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Immigration Raid Jars a Small Town Critics Say Employers Should Be Targeted

By Spencer S. Hsu

POSTVILLE, Iowa — Antonio Escobedo ran to get his wife Monday when he saw a helicopter circling overhead and immigration agents approaching the meatpacking plant where they both work. The couple hid for hours inside the plant before obtaining refuge in the pews and hall at St. Bridget's Catholic Church, where hundreds of other Guatemalan and Mexican families gathered, hoping to avoid arrest.

"I like my job. I like my work. I like it here in Iowa," said Escobedo, 38, an illegal immigrant from Yescas, Mexico, who has raised his three children for 11 years in Postville. "Are they mad because I'm working?"

Monday's raid on the Agriprocessors plant, in which 389 immigrants were arrested and many held at a cattle exhibit hall, was the Bush administration's largest crackdown on illegal workers at a single site. It has upended this tree-lined community, which calls itself "Hometown to the World." Half of the school system's 600 students were absent Tuesday, including 90 percent of Hispanic children, because their parents were arrested or in hiding.

Current and former officials of the Department of Homeland Security say its raid on the largest employer in northeast Iowa reflects the administration's decision to put pressure on companies with large numbers of illegal immigrant workers, particularly in the meat industry. But its disruptive impact on the nation's largest supplier of kosher beef and on the surrounding community has provoked renewed criticism that the administration is disproportionately targeting workers instead of employers, and that the resulting turmoil is worse than the underlying crimes.

"They don't go after employers. They don't put CEOs in jail," complained the Postville Community Schools superintendent, David Strudthoff, 51, who said the sudden incarceration of more than 10 percent of the town's population of 2,300 "is like a natural disaster — only this one is manmade."

He added, "In the end, it is the greater population that will suffer and the workforce that will be held accountable."

Congressman Bruce Braley (D-Iowa) said enforcement efforts against corporations that commit immigration violations have "plummeted" under the Bush administration. "Until we enforce our immigration laws equally against both employers and employees who break the law, we will continue to have a problem," he said.

Julie L. Myers, assistant homeland security secretary for Immigration and Customs Enforcement (ICE), said that to the contrary, the agency has seldom been so aggressive, including opening criminal investigations of company officials. While cases have netted only a handful of sentences for low-level managers so far, Myers said, such white-collar crime investigations typically take years to develop.

"Can we really execute a search warrant without taking any action against [illegal employment] that we know is taking place?" she asked. "Or will just taking business records through a search warrant cause illegal aliens to leave, and then we're not fulfilling that part of the mission, as well?"

Lobbyists and former officials say that in unleashing ICE, the administration is trying to "turn up the pain" to motivate businesses and Congress to support the comprehensive immigration

changes sought by President Bush, such as a temporary-worker program and earned legalization. If the existing legal tools are too blunt, they said, Congress should create a fairer system.

But the pressure on employers — whose wages and hiring practices have lured illegal workers to both large cities and small towns — has mostly been indirect and economic: While workplace arrests have risen tenfold since 2002, from 510 to 4,940, only 90 criminal arrests have involved company personnel officials.

So far, no officials at Agriprocessors have been charged. The company, founded by Aaron Rubashkin, has a storybook history whose recent chapters have turned murky. After some of Rubashkin's Lubavitch Hasidic family moved here from Brooklyn in 1987, the firm became the nation's largest processor of glatt kosher beef, the strictest kosher standard. It produces kosher and non-kosher beef, veal, lamb, turkey and chicken products under brands such as Iowa Best Beef, Aaron's Best and Rubashkin's.

According to an affidavit filed by an ICE agent in conjunction with this week's arrests, 76 percent of the 968 employees on the company's payroll over the last three months of 2007 used false or suspect Social Security numbers. The affidavit cited unnamed sources who alleged that some company supervisors employed 15-year-olds, helped cash checks for workers with fake documents, and pressured workers without documents to purchase vehicles and register them in other names.

