



States before any new services will be approved. MWWSSB had prepared a written policy in order to enforce Section 30. A copy of the policy is attached to Exhibit 1. After MWWSSB was informed of this Court's temporary injunction of HB 56 on September 6, 2011, it suspended its new immigration policy pursuant to that order.

3. The Allgood Water Works company has also posted a sign in its office stating: "ATTENTION ALL WATER CUSTOMERS: TO BE COMPLIANT WITH NEW LAWS CONCERNING IMMIGRATION, YOU MUST HAVE AN ALABAMA DRIVER'S LICENSE OR AN ALABAMA PICTURE ID CARD ON FILE AT THIS OFFICE BEFORE SEPTEMBER 29, 2011, OR YOU MAY LOSE WATER SERVICE. THANK YOU." A copy of that sign is attached to Exhibit 2.

4. The Probate Office of Houston County, Alabama, has stated that it will enforce Section 30 of HB 56 immediately by requiring any immigrant to prove lawful status before entering into any probate transactions. *See* Lance Griffen, Despite injunction, local probate office abiding by new immigration law, The Dothan Eagle, Sept. 9, 2011, available at <http://www2.dothaneagle.com/news/2011/sep/09/despite-injunction-local-probate-office-abiding-ne-ar-2385241>. A copy of that news article is attached as Exhibit 3.

5. This information is being submitted to further support Plaintiffs' contention that irreparable injury will occur if Section 30 is permitted to go into effect.

Dated September 19, 2011

Respectfully Submitted,

s/ Samuel Brooke

*On behalf of Attorneys for Plaintiffs*

Mary Bauer (ASB-1181-R76B)  
Andrew H. Turner (ASB-8682-W84T)  
Samuel Brooke (ASB-1172-L60B)  
SOUTHERN POVERTY LAW  
CENTER  
400 Washington Ave.  
Montgomery, Alabama 36104  
T: (404) 956-8200  
*mary.bauer@splcenter.org*  
*andrew.turner@splcenter.org*  
*samuel.brooke@splcenter.org*

Cecillia D. Wang\*  
Katherine Desormeau\*  
Kenneth J. Sugarman\*  
AMERICAN CIVIL LIBERTIES  
UNION FOUNDATION  
IMMIGRANTS' RIGHTS PROJECT  
39 Drumm Street  
San Francisco, California 94111  
T: (415) 343-0775  
*cwang@aclu.org*  
*kdesormeau@aclu.org*  
*irp\_ks@aclu.org*

Michelle R. Lapointe \*  
Naomi Tsu \*  
Daniel Werner \*

Andre Segura\*  
Elora Mukherjee\*  
Omar C. Jadwat\*  
Lee Gelernt\*  
Michael K. T. Tan\*  
AMERICAN CIVIL LIBERTIES  
UNION FOUNDATION  
125 Broad Street, 18th Floor  
New York, New York 10004  
T: (212) 549-2660  
*asegura@aclu.org*  
*ojadwat@aclu.org*  
*lgelernt@aclu.org*  
*mtan@aclu.org*  
*emukherjee@aclu.org*

Linton Joaquin\*  
Karen C. Tumlin\*  
Shiu-Ming Cheer\*  
Melissa S. Keaney\*  
NATIONAL IMMIGRATION LAW  
CENTER  
3435 Wilshire Boulevard, Suite 2850  
Los Angeles, California 90010  
T: (213) 639-3900  
*joaquin@nilc.org*  
*tumlin@nilc.org*  
*cheer@nilc.org*

SOUTHERN POVERTY LAW  
CENTER  
233 Peachtree St., NE, Suite 2150  
Atlanta, Georgia 30303  
T: (404) 521-6700  
*naomi.tsu@splcenter.org*  
*michelle.lapointe@splcenter.org*  
*daniel.werner@splcenter.org*

Sin Yen Ling\*  
ASIAN LAW CAUCUS  
55 Columbus Avenue  
San Francisco, California 94111  
T: (415) 896-1701 x 110  
*sinyenL@asianlawcaucus.org*

