

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

Hispanic Interest Coalition of Alabama, *et al.*,

Plaintiffs,

v.

Governor Robert Bentley, *et al.*,

Defendants.

Case No. 5:11-cv-02484-SLB

**BRIEF OF THE NAACP
ALABAMA STATE
CONFERENCE AND
OTHER AMICI CURIAE IN
SUPPORT OF PLAINTIFFS'
MOTION FOR
PRELIMINARY
INJUNCTION**

I. INTRODUCTION AND INTEREST OF AMICI CURIAE

Amicus Curiae Alabama State Conference of the National Association for the Advancement of Colored People (NAACP) is a non-partisan non-profit organization headquartered in Athens, Alabama. It is an affiliate of the NAACP, a national organization founded in 1909, partly in response to the continuing horrific practice of lynching, and has been active in Alabama since 1918. Its mission is to ensure that the political, educational, social, economic, and civil rights of all persons in the state of Alabama are protected and to take measures to eliminate racial hatred and racial discrimination wherever it exists.

The Alabama State Conference of the NAACP, along with twenty-six other organizations, including the Montgomery Improvement Association, founded in 1955, and the Southern Christian Leadership Conference, founded in 1957, and once led by Dr. Martin Luther King, Jr., submit this brief in support of Plaintiffs' Motion for Preliminary Injunction (dkt #37). The amici are all public interest organizations representing various communities of color, faith, and individuals united in their pursuit of tolerance and equality. The Appendix contains additional information about the amici.

HB 56, officially known as the Beason-Hammon "Alabama Taxpayer and Citizen Protection Act," shares similarities with the problematic and far-reaching

Arizona law SB 1070; however, HB 56 is “an Arizona bill with an Alabama twist,” the twist being the bill’s even more expansive reach, described by legislators as including “every aspect of a person’s life.” Anonymous Author, *Alabama Lawmakers Approve Arizona-Style Immigration Bill*, Associated Press, June 5, 2011. HB 56, for example, criminalizes the harboring and transportation of undocumented persons, thus making it a crime to give an undocumented person a ride to church or the hospital, or, indeed, for a lawyer to take an undocumented client to Atlanta for an immigration hearing, and making it a crime to allow an undocumented person to reside in one’s home.

Under HB 56, Alabama law enforcement officials are empowered to take action against an individual that arouses a “reasonable suspicion” that he or she is “unlawfully present.” Any such judgment by Alabama law enforcement authorities will necessarily depend on the individual’s ethnicity, skin color, facial features, accent, dress, or some other physical attribute. Alabama legislators have recognized as much, even acknowledging that this statute was designed to target a specific ethnic group, Hispanics. *See* Complaint for Declaratory and Injunctive Relief (dkt #1 filed July 8, 2011, ¶¶ 189-190, explaining that the alleged “illegal immigration problem” is really about the increase in the Hispanic, particularly Mexican, population).

HB 56 thus in effect empowers law enforcement officials to take action against anyone that to an official's eye "looks or sounds like they don't belong here," most pointedly anyone that "looks or sounds Mexican." Moreover, HB 56 even creates a crime of guilt by association such that any person *associating* with someone perceived to be possibly undocumented can be interrogated, detained and/or arrested.

The practical result is that HB 56 will establish a legally sanctioned mechanism for law enforcement officials to unjustifiably subject Hispanics and other perfectly legal communities of color, including, in particular those perceived to be Middle Eastern or Asian, to arbitrary deprivations of fundamental civil liberties, including detention, interrogation, and the constant fear of the possibility of both. Ironically, because of this abject endangerment of individual rights preserved under the Constitution, the "Alabama Taxpayer and Citizen Protection Act" actually *threatens* public safety by providing a severe disincentive for communities of color to report crimes, including and especially hate crimes, lest they subject themselves to law enforcement scrutiny.

Sadly, HB 56 does not constitute the first legislative attempt to deprive communities of color of basic civil rights; sadder still, some attempts succeeded. The Fugitive Slave Act of 1850, for example, placed all African Americans—free

or slave—in danger of being labeled an escaping slave by law enforcement authorities, and it criminalized the harboring or transportation of escaping slaves. Alabama’s own Jim Crow laws were similar in animus, intended to regulate every aspect of a person’s life, requiring law enforcement officials to enforce racist laws and criminalizing the exercise of fundamental human liberties such as association, speech and religion.

HB 56, with its Alabama “twist” and distinct “Alabama flavor” intended to regulate “every aspect of a person’s life,” is a disturbing incarnation in the twenty-first century of some the most abhorrent types of institutionalized racism to have emerged in the history of the United States. HB 56 should be enjoined.

II. ARGUMENT

A. HB 56 Constitutes Legalized Racism

Over the past 150 years, the courts have prevented the application of many statutes aimed at excluding certain minority groups from the benefits, rights, and liberties granted to those in the majority. In some cases, the statute in question effectively applied only to certain groups. *See, e.g., Oyama v. United States*, 332 U.S. 633, 644 (1948) (refusing to apply California’s Alien Land Law, which essentially applied only to Japanese, to deprive American citizen of title to land solely because his father was Japanese); *Church of Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 525, 534 (1993) (holding that, although the city’s “animal sacrifice” ordinance appeared facially neutral, ordinance was intended to suppress central element of Santeria religion in violation of First Amendment). In others, a facially neutral statute was discriminatorily applied. *See, e.g., Yick Wo v. Hopkins*, 118 U.S. 356, 373-74 (1886) (holding that a facially neutral local ordinance requiring laundry operators to obtain permits from the San Francisco Board of Supervisors was nevertheless unconstitutional as applied because the Board of Supervisors had denied the permit requests of more than 200 Chinese applicants, and granted permits to 80 similarly situated non-Chinese applicants).

In *Korematsu v. United States*, 323 U.S. 214 (1944), in a famous dissent

which has since been universally acknowledged as correct, so much so that the victims have been paid reparations by the United States, Justice Frank Murphy decried the exclusion of Japanese Americans from the Pacific Coast, stating that such act “[fell] into the ugly abyss of racism” and even resembled “the abhorrent and despicable treatment of minority groups by the dictatorial tyrannies which this nation is now pledged to destroy.” 323 U.S. 233.

I dissent, therefore, from this legalization of racism. Racial discrimination in any form and in any degree has no justifiable part whatever in our democratic way of life. It is unattractive in any setting, but it is utterly revolting among a free people who have embraced the principles set forth in the Constitution of the United States. ***All residents of this nation are kin in some way by blood or culture to a foreign land. Yet they are primarily and necessarily a part of the new and distinct civilization of the United States.*** They must, accordingly, be treated at all times as the heirs of the American experiment, and as entitled to all the rights and freedoms guaranteed by the Constitution. 323 U.S. 242 (emphasis added).

