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## IN ALABAMA, CALLS FOR REVAMPING IMMIGRATION LAW

By Campbell Robertson  
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BIRMINGHAM, Ala. – An increasing number of state lawmakers say they are willing to consider critical changes to Alabama’s sweeping anti-immigration law, part of which appears to make proof of citizenship or legal residency a requirement even for mundane activities like garbage pickup, dog licenses and flu shots at county health departments.

As they learn more about the breadth of the law, which was already described as the most far-reaching of the state-level immigration laws when it went into effect on Sept. 29, some political leaders have gone beyond acknowledging a general need for “tweaks” to openly discussing specific changes, which in some cases are as substantial as getting rid of certain provisions in their entirety.

“The longer the bill has been out, the more unintended consequences we have found,” said Slade Blackwell, a Republican state senator. “All of us realize we need to change it.”

Changing this law is not as easy as it may appear. For one thing, it is still very popular. Those open to changes are quick to emphasize that they do not want to dilute the law’s purpose: to deter illegal immigrants from working in the state and to prevent them from benefiting from taxpayer-financed services.

“Eighty percent of the population of the state thinks it’s a good bill, so politically you’re kind of careful to say anything negative about it,” said Judge James V. Perdue, president of the Alabama Probate Judges Association. “Those that passed it don’t want to admit that there’s anything wrong with it.”

But as lawmakers hear complaints from business leaders and constituents, several have become more willing to discuss changing, clarifying or in some cases scrapping sections of the law governing schools, government transactions and several of the law’s stiff penalty provisions.

Outside of farmers and poultry plant operators, who have complained of severe labor shortages, the most pointed criticisms concern a legally vague provision that requires proof of immigration status for “any transaction between a person and the state or a political subdivision of the state.”

The law lists three examples of such transactions: renewing driver’s licenses, business licenses and car tags. In a court filing in August, the state argued that the United States Justice Department, which is challenging the law, was exaggerating the law’s reach.

“Its fear that Section 30 would prohibit such aliens from having running water or sewer services, for example, has little basis,” the filing said.

But lawyers across the state are concluding that this section could be interpreted, in the words of Birmingham's city attorney, Thomas Bentley, to apply to "almost everything that we do."

Utilities that are run directly by municipalities, like Huntsville Utilities, which provides electricity, water and gas to 164,000 customers, are indeed barred by the law from providing any services to illegal immigrants. Other utilities, those that are public corporations like Alabama Power, are not. Some exist in a legally complicated territory in between.

"One afternoon, we sat down and we had the county directory and we went through and made a list of every county department that interfaces directly with citizens," said Julian Butler, the attorney for Madison County, which includes the City of Huntsville.

Some already required some form of identification, Mr. Butler said, but many did not. He and his colleagues are still discussing whether people can rent a pavilion at a county park, enroll children in a Little League team or sign up for a membership at the county swimming pool without first proving that they are citizens or legal residents. Paying property taxes might require a trip to the courthouse with documentation. Architects, nurses, hair stylists, plumbers, real estate agents and a host of other professions will have to demonstrate their legal status every time their licenses are renewed.

"There are a lot of frustrated citizens that are being inconvenienced by the implementation of the law and who didn't think it was going to impact them," said State Senator Paul Sanford, the only Republican senator to vote against the law and the author of two bills that would amend it.

To enable online transactions and thus shorten the long lines that have formed at some courthouses, the state created a database of everyone with a current Alabama driver's license, a document the state has deemed acceptable proof of immigration status.

But there are some transactions that require more than that. And people with out-of-state licenses or military ID's will in many cases have to produce some other documentation in person at government offices.

"I had a military guy who came back from Afghanistan and went to get him a tag for a new truck and he couldn't, he needed to show his birth certificate," said State Senator Gerald Dial, who voted for the law but said he would not have if he had known of some of its "unintended consequences."

As the law is written, the stakes of wrong interpretation are high. Agencies or officials that do not carry out the law to its fullest extent could be liable for civil or criminal penalties. Observing a violation of the law and failing to report it is a crime. A clerk who violates Section 30 could be facing a felony charge.

"If it's a borderline case, you're going to err on the side of caution," Judge Perdue said. "I talked to people who wrote the law and they said, 'That's not what we meant.' But if you say 'felony' I've got to assume that's the way it is."

The breadth of the law has, in some ways, flipped the political script. The Huntsville Times, in an editorial, derided the Republican sponsors of the law for teaching "a lesson about the ills of big government." More than a few officials have disparaged it as an unfunded mandate.

In an e-mail message, State Senator Scott Beason, a Republican who sponsored the law, rebuffed this criticism, pointing out that "providing identification is a common practice when dealing with the state and many private entities." He also added that he has long been open to "ironing out any administrative difficulties or ambiguities." Gov. Robert Bentley has also recently said that the law was "complicated" and needed to be simplified.

Senator Sanford, who said he was fully supportive of the law's intent, acknowledged the political difficulties of making changes he considered necessary.

"If you put too many issues out there that need to get fixed," he said, "it looks like you passed a totally flawed bill, and that's why you hear words like, 'Well, we just want to tweak it.' "

The proposed changes range in scope, and until the Legislature meets in January, are largely in the discussion stages.

For his part, Senator Dial said he wanted to change the section covering government transactions, but to completely drop the provision that requires schools to ascertain immigration status of new students, a section that has been temporarily blocked by a federal appeals court. He also said he would insert a "good Samaritan" provision for anyone trying to help illegal immigrants in emergencies.

In the meantime, the Alabama Department of Homeland Security has been inviting state and county officials to regular meetings in Montgomery so that they can arrive at a uniform interpretation of the law, said John Schremser, a spokesman for the department.

For now, he said, "We're asking them to do the best they can with what they've got."