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Judicial Watch Files Taxpayer Lawsuit against New York Governor Spitzer, DMV to Stop Driver Licenses for Illegal Aliens

(Washington, DC) –Judicial Watch, the public interest group that investigates and prosecutes government corruption, announced today that it has filed a lawsuit on behalf of a New York taxpayer in the Supreme Court of the State of New York, Suffolk County against New York Governor Eliot Spitzer over a new policy implemented on September 21, 2007 that will “give all New Yorkers the opportunity to apply for driver’s licenses without regard to immigration status” (Staudenraus v. Spitzer, Index No. 07-33872).

According to New York State law, with respect to driver licenses, the DMV Commissioner “shall require that the applicant provide his or her social security number.” Under the new DMV policy, however, applicants will not have to provide a Social Security number to receive a driver’s license. They must only provide a foreign passport and some secondary form of identification, such as a lease or a copy of parole papers.

The lawsuit, filed in conjunction with the New York law firm Borovina and Marullo PLLC, on behalf of Suffolk County resident and taxpayer James M. Staudenraus, seeks “equitable and declaratory relief against defendants who in the course of their official duties has caused...a wrongful expenditure, misappropriation, misapplication, and other illegal and unconstitutional disbursement of state funds as well as unlawful conduct in connection with their plan to issue driver’s licenses to undocumented aliens in contravention of New York’s Vehicle and Traffic Law.” In addition to Governor Spitzer, the lawsuit names Department of Motor Vehicles (DMV) Commissioner David Swartz and the New York State DMV as defendants.

According to the complaint, “There is no express language anywhere in the VTL [Vehicle and Traffic Law] which dispenses with the requirement that an applicant for a driver’s license provide his or her social security number.” Moreover, Spitzer and the DMV intend to implement the policy without involving the New York State Legislature, and “without complying with the rule-making requirements prescribed by the State Administrative Procedure Act.”

“Eliot Spitzer wants to use his public office to sanction illegal behavior and put all of us at risk through his plan to give driver licenses to illegal aliens,” said Judicial Watch President Tom Fitton. “If Governor Spitzer wants to change the rules, he has to follow the rules – which means going through the New York State Legislature and otherwise following New York law.”

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