

Group Sues Pa. City Over Anti-Immigrant Law

August 15, 2006

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Monterey Herald**

HAZLETON, Pa. - Hispanic activists on Tuesday carried out their threat to sue the coal-region city of Hazleton over an ordinance targeting illegal immigrants, calling the law a throwback to the worst days of American sentiment against newcomers.

In response, Hazleton Mayor Louis Barletta pledged to take the fight to the nation's highest court. In the meantime, he began soliciting donations for the legal battle. "To paraphrase an American patriot, we have not yet begun to fight," the mayor said.

The Puerto Rican Legal Defense and Education Fund said it is confident the Illegal Immigration Relief Act, which punishes landlords who rent to illegal immigrants and employers who hire them, will be overturned on the grounds that it trespasses on federal jurisdiction.

The group said this is the first lawsuit filed against such an ordinance, but it's certain not to be the last because similar ordinances have been proposed or adopted across the nation.

The New York-based group was joined by the American Civil Liberties Union, the Community Justice Project and several attorneys in filing the suit in U.S. District Court for the Middle District of Pennsylvania in Scranton.

The plaintiffs include residents and business owners who claim they have already been harmed by the law, which Hazleton City Council adopted July 13. Among them is an Italian immigrant, identified as Jane Doe 3, who claims the law has made her afraid to send her three children to school in the city.

Initially, the ordinance was to take effect Sept. 11. But Tuesday night, the council made minor changes to it, voted 4-1 to approve the revised version and scheduled a final vote for Sept. 12.

In a separate action, the council unanimously adopted an ordinance requiring all renters to register with the city. As part of obtaining a renters permit, they would have to show proof they are either citizens or legal residents.

Barletta said he is certain the Illegal Immigration Relief Act will pass legal muster. "We're not going to be bullied," he said.

The mayor also announced creation of a special fund to pay for the defense of the law and asked for contributions through a new Web site, www.smalltowndefenders.com.

Barletta drafted the law after a homicide, a playground shooting and several other crimes tied to people who were discovered to be in the country illegally. The law will fine landlords \$1,000 a day for knowingly renting to illegal immigrants and revoke the business licenses of those who employ them. It also establishes English as the city's official language.

The mayor, grandson of Italian immigrants, has argued that his city of 30,000 shouldn't be forced to spend any of its limited resources on people who shouldn't be there. While he and other city leaders say the law does not target a specific ethnic group, most of the newcomers who have flooded into Hazleton over the past six years are Hispanics from the Dominican Republic, Mexico and a dozen other nations.

The Puerto Rican Legal Defense and Education Fund claims the law has already fostered anti-Hispanic sentiment in the city, causing landlords to lose tenants and leading one Mexican grocer and restaurateur to suffer a 50 percent drop in business.

After filing the suit, the Legal Defense and Education Fund sent a letter to Barletta, offering to drop the suit if the ordinance was revoked at Tuesday night's council meeting.

"If they do not change their minds, and they lose and then have to pay their attorney fees and ours, let it not be said we didn't give them a chance to undo what they did," said David Vaida, an Allentown attorney and Hispanic community advocate who joined the suit.

Tuesday night, council did not consider revoking the ordinance in exchange for the suit being withdrawn, Barletta said after the meeting.

"We don't feel we're violating anyone's rights," he said. "We feel we will be able to stand judicial scrutiny."

Councilman Robert Nilles, who was alone in voting against both the original ordinance and the revision, said he would like to negotiate with members of Hazleton's Hispanic community and those who filed the legal challenge, but believes it's too late.

"If we could talk with each other, we could both satisfy what we need to accomplish," Nilles said. "We are at the point now where I don't think we can have that discussion."

The council had voted 3-2 to go behind closed doors to discuss the lawsuit and its impact on the ordinance. Council members Evelyn Graham and Joe Yannuzzi were opposed, saying that would violate the state open meetings law, the Sunshine Act.

Yannuzzi said that while it would be proper to talk about the lawsuit in executive session, it would not be proper to talk about whether or how to modify the ordinance.

A Morning Call reporter also objected, citing the Sunshine Act.

After the executive session, solicitor Chris Slusser said council had only discussed the litigation, not its impact on the ordinance. And after the council meeting, Yannuzzi said if members had talked about the suit's impact, he would have walked out.

Experts say the Puerto Rican Legal Defense and Education Fund stands a good chance of winning the day in court. The group's main contention - that the ordinance improperly meddles in federal affairs - is supported by a nonpartisan report from the U.S. Congressional Research Service, undertaken at the behest of Democratic U.S. Rep. Paul Kanjorski, whose district includes Hazleton.

For example, Hazleton has promised to revoke business permits for employers who hire illegal immigrants, but the federal Immigration and Nationality Act "expressly pre-empts any state or local law imposing civil or criminal sanctions" on businesses that hire illegal immigrants, the report says.

Matthew Archambeault, an immigration attorney in Philadelphia, called the law "untenable and unworkable," saying it places unreasonable burdens on landlords and employers and almost certainly runs afoul of state and federal fair housing laws.

"I'm an immigration lawyer, and people's immigration status isn't always cut and dried to me," he said. "You can't expect a landlord who's worried about the plumbing and the roof to have to worry about legal status."

Supporters of the ordinance - and the copycat laws springing up around the state and nation - acknowledge immigration law is the provenance of the federal government but say Washington has bungled the job for decades and the time has come for states and municipalities to take the lead.

To skirt the jurisdictional issue, Hazleton crafted its ordinance to target not immigrants themselves but their "enablers" in business and housing. The city also said it will assume the burden of making sure residents are legal by performing background checks and issuing the residency permits at City Hall.

According to the Puerto Rican Legal Defense and Education Fund, nearly 30 municipalities across the nation have proposed or introduced such laws. Hazleton and five others have passed them and three have rejected them.