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Nebraska Town Votes to Banish Illegal Immigrants

By **MONICA DAVEY**

CHICAGO — Residents of a small city in eastern Nebraska voted Monday to banish illegal immigrants from jobs and rental homes, defying an earlier decision by the city's leaders and setting off what is all but certain to be a costly and closely watched legal challenge.

In [Fremont](#), a meat-packing town of about 25,000 people, unofficial results from The Associated Press late Monday showed that 57 percent of voters approved a referendum barring landlords from renting to those in the country illegally, requiring renters to provide information to the police and to obtain city occupancy licenses, and obliging city businesses to use a federal database to check for illegal immigrants.

Opponents of the new law, including some business and church leaders, had argued that the City of Fremont simply could not afford the new law, which is all but certain to be challenged in court. In a flurry of television commercials and presentations by opponents in the final days before Monday's vote, opponents said paying to defend such a local law would require a significant cut in Fremont city services or a stiff tax increase — or some combination of the two.

“There were a lot of tears in this room tonight,” said Kristin Ostrom, an opponent who gathered with others in an old V.F.W. building to await the results. “Unfortunately, people have voted for an ordinance that's going to cost millions of dollars, and that says to the Hispanic community that the Anglo community is saying they are not welcome here. They thought they were coming to a small-town community with small-town values.”

But advocates argued that federal authorities had failed to enforce their own [immigration](#) restrictions, leaving places like Fremont — with a small but growing Hispanic population — to take care of such matters themselves. They complained that illegal immigrants were causing an increase in crime, taking jobs that would once have gone to longtime residents, and changing the character of their quiet city, some 30 miles of farm fields from Omaha.

Within minutes of the results being announced, officials from the A.C.L.U. Nebraska pledged to file a lawsuit as quickly as possible.

“If this law goes into effect, it will cause discrimination and racial profiling against Latinos and others who appear to be foreign born, including U.S. citizens,” Laurel Marsh, executive director of [A.C.L.U. Nebraska](#), said in a statement issued late Monday. “The A.C.L.U. Nebraska has no option but to turn to the courts to stop this un-American and unconstitutional ordinance before the law goes into effect. Not only do local ordinances such as this violate federal law, they are also completely out of step with American values of fairness and equality.”

Fremont’s Hispanic population, practically nonexistent two decades ago, has grown to about 2,000 people, according to some estimates. No one knows how many illegal immigrants live in Fremont, and the estimates (depending on which side of this debate one is on) vary enormously.

Still, some in Fremont point, with worry, to other Nebraska towns — places like Schuyler and Lexington — as communities that no longer look or feel the way they once did.

In recent years, numerous towns and cities around the nation have considered adopting laws restricting illegal immigrants. But in most cases, political leaders and town councils have been the ones to pass the provisions — not the voters. And the laws have proven politically-tangled: measures in towns like Hazleton, Pa., and Farmers Branch, Tex., are still being fought in court, while some other cities (facing the prospect of drawn-out legal battles) have dropped the issue.

That almost happened in Fremont. Two years ago, a City Council member in Fremont suggested the city should pass a law on illegal immigrants. But after two emotional hearings — with what both sides said was participants from all over the state, the Council voted 4 to 4 on the proposal. The longtime mayor then voted against it, saying that he, too, was opposed to illegal immigrants but had come to believe that the question was one that had been, legally speaking, left to federal authorities, not Fremont.

Some residents were outraged by the choice, and began collecting signatures on a petition to put the question to a vote — the vote that ultimately came on Monday.

As residents of Fremont began considering what the decision would now mean, details of the new law were a new matter for debate. Some noted, with puzzlement, that the law would not apply to the area’s two biggest meatpacking plants (including Hormel, the largest employer) because they are just outside the city’s official boundaries, and that the law would also not apply to “casual labor for domestic tasks” around Fremont homes. But some said they believe the housing requirements — and new \$5 occupancy license rule — might apply to people living in nursing homes.