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By Telefax and Mail

July 11, 2006

Louis Barletta  
Mayor, City of Hazleton  
40 North Church Street  
Hazleton, PA 18201

Dear Mayor Louis Barletta:

The signatories to this letter write on behalf of their Hazleton area clients to express their opposition to the “Illegal Immigration Relief Act” under consideration by the Hazleton City Council and to express their intention to challenge the Act in court, if passed by the Council. We believe that the Act is unlawful on a number of grounds and will be invalidated by the courts.

Most significantly, this Act would violate the United States Constitution as it infringes on the exclusive federal power over immigration. By using immigration status as criteria to prohibit individuals from obtaining housing, using other commercial or private premises, obtaining any sort of employment, or communicating with City employees in a language other than English, the Act is effectively trying to regulate immigration. Though the City of Hazleton may not be satisfied with the job the federal government is doing in that regard, neither Hazleton nor the thousands of other cities and municipalities across this country may lawfully take on that task.

Further, the impracticality of attempting to comply with the law on the part of property owners, businesses, or employers raises a number of other possible legal challenges. Persons subject to the ordinance cannot reasonably be expected to know which acts are necessarily prohibited and which acts are permissible under the Act. Such insurmountable obstacles to compliance with the Act make it fundamentally unfair and thus violative of the due process guarantees in the federal Constitution.

Lastly, the Act’s prohibition of any City employee communicating in a language other than English violates the First Amendment as it infringes upon the right to petition the government for redress of grievances, a fundamental right that lies at the core of our democracy. A resident who can better communicate in a language other than English should not be prohibited from doing so with City employees when otherwise appropriate.

We suggest also that you consider something we believe you have ignored: all persons within the United States, including those without proper documentation, are obligated to obey our laws. They also have rights under our Constitution and federal laws.

As we stated at the outset, we intend to challenge this Act in court if passed. If such a challenge is upheld, the City of Hazleton, and you as its Mayor, will be subject to injunctive relief, possible monetary damages, and the payment of attorney fees and costs, both for the City's attorneys and for the attorneys who bring the challenge, which can be quite substantial in a case like this. We hope that such a challenge will not be necessary.

We thank you in advance for consideration of this matter and look forward to a prompt reply.

Yours truly,

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Cc: All City Council Members  
City Attorney