

## Transportation, Public Safety and Homeland Security Committee

HB114

May 21<sup>st</sup>, 2013

Chair Damschroder, Vice Chair Ruhl, Ranking Member Mallory and Committee Members:

I thank you for the opportunity to give testimony today in support of HB 114.

On June 15<sup>th</sup>, 2012, President Obama announced deferred action for qualifying illegal aliens. This was a directive and not passed by Congress, therefore DACA recipients do not have lawful status and as President Obama noted, each state must decide if DACA recipients are eligible to receive a driver's license. DACA is not a path to citizenship and if still applicable, must be renewed every two years; therefore it is a temporary status which may be revoked at any time by the Department of Homeland Security.

One misleading statement about DACA recipients is that they were all brought here by their parents; while many of the recipients were, many were not. There is no mention of a requirement for DACA applicants on the USCIS website to show proof that their parents brought them here. According to the U.S. Department of Health and Human Services, 8,327 unaccompanied minors were taken into the care of the Office of Refugee Resettlement from October 2011 to May 2012, after being picked up by the Border Patrol and Customs officials. These numbers reflect just those who were apprehended.

Issuing driver's licenses to DACA recipients may place the welfare of citizens and legal immigrants in jeopardy. Since the state of New Mexico started issuing driver's licenses to those here illegally, the state has risen to number two with uninsured motorists. If an individual without legal status would be the cause of an accident, Ohio victims may have a harder time recovering their losses as individuals without legal status are subject to deportation at any time.

The Department of Homeland Security has approved 99.2 percent of DACA applications. During a conference call that took place with UCSIS and interested parties regarding applying for DACA, a question was asked whether juvenile crimes would count against DACA applicants and it was stated that in most cases they would not. Another question asked if expungements would be accepted and the answer was yes. Eighteen of the nineteen

9/11 hijackers obtained state-issued IDs that enabled them to embed in the U.S. and more easily board planes. Driver's licenses remain a tool sought by terrorists. In 2011, the FBI revealed that a foreign "student" had entered the U.S. for the purpose of committing major terrorist acts. His targets included former President Bush's home and key infrastructure sites. The so-called student intended to use multiple state drivers' licenses to facilitate his plans.

Just this month, I read that illegal aliens in Ohio are going through notaries to transfer titles to citizens or creating *fictitious* businesses with Taxpayer Identification Numbers in order to register "commercial" vehicles.<sup>1</sup>

A driver's license is a privilege; it is not a right. Granting a driver's license to an individual without lawful status will encourage more illegal immigration to Ohio, and additional illegal behavior.

I thank you and at this time I will answer any questions you may have.

Respectfully,

Julie Aldrich  
Ohio Citizens for Sensible Immigration

---

<sup>1</sup> See <http://cimmigration.com/2013/05/01/regulating-migrants-in-franklin-county-ohiopart-1.aspx?ref=rss>.

## House Bill 114

### Skip Claypool Geauga County, Ohio

#### Illegal Immigration and Drivers Licenses

Good afternoon Chairman Damschroder, Vice Chair Ruhl, Ranking Member Mallory and members of the committee. Thank you for giving me this opportunity to speak on behalf of HB 114.

I come to you as a former Geauga County Commissioner, current NOACA board member, father of 5, grandfather of 10, veteran, and lifelong citizen of Ohio.

When I was young and in school we said the Lord's prayer and the pledge of allegiance at the beginning of every day. No matter what one's faith was we were all taught about the principles and values that made this country great --hard work, free enterprise, capitalism, our U.S. constitution and the rule of law. I was raised during a time when, honor and values were important, and part of everyday life. We watched John Wayne, Davie Crockett, and George Washington in movies and on TV. As a young man I was comforted to know we were protected by laws that were fair and based on common sense. I had respect for those in the Congress who I trusted and looked up to. I believed these men and women to be honorable.

I entered the Air Force after high school and I considered it a privilege to do my duty and defend the values I hold dear. I left a newborn son to spend a year of hell in the Vietnam Theater (Thailand) during the war. What got me through that experience was knowing that I was defending a special country, one which offered great opportunities, to those who chose to abide by our values. Many of those we served within Thailand, Laos, and Vietnam came to this country, were accepted, and did quite well.

After the service, as a businessman, I had the opportunity to travel throughout Asia, South America, and Mexico assisting businesses to become established and connected globally. I was able to see the havoc that the communist system wreaked on its people. I observed firsthand the tyranny of some governments and how corruption and the socialist systems destroyed opportunity, their economy, and hope. I was privileged to get to know the people in each of these cultures personally. I worked with them, socialized with them, and in many cases provided them opportunities, which changed their lives. I came to better understand and appreciate the special nature of the U.S. and our laws because in many of the other countries their laws are abusive, ignored, or nonexistent. In other countries I was expected to have the proper paperwork, which was to be presented when asked. From Japan, to China, to Brazil, to Mexico, if I did not have the proper passport and/visa there would have been stiff penalties or worse. I was forced to hire a driver in Korea because if I were driving and got in an accident it would be my fault, regardless. A Mexican law enforcement officer once took the license plate from my rental car and threatened one of my employees because he did not like Americans in his city. It took a visit from my local liaison to retrieve the license plate, after a fee (bribe) was paid. There was zero tolerance for deviation from the laws of all other countries I entered. I expected nothing less.

After every trip, as I passed through customs into the U.S, I would take in a deep breath and say a prayer of thanksgiving for the country I was born into. I was confident that we could trust our laws because our law makers were persons of honor and integrity. And, I knew our laws would be enforced for the same reason. I trusted that our laws would allow others into our country, but only those that understood and agreed to live by our laws. And, only those people who truly wanted to be American citizens or that would follow a temporary work visa program. As a citizen it gave me comfort because I knew the laws

were created to protect this country and its citizens above all else. Let me stress this point, our laws are intended to protect our citizens over others.

