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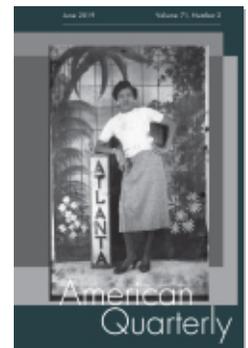
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Documents, and Transgender Studies

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Licensing Citizenship: Anti-Blackness, Identification Documents, and Transgender Studies

Cassius Adair

This is your license to drive and so
 All that it means I would have you know.
 Though it isn't printed in language plain
 It's an affidavit that you are sane
 And it also tells that your State has found
 Your faculties clear and your body sound.

—excerpt from “Driver’s License,” by Edgar A. Guest, reprinted in *Rhode Island Motor Vehicle Operator Manual* (1939)

In late January 1939 the Chicago Branch Office of the NAACP sent a protest letter to the Illinois secretary of state, Edward J. Hughes, calling for the immediate elimination of the category of race on driver’s licenses. A few months before, in July 1938, after a fierce political battle between urban and rural legislators, Illinois had adopted statewide license laws.¹ On their face, these laws made no mention of race, mandating only that a “brief description of the applicant” appear on the new paper cards. However, as soon as the law was actually implemented, would-be drivers found themselves forced to select membership in one of five racial groups: “the Indian, the Caucasian, the Mongolian, the African, [or] the Malay.”² In other words, the secretary of state’s office had interpreted the law’s vague instructions in order to do something much more specific: make Illinoisans ascribe to themselves a fixed racial identifier.³

In their coverage of the protest, the African American newspaper the *Chicago Defender* noted the NAACP’s two major rhetorical strategies. First, the organization argued that “knowledge of the race of a driver could not serve any particular purpose, except possibly to aid in discriminating.” This type of racial data collection was, at best, unnecessary government intrusion or, at worst, a technology of de facto segregation or unequitable policing. Second, the NAACP’s protest letter outright questioned race as a stable legal and epistemological data category. Positioning the secretary of state himself as the arbiter of racial data, the letter “asked if he were able to tell one [race] from another,

since it is now accepted that there are no pure racial strains.” Furthermore, because of Illinois’s regionally specific demography, which had just undergone a massive transformation after the flight of African Americans to Chicago from the US South, the multiplicity of racial choices was not viewed as a disruption of a Black–white binary. Instead, the NAACP argued that “there could not be sufficient numbers of other races in Illinois for such a separation to be of any value.” In other words, the group viewed Illinois’s “race” markers on driver’s licenses as a mechanism for enforcing an overtly anti-Black legal hierarchy.⁴

In a period when racial data collection was expanding and entrenching its legal power, the Chicago NAACP’s 1939 call to abolish racial categorization on driver’s licenses would have been a radical proposition. In truth, it is unlikely that white lawmakers, even in a northern state such as Illinois, simply “accepted that there are no pure racial strains.” Rather, the eugenic fantasy of racial purity, and the gender and sexual policing with which it is inextricably linked, was the foundational aim of the expansion of identity documents during the early twentieth century.⁵ Collecting racial data on individuals had emerged as a central technology of enforcing racial and sexual regulation. Such a project was, on one level, a continuation of a long and multifaceted project, one that spans the Naturalization Law of 1790’s definition of “white” to the Dawes Commission’s recording of “blood quantum” on tribal enrollment cards.⁶ In particular, identification papers, which had been deployed during the first wave of Chinese Exclusion in the late nineteenth century, were expanded after the Immigration Act of 1924. As Mae Ngai has argued, the act constructed a racial nationalism through which “the legal boundaries of both white and nonwhite acquired sharper definition,” a legal boundary that could be reinforced via paperwork.⁷ Identification documents also had regional and domestic applications. In Jim Crow states, those from which many of Chicago’s Black residents had recently fled, brand new forms of state documentation were being invented. For example, Virginia’s Racial Integrity Act of 1924 mandated that all infants be issued a “Registration of Birth and Color.”⁸ The state’s definition of racial purity—“a white person is one with no trace whatever of blood of another race”—was printed directly on the identification card. Even though the paper resembles a birth certificate, the document is clear that “the date of birth may be omitted if desired.” Its primary purpose is the racial categorization of Virginia’s citizens.

To Chicago’s Black residents, then, the new bureaucratic technology of the driver’s license may have seemed just as dangerous as the new vehicular technology of the motor car. Not only was this document used to record

REGISTRATION OF BIRTH AND COLOR--VIRGINIA

FULL NAME.....
[GIVEN NAME FIRST. GIVE FULL MAIDEN NAME IF MARRIED WOMAN OR WIDOW.]

PLACE OF BIRTH..... DATE..... SEX.....

NAME OF HUSBAND.....
[IF MARRIED WOMAN OR WIDOW]

FATHER
 FULL NAME.....

BIRTH PLACE..... *COLOR.....

MOTHER
 FULL MAIDEN NAME.....

BIRTH PLACE..... *COLOR.....

REMARKS:

*A white person is one with no trace whatever of blood of another race, except that one with one-sixteenth of the blood of American Indian, unmixed with other race, may be classed as white.
 The date of birth may be omitted if desired.

Form 59—3-17-24—65M.
 (OVER)

Figure 1. “Registration of Birth and Color—Virginia,” accessed via the Library of Virginia, 217 × 130 mm (200 × 200 dpi).

their race directly on the card, it was also meant to be carried on one’s person at all times *as a condition of mobility*. Whereas a “Registration of Birth and Color” could be left at home in a family Bible or dresser drawer, a driver’s license had to remain in the wallet, purse, or pocket. Some immigrants were asked to carry their papers on their person, but the Chicago NAACP was made up of citizens, not new arrivals. Perhaps most important, white surveillance and control of Black physical mobility had been one of the central tenets of enslavement and, later, of keeping Black families tied to sharecropped land.⁹ The Great Migration to Chicago and other northern cities had been powered, in part, by a transportation infrastructure that allowed some Black individuals to leave the apartheid South.¹⁰ As such, Chicago’s Black press had been generally pro-automobile and pro-licensing, calling the documents “an important forward” for public safety. Yet the use of these documents for the purposes of racial identification was, at least for these Black Chicagoans, a bridge too far.¹¹

The story of driver’s licensing in the United States, then, is not simply the story of a Progressive Era automobile safety campaign. It is also a story of how white fear of Black mobility during the Great Migration transformed how white citizens viewed identification systems. While, as discussed above, anti-Blackness is not the only operant axis of bureaucratic racial control in the early

twentieth century, centering anti-Blackness as an analytic helps explain how data collection and identity monitoring that whites had previously associated with criminalization entered into everyday use. As Siobhan Somerville shows in her reading of the case that forms the cornerstone of early twentieth-century racial jurisprudence, *Plessy v. Ferguson*, by sanctioning anti-Black segregation policies, the US asserted its refusal “to allow individuals to determine the racial status of their own bodies,” constructing “a cultural fiction of racial opposites” and “author[izing] the individual states to define and separate any bodies in question.”¹² Somerville’s analysis shows how the establishment of Black and white as racial opposites produced, in turn, homo and hetero sexualities as (supposedly) natural opposites. Furthermore, regimes of control such as “the construction and application of the law,” as Sarah Haley puts it, are sites at which the “mutually constitutive role of race and gender in constructing subject positions” becomes clear.¹³ The inscription of fixed racial markers (such as Black or colored or Negro) on documents of everyday life undergirds the presumption that male and female are vital data with legal status, markers that would obviously appear on something like a driver’s license.

