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MALDEF: Lawsuit Necessary for Immediate Halt to New Mexico Governor's Unlawful Driver's License "Residency Certification Program"

Program is an End-Run around State Legislators and Violates New Mexico Constitution

SANTA FE, NM - Today, MALDEF and the New Mexico law firm of Freedman Boyd Hollander Goldberg Ives & Duncan (Freedman Boyd) filed suit against the Secretary of the New Mexico Taxation and Revenue Department, on behalf of a group of New Mexico legislators and resident of New Mexico, in order to stop the implementation and execution of Governor Martinez's so-called "Residency Certification Program."

This program singles out certain individuals based on whether they were born in the United States and commands them to come before the Motor Vehicle Division (MVD) to show the paper they previously provided in acquiring driver's licenses in the State. If the targeted individuals do not abide by the command, the MVD has threatened to cancel their driver's licenses.

The Program was never authorized, ratified, or even considered by the New Mexico Legislature, which creates the law and policy of New Mexico. Further, the Program constitutes a gross abuse of the power granted to the MVD by the Legislature and is unconstitutional because it targets and affects primarily Latinos in New Mexico.

The petitioners seek to have the court of the First Judicial District in Santa Fe order the Secretary to immediately cease and desist the implementation and execution of this unconstitutional program created by the Secretary and carried out by the New Mexico Motor Vehicle Division.

"Governor Martinez's licensing scheme must be stopped because it constitutes a gross usurpation of power from the Legislature, which is singularly empowered to create the laws and policy of

New Mexico,” stated Martha Gomez, a MALDEF Staff Attorney. “The program is unconstitutional because it unfairly targets certain Latinos in New Mexico and places a higher burden on them beyond what the law requires of other residents.”

“The law in New Mexico simply does not contain a provision that allows the Secretary or the MVD to order certain classes of people to come before it when there is no evidence that those particular individuals have ever done anything wrong,” added Vincent Ward, a New Mexico attorney with the Freedman Boyd law firm. “We in New Mexico have to be concerned when the government, in this case the executive branch of government, decides to brand certain people as wrongdoers when all they did was apply for the driver’s licenses they are entitled to receive under New Mexico law.”

David Urias, another Freedman Boyd lawyer and former MALDEF attorney, stated, “The Secretary’s creation of this program contravenes current New Mexico law which treats all driver’s license holders in New Mexico equally, regardless of where an individual was born. It is obvious that the Secretary disagrees with the Legislature, but she has no power to act in defiance of the rule of law.”

MALDEF

Founded in 1968, MALDEF is the nation’s leading Latino legal civil rights organization. Often described as the “law firm of the Latino community,” MALDEF promotes social change through advocacy, communications, community education, and litigation in the areas of education, employment, immigrant rights, and political access.

For more information on MALDEF, please visit: www.maldef.org.