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**Committee on the Judiciary**

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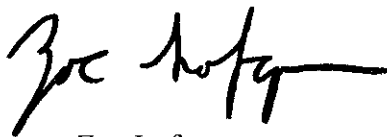
Dr. Erik Camayd-Freixas  
Professor of Modern Languages  
Florida International University  
5453 SW 115<sup>th</sup> Street  
Miami, FL 33196

Dear Dr. Camayd:

Thank you for your recent appearance before the Committee on the Judiciary's Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law. Your testimony was insightful and will assist the Subcommittee as it moves forward.

Enclosed you will find a **verbatim** transcript of the hearing enclosed for your review. Please deliver any changes to the attention of Andres Jimenez of the Subcommittee on Immigration, Citizenship, Border Security, and International Law, 517 Cannon House Office Building, Washington, DC, 20515 no later than February 16, 2009. If you have any further questions or concerns, please contact Andres Jimenez at (202) 225-3926.

Sincerely,



Zoe Lofgren  
Chairwoman

Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International  
Law

2793 STATEMENTS OF MR. ERIK CAMAYD-FREIXAS, PROFESSOR OF MODERN  
2794 LANGUAGES, FLORIDA INTERNATIONAL UNIVERSITY; MR. DAVID  
2795 LEOPOLD, DAVID WOLFE LEOPOLD AND ASSOCIATES, ON BEHALF OF  
2796 AMERICAN IMMIGRATION LAWYERS ASSOCIATION; MR. ROBERT R. RIGG,  
2797 ASSOCIATE PROFESSOR OF LAW AND DIRECTOR OF THE CRIMINAL  
2798 DEFENSE PROGRAM, DRAKE UNIVERSITY LAW SCHOOL; MRS. LORA  
2799 COSTNER

2800 STATEMENT OF ERIK CAMAYD-FREIXAS

2801 Mr. CAMAYD-FREIXAS. Thank you, Chairwoman Lofgren.

2802 Ms. LOFGREN. We need the microphone on, though.

2803 Mr. CAMAYD-FREIXAS. Thank you, Chairwoman Lofgren,

2804 Ranking Member King, honorable members of the subcommittee.

2805 I was 1 of 16 interpreters who served both weeks of the  
2806 Postville hearing. Unlike judges, prosecutors or attorney, I  
2807 was present at every step of the process. It is my duty as  
2808 an impartial expert witness, an officer of the court, to  
2809 ensure that the court is not misled and to bring to its  
2810 attention any impediments to due process. I have done so in  
2811 the best interest of the federal court I am proud to serve  
2812 and with the conviction that, if our honorable judges had  
2813 known how this judicial experiment would turn out, they would  
2814 have never allowed it.

2815 In my statement submitted for congressional record, I

2816 | document the flaws. Detainees' quarters were not certified.  
2817 | The court failed to maintain physical and operational  
2818 | independence from ICE prosecution and a level playing field  
2819 | for the defense.

2820 |       There was inadequate access to counsel, no meaningful  
2821 | presumption of innocence. Defendants appear not to  
2822 | understand their rights and charges. Bail hearings and other  
2823 | due process rights were denied. The charge of identity theft  
2824 | used to force a plea lacked foundation and was never tested  
2825 | for probable cause.

2826 |       Defendant did not know what a social security number was  
2827 | and were not guilty of intent crime. Guilty pleas were  
2828 | obtained under duress. Judges had no sentencing discretion  
2829 | pursuant to a binding plea agreement. Sole providers whose  
2830 | families are in jeopardy now endure a cruel and unusual  
2831 | psychological punishment, the foreseeable effect of a prison  
2832 | time on common--

2833 |       Abridgement of process produced wholesaling justice at  
2834 | the other end. Parents begging to be deported put in jail at  
2835 | public expense. Proud working mothers branded like cattle  
2836 | with the scarlet letter of an ankle monitor dehumanized and  
2837 | reduced to begging at the doors of the church as they were  
2838 | released on humanitarian grounds.

2839 |       The town of Postville devastated. The kinship ties are  
2840 | noble people are quick to forge with all newcomers painfully

2841 severed. Families and friends separated.

2842 I saw the Bill of Rights denied and democratic values  
2843 threatened by the breakdown of checks and balances, and it  
2844 all appeared to be within the framework of the law pursuant  
2845 to a broken immigration system.

2846 Postville lays bare a grave distortion in the legal  
2847 structure of government. Post 9-11, ICE was granted power to  
2848 wage the war on terror, but since 2006, it has diverted  
2849 resources even from disaster relief to an escalating and  
2850 unauthorized war on immigration.

2851 Yet the men and women of ICE are not to be faulted for  
2852 doing their duty. It is unrealistic in our adversarial  
2853 system to ask prosecutors to exercise restraint and not use  
2854 all legal mean to win convictions. The fact is our laws have  
2855 not kept up with this growth in enforcement.

2856 Congress failed to pass immigration reform, and ICE has  
2857 filled the legal void with its own version of it. Now we  
2858 have a serious contradiction, the growth of authoritarian  
2859 rule inside a democratic government. This entity can  
2860 simultaneously wield immigration and criminal codes plus  
2861 issue administrative rules, leaving no room for  
2862 constitutional guarantees.

2863 It co-ops other branches of government--social security,  
2864 U.S. Attorney, federal court--and uses appropriations to  
2865 recruit local police for immigration enforcement, setting

2866 neighbor against neighbor and dangerously dividing the  
2867 nation.

2868         With the help of local sheriffs, Postville repeats  
2869 itself daily while the harshness of border enforcement is  
2870 reenacted in the American Heartland with great collateral  
2871 damage to our citizens and community. It is a rush to raid  
2872 as much as possible before Congress regains the vision and  
2873 courage to restore the law of the land.

2874         Part of immigration reform is redefining jurisdiction  
2875 over--ICE jurisdiction over immigration and criminal matters  
2876 without impairing the agency's ability to defend us from  
2877 terrorist threats. Since 2006, families have been separated  
2878 on a scale unseen in the Americas since the Spanish Conquest,  
2879 when it led to the extinction of Ameri-Indian nations. In  
2880 Postville, we have the added moral burden posed by the  
2881 presence of ethnic Mayan, testimonial people who constitute  
2882 and endanger patrimony of humanity.

2883         I bring to this forum three requests from the people of  
2884 Postville.

2885         First, our government has left a humanitarian crisis for  
2886 Sister Mary McCauley and her good neighbors to cure. I call  
2887 on all to contribute to St. Bridget's Church and on the  
2888 federal government to respond with aid that guarantees  
2889 survival for their schools, businesses and institutions. It  
2890 is time for America to adopt Postville.

