



Written by [Joe Wolverton, II, J.D.](#) on April 8, 2011

## Alabama House Passes Anti-illegal Alien Bill

The vote wasn't close. The legislation, H.B. 56, passed easily by a vote of 73 to 28 in the majority Republican House.

Specifically, the measure mimics many of S.B. 1070's chief provisions, including the grant of substantially increased powers to law enforcement to verify the immigration status of anyone detained on other charges and suspected of being illegally present in the United States.

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And, as is the case with the Arizona law, businesses in Alabama will be required to check whether employees have valid work permits. If the bill is enacted, then the knowing hiring of illegals will trigger penalties against the offending employer.



The bill is now bound for the Senate where the GOP also holds a majority of the seats.

Opposition has rallied to the cause of protecting the "rights" of illegal aliens.

The Hispanic Interest Coalition of Alabama, for example, believes the bill will harm those illegally present in Alabama. "Those critical relationships between immigrant communities and law enforcement are at huge risk if legislation like this passes," Caitlin Sandley with HICA says.

"We understand that many legislators in our state capitols have promised to their constituents that they will do something about illegal immigration, but we believe strongly that the only thing to do right now is to put a lot of pressure on our national level representatives to get something done in Congress," she added.

Another detractor of the bill, Jason Childs, state director for the Center for Progress in Alabama, claims that the bill is more than harmful, it is unconstitutional. "These people are not some kind of problem to be dealt with, they're committed members of our community, they're human beings with inalienable rights, they have been a tremendous resource for our state," Childs says.

Other immigrant-rights watch dogs echoed accusations made during debate on the Arizona statute, saying they anticipated that were Alabama to pass the House's bill into law it would result in rampant racial profiling and other civil rights violations.

One of these organizations advanced the federal exclusivity argument, insisting that immigration was an issue to be decided in Washington, not in the state capitals. "This is 100 percent the responsibility of the federal government and states cannot usurp that power," said Shay Farley, legal director of the nonprofit Alabama Appleseed organization.

This position misunderstands the Constitution's plain language on the matter. Not only does the control of immigration procedures not lay solely within the zone of congressional power, but the right to



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promulgate immigration standards is not enumerated to the federal government, therefore the Tenth Amendment provides that any power not granted to the national authority is retained by the states and the people.

Proponents of the legislation worry that were lawmakers to ignore the growing illegal population, the state might become a magnet for other illegals. "We cannot allow Alabama to become a sanctuary state for illegal immigrants," said State Representative Micky Hammon, a Republican sponsor, on the floor of the House in Montgomery.

Further, Hammon, the representative from Decatur, Alabama, promises that the law "attacks every aspect of an illegal alien's life."

"This bill is designed to make it difficult for them to live here so they will deport themselves," Hammon announced during his speech made at the time he presented the bill to his colleagues.

Rep. Kerry Rich (R-Albertville) spoke in support of the bill, citing the inundation of his home district (Sand Mountain) with illegal immigrants. "The illegals in this country are ripping us off," Rich said.

"If we wait for the federal government to put this fire out, our house is going to burn down," Rich said.

As is the case with S.B. 1070, the proposed Alabama law requires police officers to demand proof of citizenship or residency from anyone they stop for a traffic violation or any other lawful purpose, provided there is "reasonable suspicion" the person is present in violation of applicable immigration laws. The officer is then empowered to make a reasonable attempt to verify a person's citizenship status. If the suspect is found to be illegally present, then he may be detained and charged with trespassing.

In addition to the provisions prohibiting the employment of an illegal, the bill makes it illegal to house, give a ride to, or rent to anyone in the state illegally.

When opponents of the bill questioned Hammon as to how "reasonable suspicion" would be determined, Hammon said that, in his opinion, he thought "reasonable suspicion" would implicate someone driving without a license, acting nervous during a stop, or changing their story as they talked to the officer, for example.

In a report published earlier this year by the Pew Hispanic Center, it was estimated that Alabama is home to over 120,000 unauthorized immigrants as of March 2010, twice the population estimated in a report from 2005.

As soon as the House approved the measure Tuesday, it was sent to the appropriate Senate committee for consideration.



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