Security card.

Aggie Zaragoza-Garcia of the Division of Motor Vehicles said that because Hartwell could not recite his number, he must produce his original Social Security card - which he doesn't have.

Zaragoza-Garcia suggested that Nash get him one. "They won't give us one without the photo ID you won't give us," Nash said.

Nash pointed at the documents they had. "Is this not enough to prove he's been here his whole life?" she asked.

McEwen told Nash to reapply for an ID now that they had the birth certificate and to return to him if they were denied.

After waiting two hours, Nash and Hartwell went before a clerk, who asked for his Social Security card.

No card, no ID, the clerk said, and wrote out a list of documents that would suffice instead: divorce decree; passport; marriage license; military ID.

Back in McEwen's office, the judge asked Hartwell whether he understood "truth." With a little coaching, Hartwell said "yes," raised his right hand and swore to tell it.

Then Nash did likewise, and verified Hartwell's Social Security number as the one used for years to secure his benefits.

"I've been in a nursing home," Hartwell said. "I've been there two times. I will never go back there again, never again."

Paulette Terry, manager of the DMV office, said Hartwell should have gotten his ID. "My clerk made an error, and I apologize," she said.

Terry explained that the laws are still new. "We need a lot more training, and we're going to be getting that," Terry said.

The state government is moving to make it easier for people like Hartwell to obtain IDs, said Andrew Romanoff, speaker of the state House of Representatives.

A pair of bills, one signed into law and the other awaiting final Senate approval, will expand the list of acceptable documents and simplify the process.

Gov. Bill Ritter's office also is trying to get state agencies "up to speed," said Romanoff, a Denver Democrat.

"We aren't there yet, but we are moving in the right direction," Romanoff said.

As Nash pushed Hartwell's wheelchair to have his ID photo taken, she said, "Congratulations, Bobby. No one ever worked harder than you to get an ID."

Staff writer Karen Augé can be reached at 303-954-1733 or kauge@denverpost.com.

Read more: [Disabled man wins ID bout - The Denver Post](http://www.denverpost.com/news/ci_5637737#ixzz1MzhwLCML)
http://www.denverpost.com/news/ci_5637737#ixzz1MzhwLCML