In other words, in a US context, anti-Blackness can be considered the etiology of what the transgender studies scholar Dean Spade has called “administrative violence.”¹⁴ Both before and after Spade named the type of oppression that agencies’ interpretation of seemingly gender-neutral law can produce for trans people, transgender studies has accounted for the racial formations that are coextensive with contemporary identification systems, especially those that emerged after 9/11.¹⁵ However, the emergence of the driver’s license in the early twentieth century helps explain the centrality of state anti-Blackness to the evolution of racial and gender identification as normative state practices, practices that prevent transgender people from sleeping in shelters, opening bank accounts, receiving appropriate medical care, or registering to vote. As the Chicago NAACP understood in 1939, racial and gendered data collection on identification documents is not an inherent aspect of regulating individual driver safety but a technique that expands states’ capacity to determine which types of people are permitted to move through public space. Framing transgender responses to sex markers on licenses and state identification this way helps align transgender activism, and transgender studies, with a more intersectional and historically grounded critique of state racism.¹⁶

As such, I contend that the story of administrative violence, although primarily used by white trans scholars to describe the methods by which trans subjects are excluded from public space, must begin with the story of anti-Black regulation of domestic mobility. While it is certainly the case that sex, too, was

and is a regulated category on licenses, gendered appeals to bodily fitness and mental capacity are always intertwined with racial anxiety. The administrative burden faced by trans individuals who wish to change their gender markers on legal documents, then, or against trans individuals who are unwilling or unable to change theirs, is best understood as an epiphenomenon of a type of gendered racial surveillance, one that began with slavery and became instantiated in quotidian bureaucratic technology during the early twentieth century. I engage what Treva Ellison, Kai M. Green, Matt Richardson, and C. Riley Snorton call “a series of questions about repressed genealogies that might come into view through a more sustained engagement with blackness,” genealogies that are not newly discovered but, rather, historically suppressed. At issue is what the aforementioned scholars call the “matter of blackness,” specifically the impulse to police Black mobility that powered administrative processes now read as *trans*-exclusionary.¹⁷

The present essay, like its subject matter, is in motion. During the early twentieth century, driver’s licenses were part of a trend toward codifying vital data as categories of personhood. However, because driver’s licenses are administered at the state, rather than federal, level, the period during which these documents emerged, the mechanisms by which they were passed, and the public discourse surrounding their implementation are regionally specific. The earliest state license laws passed in 1903, and for the next decade were found almost exclusively in progressive, rapidly urbanizing New England. It took more than thirty years for licenses to expand to the South and parts of the upper Midwest.¹⁸ In the intervening years, the public discourse around licensing changed, as did the demography of the nation. In particular, the northward migration of African Americans affected license legislation in both the states they were fleeing and the states to which they fled. Therefore I tell this national story through the frame of particular cities—Chicago, New York, Atlanta—which each exhibit their own regional forms of anti-Blackness during the early twentieth century.

Having opened with a moment of urban Black protest against the collection of racial data on licenses, I next move back to a historical period, roughly 1910 through 1930, when rural white drivers were the main anti-license advocates. In doing so, I show how driver’s licenses were initially perceived as documents of policing and surveillance, not yet privilege and pride, and how eugenic notions of fitness and public safety helped change that perception. Next, I move to the “New South” metropolis of Atlanta, which during the emergence of the motor car was also instituting the *de jure* segregation of its public spaces. In this section, I show how progressive white Atlantans merged the northern

Commonwealth of Massachusetts

Massachusetts Highway Commission
20 PEMBERTON SQUARE, BOSTON

MASSACHUSETTS AUTOMOBILE REGISTER. OPERATOR'S LICENSE No. **5729**

This Certifies that Peter Smith, residing at No. 3
Yarmouth Street, Lynn, Mass., has this day been licensed
to operate an automobile or motor cycle in accordance with the provisions of chapter 473 of the Acts of 1903.

Description of Person Licensed.

Date of birth, June 12, 1876; Sex, male; Height, 5 ft., 8 inches;
Weight, 176 lbs.; Color of hair, Brown; Color of eyes, Blue

Date June 21, 1904.

Countersigned: A. Bletcher Secretary. W. E. Mc Clement
Harold Barker
John H. Manning

Not valid unless countersigned.

Massachusetts Highway Commission.

Figure 2.

Reproduction of a Massachusetts driver's license from 1904, Automobile Department, "Information Related to the Registration of Automobiles and Motor Cycles, And Licenses to Operate" (Boston: Wright and Potter's Printing Co., State Printers, 1905), 365 × 223 mm (200 × 200 dpi).

discourses of public safety with southern Jim Crow sociality, constructing the figure of a violent and inept (and implicitly male) "negro driver" whose mobility must be controlled. Finally, I accelerate into the contemporary period and return to Michigan, the state

that perhaps most exemplifies the power and pitfalls of automobility culture. There, I show how local immigration-support, antiracist, and pro-transgender groups have worked together to decouple the links between identification and mobility, identity verification and racialization, and gender verification and ID documents. In the face of the hypersecuritization of the driver's license as a post-9/11 universal surveillance system, the Washtenaw ID Project (and programs like it) offer coalitional interventions.

Before setting off, however, a methodological note. While the policymaking actions of federal departments are well-documented, state records of administrative rule-making are much more sparse. Local press, then, has proved to be a much more reliable resource for understanding the social debates around licensing than state legislative archives, even though newspapers were often split by race and political affiliation. Further complicating the source material for this study, early licenses were meant to be ephemeral documents. Unlike today's electronically enhanced plastic cards, for much of the twentieth cen-

ture licenses expired each year and were printed on flimsy cardstock paper. When preserved at all in archives, they tend to be attached to a particularly prominent individual, rather than held as distinct documents of automotive or legal history.¹⁹ For this reason, much of my understanding of how the data on licenses differed from what was required by law comes from examining discrete examples of licenses, including those for sale as “antiques” on the online auction site eBay. These appear with no particular regional or temporal pattern, and so short-lived administrative changes on licenses are more likely to escape my analysis. As such, I pay significant attention to how popular discourse—such as the strange poem by Edgar Guest that appears above as the epigraph—affected the adoption of racialized and gendered licenses and aided their transformation into affirmative documents. Whenever possible, I have also integrated specific text from statutory law, archival examples of license applications, and visual examples from licenses themselves and related documents.

Ultimately, driver’s licenses are a key site through which techniques of racial subjection—personal data collection, racial and sexual categorization, and mobility surveillance—became rearticulated as privileges of white and male citizenship over the first four decades of the twentieth century. In 1910 white male citizens could reasonably argue that licenses were overly invasive. By 1939, however, the sons of those citizens were discussing licenses in glowing terms: as a rite of passage into adulthood, as permission to freely explore the open road, and, as Guest’s poem puts it, as a state affirmation of one’s bodily fitness. Licenses came to mark one’s entrance into what Cotton Seiler has called the “republic of drivers” in the United States, a group of citizens who could participate in both the “mode of movement” and “broader array of signs, institution, objects, practices, and feelings” that marked twentieth-century automobility.²⁰ With the expansion of licenses as federally regulated documents after 9/11 and the passage of racially coded “voter ID” laws in over thirty states since 2006, licenses have now become overdetermined icons of national belonging, a belonging from which many trans people, people with disabilities, immigrants, and people of color are excluded.²¹ This essay is, in part, the story of how that transformation occurred.