Over the past few years my confidence and trust has been shaken and I am dismayed to discover that some in our government do not abide by their duty. We have an executive branch in our federal government that chooses to use executive orders to make law that impacts directly on state sovereignty and that violates the basic premise of upholding the nation's laws. Our federal government and some state governments are shirking their responsibility and are not upholding common sense laws that protect citizens, legal immigrants, and the very process that is the foundation of a sovereign nation. We are allowing an untold number of persons of unknown background and purpose to enter our country with NO accountability. We see the result: higher crime, negative impacts to our economy, a degradation of our value systems, and impacts to our social programs. Given that a negligent federal government is putting its citizens at risk it is the duty and responsibility of state legislators to do the honorable thing and pass laws to protect their citizens. HB 114 is one such law. I fear it is not enough, but it is a step in the right direction. It provides for common sense evaluation of applicants for a driver's license. Who can disagree with this?

The fact is a driver's license is a pass key to many privileges provided to the citizens of this state and to those who have legally qualified to be in this state. The driver's license is a ticket to vote in Ohio and the harm in violating this privilege is incalculable. Moreover, issuing drivers licenses without proper scrutiny causes real concerns for the safety and security of the citizens of Ohio.

HB 114 is a common sense law that simply ensures that law abiding people do the law abiding thing. Not passing this law violates the very principle of a sovereign nation to protect its citizens from being taken advantage of and being put at risk.

If we as a state do not ensure that the most basic of laws are followed, then what is next? It is reasonable and it is right to ensure that those driving on our highways are legally entitled to do so. If anyone is caught illegally driving in this country should they not be held accountable under the law?

I was recently in a conversation with an elected official in Cleveland. He asked me my opinion on the purpose of government. My response was "to protect the liberties, freedoms, and safety of the citizens of this state - nothing more and nothing less." This bill does this and I applaud the sponsors of this bill for having the foresight and sense of duty to put this bill forward.

Gentlemen and gentlewomen I ask, you respectfully, to do your duty. Some of us have son's and daughters who risk their lives depending on the fact that men and women of honor holding elected office will do their part to protect this country and this state. Pass this bill out of committee and move on to do more to protect the citizens of this state. This should be but a starting point.

Thanks you for hearing my testimony. I will entertain any questions the committee may have.

Dear Chairman and committee members,

May 20, 2013

My name is Valerie Lucio. I am in support of H. B. 114 and personally find it hard to believe that the BMV has any right whatsoever to allow DACA persons to get state issued IDs. Following are my reasons why I support this bill:

I am an outreach worker in Toledo Oh and work with illegal aliens on a regular basis. My clientele are Latinos and they are living off of the welfare system.

Most of them have 1 job and lots of them have 3 and 4. Half of the women with which I work are stay at home housewives and have at least 2 children. They all have their ID's from Mexico but do not have State Driver's Licenses. They pay for everything with cash, "dinero efectivo", and while using our welfare system some have 10's of thousands of dollars in the bank, 2 own houses, 1 is looking to buy a house and they ALL have 1 family car if not 2 or more cars.

Of my 10 families with which I work, 1 is actively pursuing the information and requirements to become a citizen.

I say all that to say this, while I believe that these families are ALL LEGITIMATE in their employ, I cannot say that they are legal workers. Also, most or all do not pay taxes, they use our hospitals and clinics without paying a dime or sometimes pay very little, they have food stamp cards, get free assistance throughout many agencies within the community and the list goes on.

I love them all and consider them to be my friends BUT I do not think they need one more incentive to get something FREE from our government while people like myself live at close to the poverty level and can barely afford to pay \$500 rent, let alone to be able to buy my own home!

Lastly, the ability for these citizens to have a Driver's License would also afford them the ability to

---

become an elector which is something that I refuse to allow to happen. I say that if illegal aliens are intelligent enough to participate in and comply with all of these afore mentioned programs and such then they are intelligent enough to become citizens and go through the proper procedures to attain a license and, to start paying for that which they now attain for free!!

Thank you for the opportunity to speak,

Valerie R Lucio  
Hispanic Outreach Worker

Robert E. Najmulski

Testimony in support of HB 114

May 21, 2013

Good afternoon Chairman Damschroder, Vice Chair Ruhl, Ranking Member Mallory and members of the Committee. Thank you for this opportunity to offer testimony in support of HB 114.

My name is Robert Najmulski and I am the NE US Field Representative for the Federation for American Immigration Reform. I am resident of the State of Ohio and served 28 years in law enforcement.

The Ohio Administrative Code states that any applicant for an Ohio driver's license or identification card must have "taken the necessary steps to ensure that they have a recognizable legal status with the United States as evidenced by the appropriate legal documents issued by the United States Citizen and Immigration Services" (USCIS).<sup>1</sup>

HB 114 is a common sense measure to ensure that all applicants and recipients of Ohio driver's licenses are either United States citizens or persons that have verifiable lawful status in the United States. The sections of the bill that detail qualifying persons with this lawful status encompass numerous classifications of legal immigrants and foreign nationals who are lawfully in the United States. Again, these are common sense measures that merely reflect the rule of law.

As a law enforcement officer I can attest to the great significance and importance of a driver's license as a means to positively verify the identity of a person during enforcement actions. This all important document is a gateway to confirming information that is vital to law enforcement and it is essential that the license was lawfully issued to a person that has produced verifiable and legal documents to obtain it. And these verifiable documents include any immigration document or visa issued by the Federal Government to any person granted lawful status in the United States. These immigration documents and visas can be easily verified by law enforcement accessing the appropriate federal database. Positively identifying a person is often the first measure taken during law enforcement activity and it is crucial to officer safety, public safety and national security.

