



Written by [Joe Wolverton, II, J.D.](#) on December 16, 2011

Human Rights Watch Report Slams Alabama Immigration Law

As if the complaints of the federal government aren't enough, the new immigration statute passed by the state of Alabama is now coming under fire from Human Rights Watch for causing "human rights violations."

Never a group to mince words, Human Rights Watch issued [a 52-page report](#) on Wednesday brutally entitled, "No Way to Live."

The document is replete with recriminations. Specifically, the New York-based advocacy group reports that the controversial measure (H.B. 56) violates the equal protection rights of Hispanics, as well as impeding that minority bloc's access to the most basic of necessities such as water, electricity, and housing.



As [reported by CNN](#), there are widespread and woeful consequences of the law.

The CNN story records:

Many of the unauthorized immigrants we met and their families are deeply attached to the state," said Grace Meng of Human Rights Watch's U.S. program, who authored the report. "Their children are obviously affected, but we also met a teacher who fought back tears as she described her students' fears, a minister who lost 75 percent of his congregation and a Latino permanent resident who was stopped by a state trooper for no reason except ethnicity.

Another similar anecdote is provided in the CNN piece on HRW's indictment of the Alabama law.

A young man interviewed by Human Rights Watch said he was stopped and detained by police for not having a driver's license and was told by an officer, "You have no rights." One permanent resident was told by a major store employee her prescription could not be refilled because she is not a citizen.

Although certainly very catchy and easily repeated, the plural of anecdote is not evidence. And, aside from the multiplicity of legal challenges, there is little proof that Hispanics legally present in the state of Alabama are being subjected to a wholesale denial of their civil rights.

As is so often the case in reports of this variety, children are singled out by Human Rights Watch as being the most afflicted class of citizens suffering under the new law. The rights group reported:

The initial human impact has been devastating, though the full consequences remain unclear. A group of people have found themselves unable to live the lives they had lived for many years.



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Some were barred from access to basic services like water, and many more were told they could not live in homes they own. The interpretation of some provisions continues to be modified by state officials or enjoined by the courts, but other provisions still deny unauthorized immigrants equal protection of the law. This has already discouraged some from reporting crimes and wage theft. Particularly hard hit have been the children of unauthorized immigrants, an especially vulnerable population, including the many who are US citizens. Legislators contend that these are “unintended consequences” of the legislation, but the proponents of the Alabama law made clear from the start their intention to make it impossible for unauthorized immigrants to live in the state.

And again:

And it has encouraged local and state officials to deny unauthorized immigrants basic rights such as access to water and housing. Although the law is new and its full impact unclear, it has already severely affected the state’s unauthorized immigrants, their children, many of whom are US citizens, and the broader community linked to this population.

In order to adequately address this lamentable, though perhaps unintended impact of the law, the statute must be immediately repealed, suggests HRW.

While such a recommendation is predictable and perhaps laudable, HRW demonstrates a lack of understanding of core constitutional principles in its call to Congress to enact “comprehensive immigration reform.”

As has been [thoroughly set forth](#) in [The New American](#), the Constitution of the United States makes no grant of authority to the federal Congress to legislate in the area of immigration.

In light of that dearth of delegation, the right to set rules for immigration rests with the states per the mandates of the Tenth Amendment.

The Tenth Amendment reads: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

As has been widely reported, several officials of the state government of Alabama, including the Governor, the Attorney General, and leaders of the state legislature, have announced their intent to “tweak” the law in order to make it more effective and less liable to litigation.

That said, not one of those state officials has advocated anything approaching an outright repeal of the law.

It is true, however, that earlier this month, [Alabama Attorney General Luther Strange suggested the repeal](#) of at least two of the law’s more controversial sections, both of which are currently not being enforced per an injunction handed down by a federal appeals court. Specifically, the sections suggested for scrapping include one that makes 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.

The 11th Circuit Court of Appeals in October issued a temporary injunction prohibiting the enforcement of those two provisions of HB 56.

[Many similar state laws have been challenged by the Obama Department of Justice](#). Arizona, South Carolina, and Georgia have all been taken to court by Attorney General Eric Holder for having allegedly usurped federal authority by passing laws seeking to regulate the immigration of aliens.



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As has been covered [many times](#) by *The New American*, this interpretation of the Constitution is incorrect and contrary to both the intent of the Framers and the constraints placed on the federal government by the enumerated, limited powers granted to it by the Constitution.

Nowhere in that document is the federal government given any power — not to mention exclusive power — to set national immigration policy. Therefore, according to the terms of the Tenth Amendment, the states and the people retain the right to govern in that arena.

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An [op-ed piece](#) written by the *Birmingham News* editorial board declared, “All people should be treated with decency. As written, Alabama’s immigration law makes that impossible.”

The first sentence of that statement is irrefutable. The only legitimate purpose of the law is justice and justice demands that all people be treated fairly.

With regard to the Alabama immigration statute, “all people” should be afforded the protection of the law. This logically should include protection from those who would flout the express will of society by illegally entering the sovereign territory of the state, especially when it is often for the purpose of milking the various welfare programs offered by state and federal entitlement programs.

For now, despite the pending lawsuits that have been filed by the federal Department of Justice and various civil rights advocacy groups, Governor Robert Bentley still believes in the soundness of his state’s attempt to reduce illegal immigration. [In a press release](#), he declared:

We recognize that changes are needed to ensure that Alabama has not only the nation’s most effective law, but one that is fair and just, promotes economic growth, preserves jobs for those in Alabama legally, and can be enforced effectively and without prejudice.



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