“Your State Has Found / Your Faculties Clear and Your Body Sound”: Licensing, Public Safety, and the Eugenic Imagination

White male drivers were once the loudest anti-license advocates. In 1910, only two years after the Model T was released, New York moved to mandate the documents. Although voluntary licensing was already occurring in New

York City, passing a statewide license law was controversial. The upstate New York newspaper *Rochester Democrat and Chronicle* published an op-ed that argued vigorously against the proposed legislation. In addition to being used to “discriminate against self-propelled vehicles in favor of vehicles of other types” (car drivers were forced to pay a fee, for example, whereas riding one’s mule was free), the *Democrat and Chronicle* saw the mandate to “carry an identification bearing [one’s] photograph” as akin to “putting [car] owners in a ‘rogues’ gallery.’”²²

The *Democrat and Chronicle’s* link between criminalization and licensing was well-founded. During the late nineteenth and early twentieth centuries, new surveillance technologies such as mugshots, fingerprints, and police information bureaus emerged in urban centers.²³ Licenses especially resembled Bertillon cards, the French-designed photographic card system of suspected criminals that was adopted by New York City police after immigration spiked during the 1900s and 1910s.



Figure 3.
Profile and frontal photograph, Bertillon card of May Walker, New York City, 1910, New York Municipal Archives, Public Domain.

Bertillon Measurements			
Height	1.50	Head Length	17.0
		L. Foot	23.3
Outer Arm	1.62	Head Width	14.5
		Mid. F.	11.0
Trunk	81	Len.	8.7
		L.R. F.	8.2
		Fore A.	42.0
Name <u>May Walker</u>			
Alias			
Crime <u>General Thief</u>			
Age	29	Height	5 Ft. 1 1/2 In.
Weight	136	Build	
Hair	Black	Eyes	Med
Comp.	Dark	Moustache	Black
Born <u>Harristown, N. J.</u>			
Occupation <u>Domestic</u>			
Date of Arrest <u>St. Stephen S. 1910</u>			
Officer <u>Kennelmark Det. Sup.</u>			
Remarks			

Figure 4.
“Bertillon Measurements,” Bertillon card of May Walker, New York City, 1910, New York Municipal Archives, Public Domain.



Figure 5.
New York State driver's license, 1910, 58 × 42 mm
(200 × 200 dpi).

Thus, in 1910, documents that collected vital data, photographs, and addresses would not have signified proper citizenship or lawfulness.²⁴ In the context of mobility documents in particular, photographs marked a racialized and gendered type of lawbreaking. As Shawn Michelle Smith argues, photograph-equipped identification documents stabilized the “indeterminacy” of Blackness in an era of “one-drop” statutes.²⁵ Furthermore, according to Anna Pegler-Gordon, the photographs were used to document Chinese women who were suspected of “prostitution” in the United States.²⁶ The offense felt by *Democrat and Chronicle* op-ed writers was in no small part due to the association between photographs, identification, and racialized and gendered criminality.

Proponents of licenses, however, were not sympathetic to upstate New Yorkers' concerns. The editors of the *New York Times* countered the *Rochester Democrat and Chronicle's* association between licensing and criminalization, pointing out that

officials of the Police Department of this city would testify that a large number of automobile owners have already voluntarily provided themselves with identification cards containing their photographs, certifying to the police that they are responsible and respectable citizens, who need not be arrested in order to assure their appearance at the Magistrate's court to answer charges of infringement of this city's ordinances. Copies of these photographs are on file with the police. They are not considered as constituting a “rogues' gallery”—quite the contrary.²⁷

While opponents of licenses argue that to be licensed is to be treated as a criminal, proponents of licenses countered that their own willingness to submit to licensing was in fact proof of their *non*-criminality. The opposite of the rogue in the gallery, for these license supporters, is the “responsible and respectable citizen” who openly gives the police an identification document. To proponents, a driver’s self-identification was a kind of social collateral against arrest. While the debate over whether to mandate the document wore on for more than a decade, the proponents’ logic was eventually persuasive: the state of New York forced all drivers to be licensed by 1924, making it a relatively early adopter of comprehensive statewide license legislation.²⁸ As the *New York Times* editorial board had hoped, the license had begun to take on affirmative meaning among its key constituency: white men.

Indeed, in 1910, the year of the *Rochester Democrat and Chronicle’s* complaint, “color” appears on New York City driver’s licenses. In including race markers, New York (and, shortly thereafter, its neighbor New Jersey) made a choice that less populous New England states, such as Rhode Island and Massachusetts, had not. Perhaps because New York and New Jersey exemplified urban environments during the early twentieth century, states across the country looked to their automotive policies as models; South Dakota’s state planning board, for example, circulated New Jersey’s racially marked application and sample documents to lawmakers whom they hoped to persuade to vote for licenses.²⁹

While sex markers appear on licenses as soon as the documents start to include identifying data, race markers trace their origins to the moment when New York State was designing its licenses to look like criminal identification documents, and safety-minded groups were persuading white male citizens that they should carry them as a mark of respectability and belonging. During the early twentieth century, color became a normative data point on licenses. New York did not remove the marker until after World War II.³⁰

The introduction of race markers on licenses, even in states where other transportation modes were not segregated, reflects how the ability to drive was framed as a group attribute. The rhetoric of driver safety itself, as Jeremy Packer shows, was part of a eugenics crusade to create a “new race” of human beings who could operate these machines. Motor advocates across the region imagined a world in which “not only will people with certain physical incapacities not be allowed to drive, but also persons who lack judgment and a social conscience.”³¹ Such persons were marked by race and gender. As Daniel M. Albert argues, “Prevalence of hereditarian ‘science’ in the early years of mass automobility led to the identification of certain *groups* as unsafe to drive.”³² License examina-

AUTO DRIVER'S LICENSE

This License Expires December 31, 1936

Issued to _____
 Street Address _____
 City or Town _____

DESCRIPTION OF LICENSEE

Age _____ Weight _____ Color _____ Color Hair _____
 Sex _____ Color Eyes _____ Height _____ Fee \$3.00

Signature of Licensee _____
 This certificate must be carried by the Licensee.

also is required to be signed by the licensee immediately u
 e same and no license is valid until it is so signed. The
 onse is generally valid for a term of from one to three ye

Figure 6. "Example of a driver's license," reproduced by the South Dakota State Planning Board, Brookings, South Dakota, 1937, from "Motor Accidents and Survey of Drivers License Laws: A Preliminary Report," Research Library, Works Progress Administration, 414 x 310 mm (200 x 200 dpi).

(Name) _____

(Street) _____

(City or Town) _____

Personal Description

Age	Color	Sex	Height	Weight	Color Hair	Color Eyes

After you have finished, take this paper together with permit and application card to the rating table.
 DO NOT WRITE ON APPLICATION CARD

-29-

Figure 7. "Personal Description," State of New Jersey Driver's License Application, from "Motor Accidents and Survey of Drivers License Laws: A Preliminary Report," Research Library, Works Progress Administration, 162 x 63mm (200 x 200 dpi).

tions were imagined as points at which those groups might be identified and barred from the practice. New York's licensing laws, unlike many other states at the time, already required individuals to pass a behind-the-wheel driving test. However, for many, that practical examination did not go far enough. One writer railed to the *New York Times* that "so long as States license the mature and immature of both sexes to drive dirigible locomotives in public highways, regardless of their mental fitness for the task," accidents will occur. This writer proposes that, rather than impose speed limit laws, states should "license none that cannot first pass a severe examination to determine the degree of intelligence he is capable of using."³³ Likewise, in 1924 the *Washington Post* published an article titled "Scientific Tests Prove Men Best Auto Pilots," arguing that a "close call in a car . . . completely unnerves a woman for the rest of the trip." According to the *Post*, a Professor Fred A. Moss recommended four additional tests be added to the driver's licensing system: first, "to determine that the applicant has normal arms, legs, and feet, and at least one good eye"; second, "a test of hearing"; third, "a test of general intelligence"; and fourth, "regarded as the most important of all," something called "emotional efficiency." Indeed, Moss, in his desire to prove women's emotional instability, went so far as to build a device that replicated the driver's seat of a car, and to expose subjects to simulated roadway dangers.³⁴ In 1929 Moss would be named secretary of Herbert Hoover's Committee on the Causes of Accidents.³⁵