Other states have taken steps to issue driver's licenses to persons who do not have lawful status and this situation can, and has, caused problems. Any person with other than lawful status is not subjected to stringent background checks, are able to offer documents that are not verifiable and often are not required to conduct an in-person interview with the Department of Homeland Security. This a situation where fraud can be easily perpetrated to obtain a license not only for driving purposes but for other uses such as accessing government buildings and voting.

Therefore it is a sound and sensible practice to issue a driver's license to only people who live and work here lawfully, whether they be US citizens or immigrants with lawful status as granted under federal law or foreign nationals legally admitted into the United States under one of the numerous visa programs. I have heard comments from opponents to this bill that attempt to turn this into an immigration debate. It is no secret that there is plenty of room for debate on that issue but I do not feel this sensible bill should be viewed in that light.

Being issued a driver's license in the state of Ohio is a benefit and a privilege, not a guaranteed right. The license was a vital tool for me during my years as a law enforcement officer and I relied heavily on its accuracy and validity. I have been in many situations where I was unable to verify someone's identity and this put not only me at risk, but the general public as well. I strongly feel that the provisions in HB 114 will strengthen our licensing procedures and help to protect the public at large and others on our roads and highways.

I also feel strongly that states have the absolute right and authority to determine who is able to receive a driver's license in this state. This bill is common sense and does not target any specific group or individuals for exclusion purposes. It does specify who is eligible with the recurrent theme of.....lawful.

Thank you for your time and I will be happy to answer any questions you may have.

Testimony to the Ohio Legislature  
Transportation-Public Safety-and the Homeland Security  
Committee  
May 21<sup>st</sup>, 2013

Good afternoon Chair Damschroder, Vice Chair Ruhl, Ranking Member Mallory, and members of the Committee. Your hard work on this committee and your service to the citizens of Ohio is very much appreciated.

My name is John Muzik and I thank you for this opportunity to offer testimony in support of H.B.114. I want to also thank Representative Lynch for introducing this bill in support of the citizens and the legal Immigrants who reside here in Ohio.

I have been told by Ohio government representatives that immigration is a Federal issue, and issuing drivers licenses is a State issue. In my opinion any actions taken by the State of Ohio that may attract noncitizens who have come into this country in an unlawful manor, or anyone whose visa has expired, is wrong. This is something that has to be addressed and I believe this bill does so in regards to the issuances of Ohio driver's licenses. Again, I am asking for your support of this bill.

Thank you Chair Damschroder and Committee members for allowing me to testify today and I will attempt to answer any questions you may have at this time.

Transportation, Public Safety  
and  
Homeland Security Committee  
HB 114  
May 21, 2013

Chairman Damschroder, Vice Chair Ruhl, Ranking Member Mallory and distinguished members of the Committee. Thank you for the opportunity to give testimony in support of HB 114.

I feel that HB 114 reaffirms our state mandates required to obtain an Ohio drivers license. With the June 2012 executive order, our state requirements to obtain an Ohio drivers license came into question.

I am against illegal immigration. I do not agree with giving illegal immigrants any form of legal identification.

In following this issue, I've read about Ohio groups and a commission attending meetings concerning issuing a drivers license to DACA recipients. As of today, not one person that I know of, that opposes issuing a drivers license to illegal immigrants was invited to attend any of the meetings. I sent a records request, I am still waiting for some of the records. An issue this important, Ohioans should have their voices heard, not just illegal immigrants and the groups and commission that support them.

I have spent numerous hours reading about the DACA program. I found that some of the illegal immigrants that are DACA recipients have used Facebook data, Netflix accounts, time stamped restaurant receipts, and parking tickets to prove their residency.

A drivers license along with jobs is a magnet for illegal immigrants. Ohio is one of the few states that continues to ignore the illegal immigration problem we have. In the past few years legislation has been introduced to protect legal Ohio residents from the ill effects of illegal immigration. For whatever reasons we have not seen any legislation pass. I feel that HB 114 is a step in the right direction.

I would like to thank Representative Matt Lynch for introducing HB 114, it gives Ohioans that oppose issuing a drivers license to illegal immigrants the opportunity to be heard.

I ask that you support HB 114. I would be happy to answer any questions you may have.

Arzella Melnyk

Grassroots Rally Team of Ohio

May 21, 2013

The Honorable Rex Damschroder, Chairman  
Ohio House Transportation, Public Safety & Homeland Security Committee  
Ohio House of Representatives  
Ohio State House  
Columbus, OH 43215

Re: Testimony in support of H.B. 114

Chairman Damschroder:

Please accept the following testimony in support of H.B. 114 which amends the Ohio Revised Code to give specificity regarding alien eligibility to receive an Ohio drivers license or motorcycle operator's license or endorsement.

Sincerely,

Steve Salvi, Founder  
Ohio Jobs & Justice PAC  
P.O. Box 46219  
Bedford, Ohio 44146  
440-439-1879

## Testimony in support of H.B. # 114

Ohio House of Representatives

Transportation, Public Safety &  
Homeland Security Committee

By

Steve Salvi, Founder  
Ohio Jobs & Justice PAC  
P.O. Box 46219  
Bedford, Ohio 44146

Chairman Damschroder, Vice Chair Ruhl, Ranking Minority Member Mallory, and Committee members:

Thank you for the opportunity to present testimony in support of H.B. 114 sponsored by Representative Lynch.

My name is Steve Salvi. I am an Ohio voter, founder of Ohio Jobs & Justice PAC (OJJ PAC), and publisher of OJJ PAC.org. OJJ PAC is a non-partisan non-profit with the purpose of conducting immigration research, public education, and advocacy for common sense U.S. immigration policies.

