

August 25, 2010

Attorney General Mark Shurtleff
Utah State Capitol Complex
350 North State Street Suite 230
Salt Lake City, UT 84114-2320

Dear Attorney General Shurtleff:

The following undersigned organizations and individuals, representing a spectrum of political and religious views, are writing to express our serious concerns with your most recent statements about reviewing invalid social security numbers on the list of some 1300 Hispanic residents of Utah purported to be in the United States unlawfully, for the purpose of prosecuting them for state crime violations.

Your initial statements in response to “the list” were commendable, making clear that the publication of the blacklist likely violated state and federal privacy laws.¹ As you know, the government employees implicated in creating the blacklist worked for the Utah Department of Workforce Services (DWS) which administers a wide range of benefits programs including unemployment insurance, disability benefits, food stamps, Medicaid, prenatal care, child care, adoption assistance, homelessness prevention, refugee resettlement, and welfare. The development of the blacklist clearly involved a security breach of government database(s) and could have exposed private information of untold numbers of Utah residents, including U.S. citizens and permanent residents. DWS government files contain private, personal identifying information of many of Utah’s most needy and vulnerable, including jobless Americans, people with disabilities, poor working families, uninsured pregnant women, newborn infants, recently-arrived refugees – all of whom depend on critical economic support. This breach of government databases has created a chilling effect across the country that deters the needy and vulnerable from seeking benefits to which they are entitled.

In the face of strong condemnation of the DWS blacklist from all segments of Utah society – whites, Latinos, and communities of color, Republicans and Democrats, U.S. citizens and undocumented immigrants, the most recent comments from your office have entirely missed the mark. When questioned most recently about the possibility of using the Utah blacklist for prosecution, your spokesperson Paul Murphy said the blacklist would be used to identify state crimes involving invalid social security numbers.²

Using information that was obtained in an illegal fashion to prosecute victims of an egregious privacy breach flies in the face of longstanding criminal practice of excluding inappropriately obtained evidence. Furthermore, it would erode trust in government and encourage others to similarly and unlawfully access and disclose private information. Having previously condemned the

1 *Utah AG: Leaked List of Immigrants ‘like a hit list,’* CNN, July 19, 2010, available at <http://edition.cnn.com/2010/US/07/19/utah.immigration.list/?fbid=7BcN2-Is9jC>.

2 “We decided a long time ago we would review what is there and see if there are any state crimes.” Paul Murphy also said that there is no timetable for the review for now. *A.G. to Look at Invalid Security Numbers on the ‘List.’* - Salt Lake Tribune, July 30, 2010, available at <http://www.sltrib.com/sltrib/home/50018366-76/list-services-numbers-workforce.html.csp>.

blacklist as a major breach of privacy and civil liberties, it is a disappointment to hear you now change positions.

Given the extent of the privacy breach and the potential for these kinds of rogue actions to be copycatted in Utah, we urge you to instead publicly and unequivocally reject the Utah blacklist and this kind of vigilante approach to immigration enforcement. The U.S. Department of Homeland Security has officially stated that they have not, and do not intend to use the list for any investigation or enforcement action.³ We urge you to return to your initial position on the Utah blacklist and also pledge not to rely on any information furnished therein to pursue any criminal investigation.

Thank you for your prompt attention to this urgent matter.

Sincerely,

The ACLU of Utah
Voices For Utah Children
Peace & Justice Commission of the Utah Catholic Diocese
The Utah Health Policy Project
Mark Alvarez
Esperanza Granada
State Representative Rebecca Chavez-Houck
Dr. Matt Bradley
Barbara, Szweda, Legal Director, Utah Health and Human Rights Project
Comunidades Unidas
The Latin American Chamber of Commerce
The Enriching Utah Coalition

³ See August 18, 2010 letter from U.S. Department of Homeland Security, attached.