

Wednesday, October 10, 2007

### **The right to bear arms; the right to drive for undocumented folks; and living where such driving is lawful.**

Cesar Chavez: A champion for the empowerment of workers and immigrants. In 2004, I went to the National Rifle Association annual meeting in Pittsburgh, to learn more about modern-day firearms in order to strengthen my ability successfully to defend criminal gun cases, and also to get a better handle on the realities of my support for a Second Amendment with teeth (believing that being disingenuous to enforcing Second Amendment rights -- unless and until the Second Amendment is amended --disserves a robust protection of First Amendment rights. (Compare: (1) "Congress shall make no law ... abridging the freedom of speech, or of the press; or THE RIGHT OF THE PEOPLE to peaceably to assemble, and to petition the government for a redress of grievances" (the First Amendment); and (2) "A well regulated militia, being necessary to the security of a free state, THE RIGHT OF THE PEOPLE to keep and bear arms, shall not be infringed" (the Second Amendment).) The mantra at the NRA meeting, though, was scary: throw money at Second Amendment-supporting politicians even if they urinate on the rest of the Constitution; and "there would not have been a Nazi Germany or Soviet Union if people had the right to bear arms." Another NRA mantra is supporting hunting, so that people may live off the land and enjoy the great outdoors (which I, as a strict vegetarian do without fishing, hunting or eating animals). It was too much for me to deal with; I resigned my NRA membership, which membership was necessary to attend the annual NRA convention, which had more than a football-sized display area of the latest handguns, rifles, and weaponry accessories. At the NRA conference, some people asked me what it was like to live in the People's Republic of Maryland, so named for Maryland being inhospitable to the Second Amendment, as opposed to Virginia, where in some parts of the state people are permitted to pack a concealed pistol while walking down the street, which can give all the more cause for pause about looking anyone cross-eyed in the former cradle of the Confederacy. Of course, worse than Maryland, District of Columbia statutory law does not even permit gun ownership at home, but D.C.'s highest federal court this year ruled such crabbed laws to be in violation of the Second Amendment. By now, I have lived in all three Capital Beltway jurisdictions. I started in Arlington, Virginia, for a year, at a point just a mile from Georgetown in Washington, D.C. I hurled at the thought of living in a state that so actively executes people. I moved to Washington, D.C., and stayed there for fifteen years. For people living in the area, the city has its lure; however, taxation without representation did not sit well with me; on the other hand, at least D.C does not have the death penalty (that's reserved for the federal courts). In 2002, I moved not only to Maryland, but to Montgomery County, which in many ways is a people's republic within a people's republic. On the other hand, all three places have miserable histories of racial segregation and racial injustice. Overall, of the areas surrounding the Capital Beltway -- where I need to live for easy access to the many courts where I practice -- I prefer living in Maryland, including some great nearby hiking, biking and boating places. Curiously, little did I know until speaking recently with a Maryland Motor Vehicle Administration employee that undocumented people are eligible for drivers' licenses in Maryland. (I should have talked about this with my law partner, Jay, who would have told me he already has handled such assistance.) I was under the misimpression that such a benefit was not available in Maryland, and possibly not elsewhere, either. As much as many Marylanders might want to eliminate such a benefit, I want the benefit to remain forever. Fortunately, many Maryland lawmakers agree. It appears that very few states make drivers' licenses available to undocumented people, and that the number is dwindling. Over a year ago, CASA of Maryland filed a lawsuit over the allegedly glacial pace for plenty of non-U.S. citizens to obtain driver's licenses; I do not know that status of that lawsuit yet. Lawmakers have identified how to continue making drivers' licenses available to undocumented people while still coming into compliance with the Big Brother Real ID Act, which is to make Real-ID-applicable drivers' licenses only available to those who request them (apparently such Big Brother "Real IDs" ultimately will be required to board planes and who knows what else (maybe I will find out that Maryland already has them, by the time I renew my driver's license in a few months). New York is another state that looks out not only for undocumented people in permitting them to have drivers' licenses, but as a result looks out for all drivers and passengers, whom are better served by having all drivers licensed, to assist in assuring at least minimally adequate driving skills by all drivers, and to assure that everyone is eligible to purchase car insurance. The next step will be to encourage people to get out of their cars often, so as to wake up and smell the jasmine flowers, and to help reduce the environmental degradation from driving. Meanwhile, welcome to Maryland, everyone who is not eligible to get licensed in neighboring jurisdictions. Jon Katz.

Posted by Jon Katz in Jon's news & views at 00:00