The focus of my testimony today is to explain why granting drivers licenses (or motorcycle operating licenses) to illegal aliens is a threat to public safety and national security. When I speak of illegal aliens, I include the class of illegal aliens incorporated into the U.S. Department of Homeland Security's June, 2012 Deferred Action for Childhood Arrivals (DACA) directive.

I will continue by quoting a March 12, 2013 report by the James Clapper, Director of U.S. National Intelligence. The quote pertains to the expanding number of entities that are facilitating terrorist activity. Quote:

“The Intelligence Community is monitoring the expanding scope and diversity of “facilitation networks,” which include semi-legitimate travel experts, attorneys, and other types of professionals, as well as corrupt officials, who provide support services to criminal and terrorist groups.” [End of quote.]

The DACA directive and Ohio's subsequent relaxation of its drivers license eligibility policy are examples how our own government and officials are creating de facto terrorist facilitation networks for transnational organized crime and would-be terrorists.

When Ohio or any other state considers who should be license eligible, the rules of the eligibility road need to be carefully scrutinized. We have a post 9-11 national security imperative to ensure that U.S. identity documents are secure and valid. Paramount to a secure drivers license is verified identification of the license applicant. Therein lies the inherent security threat created by DACA and the recent Ohio Bureau of Motor Vehicles (BMV) policy change.

The fundamental problem in vetting illegal aliens is verifying their true identity. It is not uncommon for law enforcement to find multiple ID's on illegal aliens. Those ID's are generally used to support one or more aliases. Illegal aliens also have easy access to document mills which allow them to create any identity they desire.

DACA applicants do not undergo substantive background checks or have face to face interviews with immigration officers. In effect, there are no convincing identity verification controls. It is even unclear if any information provided by the applicant is verified by the United States Citizenship and Immigration Service (USCIS). The 99.2% percent DACA application approval rate is more indicative of the rubber stamping of applications than a desire to minimize fraud.

How is the information submitted on applications verified? For example, if an alien enters the U.S. illegally and was never subject to inspection at a U.S. port of entry, how can the USCIS verify the DACA applicant's date of entry eligibility requirement?

Furthermore, how does USCIS verify another DACA requirement—that an applicant entered the U.S. with a parent? Immigration officers can verify that many young aliens illegally enter the U.S. without a parent. The USCIS is likely not verifying entry dates because they do not have the resources to prove or disprove a DACA applicant's affirmative response to this requirement.

Criminal illegal aliens in the past have had to procure counterfeit ID's or take advantage of other states' lax licensing laws in order to function in society. (ID's are required to perform many basic tasks, such as securing housing, credit, banking services, entry into some public facilities, and utilize transportation, such as airlines.) For example, the 9-11 hijackers obtained 18 separate Florida drivers licenses and ID's to help facilitate their hijacking plot, including land transportation and access to airport facilities. That revelation resulted in the 9-11 Commission's recommendation that states' tighten licensing laws.

The state of Ohio is now facilitating criminals by issuing DACA grantees the most valued tool for criminals---a legitimate state issued drivers license—and the opportunity to create a 'legal' yet fraudulent identity.

The BMV is issuing licenses to DACA aliens based on two false premises:

1. That the USCIS has properly vetted DACA applicants to ensure proof of identity; and
2. Applicants actually meet DACA eligibility requirements.

Although it would be wrong to paint all illegal aliens as violent criminals and terrorists, it is equally incorrect to assume their U.S. presence is benign. In addition to displacing millions of

American workers from their jobs, illegal aliens dominate illegal narcotics distribution in the U.S., and defraud, injure and kill thousands of American citizens each year.

A few examples of Ohioans who have been killed by drunk illegal aliens include James and Margie Rook of Cincinnati, 3-year-old Shikir West of Cincinnati, and John Barr of Dover, who was killed by a drunk illegal alien from Guatemala. Murders include the machete murder of Donald Mayle of Columbus; the honor killing of Sejal Patel in Twinsburg; the stabbing death of Kevin Barnhill; the murder of Canton native Jerry Laury in Akron; and the murder of Deputy Brandy Lyn Winfield, who was murdered by an illegal alien living in Delaware, Ohio. Drugs supplied by illegal aliens are also taking the lives of Ohioans, such as the case of Columbus resident Arthur Eisel.

In conclusion, H.B. 114 addresses the public safety vulnerabilities recently created by the change in Ohio's BMV license eligibility policy. H.B. 114 will require the BMV to reestablish its pre-DACA eligibility policy which better serves public safety and state security interests.

The only reason for the change in BMV policy was the DACA directive. A federal judge recently indicated that he is likely to rule in favor of a lawsuit filed by ICE Agents who claim that the Obama administration's DACA directive is unconstitutional. A federal judge in Arizona has also recently ruled against a federal supremacy clause argument regarding states' rights to establish their own driving license policies. While these cases are still pending and likely to end up at the appellate level, I hope we all can agree that no federal directive should bind Ohio, a sovereign state, into a suicide pact.

For these reasons, I ask the Committee members to take this opportunity to assist Representative Lynch in supporting H.B. 114, putting public safety and U.S. national security ahead of identity politics. Thank you for your attention and I will happily respond to your questions.

-End-

## Testimony of Michael W. Cutler, Senior Special Agent, INS (Ret.)

Let me begin by expressing my appreciation for being provided with this opportunity to share my thoughts and perspectives on the issue of providing driver's licenses to aliens who have been processed under the provisions of DACA (Deferred Action for Childhood Arrivals).

As you may know, I am a retired senior special agent of the former Immigration and Naturalization Service, an agency whose missions and authorities have been, in part, transferred to ICE (Immigration and Customs Enforcement).

