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Secretary Michael Chertoff  
Department of Homeland Security  
245 Murray Lane, SW  
Washington DC 20528

Attorney General Michael Mukasey  
United States Department of Justice  
Robert F. Kennedy Building  
950 Pennsylvania Avenue, NW,  
Washington DC 20530-2000

Dear Secretary Chertoff and Attorney General Mukasey:

We write to express the grave concerns of the American Immigration Lawyers Association for the apparent disregard of the rights to meaningful assistance of counsel and due process in the aftermath of the ICE enforcement operation conducted at the Agriprocessors, Inc., meat packing plant in Postville, Iowa, on Monday, May 12, 2008.

Our members and others in the community report that those arrested were denied access to immigration counsel for lengthy periods of time during “processing” and questioning; criminal charges have been brought against scores of those arrested, but inadequate provisions have been made to assure that each individual charged is afforded meaningful access to counsel familiar with both criminal and immigration law; hearings are scheduled in violation of the statutory 30-day pre-sentence period in 8 U.S.C. § 1228(c)(2)(B); defense counsel is faced with choosing to take a plea deal in seven days without having sufficient time to assess case facts and forms of relief due to the number of cases assigned per counsel; and, mass hearings are being conducted at which court-provided defense counsel are called upon to represent as many as 10 defendants at a time in a single, brief, proceeding, with some called upon to do so on multiple occasions for

multiple groups of defendants. We understand that 85 already have been pled and sentenced.

Most striking is a May 12, 2008, press release from the United States District Court for the Northern District of Iowa announcing the temporary assignment of Federal judges and court personnel to Waterloo “in response to the ... prosecution of numerous illegal aliens....” This press release was issued by the court before any of those arrested and charged had been found to be an “illegal alien.”

AILA asks that you take immediate steps to guarantee full constitutional protections to those who stand accused in any enforcement action, including but not limited to:

- 1) Assuring that each defendant has had the opportunity to fully consult not only with criminal defense counsel, but with immigration counsel;
- 2) Assuring that each defendant is guaranteed the presumption of innocence;
- 3) Assuring that each defendant is given the opportunity to seek release and a fair and full bond determination; and
- 4) Assuring that any defendant, who after full consultation with competent immigration counsel believes that he or she has a reasonable basis for seeking relief from deportation under our laws, receives a full and fair immigration court hearing to determine eligibility for such statutory and discretionary relief.

Finally, AILA calls upon the government to reconsider, based on recent hearings and information on the devastating nature of their impact on local communities and families, the current use of large-scale enforcement operations. These types of enforcement actions have led to widespread violations of the basic civil liberties and human rights of those who are targets of the operations, and have permanently disrupted their families and communities. We ask that these types of operations cease and that immigration laws be enforced in a manner that is effective, humane, and respectful of the basic rights and freedoms that form the foundation of our democracy.

For the American Immigration Lawyers Association:



Kathleen Campbell Walker  
President



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