

Illegal immigration complicated by identity theft

By **Tristan Dewar**
STAFF WRITER

THE SUPREME COURT WILL REVIEW THE LEGALITY OF AN IDENTITY THEFT LAW THAT IS CURRENTLY USED AGAINST ILLEGAL IMMIGRANTS

On Oct. 20, the Supreme Court agreed to review a law that entitles federal prosecutors to charge illegal immigrants with identity theft. The law passed in 2004 and imposes a mandatory two-year prison sentence for those convicted.

The case in question is that of Ignacio Flores-Figueroa, a Mexican citizen who used a false social security card containing his real name and what he thought was a randomly generated social security number.

Flores-Figueroa used this card to obtain a job at a steel plant in Illinois and was unaware that the social security number in fact belonged to a real person.

He argues that the government did not adequately prove that he was cognizant of fraud. The five-count indictment against him consists of two aggravated identity theft charges.

His case made the rounds in the appeals circuit, with the United States Court of Appeals for the Eighth Circuit in St. Louis affirming his conviction.

Subsequent courts of appeal fall divided on the issue: the federal

appeals courts of Richmond and Atlanta upheld the Eighth Circuit's interpretation, while the courts of Washington, Boston and San Francisco expressed dissenting opinions.

"This issue is not going to go away no matter what the justices decide," said CBS news legal analyst Andrew Cohen. "And if this weren't an election year, it's likely that Congress would be voting on how to give prosecutors more leeway to go after undocumented immigrants for identity theft charges."

The identity theft law is alleged to be used as leverage against illegal immigrants. Enforcement officials give those caught in raids the choice between the mandatory two-year term or pleading to a lesser charge and serving a reduced sentence, fol-

lowed by immediate deportation without right to appear before an immigration judge.

Critics of the law argue that charging illegal immigrants with identity theft is a gratuitous abuse of the law's original intent to discourage identity theft, and that immigrants obtain falsified papers without knowing whether or not the social security numbers belong to actual people.

The Supreme Court will decide whether the lack of intent is plausible reason to suspend the law's jurisdiction over illegal immigration cases.

An adverse Supreme Court decision would not affect the law's application to non-immigration identity-theft cases, but supporters of stringent immigration enforcement

believe the law is integral to pursuing illegal immigrants and even terrorists that utilize false identities.

"I think it's sheer stupidity on the part of the person who knowingly purchases bogus documents," said Robert Duncan, assistant professor of political science. "I'm not hard-hearted, but the law is clear. If you don't like the law, then organize to change it."

Duncan firmly believes that the law must be enforced as interpreted, but thinks there are alternative ways to approach the immigration problem.

"It would be a lot easier to increase immigration quotas from Mexico and other South American countries," Duncan said. "Immigrants can then properly apply for legitimate paperwork. But I think

this particular law will stand, and it'll probably be a 5-4 decision on the conservative side."

Jorge Zeballos, international student adviser, believes that the illegal immigration debate is framed incorrectly.

"I find it extremely problematic, this idea of criminalizing individuals that are simply desperate to have better lives due to conditions in their countries of origin," Zeballos said.

"This debate is couched in discussions of legality when the majority of Americans refuse to acknowledge that this country has a hand in creating these adverse conditions in immigrants' home countries in the first place."

Zeballos contends that "everyone has jaywalked or sped at some point, or even gotten a ticket. Illegal immigration is also a civil offense, and adding a felony count to the penalty is absolutely ridiculous."

Sanjay Marwah, assistant professor of justice and policy studies, is inclined to agree with Duncan.

"I think the Supreme Court will uphold the decision of the original interpretation," Marwah said. "The rights of undocumented immigrants must be upheld, but I'm not sure that his rights are being infringed upon in this case."

However, Marwah feels that elevating the conviction to a felony count is also overreaching in immigration cases.

"I don't think there's any justification for it being a felony count. It's excessive, but deportation is not. They need to reform the system and institute gradations for these offenses."

The case will be heard in 2009.

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NEW CONSTITUTION: A WAY OUT OF CORRUPTION

By **Noble Maxwell Van Pelt Diller**
STAFF WRITER

On Sept. 28, Ecuadorian voters passed their country's new constitution with an overwhelming majority. The constitution will put more power in the hands of Ecuador's socialist president, Rafael Correa, and allow him to maintain in office until 2017.