To provide you with information about my background I have attached a copy of my bio to this testimony.

Before we get to the instant matter of the driver's licenses I want to spend a bit of time explaining the true significance of the immigration laws of the United States as contained within the Immigration and Nationality Act (INA).

Those laws were enacted to achieve two primary goals- to protect innocent lives of Americans and foreign nationals present in the United States and protect the jobs of American workers.

The immigration laws of the United States are utterly blind as to race, religion and ethnicity. The only distinction the immigration laws make is to distinguish citizens of the United States from those who are not citizens of the United States. Under the definitions contained within the INA, the term that describes such non-citizens is "alien."

In point of fact, the term alien is defined as being, "Any person- not a citizen or national of the United States." It is important to make this point because for far too long, discussions about immigration have been hobbled by false and misleading contentious accusations and assertions. There is no insult to be found in the term "alien" only clarity. It is vital that any discussions or debates that we engage in here or anywhere else, be factually accurate and fair.

Title 8, United States Code section 1182 is the section of law (the INA) that enumerates the various categories of aliens who, under the Immigration and Nationality Act, are supposed to be prevented from entering the United States and are supposed to be removed if they are found. Among the categories of aliens who are statutorily deemed excludible are aliens who suffer danger communicable diseases, aliens who suffer extreme mental illness and are prone to violence or sexual deviation (pedophiles, rapists, etc.), convicted felons, human rights violators, war criminals, drug traffickers, money launderers, terrorists, spies and those who would become public charges or seek to remain unlawfully and work illegally.

It is this section of law that provides the guidance for the CBP (Customs and Border Protection) Inspectors who inspect arriving foreign visitors and determine whether or not they should be admitted into the United States in the first place.

Aliens who evade the inspections process must be presumed to fall under one or more categories of

aliens who are not to be admitted into the United States and consequently pose a potential threat to national security and the wellbeing of the citizens of the United States.

While we have heard much about the issue of the importance of securing the Southwest Border of the United States that is supposed to separate the United States from Mexico- and indeed that border is of great importance, it is only one of many components to the immigration system upon which national security, public safety and host of other issues depend.

In point of fact, the United States does not have just “four border states” as some have suggested. The United States has 50 border states. Any state that has a seaport or international airport must be considered as much a border state as are those states that are found along the southern and northern borders of the United States.

Furthermore, in a manner of speaking, the valiant members of the United States Armed Forces are charged with securing our nation's borders externally, keeping our nation's enemies as far from our shores as possible. The Department of Homeland Security is charged with securing those same borders from within. When DHS fails in the mission of securing our borders and preventing the entry of those who would do harm and/or seek to remove those foreign nationals who pose a threat, the gallantry, dedication and sacrifices of our military is undermined and national security is compromised.

It is also important to note that every year the United States provides more than one million aliens with lawful immigrant status. The Alien Registration Card or “Green Card” signifies that they have been granted this status. They are placed on the pathway to United States citizenship the day that they are granted lawful immigrant status. In fact, the United States grants lawful immigrant status to more aliens than do all of the other countries on this planet, combined.

Each year more than 500,000 aliens are naturalized and thus become citizens of the United States.

Additionally, tens of thousands of aliens are provided with nonimmigrant visas that authorize them to work in the United States. Most months the United States legally admits more foreign workers and potential foreign workers than the number of jobs that are being created. This is before considering the entry of illegal aliens or aliens who enter the United States via the legal inspections process and go on to violate the terms of their nonimmigrant admission to take unauthorized jobs.

Prior to the Second World War, the enforcement and administration of America's immigration laws were the responsibility of the Department of Labor. By shielding American workers from unfair competition provided by foreign workers, the United States expanded its middle class and, in so doing, created the concept of the “American Dream.”

It is important to note that on April 30, 2009 the U.S. Senate’s Subcommittee on Immigration, chaired by one of the “Gang of Eight” Senator Chuck Schumer, conducted a hearing on the topic: “Comprehensive Immigration Reform in 2009, Can We Do It and How?” Among the witnesses called to testify before that hearing was Alan Greenspan, former Chairman of the Federal Reserve Bank and arguably one of the key architects of the continuing economic crisis, who stated:

*“...The second bonus (in accelerating the influx of skilled immigrant workers) would address the increasing concentration of income in this country. Greatly expanding our quotas for the highly skilled would lower wage premiums of skilled over lesser skilled. Skill shortages in America exist because we are shielding our skilled labor force from world competition. Quotas have been substituted for the wage pricing mechanism. In the process, we have created a privileged elite whose incomes are being supported at non-competitively high levels by immigration quotas on skilled professionals. Eliminating such restrictions would reduce at least some of our income inequality.”*

To put it succinctly, Mr. Greenspan is of the belief that growing our skilled labor force through less restrictive immigration policies would have the supposed “benefit” of reducing income inequality- not by increasing the wages of workers who lack skills or advanced education but by lowering the wages of professional Americans workers who have skills or advanced educations- Americans that Greenspan has the unmitigated chutzpah to refer to as the “Privileged Elite.”

Let me repeat this because it bears repeating- Mr. Greenspan bemoaned income inequality- not based on race, religion, gender, ethnicity or age- something we would all agree with- but wage inequality based on skill and education. The incentive that powered America's rise to preeminence was the understanding that any American of any race, religion, gender or ethnicity could excel and write the next “great American success story” by acquiring skills or advanced education and then applying those skills and expertise in their careers and working hard to achieve their goals and dreams.

Those who favor the creation of a massive immigration amnesty program share Mr. Greenspan's views on how to trim the so-called “wage premiums” to use his terminology, that is being paid to skilled and/or highly educated hardworking Americans- import many more foreign workers to provide unfair competition for scarce jobs. It is important to note that such unfair competition is illegal under our nation's current immigration laws.

