



August 2, 2010

Senator Orrin G. Hatch
104 Hart Office Building
Washington, DC 20510

Dear Senator Hatch:

Please find attached a letter sent this week to Department of Homeland Security (DHS) Secretary Napolitano by a wide range of national, state, and local organizations and individuals regarding the recent compilation and circulation of a list containing identifying information about some 1,300 Hispanic residents of Utah purported to be in the United States unlawfully. The list laid out detailed personal data from state public benefits and unemployment databases, including names, Social Security numbers, home addresses, and phone numbers, as well as the due dates of pregnant women. Utah Governor Gary Herbert and Attorney General Mark Shurtleff swiftly condemned the release of private data and began an investigation into state employees involved in the list's creation. Attorney General Shurtleff emphasized the gravity of the violations by saying: "You replace 'Mexican,' you replace 'illegal alien' . . . with 'Jew,' and use that same kind of language – that was spread throughout Nazi hit lists in Germany." Paul Mero, President of the Sutherland Institute, a conservative public policy think-tank, called the list "reprehensible."

Despite recognition of the list's pernicious nature by public officials and leading community representatives in Utah and nationwide, the response of DHS and its Immigration and Customs Enforcement (ICE) arm has been limited and inadequate. ICE first received the list in April, but while the Secretary of Labor denounced the list unequivocally, Secretary Napolitano has not. DHS and ICE have neither explained their actions in the three months since ICE became aware of the list, nor stated that they would disregard it. The attached letter requests immediate public action by DHS and ICE to ensure that the illegally generated list is not used for immigration enforcement and/or investigation purposes.

I write to ask for your support in urging Secretary Napolitano to take the steps requested in the letter: a public statement of condemnation; a commitment by DHS not to use information from the list; and an accounting of what happened after ICE was made aware of the list in April. DHS must act to discourage future breaches of privacy by repudiating all use of this ill-gotten information. Utah residents deserve to know that the federal government will not tolerate vigilantism or the ugly racial overtones that accompany the list.

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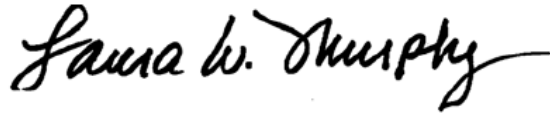
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If you have any questions or would like more information, please don't hesitate to contact Joanne Lin, Legislative Counsel, at (202) 675-2317 or jlin@dcaclu.org.

Thank you for your attention to this urgent matter.

Sincerely,



Laura W. Murphy
Director, Washington Legislative Office



Joanne Lin
Legislative Counsel