Erin E. Oshiro\*  
ASIAN AMERICAN JUSTICE  
CENTER, MEMBER OF THE ASIAN  
AMERICAN CENTER FOR  
ADVANCING JUSTICE  
1140 Connecticut Ave., NW  
Suite 1200  
Washington, DC 20036  
T: (202) 296-2300  
*eoshiro@advancingequality.org*

Foster S. Maer\*  
Ghita Schwarz\*  
Diana S. Sen\*  
LATINOJUSTICE PRLDEF  
99 Hudson St., 14<sup>th</sup> Floor  
New York, New York 10013  
T: (212) 219-3360  
*fmaer@latinojustice.org*  
*gschwarz@latinojustice.org*  
*dsen@latinojustice.org*

G. Brian Spears\*  
1126 Ponce de Leon Ave., N.E.

*keaney@nilc.org*

Tanya Broder\*  
NATIONAL IMMIGRATION LAW  
CENTER  
405 14<sup>th</sup> Street, Suite 1400  
Oakland, California 94612  
T: (510) 663-8282  
*broder@nilc.org*

Ben Bruner (ASB-BRU-001)  
THE BRUNER LAW FIRM  
1904 Berryhill Road  
Montgomery, Alabama 36117  
T: (334) 201 0835  
*brunerlawfirm@gmail.com*

Freddy Rubio (ASB-5403-D62R)  
Cooperating Attorney, ACLU of  
Alabama Foundation  
Rubio Law Firm, P.C.  
438 Carr Avenue, Suite 1  
Birmingham, Alabama 35209  
T: 205-443-7858  
*frubio@rubiofirm.com*

Herman Watson, Jr. (ASB-6781-O74H)  
Eric J. Artrip (ASB-9673-I68E)  
Rebekah Keith McKinney (ASB-3137-  
T64J)  
Watson, McKinney & Artrip, LLP  
203 Greene Street  
P.O. Box 18368  
Huntsville, Alabama 35804  
T: (256) 536-7423  
*watson@watsonmckinney.com*  
*mckinney@watsonmckinney.com*  
*artrip@watsonmckinney.com*

Victor Viramontes\*

Atlanta, Georgia 30306  
T: (404) 872-7086  
*bspears@mindspring.com*

Chris Newman\*  
Jessica Karp\*  
NATIONAL DAY LABORER  
ORGANIZING NETWORK  
675 S. park View St., Suite B  
Los Angeles, California 90057  
T: (213) 380-2785  
*newman@ndlon.org*  
*jkarp@ndlon.org*

Allison Neal (ASB 3377-I72N)  
AMERICAN CIVIL LIBERTIES  
UNION OF ALABAMA  
FOUNDATION  
207 Montgomery St., Suite 910  
Montgomery, Alabama 36104  
T: (334) 265-2754 x 203  
*aneal@aclualabama.org*

Martha L. Gomez\*  
MEXICAN AMERICAN LEGAL  
DEFENSE AND EDUCATIONAL  
FUND  
634 S. Spring Street, 11<sup>th</sup> Floor  
Los Angeles, California 90014  
T: (213) 629-2512 x 133  
*vviramontes@maldef.org*  
*mgomez@maldef.org*

Nina Perales\*  
MEXICAN AMERICAN LEGAL  
DEFENSE AND EDUCATIONAL  
FUND  
110 Broadway, Suite 300  
San Antonio, Texas 78205  
T: (210) 224-55476 x 206  
*nperales@maldef.org*

Amy Pedersen\*  
MEXICAN AMERICAN LEGAL  
DEFENSE AND EDUCATIONAL  
FUND  
1016 16<sup>th</sup> Street NW, Suite 100  
Washington, DC 20036  
T: (202) 293-2828 x 12  
*apedersen@maldef.org*

\* admitted *pro hac vice*.

