

# An Interpreter Speaking Up for Migrants

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WATERLOO, Iowa — In 23 years as a certified Spanish interpreter for federal courts, Erik Camayd-Freixas has spoken up in criminal trials many times, but the words he uttered were rarely his own.

Then he was summoned here by court officials to translate in the hearings for nearly 400 illegal immigrant workers arrested in a raid on May 12 at a meatpacking plant. Since then, Mr. Camayd-Freixas, a professor of Spanish at Florida International University, has taken the unusual step of breaking the code of confidentiality among legal interpreters about their work.

In a 14-page essay he circulated among two dozen other interpreters who worked here, Professor Camayd-Freixas wrote that the immigrant defendants whose words he translated, most of them villagers from Guatemala, did not fully understand the criminal charges they were facing or the rights most of them had waived.

In the essay and an interview, Professor Camayd-Freixas said he was taken aback by the rapid pace of the proceedings and the pressure prosecutors brought to bear on the defendants and their lawyers by pressing criminal charges instead of deporting the workers immediately for immigration violations.

He said defense lawyers had little time or privacy to meet with their court-assigned clients in the first hectic days after the raid. Most of the Guatemalans could not read or write, he said. Most did not understand that they were in criminal court.

“The questions they asked showed they did not understand what was going on,” Professor Camayd-Freixas said in the interview. “The great majority were under the impression they were there because of being illegal in the country, not because of Social Security fraud.”

During fast-paced hearings in May, 262 of the illegal immigrants pleaded guilty in one week and were sentenced to prison — most for five months — for knowingly using false Social Security cards or legal residence documents to gain jobs at the Agriprocessors kosher meat plant in nearby Postville. It was the largest criminal enforcement operation ever carried out by immigration authorities at a workplace.

The essay has provoked new questions about the Agriprocessors proceedings, which had been criticized by criminal defense and immigration lawyers as failing to uphold the immigrants’ right to due process. Representative Zoe Lofgren, Democrat of California

and chairwoman of the House Judiciary immigration subcommittee, said she would hold a hearing on the prosecutions and call Professor Camayd-Freixas as a witness.

“The essay raises questions about whether the charges brought were supported by the facts,” Ms. Lofgren said.

Bob Teig, a spokesman for Matt M. Dummermuth, the United States attorney for the Northern District of Iowa, said the immigrants’ constitutional rights were not compromised.

“All defendants were provided with experienced criminal attorneys and interpreters before they made any decisions in their criminal cases,” Mr. Teig said. “Once they made their choices, two independent judicial officers determined the defendants were making their choices freely and voluntarily, were satisfied with their attorney, and were, in fact, guilty.”

Mr. Teig said the judges in the cases were satisfied with the guilty pleas.

“The judges had the right and duty to reject any guilty plea where a defendant was not guilty,” Mr. Teig said. “No plea was rejected.”

The essay by Professor Camayd-Freixas, who is the director of a program to train language interpreters at the university, has also caused a stir among legal interpreters. In telephone calls and debates through e-mail, they have discussed whether it was appropriate for a translator to speak publicly about conversations with criminal defendants who were covered by legal confidentiality.

“It is quite unusual that a legal interpreter would go to this length of writing up an essay and taking a strong stance,” said Nataly Kelly, an analyst with Common Sense Advisory, a marketing research company focused on language services. Ms. Kelly is a certified legal interpreter who is the author of a manual about interpreting.

The Agriprocessors hearings were held in temporary courtrooms in mobile trailers and a ballroom at the National Cattle Congress, a fairgrounds here in Waterloo. Professor Camayd-Freixas worked with one defense lawyer, Sara L. Smith, translating her discussions with nine clients she represented. He also worked in courtrooms during plea and sentencing hearings.

Ms. Smith praised Professor Camayd-Freixas’s essay, saying it captured the immigrants’ distress during “the surreal two weeks” of the proceedings. She said he had not revealed information that was detrimental to her cases.

But she cautioned that interpreters should not commonly speak publicly about conversations between lawyers and clients. “It is not a practice that I would generally advocate as I could envision circumstances under which such revelations could be damaging to a client’s case,” Ms. Smith said.

Professor Camayd-Freixas said he had considered withdrawing from the assignment, but decided instead that he could play a valuable role by witnessing the proceedings and making them known.

He suggested many of the immigrants could not have knowingly committed the crimes in their pleas. “Most of the clients we interviewed did not even know what a Social Security card was or what purpose it served,” he wrote.

He said many immigrants could not distinguish between a Social Security card and a residence visa, known as a green card. They said they had purchased fake documents from smugglers in Postville, or obtained them directly from supervisors at the Agriprocessors plant. Most did not know that the original cards could belong to Americans and legal immigrants, Mr. Camayd-Freixas said.

Ms. Smith went repeatedly over the charges and the options available to her clients, Professor Camayd-Freixas said. He cited the reaction of one Guatemalan, Isafas Pérez Martínez: “No matter how many times his attorney explained it, he kept saying, ‘I’m illegal, I have no rights. I’m nobody in this country. Just do whatever you want with me.’”

Professor Camayd-Freixas said Mr. Pérez Martínez wept during much of his meeting with Ms. Smith.

Ms. Smith, like more than a dozen other court-appointed defense lawyers, concluded that none of the immigrants’ legal options were good. Prosecutors had evidence showing they had presented fraudulent documents when they were hired at Agriprocessors.

In plea agreements offered by Mr. Dummermuth, the immigrants could plead guilty to a document fraud charge and serve five months in prison. Otherwise, prosecutors would try them on more serious identity theft charges carrying a mandatory sentence of two years. In any scenario, even if they were acquitted, the immigrants would eventually be deported.

Worried about families they had been supporting with their wages, the immigrants readily chose to plead guilty because they did understand that was the fastest way to return home, Professor Camayd-Freixas said.

“They were hoping and they were begging everybody to deport them,” he said.

Ms. Smith said she was convinced after examining the prosecutors’ evidence that it was not in her clients’ interests to go to trial.

“I think they understood what their options were,” she said. “I tried to make it very clear.”

Legal interpreters familiar with the profession said that Professor Camayd-Freixas' essay, while a notable departure from the norm, did not violate professional standards.

Isabel Framer, a certified legal interpreter from Ohio who is chairwoman of the National Association of Judiciary Interpreters and Translators, said Professor Camayd-Freixas did not go public while the cases were still in court or reveal information that could not be discerned from the record. Ms. Framer said she was speaking for herself because her organization had not taken an official position on the essay.

“Interpreters, just like judges and attorneys, have an obligation to maintain the confidentiality of the process,” she said. “But they don’t check their ethical standards at the door.”