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Groups ask attorney general to discard 'Utah list'

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SALT LAKE CITY — Several civil rights groups are asking Utah Attorney General Mark Shurtleff not to use a now-infamous list of 1,300 alleged illegal immigrants to pursue criminal charges against them.

More than 100 groups made a similar request last month to federal immigration officials. Now, many of them are asking the same of Shurtleff after media reports that he might use "the list" to help prove that some people on it were fraudulently using Social Security numbers.

"Using information that was obtained in an illegal fashion to prosecute victims of an egregious privacy breach flies in the face of long-standing criminal practice of excluding inappropriately obtained evidence," the letter said.

Among groups that signed the letter were the American Civil Liberties Union of Utah, the Latin American Chamber of Commerce, Comunidades Unidas, Voices for Utah Children, the Peace & Justice Commission of the Catholic Diocese of Utah, the Utah Health Policy Project and the Enriching Utah Coalition.

The list of nearly 1,300 illegal immigrants was compiled by two Department of Workforce Service employees. The state has fired one and began termination of the other. The information came from data about families of mixed immigration status, gathered when U.S.-born citizen children of illegal immigrant parents had applied for state assistance.

Paul Murphy, spokesman for the attorney general's office, recently told the Deseret News he cannot comment about the list while an investigation into those behind it is ongoing.

"Let me just say that we are committed to finishing up our investigation into whether any state laws were broken in the release and distribution of private and protected records before we take a separate look at the potential that state laws may have been broken with potentially fraudulent Social Security numbers," Murphy said.

The letter and the groups that wrote it, however, want Shurtleff to make a clear statement that he will not use the list to go after the illegal immigrants on it.

"The vigilantism involved in creating and distributing 'the list' is as deplorable as it is illegal," said Marina Lowe, legislative and policy council for the ACLU of Utah. "Unequivocally committing not to use the list is the right and lawful course of action. We sincerely hoped the attorney general will choose to go that route."

Lincoln Nehring, policy director of the Utah Health Policy Project, said using the list to pursue families will lead many not to seek important state-sponsored health coverage.

"This will lead to sicker kids and ultimately a weaker state. Utah families should not feel threatened simply because they need health care," Nehring said.

Kent Hart, executive director of the Utah Association of Criminal Defense Lawyers, said, "It is a sound principle of criminal and constitutional law that evidence collected or analyzed in violation of a defendant's constitutional rights is considered inadmissible for a criminal investigation."

He added, "The same principle should apply here, where the government should not benefit from unlawful action."

The letter also said that using information from the list "would erode trust in government and encourage others to similarly and unlawfully access and disclose private information."

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