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Churches lose fight over Ala. immigration law

Brian Lawson Religion News Service | Oct. 3, 2011
Immigration and the Church

HUNTSVILLE, Ala. -- A federal judge jolted the national immigration debate on Sept. 28 by approving most parts of Alabama?s aggressive immigration law that religious leaders had called the ?meanest? in the nation.

In a ruling hailed by many state officials, U.S. District Judge Sharon Lovelace Blackburn refused to block much of Alabama?s far-reaching immigration law from going into effect.

Blackburn?s decision came after three separate challenges were filed by the U.S. Department of Justice; Catholic, Episcopal and United Methodist bishops; and a coalition of civil rights groups, unions and individuals who said they would be harmed by the law.

The Justice Department argued that immigration law enforcement rests with the federal government, and that states could not set up their own systems. Blackburn disagreed, saying Alabama?s efforts mirrored the federal government?s or were complementary.

Plaintiffs, led by the Hispanic Interest Coalition of Alabama, said they will seek an emergency delay of Blackburn?s order pending an appeal to the Atlanta-based 11th U.S. Circuit Court of Appeals.

?Today is a dark day for Alabama,? said Mary Bauer, legal director for the Southern Poverty Law Center. ?This decision not only places Alabama on the wrong side of history but also demonstrates that the rights and freedoms so fundamental to our nation and its history can be manipulated by hate and political agendas?at least for a time.?

United Methodist Bishop William Willimon, who had crusaded against the law, continues to oppose it, but said it was ?good news? that Blackburn struck down a provision that made it illegal to harbor or transport an undocumented immigrant.

Willimon and other religious leaders said the provision would have hampered churches? ability to minister to all, regardless of immigration status.

?We will continue to provide food, shelter, transportation, housing, and the church?s sacraments to all of God?s people, regardless of race, class, or citizenship status,? he said in a statement.

Similar but less far-reaching laws in Arizona, Georgia, Indiana and Utah have been temporarily blocked by federal courts, but Blackburn found that Alabama?s laws were generally consistent with the intent of Congress, which gave the states a supporting role in immigration law enforcement.

She also pointedly disagreed with court rulings that blocked Arizona?s immigration law on the grounds that immigration law enforcement was the unique responsibility of the federal government.

The judge refused to block a portion of the law that authorizes police to conduct immigration checks during

routine traffic stops. She also left in place a new system that requires public schools to check students? immigration status upon enrollment.

Blackburn blocked parts of the law that bar illegal immigrants from seeking work, as well as a new traffic penalty for motorists who stop in the roadway to hire day laborers.

The judge?s decision emphasized that blocking a law before it is implemented is a drastic step that requires clear evidence that the Constitution and will of Congress would be violated.

Alabama Gov. Robert Bentley said the law, even without sections that Blackburn blocked, is the ?strongest? immigration law in the country. But he also promised to fight to see all sections take effect.

?With those parts that were upheld, we have the strongest immigration law in this country,? he said. ?I believe that all sections of our law will be upheld.?

[Brian Lawson writes for The Huntsville Times in Huntsville, Ala. David White of the Birmingham News and Josef Kuhn of Religion News Service contributed to this report.]

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