Notably, Justice Murphy spoke of “residents” of the United States, not citizens. Similarly, in his celebrated letter from the Birmingham jail, Martin Luther King stated:

Moreover, I am cognizant of the interrelatedness of all communities and states. I cannot sit idly by in Atlanta and not be concerned about what happens in Birmingham. Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. ***Whatever affects one directly, affects all indirectly.***

Never again can we afford to live with the narrow, provincial “outside agitator” idea. Anyone who **lives** inside the United States can never be considered an outsider anywhere within its bounds. Martin Luther King Jr., “Letter from a Birmingham Jail” (April 16, 1963) *available at* http://www.africa.upenn.edu/Articles_Gen/Letter_Birmingham.html. (last visited Aug. 4, 2011) (emphasis added).

Alabama is no stranger to legalized racism. The Fugitive Slave Act of 1850 required law enforcement officials to arrest any *alleged* runaway slave; failure to do so would result in a significant fine. *See* §§ 5, 7. Further, under the Act any individual harboring or transporting a runaway slave would be subject to imprisonment as well as a fine. Free and enslaved looked and sounded remarkably similar, however, and under the Fugitive Slave Act untold numbers of free people were subject to detention, violence and worse. *See, e.g.*, David S. Heidler and Jeanne T. Heidler, Encyclopedia of the American Civil War 794-796 (2002). This, of course, was at a time when, by edict of the Supreme Court, African-Americans “had no rights which the white man was bound to respect.” *Dred Scott v. Sandford*, 60 U.S. 393, 407 (1856)

HB 56 is the modern equivalent of Alabama’s own Jim Crow laws, which were intended to regulate every aspect of a person’s life. These laws required law enforcement officials to enforce racist laws and criminalized the exercise of fundamental human liberties such as association, speech and religion. *See, e.g.*, The

Code of Alabama (1923) *available at* <http://www.yale.edu/glc/archive/976.htm> (last visited Aug. 3, 2011). These laws continued well into the 20th century, where Alabama’s anti-miscegenation laws were overturned only forty-four years ago, and not by choice, but by order of the Supreme Court of the United States; indeed, it was only in November 2000 that Alabama removed the anti-miscegenation provision from its constitution, and that with only 60% of the vote. *See* Proposed Constitutional Amendments to Appear on Statewide Ballots November 7, 2000 General Election, *available at* <http://www.sos.state.al.us/Elections/2000/2000PropStateAmendmts.aspx>; Alabama 2000 Proposed Amendments Results, *available at* <http://alabamavotes.gov/downloads/election/2000/general/2000g-amend.pdf> (last visited Aug. 5, 2011).

Like the Jim Crow laws, HB 56 is intended to regulate “every aspect of a person’s life” and similarly seeks to invade the most sacred temples of civil liberties. HB 56 impermissibly threatens not only Hispanics but all communities of color, since it empowers law enforcement officials to target anyone that could conceivably be considered foreign by appearance or accent—this broad net applies to just about any community with immigrants in it, which, in the United States, is just about any community of color. The day-to-day indignities of detention,

interrogation, and arrest authorized under HB 56 will thus be disproportionately inflicted upon Latinos, Middle Easterners, Asian Americans, English-language learners, and others who simply look different or speak differently — U.S. citizens, legal residents, tourists, and undocumented workers alike.

This form of legalized racism is not only contrary to the traditions and values of the United States as enshrined in our Constitution, but also violates universally recognized notions of fundamental civil rights and basic freedoms, as evidenced by the multinational treaties that address this topic, treaties to which the United States is a party and which thus constitute “the supreme Law of the Land.” U.S.

Constitution, Article VI. The International Convention on the Elimination of All Forms of Racial Discrimination, for example, defines racial discrimination as “*distinction*, exclusion, restriction or preference *based on* race, colour, *descent*, or *national or ethnic origin which has the purpose or effect of* nullifying or *impairing the* recognition, *enjoyment or exercise, on an equal footing, of* human rights and *fundamental freedoms in* the political, economic, social, cultural or *any other field of public life.*” Art. 1, Mar. 7, 1966, 660 U.N.T.S. 195 (emphasis added).

These fundamental rights extend to undocumented persons. Under the International Covenant on Civil and Political Rights, the Parties “*undertake[] to*

*respect and to ensure to all individuals within its territory and subject to its jurisdiction **the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.***” Art. 2.1, Mar. 23, 1966, 999 U.N.T.S. 171. As explained by the Human Rights Committee of the Office of the United Nations High Commissioner for Human Rights, “**the rights set forth in the Covenant apply to everyone**, irrespective of reciprocity, and irrespective of his or her nationality or statelessness. Thus, the general rule is that **each one of the rights of the Covenant must be guaranteed without discrimination between citizens and aliens.**” General Comment No. 15: The position of aliens under the Covenant, 04/11/1986 *available at* <http://tinyurl.com/4y6p5zq> (last visited Aug. 3, 2011).

A. HB 56 Will Mandate Racial Profiling

HB 56 attacks every aspect of life for anyone that is or associates with an individual who appears or sounds foreign. Hispanics were a particular target during the legislative drafting process. Nonetheless, other ethnic groups and communities of color are increasingly at risk of being profiled as “foreign,” especially Middle Eastern and Asian communities.¹

HB 56 formally states that law enforcement officers “may not consider race, color or national origin” in the enforcement of the law “except to the extent permitted by the United States Constitution and the Constitution of Alabama of 1901.” 2011 HB 56 § 11(C). This is a impossible mandate. First, there is no way for even the most well-meaning law enforcement official to determine whether an individual is possibly undocumented without making judgments based on apparent race, color and national origin. Second, Alabama’s own legislators recognize that HB 56 is *precisely* intended to target a race, color and national origin: namely,

¹ The Asian-American population in the United States, for example, is rapidly increasing and is presently made up primarily of foreign-born individuals from Vietnam, Korea, American Samoa, India, Thailand, the Philippines, and China. Rand Corp., *America Becoming: The Growing Complexity of America’s Racial Mosaic* (2001), available at http://www.rand.org/pubs/research_briefs/RB5050/index1.html (last visited ----). Foreign-born Asian Americans, even those who are citizens or have been granted other federal permission to remain in the United States, would be more likely to speak limited or heavily accented English, which may in turn trigger heightened police scrutiny under HB 56. Asian Americans born in the United States are also likely to face heightened policy scrutiny under HB 56, simply because of their appearance.

Hispanics.