In popular culture and in the scientific community, ableist and gendered notions of unfitnes were underwritten by anti-Black tropes. The unfit driver was frequently figured as a Black man. For example, in 1925, only a year after driver's licenses were introduced, Charles A. Harnett, the commissioner of motor vehicles in New York State, published an op-ed in the *Times* proposing to "limit [the] driving license to the physically fit." As a central claim in his argument, Harnett described an altercation between "Jack Johnson, negro, former heavyweight champion" who was "fired upon . . . by a Gary policeman" after being accused of speeding. To Harnett, Johnson's encounter does not exemplify police brutality but "an excellent example of reckless driving." Perhaps to rebut the assumption that racism was behind his use of a famous Black athlete as the only specific data point in an article that called for increased regulation and criminalization of drivers, Harnett made sure to point out that "there are thousands of white people guilty of the same offense."³⁶ (Presumably, the guilty white drivers of Gary, Indiana, were not shot at by police, and thus the incidents failed to become national news.)

By the time licenses became a mainstream document across the North, the idea that driver's licenses could help rein in Black drivers was circulating na-

tionally. As Kathleen Franz has shown, press coverage represented Black drivers as “primitive or non-technological,” consolidating the “reckless negro driver” as racist folklore. As early as 1920, the *Saturday Evening Post* had published an illustrated short story in which a “bumbling Sambo figure . . . damaged property and endangered the lives of pedestrians.”³⁷ Cotten Seiler’s *Republic of Drivers* shows how national trade journals framed “illiterate, immigrant, Negro and other families” as the types of persons who should not be sold cars. In an extreme example, as detailed by Daniel M. Albert, psychologists in Detroit between 1936 and 1965 were commissioned to issue IQ tests to drivers who were deemed potentially dangerous. Over 60 percent of the African American drivers were given labels such as “feeble-minded” or “primitive,” which resulted in a recommendation to revoke their licenses.³⁸ If, as in the epigraph’s rhyme, the driver’s license was proof that “the state had found / your faculties clear and your body sound,” examining and licensing regimes were likely to find Black drivers neither clear nor sound.

License advocates did not invent identification papers, or racist intelligence testing schemes, or the pseudo-scientific techniques of early twentieth-century race science and criminology. But they did see driver’s licenses as opportunities to expand these racist goals. As Albert has argued, “Just as intelligence testing had been used to argue for racial and ethnic immigration quotas, traffic psychologists tested for intelligence and an attitude properly adjusted to the motor age.”³⁹ Such supposedly race-neutral, actually white-supremacist systems were crucial to maintaining the racial order precisely because early licensing spreads those identification systems to civilian, native-born, white men who were not accused of crimes.⁴⁰ As such, new understandings of identification needed constructing: identification could no longer be purely racialized or purely punitive. Licenses needed to signal a new type of relationship with the modern administrative state. Over the first decades of the twentieth century, reformers reframed driver’s licenses as “a privilege granted by the State,” rather than a “rogues’ gallery.”⁴¹ As such, insufficient minds and bodies—those of Black people and women—had to be framed as unworthy of licensure.

“It’s an Affidavit That You Are Sane”: The “Reckless Driver” and Black Mobility in the Jim Crow South

In the North, the rhetoric of eugenic science and public safety helped white men grow comfortable with the driver’s license. Driver’s license laws spread swiftly during the first two decades of the twentieth century, many including examination requirements.⁴² However, even into the 1930s, licenses remained

controversial in the South. In Georgia, the debate was decades long. White progressive Atlantans, like their northern counterparts, promoted fitness and public safety. A 1920 *Atlanta Constitution* article noted that Georgia had the second-highest rate of “excessive number of [automobile] fatalities in proportion to population,” and admonished the state’s poor ranking in economic, as well as humanitarian, terms: “We are needlessly wasting human life on our streets—precious human life that we cannot afford to waste!” Throughout the 1920s and 1930s, southern white social institutions like automobile clubs, public safety organizations, and women’s groups campaigned that driver’s licenses were the needed remedy for “Atlanta’s Bad Record.”⁴³ Nevertheless, white rural Georgians blocked the legislation, arguing that licenses were merely taxation.⁴⁴ For three decades, this argument was enough to keep licenses constrained to a few municipal ordinances.⁴⁵

In 1933, however, a spectacularized automobile accident helped shift the debate in favor of license advocates. On February 26, 1933, Atlanta fire chief John Terrell had been struck and killed by a driver named Garfield Towers. According to the *Atlanta Constitution*, Towers’s car slammed into the side of Terrell’s truck as the chief raced out of the firehouse on a call.⁴⁶ Towers, who census records indicate had served time in prison before the accident, was charged with murder, despite the fact that no evidence existed to suggest that he had intended to harm Terrell or even that he was breaking any roadway rules.⁴⁷ Towers was held without bond and disappears from the papers after that; his fate is unclear. But the fact that he, a Black driver, collided with Chief Terrell, a prominent white citizen, spurred a renewed push toward licensing that eventually led to the passage of a statewide document in 1937.

The press coverage of the auto accident was as much about the politics of licensing and race as the death of the driver. The *Atlanta Constitution*’s headline declared “Driver’s License War Is Renewed.” Two days after his friend John Terrell was struck, Atlanta city councilman Raymond Curtis stood before the full council to ask for “authority to force all drivers of vehicles to pass driving examinations and to procure driver’s licenses.” The measure, he hoped, would “force those unable to safely and properly operate machines to learn to drive.” Curtis also stuck in a fiscal appeal, arguing that “depleted city revenue could be boosted through a licensing system.” None of Curtis’s words directly invoked the race of the other driver; the press did it for him. Identified only as “Garfield Towers, negro,” race was also the subject of the article’s subheading: “Negro Charged with Murder.” While reckless driving could merit a wide range of penalties, from small fines to incarceration, the incidents in which Black and white drivers collided were given more column space in the papers,

and heavier penalties.⁴⁸ Even still, that Towers was “bound over on charges of murder and held without bond” reads as an extraordinary punishment for what was almost certainly an involuntary action, so much so that the charges almost certainly reflect Towers’s racial status.

The spectacular death of a prominent city official, framed as not merely an accident but as *murder*, reminded white readers to view Black mobility as fundamentally dangerous and in need of regulation. The licensing “war” was back on. Popular representations of Black drivers in particular as criminal and reckless, combined with high-profile coverage of auto crashes between Black and white drivers, helped wear down rural resistance. Furthermore, anxiety about Black automobility in the South was exacerbated by the exodus of what would come to be called the Great Migration, and by the constraints on movement inherent to Jim Crow segregation; driving had disturbed the South’s status quo of separate streetcars. In the South, then, the nationally circulating trope of the reckless Black male driver had an even more specific regional meaning. White southerners preferred to integrate automobility into their existing schema of racial hierarchy and mobility, even when doing so created absurd or even deadly roadway scenarios. In doing so, whites constructed both legal and extralegal frameworks through which virtually any Black automobility could be criminal. For example, Neil McMillen writes that “early in the automobile age white opinion and the local constabulary in some communities arbitrarily denied black motorists access to the public streets. Many towns informally restricted parking to whites on principal thoroughfares; for a time following World War I. . . all or parts of many . . . communities were known to be open only to white motor traffic.”⁴⁹ Even when white and Black drivers did share roads, white southerners did not necessarily follow standard rules, choosing instead to import to the roadway the norms of Jim Crow pedestrian life. As Hortense Powdermaker’s 1939 anthropological study of “Cottonville” (Indianola), Mississippi, exposed, just as Black men and women were expected to step off the sidewalk when a white individual approached them, Black drivers were always to heed way to white ones, allowing themselves to be passed on the roadway or even rammed with no legal penalty.⁵⁰ McMillen reports that, “in the Delta, custom forbade black drivers to overtake vehicles driven by whites on unpaved roads. ‘Its [sic] against the law for a Negro to pass a white man,’ a black Holmes Countian reported in 1940, ‘because the black man might stir up dust that would get on the white folks.’”⁵¹ As Powdermaker explains, “Courtesies of the road are among those withheld. Negroes in Cottonville are very cautious drivers, and they have need to be, since white drivers customarily ignore the amenities toward a car driven by a colored person. . . . It is simply