### **CERTIFICATE OF SERVICE**

I hereby certify that on September 19, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

s/ Samuel Brooke

**IN THE 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

**Exhibit in Support of  
Notice Of Supplemental  
Evidence Regarding  
Section 30 Of HB 56**

# **Exhibit 1**

**Pamela Long Declaration  
Regarding  
Montgomery Water Works Immigration Policy**

### **Declaration of Pamela Long**

I, Dr. Pamela H. Long, hereby declare as follows:

1. I am above the age of majority and make the following statements based on my own personal knowledge.

2. On September 2, 2011, I accompanied an acquaintance to the Montgomery Water Works and Sanitary Sewer Board office on South Boulevard in Montgomery. My acquaintance is not fluent in English, and I accompanied him to help with interpretation.

3. My acquaintance sought to have new water and sewer services connected to a mobile home.

4. We filled out the application form, and gave it to the clerk. The clerk asked for an identity document to verify my acquaintance's identity. He gave her his passport from Mexico. The clerk responded that she could not accept a foreign passport without something else, and gave us a sheet of paper explaining that in order to get new service, the applicant must prove he is a US Citizen or that he has lawful immigration status. An accurate and correct copy of the sheet we were given is attached to this declaration as Exhibit A.

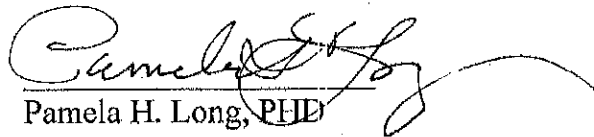
5. My acquaintance did not have any of the required documents, and was not able to get service on September 2.

6. I informed my attorney of what happened, and he told me he spoke to the Water Works main office and told them HB 56 had been temporarily enjoined. He told me they agreed to suspend their policy until Judge Blackburn rules on our case.

7. On September 6, I and my acquaintance returned to the Water Works office again. My acquaintance was able to apply for new water and sewer service on September 6, 2011, and they accepted his Mexican passport without any further problem.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED this 12<sup>th</sup> day of September, 2011.

  
Pamela H. Long, PHD



### Procedures for new services based on the new Immigration law

Per Section 30, any person entering into a business transaction with the state or a political subdivision of the state shall be required to demonstrate his or her United State citizenship, or if he or she is an alien, his or her lawful presence in the United States.

The person applying for services must provide government issued documents such as a US State issued driver's license, US military identification, Social Security card or US issued VISA. Services will be denied if documentation is not provided.

#### Reference:

Section 30. (a) For the purposes of this section, "business transaction" includes any transaction between a person and the state or a political subdivision of the state, including, but not limited to, applying for or renewing a motor vehicle license plate, applying for renewing a driver's license or nondriver identification card, or applying for or renewing a business license. "Business transaction" does not include applying for a marriage license.

(b) An alien not lawfully present in the United States shall not enter into or attempt to enter into a business transaction with the state or a political subdivision of the state and no person shall enter into a business transaction or attempt to enter into a business transaction on behalf of an alien not lawfully present in the United States.

(c) Any person entering into a business transaction or attempting to enter into a business transaction with this state or a political subdivision of this state shall be required to demonstrate his or her United States citizenship, or if he or she is an alien, his or her lawful presence in the United States to the person conducting the business transaction on behalf of this state or a political subdivision of this state. United States citizenship shall be demonstrated by presentation of one of the documents listed in Section 29(k). An alien's lawful presence in the United States shall be demonstrated by this state's or a political subdivision of this state's verification of the alien's lawful presence through the Systematic Alien Verification for Entitlements program operated by the Department of Homeland Security, or by other verification with the Department of Homeland Security pursuant to 8 U.S.C. § 1373(c).

(d) A violation of this section is a Class C felony.

(e) An agency of this state or a county, city, town, or other political subdivision of this state may not consider race, color, or national origin in the enforcement of this section except to the extent permitted by the United States Constitution or the Constitution of Alabama of 1901.

(f) In the enforcement of this section, an alien's immigration status shall be determined by verification of the alien's immigration status with the federal government pursuant to 8 U.S.C. § 1373(c). An official of this state or political subdivision of this state shall not attempt to independently make a final determination of whether an alien is lawfully present in the United States.