In addition, the affidavit alleged that company supervisors ignored a report of a methamphetamine drug lab operating in the plant. It also cited a case in which a supervisor blindfolded a Guatemalan worker and allegedly struck him with a meat hook, without serious injury.

Agriprocessors has faced other troubles, as well. In 2006, it paid a \$600,000 settlement to the Environmental Protection Agency to resolve wastewater pollution problems, and this March it was assessed \$182,000 in fines for 39 state health, safety and labor violations. In 2004, the U.S. Agriculture Department's inspector general accused the company of "acts of inhumane slaughter" after animal rights advocates publicized an unauthorized video of a stumbling, dying cow, and some Jewish groups attacked its worker practices.

And last month, the company lost a federal appellate court battle over whether it could ignore a vote by workers at its Brooklyn distribution center to unionize, on grounds that those in favor were illegal immigrants and not entitled to federal labor protections.

"This employer has a long history of violating every law that's out there — labor laws, environmental laws, now immigration laws," said Mark Lauritsen, international vice president of the United Food and Commercial Workers union, which has waged a bitter battle to organize the Postville plant. The union charged that the immigration raid disrupted a separate U.S. Labor Department investigation into alleged child labor law violations and other infractions.

ICE may be "deporting 390 witnesses" to the labor investigation, Lauritsen said, adding, "This administration seems to place a larger value on big, splashy shows in this immigration raid than in vigorously enforcing other labor laws."

In November, Sholom Rubashkin, company vice president and the founder's son, wrote a letter to customers decrying "a slanderous and patently false campaign" by the union, and defending the company's record and its products as "safe and wholesome." After this week's raid, the family released brief statements expressing its sympathies to workers, commitment to customers and cooperation with authorities.

Chaim Abrahams, a company representative, said Agriprocessors is working to "bolster our compliance efforts to employ only properly documented employees" and has launched an independent investigation into the circumstances that led to the raid.

The blitz, which occurred after a 16-month investigation, began with helicopters, buses and vans encircling the western edge of town at 10 a.m. Witnesses said hundreds of agents surrounded

the plant in 10 minutes, began interviewing workers and seized company records.

By early afternoon, illegal immigrants began arriving by bus at the National Cattle Congress grounds in Waterloo, Iowa, about 75 miles from Postville. ICE held 313 male suspects at an exhibit hall and 76 female suspects in local jails for administrative violations of immigration law.

Those arrested include 290 Guatemalans, 93 Mexicans, 2 Israelis and 4 Ukrainians, according to the U.S. attorney's office for the Northern District of Iowa.

Eighteen were juveniles who have been released or turned over for refugee resettlement, and the prosecutor's office would not say if there were underage workers at the plant. Of the adults, 306 face criminal charges for aggravated identity theft and other crimes related to the use of false documents. A lawsuit filed on behalf of the workers on Thursday, meanwhile, accused the government of violating their constitutional rights through arbitrary and indefinite detention.

For now, Postville residents — immigrants and native-born — are holding their breath. On Greene Street, where the Hall Roberts' Son Inc. feed store, Kosher Community Grocery and Restaurante Rinconcito Guatemalteco sit side by side, workers fear a chain of empty apartments, falling home prices and business downturns. The main street, punctuated by a single blinking traffic signal, has been quiet; a Guatemalan restaurant temporarily closed; and the storekeeper next door reported a steady trickle of families quietly booking flights to Central America via Chicago.

"Postville will be a ghost town," said Lili, a Ukrainian store clerk who spoke on the condition that her last name be withheld.

But Cesar Jochol, 48, a native of Patzun, Guatemala, and owner of a market called Tonita's Express, questioned whether the raid will be a deterrent. People who can afford to eat meat only once or twice a week in Guatemala, while earning \$4 a day, can earn \$60 a day in Iowa, enough to eat beef or chicken three times a day, he said. "You take away a hundred people. A couple hundred more will come tomorrow; they'll just go to L.A., New York, New Jersey and Miami," said Jochol, a 21-year U.S. resident.