HB 56 mandates that Alabama law enforcement officers make an on-the-spot assessment, during every stop, detention, or arrest under any law or ordinance, of the immigration status of the targeted individual. If the law enforcement officer has “reasonable suspicion” that “the person is an alien who is unlawfully present in the United States,” the officer must then make a reasonable attempt to ascertain the suspect’s immigration status.² HB 56 § 12(a). In fact, if HB 56 is not enforced, the statute provides a mechanism for private citizens to bring a lawsuit for that failure. HB 56 § 5(d).

As San Francisco District Attorney George Cascon noted, however, “HB 56 cannot be enforced in a race-neutral manner [Officers] will inevitably rely upon race and ethnicity as factors in establishing reasonable suspicion to investigate potential violations of HB 56.” *Exhibit 39, Declaration of District Attorney George at 5; see also Exhibit 38, Declaration of Sheriff Mike Hale at 6* (“I do not believe it is possible to instruct my deputies on how to enforce HB 56 without taking into consideration factors such as the person’s appearance and manner of speaking.”). In short, HB 56 “will force . . . police officers into an untenable position by giving

²

The statute recognizes that actual determination of immigration status may only be made by a law-enforcement officer authorized by the federal government to verify status. HB 56 § 10(b). Presumably, a person detained on suspicion of being “unlawfully present” would not be freed until an appropriate federal agent makes the determination.

them an assignment which most cannot carry out without relying on racial or ethnic appearance.” See *Public Safety and Civil Rights Implications of State and Local Enforcement of Federal Immigration Laws: Hearing Before the Subcomm. on the Constitution, Civil Rights, and Civil Liberties, and Subcomm. on Immigration, Citizenship, Refugees, Border Security, and International Law of the H. Comm. on the Judiciary*, 111th Cong. 77 (2009) (“Public Safety Hearing”) (statement of David A. Harris, Professor of Law, University of Pittsburgh School of Law).

It is no comfort that the statute requires law enforcement officers to assess “unlawful” presence only when conducting lawful stops, detentions, and arrests under other laws. As commentators have previously noted, the abundance of traffic and other laws provides ample pretext to stop, detain, or arrest virtually anyone. See, e.g., Matt Welch, *Driving While White*, Reason, Apr. 29, 2010, available at <http://reason.com/blog/2010/04/29/driving-while-white> (last visited Jul. 27, 2011) (“When you have thousands upon thousands of criminal laws, chances are non-trivial that you’re breaking one of them as we speak, or at least can be seen as possibly breaking one of them, in case you happen to cross paths with a motivated law enforcement officer.”). Despite the efforts of law enforcement agencies, pretextual stops have never been eradicated as a burden on civil liberties in the United States, including in Alabama.

Prior experience teaches that it is often a “disastrous and expensive” mistake to involve local police in immigration enforcement because such efforts may foster widespread racial profiling and other civil rights violations. Craig E. Ferrell, Jr., *Immigration Enforcement: Is It a Local Issue?*, 71 *The Police Chief*, No. 2, Feb. 2004.³ The fact is that even under the best of circumstances and with federal oversight and training, some errors still occur. For example, the Immigration and Nationality Act § 287(g) allows the U.S. Attorney General to delegate immigration enforcement functions to specified state and local law enforcement agencies. 8 U.S.C. § 1357(g). A recent report by the Department of Homeland Security’s Office of the Inspector General found that many state and local agencies enrolled in the 287(g) program are being investigated or sued for civil rights violations.⁴ See U.S. Department of Homeland Security, Office of Inspector General, *The*

³

See also ACLU of North Carolina and UNC Chapel Hill Immigration & Human Rights Policy Clinic, *The Policies and Politics of Local Immigration Enforcement Laws—287(g) Program in North Carolina*, 43-47 (Feb. 2009), <http://www.law.unc.edu/documents/clinicalprograms/287gpolicyreview.pdf>; Trevor Gardner II & Aarti Kohli, *The C.A.P. Effect: Racial Profiling in the ICE Criminal Alien Program*, 4-5 (Sept. 2009), available at http://www.law.berkeley.edu/files/policybrief_irving_FINAL.pdf (lasted visited Jul. 27, 2011) (finding “compelling evidence” of “aggressive” racial profiling of Hispanics by Irving, TX police officers after they began participating in the criminal alien program).

⁴ The report describes how one state agency improperly engaged in “random street operations” to target “minor offenses and violations of local ordinances,” even though the 287(g) program does not allow state and local agencies to perform such operations. In addition, the report found incidents of immigrants being arrested for federal immigration violations without prior arrests on state or local charges, which is prohibited under the 287(g) program.

Performance of 287(g) Agreements (Mar. 2010), available at http://www.dhs.gov/xoig/assets/mgmtrpts/OIG_10-63_Mar10.pdf (last visited Jul. 27, 2011). Even the intensive federal training and oversight that law enforcement agencies are required to undergo when they join the 287(g) program has not prevented racial profiling.

HB 56 assumes that every person in the United States has one of two labels clearly attached to them, “lawfully present” or “not lawfully present,” and that law enforcement officials need only ascertain which label attaches to each individual in order to take appropriate action. This is an incorrect understanding of the tremendously complex web of immigration regulations and practices that yield individuals who are lawfully present in the United States but do not have a simple “I Am Lawfully Present” card to carry around. Under HB 56, these individuals may well land in jail unless and until they can present documentation that demonstrates lawful presence *to a given law enforcement official’s satisfaction*.

Such a circumstance, of course, also applies to all legal residents and even United States citizens who would risk jail time if unable to satisfactorily demonstrate that they are legally present. In fact, the irony is that United States *citizens* may well be among the more vulnerable individuals, since citizens do not have a citizenship card analogous to the “Green Card” permanent residents are

granted. A United States citizen having nothing to show other than a driver's license could well end up in jail until his citizenship can be confirmed if he is profiled as "appearing" or "sounding" "foreign" to any given law enforcement officer, perhaps worst of all if he is profiled as "Mexican."

HB 56 is formally about "unlawfully present" individuals, but in today's Alabama "illegal immigrant" is proxy for "Mexican." Alabama legislators have recognized as much, and the rhetoric surrounding the bill has confirmed this fact. HB 56 in practice empowers law enforcement officials to take action against anyone they suspect of being "Mexican." Of course, it is unlikely that a law enforcement officer could distinguish between United States citizens of Mexican descent or origin and undocumented Mexicans based upon how they look and sound.

