



Hazleton Trial Ends and The Mayor's Message is – Blame the Powerless

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SCRANTON, PA. The federal trial to stop Hazleton, PA from implementing an ordinance that targets undocumented people ended today with the facts clearly pointing to a mayor bent on promoting a racial divisiveness in his city.

The trial made abundantly clear that Mayor Lou Barletta was blaming the powerless minority for his mismanagement and confused leadership.

The challenge was filed on behalf of Hazleton residents and business owners who oppose the ordinance, and is led by the Puerto Rican Legal Defense and Education Fund, American Civil Liberties Union, the ACLU of Pennsylvania, the Community Justice Project and the law firm of Cozen O' Connor. The case has garnered support from unlikely allies such as the U.S. Chamber of Commerce and the U.S. Council of Catholic Bishops.

The trial ended at midday today. The judges ordered the attorneys to submit briefs by May 7.

The groups charge that the city of Hazleton overstepped its authority by passing harsh anti-immigrant ordinances that seek to override federal immigration law. Attorneys for the groups urged Judge James M. Munley to strike down the

ordinances because they violate the U.S. Constitution's Supremacy Clause, and because they violate due process and equal protection rights under the Constitution.

Throughout the course of the two-week trial, testimony from city officials revealed that the City Council and Mayor rushed to pass the ordinances without conducting any research. Among the facts that came out in the trial are:

- Mayor Barletta admitted that he cut the police force in half in his first few years, but then blamed Latino immigrants for a rise in crime. This even though his own police records indicated that undocumented people only committed 20 crimes in five years.
- Mayor Barletta took credit for the city's revitalization spurred by a population growth of almost 40% driven by the arrival of Latino immigrants over five years. Then he blamed these newcomers for all the increased costs of managing a bigger city. He provided no evidence that Latino immigrants were responsible for increased costs.
- Mayor Barletta blamed Latino immigrants for increased waiting times in hospitals even though this came at a time when two main hospitals consolidated. He provided no statistics that Latino immigrants were responsible for this increase.
- Mayor Barletta claimed that a rise in police overtime was due to a murder allegedly committed by undocumented immigrants. Yet his own records reveal that only 15% of the overtime was due to that crime and the rest was due to the chronic understaffing stemming from the layoffs he earlier imposed. He provided no other evidence to back his claims.

“Day after day, the evidence at trial has made one thing perfectly clear. That the Mayor has engaged in the grossest form of bigotry, unfairly blaming all Latino immigrants for all the City's problems.” Said Cesar Perales, PRLDEF President and General Counsel. “It is part of a larger national trend, one PRLDEF is actively fighting all across the eastern US.”

Foster Maer, PRLDEF's lead attorney on the case, added: "I was shocked how Barletta uses racial stereotypes to scapegoat the Latinos of Hazleton, a group with the lowest crime rate of any ethnic group. This is the most extreme form of racial bias against Latinos I have seen in 35 years of practice. And I've seen some horrific acts."

Plaintiff attorneys said that final papers in the case will be submitted by mid-April and that they do not expect a decision until a month or more later. In the meantime, the challenged ordinances will not go into effect.

"Mr. Barletta said one murder is one murder too many and we agree." Said Denise Alvarez, a PRLDEF attorney on the team. "But we also say one act of bigotry by a government official is one too many, and Mr. Barletta has committed a thousand and one such acts."

More than 80 cities and towns across America have proposed laws similar to those in Hazleton. In many cases, these ordinances deprive individuals of due process by terminating employment or housing without a proper hearing. Many Hispanic business owners and legal residents have moved away from towns with ordinances because of increasingly hostile climates.

As a result of challenges by the ACLU and other groups, these unconstitutional ordinances have seen some recent pushback. In several cases where challenges had been brought against local ordinances, the courts found that the cities had over-reached when trying to pass a law that is preempted by federal immigration laws, and agreed to temporarily block their implementation. Nearly 20 of the laws that have passed have been tabled or defeated.

The Hazleton case is *Lozano v. Hazleton* and is in U.S. District Court for the Middle District of Pennsylvania. The trial is expected to last two weeks. More information on this case is online at www.prldef.org or www.aclu.org/hazleton.

In addition Maer and Alvarez, PRLDEF's legal team consisted of attorneys Jackson Chin, Ghita Schwarz, Richard Bellman and legal fellow Christina Iturralde.