2891           Second, with regard to the imprisoned aliens, government  
2892 says they have 300 criminals. The people say, "Show us one  
2893 victim of their crime or send them home."

2894           Third, our national unity requires that Congress pass  
2895 not only comprehensive but compassionate immigration reform  
2896 as would benefit the dignity of this great country built upon  
2897 the shoulders of immigrants by their children.

2898           Thank you.

2899           [The statement of Mr. Camayd-Freixas follows:]

2900           \*\*\*\*\* INSERT \*\*\*\*\*

3171 Ms. LOFGREN. Mrs. Costner, thank you for your  
3172 testimony.

3173 We are going to recess this hearing now. We have a  
3174 series of votes, and we will not be back before 3:15. So go  
3175 get a cup of coffee, and we will ask some questions when we  
3176 return.

3177 [Recess.]

3178 Ms. LOFGREN. The subcommittee will reconvene.  
3179 Hopefully, the ranking member will be here shortly.

3180 First, apologies. We thought that we would be back  
3181 at--by 3:15, but we had more votes than we had anticipated,  
3182 and we appreciate your patience and your willingness to stick  
3183 with us on this.

3184 We have just a couple of questions that we will be able  
3185 to pose to all of you.

3186 But before I do, let me just say to you, Mrs. Costner,  
3187 what happened to you was really terrible and outrageous, and  
3188 I don't think there is a person in the Congress who would  
3189 defend what happened to you, and I appreciate that you were  
3190 willing to come here and share your story. The individual  
3191 that did that to you should have been prosecuted, and I think  
3192 it is--you know, I don't see U.S. Attorneys are here now. I  
3193 don't understand why they didn't do their job to protect you  
3194 and your family, and I just wanted to say that before getting  
3195 into the legal questions for the others.

3196           Let me ask you, Dr. Camayd, you have been a translator  
3197 for a long time, and I read the statement that you made that  
3198 was available publicly after this raid, and I was struck by,  
3199 in your statement, how shocked you seemed to be by the  
3200 procedures that you encountered here and that it was your  
3201 judgment that these individuals had no idea what was going  
3202 on.

3203           And you are, of course, the interpreter so you were in  
3204 kind of the catbird seat to understand what people knew  
3205 perhaps even better the lawyers because they couldn't  
3206 actually talk directly to the defendants.

3207           Have you ever seen anything like this before in your 23  
3208 years as a interpreter?

3209           Mr. CAMAYD-FREIXAS. Never.

3210           Ms. LOFGREN. I think that is quite revealing.

3211           In your judgment, did these defendants understand the  
3212 nature of these proceedings and the pleas that were--there  
3213 was a lot of representation that the defense counsel had  
3214 advised them and they knew all the immigration issues. Did  
3215 you observe that?

3216           Mr. CAMAYD-FREIXAS. Well, there were almost 300  
3217 individuals, and the level of understanding was different  
3218 from one to the other. My determination is that the majority  
3219 of them did not understand the charges or the rights that  
3220 they were waiving. And I base that on several factors.



3221 First, it is unclear to what extent the numerous ethnic  
3222 Mayans understood Spanish as a second language. Then there  
3223 are vast cultural differences between Mexicans and Guatemalan  
3224 rural cultures on the one hand and American legal culture on  
3225 the other.

3226 And the most important factor is that, in my expert  
3227 opinion as an educator, due to their lack of schooling and  
3228 low rate of literacy, most of the defendants had a level of  
3229 conceptual or abstract understanding equivalent to that of a  
3230 third grader or less. So they clearly needed a lot more  
3231 time, a lot more educating on a one-to-one basis on the part  
3232 of the defense attorney to even come closer to understand  
3233 what these things meant.

3234 In addition to that, they really were tuning it all out  
3235 because the only thing--particularly the parents--the only  
3236 thing that they cared about is how to get back to their  
3237 families to look after their families so they were just  
3238 listening to the time factor. "Okay. If I do this, do I get  
3239 home quicker," or "If I do that."

3240 Particularly troubling was the waiver of the right to be  
3241 indicted by a grand jury on felony charges. These were all  
3242 felony charges. They basically at that point had no  
3243 knowledge of the plea agreement or the plea offer that the  
3244 government was going to make so they basically were given  
3245 false hopes that, if they waived the right to a grand jury

3246 indictment, they would go home faster. So they did.

3247 Ms. LOFGREN. Let me ask you this. We had testimony  
3248 that there were--the defense lawyers had been completely  
3249 schooled on immigration law--and that there were immigration  
3250 lawyers in the facility. Did you observe that?

3251 Mr. CAMAYD-FREIXAS. I am sorry. I didn't--

3252 Ms. LOFGREN. That the defense counsel had been  
3253 instructed in immigration law and that there were immigration  
3254 lawyers there at every stage helping the defendants  
3255 understand. Did you see that?

3256 Mr. CAMAYD-FREIXAS. No. I didn't see any immigration  
3257 attorneys there. There were actually very few attorneys each  
3258 day because, even though 18 defense attorneys participated,  
3259 they would come in 3, 4, 5 each day. And I didn't see any  
3260 immigration attorney.

3261 I also understood that the official policy was that  
3262 these were criminal cases, not immigration cases..

3263 Ms. LOFGREN. Right.

3264 Mr. CAMAYD-FREIXAS. --therefore--

3265 Ms. LOFGREN. But they had implications once you plead  
3266 guilty to this crime. Even if you had another benefit  
3267 available to you under existing immigration law, that would  
3268 then be foreclosed.

3269 Mr. CAMAYD-FREIXAS. Well, I did observe that some  
3270 attorneys were able to call on immigration law colleagues--

3271 Ms. LOFGREN. Okay.

3272 Mr. CAMAYD-FREIXAS. --but the issues were so  
3273 complicated that sometimes they had to consult with two and  
3274 three--

3275 Ms. LOFGREN. Right.

3276 Mr. CAMAYD-FREIXAS. --different lawyers, and they would  
3277 get different indications.

3278 Ms. LOFGREN. Let me ask the two law professors, and I  
3279 am going to read from the affidavit that was filed in support  
3280 of the application for the search warrant, and it is point  
3281 85. I will summarize. The first part isn't really that  
3282 material.

