



August 30, 2010

Ohio Department of Public Safety
Bureau of Motor Vehicles
1970 West Broad Street
P. O. Box 16520
Columbus, Ohio 43216-6520

Attn: Thomas J. Stickrath
Director

Dear Director Stickrath:

As you may know, the ACLU of Ohio is a non-profit, non-partisan membership organization that is committed to the defense and preservation of rights and liberties guaranteed under the United States Constitution. For this reason, we are concerned that the Bureau of Motor Vehicle's policy in refusing to issue driver's licenses and other forms of identification for American citizens who were born in Puerto Rico is ill-advised, discriminatory and a violation of the constitutional right of all persons to equal protection under the law.

I need not remind you that persons born in Puerto Rico are United States citizens and are entitled to the same privileges and immunities of all other U. S. citizens. For this reason the BMV policy of refusing to recognize validly issued Puerto Rican birth certificates issued prior to an arbitrary date has, predictably, placed an unnecessary, unwarranted and discriminatory burden on these United States citizens. Since this type of treatment is based solely on their place of origin it is not justified on the basis of any compelling governmental interest. It should be noted that both the United States Immigration and Custom Enforcement Services as well as the Commonwealth of Puerto Rico accepts birth certificates that predate January 1, 2010 and, consequently, it is difficult to understand why Ohio's BMV is inclined to discriminate against a minority of American citizens who, by virtue of being born in Puerto Rico, are now subjected to separate, unequal and discriminatory treatment.

Conceding that it may not have been the purpose of this policy change to discriminate against American citizens, the effect is, nonetheless, onerous for a significant portion of Ohio's citizenry. Although we cannot say with total accuracy the exact number of people that will be affected by this policy, it is clear that no other group has been subjected to similar mistreatment. Therefore, I am suggesting that you reconsider this action and take whatever action is necessary to terminate a policy that has the predictable effect of creating both a bad example as well as a discriminatory environment for American citizens.

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I would sincerely hope that after you have had an opportunity to reconsider this policy you will agree that it is discriminatory in the sense that it violates both the equal protection and full faith and credit clauses of the United States Constitution and take immediate steps to avoid its unconstitutional effects. We expect the BMV to change its current policy and honor all Puerto Rican birth certificates issued before January 1, 2010 until September 30, 2010, or until such further date that the Puerto Rican government extends their validity.

Of course, should you have any further questions or should you wish to discuss this matter in greater detail, I would appreciate it if you would contact me so that I can address any concerns that you might have. Otherwise, I trust that you will accept this letter in the spirit in which it was intended.

Sincerely yours,

James L. Hardiman
Legal Director

cc: The Honorable Ted Strickland

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