Hispanics account for 3.5 percent of Alabama's population, where the median annual income among Hispanics in Alabama is \$17,000.⁵ HB 56 thus specifically and improperly targets an insular and poor community of racial minorities, many of whom are deemed by legislators and law enforcement to "look"

⁵

As of 2011, 26.1 percent of Alabama's population is "Black," 3.5 percent is "Latino," and 2.8 percent identified as "Other (non-white)" *Alabama Demographics*, LA Times.com, June 9, 2011 (citing U.S. Census Bureau) available at <http://www.latimes.com/news/nationworld/nation/wire/la-na-alabama-immigration.eps-20110610,0,3224865.graphic> (last visited July 26, 2011.). The terms "Hispanic" and "Latino" are used interchangeably in this brief. See "Demographic Profile of Hispanics in Alabama, 2009," Pew Hispanic Center, available at <http://pewhispanic.org/states/?stateid=AL> (last visited 26 July 2011).

or “sound” “foreign.” As District Attorney George explained, “HB 56 will permit disparate treatment of Latinos and other persons of color.” *Exhibit 39, Declaration* at 5. The language of HB 56 will only serve to further alienate Hispanics in Alabama, 55 percent of whom have reported, even before HB 56 was passed, that they received “unjust treatment” by police because of their race. *See* Southern Poverty Law Center, *Racial Profiling Under Siege: Life for Low-Income Latinos in the South*, (2009), available at <http://www.splcenter.org/get-informed/publications/under-siege-life-for-low-income-latinos-in-the-south> (last visited Jul. 27, 2011); *see also* Pew Hispanic Ctr., *Hispanics and Arizona’s New Immigration Law* 3 (2010) (“2010 Pew Report”), available at <http://pewhispanic.org/files/factsheets/68.pdf> (native-born and foreign-born Latinos equally likely to report having been stopped by police and asked about their immigration status in the previous twelve-month period throughout the U.S.).

HB 56 threatens not only the undocumented, but also anyone who appears or sounds—in an officer’s personal judgment—foreign. Mexicans, and Hispanics generally are the current targets of the statute, but all communities of color share the same risk, especially when one considers recent trends in immigration from the Middle East, Asia and Africa.

B. HB 56 Threatens Public Safety in Alabama

1. *HB 56 Will Have a Chilling Effect on the Reporting and Investigation of Crime in Alabama*

Perceived discriminatory police treatment erodes trust between law enforcement and the community it is supposed to protect. See Anita Khashu, *The Role of Local Police: Striking a Balance Between Immigration Enforcement and Civil Liberties* 23 (Mary Malina ed., 2009), available at <http://www.policefoundation.org/pdf/strikingabalance/Role%20of%20Local%20Police.pdf> (last visited Jul 27, 2011) (“Police Foundation Report”). Alabama law enforcement officials know this all too well. Law enforcement bodies to this day grapple with the tremendous rifts that exist as a result of the dismal and painful history in Alabama of repression by law enforcement officials of communities of color. HB 56 will magnify those rifts by instilling or exacerbating fear and mistrust of law enforcement officials in Alabama’s communities of color, particularly the Hispanic community. This will prevent reporting of crime and willing cooperation in criminal investigations.

Fear of reporting crimes and cooperating with police investigations has frequently been recognized as a problem among undocumented immigrants, and this makes them particularly vulnerable. See, e.g., Nat’l Network for Immigrant & Refugee Rights, *Over-Raided, Under Siege: U.S. Immigration Laws and*

Enforcement Destroy the Rights of Immigrants 36 (2008), available at http://www.nnirr.org/resources/docs/UnderSiege_web2.pdf (last visited Jul 27, 2011); S. Poverty Law Ctr., *Under Siege Life for Low-Income Latinos in the South* 6 (Apr. 2009), available at <http://www.splcenter.org/sites/default/files/downloads/UnderSiege.pdf> (last visited Jul 27, 2011) (noting that 41 percent of migrant workers in survey reported wage theft). The fact that HB 56 transforms every law enforcement official into a de facto ICE official inestimably aggravates this problem, risking a complete lock-down among immigrant communities where individuals' cooperation with police will disappear altogether.

For those fearful that they or a loved one will be deported, reporting a crime or providing witness information to law enforcement officials who, under HB 56, must perpetually watch for people “unlawfully present” in the United States will be too risky a proposition to accept. Even those who are documented fear being stopped, detained and interrogated solely because they are Latino and/or appear foreign. Further, a significant number of lawfully present people live with parents, siblings, neighbors and friends who are not. In one survey, 57 percent of Hispanics report worrying that they or a close friend or family member will be deported, and 35 percent of American-born Hispanics—more than one in three—admit to having this concern. 2010 Pew Report, at 3.

Even before HB 56, the indignity of repeatedly being stopped by the police, questioned as a potential criminal, and in some cases searched and/or detained, already served to alienate members of the Latino community — including U.S. citizens — from law enforcement. See Anthony E. Mucchetti, *Driving While Brown: A Proposal for Ending Racial Profiling in Emerging Latino Communities*, 8 Harv. Latino L. Rev. 1, 18 (2005) (finding that even Latino *citizens* change the way they live to avoid being harassed by police). According to a 2008 National Survey of Latinos, only 45 percent of Latinos said they had a great deal or fair amount of confidence that police officers in their communities would treat Latinos fairly. See 2010 Pew Report, at 4. HB 56 will further marginalize members of communities who already doubt that they will be treated fairly by the police.⁶

When victims and witnesses are too afraid to seek out and cooperate with law enforcement, public safety is at risk. See Public Safety Hearing, at 81-82 (statement of Hubert Williams, President, Police Foundation) (recommending that local law enforcement not engage in immigration enforcement activities that directly involve the public, such as requesting documentation in connection with traffic stops). Law

⁶

This concern is not merely theoretical. A 2009 report concluded that a local Virginia police department's enforcement of immigration laws caused a 15 percent decrease in the level of trust in government in the Hispanic community, and a two-point drop (out of ten points) in their quality of life. Thomas M. Guterbock et al., *Evaluation Study of Prince William County Illegal Immigration Enforcement Policy*, at xi, 76-78 (2009), available at <http://www.co.prince-william.va.us/docLibrary/PDF/10636.pdf> (last visited Jul 27, 2011).

enforcement agencies have recognized how critical it is to have the trust of the community. See Jack McDevitt *et al.*, Ne. Univ. Institute on Race & Justice, *COPS Evaluation Brief No.1: Promoting Cooperative Strategies to Reduce Racial Profiling* 21 (2008) (“Being viewed as fair and just is critical to successful policing in a democracy.”). Accordingly, many police departments have adopted “community based policing,” which requires police to interact with members of the community to forge trust and respect. Police Foundation Report at 24. To encourage cooperation between the police department and the public, other locales have adopted policies similar to the Los Angeles Police Department’s Special Order No. 40, which prohibits police officers from “initiat[ing] police action with the objective of discovering the alien status of a person.” L.A. Police Dep’t, LAPD Manual Vol. 4 § 264.50, *available at* http://www.lapdonline.org/lapd_manual/volume_4.htm#264.50 (last visited Jul 27, 2011); *see also* L.A. Police Dep’t, Chief of Police Special Order No. 40 (Nov. 27, 1979) (adopting policy located in LAPD Manual at Vol. 4 § 264.50 because “effective law enforcement depends on a high degree of cooperation between the Department and the public it serves”), *available at* http://www.lapdonline.org/get_informed/pdf_view/44798 (last visited Jul 27, 2011).

