

Judge Strikes Down Town's Immigration Law

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HAZLETON, Pa., July 26 — A federal judge today blocked a local law designed to deter illegal immigration in a decision that is likely to affect dozens of other communities around the country that have passed similar measures or are considering them.

Federal District Judge James Munley said the town of Hazleton in northeastern Pennsylvania had acted unconstitutionally when it passed its Illegal Immigration Relief Act Ordinance under which businesses would be penalized for hiring illegal aliens and landlords would be fined for renting rooms to them.

The ordinance, first passed by the Hazleton City Council in July 2006, also established English as the town's official language.

Backers of the law, led by Mayor Louis J. Barletta, argued that illegal immigration, largely from Mexico and Central America, was overburdening local schools, hospitals and social services in this town of about 30,000. They also argued that an influx of undocumented workers was also driving up crime.

"Federal law prohibits Hazleton from enforcing any of the provisions in its ordinances," Judge Munley wrote in an eagerly awaited 206-page opinion. "Thus, we will issue a permanent injunction enjoining their enforcement."

Judge Munley's ruling follows a federal trial in which the City of Hazleton was sued by civil-rights groups including the American Civil Liberties Union who claimed that the law was unconstitutional.

The civil liberties union said after the ruling that as many as 100 other towns had passed similar measures, though nearly all were waiting on the ruling before starting to enforce the rules.

The judge also sided with plaintiffs' arguments that local authorities such as Hazleton are not entitled to make laws on immigration, because that is the responsibility of the federal government.

"The ordinances disrupt a well-established federal scheme for regulating the presence and employment of immigrants in the U.S.," Judge Munley wrote, adding that such ordinances violate the Supremacy Clause of the U.S. Constitution.

At the federal level, lawmakers failed this summer to pass a comprehensive immigration bill backed by the Bush administration which would have strengthened border controls

while opening up a path to citizenship for the estimated 12 million immigrants living illegally in the U.S.

Mayor Barletta was not immediately available for comment on the court decision. He has previously said that he is prepared to take the case to the U.S. Supreme Court if necessary.

Many of Hazleton's immigrant community – numbering about a third of its population – have arrived in the last five years, drawn by affordable housing and local jobs. According to some estimates, a quarter of the immigrant population is illegal, and some of those have left since the ordinance was passed.