

DOJ Responds Forcefully to Civil Rights Disaster in Alabama, What Will DHS Do?

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Washington D.C. - This week, the Department of Justice (DOJ) announced that it was filing suit in South Carolina to block Act No. 69 (formerly SB 20), South Carolina's new anti-immigrant law—modeled on Arizona's SB1070. DOJ argues—like it did in Utah and Alabama—that the law is unconstitutional and interferes with the federal government's ability to set and enforce immigration policy and is likely to result in civil rights violations. Following the legal challenge, the DOJ Civil Rights Division also sent a [letter](#) [1] to Alabama's public schools reminding them of their duty to provide public education to all children in the state regardless of immigration status.

The DOJ is challenging state legislatures that pass immigration enforcement laws that interfere with the federal government's role in enforcing immigration laws and setting priorities. The DOJ's effort on this case reflects their commitment to protecting constitutional principles and individual rights, a commitment that should extend to pursuing vigorous challenges in other states that have passed similar laws, including Utah, Georgia, and Indiana.

The Department of Homeland Security (DHS) also has a strong role to play and should respond to the civil rights crisis taking place in the states and make good on Secretary Napolitano's [assurance](#) [2] that her agency will not be complicit in enforcing Alabama's new law through federal immigration enforcement actions.

If one agency of the government is arguing that Alabama's law is unconstitutional, another agency, DHS, should act consistently and closely review the cases of all immigrants brought to their attention as a result of Alabama's new law and exercise appropriate discretion. Good government requires consistency across agencies. DHS, like DOJ, should treat implementation of Alabama's new anti-immigrant law as the civil rights crisis that it is and respond swiftly.

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[2] http://blog.al.com/sweethome/2011/10/alabama_can_expect_no_federal.html

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