

# Expedited Trials of Illegal Immigrants Are Questioned

By Spencer S. Hsu  
Washington Post Staff Writer  
Friday, July 25, 2008; A09

Criminal defense and immigration lawyers yesterday challenged the government's use of expedited trials to convict 306 illegal immigrant workers at a meat processing plant in Iowa in May, arguing that fast-tracked group trials violated defendants' rights.

[Rep. Zoe Lofgren](#) (D-Calif.), chairman of the [House Judiciary Committee](#)'s immigration panel, said after a day-long hearing that she found the [Justice Department](#)'s actions against workers at the [Agriprocessors Inc.](#) plant in Postville, Iowa, "to be unusual and provocative, and I do have questions about whether they meet the requirements of due process that is guaranteed in our Constitution."

A Justice Department official, Deborah J. Rhodes, said all defendants were provided with criminal defense lawyers and interpreters, as well as access to immigration lawyers and consular officials. Federal judges also asked them and their lawyers if they understood and voluntarily agreed to the terms, she said.

"While the scope of the case presented unusual challenges, defendants' constitutional rights were carefully protected and exercised," Rhodes said.

The hearings focused attention on the aftermath of the Agriprocessors raid, the largest immigration sweep at a single worksite, and on the Bush administration's expanding use of criminal charges against illegal immigrants. Previously, illegal workers were generally held on administrative grounds and deported.

Erik Camayd-Freixas, one of 12 court interpreters who participated in the two-week Iowa proceedings, called them a dangerous pilot effort that subjected defendants to unfounded charges, denied them access to bail because of their immigration status, gave lawyers too little time to advise their clients and deprived judges of a meaningful role in plea deals or sentencing.

The government convicted and sentenced most defendants in four days at temporary court and detention facilities set up at nearby cattle show fairgrounds.

Defendants, most from Guatemala, were processed in groups of 10. Most were charged with aggravated identity theft with the promise of at least a six-month stay in jail until trial, a mandatory two-year prison sentence if found guilty and deportation whether they were found guilty or not. Or they could plead guilty to a lesser charge of document fraud, serve five months in prison and be deported.

Most agreed to the latter, even though six U.S. circuit courts of appeal have split evenly over the question of whether aggravated identity theft requires that the government prove a defendant knows the person whose identity or Social Security number he has taken.

"If our honorable judges had known how this dubious experiment would have turned out, they never would have allowed it," Camayd-Freixas said.

Homeland Security and Justice Department officials credit the new aggressive tactics with deterring border crossings. Republicans on the [Judiciary Committee](#) accused Democrats of caring more about illegal immigrants than the American workers whose jobs they take. "The more the administration tries to do its job . . . the more they are criticized for enforcing the law," said [Rep. Lamar Smith](#) (R-Tex.).