It is also vital to note that according to published news reports, one in six American families is living below the poverty line and that American minority families are experiencing higher rates of unemployment and underemployment and are suffering higher poverty rates than are non-minority families.

To borrow an oft-asked question and put a slightly different perspective to it, I am compelled to ask the members of this legislative body- “Are your constituents doing well enough that unemployment and/or underemployment is not an issue for them?” To put it another way, are your constituents realizing their “American Dreams?”

To ask the inevitable and blunt question, what are you doing to represent your constituents' best interests?

Providing driver's licenses in Ohio to aliens who have been processed for deferred action will undoubtedly attract many of these aliens to your state to compete with American and lawful immigrant

workers of every ethnicity- workers who are struggling to survive.

The late Thomas P. “Tip” O’Neil, former Speaker of the House of Representatives, famously remarked that “All politics is local.” As a former federal agent with approximately thirty years of experience I can tell you that all law enforcement is also local.

On September 11, 2001 the United States was attacked. I am a New Yorker. My home town was attacked as was Washington, D.C. Shanksville, Pennsylvania was also the scene of the death and destruction of innocent lives when one of the hijacked airliners crashed in that town.

The federal government may compile crime statistics relating the number of various crimes that are committed, the number of people killed or injured, etc. The casualties of crime are not attacked simply somewhere within the United States but on a specific location in a town or city, perhaps even within their own home or neighborhood.

This is why when laws are violated often local, state and often, federal laws are simultaneously violated.

When homes are lost to foreclosure, those homes are located on streets of neighborhoods in our towns and cities.

Because of the politicization of the immigration issue, some seemingly rational leaders have come to act irrationally. However, we are indeed a nation of laws- laws that cannot be ignored.

The President of the United States may have a pen with which he can sign Executive Orders, but he has most certainly not been given a “Magic Wand.”

To consider the issue of the DACA program, it must be remembered that the first two words of that acronym are “Deferred Action.” The action that the President's executive order defers is deportation.

Try as he might, the President of the United States lacks the statutory authority to confer lawful status on illegal aliens. Such action can only be accomplished by provisions of law and there are no provisions within the Immigration and Nationality Act to provide hundreds of thousands of illegal aliens with lawful status when nothing concerning their respective situations have not changed.

The President has justified his actions by saying that he is employing “prosecutorial discretion” by his use of executive orders. I wrote an Op-Ed for Fox News Latino nearly a year ago in which I said that the President was not utilizing prosecutorial discretion but rather prosecutorial deception. While all law enforcement agencies make use of a sort of triage approach to marshal limited resources- in point of fact, the administration is not simply ignoring illegal aliens who do not fit a certain profile but is actually using very limited resources to provide hundreds of thousands of illegal aliens with employment authorization.

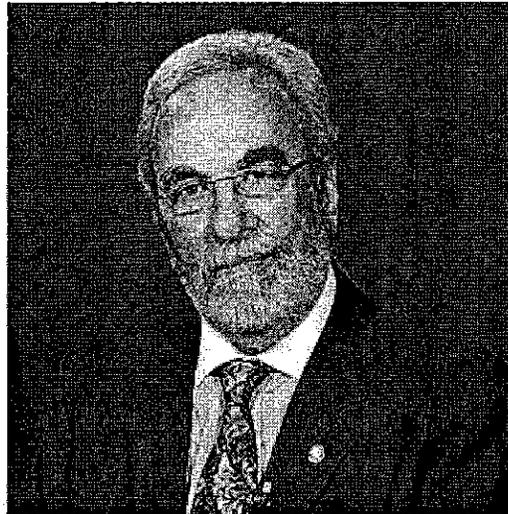
It has been reported that special agents of ICE have filed a lawsuit to stop the administration from exceeding its authority to impede the enforcement of the immigration laws of the United States.

According to a recent Washington Times article the approval rate for the applications being filed under DACA is in excess of 99%. Furthermore, I have heard from impeccably reliable sources that applications are being processed without so much as an in-person interview. There is no way to determine the true identities of these hundreds of thousands of aliens who have, thus far, had their applications processed. There is no way of validating claims that these aliens meet certain criteria such as the fact that they had entered the United States under the age of 16. The age cutoff for these applicants is more than 30 years of age. Without the resources to conduct face-to-face interviews or conduct field investigations adjudicators at USCIS are literally flying blind. Furthermore, it takes just minutes to approve an application but hours, or more likely, days to deny an application.

Finally, I would point out that driver's licenses are the de facto national ID for people in the United States. The 9/11 Commission, to which I provided testimony, determined that the 19 terrorists who so savagely attacked the United States on September 11, 2001, in the aggregate used some 365 false identities or variations of false identities. They secured driver's licenses by falsifying information in their applications for licenses and other such identity documents. Terrorists and criminals use false identities much the same way that a chameleon uses changes in coloration to hide in plain sight as they go about their deadly business.

It is of extreme importance that state governments understand the true significance of driver's licenses in terms of national security and the impact that providing illegal aliens with such official identity documents may well have.

There is no reason for states to issue driver's licenses to foreign nationals whose presence in the United States represents a violation of law, irrespective of executive orders that simply defer their ultimate deportation from the United States.



### **Background of Michael W. Cutler**

Michael W. Cutler graduated from Brooklyn College of the City University of New York in 1971 with a B.A. in Communications Arts and Sciences. Mr. Cutler began working for the Immigration and Naturalization Service (INS) in October 1971 when he entered on duty as an Immigration Inspector assigned to John F. Kennedy International Airport. From 1973 until 1974 He was assigned as an examiner to the unit which was responsible for adjudicating petitions filed by United States Citizens and Lawfully Admitted Permanent Resident Aliens (LPRs) on behalf of their alien spouses to accord them LPR status. His goal in this assignment was to attempt to uncover fraud marriages and fraud marriage rings.

