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Advocates call for end to 'aggressive' raids

Some are deported, some sent to other states; immigration activists complain that the action violates human rights

BY JENNIFER JACOBS AND LEE ROOD
REGISTER STAFF WRITERS

Lawyers and advocates seeking to help more than 500 people detained following Tuesday's raid at Swift & Co. called on Iowa state leaders to do more to provide the workers access to legal representation and prevent such mass arrests in the future.

A Des Moines immigration lawyer representing at least 15 of the workers called on Gov. Tom Vilsack and other state leaders to urge Congress to put an end such "aggressive" raids until it can offer more thoughtful guidance on immigration.

"I think it would be a wonderful idea for Vilsack to show some leadership," attorney Ta Yu Yang said.

Yang said the federal government also should return 30 to 40 of the detainees being held near Atlanta to Iowa so that they can have access to their families and legal representation while awaiting federal hearings. If not, the cost of representing the group, who are fighting deportation, will be huge, he said.

"The excuse of not having enough jail space is not true," he said, noting that the federal government has agreements in place to house people in places like Eldora, Linn and Pottawattamie counties.

Agents swept through Swift meatpacking plants in Marshalltown and five other cities on Tuesday, arresting 1,282 workers — a tenth of the company's work force. All of the Iowa detainees, who were being held at Camp Dodge north of Des Moines, were expected to be deported or moved to detention centers in other states by noon today.

Calls to the U.S. Immigration and Customs Enforcement seeking the whereabouts of all of the detainees had gone unanswered as of 2 p.m. Calls to the office of Gov. Tom Vilsack and Sens. Charles Grassley and Tom Harkin had not yet been returned.

Also on Friday, advocacy groups worked to help parents being held in Georgia choose guardians for their children in anticipation of deportation or long legal battles.

Elizabeth Barnhill, executive director of the Iowa Coalition Against Sexual Assault, said advocacy organizations in Iowa are working with lawyers so the parents can sign powers of attorney designating caretakers and how the children should be looked after.

Barnhill and Laurie Schipper, executive director Iowa Coalition Against Domestic Violence, also sent an email to other advocacy groups nationally warning of possible human rights violations stemming from the Marshalltown raid.

"We are writing to make you aware of the abuse of human rights and absence of due process that is currently underway as a result of what is reported as the largest immigration raid in US history," they wrote.

"As of this morning, no one, not even clergy, has been allowed to see them. Family members, attorneys, advocates, priests, ministers, have all been denied access, even to offer minimal information on their basic rights. The detainees were reportedly told that they can call a lawyer if they provide the full name and phone number."

"There are many awful stories emerging, particularly in regard to the children: a house of 35 children without parents and community members attempting to care for them; a priest trying to find a breastfeeding mother whose infant won't eat and being denied access; the same priest trying to find a father of an asthmatic child to get information about the child's care and again being denied access; attendance at the Marshalltown schools down by 25 percent yesterday."

Yang said all of the 15 clients he represented were denied due process. None had received charging documents outlining what they were accused of, he said. Yang said he was very worried about six additional

clients of his who were supposed to have been held at Camp Dodge following the raids, but they were not listed as detainees under their real or assumed names.

The government began deporting Swift & Co. workers or sending them to federal detention centers in other states Wednesday night and Thursday morning, and the last of 500 immigrants held at Camp Dodge, north of Des Moines, were to be moved out of Iowa by noon today, an official of the U.S. Immigration and Customs Enforcement said.

Agents returned to Marshalltown Thursday and arrested one person during raids on six homes.

The arrest of 90 people at the Marshalltown plant on Tuesday sparked immediate anxiety among Hispanic families in that city, and some community leaders speculated that families will leave or go into hiding.

Marta Garcia, an agent at Five Star Real Estate Group in Marshalltown, said she has clients telling her they want to leave, and she predicted that up to half of Marshalltown's Latino population will depart. In the 2000 census, Hispanics made up 13 percent of the town's 26,000 residents.

"They are afraid for their relatives if Immigration comes again," she said. "They are afraid they'll be found with improper documents."

Garcia said people also are leaving because the raid has created hostility between Latino residents of Marshalltown and non-Latino residents.

The status of the hundreds of workers arrested in the raids has been shrouded in secrecy, and that has frustrated and angered relatives and others.

Federal officials transported Swift workers from Marshalltown, Grand Island, Neb., and Worthington, Minn., to Camp Dodge, an Iowa National Guard base on the outskirts of Des Moines. By Thursday afternoon, more than 100 detainees had been sent out of Iowa, some by airplane and others by bus, after they were interviewed, photographed and fingerprinted.

"Some have been deported already," said Tim Counts, a spokesman for U.S. Immigration and Customs Enforcement, also known as ICE. "I want to stress these are more than likely people who chose not to have a hearing before an immigration judge and said, 'I just want to go home as soon as possible.' "

Advocates for immigrants said they worry that ICE is pressuring immigrants to sign waivers saying they do not want to fight the deportation and do not want to see an immigration judge. Advocates worry that some immigrants may not be aware they have rights to a hearing - because they have relatives here or are married to legal residents or for other reasons.

"If you don't understand the rules, then you end up in Mexico," said Michael Said, an immigration lawyer.