assumed that the Negro will proceed with caution, keep to the side of the road, and not count on the right of way. The assumption is sound, since if there is an accident the Negro as a rule shoulders the penalty."⁵² Even in instances where fault was obvious according to driving convention or common sense, white drivers took pains to pin the blame on Black ones.

Even as southern Black drivers may have been extraordinarily cautious, Black drivers were almost inevitably portrayed as traffic perpetrators. Southern white publics would have read countless stories, or heard countless rumors, about reckless, aggressive, foolish, and ignorant Black drivers and their contributions to Georgia's high automobile death toll. For Georgians who followed the newspapers, the trope of reckless Black drivers proliferated via local coverage for at least a decade before Chief Terrell's tragic collision with Towers. For example, in 1924, an article in the *Atlanta Constitution* listed the names and offenses of an "unusually large number of cases" involving traffic ordinance violations, including descriptions highlighting some particularly egregious cases.⁵³ Each long description is of "a negro" harming a white person, receiving fines that would be equivalent today to over a thousand dollars. Press accounts like these primed white Georgians to see their Black neighbors as part of a class of bad drivers, the very types of people whom license and examination legislation could keep off the roads.

The conceit of "black recklessness" conceals, however, the fact that Black mobility was upending the early twentieth-century southern economy. Black drivers represented Black workers who were not as physically tied to sharecropped land, and who could therefore take their labor to new farms looking for better treatment. They could even leave for a northern city.⁵⁴ McMillen describes the Great Migration as a "race-conscious diaspora" that was "an instrument both of protest for a politically impotent and economically dependent people and of social leverage for those blacks who remained behind."⁵⁵ For decades, mob violence and legal strictures in the South regulated Black mobility by opposing "vagrancy, contract labor, [and] emigrant agents" both during slavery and after Reconstruction.⁵⁶ Taxation and other economic penalties were leveled against those who would "entice" Black laborers to move away, either from one plantation tenancy to another or from the South to the North. In a world where "no facet of plantation life commanded more attention than the need for a stable work force," picking up and leaving was Black southerners' strongest weapon to control the terms of their own labor.⁵⁷ In the Black South, then, driving signified another kind of freedom: the capacity to seek refuge elsewhere. The economic symbolism of the automobile was so powerful that the WPA photographer Dorothea Lange shot stills of Black Mississippians

crammed into a 1930s pickup truck, setting off on a dangerous search for better wages or fairer treatment.⁵⁸

Licensing is not only a means by which the state permits some “fit” bodies to move through space; it is also the means by which states determine who must stay put or risk criminal consequences for unauthorized movement. In the South, licensing was both a progressive reform movement oriented around safety and public health, one that emphasized the importance of curtailing bad driving behavior and preserving the (white) lives of those considered innocent, *and* a Great Migration-era technology of regaining control of Black life and labor in an era when interstate movement was economically empowering African Americans. These dual functions—identification and permission—helps explain why driver’s licenses were not simply barred for Black drivers, or made functionally impossible via similar bureaucratic machinations that made another administrative process, voter registration, a site of struggle. Pauli Murray, a pioneering legal advocate (and gender-nonconforming Black lawyer), devoted many columns in her 1950 compendium *States’ Laws on Race and Color* to segregation on public transit, but notes no such laws for motor vehicles.⁵⁹ With licensing, states are able to build registries, sortable by race and gender, to consolidate identity markers of citizens who wish to enter public spaces, while determining which bodies are deemed fit for transit.

When Jim Crow states like Georgia considered driver’s license legislation, then, they inevitably were not just identifying an individual’s body but also consolidating racial, gender, and ability categories into population-level typologies and hierarchies. Licenses might have forced Garfield Towers to take an examination before getting in his car or might have permitted the state to remove his ability to drive after he crashed it. But in addition, licensing extended a centuries-old desire to control the racial and gendered construction of captive and postslavery Black subjects. As C. Riley Snorton puts it, drawing on Hortense Spillers, the “fungibility” and “fugitivity” of Blackness and Black genders can be figured as outcomes of “the violent process by which . . . persons would find primary legal expression as property.” At the same time, Snorton argues that racial and gender “fungibility became a critical practice-cum-performance for blacks in the antebellum period,” a phenomenon that illustrates the extent to which “the ungendering of blackness is also the context for imagining gender and subject to rearrangement.”⁶⁰ In other words, understanding the US South as a society founded on both physical captivity and bodily surveillance helps clarify why the technology of the driver’s license offered states attractive possibilities for anti-Black mobility constraint and racial-gendered identification. If Black subjects leveraged supposed racial-

gender mutability as a “mode of escape, of wander, of flight” within and after enslavement, licenses allowed states to manage both Black transit and the conditions of unidentifiability that enabled it.

However, white supremacy operates in complex and often contradictory ways. The successful transformation of the driver’s license from a document that indexed criminalization into one that conveyed affirmative citizenship also took place in the South. If submitting to racially marked licensing and examination systems had been one form of racialized subjection, it no longer had the same effect once the driver’s license came to signify normativity, maturity, belonging, and freedom. As such, a few years after licensing became the law of the land in Georgia in 1937, a new popular discourse emerged. Suddenly, the Black male driver was no longer a vicious threat that needed to be controlled via documentation. Instead, he was hapless, illiterate, bumbling—in other words, too foolish to pass the driver’s test. An entire genre of (almost certainly fictional) stories about Black license applicants circulated through the South on the wire services, appearing alongside actual news items in the *Atlanta Constitution*. In one such clip, an examiner in Virginia is reported to have asked an “elderly negro” what the colors on the traffic signal mean. The man correctly answers two out of the three questions, but is stumped when asked about an “amber light” (what is now called a yellow light). After pondering the question, he answers “amberlance.” Presumably, he means that a yellow light signals an approaching ambulance. The clip ends here, as if on a punch line. The reader must assume that the applicant did not earn his license.⁶¹ In the popular imagination, the driver’s license had become a mark of citizenship, and the licensing exam had become another literacy test.

In the South, then, as in the North, licenses underwent a transformation from an attempt to identify and manage mobile populations to a marker of citizenship and fitness. In both regions, racial categorization on driver’s licenses perpetuated the progressive-eugenics goals of determining capacity to drive and policing such fitness through racial, gendered, and ableist frameworks. However, the Jim Crow South also understood automobility as a threat to the Black captivity that had powered white economic and social dominance. As such, white popular and political discourse positioned Black male drivers as violent and hypermobile when advocating for the passage of licensing, and as foolish and immobile when consolidating licensing as a white privilege. For Black people, especially Black southern men, the license was never just an “affidavit that you are sane.” It was also a testament to white state power.

