



AMERICAN CIVIL LIBERTIES UNION OF UTAH FOUNDATION, INC
355 NORTH 300 WEST, SALT LAKE CITY, UT 84103
(801) 521-9862 PHONE • (801) 532-2850 FAX
ACLU@ACLUUTAH.ORG • WWW.ACLUUTAH.ORG

For Immediate Release
August 26, 2010

Media Contact: Marina Lowe
Legislative and Policy Counsel
(801) 521-9862 ext. 103 or mlowe@acluutah.org

ACLU OF UTAH AND OTHER LOCAL GROUPS URGE ATTORNEY GENERAL SHURTLEFF TO REJECT USING INFORMATION FROM “THE LIST” IN CRIMINAL PROSECUTIONS

SALT LAKE CITY, UT – The American Civil Liberties Union of Utah (ACLU of Utah) today joined with ten other Utah civil rights organizations and individuals in urging Utah Attorney General Mark Shurtleff to reject using in any criminal investigation information contained in the now-infamous “list” of 1,300 Utah residents who are allegedly in the country unlawfully. The letter responds to recent statements from Shurtleff indicating that his office may be reviewing “the list”—which law enforcement acknowledges was created and distributed by state employees in violation of state and federal law—for invalid social security numbers with the intention of prosecuting individuals on “the list” for state crime violations.

“The vigilantism involved in creating and distributing ‘the list’ is as deplorable as it is illegal,” said ACLU of Utah Legislative and Policy Counsel Marina Lowe. “The individuals on that list are victims of a particularly egregious breach of privacy. State employees, who were entrusted with extremely sensitive personal information about vulnerable individuals who had applied for social welfare benefits to which they are legally entitled, wrongfully took and distributed that information to further their own political agenda. The exclusionary rule generally prohibits government from utilizing illegally obtained evidence in criminal cases, and the Attorney General should follow that rule in this case.”

Signatories to the letter include the ACLU of Utah, as well as 11 other Utah-based civil rights groups and individuals, including Voices For Utah Children, the Peace & Justice Commission of the Utah Catholic Diocese, The Utah Health Policy Project, Mark Alvarez, Esperanza Granada, Rep. Rebecca Chavez-Houck, Dr. Matt Bradley, Barbara, Szweda, Legal Director, Utah Health and Human Rights Project, Comunidades Unidas, The Latin American Chamber of Commerce and the Enriching Utah Coalition.

“The Utah Health Policy Project is very concerned that using information on the list to pursue families will lead to children and families deciding not to seek health coverage,” said Lincoln Nehring, Policy Director with the Utah Health Policy Project. “This will lead to sicker kids and ultimately a weaker state. Utah families should not feel threatened simply because they need healthcare.”

“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 prosecution, in part as a means to provide a disincentive for illegal searches and seizures,” stated Kent Hart, Executive Director of

the Utah Association of Criminal Defense Lawyers. “This same principle should apply here, where the government should not benefit from unlawful action.”

The letter urges Shurtleff to “return to [his] initial position on the Utah blacklist and pledge not to rely on any information furnished therein to pursue any criminal investigation.” “Unequivocally committing not to use the list is the right and lawful course of action,” said Marina Lowe. “We sincerely hope the Attorney General will choose to go that route.”

For more information about the work of the ACLU of Utah, please visit www.acluutah.org.

#