



Written by [R. Cort Kirkwood](#) on August 8, 2011

16 Nations File Briefs Against Alabama's New Immigration Law

Sixteen nations, all of them sources of illegal aliens who cross Mexico's border into the United States, have filed briefs concurring with the U.S. Justice Department's lawsuit against Alabama to block the enforcement of the state's newly passed immigration law.

The briefs claim the law, [HB 56](#), impedes the relations between the United States and those nations, the [Montgomery Advertiser reports](#).

Along with the Justice Department's attack on Alabama, another challenge to the law came from the usual coalition of open-borders advocates, [including Mobile's Roman Catholic archbishop](#), who has used the issue to press the case that tough immigration laws are inherently racist.



A federal judge has consolidated the lawsuits.

The Briefs

[According to](#) the *Advertiser*, the briefs say the law threatens the rights of the illegals. Leading the charge, unsurprisingly, is Mexico, whose brief stated, "Mexico has an interest in protecting its citizens and ensuring that their ethnicity is not used as a basis for state-sanctioned acts of bias and discrimination."

As for the other countries, they're just interested in fair treatment, their lawyer says. Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Nicaragua, Paraguay, Peru, and Uruguay joined in one brief, [the paper reported](#).

"They want to make sure their citizens are treated correctly, and they have a sovereign interest in the way in which immigration law is carried out by the United States," said Edward Still, a Birmingham attorney who filed the briefs on behalf of the nations. "They want to have one immigration law and not 50."

Alabama's Law

Alabama passed [HB 56](#) in June. As [The New American reported](#), the law is matter of fiscal self defense for the state. Illegals cost Alabamians \$298 million annually, the Federation for American Immigration Reform reports.

Addressing those costs, the bill ends public welfare and some public education benefits for illegals. Schools must collect information on illegal-alien children. Employers must verify the eligibility of employees to work in the United States. The bill punishes anyone who harbors or transports illegals.



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The bill [also requires](#) the state Attorney General to negotiate a memorandum of understanding about immigration law between Alabama and the Departments of Justice or Homeland Security. Voters must prove they are citizens before casting ballots.

The codicil that upset the radical left, however, is that which mirrors Arizona's law, which a federal judge invalidated. Alabama police are required to check the immigration status of anyone arrested for an offense that requires bail. Police must detain anyone whose immigration status they doubt.

Local governments and officials must help enforce federal or state immigration laws by notifying federal authorities when criminal illegals are in custody, [HB 56 says](#), and it forbids state and local officials from refusing to cooperate in the enforcement of state and federal immigration laws.

Leftists Go Ballistic

After Gov. [Robert Bentley signed](#) HB 56 into law, opponents quickly counterattacked with a lawsuit to stop the bill from taking effect. The widely discredited leftist [Southern Poverty Law Center claimed](#) the law "perpetuates bigotry."

This ill-advised bill undermines our core American values of fairness and equality. By perpetuating the hate rhetoric that has become commonplace among many elected officials, this bill threatens the rights of citizens and non-citizens alike. H.B. 56 attacks workers trying to make a better life for their families, divides communities, and places Alabama, once again, on the wrong side of history.

The [American Civil Liberties Union](#) fretted that it legalized racial profiling."

Immigration status is not something you can accurately determine based on a brief observation or interaction, but this law pretends otherwise. It invites profiling on the basis of race, ethnicity, and language. Subjecting people to harassment, investigation and arrest because they are perceived to be foreign is contrary to who we are as Americans

In its lawsuit, [ACLU argued](#) that HB 56 is flatly unconstitutional and trespasses, for instance, the [Fourth Amendment](#) to the U.S. Constitution.

[T]he law, HB 56, unconstitutionally subjects Alabamians — including countless U.S. citizens and lawful permanent residents — to unlawful search and seizure, in violation of the Fourth Amendment. The lawsuit also charges the law unconstitutionally deters immigrant families from enrolling their children in public schools; bars many lawfully present immigrants from attending public colleges or universities in Alabama; drastically restricts the right to enter into contracts; and interferes with federal power and authority over immigration matters, in violation of the Supremacy Clause of the U.S. Constitution. The draconian law is even more restrictive than the Arizona law it was inspired by.

Obama, Holder Pile On

The Obama administration joined the attack this month. The Justice Department argues the same as what it argued in its successful lawsuit against Arizona's tough immigration law: that Alabama is usurping federal authority.

U.S. Attorney General [Eric Holder insisted](#) that immigration enforcement is his job, not Alabama's:

Today's action makes clear that setting immigration policy and enforcing immigration laws is a national responsibility that cannot be addressed through a patchwork of state immigration laws.



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The department is committed to evaluating each state immigration law and making decisions based on the facts and the law. To the extent we find state laws that interfere with the federal government's enforcement of immigration law, we are prepared to bring suit, as we did in Arizona.

[DOJ argues](#) that "that various provisions of H.B. 56 conflict with federal immigration law and undermine the federal government's careful balance of immigration enforcement priorities and objectives." As well, DOJ complained,

Alabama's law is designed to affect virtually every aspect of an unauthorized immigrant's daily life, from employment to housing to transportation to entering into and enforcing contracts to going to school.

H.B. 56 further criminalizes mere unlawful presence and, like Arizona's law, expands the opportunities for Alabama police to push aliens toward incarceration for various new immigration crimes by enforcing an immigration status verification system. ...

[T]he mandates that H.B. 56 imposes on Alabama law enforcement may also result in the harassment and detention of foreign visitors, legal immigrants and even U.S. citizens who may not be able to readily prove their lawful status. In addition, H.B. 56 will place significant burdens on federal agencies, diverting their resources away from dangerous criminal aliens and other high-priority targets. In addition to interfering with law enforcement, H.B. 56 imposes further burdens on children by demanding that students prove their lawful presence, which could discourage parents from enrolling their children in school.

The question is whether the federal judge who hears this case will concur that Alabama has no power to protect itself from the fiscal, cultural, and criminal depredations of the illegal alien horde that costs state taxpayers \$300 million annually.

Photo: Alabama state capitol building in Montgomery



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