3283 "A search was conducted by ICE agents in the Accurate  
3284 Database"--which, as we know, is the private-sector  
3285 database--it is highly accurate--"for the individuals' social  
3286 security numbers listed in second quarter 2007 payroll  
3287 reports. This search revealed that approximately 878 out of  
3288 1,116, or 78.6 percent, of the social security numbers input  
3289 into Accurate either did not appear to be associated with the  
3290 person assigned to that social security number, or the number  
3291 did not reveal any person associated with the number."

3292 What were hearing here from the government's own  
3293 affidavit is that 78--well, let us say almost 79 percent of  
3294 the individuals didn't have somebody else's social security  
3295 number, they had a made-up number.

3296           How is that consistent, in your judgment, with the  
3297 necessity to base a prosecution on evidence that the  
3298 prosecutor's burden to have the elements of the crime known  
3299 and present before proceeding with a prosecution. Could you  
3300 comment briefly on that?

3301           Mr. LEOPOLD. Well, that statistic, Madam Chairwoman, is  
3302 very troubling. Eighty percent of these people apparently  
3303 did not have--the social security number didn't correspond to  
3304 a real person. That draws into the real question, the whole  
3305 use of the identity theft as a charge and really brings into  
3306 question the social security charges.

3307           I tell you, I have sat on the CJA panel Northern  
3308 District of Ohio now for 10 years that handles criminal cases  
3309 in addition to my immigration practice. I would love an  
3310 opportunity to cross-examine the affiant here about that  
3311 because what he seems to say in this paragraph at the end is,  
3312 "Well, this evidence didn't really add up, but so what. I am  
3313 an expert. Believe me." So it is very troubling.

3314           Mr. RIGG. I concur with Mr. Leopold's analysis there.  
3315 The two parts of that paragraph seem to be inconsistent, but,  
3316 again, that is something that would have been submitted to a  
3317 judge. But that is the type of information you would want a  
3318 preliminary hearing on.

3319           Ms. LOFGREN. Well, if I may time is running out, but it  
3320 just seems to me that the prosecutor's obligation is first to

3321 do justice, not to just to get convictions. It is to, as an  
3322 officer of the court, to make sure that justice is done.  
3323 That is the whole system. And if the elements of the crime,  
3324 by the government's own attestation under oath, aren't there,  
3325 how can the prosecutors, consistent with their ethical  
3326 obligations, proceed? I just--I have a concern about that.

3327 My time has expired so I am going to turn to the ranking  
3328 member for his 5 minutes of questions.

3329 Mr. KING. Thank you, Madam Chair.

3330 I am going to turn first to Dr. Camayd, and I don't see  
3331 it in your written testimony, but what I think I heard you  
3332 say was that the subjects of this raid endured cruel and  
3333 unusual punishment. Did I hear that correctly?

3334 Mr. CAMAYD-FREIXAS. Yes, sir.

3335 Mr. KING. And I just can't help but reflect that the  
3336 Supreme Court has conferred habeas rights on enemy combatants  
3337 and also conferred Geneva Convention status to enemy  
3338 combatants, and I have--I am looking at this as being  
3339 precisely language from the Eighth Amendment of the  
3340 Constitution, cruel and unusual punishment. Were you  
3341 advocating that those defendants then would bring a case to  
3342 have their constitutional rights protected?

3343 Mr. CAMAYD-FREIXAS. No, sir. I don't have an opinion  
3344 about that.

3345 As an interpreter, part of my job is to interpret the

3346 meaning of what people are saying, not just the words. In  
3347 order to do that, I have to put myself in the position of the  
3348 individuals I am interpreting for, whether they are attorneys  
3349 or witnesses or defendants. And when--I did that for 14  
3350 hours during the jail interviews on a Friday and Sunday, and  
3351 I was able to put myself in each individual situation, and I  
3352 was talking specifically about the parents who were worried  
3353 sick about their children--

3354 Mr. KING. Okay.

3355 Mr. CAMAYD-FREIXAS. --and their families and having to  
3356 basically spend the next 5 months at every moment of their  
3357 waking hours just consumed with this worry.

3358 Mr. KING. And--and I understand that was part of your  
3359 earlier testimony, and I agree with you that a good  
3360 interpreter interprets not just the words, but voice  
3361 inflection, words unsaid, body language--all those things  
3362 together. And I read the words in your testimony too and  
3363 some of them are--they are inflammatory to me. And so I will  
3364 just leave that there rather than belabor that point.

3365 And I would turn then--first, I wanted to make a little  
3366 comment about Mr. Rigg's testimony.

3367 First, I think it is the most reasonable of the  
3368 majority's witnesses here. And you made two points: One,  
3369 that the compression of time imposed limits on attorneys that  
3370 may have put the defendants' rights at risk. I think that is

3371 a valid point, and I don't know if it is--I don't necessarily  
3372 agree or disagree with it. I just think it is a good point  
3373 to have raised. Then the--you referred to as an ambush--I  
3374 think a surprise--to the attorneys who were drawn into this  
3375 process. That is how I interpreted it.

3376 I just wanted to say to you that, being on the Iowa  
3377 Supreme Court Advisory Committee, I have a certain amount of  
3378 envy that I am not on that advisory committee.

3379 So instead of asking you a question, I would just take a  
3380 little license here, and in the time that is remaining, I  
3381 really want to turn to Mrs. Costner and say I recognize how  
3382 difficult this was for you to be here today. I appreciate  
3383 the chairman's cooperation in that, and I know that you had  
3384 to overcome a fair amount of intimidation just from the very  
3385 fact of this being Congress to come here and testify, and I  
3386 think the way that you went through your testimony and got to  
3387 the end of it and actually compressed it within the 5  
3388 minutes, I want to thank you. And I know there are members  
3389 on both sides--the Democrats and Republicans--that know how  
3390 difficult this was. And that is the way citizens serve this  
3391 country. You have done that.

3392 But I would ask you, are you finished? Do you know that  
3393 the identity theft is over, and how would you know if it was?

3394 Mrs. COSTNER. I was told that we would never know,  
3395 that, unless we changed our names and social security

3396 | numbers, that they would always be out there. And the IRS  
3397 | told me that we would get tax notices for 2006 and 2007. I  
3398 | just don't know when they will be here.

3399 |       Mr. KING. Do you know the initial perpetrator--do you  
3400 | know where he is now in the--in the legal process?

3401 |       Mrs. COSTNER. They let him go. They said that it was  
3402 | not illegal to use someone's name to obtain employment.

3403 |       Mr. KING. But he was he never ordered deported from the  
3404 | United States?

