

## Unlicensed Drivers: To Drive or Not to Drive? That is the Question!

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Illegal immigrants, by their very designation, are persons who breaking the law enter a foreign country. Mexican illegal immigrants, unlike the terrorists of today, come to the United States not to harm others and advance their ignoble cause; rather, they come to help themselves and advance their noble purpose. They come here intentionally breaking one law and unintentionally breaking others. They come here because it is the land of opportunity and they are looking for opportunity for themselves and their families. When their moral compass points them in this direction their heart is telling them what they are doing is right; but, their head is telling them what they are doing is wrong. Their inner conflict between morals and laws vanishes when they recognize as the Markkulla Center authored (2003) "Being ethical is . . . not the same as following the law. The law often incorporates ethical standards to which most citizens subscribe. But laws, like feelings, can deviate from what is ethical."

In the mid-fifties my own Mexican parents, like their countrymen, immigrated to this country in search of a better standard of living. To attain that better standard of living they needed to work and to work they needed to drive. Unlike their countrymen, they did not have the dilemma of driving without a license, because they had not the dilemma of entering here illegally. Still, their uneducated and unskilled status relegated them to farming the fields; and, while they were working to feed their own, unknowingly they were feeding those of others. Their humanitarian efforts became utilitarian because by coming here they, as Sissela Bok (p. 275) expressed " . . . chose that action which . . . contributed to the greatest happiness."

As decades before and decades after, on a round-the-clock basis illegal immigrants cross the nation's borders as survivors. And no, I am not referring to them as 'those' reality show participants; because, if I were, they would be more akin to appearing on Fear Factor. From the moment they depart their homeland they do so in fear -- knowing that what they are doing and how they are going about it is legally wrong. They clandestinely cross-clothed in darkness and hidden in street cars, railroad cars, etc. But, putting the fear of being caught, of being assaulted and robbed, of dying in the desert aside, they do what is ethically right. Buddhists regard their suffering as a fundamental idea of the Dharma contained in the Four Noble Truths. In his *Beyond Morality*, Garner explains (p. 112), "The first of the four is called "The Truth of Suffering" and points to the existence and ubiquity of suffering. The suffering the Buddha is interested in occurs not because things are imperfect but because we are imperfect." All they want to do is work to provide for themselves and for their families: but, what they soon discover is that the widespread urban and rural layout obliges them to travel great distances. And so, to get from point A to point B, they need transportation.

Public transportation, when it is available, requires the very money they have come here to earn and not spend. Then there are the scheduling, drop off/pick up conflicts, etc. So, the next viable alternative is to drive themselves. To drive they need to be licensed and to be licensed they need to have a social security card. To have a social security card they need to be here legally -- which, by the way, they also need to work. Somehow employers seem to get past this. I wonder if cheap labor has anything to do with this.

Work notwithstanding, they need to drive to go about their own personal obligations, to take their kids to school and sometimes even to medical emergencies. These persons are hardly stay-at-home parents whose sole concern is driving their children to extracurricular activities such as football practice, band and ballet lessons and to regularly scheduled checkups. They do not have the wherewithal to give their own these luxuries. When their kids are not walking, they are driving them to school first then driving themselves to work next. When their color, their car, their cautious/incautious driving catches the attention of law enforcement, they are cited for, along with whatever other infraction they may have committed, the misdemeanor crime of driving without a license -- facing a fine and a potential jail commitment. Consider the concern of a boy cited in a commentary by Domingo Gomez in the *San Jose Mercury* (2003, pg.1) regarding his mother's need to drive, "She has to risk the chance of getting caught driving without a license, and that scares me a lot, because getting caught can land her in jail and up to her neck in fines, or worse."

Subsequently, as they have promised to do in signing their citation, they must appear in court to answer the charges. If they do not, they risk being arrested. Sometimes their fear of being arrested and deported on site obliges them to steer

clear of the courts. In hit and run accidents, defendants flee precisely because of their fear of being thrown into jail more than of being deported. If they do show oftentimes they do so by driving themselves – further breaking the law. Their friends and their family are off working to make their own ends meet. This delivers them another dilemma, “Do I drive to court and risk being arrested for driving or do I not show up in court and risk being arrested for not showing up or do I show up and risk being arrested for the infraction and deported for being here illegally?” For those who get past all these uncertainties next comes the certainty that because they do not speak English, they will require a court interpreter, and that’s where I with ethical dilemmas all my own enter in.

Last summer I began interning in my brother’s profession as a court interpreter. Here I witnessed that once the accused plead, they were sentenced to a fine, probation and work in lieu of jail. If they were not accepted into the work program because they did not have a social security card, they had to report to jail. If they reported to jail they ran the risk of being deported. If they did not report they ran the risk of being arrested. If they were arrested again they ran the risk of being deported. Within the sentence the judge admonished them that as a condition of probation they could not drive without a license. If they did, the following fine and jail commitment would be heftier. Still, after being wonked and warned, they walked out of court and drove away. What are they to do? What am I to do? Do I turn them in for again driving without a license? Do I turn them in for being here illegally? Should I effect a citizen’s arrest or do I just turn the other way and ignore what is taking place?

Undeniably, all this turmoil emanated from the fact that I am Mexican; my parents were immigrants; they were farmworkers; they had themselves and a family to clothe, feed and house; they were monolingual, and so on and so forth. Who was going to speak up or remain silent for them? I was torn between my allegiance to my compatriots, my country and my occupation. Then, unknowingly from the heart of ethics, I drew caring: In his *Making Ethical Decisions* Josephson (p. 13) tells us, “It is scarcely possible to be truly ethical and yet unconcerned with the welfare of others.” So I assuaged my indecision by asking myself, am I here to interpret or am I here to police? Where does my legal obligation begin and where does my ethical obligation end? I decided to put my dilemmas to rest by responding to those earlier questions, what are they to do? What am I to do? with we do what we have to do. I went about my business and I let them go about theirs. The judge laid out the terms of probation and I interpreted them. It would be up to the convicted to follow them and it would be up to police to enforce them.

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