

**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

**Exhibits in Support of
Plaintiffs' Motion For
Preliminary Injunction
And Memorandum In
Support**

Exhibit 17

Declaration of Christopher Barton Thau

DECLARATION OF PASTOR CHRISTOPHER BARTON THAU

I, Christopher Barton Thau, do hereby make this declaration based on my own personal knowledge and if called to testify I could and would do so competently as follows:

1. My name is Christopher Barton Thau. I was born in Tennessee and am a United States citizen. I have lived in Pelham, Alabama for the past fifteen years, since 1996. I have a wife who is a lawful permanent resident ("LPR") and a six year old child born in the United States. I have been a Pastor at the Pleasant Hill United Methodist Church for the past two years. At the Church, I have responsibilities for the bilingual congregation and the administration.
2. The Pleasant Hill United Methodist Church was founded in 1832 and is located in Bessemer, Alabama. The Church is a member of the North Alabama Conference of the United Methodist Church.
3. My congregation is bilingual in Spanish and English, and consists of both Latino and White families. This congregation includes first and second generation immigrants with and without children, as well as U.S. citizens. I am aware that many members of my congregation do not have immigration status.
4. In addition to facilitating spiritual growth, as part of my ministry, I provide food assistance, occasional work assignments, monetary assistance, counseling, help in seeking public benefits such as helping congregants complete Medicaid



applications for U.S.-born citizens as well as applications for Food Stamps or any other social services they might need.

5. In the course of my ministry, I often transport people to doctor's appointments, to work, to benefits appointments, to public agencies so that they can file applications with Medicaid and Food Stamps offices, and any other important appointments.

6. Additionally, I know that many in my congregation do not have lawful immigration status because it has come up as part of the counseling I provide. I have also performed marriages of members of my congregation where at least one person is undocumented.

7. If HB 56 is implemented, I fear that I could be subject to criminal prosecution for transporting and harboring undocumented congregation members between important appointments, or for providing one of the many services I provide to my congregation.

8. I also fear that marrying undocumented individuals will lead to my prosecution since marrying individuals encourages them to stay in Alabama, in violation of HB 56.

9. Additionally, I assist the Mexican Consulate in their mobile consulate at our Church, and since many of our members do not have immigration status, I fear that assisting those individuals to get Mexican passports and consular identification

documents (also known as "matriculas") will subject me to criminal prosecution under HB 56 since I would be encouraging these individuals to stay in Alabama.

10. In my family, my wife was undocumented until she adjusted status recently in 2001 to become an LPR. Her brothers and sisters have lived with us, and often continue to visit our home in Pelham. In the course of 10 years, all of my wife's family that resides in Alabama has stayed with us. Many of the members of her family are undocumented, and they often visit us. Under HB 56, I fear that I would be fined or put in jail for harboring undocumented immigrants simply because I allow my family to stay with us during their visits to see us and our U.S. citizen child.

11. My family has already been deeply affected by HB 56. Certain family members are already planning on moving out of Alabama. I personally have many houses and cars in my name since I am a U.S. citizen, and if people leave the state or are deported out of fear due to HB 56, there will be a great financial burden to my family.

12. I have one child that was born in 2005 and is now six years old. He is now attending Alabama public schools. I do not like that we should be required to show our immigration status so that our children can attend school. Even though my wife and I have proper status under Alabama law, and my son is a U.S. citizen, it is unconscionable that we must provide our status and other Latino families must

provide their undocumented status in order to enroll their children in public schools, regardless of the child's status. Because I feel that HB 56 is an invasion of privacy, and is unfair to my family and to Latinos generally, I will not provide proof of immigration status to enroll my child in the upcoming school year.

13. I think there is a great potential for HB 56 to be selectively enforced by schools, so that some people are required to show documents to their schools and others are not simply based on their, or their child's, race or accent. If HB 56 is enacted, I am also concerned that there is a potential that schools will cut back on services because the schools will fear that they might break the law by having certain programs. I am also concerned that as a father, my child will not be able to access those programs if they are cut due to complying with HB 56.

14. After the passage of HB 56, I have counseled many in my congregation who have immense fears about what will happen under the law. Many of those who are undocumented have mortgages and legally incorporated businesses, and they are fearful that they will lose their investment in their property because they might have to abandon those properties and go to another state under HB 56. They are also concerned that they may be forced to take their U.S. citizen children back with them to their home country, even if they have never been there before.

15. The congregation has already been affected by the law as one family has already moved to New York, and another family is considering moving to Nebraska.

16. Others in my congregation that I have personally counseled who do not have these types of investments live under fear every day since HB 56 was passed, and fear leaving their house to come to Church, to go to the grocery store, or do other every day errands.

17. I also learned about these concerns during many community meetings that I facilitated at our Church regarding HB 56 and its impact on the community and congregation. Because we advertised the meetings, attendees were concerned that police will be sent to these meetings to detain and deport anyone coming to the meeting.

18. Members of my congregation whom I have counseled have indicated a fear of reporting crime even if they are victims, since under HB 56 there is a duty by police to investigate everyone with whom they have lawful contact to immigration authorities. They are concerned that they can no longer trust the police, and that this is going to teach an entire generation of children that the police are to be feared rather than trusted.

19. In counseling my family and my congregation, they ask what they should do because they fear for their children. They are concerned about what will happen to



their children if they have to leave the state or are detained by the police and potentially deported. They are concerned about the kind of preparations do they need to make should they return to their home country, about whether to keep their kids in Alabama or to take them to their home country with them. I tell them whether there are LPRs or U.S. citizens that they could assign custody of their children to for purposes of education. I ask whether their children have passports to travel back and forth between Alabama and their home country. I tell them also to be prepared by August 1, 2011 that in case the law still stands on September 1, 2011, to be ready to leave the state to go to another place where they will not be treated like criminals.

20. I also advise them to know all the risks under HB 56, including that they could be profiled and picked up by the police outside a roadblock outside El Pueblo and Super Mercado, or at while walking down the street. This is particularly true since there are some municipalities that have a history of harassing immigrants.

21. I am concerned that if HB 56 becomes the law of Alabama, I will have to personally provide triage counseling and support to families in crisis. I believe that the Church will become a physical site of sanctuary for families in crisis. I will likely get calls from family members that have been picked up by the police and arrested. I am also concerned that I will have to start working on writs of habeas

corpus for these individuals, and will have to organize teams of lawyers to assist people fined or put in jail due to provisions of HB 56.

22. HB 56 forces me to have to make a choice about whether to follow my calling as a Pastor and honor my humanity or to adhere to HB 56. It is a conscious choice I make, and every time I will choose my calling and break the law if necessary, even if that means I must go to jail. I am currently considering moving out of the state if this draconian HB 56 law stands because I will not live in a state where my family and my congregation are always at risk of being stopped by the police and detained for a long period of time, or where I have to provide documentation of my immigration status to enroll my child in school.

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

EXECUTED this 11 day of July, 2011 in Pelham Alabama.

