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## When The Melting Pot Boils Over

**A controversial city ordinance has thrust a small Pennsylvania town into the national debate on illegal immigration**

By SEAN SCULLY/HAZELTON

If the federal government cannot agree on a way to seal U.S. borders against illegal immigrants, Mayor Lou Barletta figures he can at least draw a line at the borders of his small northeastern Pennsylvania city of Hazleton.

"What I was seeing was the quality of life of our city destroyed, and a main reason was illegal immigration" said the mayor, who last month pushed through the city council what may be the most restrictive immigration-related local ordinance in the country. "It was draining the resources, the limited resources, to the point where I can no longer provide the public service that the legal, hardworking, tax-paying citizens should be getting... I certainly can't tell these people here that the federal government is working on it. They're expecting me to do something — I'm going to stand up and defend them."

Not only does the new ordinance make English the city's official language, it cuts off any city contracts from businesses found to have hired illegal immigrants and it requires anyone attempting to rent housing to get a city permit — something available only to those who first prove they are legal residents. And though it has led to a rush of copy-cat ordinances — at least 33 municipalities nationwide are pondering such legislation, 20 in Pennsylvania alone and one more in neighboring New Jersey — it has also sparked a furious outcry and legal action.

"What this is about is an anti-Latino sentiment that has been growing in this country," said Cesar Perales, president of the Puerto Rican Legal Defense and Education Fund, which filed suit last week in federal court to stop the Hazleton ordinance. Perales' group will ask the judge next week to block implementation of the law, set to go into effect in September.

The lawsuit says that the city overstepped its bounds in trying to control immigrants, which should be a solely federal responsibility. It also states that the ordinance singles out Spanish-speaking Latinos, who make up the overwhelming majority of the city's recent immigrants. The mayor argues that illegal immigrants drain city resources, even for minor items such as police responding to a noise complaint, and cost taxpayers money in the form of additional strain on schools and hospitals. But he says illegal immigrants bring much more serious trouble, such as drug dealing and even murder. As an example, he points to two men facing murder charges in

Hazleton for the May 10 death of Derek Kichline, who prosecutors say are in the U.S. illegally — though it's still not clear to police why Kichline was shot to death on a Hazleton street. "That's what pushed me to the point where I can no longer wait for someone else to do something about it," said Mayor Barletta, who says he had received 9,500 emails and letters in support and only 230 in opposition.

The Greater Hazleton Chamber of Commerce says it has received no complaints from members about the ordinance, and it had not taken a position as a group, but clearly some business owners are worried. One of the provisions of the law could be read to forbid businesses from even selling goods to illegal aliens, said Rudy Espinal, president of the newly formed Hazleton Hispanic Business Association, which has 43 members. The ordinance threatens any business "that aids and abets illegal aliens... through any agent, ruse, guise device or means, however indirect." "We believe it is too difficult to expect business owners to start checking IDs before they sell a soda" said Espinal, who moved to Hazleton in 2001 and is now a real estate agent and tax preparer and a plaintiff in the lawsuit. The Dominican immigrant, who has lived in the U.S. since 1988, says he doesn't feel personally targeted by the ordinance, but it is clear that the requirement would fall more directly on Hispanics. "If you look a certain way, you're going to get asked for ID."

The latest Census reports that only about 5% of Hazleton's 23,000 residents were Hispanic. But the city's population has swelled since 2000 to around 31,000, according to local officials, about 8,000 of which are Hispanics, or more than a quarter of the residents. Police Chief Robert Ferdinand said he doesn't have good statistics yet to prove it, but his officers are reporting an increasing number of illegal immigrants being involved with violent incidents. He said his officers arrest an illegal immigrant about once a week — something that hardly ever happened just three or four years ago. "We are seeing a lot of younger criminal aliens coming out of New York City and other larger cities," Chief Ferdinand told TIME. "They might have friends or family in Hazleton that have immigrated here and they have that contact established."

But the real issue, critics say, is an old rural coal mining town, which had been 90% or more white, unable to come to grips with its new demographics. "It becomes discriminatory in effect, if not in intent," said David Vaida, an attorney from nearby Allentown who is a local counsel on the lawsuit. "I'm not willing to tar anybody who is in favor of this as a racist, but what I do know is that the effect is going to be racist."

The civil rights groups are almost certainly right, said Victor Romero, associate dean of Penn State's Dickinson School of Law. While the Supreme Court hasn't spoken specifically about exactly this kind of local ordinance, it has long made clear that the federal government has the specific and exclusive right to admit or exclude any foreigners and regulate the terms of their stay in the United States. "Clearly this is the prerogative of the federal government... clearly [the Hazleton ordinance] is unconstitutional," Romero said.

But it's more than a mere legal question. The issue is on the mind of

Pennsylvania's junior Senator, Republican Rick Santorum, who favors a tough line against illegal immigration. Santorum campaign staffers helped Barletta, also a Republican, and his supporters found a website boosting his initiative, called Small Town Defenders. Although immigration ranks low among major issues for Pennsylvania voters, said Terry Madonna, head of the non-partisan Keystone Poll, it is clear that Santorum's position on immigration has helped him close the gap in a tough race against Democrat Robert Casey Jr. The issue plays well with a small core of Republican activists, Madonna said, and it also allows Santorum to draw a legitimate difference with the unpopular President Bush, who is otherwise closely associated with Santorum. The President favors less stringent restrictions on illegal immigrants, including a guest worker program that would help some of those currently working illegally to get legal jobs.

Barletta, however, said the question merely came down to defending his small town. "I never intended Hazleton to be thrust into the national debate, but apparently it touched a nerve," he said. "I am just trying to stick up for the people here that elected me and by the response it's received, apparently there are many Hazleton, Pennsylvanias, around the country."