There were complaints about inadequacies of the toll-free number ICE officials advertised as a way for families or lawyers to determine the status or location of detainees.

The number, (866) 341-3858, was alternately busy because of the volume of calls, or the three contractors who answered could not provide basic information about where people were detained or about their bond, said Kathleen Walker, president-elect of the American Immigration Lawyers Association. The operators could only verify the state where the person was arrested.

"You can't even find these individuals to provide legal representation for them," Walker said. "So where the hell are they, so we can contact them to ascertain what the situation is?"

Walker said that although legal immigrants should carry the documents that verify their status, some do not, particularly if they work in a meat-processing plant.

"You can have somebody who has medical conditions, who is in the United States lawfully, and you can't even get to them," Walker said. "It's terrible."

Jim Benzoni of Des Moines, another immigration lawyer, said the federal government is "playing hide the ball" by keeping lawyers and advocates from the workers and then moving the workers out of state.

If detainees are moved, defense lawyers cannot file writs of habeas corpus, which force the government to justify the prisoner's arrest, Benzoni said.

Benzoni said that while the raid attracted headlines nationally, it will make no lasting dent in the nation's immigration problem. He called the raids - called the largest in U.S. history - a political move intended to make Americans think the federal government is doing something about illegal workers.

"Chertoff screwed up Hurricane Katrina, so he's got to prove he can do something right," Benzoni said, referring to Michael Chertoff, the head of the U.S. Department of Homeland Security, which oversees ICE.

Marc Raimondi, an ICE spokesman in Washington, D.C., would not answer any questions Thursday about the Swift raids, the status of the workers taken into custody, the reasons for moving the workers to other states, or the government's initial refusal to allow lawyers, clergy or relatives access to the workers before they were shipped out.

Counts, an ICE spokesman in a regional office in Minneapolis, said the government is not trying to impede legal representation for the workers.

"We support the right of anyone in our custody to have legal assistance," he said. "When we have such a large number of people arrested at one time, we move people where we have space available."

Counts said Camp Dodge was never meant to be a long-term detention facility. He would not say where the detainees were being moved, however.

"For operational security purposes, we just don't discuss the details of the movements of detainees," he said.

There are no federal detention facilities in the Midwest. Immigration rights advocate Alex Orozco of Des Moines said some workers were sent on Thursday to Georgia. Orozco said the Iowa Commission on Latino Affairs expects to get a list of the names of those workers soon.

Of the 500 workers who were processed at Camp Dodge, more than 100 were charged with criminal offenses other than being in the country illegally, Counts said. He said those offenses included identification fraud and re-entering the United States after deportation. He said he did not know whether there were any nonimmigration charges.

The speed at which the workers were moved startled Sonia Parras-Konrad of the MUNA Legal Clinic in Des Moines. She first learned people had been shipped out when a Marshalltown woman called her sister-in-law, who is caring for her three children, to say that she had been transported to Laredo, Texas, Wednesday night.

Family members with photo identification and legal documentation were admitted to Camp Dodge from noon to 6 p.m. Thursday to visit their relatives, but few people showed up.

"People are probably afraid they're going to wind up on a bus themselves," said Jim Rouse of Des Moines, one of the community activists who took shifts outside of the base gates Thursday, vowing to stay until midnight to support the workers' families.

Three clergy members were briefly allowed into Camp Dodge at 4 p.m. Thursday. They were allowed only to see detainees they knew by name, said the Rev. Diane McClanahan of Trinity United Methodist Church.

Members of a Baptist church in Marshalltown whose names McClanahan had obtained said they were doing well and gave thanks to God.

"All of this was said with watchful eye," McClanahan said. "There was no opportunity to have a private moment with them."

At least three immigration lawyers - Said, Parras-Konrad and Yang - were allowed to interview clients Thursday at Camp Dodge after filing federal paperwork identifying the specific clients they represent.

Said had seven clients who were picked up in the raid. Before he could talk to them, however, two had agreed to be sent back to Mexico. One of them had legal papers allowing him to be in the United States, and

the other is married to a U.S. citizen, according to Said.

Agents put pressure on the workers to agree to be sent home, he said.

"It basically goes like this: 'You have no rights. Your lawyer doesn't know what he's talking about. If you go before a judge, you will wind up spending three months in jail. But if you sign here, you'll be back in Mexico in a few hours, and you won't have to go to jail,' " Said said.

Said said Congress has limited undocumented immigrants' rights to see lawyers.

He said he wanted Iowans to know that immigration lawyers receive no public money for their work.

"That's one of those myths," he said of the belief that taxes support representation of immigrants.

Said said government lawyers at Camp Dodge were helpful. He talked them into releasing a client who has lived here 14 years, owns a house and has three children who are U.S. citizens.

Also released Thursday were three single mothers, including two who were pulled off ICE's airplane, Parras-Konrad said. Two more single mothers remained in custody because they face criminal charges.

These articles include reporting by Register staff writers Perry Beeman, Lynn Campbell, Jeff Eckhoff, Megan Hawkins, Tim Higgins, Tony Leys, Meghan Malloy, Jerry Perkins, Lee Rood, Lisa Rossi and Abby Simons.