

Chicago Daily Law Bulletin®

Volume 154, No. 228

Wednesday, November 19, 2008

Raid on plant, prosecutions recounted at law school

By Jerry Crimmins
Law Bulletin staff writer

The mass prosecution of more than 300 workers after a federal raid in May on a Postville, Iowa, meatpacking plant was improper, inhumane and a “gross travesty of justice,” a series of speakers charged here Wednesday.

A college professor who witnessed the prosecutions as court interpreter told the Chicago audience, “To the future lawyers and present lawyers, liberty’s last champion, I think that’s what you are.”

“Liberty’s last champion” is the motto of the National Association of Criminal Defense Lawyers.

Wednesday’s conference on the Postville raid was held at DePaul University College of Law. The conference was one of three similar events in the last few days at law schools in Iowa, New York and Illinois.

In the May 12 raid, agents of the U.S. Immigration and Customs Enforcement Agency arrested about 390 workers at the Agriprocessors Inc. plant in northeastern Iowa.

The federal government prosecuted 306 workers on immigration and identity theft charges, according to Erik Camayd-Freixas, a professor of modern languages at Florida State University and a federal court interpreter.

The identity theft charges were based on the alleged use of false Social Security numbers by employees, said Camayd-Freixas, who was one of 26 interpreters for the case.

The defendants were brought in groups of 10 into a makeshift courtroom in the ballroom of the National Cattle Congress “shackled at the wrists, waist and ankles,” according to Camayd-Freixas.

One female defendant “was crying, trying to lift her sleeve to wipe her face, but she couldn’t. Her hand wouldn’t reach,” the professor told the audience. “The judge hearing the case was so embarrassed, he was afraid to look at her and the other women.”

The defendants “appeared to be uniformly no more than 5 feet tall, mostly illiterate Guatemalan peasants” or Mexicans, the professor noted in a written account that was distributed to the audience.

According to Camayd-Freixas and DePaul law Professor Craig B. Mousin, director of the Center for Church-State Studies, the mass prosecutions appeared to violate due process and immigration law procedures.

Among the violations the two professors alleged were:

- These were civil immigration cases “disguised as criminal cases.”
- The defendants were denied the right to sever their cases from the others.

- Volunteer defense lawyers had 17 clients each and counsel had little time to interview the defendants.

- Most of the defendants were “coerced” to plead guilty to “using a false Social Security number.”

Camayd-Freixas alleged that all the defendants were told by prosecutors that if they did not plead guilty to the lesser charge, they would be tried on the more serious charge of identity theft, with a minimum two-year prison sentence.

By pleading guilty to the lesser criminal charge, they all received five-month jail terms and then were deported, he added.

Camayd-Freixas said the guilty pleas were coerced by the circumstances — the defendants were held without bail, told they would have to wait six months for a trial, and all had poor families that depended on them for financial support.

Asked to respond to the allegations, an assistant U.S. attorney for the Northern District of Iowa, Robert Teig, said Thursday, “At all stages of the proceedings, people who had violated federal law were dealt with fairly, humanely and with the full protections of due process and the law.”

Tim Counts, spokesman for U.S. Immigration and Customs Enforcement, said: “The worksite enforcement operation at Agriprocessors was ... based on solid evidence and specific leads. As frequently happens following such operations, there have been false allegations and baseless rumors. However, the operation was carried out with the utmost professionalism, using widely accepted law enforcement methods that have been upheld repeatedly by the courts.”

Camayd-Freixas said he interpreted for all sides in the case, including for defense lawyers at jail interviews of nine of the defendants.

Of those nine, “five didn’t know what a Social Security number was or its purpose,” he said. Thus, Camayd-Freixas argued they lacked sufficient knowledge to commit a crime of identity theft.

The vast majority of those prosecuted were men. A Catholic priest, the Rev. Lloyd Paul Ouder Kirk, said their dependents, women and children, took refuge in his St. Bridget’s Church for six days. He said the parish ended up feeding a thousand people.

The priest told the DePaul audience, “We need workers in Iowa,” and he called for “immediate reform of immigration laws.”

To this, Counts responded for ICE: “ICE did not create the illegal alien problem at Agriprocessors. While we understand that our enforcement actions have an impact on communities, the responsibility for any disruption lies squarely with the law violators, not with the agency responsible for carrying out the law.”