3405 |       Mrs. COSTNER. That is what the D.A. told us was going  
3406 | to happen when we left court, but then they--

3407 |       Mr. KING. But it didn't happen. And we are very--we  
3408 | are very familiar with those circumstances by which we are  
3409 | short of law enforcement personnel in a lot of ways, and I  
3410 | just say as a matter of--statistically--two of my staff  
3411 | people have been hit by drivers who were illegal, and in each  
3412 | case law enforcement took the information, took the  
3413 | Matricular Consular card number, they knew very well it  
3414 | wouldn't hit a positive hit on the database, turned them  
3415 | loose. And even though, when I send my chief of staff to  
3416 | town to try to get enforcement, we can't get it even in my  
3417 | own staff.

3418 |       So I just--I thank all the witnesses--I know we have  
3419 | strong emotional feelings, and as emotions come out in your  
3420 | testimony, Dr. Camayd, and I actually think some of that was



3421 | plenty. And I appreciate the professionalism that comes here  
3422 | when it arrives, and I know how it was most difficult for  
3423 | Mrs. Costner, and, again, I thank you for your testimony  
3424 | especially.

3425 |         Ms. LOFGREN. The gentleman's time has expired.

3426 |         I would turn now to the gentleman from Illinois Mr.  
3427 | Gutierrez.

3428 |         Mr. GUTIERREZ. Thank you very much.

3429 |         Let me share with Mrs. Costner thank you for coming and  
3430 | bringing your testimony before this committee. I think it is  
3431 | very valuable information and testimony for us. We need to  
3432 | do more about identity theft, and I thank you for your  
3433 | testimony. I think it will help us here. At least I am very  
3434 | hopeful it will help us here.

3435 |         Let me go to Mr. Camayd. We heard Ms. Costner's  
3436 | testimony about identity theft. It sounds to me like the  
3437 | gentleman who stole her identity committed aggravated  
3438 | identity theft. Would that be your opinion?

3439 |         Mr. CAMAYD-FREIXAS. Absolutely.

3440 |         Mr. GUTIERREZ. And I just want to see how that relates  
3441 | to your experience in being an interpreter and what the  
3442 | people were charged. Was there any evidence of this kind of  
3443 | critical criminal intent--as using someone's identity, social  
3444 | security number--and causing the kind of harm that was caused  
3445 | to Mrs. Costner and her husband?

3446 Mr. CAMAYD-FREIXAS. Well, I expressed to Mrs. Costner  
3447 how sorry I was for what happened to her during the break.  
3448 And I want her to know, for her peace of mind, that the  
3449 individuals that I saw in this case in Iowa were just  
3450 hard-working people and, in fact, only 5 out of 389--had any  
3451 kind of criminal record.

3452 One of the issues that bothered me about the case in  
3453 Iowa is that individual circumstances of each case were not  
3454 considered. And I think that, when we look at the very  
3455 unfortunate case of Mrs. Costner, as well as issues as to  
3456 whether illegal workers are good or bad for the country, I  
3457 think it--I keep going back to that situation and saying,  
3458 "Well, how can we apply these broad issues to the individual  
3459 cases if we don't know the facts of each case?"

3460 Mr. GUTIERREZ. And so of the people that you helped  
3461 interpret for, there was no evidence--in your testimony you  
3462 seem to really stress the difference between the aggravated  
3463 identity theft and the use--the improper use of a social  
3464 security card. Would you--what is the difference?

3465 Mr. CAMAYD-FREIXAS. Well, aggravated identity theft was  
3466 a charge created by an act of Congress in 1998. For almost  
3467 10 years, it had been used for its proper purpose and  
3468 meaning. And it was only until the middle of 2007 that it  
3469 began to be used in immigration cases, basically in  
3470 presenting false documents to obtain employment. So it

3471 | seemed like it was a way of testing the waters until in  
3472 | Postville it was applied on a large scale.

3473 |         But the Department of Justice Web site has a very good  
3474 | page on identity theft. It explains what it is. It gives  
3475 | several examples. The examples it gives pertain to people  
3476 | who have stolen identity to charge sometimes hundreds of  
3477 | thousands of dollars under somebody else's name, that type  
3478 | of--

3479 |         Mr. GUTIERREZ. --that is to use somebody's identity to  
3480 | commit a crime?

3481 |         Mr. CAMAYD-FREIXAS. That is correct.

3482 |         And also it remits you to the actual statute, and the  
3483 | language of the statute is that identity theft is using  
3484 | somebody else's identity to commit a crime under the false  
3485 | pretense of being another person.

3486 |         Mr. GUTIERREZ. Let me just follow up because I would  
3487 | like to ask Mr. Leopold.

3488 |         So when I read, "If you plead guilty to the charge of  
3489 | knowingly using a false social security number, the  
3490 | government will withdraw the heavier charge of aggravated  
3491 | identity theft"--and this is from the interpreted--this was  
3492 | the plea agreement, which the assistant general attorney had  
3493 | a little bit of problem but not much problem with. I mean,  
3494 | this is basically what the interpreters are saying, that the  
3495 | defense counsel was giving to their client.

3496           What is wrong with that? What in essence is there  
3497 anything wrong with an attorney--with a U.S. attorney or the  
3498 federal government accusing somebody of something and then  
3499 offering them a lesser plea? What is wrong in this case?

3500           Mr. LEOPOLD. Well, what is wrong with it is is  
3501 apparently there was very little evidence to convict them  
3502 even on the lesser plea. And what they did was they  
3503 compressed this whole situation by use of what is otherwise  
3504 known as an exploding plea agreement, which was 7 days long  
3505 or it ended. So that compressed timeframe, coupled with the  
3506 fact that most of these people--or all of them--their real  
3507 intent was really to get out and work and feed their families  
3508 again, and their real--this whole situation banked on the  
3509 fact that the workers really didn't understand the nature of  
3510 the charges against them.

3511           What was wrong was to use that kind of leverage in this  
3512 particular case and to try to criminalize--successfully  
3513 criminalize as many undocumented workers as they did when, in  
3514 fact, all they were trying to do was feed their families.

3515           Mr. GUTIERREZ. And one last question. If it is an  
3516 immigration case, would you take any lawyer for a--is there a  
3517 particular reason you want an immigration lawyer to deal with  
3518 an immigration case?

3519           Mr. LEOPOLD. Well, look, absolutely, Congressman. The  
3520 travesty here is that these pleas that were given could not

3521 | possibly have been given knowingly because there was not  
3522 | adequate advice of immigration counsel. And in a criminal  
3523 | case involving a noncitizen, part and parcel of the defense  
3524 | is an analysis of the immigration consequences.