“Though It Isn’t Printed in Language Plain”: Contesting Race and Gender Markers

Licensing’s complex meanings may explain why the Chicago NAACP’s 1939 protest against racial markers was not a success. Neither the archives of the Chicago NAACP nor the state of Illinois reveals dialogue between the two groups about racial data collection on licenses. Perhaps this is because 1937–39 were turbulent years for the Chicago branch.⁶² Still, the branch managed to take on issues large and small during this period: from complaints against the federal government for anti-Black discrimination at WPA sites to ordering a cease-and-desist against a small business owner who unlawfully branded his hand-rolled cigars with “N.A.A.C.P.”⁶³ Perhaps, the organization decided that “race” as a piece of identification data was simply too ingrained in state practice, and its energies were better served in doing battle with the Roosevelt administration over discrimination in meatpacking plants. Or perhaps the Illinois secretary of state simply dismissed the complaint. After all, the state considered race a neutral piece of descriptive data, a truth claim that was as objective as age, height, or sex.

Instead of being deleted through protest, the notation *race* quietly disappeared from most US driver’s licenses at some point in the mid-twentieth century. Even the basic timeline of this removal is obscure, as if state agencies do not wish to admit that they ever collected this data.⁶⁴ A representative from the organization that governs Department of Motor Vehicles employees provided information that does not comport with the archival evidence.⁶⁵ Complicating matters further, North Carolina’s licenses retain race as an optional category; the word *race* still appears on the document.⁶⁶

However, the NAACP’s protest provides some guidance as to how such a silent erasure could occur. As the Chicago branch noted, there is no law that mandated that the Illinois secretary of state start collecting racial data on licenses in early 1939. Racial data collection was, then, simply an interpretation of a rule, a policy that could be made and unmade with a stroke of a secretary of state’s pen. No legislative floor vote had to be won in order to discontinue the practice of asking Chicago’s Black residents to declare themselves a licensed African (or Malay or Mongolian). Regardless, such erasure does not necessarily signify an act of official antiracism. Instead, following Jodi Melamed, the removal of race on (most) licenses might also be read as symptomatic of a larger shift: the assertion of a performative “liberal multiculturalism” that managed, rather than ameliorated, racial wounds.⁶⁷



Figure 8. Race left blank, North Carolina Sample Drivers' License, from North Carolina Department of Motor Vehicles, 100 × 61mm (200 × 200 dpi).

By contrast, sex was sometimes encoded by law as a vital datum in early license legislation, and it universally is today.⁶⁸ As early as 1940, newspaper accounts record instances in which sex on driver's licenses was a way that gender-nonconforming individuals were accused of fraud.⁶⁹ Furthermore, since the passage of the 2005 Real ID Act, federal mandate now undergirds the laws governing sex markers. Any state that had not marked *sex* on licenses now must, or residents will lose the ability to use their driver's licenses as identification at federally administered sites.⁷⁰ Thus trans activists who want to abolish sex markers not only must convince state legislators to take a risky vote to modify their own statutes but also must modify or repeal sections of a federal law passed under the auspices of protecting the US from racialized "terror."⁷¹ As of 2018, it is difficult to imagine the legislative and executive branch of the United States approving any such legislation. Whereas in the twentieth century, racial anxieties about too-mobile African Americans spurred states to enforce racial categorization and identification systems, in the twenty-first century racial anxieties about gender-nonconforming "terrorists" have been leveraged to solidify sex. Those forms of administrative violence, while their roots are in anti-Blackness, have expanded and multiplied.

As such, transgender activists today face the fact that sex must be attached to the most everyday identification document used in the United States.

Consequently, they make tactical choices. In Michigan, for example, the secretary of state's office abruptly initiated a new policy in 2012, declaring that Michiganders needed to amend their birth certificate—a lengthy, expensive, and (in some states) impossible process—before changing their sex marker.⁷² Needless to say, trans people were unlikely to win an abolition of sex markers. Instead, trans plaintiffs won a rule change: the ability to modify sex with only a doctor's letter. In other states, most recently (at the time of this writing) Massachusetts, they have worked around the Real ID Act's requirement to record sex by convincing state legislatures to construct new type of sex marker, an *X*. Affixed to licenses in place of an *F* or an *M*, *X* has not yet been in circulation long enough to examine its effect on trans and nonbinary identity formation. However, tracing a longer genealogy of race and sex markers on licenses makes it clear that such designations do not carry with them solely affirmative recognition. It is reasonable to be cautious when the state has a role in constructing *additional* legal sex designations.⁷³ Like Guest's poem at the beginning of this essay suggests, the language of sex on licenses is anything but plain.

However, there are other tactics, originating in community organizations, which intervene in the relationship between state data collection, identity consolidation, and the right to move. In many local communities, transgender people, undocumented people, poor people, and other marginalized people have adopted an intersectional identification politics. In Michigan's Washtenaw County, as in (for example) New York City, Greensboro (NC), Iowa City, and New Haven (CT), coalitions of churches, nonprofits, and activist organizations have created community ID cards.⁷⁴ Like driver's licenses, these cards are wallet-sized, include a photograph of the owner, and bear identifying information. However, these are not licenses. Users do not have to be US citizens to acquire one. They do not have to pass any sort of physical examination. And, due to the influence of local transgender activists, these municipal documents do not include sex markers of any kind.

Documents like the Washtenaw County ID disrupt the state ID's near monopoly on everyday functions in public space. Through consent agreements with public and private institutions, license holders can open bank accounts, buy a six-pack of beer, pick up a prescription, reserve a hotel room, and collect their children from daycare or school. Because state identification documents are often required to board a train or interstate bus, municipal IDs also expand users' mobility options. Furthermore, activists have pushed through local ordinances that require city and county police to accept the Washtenaw County ID as a form of identification during stops.⁷⁵ When some community members worried that the document would become a special ID that marked

undocumented and trans status, and therefore would necessarily “out” users to law enforcement, coalition partners made direct appeals to white, documented, cisgender residents to acquire and use the identification as well.⁷⁶

By building an identification system without sex markers, community ID programs are demonstrating that these markers, like race markers, are superfluous. But they are also doing something more: performatively decoupling identification from citizenship. Driver’s licenses were technologies that leveraged anti-Black sentiment and technologies of capture in order to fuse racial subjection, sex normativity, mobility, and belonging. Community IDs, by refusing to regulate race or sex, by refusing to verify citizenship paperwork, by demanding that local transportation include everyone, enact a utopian vision of free movement. Ironically, by inventing a new identification system, community IDs limit the capacity of states to leverage identification documents as means of subjection.

Because US administrative violence is rooted in anti-Blackness, it is not a surprise that multiracial groups of activists now find themselves contending against state systems that mirror those which the Chicago NAACP resisted in 1939. Indeed, race and sex categorization, even when adjudicated via slightly different legal mechanisms, have both been sites through which states attempt to constrain what Snorton calls “black gender as an infinite set of proliferative, constantly revisable reiterations figured ‘outside’ of gender’s established and establishing symbolic order.”⁷⁷ Reading the history of driver’s licenses through the lens of anti-Blackness does not just produce a more precise understanding of how automobility and identification regulation operated during the early twentieth century. It also brings trans critiques of administrative violence in line with what Marquis Bey has called “The Blackness of Trans*ness,” the notion that anti-trans discourse cannot help but index “the legacy of racial slavery.”⁷⁸ None of this suggests a *collapse* between Blackness and transness, as if they are self-same. Instead, as Bey argues, the impossibility of Blackness and the impossibility of transness both reveal opportunities to work in coalition, to abolish state-dictated categories, to invent new uncategorizable, unlicensed selves.

