

Will 9th Circuit Court of Appeals Weaken Identity Theft Laws in the Name of Political Correctness?

February 3, 2016 –“ You might think that when someone steals your identity and uses your name and social security number, that should be a criminal act regardless of the reason for the crime. But a lawsuit going on in Arizona could result in a decision that flies in the face of logic. That lawsuit is examining whether or not identity theft should be considered a criminal act if it is committed by an illegal alien. Based on the court’s actions so far, we have every reason to believe that the court will eventually side with illegal aliens.

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In 2007 and 2008, Arizona passed two laws that amending the state’s identity theft laws to include using a stolen identity the gain or keep employment as a form of identity theft. Other forms of identity theft were already criminal acts but the new amendments criminalized this form of ID theft too.

In 2014, an organization by the name of Puente Arizona filed a federal class action lawsuit to halt enforcement of the law. Shortly thereafter a federal judge issued an injunction against the state and Sheriff Joe Arpaio of Maricopa County. The sheriff had been using the law to stage workplace raids; arresting anyone who couldn’t provide valid identification.

One of the arguments used by Puente Arizona in their case is that Arizona’s law conflicts with US immigration laws; which are supposed to be enforced by the federal government. Not by the states.

Arizona appealed the injunction to the 9th Circuit Court of Appeals. Rather than lift the injunction, the court doubled

down. Early this week, it asked the federal government to provide an opinion on whether or not the Arizona law interferes with federal immigration laws.

The Obama administration has done everything it can to aid illegal immigrants in the United States. We have very little faith that the administration will side with identity theft victims over law abiding Americans.

To be clear, this is not a victimless crime. Using another person's identity to obtain employment leads to fraudulent tax returns and can place victims in highly adversarial conditions when dealing with the IRS.

Identity theft is identity theft, no matter who the criminal is and no matter what the reason.

by Jim Malmberg

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