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Law School Report

Standing on principle



Jordan Marks '09

Federalist Society event examines driver's licenses for illegal aliens

One of the most vocal critics of New York Gov. Eliot Spitzer's controversial plan to issue driver's licenses to illegal aliens found an audience both receptive and perceptive as he spoke about the issue Nov. 13 in an O'Brien Hall lecture room.

Robert Christman, Allegany County clerk, came to UB Law at the invitation of the Federalist Society, an association of conservative and libertarian students.

"I was really, really pleased," Christman said. "I was a little hesitant at first, because I was not sure what kind of reception I would get in the big city and the University. But I was warmly received, there was a great turnout, and the students asked a lot of really positive questions. I did not have to

inform them of all the nuances. They were very well versed and educated in the issue, and we could really get into the nitty-gritty of it."

Christman spoke of what he saw as the political payback behind Spitzer's driver's license initiative, and detailed the difficult position he and other county clerks were in if they opposed the expansion of licenses. For one thing, he noted, Spitzer is the boss; but county clerks are sworn to uphold state vehicle law, which he believes conflicts with the governor's directive.

Spitzer had argued that issuing driver's licenses to undocumented aliens would reduce the number of uninsured motorists, help keep track of immigrants and bring in new fee revenue. But critics, including

Christman, feared that there would be security risks if the plan went through, and bristled at the apparent violation of the New York State Vehicle and Traffic Law, which requires driver's license applicants to provide a Social Security number.

The UB Law audience was far from one-sided on the issue, Christman said. "A few people asked me some very tough questions," he said. "I talked about the legal aspects of the issue, the application and the procedures and how I was going to have to actually proceed with non-issuance of these licenses. It is easy to say you are not going to do something, but what will get you is the details."

As it turned out, the governor blinked first. The day after Christman's appearance, in the face of vehement public opposition, Spitzer backed down on his controversial plan.

Jordan Marks, a second-year student who was president of the Federalist Society during the first semester, turned over the gavel to fellow second-year Seth Pullen because Marks is heading to New York City for a semester in the international finance transactions program.

"This organization was started to spark debates that do not take place in the classroom, and to really challenge people's ideas about certain issues," Marks said. "We are dedicated to the Federalist Papers, and the importance of judicial restraint and strict interpretationism."

He said they invited Christman to speak because the issue had generated much heat but little light. "On the face value of the issue, I had an established view, but I did not know enough about the issue," Marks said. "I noticed a lot of people were taking positions without knowing enough about the issue."

Christman, he said, "explained what he faced as an employee of the state and the pressure he faced. No matter what your political party, the plan itself was just ridiculous."

For example, Marks said, the plan



would allow applicants to supply foreign identity documents, which would be scanned and sent electronically to the Department of Homeland Security, and within 120 seconds would be translated and verified. "I can barely get my credit card to go through that fast," he said.

Also at the forum was David Pullen, Seth's father, an Allegany County legislator and municipal attorney. The event also included a fund-raiser for Kiva.org, a Web-based microlender. "We wanted to support democracy through our dollars," Marks said.

He said the Federalist Society "tries to stay away from political bashing. We are not Republican, we are not Democratic; we are open to all members." He also said that alumni would be welcome to speak to the group if there is an issue they would like to address. "We would love to have a lot more discussion on our campus," he said.

"I did not have to inform [the students] of all the nuances. They were very well versed and educated in the issue, and we could really get into the nitty-gritty of [New York Gov. Eliot Spitzer's plan to issue driver's licenses to illegal aliens]."

*—Robert Christman, above,
Allegany County clerk*