



Written by [Raven Clabough](#) on August 2, 2011

DOJ Files Suit Against Alabama's Immigration Law

The Justice Department filed the lawsuit in an Alabama federal court, asserting that Alabama's law allows the Alabama police to have entirely too much power, and that it would increase the incarceration of illegal immigrants by creating new immigration crimes.



"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," Attorney General Eric Holder [said](#) in the statement announcing the Alabama suit. "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."

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Reuters [explains](#) the law being challenged, which is to take effect on September 1:

The measure will require public schools to determine the citizenship status of students — a provision not included in an Arizona law that has been at the forefront of actions by several states to curb illegal immigration.

Under the Alabama law, police must detain someone they suspect of being in the country illegally if the person cannot produce proper documentation when stopped for any reason.

It also will be a crime to knowingly transport or harbor someone who is in the country illegally. The law imposes penalties on businesses that knowingly employ someone without legal resident status. A company's business license could be suspended or revoked.

The law also mandates that businesses use the E-Verify database to confirm the immigration status of all potential employees.

Alabama's Governor Robert Bentley defends the law by pointing to the problem of illegal immigration across the nation.

"We have a real problem with illegal immigration in this country," Bentley said after signing the law. "I campaigned for the toughest immigration laws, and I'm proud of the Legislature for working tirelessly to create the strongest immigration bill in the country."

Likewise, Alabama state representative Mickey Hammon, who sponsored the bill, indicates that the immigration law was worded carefully so that it would not be in violation of the Constitution.

The government's response to Alabama's law is similar to their reaction to Arizona's immigration law. It says that states cannot institute its own immigration policy, nor pass laws that virtually take the



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authority from the federal government.

The Blaze writes, “The department quoted Birmingham police chief A.C. Roper as saying the law would divert scarce resources from local priorities to immigration enforcement.”

Opponents of Alabama’s law called it “draconian,” and vowed to fight the law in court almost immediately upon passage.

Following Governor Bentley’s signing of the law, the Southern Poverty Law Center, as well as the American Civil Liberties Union, the ACLU of Alabama, the National Immigration Law Center, the Asian Law Caucus, and the Asian American Justice Center, filed [suit](#) in federal court. Some of those opponents have also been behind lawsuits against similar measures in Arizona, Utah, Indiana, and Georgia.

The [complaint](#) reads:

This action challenges Alabama’s comprehensive immigration law, House Bill 56, on multiple constitutional grounds and seeks injunctive and declaratory relief to prevent serious harm that Plaintiffs and countless fellow Alabamians will suffer if the law goes into effect. Governor Robert Bentley touted HB 56 as “the strongest immigration bill in the country” and a co-sponsor of the bill boasted that it regulates “every aspect of a person’s life.” Indeed, HB 56 is a state immigration law of unprecedented reach-going well beyond recent state immigration laws in Arizona, Utah, Indiana, and Georgia, which themselves have been suspended in whole or in part by the federal courts. HB 56 is reminiscent of the worst aspects of Alabama’s history in its pervasive and systematic targeting of a class of persons through punitive state laws that seek to render every aspects of daily life more difficult and less equal.

Cecillia Wang, director of the American Civil Liberties Union’s Immigrants’ Rights Project, contends, “This law is an outrageous throwback to the pre-Civil Rights era.”

She continued, “Alabama has brazenly enacted this law despite the clear writing on the wall: Federal courts have stopped each and every one of these discriminatory laws from going into effect, Local Alabama communities and people across the country are shocked and dismayed by the state’s effort to erode our civil rights and fundamental American values.”

Wang also bemoans what she perceives to be government inaction. “It’s the U.S. government’s duty to defend the Constitution including the principle that it is the federal government’s job to ensure that there is a unified national policy and law regulating immigration.”

Despite contentions against the bill, however, it already seems to be working. According to Pat Peterson of WKRG News 5, “Last year, 231 Hispanic students were enrolled at Foley Elementary, but that number is dwindling. Principal Doctor Bill Lawrence says Hispanic parents are pulling their kids out of school and moving to other states because of the new immigration law.”

“They’re moving to Arkansas, Tennessee and California,” says Lawrence. “They indicate they feel like those are sanctuary states.”

Hammon defends the law on a number of grounds, and contends that the federal government is seeking to destroy state sovereignty. “The Obama administration and the federal bureaucrats have turned a blind eye toward the immigration issue and refuse to fulfill their constitutional duty to enforce laws already on the books. “ Referencing the DOJ’s lawsuit, Hammon adds, “Now, they want to block our efforts to secure Alabama’s borders and prevent our jobs and taxpayer dollars from disappearing into the abyss that illegal immigration causes.”



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Photo: Alabama State Capitol



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