

Town's Immigration Law in Judge's Hands

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SCRANTON, Pa. (AP) -- During a nine-day trial, a federal judge has learned a lot about Hazleton, a working-class former coal town that few outside Pennsylvania had heard of until the mayor declared war on illegal immigrants.

Mayor Lou Barletta and his administration told U.S. District Judge James Munley that illegal immigrants have ruined the town's quality of life and drained the municipal treasury.

However, the landlords and business owners who joined the American Civil Liberties Union and others in suing to overturn the ordinance targeting those immigrants said the crackdown was hurting them, emptying apartments and closing stores.

Ultimately, the fate of Hazleton's Illegal Immigration Relief Act will turn almost entirely on questions of constitutional law and interpretation of federal and state statutes, not on the situation on the ground - making the testimony in the trial that ended Thursday almost beside the point.

The judge himself said as much. "Issues of fact will not be the predominant features in the case," Munley said.

"So much of the factual testimony was interesting but not ultimately relevant to deciding this case," agreed the city's lawyer, Kris Kobach.

The law, approved last summer and emulated by towns and cities around the nation, penalizes landlords who rent to illegal immigrants and businesses that hire them. A companion measure requires tenants to register with City Hall in the town about 80 miles northwest of Philadelphia.

Enforcement was barred pending the outcome of the trial. Munley will likely take months to decide whether the crackdown is reasonable.

The lawsuit claims the laws usurp the federal government's power to regulate immigration, deprive residents of their constitutional rights to equal protection and due process, and violate state and federal housing law.

The town of 30,000 calls the crackdown a reasonable response to a growing violent crime problem.

From 2000 to 2006, Hazleton's population swelled by as many as 10,000 people - most of them Hispanic immigrants looking for work and cheap housing.

The influx helped revitalize Hazleton's moribund economy, but it imposed new demands on city services. The mayor argues that some of the new arrivals were illegal immigrants who joined gangs and dealt drugs.

Hazleton's lawyers relied heavily on a 1976 Supreme Court decision to bolster their defense. The court upheld a California law prohibiting businesses from employing illegal immigrants.

The Supreme Court justices said that while immigration is the exclusive domain of the federal government, the California law was constitutional because it was not a "regulation of

immigration," defined as "a determination of who should or should not be admitted into the country, and the conditions under which a legal entrant may remain."

Hazleton's critics say the 1976 ruling is no longer applicable. A decade later, Congress enacted a sweeping immigration bill that made it unlawful for businesses to employ illegal immigrants - and expressly pre-empted states and localities from imposing their own civil or criminal penalties.

Angelo Paparelli, president of the Academy of Business Immigration Lawyers and a critic of the Hazleton law, noted a federal judge struck down a 1994 California ballot measure that sought to deny public services to illegal immigrants because it conflicted with federal immigration law.

In his closing argument Thursday, ACLU attorney Witold "Vic" Walczak laid out a narrative in which a politically opportunistic mayor made illegal immigrants a scapegoat for all the city's ills.

But in an interview, Walczak, legal director of the ACLU of Pennsylvania, agreed that much of what was said at the trial was not likely to figure in the judge's ruling.

"I think there was a lot of stuff that was probably superfluous," he said.