



July 19, 2018

Mayor Randall Woodfin
City of Birmingham
710 20th Street North
Birmingham, AL 35203

cc: City Attorney Nicole King

Re: Request for Immediate Action on Proposed Executive Order

Honorable Mayor Woodfin,

We are writing to call on you to take action on the proposed Executive Order regarding “Fostering Trust and Promoting Public Safety and Civil Rights for All City Residents.” We expect that you will inform us of your decision regarding the proposed order, or share with us any changes or concerns you have regarding specific provisions, **no later than Friday, July 27th**.

It has already been over three months since you sat down with Latino and Muslim community members and their allies to hear our stories of fear and intimidation, and listen to our proposed solutions. In that meeting, we asked you to use the power of your office to **ensure that Birmingham is not complicit in the targeting of our communities and the separation of our families**. We know there are many critical issues facing our communities that the city of Birmingham cannot change on its own. But the city has an important role to play, and a moral obligation to act in the face of the escalating cruelty and overreach of the federal administration.

The proposed order will benefit the city in three main ways: (1) **Increase public safety** for all residents by building trust between law enforcement and immigrant communities; (2) **Reduce the city’s legal exposure** for Fourth Amendment violations stemming from warrantless detention in city custody at the request of immigration authorities; and (3) **Send a message of love and inclusion** to Birmingham’s immigrant and Muslim residents and visitors.

You have stated publicly that the City of Birmingham will not expend its resources on enforcing federal immigration law. Yet we know that in the past that Birmingham has held dozens of individuals in its custody without a warrant at the request of immigration officials. In surrounding cities, ICE has been surveilling, interrogating, and detaining community members (including U.S. citizens) at courthouses, jails, and probation offices with the collusion of local officials. Even when these practices are taking place outside the city limits, as long Birmingham fails to pass a clear, written policy prohibiting such practices, the climate of fear and uncertainty they create has real effects within our city—for example, making immigrant witnesses, victims, and suspects of crime less likely to cooperate with law enforcement for fear that any contact with the police will thrust them into the pipeline to deportation. As the Trump Administration is increasingly using local law enforcement as a tool to carry out its unconscionably harsh immigration policies, we need to hear a message loud and clear from our city that Birmingham will play no part.

Representatives of your administration have stated that the proposed executive order (and a similar ordinance previously presented to the City Council) is a ‘solution without a problem.’ We have also heard you claim during a community forum that you were forced to choose between passing a policy like the one we are proposing and ‘combatting crime’ in Birmingham’s poor, largely black and brown neighborhoods. We were deeply dismayed by these statements. Making good on your promise to not expend city resources on immigration enforcement would actually *help* promote public safety, and would not jeopardize the federal grants Birmingham receives to carry out those objectives. Moreover, we resent having our interests pitted against those of our African-American brothers and sisters. We are proud to live in a majority-black city that is renowned the world over as the cradle of the Civil Rights movement. Our interests are not opposed or competing, but rather deeply intertwined.

Most of us are not lawyers or legal experts. But we have worked with respected national experts to craft a proposal that respects the limits of the law and does not put the city’s revenue sources at undue risk. Please refer to the attached letter from Professor Bryan Fair, a constitutional law scholar at the University of Alabama School of Law, for a full exposition of the legality of the proposed policy. If you or the members of the Law Department have concerns about the legal or policy implications of any specific provision of the proposed order, we welcome that conversation and are open to changes. But we will no longer accept unsubstantiated and unspecified claims about the policy’s legality, or additional delays or silence from your administration, as a legitimate response.

We continue to be hopeful that we can work side by side with your administration to reach a reasonable, just solution that will benefit all Birmingham residents. We are open to revisions, additions, and frank dialogue that can bring us closer to a mutually agreeable result. You may contact Ali Massoud at CAIR-AL (262.501.1331, amassoud@cairalabama.org) or Cesar Mata at Adelante (205.317.1481, cesar@adelantealabama.org) with any questions. We look forward to your response.

Sincerely,

Adelante Alabama Worker Center

Council on American-Islamic Relations of Alabama

Additional Signatories:

Alabama Coalition for Immigrant Justice
Alabama National Association of Hispanic Nurses
American Civil Liberties Union of Alabama
AIDS Alabama
Birmingham Progressive Christian Alliance
Black Lives Matter-Birmingham Chapter
Dynamite Hill-Smithfield Community Land Trust

Equality Alabama
Faith in Action Alabama
Greater Birmingham Ministries
Guadalupe Multicultural Services “La Casita”
NAACP Alabama State Conference
National Lawyers Guild-Alabama Chapter
Southern Poverty Law Center
Southerners on New Ground