HB 56 will have precisely the opposite effect. Rather than encouraging cooperation between law-enforcement officers and the communities they serve, the law will chill reporting by victims and collaboration with residents to end crime, and jeopardize the effectiveness of law enforcement's efforts to keep Alabama safe. Mike Hale, Sheriff of Jefferson County in Alabama, is "concerned about the effect HB 56 will have on [his] office's ability to engage immigrant and minority communities . . . which is essential to keeping our communities safe and to solve crimes that occur here... [and] HB 56 may result in . . . deputies being viewed as State immigration officers instead of law enforcement officers trying to protect everyone . . ." Exhibit 38, *Declaration of Sheriff Mike Hale* at 7. Thus, not only will enforcement of HB 56 harm communities already distrustful of law enforcement, it ultimately will threaten the public safety and well-being of all Alabama residents.

2. *HB 56 Leaves Minorities Even More Vulnerable to Hate Crimes*

If HB 56 takes effect, those who are most intimidated by the new law enforcement regime will also be among those most in need of government protection against hate crimes. By the Federal Bureau of Justice's own estimates, only 44 percent of hate crimes are reported to the police. Caroline Wolf Harlow, Bureau of Justice Statistics, *Hate Crime Reported by Victims and Police* 4 (Nov. 2005), available at <http://bjs.ojp.usdoj.gov/content/pub/pdf/hcrvp.pdf> (last visited Jul 27, 2011). One explanation for the significant underreporting of hate crimes corresponds to the reason that undocumented workers underreport crimes generally: victims fear, with good reason, reinforced by HB 56, that calling attention to the crime will lead to further targeting, whether by the perpetrator or by the police. Moreover, the level of vitriol in the immigration debate has recently increased: in only two years the number of groups termed "nativist extremist" by the Southern Poverty Law Center, i.e., "organizations that go beyond mere advocacy of restrictive immigration policy to actually confront or harass suspected immigrants,"⁷ has more than doubled, from 144 groups in 2007 to 309 groups in 2009. Heidi Beirich, S. Poverty Law Ctr., *The Year in Nativism*, Intelligence

⁷

S. Poverty Law Ctr., *New SPLC Report: "Patriot" Groups, Militias Surge in Number in Past Year*, Mar. 2, 2010, available at <http://www.splcenter.org/get-informed/news/splc-report-number-of-patriot-groups-militias-surges-by-244-in-past-year> (last visited Jul 27, 2011) (defining "nativist extremist").

Report, Spring 2010, *available at* <http://www.splcenter.org/get-informed/intelligence-report/browse-all-issues/2010/spring/the-year-in-nativism> (last visited Jul 27, 2011). In such a climate, all minority groups need to be able to trust law enforcement to ensure their safety. For the reasons expressed in Section II.B.1 above, if HB 56 takes effect it will be less likely that the victims of hate crimes will report those crimes to law enforcement.⁸

I. CONCLUSION

If enforced, HB 56 will lead to state-sponsored discrimination against certain targeted groups, which is clearly prohibited by existing federal law. HB 56 will subject everyone who appears Hispanic or otherwise “foreign” to unnecessary questioning and detention. HB 56 even infringes on the fundamental freedom of assembly by proscribing the harboring and transportation of undocumented persons. In short, HB 56 is a modern attempt to legalize racism in Alabama.

For these reasons, amici curiae support Plaintiffs’ Motion for a Preliminary Injunction.

⁸

The danger of the underreporting of hate crimes exists for all minorities, not just ethnic minorities. For instance, law enforcement organizations have recognized that lesbian, gay, bisexual and transgender communities often are reluctant to report hate crimes to unsympathetic officials. *See* King County Dep’t of Pub. Health, *Safety and Hate Crimes*, Oct. 7, 2008, *available at* <http://www.kingcounty.gov/healthservices/health/personal/glb/HateCrime.aspx> (last visited Jul 27, 2011).

Respectfully submitted this 5th day of August, 2011.

/s/ Gaela K. Gehring Flores
Gaela K. Gehring Flores*
Susan L. Shin
Robert A. Schwartz
Arnold & Porter LLP
555 Twelfth Street NW
Washington, DC 20006
T: 202.942.5000
F: 202.942.5999
Gaela.GehringFlores@aporter.com

/s/ Bonard I. Molina Garcia
Bonard I. Molina García*
Windrose LLP
3726 Connecticut Ave NW
Suite 305
Washington, DC 20008
T: 202.942.4110
F: 202.568.6505
Bonard.Molina@WindroseLLP.com

/s/ David Gespass
David Gespass
Gespass & Johnson
825 36th St S
Birmingham, AL 35222
on behalf of the National Lawyers Guild
T: 205.323.5966
F: 205.323.5990
pass.gandjlaw@gmail.com

* application for admission *pro hac vice*
forthcoming

Attorneys for Amici Curiae

Appendix of Amici Curiae

The **Alabama State Conference of the National Association for the Advancement of Colored People (NAACP)** is a 501 (c) (4) organization with its headquarters in Athens, AL. The Alabama State Conference is organized under the National Office of the NAACP, a 501 (c) (3) organization headquartered in Baltimore, MD. The NAACP is a nonpartisan organization at all levels to include the Alabama State Conference, Branches, College Chapter, and Youth Councils; however we do speak out on issues that are relevant to our mission. The mission of the Alabama NAACP is to ensure that the political, educational, social, economic and civil rights of all persons in the state of Alabama are protected and to take measures to eliminate racial hatred and racial discrimination wherever it may exist. The organization's objectives are to 1) ensure the political, educational, social, and economic equality of all citizens 2) achieve equality of rights and eliminate race prejudice among the citizens of Alabama and the United States 3) remove all barriers of racial discrimination through democratic processes 4) seek enactment and enforcement of federal, state, and local laws securing civil rights 5) inform the public of the adverse effects of racial discrimination and to seek its elimination and 6) educate persons as to their constitutional rights and to take all lawful action to secure the exercise thereof, and to take any other lawful action in furtherance of

these objectives, consistent with the NAACP's Articles of Incorporation and this Constitution

The goal of **The Alabama Council on Human Relations (“ACHR”)** is the promotion and implementation of programs that improve economic conditions, education, and racial relationships for all people, resulting in increased self-sufficiency and overall improvement in their quality of life. The ACHR is both an advocate and a service delivery program. Since its incorporation in 1954, the ACHR has engaged in a wide range of projects on the federal, regional, state, and local levels. ACHR has run state-wide programs including school desegregation, voter registration and the Alabama Coalition Against Hunger. Housing and employment counseling are also included in the ACHR programs.