Notes

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1. 35 c. Illinois Rev. Code, L1938.
2. "Protest 'Race' on License Questionnaire," *Chicago Defender*, January 28, 1939, *ProQuest Historical Newspapers*, 6, proxy01.its.virginia.edu/login?url=https://search-proquest-com.proxy01.its.virginia.edu/docview/492563821?accountid=14678.
3. "Brief description" language from 35 c. Illinois Rev. Code, L1938.
4. "Protest 'Race.'"
5. Shane Landrum, "Documenting Citizens: Birth Registration and American Identities, 1890–Present" (PhD diss., Brandeis University, 2012).
6. David A. Chang, *The Color of the Land: Race, Nation, and the Politics of Landownership in Oklahoma, 1832–1929* (Chapel Hill: University of North Carolina Press, 2010).
7. Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton, NJ: Princeton University Press, 2004), 23–25.
8. "Registration of Birth and Color," Library of Virginia, accessed July 21, 2018, edu.lva.virginia.gov/online_classroom/shaping_the_constitution/doc/birth_registration.
9. On slave passes and ledgers as the origin of bureaucratic surveillance in the United States, see Simone Browne, *Dark Matters: On the Surveillance of Blackness* (Durham, NC: Duke University Press, 2015); and Christian Parenti, *The Soft Cage: Surveillance in America from Slavery to the War on Terror* (New York: Basic Books, 2003).
10. This very infrastructure, as Sarah Haley shows, can itself be traced to anti-Black racial terror in the early twentieth-century South. As Haley puts it, "The chain gang literally paved the way . . . for the automobile." (*No Mercy Here: Gender, Punishment, and the Making of Jim Crow Modernity* [Chapel Hill: University of North Carolina Press, 2016], 12).
11. "Questions and Answers from Drivers Law: Proposed Queries for Ill. License Legislation," *Chicago Defender* (national ed., 1921–67), March 13, 1937, *ProQuest Historical Newspapers*, 4, proxy01.its.virginia.edu/login?url=https://search-proquest-com.proxy01.its.virginia.edu/docview/492454420?accountid=14678; "Auto Drivers' License Laws to Cut Deaths," *Chicago Defender* (national ed.), March 14, 1937, *ProQuest Historical Newspapers*, 19, proxy01.its.virginia.edu/login?url=https://search-proquest-com/docview/492485558?accountid=14678.
12. Siobhan B. Somerville, *Queering the Color Line: Race and the Invention of Homosexuality in American Culture* (Durham, NC: Duke University Press, 2000).
13. Haley, *No Mercy Here*, 4–5.
14. Dean Spade, *Normal Life: Administrative Violence, Critical Trans Politics, and the Limits of Law* (New York: South End, 2011), 151.
15. The list of trans scholars who consider identification documents a form of gendered subjection is substantial. For a partial list, see Gayle Salamon, *Assuming a Body: Transgender and Rhetorics of Materiality* (New York: Columbia University Press, 2010); Paisley Currah and Lisa Jean Moore, "'We Won't Know Who You Are': Contesting Sex Designations in New York City Birth Certificates," *Hypatia* 24.3 (2009): 113–35; Heath Fogg Davis, *Beyond Trans: Does Gender Matter?* (New York: New York University Press, 2017), 35–36.
16. I use the term *intersectional* here with reference to the term's usage within Black feminist legal theory to describe the relationship between racial and gendered legal frameworks. See Kimberlé Williams Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color," *Stanford Law Review* 43.2 (1991): 1241–99.
17. Treva Ellison, Kai M. Green, Matt Richardson, and C. Riley Snorton, "We Got Issues: Toward a Black Trans*/ Studies," *Transgender Studies Quarterly* 4.2 (2017): 164.

18. "Year of First State Driver License Law and First Driver Examination," Federal Highway Administration, US Department of Transportation, accessed August 15, 2017, www.fhwa.dot.gov/ohim/summary95/dl230.pdf.
19. For example, the only original driver's license at the Benson Ford Research Center, part of the Henry Ford Museum and one of the largest automotive archives in the world, is Henry Ford's own.
20. Cotton Seiler, *Republic of Drivers: A Cultural History of the Automobile in America* (Chicago: University of Chicago Press, 2008), 5.
21. On the expansion of the driver's license into multiple aspects of public life, see Louise Amore, "Governing by Identity," in *Playing the Identity Card*, ed. Colin J. Bennett and David Lyon (New York: Routledge, 2008), 21–36; on state voter ID laws, see Suevon Lee and Sarah Smith, "Everything You've Ever Wanted to Know about Voter ID Laws," *ProPublica*, March 9, 2016, www.propublica.org/article/everything-youve-ever-wanted-to-know-about-voter-id-laws.
22. "Licenses for Owners," *New York Times (1857–1922)*, December 25, 1910, *ProQuest Historical Newspapers: The New York Times with Index*, 8, proxy01.its.virginia.edu/login?url=https://search.proquest.com/docview/97076417?accountid=14678.
23. For more on Bertillon cards, see Shawn Michelle Smith, *American Archives: Gender, Race, and Class in Visual Culture* (Princeton, NJ: Princeton University Press, 1999); and Jonathan M. Finn, *Capturing the Criminal Image: From Mug Shot to Surveillance Society* (Minneapolis: University of Minnesota Press, 2009).
24. On "honorific" versus "repressive" uses of photographic portraiture, see Allan Sekula, "The Body and the Archive," *October* 39 (Winter 1986): 3–64.
25. Smith, *American Archives*, 92.
26. Anna Pegler-Gordon, *In Sight of America: Photography and the Development of U.S. Immigration Policy* (Berkeley: University of California Press, 2009).
27. "Licenses for Owners," 8.
28. "Year of First State Driver License Law."
29. South Dakota State Planning Board, *Motor Accidents and Survey of Drivers License Laws: A Preliminary Report* (Brookings, SD, 1937).
30. The date is unknown, but between 1941 and 1968. See Nick Corasaniti and Josh Williams, "Evolution of New York Driver's Licenses," *New York Times*, March 13, 2013. The majority of states that included vital data at all (Pennsylvania, well into the 1960s, recorded only name and address) included both race and sex, while only Ohio, Oregon, and Utah marked sex but not race. No licenses in my archive included race but not sex. While some states did not have sufficient numbers of nonwhite residents to record, all states had female populations.
31. Jeremy Packer, *Mobility without Mayhem: Safety, Cars, and Citizenship* (Durham, NC: Duke University Press, 2008), 6.
32. Daniel M. Albert, "Primitive Drivers: Racial Science and Citizenship in the Motor Age," *Science as Culture* 10.3 (2001): 327–51.
33. Julian R. Tinkham, "Present Automobile Laws Ignore Fundamental Facts," *New York Times*, June 29, 1930, *ProQuest Historical Newspapers: The New York Times with Index*, 56, proxy01.its.virginia.edu/login?url=https://search.proquest.com/docview/98908117?accountid=14678.
34. "Scientific Tests Prove Men Best Auto Pilots," *Washington Post (1923–1954)*, July 20, 1924, *ProQuest Historical Newspapers: The Washington Post*, SM7, proxy01.its.virginia.edu/login?url=https://search.proquest.com/docview/149451497?accountid=14678.
35. Albert, "Primitive Drivers," 334.
36. Charles A. Harnett, "Limit Driving Licenses to the Physically Fit," *New York Times*, January 4, 1925, *New York Times (1923–Current file)*, *ProQuest Historical Newspapers*, A12.
37. Franz, "The Open Road": Automobility and Racial Uplift in the Interwar Years," in *Technology and the African-American Experience: Needs and Opportunity for Study*, ed. Bruce Sinclair (Cambridge, MA: MIT Press, 2004), 137–38.
38. Albert, "Primitive Drivers," 340.
39. Albert.
40. I note "civilian" here because, as Albert discusses, identification and examination systems were also implemented to test soldiers during World War I. However, these were framed as extraordinary circumstances. See Albert, "Primitive Drivers," 334.
41. Harnett, "Limit Driving Licenses."

