



Alabama House Passes Revised Immigration Bill

Changes to the law include carving out an exception allowing pastors to minister to congregants regardless of their immigration status, a clarification of law enforcement guidelines so as to prevent officers from inquiring into a person's immigration status during routine roadblocks and traffic stops, and a removal of the requirement that proof of citizenship or legal residency be provided upon applying for utility services.



Supporters of the earlier iteration of the statute have by and large stood behind the changes, as they recognize the importance of passing a law that will withstand judicial scrutiny. Notwithstanding this realpolitik consideration, however, proponents remain adamant that their state repel any influx of illegal immigrants and that jobs offered by domestic businesses be kept available only to legal residents and citizens.

"We want to discourage illegal immigrants from coming to Alabama and prevent those that are here from putting down roots," sponsor Rep. Micky Hammon (R-Decatur, above left) reportedly said during debate.

Evidence that the law, regardless of its clampdown on the hiring of illegals, is not harming commerce in the Heart of Dixie was provided Friday morning in Albertville at the groundbreaking of Newman Industries. The plant will manufacture auto parts for Honda, Acura, and Subaru and once at full capacity will bring jobs to 60 to 80 Alabamans, according to Albertville Mayor Lindsey Lyons.

City officials present at the ceremony made a point of proclaiming that the arrival of the plant shows that their state's immigration law is not negatively affecting its ability to attract new business. "This is proof today that industry is coming to the epicenter of the immigration fight," said Albertville council member Chuck Ellis. "And there's new jobs for people in Albertville."

Construction on the new plant is scheduled to begin in late May.

Such evidence is not enough to persuade opponents, who argue that the law still allows for racial profiling and is "too tough" on those who seek to make a living in the state without legal permission to live in the United States.

Legislators who wanted the law repealed absolutely attempted to filibuster during floor debate on the measure, but were ultimately unable to prevent a vote. Republican representatives voted to end deliberation after five hours.

Some detractors were undaunted: "It is wrong. It is immoral," Rep. Mary Moore (D-Birmingham) said of the immigration bill.



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Now that the state House has approved the measure, in order for the rewritten provisions to take effect, the state Senate must pass the bill and the Governor must add his signature.

As was reported earlier by *The New American*, in March a three-judge panel of the 11th Circuit Court of Appeals in Atlanta told representatives of Alabama and Georgia that they would await the Supreme Court's upcoming decision in the Arizona immigration case before handing down a ruling of their own regarding the Alabama and Georgia statutes that were in large part based on the Arizona measure.

The decision was a somewhat anticlimactic conclusion to this latest round of legal arguments over the constitutional situs of immigration authority.

Judges listened to about three hours of oral arguments from attorneys for the federal government and for the state governments of Alabama and Georgia. The former argued that the Constitution grants exclusive power to the federal government to set and administer laws for the control of immigration to the United States. For their part, state Attorneys General argued that the feds were derelict in their duty to thwart the unchecked influx of illegals into their respective state borders.

Late last year, Alabama Governor Robert Bentley issued a statement committing to work with state lawmakers to make changes to the law that would preserve the legislature's original intent in passing the measure. He assured the bill's sponsors that he had "no intention of repealing it."

Changes to the law were recommended earlier by state Attorney General Luther Strange. Strange, in the face of numerous lawsuits challenging the constitutionality of HB 56, informed the Governor and the state legislature that in his opinion key provisions of the law would not withstand the challenges and he suggested appropriate amendments.

In a letter sent last week to members of the state legislature, Alabama's Attorney General recommends repealing key provisions of the state's well-publicized anti-illegal immigration statute.

Attorney General Strange promoted the repeal of at least two of the law's more controversial sections, both of which were not being enforced per an injunction handed down by the 11th Circuit Court. Specifically, the sections suggested for scrapping included one making it a crime for illegal aliens to be detained while not in possession of proper immigration documentation, and another mandating that the state's public schools maintain a registry of their students' immigration status.

In the memo dated December 1, Strange set out his purpose in making the recommendation for removal of elements of the state statute: "My goals are to (1) make the law easier to defend in court; (2) assist law enforcement in implementation; and (3) remove burdens on law abiding citizens. All while not weakening the law."

In November the U.S. Department of Justice sent a letter to Attorney General Strange instructing him that despite the position taken in his earlier correspondence to the department, the DOJ has authority to conduct investigations into possible violations of the civil rights of immigrants.

The letter from the DOJ was written by Assistant U.S. Attorney General Thomas Perez in response to a letter from Strange sent earlier that month. In that letter, Strange demanded that the federal department inform him as to the authority granted to it to require schools in Alabama to report demographic enrollment data to the DOJ.

Alabama has defended its anti-illegal immigration law by pointing out that it contains provisions "safeguarding against unlawful discrimination on the basis of race, color, or national origin." Such illustrations will likely be made in some future federal courtroom, as well. The problem is that asking a



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federal court to restrain the powers of the federal government is like asking a drug addict to pass stricter drug laws.

Reports indicated that this apparent reversal of opinion came as a result of a statement made on CNN by the President Pro Tempore of the Alabama Senate, Del Marsh. In that interview, Marsh responded to a question about the law by stating that the state's legislature would consider amending the law only if such a request were made by the state Attorney General.

"The legislative leadership asked for our opinion and we provided it," Strange told the Associated Press.

Marsh was joined in his request for the AG's opinion by the state Speaker of the House, Mike Hubbard. Thereafter, Hubbard's office issues a statement reassuring voters that the baby was not being thrown out with the bathwater:

Make no mistake, the Legislature is not going to repeal this law and have Alabama become a sanctuary state for illegal immigrants. Speaker Hubbard is focused on making our illegal immigration law work better, clearing up misconceptions and correcting any portions that might be vague or require additional definitions.... Speaker Hubbard wants a positive work environment for Alabama citizens and legal immigrants. We can have that while also shutting off the magnet drawing illegal immigrants into our state.

The "magnet" spoken of by Speaker Hubbard no doubt includes the panoply of welfare benefits made available to residents of many states — legal or illegal.

Before passage of the revised bill, Strange claimed that the elimination of those two provisions would make the law less susceptible to legal challenges and would facilitate the unimpeded implementation of other equally critical parts of the law. Moreover, Strange asserted that cutting those parts of the statute would improve law enforcement and remove the burden of compliance from citizens.

It would seem now that the legislature has complied with Strange's recommendations and the revamped, reinforced law will work its way toward the Governor's desk for his signature — again.



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