Alabama New South Coalition (“ANSC”) is a Black and progressive political organization that works on an agenda of social and economic justice for poor and working people in the state of Alabama. The motto of the ANSC is “a change for the better in our lifetime” for the people of Alabama. The ANSC has county chapters in over half of Alabama's counties that work collaboratively on progressive issues, voter registration and voter education. The organization endorses candidates in statewide, county and local elections but works on many other issues and concerns between elections. Since its founding in 1986, ANSC has

helped to organize and develop other statewide organizations including: Twenty-First Century Youth Leadership Movement, CARE – Citizens Reforming Education, Hope Unity Fund, the Black Belt Community Foundation and others. ANSC feels the Alabama immigration law is an undemocratic policy that promotes racial profiling and pre-empts Federal immigration law.

Alabama NOW is part of The National Organization for Women (NOW), which is the largest organization of feminist activists in the United States. NOW has 500,000 contributing members in all 50 states and the District of Columbia. Alabama NOW supports real “immigration reform” legislation that provides a path to citizenship, promotes the reunification of families, includes protections against exploitation in the workplace, and doesn’t include fences, walls or border prisons. Immigration affects women deeply, as more than half of the almost 12 million undocumented immigrants are women and children. In the U.S., immigrant women are among the most vulnerable to exploitation, abuse and human rights violations. They face particular challenges due to inequalities between men and women but also due to the additional responsibilities of family and home. In the workplace, immigrant women may suffer gender discrimination as well as prejudice based on their accent, ethnicity or country of birth.

The Asian American Legal Defense and Education Fund (“AALDEF”),

founded in 1974, is a non-profit organization based in New York City. AALDEF defends the civil rights of Asian Americans nationwide through litigation, legal advocacy and dissemination of public information. Throughout its long history, AALDEF has protected the rights of Asians and other immigrants to be free from discrimination based on race and ethnicity as well as immigrant status. The unconstitutional and discriminatory Arizona legislation threatens the rights of Asians and other immigrants.

The **Birmingham Peace Project** is a small peace and justice organization active in Birmingham, Alabama since 2001. Among its principles is the demand for full implementation of all human rights documents and adherence to international law. These include the rights to employment and to adequate food, housing and shelter. Throughout its existence, it has supported the rights of immigrants, with or without documents, to justice and dignity.

The **Dominican American National Roundtable (“DANR”)** is a non-profit, charitable, members organization which brings together the different voices of all people of Dominican origin in the United States. DANR is a national forum for analysis, planning, and action to advance the educational, economic, legal, social, cultural, and political interests of Dominican Americans. It aims to ensure for U.S. Dominicans the full exercise of the rights and freedoms guaranteed in the

Constitution of the United States of America. The **National Dominican American Council (“NDAC”)** is the national civic-engagement-community relations organ of the Dominican American National Roundtable. It oversees 120 local councils in 85 cities across the United States with significant Dominican population. With a membership, which includes local councils, grassroots community organizations, educational, legal, health and civic organizations, DANR has evolved into a powerful research and advocacy organization on issues affecting the immigrant community. We believe that improving access to higher education and creating equal educational opportunity for immigrant students are a means to fulfill our mission. We strongly oppose states/localities promulgating their own immigration regulations which would have an adverse impact upon Dominicans residing in the U.S.

EqualityAlabama is a nonpartisan, statewide 501(c) (3) organized to advance equality and civil rights for Alabama’s people. With a special interest in securing basic human rights for the Lesbian, Gay, Bisexual, and Transgender (LGBT) community, Equality Alabama members understand the challenges faced by minorities. We’ve long worked to protect civil rights under our State and Federal Constitutions, believing that no person or group should suffer legal, economic or administrative discrimination. The enforcement of laws such as HB56

worsens discrimination against our communities of color. The foreign-born are our neighbors, friends, members, and life partners. Lacking federal recognition of our same-sex unions, we cannot sponsor our spouses for citizenship. Under this law our most loved are unnecessarily targeted. Accordingly, Equality Alabama has a strong interest in the outcome of this case and in enjoining enforcement of HB 56.

The **Federation of Southern Cooperatives/Land Assistance Fund** is a regional non-profit association providing services, resources and advocacy for 20,000 low income rural families organized into 75 active cooperatives, credit unions and community-based economic development organizations across the South. A major focus of the organization is on the retention of African-American farmers and farmland. In Alabama, the Federation owns and operates a Rural Training and Research Center, near Epes in Sumter County on 1,000 acres. The Center works with 5,000 low-income rural families primarily in the Black Belt area of the state. The Center provides training, demonstrations and outreach services for family farmers and other rural residents in agricultural and forestry skills, cooperative and credit union development as well as progressive rural policies that provide for access, equity and inclusion particularly for people of color.

Hispanic Federation (“HF”) is a nonprofit membership organization that

works to empower and advance the Hispanic community through public policy advocacy, leadership development and community revitalization projects.

Established in 1990, HF has grown to become one of the premier Latino organizations in the nation. Five major action areas provide essential focus to its work: Strengthening Latino Nonprofits; Improving Educational Achievement; Promoting Healthy Communities; Increasing Financial Stability; and Giving Voice to the Latino Community. HF deems the enactment of Alabama HB 56 as a blatantly unconstitutional action that like Arizona's SB1070 law will directly lead to widespread discriminatory conduct and racial profiling against Latinos residing and visiting the state. Even more alarming is the fact that if enacted this legislation will keep Latino children out of school and forever relegate generations of Latino families to permanent underclass status in the state. Given HF's primary role of addressing the well-being of the Latino community, Alabama HB 56 will severely hurt the ability of the Latino community to obtain employment, housing and other critical services in Alabama.

Immigration Equality is a national organization that works to end discrimination in immigration law against those in the lesbian, gay, bisexual, and transgender ("LGBT") community and immigrants who are living with HIV or AIDS. Incorporated in 1994, Immigration Equality helps those affected by

discriminatory practices through education, outreach, advocacy, and the maintenance of a nationwide resource network and a heavily-trafficked website. Immigration Equality also runs a pro bono asylum program and provides technical assistance and advice to hundreds of attorneys nationwide on sexual orientation, transgender, and HIV-based asylum matters. Immigration Equality is particularly concerned by Alabama's law because it criminalizes the conduct of lesbian and gay United States citizens who "harbor" foreign-born same-sex spouses or partners. Moreover, we are concerned about the effect of any law that may result in racial profiling and targeting LGBT people based on stereotypes and assumptions.