In August 1975 he became a Criminal Investigator (Special Agent) for the INS at NYC. He rotated through virtually every squad in the Investigations Branch. As a special agent he conducted investigations and arrests of individuals involved in a wide variety of immigration-related violations of law including a number of international terrorists.

From 1988 until 1991 he was assigned as the INS representative to the Unified Intelligence Division (UID) of the DEA in New York. In 1991 he was promoted to the position of Senior Special Agent and was assigned to the Organized Crime, Drug Enforcement Task Force (OCDETF) which required that he work with members of other law enforcement agencies including the FBI, DEA, ATF, U.S. Customs and local and state police as well as law enforcement organizations of other countries including Israel, Canada, Great Britain and Japan, to conduct investigations of aliens involved in major drug trafficking organizations. These investigations ultimately resulted in the seizure of the assets of these criminals

and their arrests and successful prosecutions for a wide variety of criminal violations.

Mr. Cutler retired from the INS in February 2002 after a career that spanned some 30 years.

Mr. Cutler has testified as an "Expert witness" at more than a dozen Congressional hearings on issues relating to the enforcement of immigration laws having been called by members of both political parties and having appeared in both houses of Congress. Most recently he testified at a hearing that was conducted by the Senate Judiciary Committee on March 20, 2013, on the topic "Building an Immigration System Worthy of American Values."

Mr. Cutler also furnished testimony to the Presidential Commission on the Terrorist Attacks of September 11.

He has also testified before local and state legislative hearings including the New York State Senate, the Texas State Senate, the Indiana State Senate and the Maryland State Legislature on pending legislation involving immigration-related issues.

Mr. Cutler worked with the law firm retained by Arizona Governor Jan Brewer to defend the governor and her state against the lawsuit filed by the United States Department of Justice in an effort to block the implementation of Arizona's new immigration law, SB 1070. To this end he provided an extensive declaration in support of SB 1070.

He is a consultant who has testified in court proceedings and trials as an expert witness on matters concerning immigration-related issues.

Mr. Cutler has appeared on numerous television and radio programs. These television programs were broadcast on the Fox News Network, CNN and MSNBC and include: "Fox & Friends," "Your World With Neil Cavuto," "Geraldo at Large," "The O'Reilly Factor," "Lou Dobbs Tonight" and various other news programs including an MSNBC Town Hall Event on Immigration that was broadcast from San Diego, California last year. He has also appeared on numerous local television programs from around the country.

Mr. Cutler appears regularly each month on talk radio programs that are broadcast from radio stations around the United States to discuss immigration-related issues. He has also participated in various public debates and panel discussions in numerous venues throughout the United States, including the Council on Foreign Relations and college campuses including Hofstra University, Columbia University, Yale Law School, Central Washington University and the

Chapman School of Law on issues involving the enforcement and administration of immigration laws.

Finally, he often participates in seminars conducted by Alan L. Freed Associates, a Washington-based speakers bureau, providing his unique perspectives on the nexus between immigration and national security.

Proponent Testimony of Dennis Lynch on HB114  
Tuesday, May 21, 2013

Good afternoon. Thank you Chairman Damschroder, Vice Chair Ruhl, Ranking Member Mallory, and members of the committee. The late Steve Jobs once said, "you can't connect the dots looking forward, you can only connect them looking backward". And so my testimony today will include a personal story that connects the dots.

On my first day of high school I met the most beautiful girl in the world. Her name is Mary. For both of us it was love at first sight. But aside from that my time in high school was a complete disaster. I was a poor student and I graduated towards the bottom of my class.

By the age of 21, I had dropped out of college on three separate occasions. I had not one credit to my name. Meanwhile, everyone around me was not only graduating, but they were landing jobs in their field of study. Including Mary, who was hired as a speech pathologist. I found myself in a pickle. I had no formal education, no job, no money and no clue about my future. All I knew is that I wanted Mary to one day be my wife. And so I ventured out to find myself a career.

Finding a job felt impossible. Nothing good was available. And so I was left applying for a warehouse position at a computer distributor. I was competing against many applicants, many of whom did not speak any English. The job description wasn't great; unloading and loading trucks, cleaning computers with Windex, moving pallets around and periodically making local deliveries. I landed the job for one reason and one reason only... I had a valid and clean drivers license. There was no risk in having me drive the company van.

After a few months I was promoted to the shipping department. A few months later I was promoted again this time to the technical bench. My job was now loading software on personal computers. Within a year of employment I finally had the money to buy Mary the engagement ring. Shortly thereafter, I felt confident that I knew everything there was to know about personal computers. And so I started my own business.

By the time I was 30 years old, not only was Mary and I married with 2 healthy children, but my business grew in such a way that I now employed 200 people across five states. I won the prestigious Ernst & Young entrepreneur of the year award. My success story was written about in the New York Times and Wall Street Journal. CNN and ABC news did segments about me. And by the time I was 3, I started another business. My partner was John Sculley, the former CEO of Apple and Pepsi before that.

My Park Avenue office was as big as the size of this room. I drove a Mercedes-Benz, I vacationed around the world and I hobnobbed with the Park Avenue elite.

But then one day, in a New York minute, I decided to walk away from the road to riches. Why? What makes a man do such a thing?

Here's the answer: 19 visa violators. 19 men who took advantage of a politically driven and broken immigration system. 19 men who lied so they can get documentation; documentation that would teach them how to fly airplanes into the World Trade Center. I was there that day. I saw 3000 of my fellow Americans vanish.