3525 |         In Dr. Camayd's essay, there was a discussion of a man  
3526 | from Guatemala, and as the chairwoman mentioned, Guatemala  
3527 | has a rather checkered history with human rights violations.  
3528 | Many of these farmers were from Guatemala. There were  
3529 | probably asylum claims in there. There were probably people  
3530 | that needed protection. All they needed to do--all the U.S.  
3531 | Attorney's Office needed to do and should have done and  
3532 | failed to do was ensure that immigration advice--competent,  
3533 | thorough immigration advice was available to all of these  
3534 | detainees.

3535 |         Ms. LOFGREN. The gentleman's time has expired.

3536 |         The gentleman from California, Mr. Lungren, is  
3537 | recognized.

3538 |         Mr. LUNGREN. Well, I am sorry I missed a good portion  
3539 | of this while I was tending to other things, but I guess I  
3540 | have been here long enough to see what the hearing is all  
3541 | about. ICE screwed up. Labor Department screwed up. U.S.  
3542 | Attorney's screwed up. Court screwed up. There is no  
3543 | criminality here. People like Mrs. Costner, who have their  
3544 | identity stolen and suffer the consequences, we apologize to  
3545 | you, but, you know, no one really did anything wrong here.

3546 | They just took your identity.

3547 | I have been in this place 14 out of the last 30 years  
3548 | working on immigration issues. I thought that we solved this  
3549 | problem in 1986 when we had the largest, most generous  
3550 | legalization in the history of this country, which, by the  
3551 | way, was not very particularized. There wasn't much you had  
3552 | to prove to them and we managed to legalize millions of  
3553 | people, but we did not enforce the law.

3554 | And people think the comments here about the federal  
3555 | employees who worked on this are not going to deter them from  
3556 | doing their job, I think they are sadly mistaken. We have  
3557 | been told that they were cowboys, that they were rogues, that  
3558 | they had no consideration for the rights of anybody. Now,  
3559 | maybe that is true. Maybe this was wholesale. Maybe every  
3560 | single ICE officer disrespected the rights of everybody else.  
3561 | Maybe the U.S. Attorney's Office did it completely. Maybe  
3562 | the Labor Department was involved in some sort of grand  
3563 | conspiracy with Department of Homeland Security. But,  
3564 | frankly, I find that a whole lot hard to swallow.

3565 | Ms. Costner, when your identity was lost and taken by  
3566 | somebody else, were you concerned whether the person was  
3567 | doing it for a reason they considered to be good? Would that  
3568 | have made a difference in terms of the implications with you,  
3569 | the impact on you?

3570 | Mrs. COSTNER. No. When I went to court with the lady,

3571 | I actually was in a position to where I felt sorry for her,  
3572 | but I still owed \$8,000 and had lost a big part of my life.

3573 |       Mr. LUNGREN. This upside--

3574 |       Mrs. COSTNER. I mean, I am still--

3575 |       Mr. LUNGREN. Did this turn your life upside down?

3576 |       Mrs. COSTNER. Yes. And--

3577 |       Mr. LUNGREN. So it is not a victimless crime? I mean,  
3578 | you were a victim in this?

3579 |       Mrs. COSTNER. And will be the rest of my life.

3580 |       Mr. LUNGREN. But what we hear in Congress mostly is to  
3581 | blame the social security system because they didn't do a  
3582 | good enough job in it and because we don't check well enough.

3583 | I mean, at some point in time, I hope people understand  
3584 | folks have to take responsibilities for their action. And it  
3585 | is illegal to come into this country when you don't have a  
3586 | basis for coming to this country. It is illegal to take a  
3587 | job when you don't have a right to have a job.

3588 |       And I will continue to talk about this until something  
3589 | is changed. We have an unbelievable crisis in this country,  
3590 | a scandal in this country with the unemployment among young  
3591 | African-Americans age 17 to 35. I dealt with it when I was  
3592 | attorney general. We were dealing with the high rate of  
3593 | incarceration of that group, and one of the concerns was  
3594 | where are the jobs? And I hope we will not forget about  
3595 | that. But I hear very little about that.

3596 And, you know, when you are trying to balance the scales  
3597 of justice, we ought to treat people fairly, they ought to  
3598 have the right to have a fair hearing, they ought to have the  
3599 right to have lawyers, but let us also remember the other  
3600 side of the balance here. There is people like Ms. Costner  
3601 who--

3602 Mrs. COSTNER. Had to pay for my lawyers.

3603 Mr. LUNGREN. And your life has been turned upside down.

3604 Mrs. COSTNER. Yes. I mean, it is--

3605 Mr. LUNGREN. Now, maybe no one intended that, but that  
3606 is what happens when people steal identity here, and it is  
3607 almost as if we are saying--

3608 Ms. LOFGREN. Would the gentleman yield?

3609 Mr. LUNGREN. --it is not that big a deal.

3610 I will be happy to yield, but, I mean, I have sat here  
3611 and heard questions while I was here.

3612 Ms. LOFGREN. I don't think you had arrived yet when all  
3613 of us expressed concern about--

3614 Mrs. COSTNER. Correct.

3615 Ms. LOFGREN. --Mrs. Costner's--

3616 Mr. LUNGREN. Oh, I understand that.

3617 Ms. LOFGREN. --situation and also expressed the view  
3618 that the perpetrator should have been prosecuted and  
3619 deported.

3620 But here is--and I thank the gentleman for yielding--the



3621 affidavit filed by the government based on their search says  
3622 that 80 percent of the individuals didn't take somebody's  
3623 social security--it was a number that--it wasn't somebody's  
3624 social security number. It was a made-up number not attached  
3625 to any real person. And I think that is one of the issues  
3626 that at least is of concern here is there was no victim  
3627 because there was nobody who had the number.

3628 And I thank the gentleman for yielding.

3629 Mr. LUNGREN. I appreciate that.

3630 You know, we have a schizophrenic country. On the one  
3631 hand, we want to deal with illegal immigration and enforce  
3632 the law. On the other hand, we want to have people here to  
3633 take jobs that "Americans won't take." And I think there is  
3634 an area in which that applies, and that is why I have been  
3635 working for 30 years to get a temporary worker program and to  
3636 get some legal means to do it.