The principal mission of the **Lawyers' Committee for Civil Rights Under Law ("Lawyers' Committee")** is to secure, through the rule of law, equal justice under law. The Lawyers' Committee's major objective is to use the skills and resources of the bar to obtain equal opportunity for minorities by addressing factors that contribute to racial justice and economic opportunity. Given our nation's history of racial discrimination, de jure segregation, and the de facto inequities that persist, the Lawyers' Committee's primary focus is to represent the interest of racial and ethnic minorities, and other victims of discrimination, where doing so can help to secure justice for all racial and ethnic minorities.

The Lawyers' Committee has demonstrated an organizational commitment in the defense of immigrant civil liberties, recognizing that an attack on immigrant groups is an attack on all people of color residing in the United States. The Lawyers' Committee filed an amicus brief in support of litigation challenging an ordinance enacted by the city of Hazleton, PA, in 2007. The Hazleton ordinance imposed steep fines on landlords who rented to undocumented immigrants and denied business permits to owners who hired them. *Lozano v. City of Hazleton*, 496 F. Supp. 2d 477 (M.D. Pa. 2007). On June 16, 2010, the Lawyers' Committee filed an amicus brief in support of a motion filed by various civil rights organizations, which sought a preliminary injunction in *Friendly House, et al. v. Michael B. Whiting, et al.*, No. 10-cv-01061, (D. Ariz.), the private challenge to SB 1070. And on May 27, 2011, the Lawyers' Committee also joined, as a supporting organization, an *amicus curiae* filed by the Asian American Justice Center and Dorsey & Whitney, LLP, in support of *Utah Coalition of La Raza, et al., v. Gary R. Herbert, et al.*, No. 2:11-cv-00401-BCW, (D. Utah), which sought declaratory and injunctive relief against H.B. 497.

The **Montgomery Improvement Association** ("MIA") is a 501(c) (3) corporation and one of the country's oldest civil rights organizations. Founded in 1955 the MIA organized and ran the successful Montgomery Bus Boycott that

overturned segregated seating on municipal buses. That year-long protest and subsequent victory are widely credited as the beginning of the twentieth century civil rights movement that ended almost a century of Jim Crow segregation and discrimination against African American citizens. In the years since 1955, the MIA has continued to be a voice advocating for equal civil and human rights for all people. The recently enacted Alabama law aimed at immigrants is an affront to the history and principles of the MIA and threatens the entire community.

The **National Asian Pacific American Bar Association** (“NAPABA”) is the national association of Asian Pacific American attorneys, judges, law professors, and law students. NAPABA represents the interests of over 40,000 attorneys and more than 60 local Asian Pacific American bar associations, who work variously in solo practices, large firms, corporations, legal services organizations, non-profit organizations, law schools, and government agencies. Since its inception in 1988, NAPABA has served as the national voice for Asian Pacific Americans in the legal profession and has promoted justice, equity, and opportunity for Asian Pacific Americans. NAPABA engages in civil rights advocacy on various fronts and has a particular interest in ensuring that HB 56 is not enforced because individuals should not be subjected to heightened police scrutiny and should not be burdened with a presumption of illegality on the basis of their perceived “foreignness” in

appearance.

The **National Association of Latino Elected and Appointed Officials** (“NALEO”) Educational is the leading national nonpartisan organization that facilitates full Latino participation in the American political process, from citizenship to public service. The NALEO Educational Fund achieves its mission through integrated strategies that include increasing the effectiveness of Latino policymakers, mobilizing the Latino community to engage in civic life, and promoting policies that advance Latino civic engagement. The organization’s civic engagement efforts in the Latino community focus on three fundamental pillars: access to naturalization, nonpartisan electoral involvement, and participation in the decennial Census enumeration. The NALEO Educational Fund believes that state legislative measures, such as the one at issue in Alabama, are grounded in discrimination against Latinos, and will perpetuate large-scale discrimination against Latinos and other newcomers.

The **National Council of La Raza** (“NCLR”) – the largest national Hispanic civil rights and advocacy organization in the United States – works to improve opportunities for Hispanic Americans. Through its network of nearly 300 affiliated community-based organizations (CBOs), NCLR reaches millions of Hispanics each year in 41 states, Puerto Rico, and the District of Columbia. NCLR works through

two primary, complementary approaches: (1) Capacity-building assistance to support and strengthen Hispanic CBOs – especially those that serve low-income and disadvantaged Latinos; and (2) Applied research, policy analysis, and advocacy to encourage adoption of programs and policies that equitably serve Hispanics.

NCLR believes that state laws that attempt to create distinct immigration enforcement schemes result in large-scale discrimination against Latinos regardless of their immigration status, and are preempted by federal immigration laws.

The **National Employment Law Project (“NELP”)** is a non-profit legal organization with over 40 years of experience advocating for the employment and labor rights of low-wage and immigrant workers. In partnership with community groups, unions, and proactive public agencies, NELP seeks to ensure that all employees, and especially the most vulnerable ones, receive the full protection of employment laws, regardless of an individual’s immigration status as an immigrant.

NELP’s areas of expertise includes the workplace rights of documented and undocumented immigrant workers under federal employment and labor laws.

NELP has litigated and participated as *amicus* in numerous cases addressing the rights of immigrant workers under the Fair Labor Standards Act and the National Labor Relations Act, state workers compensation, wage and hour, and other acts.

NELP also provides legal assistance to labor unions and immigrant worker

organizations regarding the rights of immigrant workers in relation to the Bureau of Immigration and Customs Enforcement, and state and local law enforcement.

NELP has an interest in the outcome of this case because the Alabama statute undermines labor standards rights for immigrant families and all workers by permitting employers to discriminate against immigrants with impunity.

The **National Guestworker Alliance (“NGA”)** is a membership organization representing thousands workers across sector and industry who enter the United States through the U.S. guestworker program including members who have worked in Alabama. The NGA was formed as the Alliance of Guestworkers in the aftermath of Hurricane Katrina, when thousands of guestworkers were brought to the United States to work in the Gulf Coast, and subjected to forced labor.

Organizing in labor camps across the Gulf Coast, guestworkers formed a vehicle for building power and shifting the national understanding of the guestworker program.

Today, NGA is a national organization with guestworker members working across many industries including metal workers, construction workers, landscapers, factory workers, food processing workers, janitors, and hotel workers. Our members frequently engage in local and national policy development to protect civil, labor, and constitutional rights, combat discrimination, and support dignified work and just migration. Should HB56 go forward, our members would be directly affected

and subjected to racial profiling and discrimination.

The **National Immigration Law Project of the National Lawyers Guild** (“**National Immigration Project**”) is a non-profit membership organization of immigration attorneys, legal workers, grassroots advocates, and others working to defend immigrants’ rights and to secure a fair administration of the immigration and nationality laws. The National Immigration Project regularly presents and authors public education materials for communities affected by heightened immigration enforcement efforts. The National Immigration Project routinely participates as amicus curiae in cases before the federal courts that impact the constitutional, statutory, and regulatory rights of noncitizens.

