

April 2019

## Camayd-Freixas corrections to transcript

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### Recommended Citation

"Camayd-Freixas corrections to transcript" (2019). *Postville Project Documents*. 64.  
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2803 - 2898      Insert ORAL STATEMENT OF DR. ERIK CAMAYD-FREIXAS as follows:

Mr. CAMAYD-FREIXAS: Chairwoman Lofgren, Ranking Member King, honorable members of the Subcommittee:

I was one of sixteen interpreters who served both weeks of the Postville hearings. Unlike judges, prosecutors, or attorneys, I was present at every step of the process. It is my duty as an impartial expert witness and officer of the court to ensure that the court is not misled, and to bring to its attention any impediments to due process. I have done so in the best interest of the Federal Court I am proud to serve, and with the conviction that if our honorable judges had known how this judicial experiment would turn out, they would have never allowed it.

I document the flaws in my Statement, submitted for congressional record:

- Detainees' quarters were not certified.
- The court failed to maintain physical and operational independence from ICE prosecution, and a level playing field for the defense.
- There was inadequate access to counsel.
- No meaningful presumption of innocence.
- Defendants appeared not to understand their rights and charges.
- Bail hearings and other due process rights were denied.
- The charge of identity theft, used to force a plea, lacked foundation and was never tested for probable cause.
- Defendants did not know what a Social Security Number was, and were not guilty of "intent" crimes.
- Guilty pleas were obtained under duress.
- Judges had no sentencing discretion, pursuant to a binding Plea Agreement.

- Sole providers, whose families are in jeopardy, now endure a cruel and unusual psychological punishment, the foreseeable effect of prison time on common parents.

Abridgement of process produced wholesale injustice at the other end of the line:

- Parents, begging to be deported: put in jail at public expense.
- Proud working mothers: branded like cattle with the scarlet letter of an ankle monitor, dehumanized, and reduced to begging at the doors of the church, as they were release on “humanitarian grounds.”
- The town of Postville devastated; and the kinship ties our noble people are quick to forge with all newcomers, painfully severed.
- Families and friends separated.

I saw the Bill of Rights denied and democratic values threatened by the breakdown of checks and balances. And it all appeared to be within the framework of the law, pursuant to a broken immigration system.

Postville lays bare a grave distortion in the legal structure of government.

Post 9/11, ICE was granted power to wage the war on terror. But since 2006, it has diverted resources, even from disaster relief, to an escalating and unauthorized war on immigration.

Yet the men and women of ICE are not to be faulted for doing their duty. It is unrealistic in our adversarial system to ask prosecutors to exercise restraint and not use all legal means to win convictions.

The fact is our laws have not kept up with this growth in enforcement. Congress failed to pass immigration reform, and ICE has filled the legal void with its own version of it.

Now we have a serious contradiction: the growth of authoritarian rule inside the shell of a constitutional democracy. This entity can simultaneously wield immigration and criminal codes, plus issue administrative rules; leaving no room for constitutional guarantees. It co-opts other branches of government: Social Security, US Attorney, Federal Court... and uses appropriations

to recruit local police for immigration enforcement: setting neighbor against neighbor, and dangerously dividing the nation.

With the help of local sheriffs, Postville repeats itself daily, while the harshness of border enforcement is reenacted in the American Heartland, with great collateral damage to our citizens and communities. It is a rush, to raid as much as possible, before Congress regains the vision and courage to restore the law of the land. Part of immigration reform is redefining ICE jurisdiction over immigration and criminal matters, without impairing the agency's ability to defend us from terrorist threats.

Since 2006, families have been separated on a scale unseen in the Americas since the Spanish Conquest, when it led to the extinction of entire Amerindian nations. In Postville, we have the added moral burden posed by the presence of ethnic Mayans, testimonial people who constitute an endangered patrimony of humanity.

I bring to this forum, three requests from the people of Postville.

First: Our government has left a humanitarian crisis for Sister Mary McCauley and her good neighbors to cure. I call on all to contribute to St. Bridget's Church and on the federal government to respond with aid that guarantees survival for their schools, businesses and institutions. It is time for America to adopt Postville.

Second: With regard to the imprisoned aliens, government says they have 300 criminals.

The people say: show us one victim of their crimes or send them home.

Third: Our national unity requires that Congress pass not only comprehensive, but compassionate immigration reform, as would befit the dignity of this great country, built upon the shoulders of immigrants, by their children.

Thank you.

3232 of the defense attorney**s** to even come **close** to understand**ing**

3737 families to look after their **children. So** they were just

3243 government was going to **make. So** they basically were given

3283 "A search was conducted by ICE agents in the **Accurint**

3289 into **Accurint** either did not appear to be associated with the

3292 What **we are** hearing here from the government's own

3297 necessity to base a prosecution on **evidence, that is, the**

3980 case of Ms. Costner's, **and their response** was, "You have

3987 social security fraud charge, was use or possession of **a** false

3989 "with intent to deceive" **means** really with intent to deceive the