



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

September 20, 2010

The Honorable Babette Josephs
300 Main Capitol Building
PO Box 202182
Harrisburg, PA 17120-2182

The Honorable Kerry A. Benninghoff
41B East Wing
PO Box 202171
Harrisburg, PA 17120-2171

Dear Chair Josephs and Chairman Benninghoff,

Thank you for the opportunity to submit written testimony for the House State Government Committee's public hearing on House Bill 1359. As you know, HB 1359 will increase identification requirements for certain aid programs that are administered by the state government. This legislation will have an adverse effect on persons living in poverty, senior citizens, and racial minorities and will increase the difficulty of eligible recipients of public aid to access the programs affected by the bill. Due to the discriminatory nature of the legislation, the American Civil Liberties Union of Pennsylvania opposes HB 1359, and on behalf of the 18,000 members of the ACLU of Pennsylvania, I urge you and the members of the committee to also oppose it.

HB 1359 requires applicants for certain aid programs to show government-issued identification when attempting to access state-run programs. Unemployment compensation is the most significant of the programs covered by the bill. Other programs that would trigger the new ID requirement include general assistance and medical assistance. Exemptions in the bill include those programs that originate with the federal government, like temporary assistance for needy families (TANF), and any applicants who are under the age of 18 or anyone applying on behalf of someone under the age of 18.

In 2006, the Brennan Center for Justice at New York University School of Law conducted a survey on the prevalence of government-issued identification and access to proof of citizenship documents among American citizens.¹ The Brennan Center survey found that 11 percent of U.S. citizens do not have photo ID from the government. The lack of access to government-issued identification disproportionately impacted the working poor, the elderly, and racial minorities:

¹ N.A. (2006) *Citizens Without Proof: A survey of Americans' possession of documentary proof of citizenship and photo identification*. Brennan Center for Justice at NYU School of Law. Retrieved September 20, 2010, from http://www.brennancenter.org/page/-/d/download_file_39242.pdf.

- Fifteen percent of citizens who earn less than \$35,000 per year do not have government ID. Persons in this income bracket are more than twice as likely to not have identification issued by the government as those earning more than \$35,000.
- Eighteen percent of American citizens age 65 and over do not have government-issued photo ID.
- Twenty five percent of voting-age African-Americans does not possess photo identification issued by the government.

These citizens are those who are most likely to need access to the programs affected by HB 1359, but the bill makes it more difficult to obtain the aid provided by those programs.

In addition, applying for identification from the Department of Transportation has become more challenging in recent years. PennDOT now requires a Social Security card, proof of identification (like a birth certificate), and two proofs of residency. People without these documents are caught in a cruel circle. If a person does not have a Social Security card or a birth certificate, they need photo identification to get these documents, but in order to get the photo identification, they need these documents.

For these reasons, HB 1359 is discriminatory law that will negatively affect Pennsylvanians who are most in need of the aid provided by the programs covered by the bill.

It is also important to note and to respond to the arguments of supporters of the bill. Supporters of HB 1359 and its Senate counterpart, SB 9, claim that the legislation is intended to stop unauthorized applicants, particularly immigrants who are out of status, from gaining public benefits.

Yet the evidence of a need for such a change in identification requirements is extremely weak. Proponents point to a report from the Auditor General that cited several instances of unverified citizenship. One of those cases involved a baby born less than a month before the audit for whom documents were not yet available. In another case, flooding had occurred at the local office handling the case, and once the office had recovered, the proper documentation was added to the file.

Supporters of HB 1359 also cite a study by the Federation for American Immigration Reform (FAIR) that claimed that immigrants without papers cost the commonwealth more than \$700 million per year in costs for education, incarceration, and public aid. According to the Immigration Policy Center, the FAIR study is fatally flawed in two key

ways.² First, the figure in the FAIR study is a gross number and fails to account for ways in which undocumented immigrants give back to the public coffers, like in sales taxes.

Second, and more importantly, 91 percent of the costs claimed in the FAIR Study are for education, and 73 percent of the children benefitting from that education are natural-born U.S. citizens with one parent who is a citizen or an immigrant with proper authorization.

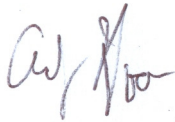
In other words, when supporters of HB 1359 and SB 9 complain about the costs of undocumented immigrants and cite the FAIR study, **they are complaining about public money spent to educate U.S. citizens.**

It is also important to note what FAIR is. FAIR is an immigration restrictionist organization that has advocated for severe limitations on all forms of immigration. Its founder, John Tanton, and other key figures in its history have had questionable ties to white supremacists, leading the Southern Poverty Law Center to label FAIR a “hate group.”³ FAIR is not a credible source on the impact of immigration on Pennsylvania.

House Bill 1359 is not only a solution in search of a problem, as the evidence supporting the bill is extremely weak, but it will also wreak havoc on Pennsylvanians most in need of the benefits provided by the covered programs, including the unemployed, the elderly, the working poor, and racial minorities. HB 1359 is flawed policy, and I urge you to please oppose this legislation and other bills like it.

Thank you for the opportunity to share the views of the ACLU of Pennsylvania.

Sincerely,



Andy Hoover
Legislative Director

CC: House State Government Committee

² Ewing, W. (2009) *FAIR targets immigrants and children in Pennsylvania*. Retrieved September 20, 2010, from <http://immigrationimpact.com/2009/07/28/fair-targets-immigrants-and-children-in-pennsylvania/>.

³ Beirich, H. (2007) The Teflon Nativists. *Intelligence Report, Winter 2007, Issue Number 128*. Retrieved September 20, 2010, from <http://www.splcenter.org/get-informed/intelligence-report/browse-all-issues/2007/winter/the-teflon-nativists>.