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Statement Concerning Due Process after ICE Raid in Postville, Iowa

by R. Ben Stone, Executive Director

5/13/2008

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FOR IMMEDIATE RELEASE – May 13, 2008

The following can be attributed to Ben Stone, Executive Director:

The ACLU of Iowa strongly condemns the unnecessary use of criminal prosecutions to coerce hundreds of foreign-born workers detained in the recent raid in Postville, Iowa into waiving their rights to individually demonstrate why each of them should be allowed to remain in the U.S.

Of the 390 workers reportedly detained, nearly three hundred are from Guatemala, a country known for its human rights abuses. A civil deportation proceeding is the best way to address immigration cases, and each case needs to be handled on an individual basis. By converting the meatpacking plant raid into a mass criminal prosecution, the government is wasting precious legal resources and giving short shrift to the American right of due process, which belongs to all persons, not just citizens.

From the information the ACLU of Iowa has been able to gather, it appears that detainees are not receiving adequate time to meet with their lawyers, and that defense attorneys are being overwhelmed with requests to represent far more clients than is advisable – or perhaps even ethical. We are concerned that the *sheer size of this raid is likely to result in numerous violations of the U.S. Constitution*, which protects the due process rights for all persons in this country. It is our understanding that detainees are being threatened with prosecution if they do not waive their right to an individualized deportation hearing and that they may be forced to do so with only minimal opportunity to speak with defense counsel.

While justice delayed is justice denied -- justice in haste lays waste.

The ACLU of Iowa recognizes that the United States, like every nation, has the right to control who enters the country, to enforce the integrity of its borders, and to set immigration policy. However, the ACLU of Iowa also believes that this policy needs to be consistent with our American values of fairness, and the tradition of welcoming immigrants. While our government can determine immigration status and enforce immigration laws, it should act fairly, humanely and in accordance with our constitutional norms of due process and equal protection and adhere to U.S. obligations under international law.

For more information contact also: Randall Wilson, ACLU of Iowa Legal Director