

## Local immigration attorneys and advocates say Postville raid reflected 'a complete lack of due process'

By **Anna Pratt** Jul 11 2008 03:57PM | [2 Comments](#)



A group of nearly 200 Minnesotans representing the local chapter of the United Food and Commercial Workers (UFCW) labor union and Jewish Community Action are planning a trip to Postville, Iowa, on July 27, to provide food and other supplies to the families of those being detained by Immigration and Customs Enforcement (ICE) in conjunction with the raid on Agriprocessors meatpacking plant in May. Through what they're calling a "humanitarian mission," the group is interested in calling attention to the unconventional legal tactics surrounding the historic raid's subsequent court proceedings. Some legal experts and activists say that the hearings were rushed, and that overall they failed to grant detainees their due process rights, a charge that a representative from U.S. Attorney's office denies. Hundreds of undocumented workers whose arrests added up to the largest raid in U.S. history were processed through the U.S. Attorney's office for criminal trials instead of the federal immigration court system, which has typically been the setting for such proceedings.

John Keller, an attorney with the Immigrant Law Center of Minnesota in St. Paul who helped coordinate a national effort to provide legal support to the detainees, tells MnIndy the raid represents a radical departure from those of the past: "The stakes were raised remarkably in comparison to the terms of the process before. If things were bad before, now they are much worse."

For starters, the 305 people who were apprehended for criminal charges were basically given two options, both of which would eventually lead to removal from the country: Either they could be prosecuted for identity theft, a serious federal crime that would lead to a year in jail before being forced to leave, or plead guilty in exchange for a milder five month jail sentence (also to be followed by deportation).

All 305 arrestees pled guilty, according to the U.S. Attorney's office. (Only one case is pending at this point.) Detainees weren't fully briefed on the implications of either choice, while their legal counselors didn't have immigration expertise, says Keller. The workers had only a week to decide whether to accept a plea bargain.

Considering that only 17 public defenders divvied up all of the Postville cases between themselves, they couldn't have had time to debrief every client on the situation, Keller says, while many of those who did plead guilty could have been eligible for asylum in the US. Now, however, they're prevented from doing so and from ever gaining U.S. citizenship. Only a limited number of people caught up in previous raids had been faced with such a harsh charge. "A lot of people who plead guilty didn't have a full understanding of what they gave up," he notes.

A federally appointed court reporter for the hearings, Erik Camayd-Freixas, expressed his dismay with the events in a 14-page essay, which received exposure in the [New York Times today](#). Camayd-Freixas was "taken aback by the rapid pace of the proceedings and the pressure prosecutors brought to bear on the defendants and their lawyers by pressing criminal charges instead of deporting the workers immediately for immigration violations," it reads. "Most of the Guatemalans could not read or write...Most did not understand they were in criminal court."

However, Bob Teig, a spokesman for U.S. Attorney Matt M. Dummermuth for the Northern District in Iowa, counters those arguments in a phone interview with the Minnesota Independent. He maintains that Camayd-Freixas' essay contains errors and that it "collapses under its own rhetoric." The nature of the proceedings was criminal, he claims, while the courts didn't receive any such criticisms from the public defenders who dealt with the caseload.

Teig insists that defendants and their lawyers had access to interpreters and discovery materials. "They thought it was fair. No attorney got up and said it was unfair," he argues. "The courts would have had a duty to reject something if it seemed improper. None were rejected...you get asked by the courts if you were coerced [into accepting a plea bargain]. No one said [they were]," he adds.

Susanah de Leon, a Minneapolis immigration attorney, who journeyed to Postville twice recently, describes the events there as "an upscale attack using all the resources the U.S. has on vulnerable people, many of whom have been subjected to human rights violations. They were treated like cattle." De Leon adds that there is no effective way to file complaints against the government agencies that handled the matters.

Doug Mork, an organizer for UFCW who is leading the caravan that is headed from Minneapolis to Postville this month, says the situation there is consistent with a long history of labor abuses in the meatpacking plant. As such, "You can't help but feel it's suspect that plant [labor] organizers were targeted by ICE for this... They tried to deal with miserable conditions and ICE steps in and conducts the raid."

The way he sees it, says Mork, "This is a part of a larger question of this whole broken system and it's part of an unending assault on workers' rights to organize."

Comments:

#### **rubin**

Posted Jul 12 2008 08:07pm with +0 votes

It is unbelievable that a person who is in the USA illegally has any rights. It is not a mistake on their part, they know they are here illegally. They don't understand English and they can't read and write is not a very good argument for anybody to defend. It just substantiates their illegality. I hope that everybody enjoys the trip however the money for the trip could be used in a more constructive manner.

#### **nospamformo**

Posted Jul 13 2008 12:42pm with -1 vote

Humm, "local immigration attorneys and advocates" commented on something they were not involved with and that happened a few hundred miles away.

Very telling that you were unable to get even one attorney or judge to comment. Did you even try?

This is nothing more than a leftist/union sponsored hit piece on the American justice system.

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