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ACLU Applauds Repeal of Anti-Immigrant Ordinance in Riverside, NJ (9/17/2007)

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RIVERSIDE, NJ - The American Civil Liberties Union praised Riverside's township council vote tonight to repeal an unlawful ordinance that would have punished landlords and employers for renting to or employing individuals it classified as "illegal" immigrants. Tonight's vote was prompted by a lawsuit brought by a coalition of residents, businesses and landlords represented by the ACLU, the ACLU of New Jersey, the Puerto Rican Legal Defense and Education Fund, the People For the American Way Foundation, and the law firm of Ragonese, Albano & Viola.

"We commend Riverside for repealing this wrong-headed law," said Ed Barocas, Legal Director at the ACLU of New Jersey. "In addition to being illegal, the passage of this ordinance promoted distrust of immigrants - including those here legally - and fueled xenophobia and discrimination."

The lawsuit against Riverside, Riverside Coalition of Business Persons, et al. v. Township of Riverside, contended that the ordinance overstepped the township's authority, was too vague, unfairly put businesses at risk and violated civil rights under state law and the New Jersey Constitution.

"State law simply does not permit Riverside to strip immigrants of their rights," said James Katz of Spear Wilderman, P.C., cooperating counsel for the ACLU and the ACLU of New Jersey. "Nor does it allow cities to control the rental or hiring decisions of Riverside businesses and landlords."

The ACLU has challenged a number of anti-immigrant ordinances in court, including those passed in Hazleton, PA; Escondido, CA; Valley Park, MO; and Farmers Branch, TX. Courts have ruled against each of these ordinances on a temporary or permanent basis. The Riverside ordinance is the first of the challenged anti-immigrant ordinances to be fully repealed by a government body vote in advance of a court ruling.

"Riverside properly recognized that trying to enforce this ordinance would be a waste of taxpayer money and a violation of the law," said Omar Jadwat, an attorney with the ACLU's Immigrants' Rights Project. "Other cities considering similar ordinances should take note of this vote and the fact that these discriminatory and unlawful laws do not hold up in court. Rather than blow city resources on unlawful and mean-spirited ordinances, responsible officials should seek to combat discrimination and ensure that their municipalities are fair for all of their residents."

The so-called "Riverside Township Illegal Immigration Relief Act" was never enforced. After the ACLU filed the lawsuit in the Superior Court of New Jersey in Burlington County, the parties agreed that the ordinance could not be enforced pending the final outcome of the lawsuit. Confronted with the lawsuit and the uniform failures of similar ordinances elsewhere, the township of Riverside decided to repeal the ordinance.

In addition to Barocas, Katz, and Jadwat, lawyers in the case include Andrew Viola and Michael Albano of

Ragonese, Albano & Viola; Foster Maer and Jackson Chin of PRLDEF; Reggie Mitchell of People for the American Way; and Lucas Guttentag, Lee Gelernt, and Jennifer Chang of the ACLU Immigrants' Rights Project.

The complaint is online at
www.aclu-nj.org/downloads/RiversideComplaint.pdf

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