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# **Exhibit 2**

**Declaration of Allison Neal  
Regarding  
Allgood Water Works Immigration Policy**

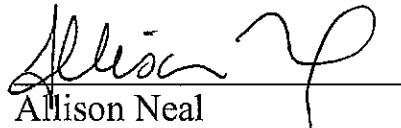
### Declaration of Allison Neal

I, Allison Neal, hereby declare as follows:

1. I am above the age of majority and make the following statements based on my own personal knowledge.
2. On August 24, 2011, I was contacted by Jessica Foster, who informed me that the Allgood Water Works office had posted a sign in their office regarding a new immigration policy.
3. On September 7, 2011, I contacted Jessica Foster and asked whether the sign was still posted.
4. On September 9, 2011, Jessica Foster took a picture of the sign and sent it to me on September 10, 2011. An accurate copy of the sign is attached as Exhibit A.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED this 19th day of September, 2011.

  
Allison Neal



ATTENTION ALL WATER  
CUSTOMERS:  
TO BE COMPLIANT WITH  
NEW LAWS  
CONCERNING  
IMMIGRATION YOU  
MUST HAVE AN  
ALABAMA DRIVER'S  
LICENSE OR AN  
ALABAMA PICTURE ID  
CARD ON FILE AT THIS  
OFFICE BEFORE  
SEPTEMBER 29, 2011 OR  
YOU MAY LOSE WATER  
SERVICE. THANK YOU.

Exhibit

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
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Evidence Regarding  
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# Exhibit 3

**Lance Griffen,  
*Despite injunction, local probate office abiding by  
new immigration law,*  
The Dothan Eagle, Sept. 9, 2011.**



http://www2.dothaneagle.com/news/2011/sep/09/despite-injunction-local-probate-office-abiding-ne-ar-2385241/



Published: September 09, 2011

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## Despite injunction, local probate office abiding by new immigration law

By Lance Griffin

Although an injunction remains in effect for Alabama's new immigration law, Houston County's probate judge plans to continue to abide by the law unless told otherwise.

The new law requires Alabama residents to prove U.S. citizenship for government transactions, and that could lead to longer tag lines at the Houston County administrative building.

At least one other county office, however, is taking a wait and see approach. Houston County Revenue Commissioner Starla Matthews said the county revenue department will not institute the new requirements until the injunction is lifted.

U.S. District Judge Sharon Blackburn issued the temporary injunction Aug. 29 while she studies Constitutional issues regarding the bill. She said the injunction would remain in place until Sept. 29, or until she issued opinions on lawsuits challenging the law.

Cooley said she wanted her staff and residents to become accustomed to the new requirements in case the law is upheld.

"We went ahead and started with the new requirements so we could see what changes needed to be made in our office as far as equipment and other issues," Cooley said.

Cooley said about five percent of Houston County residents were using the online tag renewal system, which she said can not currently be used since proof of citizenship must be provided. She said additional residents coming to the administrative building to renew tags could create longer lines. However, she said the main issue is slower lines due to additional steps workers must take in obtaining information.

Cooley said the law requires workers to document an applicant's proof of citizenship by scanning a copy of the applicant's driver's license. She said a shortage of scanners has led to increased time processing each renewal.

"We have ordered additional scanners and we hope they are in by the end of the month," Cooley said. "That is one thing we learned by going ahead and processing things as if the law was already in effect."

Tag renewals can still be sent to the office by mail, but Cooley said some were being mailed back to residents because they did not include all of the proper documentation.

Residents coming in for tag renewals and other probate transactions will need two forms of identification, one of which must include a photograph, as well as proof of insurance.

Cooley said legal immigrants must also bring documents to prove their citizenship, such as a valid foreign passport with an acceptable visa or resident alien card, and social security number verification. Cooley also said it is important for residents to know that an out of state driver's license can not be accepted as a valid form of identification.

Matthews said the revenue department will begin implementing the law as soon as it goes into effect.

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