



Written by [R. Cort Kirkwood](#) on August 30, 2011

Federal Judge Blocks Alabama's Tough New Immigration Law

A federal district judge has blocked Alabama's tough new immigration law from going into effect and says she will decide whether it is constitutional.

[Sharon Lovelace Blackburn](#), chief judge for the [Northern District](#) of Alabama (a post for which she was nominated by the elder President Bush), acted on behalf of a coalition of Hispanic activists and leftist lawyers from the [American Civil Liberties Union](#), the [Southern Poverty Law Center \(SPLC\)](#), the Obama administration, and [various leftist churches](#).



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[The Montgomery Advertiser reported](#) that Blackburn's ruling will last in until September 29 "or until she issues an order on the specific injunction requests, whichever comes first. That order would come no later than Sept. 28."

The law was scheduled to go into effect on September 1.

In the stroke of a pen, Blackburn overturned months of work of the Alabama legislature and Governor Robert Bentley, who are trying to get control of the state's burgeoning population of illegal aliens. More importantly, note critics, she overruled the people who put those legislators and the Governor in office.

The Law

[Blackburn conceded](#) that she has not decided whether the law, or the case against it, has merit, the *Advertiser* reported. "In entering this motion the court specifically notes it is in no way addressing the merits of the motions," she wrote.

Most importantly, Blackburn acted at the behest of the Obama administration, which is waging a similar war [against Arizona](#). Its law, passed last year, also invited an attack from the [reconquista](#) lobby and its legal arm, the ACLU and the widely-discredited leftist SPLC.

The Left and its legal team are upset because Alabama has finally said it has had enough illegal immigration, [which costs](#) the state some \$298 million annually, according to the [Federation for American Immigration Reform \(FAIR\)](#). As many as 160,000 illegals live in Alabama, the [Pew Hispanic Center reported](#) in February. The center's low estimate is about 75,000.

As [The New American reported](#) when Gov. Bentley signed the bill, [HB 56 mandates](#) a variety of measures that would make living in Alabama a near impossibility for illegals. It requires voters who show up to cast a ballot to prove they are citizens, while mandating that localities and their officials notify federal authorities when illegals are in custody. To stop localities from becoming sanctuaries, the bill forbids state and local officials from refusing to cooperate with federal immigration authorities, and it requires the state Attorney General to negotiate a memorandum of understanding with the federal



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government.

[The bill ends](#) welfare benefits for illegals, and while forbidding illegals from using residency to receive education benefits, it permits the children of illegals access to public education. But schools must determine immigration status of suspect children. Importantly, employers in Alabama must now enroll in the federal E-verify program to determine the eligibility of prospective employees. (However, e-verify is not without controversy and has been criticized by constitutionalists and libertarians wary of surveillance conducted by the federal government. See: "[E-verify and the Emerging Surveillance State.](#)") Equally as important, the bill forbids an illegal from working in the state, and it punishes those who harbor or transport illegals. Shady employers, then, may not pick up illegals and transport them to work.

The [bill also does](#) what Arizona's [SB 1070 did](#). It requires the police to check the immigration status of any suspect arrested for a crime that demands bail. And police can detain those they believe, with "reasonable suspicion," to be illegals.

Claims of Racism

[According to the Left](#), the bill is racist. SPLC lawyers claimed: "It's mean-spirited. It's racist. It's divisive. It's just a disaster." And it "sacrifices citizens' safety [and] perpetuates bigotry."

"This bill invites discrimination into every aspect of the lives of people in Alabama," said one of the ACLU's top [legal officials](#). The Alabama branch said "[i]t 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."

Clearly, a majority of the state's legislature and its Governor disagreed. Said Governor Bentley, "We have a real problem with illegal immigration in this country. 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."

Will It Be Upheld?

The Left hopes at least some parts of the bill will be struck down, the *Advertiser* reported. Pamela Long, a professor at Auburn Montgomery and plaintiff in the lawsuit, [told the paper](#) she believes the delay offers "a better chance that at least parts of it can be blocked. I'm glad to see the judge is taking it seriously and taking time to weigh things out."

Bentley and the backers of HB 56 believe Judge Blackburn will uphold the bill, the *Advertiser* reported. "We were not surprised by the delay, but we still feel this bill is a good bill," [Bentley told](#) the newspaper. "It was well written. It mirrors federal law, and I expect that it will be upheld."

Observers note that the question is what good the bill will do, given that the Obama administration [has repeatedly declared](#) the failed federal [DREAM Act](#) law and has officially [stopped deporting](#) all but the most dangerous illegals.

Photo: Alabama Gov. Bob Riley, center, talks about the use of specially-trained troopers to arrest illegal immigrants, Aug. 13, 2004, in Montgomery.; AP Images



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