The **National Lawyers Guild** is the first integrated national bar organization in the United States and is the oldest and largest national human rights bar organization. Founded in 1937, the Guild has been a major participant in the quest for racial justice in the United States and has historically provided legal services to the civil rights movement and anti-racist activists. It has always been committed, to the principle that human rights are more sacred than property interests. Among its many accomplishments, it spawned the National Immigration Project, which unites lawyers, law students and legal workers engaged in various elements of immigration practice and is committed to protecting and extending the rights of

immigrants. Its International Committee works with the Association of Latin American Labor Lawyers and the Canadian Association of Labor Lawyers to protect workers' rights and improve their conditions throughout the hemisphere. Through its many committees, projects and task forces, the Lawyers Guild has developed an understanding of the interconnections of various, seemingly disparate, issues. In that context, it views attacks on undocumented immigrants as threatening the well-being of workers and the poor in the United States and around the world and as the current face of racism.

The New Orleans Workers' Center for Racial Justice (“Workers' Center”) is a membership organization that was founded in the aftermath of Hurricane Katrina in response to the structural exclusion of African Americans and the brutal exploitation of immigrants within the new Gulf Coast economy. Workers' Center members include African-American workers, including many hurricane survivors, as well as immigrant workers. Workers' Center members include those who have worked, currently work, and who seek jobs in agriculture. The Workers' Center is dedicated to organizing workers across lines of race and industry to advance racial justice and build worker power and participation to achieve a just reconstruction of New Orleans. This includes organizing and advocacy against racial profiling and discrimination against communities of color.

The **Sikh American Legal Defense and Education Fund (“SALDEF”)** is a national civil rights and educational organization. Its mission is to protect the civil rights of Sikh Americans and ensure a fostering environment in the United States for future generations of Sikh Americans. SALDEF seeks to empower Sikh Americans through legal assistance, educational outreach, legislative advocacy, and media relations. SALDEF believes that it can attain these goals by helping to protect the religious and civil liberties of people of all backgrounds. To that end, SALDEF has participated as amicus curiae in numerous other federal court cases. The outcome of this legislation has a significant and direct impact on the work of SALDEF and our constituents. The requirements of Alabama HB 56 conflict with the recently issued federal guidance issued jointly by the U.S. Department of Justice and Department of Education warning that blocking public schoolhouse doors to immigrant families impinges on the constitutional rights of all children to attend public school regardless of their immigration status. The United States is a country that derives enrichment from the plurality of its residents, and the the harsh requirements of this legislation impede on the democratic values of this country. The resolution of this matter has far reaching implications for the vitality of civil liberties, and therefore, SALDEF is interested in its outcome.

The **Society of American Law Teachers (“SALT”)** is an association of law

faculty, deans, administrators, and legal education professionals from over 170 law schools. Incorporated in 1974, SALT was founded by a group of leading law professors dedicated to improving the quality of legal education by making it more responsive to societal concerns. SALT has appeared as amicus curiae in federal and state courts on behalf of historically under-represented groups to support their claims to equal and meaningful access to civil, political and socio-economic rights and to full participation in civic life. As a membership organization of law scholars and teachers, SALT is particularly sensitive to the need for coherent systems of law affecting the preservation of human and civil rights within America's borders. Alabama's immigration law will yield discriminatory enforcement of its laws against immigrant communities and individuals perceived to be foreign. SALT is especially concerned with the law's adverse effects on students exercising their constitutional right to an education.

("SALT") is an association of law faculty, deans, administrators, and legal education professionals from over 170 law schools. Incorporated in 1974, SALT was founded by a group of leading law professors dedicated to improving the quality of legal education by making it more responsive to societal concerns. SALT has appeared as amicus curiae in federal and state courts on behalf of historically under-represented groups to support their claims to equal and meaningful access to

civil, political and socio-economic rights and to full participation in civic life. As a membership organization of law scholars and teachers, SALT is particularly sensitive to the need for coherent systems of law affecting the preservation of human and civil rights within America's borders. Alabama's immigration law will yield discriminatory enforcement of its laws against immigrant communities and individuals perceived to be foreign. SALT is especially concerned with the law's adverse effects on students exercising their constitutional right to an education.

The **Southern Christian Leadership Conference** ("SCLC") is a nonprofit, non-sectarian, interfaith, advocacy organization founded in February, 1957. Closely associated with its first president, Dr. Martin Luther King, Jr. and in the spirit of non-violence and justice that he promoted, SCLC is committed to non-violent action to achieve social, economic, and political justice. The focus of the organization is to educate youth and adults in the areas of personal responsibility, leadership potential and community service; to ensure economic justice and civil rights in the areas of discrimination and affirmative action and to eradicate environmental classism and racism. The organization is made up of local chapters and affiliates throughout the country that work in their own communities to implement national programs such as voter registration, improvement of education and direct action against racial injustice.

The **Southern Coalition for Social Justice (“SCSJ”)** is a non-profit organization providing legal, organizing, research and media support to racial minority, low-income and immigrant communities in the southern United States. We are dedicated to promoting the rights of immigrants and their families, as well as eliminating racial discrimination and ending human rights violations. SCSJ represents immigrants in the defense of removal cases and educates and organizes immigrant communities to assert their rights; promotes civic participation; monitors human rights violations suffered by immigrants; and advocates on immigrant-related issues. SCSJ believes that Alabama’s HB 56 law violates the U.S. Constitution by discriminating against immigrants; their families; and other individuals, including U.S. Citizens, who may appear to be immigrants. We support efforts to stop the enforcement of this unjust law and to prevent the enactment of similar laws in other states.

The **United States Hispanic Leadership Institute (“USHLI”)** is a Chicago-based non-profit, non-partisan national organization whose mission is to fulfill the promises and principles of democracy by empowering minorities and similarly disenfranchised groups through civic engagement, leadership development, and research, and by maximizing participation in the electoral process. Through its work in civic engagement USHLI has registered over 2.2 million citizens to vote.

Through its series of local, regional and national conferences, conducted annually and attended by a broad cross section of the Latino leadership community, USHLI has trained over 285,000 present and future leaders representing 40 states. And, as a principal source of information USHLI has published over 425 studies and reports on Latino demographics. The issue of justice for immigrants cuts across every aspect of our work in promoting civic engagement, leadership development, and conducting research. USHLI believes that state laws that may be found to be unconstitutional or that blatantly attempt to usurp or supplant the authority of the federal government invariably result in wholesale discrimination against the Latino community in general and immigrants in particular