42. "Year of First State Driver License Law."
43. "Atlanta's Bad Record," *Atlanta Constitution*, December 7, 1920, 8. See also "Chattanooga Drivers' License Law Reduces Auto Casualties by Half," *Atlanta Constitution*, July 16, 1933, 4A; Oscar L. Haymond, "Atlanta Motor Club Urges the Licensing of Auto Drivers," *Atlanta Constitution*, September 16, 1926, 6.
44. "We Georgia's Lawmakers . . .," *Atlanta Constitution (1881–1945)*, January 29, 1935, *ProQuest*, 2.
45. Chattanooga's city licensing law, for example, was touted by Atlanta's white civic organizations as a major success ("Chattanooga Drivers' License Law Reduces Auto Casualties by Half," *Atlanta Constitution [1881–1945]*, July 16, 1933, *ProQuest*, 4A).
46. "Driver's License War Is Renewed," *Atlanta Constitution*, March 1, 1933, 2.
47. After what may have been a clerical error, Towers was released on bond the next month and disappears from records by late spring 1933. See "Senator Change House Bank Bill," *Atlanta Constitution*, March 22, 1933, 5. Information on Towers is available in US Census data via genealogical resources: www.mocavo.com/1930-United-States-Census/126213/004950347/347#row-32.
48. "Police Continue Traffic Crusade," *Atlanta Constitution*, June 11, 1924, *ProQuest*, 6.
49. Neil R. McMillen, *Dark Journey: Black Mississippians in the Age of Jim Crow* (Urbana: University of Illinois Press), 1989, 11.
50. Hortense Powdermaker, *After Freedom: A Cultural Study in the Deep South* (New York: Russell and Russell, 1939), 49. For more on sidewalks as sites at which "racial boundaries were visible and movable," see Stephen A. Berrey, *The Jim Crow Routine: Everyday Performances of Race, Civil Rights, and Segregation in Mississippi* (Chapel Hill, NC: University of North Carolina Press, 2015), 45.
51. McMillen, *Dark Journey*, 14.
52. Powdermaker, *After Freedom*.
53. "Police Continue Traffic Crusade."
54. Christopher Robert Reed, *The Chicago NAACP and the Rise of Black Professional Leadership, 1910–1966* (Bloomington: Indiana University Press, 1997), 100; McMillen, *Dark Journey*, 140–41.
55. McMillen, *Dark Journey*, xv.
56. McMillen.
57. McMillen.
58. McMillen, 194.
59. Pauli Murray, *States' Laws on Race and Color* (Cincinnati: The Women's Division of Christian Service, 1951). On Murray as a potentially trans figure, see Rosalind Rosenberg, *Jane Crow: The Life of Pauli Murray* (Oxford: Oxford University Press, 2017).
60. C. Riley Snorton, *Black on Both Sides: A Racial History of Trans Identity* (Minneapolis: University of Minnesota Press, 2017), 56–57.
61. "Amber Light Denotes Amberlance, Cop Told," *Atlanta Constitution*, July 24, 1938, *ProQuest Historical Newspapers*, 2C.
62. Reed, *Chicago NAACP*.
63. Ira W. Williams to Henry A. Wallace, Secretary of Agriculture, January 19, 1939, *NAACP Branch Files, Chicago, Illinois, Jan–Feb 1939*, ProQuest History Vault, Selected Branch Files, 1913–1939, Series C: The Midwest; Law Offices of Brown, Brown, Cyrus, & Greene to National Association for the Advancement of Colored People, December 14, 1938, *NAACP Branch Files, Chicago, Illinois, July–Dec. 1938*, ProQuest History Vault, Selected Branch Files, 1913–1939, Series C: The Midwest.
64. Alongside undergraduate research assistants Aisling O'Donnell and Dipita Das, I contacted representatives from secretary of state offices, Departments of Motor Vehicles, and historical societies in fifty states. Some representatives were unaware that race had ever been a vital statistic on licenses; some denied that it had been. Others simply did not know when the change occurred. My gratitude to O'Donnell and Das for their perseverance during this process.
65. A spokesperson for the American Association of Motor Vehicle Administrators sent this statement: "Race is a data element that some jurisdictions collect information on but no longer include on DL/ID cards. We do not have information on which, if any, jurisdictions include race on their DL/ID cards, and we don't have definitive information on who included the data or why or when they would have dropped it—those decisions are made by each jurisdiction. Generally speaking, race began disappearing from physical driver's license cards about 25 years ago." The archival record, on the other hand, shows that race began disappearing from cards long before the early 1990s in some states and later (or never) in others (Claire Jeffrey, email message to author, April 11, 2016).

66. Richard Stradling, "Why Does "Race" Appear on Your NC Driver's License? And Why Is It Blank?," *News and Observer* (Raleigh, NC), February 5, 2018. Thanks to Heath Fogg Davis for the reference.
67. Jodi Melamed, *Represent and Destroy: Rationalizing Violence in the New Racial Capitalism* (Minneapolis: University of Minnesota Press, 2011).
68. Michigan's 1940 Motor Vehicle Acts did not mention sex, for example, but Virginia's did; the statutes are almost identical in other respects. In practice, as mentioned above, sex was recorded on most early licenses.
69. A motorist who was licensed under the name Kenneth Raymond Lisonbee, but was assigned female at birth, was given a "suspended 10-day sentence for using a fictitious name on [a] driver's license." The light sentence suggests that Lisonbee was white. See "After Ten Years, He's a She," *Atlanta Constitution*, May 3, 1940, *ProQuest Historical Newspapers*, 36.
70. Heath Fogg Davis, *Beyond Trans: Does Gender Matter?* (New York: New York University Press: 2017), 36.
71. For more on sex and gender enforcement as a racial formation after 9/11, see Jasbir Puar and Amit S. Rai, "Monster, Terrorist, Fag: The War on Terror and the Production of Docile Patriots," *Social Text*, no. 72 (2002): 117–48; Nick Clarkson, "States of Incoherence: Biopolitics and Transnormative Citizenship" (PhD diss., Indiana University, 2015); Jin Haritaworn, Adi Kuntsman, and Silvia Posocco, eds., *Queer Necropolitics* (New York: Routledge, 2014).
72. A Michigan ACLU attorney believes that the rule change was an attempt by the newly elected secretary to appease her base; her primary challenger had vowed to deny all sex marker changes (Jay Kaplan, phone conversation with author, July 3, 2018).
73. Shira Schoenberg, "Massachusetts Senate Passes Bill Allowing 'X' on State IDs," *MassLive*, June 28, 2018.
74. For more on community IDs, see "Who We Are: Municipal IDs as a Local Strategy to Promote Belonging and Shared Community Identity," Center for Popular Democracy, December 2013, populardemocracy.org/news/who-we-are-municipal-id-cards-local-strategy-promote-belonging-and-shared-community-identity.
75. "Use the ID," Washtenaw ID Project, Synod Community Services, www.washtenawid.com/use-the-id/.
76. "How to Help: Get an ID," Washtenaw ID Project, Synod Community Services website, www.washtenawid.com/how-to-help/how-to-help-get-an-id/.
77. Snorton, *Black on Both Sides*, 74.
78. Marquis Bey, "The Trans*-ness of Blackness, the Blackness of Trans*-ness," *Transgender Studies Quarterly* 4.2 (2017): 292n8.