Last summer, Correa began drafting with his administration and supporters a new constitution that they hope will bring Ecuador up to a new and improved direction.

According to The Los Angeles Times, Correa reminds the people that it is not time to relax,

"I call on all Ecuadorians of good will and faith to put their shoulders and hearts together and build together the Ecuador

that we have been fighting and hoping for and which starting today is approaching reality," Correa said.

Many supporters of the new constitution see it as a way to drag their country out of the economic hole it has been quickly sinking into. Correa is one of seven presidents this decade and, considering the overwhelming reaction at the polls and voter turnout, he is making an impact on his country.

The new constitution, a whopping 444-article piece of legislation, contains many articles that some hope will

send Ecuador into a brighter tomorrow.

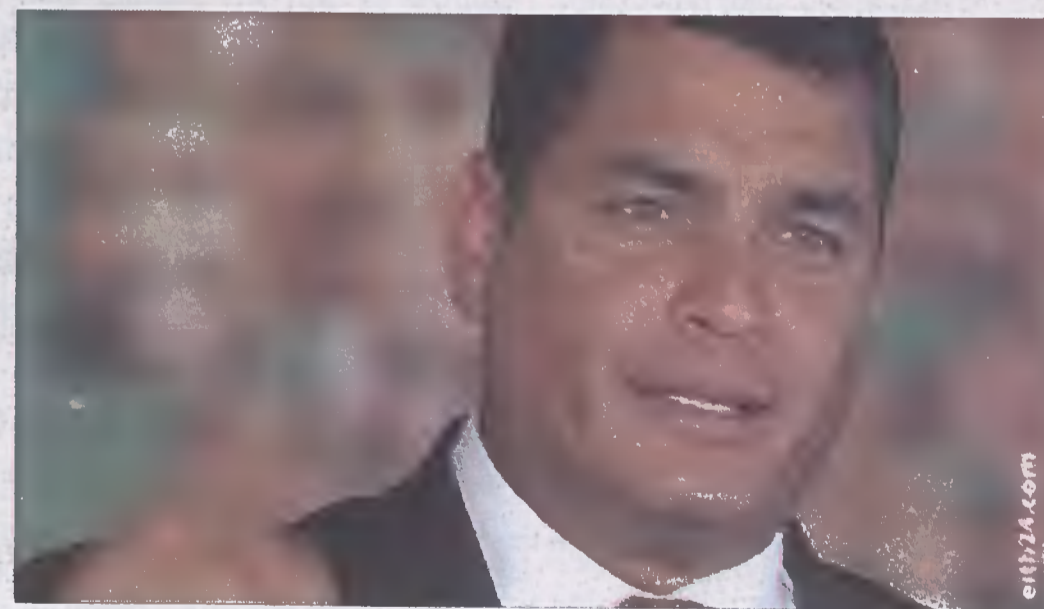
Some of the new laws include new rights for homosexuals who are pursuing civil unions, and a ban on transgenic crops. Most importantly, they allow Correa

to keep his office until 2017. Also, it gives him the ability to abolish the National Congress once each term, which would trigger an election shortly after.

The Los Angeles Times quotes construction worker Francisco Tuaponte, who said that he barely makes enough money to keep from starving. Previous leaders "ran the country like their own private hacienda for too long. Correa will get us out of the mess we're in."

Supporters of Correa say that the new laws will give the president more control over the economy. Critics of the new laws say that this new piece of legislation could turn Correa into a powerful dictator.

Correa has shown strong use of power in the past, such as when he ordered a state takeover of major television stations. The government chalked it up to the owners owing them cash but in reality it is assumed Correa made the move to gain support for the new constitution. The takeover



Ecuador's president **Rafael Correa** will serve until 2017 under the new constitution. While some worry that this will give Correa too much power, most Ecuadorian citizens believe Correa will bring much-needed change to the country.

was, in the end, widely popular, according to The Washington Post.

In Ecuador, there has never been a problem with ousting a president that outlived their welcome in office. Three of the seven presidential shifts this decade were completed through a military coup.

An Ecuadorian citizen was quoted in The Washington Post.

"We expect a change. We expect the government to meet its promises," said Beatriz Astudillo outside a polling station in Quito.

The Washington Post quotes Correa, "Today, Ecuador has decided on a new nation. The old structures are defeated," Correa told cheering supporters in the coastal city of Guayaquil. "This confirms the citizens' revolution."