

GOP TO SPITZER: SEE YOU IN COURT

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Body

ALBANY - More than 30 Assembly Republicans declared yesterday they have no choice but to haul Gov. **Spitzer** into court to overturn his "illegal" new rules to let undocumented immigrants get driver's licenses.

The lawsuit, set to be filed today in Albany Supreme Court, accuses **Spitzer** and Motor Vehicles Commissioner David Swarts of ramrodding through the new policy in an "arbitrary and capricious manner."

"Someone needs to remind this guy he was elected governor - not emperor," said Assemblyman Tom Kirwan (R-Newburgh), a former state trooper who branded the new license rules "unlawful and dangerous."

Spitzer last week agreed to delay giving illegal immigrants licenses until late next year, though he continued to insist yesterday his plan will ultimately make New York "more secure."

As for the **GOP** lawsuit, **Spitzer** spokeswoman Jennifer Givner said: "We remain confident the policy change will be upheld **in court**."

The new suit adds to the legal thicket faced by **Spitzer**. Rensselaer County Clerk Frank Merola has already filed his own brief to block licenses for illegal immigrants. A Washington advocacy group, Judicial Watch, also sued **Spitzer** yesterday, charging he overstepped his authority.

Senate Republicans voiced skepticism about the effectiveness of new DMV technology designed to detect forgeries in passports and other documents used by applicants for licenses.

State Senate Homeland Security Chairman Vincent Leibell (R-Brewster) questioned whether DMV staffers and county clerks were getting adequate training to spot counterfeit documents.

Givner acknowledged that because **Spitzer's** new call for three tiers of licenses will require changes in fees, legislative approval is needed for that aspect of the plan.

Initially, when **Spitzer** pushed for one type of license for both legal residents and undocumented aliens, the administration claimed lawmakers' input was unnecessary.

The governor's latest proposal for three types of licenses was endorsed by the Hispanic Federation. The group noted its objections to the federal Real ID plan that **Spitzer** accepted, but said undocumented immigrants were better off driving legally than having no license.

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