3637 It is my observation the American people will not allow  
3638 us to do that until they believe we have the enforcement side  
3639 in control. And when they see the impact of phony social  
3640 security cards or stolen identity, that does not give them  
3641 great confidence that we have this under control. And my  
3642 fear is that we will never get to the point of having that  
3643 temporary worker program, having those means by which we can  
3644 determine how many people should come here, take them out of  
3645 the shadows of illegality so they have the protections of the

3646 | law unless we take enforcement seriously.

3647 |       And my bottom-line concern is that the hearing seemed to  
3648 | be directed at an agency that screwed up. And I suppose we  
3649 | might find a raid where they actually did things right. And  
3650 | maybe we--

3651 |       Ms. LOFGREN. We will keep looking.

3652 |       Mr. LUNGREN. Well, I know. We will keep looking, but  
3653 | that is very encouraging to the people at ICE as we have been  
3654 | told that we have great respect for them and the work they do  
3655 | and then we just constantly tell them they have done a  
3656 | terrible job.

3657 |       If I sound frustrated, I am frustrated because I have  
3658 | worked for 30 years to try and get a solution here, and one  
3659 | of the results of not having a solution is Ms. Costner, is  
3660 | what you had to go through, and unless we get a grip on this,  
3661 | many others are going to go through that. And we are all  
3662 | going to invite you here, and we are all going to apologize  
3663 | to you, say we are sorry it happened to you--

3664 |       Mrs. COSTNER. Pass around the hat.

3665 |       Mr. LUNGREN. Yes, we will pass around the hat. But we  
3666 | won't do anything about it. So I will add my apology too,  
3667 | but the best apology we could make to you is when we actually  
3668 | pass a law that deals with this and puts it on the right  
3669 | track.

3670 |       Thank you very much.

3671 Ms. LOFGREN. The gentleman's time has expired.  
3672 I recognize the gentlelady from Texas Ms. Jackson Lee.  
3673 Ms. JACKSON LEE. Thank you, Madam Chairwoman, again.  
3674 I associate myself with the latter words of my good  
3675 friend from California. We do have to pass a law, Ms.  
3676 Costner, and I would start with you simply to say that I am  
3677 outraged about what happened to you. As I looked over your  
3678 very eloquent statement, this is, I think, the thrust of my  
3679 comments. I want the bad guys, the ones who are stalking  
3680 you, who are criminally calling you up on the phone and  
3681 ridiculing you. I want the guy who speeded and got a  
3682 speeding ticket to be deported. And the outrage is where  
3683 was--why was there a disconnect? The local law enforcement  
3684 could have taken the gentleman in and called the federal law  
3685 enforcement right there. That is the kind of criminal bad  
3686 guy that you want to be gone. Obviously, we would like a lot  
3687 of these incidences to not occur.

3688 So my question, I know that you are not an expert in  
3689 federal law--and I see this other individual who you felt  
3690 sympathy for--but there was a purposeful use of your  
3691 identification, and I don't want to stereotype a profile, but  
3692 I would think your name is slightly different. Maybe they  
3693 perceived you to be--this individual to certainly have the  
3694 ability to have maybe a name as yours. But it might have  
3695 been an indicator to ask a few more questions.

3696 And so I think obviously and conspicuously on the face  
3697 of your facts we could have helped you. And I apologize for  
3698 the lack of coordination. We have advocated that there  
3699 should be coordination. We don't think local law enforcement  
3700 or federal law enforcement. But if this person was poised to  
3701 be deported for conspicuous, reckless criminal actions--I am  
3702 talking about the first individual, who seemingly began to  
3703 stalk you--that should have occurred.

3704 And I just simply ask you the question would you like to  
3705 see, as we look to try to fix this immigration system, that  
3706 our law enforcement goes after those who are poised or are  
3707 already in the act of criminal acts that already violate the  
3708 criminal laws? If you were doing this, that would be against  
3709 the law. Should we be putting resources there to get those  
3710 kind of people?

3711 Mrs. COSTNER. Yes. But I would like to see them here  
3712 going through the channels to be here legally so it is not a  
3713 question and they don't have to steal an identity to work to  
3714 feed their families.

3715 Ms. JACKSON LEE. Well, you are very gracious, and I  
3716 just want to apologize to you and thank you for your  
3717 testimony--

3718 Mrs. COSTNER. Thank you.

3719 Ms. JACKSON LEE. --and for being here, and we will  
3720 certainly look at some of the fractures in the system that

3721 | caused this individual--the first individual that took your  
3722 | husband's ID, of course--to treat you in that manner, and I  
3723 | thank you for your testimony.

3724 |         Let me go to Mr. Leopold. I went down this line of  
3725 | reasoning with the representative for the DOJ and the ICE,  
3726 | which is to suggest that there may have been some thinking as  
3727 | relates to putting forward these criminal charges knowing  
3728 | that criminal charges placed on individuals who, as you had  
3729 | indicated, come from places like Guatemala may have been  
3730 | simply farmers who were trying to come here for economic  
3731 | opportunity, albeit that they were undocumented, that placing  
3732 | them in this criminal predicament--in this criminal charge  
3733 | predicament would have then cast them as felons and made  
3734 | their journey back home more difficult or their journey and  
3735 | their ability to return more difficult.

3736 |         What do you think about that kind of thinking?

3737 |         Mr. LEOPOLD. Well, the criminalization of undocumented  
3738 | farmers really goes nowhere. Yes, it does brand them as  
3739 | felons. And you are correct, once somebody is branded as a  
3740 | felon, it creates all kinds of problems later on with respect  
3741 | to admissibility to the United States. Not everybody who is  
3742 | deportable who is a felon, but many are. Many people who are  
3743 | felons, it is impossible to be admitted. There is no 10-year  
3744 | bar. I think I heard the representative from the Department  
3745 | of Justice talk about a 10-year limit. I don't know of any

3746 | 10-year limit. It is a lifetime limit.

3747 | Ms. JACKSON LEE. It is a lifetime.

3748 | Mr. LEOPOLD. It is a lifetime limit.

3749 | Ms. JACKSON LEE. That is right.

3750 | Mr. LEOPOLD. You are correct. And absent a waiver--and  
3751 | even then, you have to show a qualifying relative--it becomes  
3752 | extremely, extremely complicated.

3753 | Ms. JACKSON LEE. I don't want to cut you off, but my  
3754 | time, and I would like the other three gentlemen.