Do you know what it looks like to see a mother and a father jump out of an 80 story window and land on

the concrete? I do. It isn't pretty.

When I ran from those buildings I swore I would no longer chase money. I went home and told Mary I would pursue my lifelong dream of making movies. And so I went to film school. No surprise I only lasted a few weeks. But I had learned enough with the camera to make a first film. My first movie stars Christie Brinkley, Alec Baldwin, Billy Joel and Chevy Chase. Each day on the way to the set, I passed a protester who stood at the corner of a 7-eleven store. He held an American flag and a sign that read, "deport illegals".

Never did I take much notice until the most important day of my film career. That's when I decided to stop and talk to the protestor instead of heading straight to the theater where my movie was about to premiere. I asked him, "what are you doing here?" He pointed over to a group of 200 men standing at the other corner and said "those guys stole my job. And I ain't leaving until they do. I've been standing here for five years."

Then he said something that has stuck with me ever since. He said, "We have guys and girls dying for us over in Iraq and Afghanistan. How dare we talk about giving illegal aliens citizenship as if it comes out of a crackerjacks box?"

Later that night at the movie theater, not only was I treated like a Hollywood star, but Christie Brinkley said to me, "you're going to go far as a filmmaker." And then someone asked me what my next project was? Having no real answer, I replied, "I'm doing a film about illegal immigration." I said this despite the fact that I had no idea about the topic. My only education was the one I got at 7-Eleven earlier in the day.

For a year I traveled the country making a film about the most polarizing topic in our nation's history. Slowly but surely I started to transform from a hungry filmmaker into a very concerned citizen. And that's because what I was seeing in the streets of America didn't match at all what I was seeing on TV.

When I was done with the film I called Mary and said we're gonna win an Oscar. I thought this because I had put in American face on the issue. Boy was I clueless. Hollywood and many many people rejected the film and turned a back on me. All because my message was, "Americans first."

I had a choice. I could quietly apologize for my first film about illegal immigration. I could slide out the side door. Hopefully Hollywood would forgive me. My second option was to reject Hollywood and continue on a path of telling the truth. Well, I just finished my second movie about illegal immigration. Again I drove the country. Only this time I went to places that politicians would never go.

I've seen places along the border that men with guns don't visit. I've seen what's coming across that border and it is scary. I won't provide you details here today because I don't want you to lose sleep tonight. But believe me what you hear from DC is the furthest thing from the truth; the borders are far from secure.

Put national security aside for the moment. Try to be me in my car traveling this country. It feels like I've seen every school that is crumbling. Every store that is closing. And I feel like I have spoke with every unemployed American who stands on the unemployment line. When they learn of who I am and what I

do, they grab my hand. They beg me not to stop. They say Dennis I only have a few more days until I'm forced to live in a truck with my 12-year-old boy. They tell me they can't get jobs at fast food restaurants or in a warehouse. All because the jobs are going to people with temporary visas and to those who are here illegally.

And so here I am in front of you today. I find it sort of sad that I'm called in from New York to explain to my fellow Americans why it is that we should not hand out drivers licenses to illegal immigrants. What has happened to this country? What can we say about a nation that is more interested in taking care of illegal immigrants then its own citizens?

I stand in front of you as an American success story. I have it all. The beautiful wife from high school, healthy kids, a home, cars, a boat and money in my pocket. I get to make films. I get to be on TV. And who knows what my future holds. My opportunities seem endless. But folks, i ask you to look back and connect the dots. Look at all of it, including my ability to give hundreds of Americans jobs. None of it would have happened had I not landed that warehouse job. None of it would've happened if I did not have that one piece of paper that gave me the advantage. I'm here because I had a drivers license and the other guys didn't.

If you grant illegal immigrants the ability to have a drivers license in the state of Ohio, allow me to explain what you are about to do. You are destroying the next American success story. You are taking an already difficult situation for John Q Public to go out and get a job and you are making it near impossible. You are telling John and Jane that their American dream no longer means anything. You are stripping them the chance of being me. You're stripping them of the chance of being you. And why? For the sake of the next election? Is that fair to your fellow American?

My message today isn't anti-immigrant; it's pro American. We need to take care of Americans first. And when America is healthy again then and only then can we help our neighbors.

Rep. Lynch. Members of the community. Members of the committee. I thank you for this opportunity today. May God bless you. May God bless the state of Ohio. May God bless United States of America.

---

“Good afternoon Chairman Damschroder, Vice Chair Ruhl, Ranking Member Mallory and members of the Committee. My name is Gary Blakeman and I am pleased by the opportunity to speak on behalf of HB 114.”

Because a whole book could be written on why illegal immigration is bad for a country, the hardest part for me was trying to decide which points to make in my proponent testimony on HB 114. Finally, it occurred to me that lengthy argument was not necessary. Only one word was needed: **illegal**.

When our elected representatives are considering the merits of the legislation, they will make their decisions on whether they want to encourage or discourage illegal immigration to our state or country.

I would remind our representatives that in their considerations, they should be aware that millions of people have already come to our country illegally, and many more will attempt illegal entry. Your decision will influence whether they make Ohio their preferred destination.

Applying this understanding to the issue before us, it is imperative that we are guided by a commitment to create legislation that is in agreement with and helps to facilitate existing law. The relevant law that exists on this date, Tue. May 21, 2013, is this: **People who have come into our country by unlawful entry or who have violated the terms of their visa agreements do not have lawful status.**

I respectfully submit that those who will be considering HB 114 should not think of it in terms of reward or punishment for those who do not have lawful status, or be influenced by political opportunism. Their consideration should be based on whether this bill strengthens our resolve to remain a people who are dedicated to the rule of law. Thank you. I would be happy to answer any questions you may have.