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Equal Protection For All . . . Except in Hazelton, Pennsylvania

By Sharon R. López ©

Hazelton City Council passed an ordinance that limits or infringes on the freedoms and rights of many Hazelton residents. The ordinance becomes effective in September 2006. The ordinance is designed to deter “illegal aliens” from residing in Hazelton or using Hazelton municipal services, including regular medical services and access to public education. A copy of the ordinance is available at <http://www.smalltowndefenders.com>, and at the *News & Resources* page of Deem & López Law Offices at www.dflworkforjustice.com/resources.html.

Some Hazelton residents are concerned that this ordinance goes too far, and in response, have filed a lawsuit in Federal Court. The lawsuit alleges that the ordinance violates the resident’s constitutional rights and protections. The lawsuit also declares the ordinance has already caused harm and has created serious risks for many law-abiding residents. A copy of the complaint is available at <http://www.aclupa.org>, and at the *News & Resources* page of Deem & López Law Offices at www.dflworkforjustice.com/resources.html.

The Hazelton Complaint

The plaintiffs in the lawsuit are men and women from different countries and with different backgrounds. Even though the ordinance is not legally effective until September 2006, the plaintiffs describe the problems and prejudice they are already encountering. For example, the first plaintiff is a natural born citizen with an Hispanic background. Even though she is a citizen, some city residents assume she is foreign and harass her. The complaint includes the following examples of harassment: “Go back to your country!!” “Get out.” “...go back from where you came from ...” *See paragraph 29 of the complaint.*

Another plaintiff is from Italy. The Bureau of Immigration Services issued him a green card. A green card is a document that permits non-citizens to work and live in the United States. The problem is this plaintiff lost his green card and he is waiting for a replacement. The federal complaint claims that because of the way the ordinance defines “illegal alien,” this defendant would be treated as though he were not in the United States with permission, even though he has a green card. As a result, the ordinance would prohibit landlords from renting to him, new employers from hiring him, and anyone from providing goods and services to him, maybe even routine medical care.

The complaint also includes non-profit organizations as plaintiffs. These include *Casa Dominicana*, *Hazelton Hispanic Business Association*, and the *Pennsylvania Statewide Latino Coalition*. All of the aforementioned organizations do not presently require their members to provide proof of citizenship, residency or immigration status in order to receive the benefits of

membership. These organizations are concerned that the ordinance promotes “hostility towards the Latino community in Hazelton...” *See paragraphs 70 - 82 of the complaint.*

The ordinance also establishes English as the official language of the City, and requires “all official city business, forms, document, [and] signage” to be written in English. The complaint includes a plaintiff who already experienced problems seeking law enforcement assistance from the Hazelton Police Department because of the English only requirement. *See paragraph 60 - 61 of the complaint.*

The Hazelton ordinance requires the municipality to communicate only in English. The complaint points out that the United States has always been multilingual. “The Articles of Confederation were originally printed in both German and English....Public services historically have been available in their native languages to speakers of German, Polish, Russian, Yiddish, Italian, Hungarian, and a variety of other languages. Pennsylvania’s multilingual history is illustrated by an 1837 Pennsylvania law that required school instruction in both German and English.” *See paragraphs 131 – 132 of the complaint.*

The many plaintiffs in the Hazelton lawsuit are concerned that they will not be able to continue their regular lawful lives in Hazelton because of the broad nature of the ordinance. Furthermore, the ordinance impacts how others treat the perceived illegal aliens. The complaints states that the present ordinance definition of “illegal alien” will likely result in housing discrimination based on national origin. Note that the Fair Housing Act prohibits practices that discriminate on the basis of race, color, religion, sex, familial status, handicap and national origin.

Why you may be affected by this ordinance and this complaint.

“No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

The Equal Protection Clause of the Fourteenth Amendment of the United States Constitution.

This simple clause is the foundation of many anti-discrimination laws, including laws that prohibit discrimination in the workplace or by municipalities or other state actors. The Hazelton Ordinance limits some of its citizens from accessing needed services and entering into lawful contracts and business arrangements. Deem & López Law Offices stands by the many plaintiffs who are speaking out against this ordinance.

If you have experienced racial or national origin discrimination by an employer, police, or other public official, please contact Deem & López Law Offices for an assessment of your case. We can be reached by calling (717) 892-3900, or by email at info@dflworkforjustice.com.