3755 | I don't want us to get tainted as unpatriotic because we  
3756 | are arguing for a sense of balance, but I need some help. I  
3757 | know that you have been engaged in this. The use of  
3758 | resources used like this raid, help me find a more effective  
3759 | pathway. I have looked at the numbers: 104 raid teams and  
3760 | we look to get 4,000 in 2008, immigration lawyers being  
3761 | utilized, other resources. Is this an effective tool for  
3762 | enforcing immigration laws or putting the system right-side  
3763 | up?

3764 | You want to start Mr. Rigg?

3765 | Mr. RIGG. Thank you. I don't think it is the most  
3766 | effective tool. You can make an argument that, yes, we  
3767 | achieved what we set out to do if you are ICE if we removed  
3768 | individuals who were undocumented, we are getting them out of  
3769 | the country, we have now prosecuted them, and you can claim  
3770 | some success with that.

3771           Was the overall process a fair one? That is where I  
3772 have real problems. And the purpose of the criminal justice  
3773 system is to make sure that we get at the truth and that  
3774 justice is in fact done. And critical resources have to be  
3775 devoted, not only to ICE and to the Department of Justice,  
3776 and they also have to be devoted to the Judiciary and the  
3777 Criminal Defense Bar, and everybody seems to overlook the  
3778 Criminal Defense Bar and give them, I think, the opportunity  
3779 to have some input into this and maybe make suggestions that  
3780 might actually serve ICE's purpose better.

3781           Ms. JACKSON LEE. Mr. Leopold, could you quickly just  
3782 answer the effective use of resources?

3783           Mr. LEOPOLD. The most effective use of resources,  
3784 Congresswoman, would be to fix the broken immigration system.

3785           As Congressman Lungren pointed out, it is broken, and it  
3786 does need to be fixed. And this is a symptom, the terrible  
3787 story that we hear from Mrs. Costner, other stories. This is  
3788 the symptom of a broken--badly broken immigration system.  
3789 And, frankly, Congress needs to roll up its sleeves, get down  
3790 to the nitty gritty of fixing the system. It is not going to  
3791 happen overnight, and it is going to take a lot of hard work.

3792           And, frankly, I implore Congress to do this about it.

3793           Ms. LOFGREN. The gentlelady's time has expired.

3794           Ms. JACKSON LEE. I thank the distinguished chairwoman,  
3795 and I will just say, Chairwoman, in closing my sentence, I

3796 | think we need to ask the president of the United States,  
3797 | which has to be a partner in signing a bill, and I personally  
3798 | ask him if he would take in these waning months leadership on  
3799 | helping turn this system right-side up.

3800 | I yield back.

3801 | Thank you.

3802 | Ms. LOFGREN. Thank you.

3803 | The gentlelady from California Ms. Sanchez is recognized  
3804 | for 5 minutes.

3805 | Ms. SANCHEZ. Thank you to the chairwoman for holding  
3806 | this hearing because I think, although it has been a long  
3807 | day, it highlights several issues that I think speak to the  
3808 | fundamental nature of what are we as a democracy.

3809 | And while I don't want to diminish the terrible  
3810 | circumstances that Ms. Costner's gone through, in listening  
3811 | to--in reading through some of the testimony, it is clear  
3812 | that the workers who were using social security numbers that  
3813 | were not assigned to another individual, their intent was not  
3814 | to wipe out somebody's bank account, charge up thousands of  
3815 | dollars on their credit cards or steal their pension, it was  
3816 | simply to work.

3817 | And I think in all the panels we have heard at some  
3818 | point or another people say we need to fix a broken  
3819 | immigration system; otherwise, these types of things are  
3820 | going to continue to occur. And there will be criminals,



3821 | like the criminal who stole Ms. Costner's identification, who  
3822 | will go unpunished. But there will also be hard-working  
3823 | people who are just trying to feed their families or trying  
3824 | to make a better life for themselves or escape repressive  
3825 | regimes in their home countries of origin who are also going  
3826 | to get caught up in unfortunate circumstances because I  
3827 | consider some of their circumstances very unfortunate as  
3828 | well.

3829 |         What particularly concerns me about this raid is the  
3830 | question of due process rights, and much has been made about  
3831 | the fact that the taxpayers pay for it. Well, you now what?  
3832 | It is a constitutional guarantee that, if you cannot afford  
3833 | an attorney and you are being charged with a crime in this  
3834 | country, one is provided for you. And yet, you know, people  
3835 | seem to make light of the fact that, hey, as long as you are  
3836 | given an attorney, what are you complaining about? Well, if  
3837 | you don't have a reasonable way to participate in your own  
3838 | defense, if you don't have a understanding, a basic grasp of  
3839 | what you are being charged with, how can you really make  
3840 | informed decisions in a criminal process? And the compressed  
3841 | timeframe, I think, only underscores the egregiousness of the  
3842 | due process that was not afforded to many of these--many of  
3843 | these workers.

3844 |         In my Subcommittee on Commercial and Administrative Law,  
3845 | we have heard testimony under Operation Streamline and in

3846 Postville defense lawyers were being assigned up to a dozen  
3847 clients at once and given less 30 minutes to, number one,  
3848 meet and educate the client themselves; number two, decide  
3849 whether the client was competent to stand trial; number  
3850 three, determine whether there is a defense of citizenship or  
3851 duress, a lack of intent or a need for pretrial motions to  
3852 suppress evidence or statements due to constitutional  
3853 violations; and, number four, learn personal information  
3854 which might mitigate a sentence and a whole host of other  
3855 things. Thirty minutes was granted to each of these people.

3856 I want to ask Mr. Leopold and Mr. Rigg, in your  
3857 professional opinion, can any defense attorney adequately and  
3858 ethically execute their duties in less than 30 minutes to a  
3859 client, and especially in a case where they have to interpret  
3860 with somebody who doesn't speak the language? Does 30  
3861 minutes seem like a sufficient amount of time?

3862 Mr. LEOPOLD. Well, you know, I can speak from  
3863 experience as a CJA panel attorney myself that 30 minutes is  
3864 enough time to shake the client's hand and get to know their  
3865 name. Of course, not, Congresswoman. Of course, not.

3866 You know, and couple that with this compressed plea  
3867 agreement--and by the way, I don't know--nobody has ever  
3868 explained the representative from the Department of Justice  
3869 or the U.S. attorney--nobody has ever explained why did they  
3870 have to impose this 7-day deadline on the plea agreement?

3871 | Why?

3872 |       There was absolutely no reason to do that other than to  
3873 | pressurize, not only the panel attorneys--the CJA panel  
3874 | attorneys--who, by the way, did a valiant job out there in  
3875 | Iowa--but to pressurize the clients into taking these pleas.  
3876 | I know of no situation in my experience--and I have asked  
3877 | other attorneys--where this type of plea agreement was used.

