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HAZLETON RESIDENTS SUE TO HALT HARSH ANTI-IMMIGRANT LAW

FOR IMMEDIATE RELEASE
August 15, 2006

HAZLETON, PA - An ordinance that classifies certain immigrants as "illegal," punishes landlords and employes doing business with those immigrants and makes English the official language is unconstitutional and should be repealed immediately, according to a lawsuit filed today by the American Civil Liberties Union of Pennsylvania, the national ACLU's Immigrants' Rights Project, Puerto Rican Legal Defense and Education Fund (PRLDEF), the Community Project, the law Philadelphia-based law firm of Cozen O'Connor and local attorneys George Barron, David Va Barry Dyller.

"Not only is this law a bull in the china shop of constitutional rights, but it will do real injury to lawful immigrants and even citizens," said Witold Walczak, Legal Director of the ACLU of Pennsylvania. "It makes every person who sounds foreign a suspect, including those who are here legally. You might as well just paint a target on every foreigners' forehead or a sign saying 'please treat me differently.'"

"All this ordinance does is create more tension and hatred between neighbors," said Cesar Perales, President General Counsel of the PRLDEF. "The city will also face major litigation costs. It is patently illegal for a local municipality to usurp the role of the federal government."

Perales cited a report published by the Congressional Research Service, a nonpartisan agency that writes reports for lawmakers, which confirmed that federal law likely precludes Hazleton from enforcing the ordinance.

Enforcement of the ordinance, approved on July 13, is expected to begin on September 11. The ordinance defines certain persons as "illegal aliens" using a definition so broad that it actually includes many lawful residents and naturalized citizens. "Hazleton's anti-immigrant ordinance is bad for the community, is unconstitutional and rampant discrimination," said Omar Jadwat, a staff attorney with the ACLU's Immigrants' Rights Project. "This spirited law is wrong for many reasons, but the most obvious is that the city does not have the power to make immigration laws."

Additionally, under the ordinance, property owners are subject to fines of more than \$1,000 a day for renting to individuals classified as "illegal aliens," and business owners could be fined and have their licenses suspended for hiring "illegal aliens" either knowingly or unknowingly. In addition, businesses would be barred from selling merchandise to "illegal aliens," including basic necessities such as food.

The ordinance would also turn Hazleton into an "English-only" community in which city documents and other communications would not be available in any language but English unless specifically required by federal or state law. Also, documents from residents to city officials would have to be written in English.

The groups filed the lawsuit on behalf of 11 Hazleton residents and business owners as well as three non-profit Plaintiffs include a lifelong Pennsylvanian and U.S. citizen who moved with her husband to Hazleton and opened a small business using her family's life savings. The business was doing well and the couple became foster parents with intent on adopting. Since the passage of the ordinance her business has been cut in half and she can no longer pay the bills. The family has been verbally abused with anti-Latino epithets and is contemplating moving from the area.

In addition to filing the lawsuit, counsel for the plaintiffs today sent a letter to the Mayor and the City Council informing them that litigation can be avoided if the ordinance is repealed. If the city fails to do so, the court proceedings will be aggressively pursued.

The groups said in legal papers that the ordinance violates the U.S. Constitution's Supremacy Clause because

to override federal law and the exclusive federal power over immigration. The ordinance also violates business property owners' due process rights under the constitution because it is nearly impossible for them to ensure compliance. In addition, the ordinance's "English only" provision violates city residents' First Amendment right to free speech.

» **More information about the case, including a copy of the complaint, can be found [here](#).**

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