3878 |       Ms. SANCHEZ. Mr. Rigg?

3879 |       Mr. RIGG. I am also the director of the Criminal  
3880 | Defense Program, and one of the things I do is I supervise  
3881 | students in criminal cases. I would fail any student who  
3882 | took 30 minutes to advise a client on a misdemeanor charge to  
3883 | plead or not to plead, much less do the analysis that you  
3884 | have described. Essentially what you have described is a  
3885 | violation of every standard of the ABA standards of a  
3886 | prosecution function and defense function.

3887 |       Ms. SANCHEZ. Thank you. I appreciate your honest  
3888 | answers to that.

3889 |       Mr. Camayd--did I pronounce that correctly?

3890 |       Mr. CAMAYD-FREIXAS. Camayd.

3891 |       Ms. SANCHEZ. Camayd.

3892 |       To the best of your knowledge, did any individual who  
3893 | you interpreted for refuse to answer questions during ICE's  
3894 | processing?

3895 |       Mr. CAMAYD-FREIXAS. I was not present during that

3896 | questioning session so I wouldn't be able to answer that.

3897 | Ms. SANCHEZ. Okay. So you don't know if any during

3898 | processing asked for an attorney at that point either?

3899 | Mr. CAMAYD-FREIXAS. I am sorry?

3900 | Ms. SANCHEZ. If any individual during the processing

3901 | asked for an attorney?

3902 | Mr. CAMAYD-FREIXAS. I do not know that.

3903 | Ms. SANCHEZ. Okay.

3904 | I just want to ask one final question, and I would beg

3905 | the chair's indulgence as I did not get a chance to question

3906 | any of the previous panels.

3907 | Clearly, there seems to be a problem with this

3908 | particular instance in terms of whether people had a knowing

3909 | and a full understanding of what they were doing before they

3910 | entered their plea agreements.

3911 | I want to know from our panelists--Mr. Leopold and Mr.

3912 | Rigg--what is the potential harm to the American system of

3913 | justice when we allow criminal prosecutions to go forward in

3914 | this manner? I mean, if it can happen here, can there not be

3915 | other instances in which it can happen? And then what does

3916 | that do fundamentally to the American system of justice?

3917 | Mr. LEOPOLD. Well, Congresswoman Sanchez, if you could

3918 | imagine for a second how we would react if we heard of a

3919 | group of Americans overseas in a foreign country being

3920 | rounded up into a cattle pen and prosecuted in 7 days. I

3921 mean, the whole spectacle itself demeans our system of  
3922 justice and stands as a stain upon this system which we  
3923 all--we all cherish.

3924         These types of precedents in terms of the type of  
3925 prosecution as it was done out there is a terrible precedent,  
3926 a terrible way to handle justice, and I would respectfully  
3927 submit that it shouldn't ever happen again.

3928         Ms. SANCHEZ. Thank you.

3929         Mr. Rigg?

3930         Mr. RIGG. I think anytime you value high turnover and  
3931 economy of justice, that is exactly what you get, that you  
3932 don't get justice, and you probably are going to violate due  
3933 process in doing so. And anytime the American system--and  
3934 every day the American system is put on trial, and are we  
3935 getting it right, and it is rightfully tested by the careful  
3936 arguments between defense counsel and prosecutors with a  
3937 neutral and detached judge. And when you take any part of  
3938 that component away, you are guaranteeing at some level you  
3939 are going to create a problem.

3940         Ms. SANCHEZ. All right. One final question, and I  
3941 can't resist asking this because Mr. Leopold said, "If you  
3942 could imagine this happening to Americans overseas."

3943         What if U.S. citizens here in the United States--here in  
3944 the United States were rounded up and arraigned 10 at a time  
3945 and processed and given plea agreements? What can you

3946 | imagine would happen here if American citizens were treated  
3947 | like that under our system of justice?

3948 |         Mr. LEOPOLD. Well--

3949 |         Ms. SANCHEZ. Because it seems to me that there is an  
3950 | inherent bias if they say, "Well, it is fine because, you  
3951 | know what? These people don't matter anyway. They don't  
3952 | really count."

3953 |         Mr. LEOPOLD. Well, I think that is an astute point. I  
3954 | think that we wouldn't see that kind of roundup of U.S.  
3955 | citizens.

3956 |         You know, in the panel cases that I have done in the  
3957 | Northern District of Ohio involving big cases with a lot of  
3958 | defendants, it is always one lawyer to one client. I have  
3959 | never seen 17 clients to one lawyer, 15 minutes or 30 minutes  
3960 | to speak to the client.

3961 |         You know, in this case--this is the immigration law,  
3962 | this huge book. I don't know how you can explain this in 30  
3963 | minutes to somebody, let alone the enormous consequences of  
3964 | taking a plea.

3965 |         Ms. SANCHEZ. Any further comment from any other  
3966 | panelists on that?

3967 |         Ms. LOFGREN. The gentlelady is granted one additional  
3968 | minute for an answer--

3969 |         Ms. SANCHEZ. Thank you.

3970 |         Ms. LOFGREN. --and then we will be--

3971 Ms. SANCHEZ. I will yield--

3972 Ms. LOFGREN. --adjourning the hearing.

3973 Mr. CAMAYD-FREIXAS. Yes. I want to make clear that I  
3974 believe everybody here is in favor of enforcement but done  
3975 the right way. The consequences of not doing it the right  
3976 way, we don't have to look too far to find them, and Mrs.  
3977 Costner's case is a case in point.

3978 Related to this case, I heard of situations in which the  
3979 authorities were called about an individual similar to in the  
3980 case of Ms. Costner's, and they are response was, "You have  
3981 only one guy?" They said, "No. We can't take care of it."  
3982 In this case, obviously, there were 700 warrants so this is  
3983 what attracted the attention of law enforcement.

3984 I also wanted to point out that I want to dispel the  
3985 myth that the target was the employer. As a matter of fact,  
3986 one of the three charges, which was very much related to the  
3987 social security fraud charge, was use or possession of false  
3988 identity document with intent to deceive. Now, that phrase  
3989 "with intent to deceive" isn't really with intent to deceive  
3990 the employer. So that held the employer harmless. Not only  
3991 that, but that made it a crime of moral turpitude, which  
3992 renders the convict ineligible to even apply for immigration  
3993 relief.

3994 Ms. SANCHEZ. Thank you.

3995 I will just--before I yield back my time--will make one