At St. Bridget's Catholic Church, Eduardo Santos, 27, who came from Guatemala and lost two of his fingers working at the factory, said the raid was "fair . . . but it's bad for everybody. There's no work." He plans to go home.

"The problem is, who is going to do the work?" said Stephen G. Bloom, a University of Iowa journalism professor who wrote a 2000 book on the clash of cultures in Postville as Agriprocessors' Lubavitch Jewish leaders gained influence in the mostly Lutheran town. "This is a no-win situation."

Staff researcher Madonna Lebling contributed to this report.

The Quad-City Times²

Sunday, May 10, 2009 12:15 am

A year after Agriprocessors raid, Postville still struggles

Jens Manuel Krogstad

POSTVILLE, Iowa — People fill the sidewalk outside the food pantry every Wednesday as downtown Postville's businesses wake up and open their doors.

Since Agriprocessors, the town's kosher meatpacking plant, declared bankruptcy in November, it's about the only reason people fill downtown. A mix of longtime residents and Latino immigrants arrive to grab numbers to ensure they walk the aisles first when the pantry opens in the afternoon.

They grab valuable rations of cooking oil, sugar and soap that fly off the shelves, leaving less desirable fare for the rest — canned meats, fruits and vegetables.

"The line is so long even if you come early," said Magdalena Toj, a former Agriprocessors worker who waited in the rain with her child last week.

But like the rest of Postville, Toj is tired. She is tired of waiting in line, tired of not working and most of all, tired of an uncertain future.

"When it's sunny, raining or cold, you're out here, because if you come later you don't get anything good," she said.

A year of uncertainty has taken its toll on the small town. Postville's mayor resigned this spring in frustration and exhaustion. City leaders, churches and passionate volunteers have struggled to work together behind a unified vision for the future of Postville.

"I would have thought as we approached the one year anniversary we'd be a lot further along," said Jeff Abbas, general manager of Postville's community radio station.

Residents find themselves starting from scratch in their efforts to live up to Postville's motto, "Hometown to the World." They worked hard to build a comfortable, easy trust with neighbors who hailed from every corner of the globe, a community they saw go up in a cloud of federal agents and arrests a year ago.

"Trust is hard, especially when this community has been so challenged and shaken to its foundation," said Maryn Olson, coordinator for the Postville Response Coalition. "There are so many unknowns. The emotional burden of waiting and not knowing is hard."

Longtime residents said they have grown increasingly anxious watching the plant's government-appointed executive struggle to find a buyer, which they hope will save the town's once vibrant economy.

Immigrant workers caught in the raid remain stranded in legal limbo, awaiting moving court dates that never arrive.

Federal authorities grabbed less than half of the workers than they anticipated on May 12 last year, so many immigrants not caught in the raid remain in Postville living underground. Without jobs at the plant they can't find work and don't have the means to move on or even return to their home countries.

On a muggy morning after a spring thunderstorm, Carol Deering sat in her garage as three Guatemalans with three strollers meander up to her sale.

Some residents say the raid brought a much-needed cleansing of lawlessness at the plant, but most everyone questions the cost. Deering said she grows sad when she thinks of all the devastated lives since the raid.

"I think as you look around our town and you see all the empty houses and empty buildings downtown it's sad. We had a nice community here," she said.

The children gravitate towards a shiny bike helmet and slap it with their tiny hands. The mothers hold up T-shirts to their chests, keeping one eye on the kids.

Sylvia, 22, admitted since the raid an awful thought has crossed her mind: It would be easier if Alejandra, her 1-year-old daughter, was not with them.

A former Agriprocessors worker, Sylvia declined to give her last name because she immigrated illegally. Her husband has been in jail, presumably awaiting deportation, since March, when police near Vinton pulled over the car he was riding in.

"After the raid, all the doors shut to us," she said.

The stakes are just as high for the hundreds of Jewish people still in Postville, said Aaron Goldsmith, a former city councilman. Jewish families bought homes, and rely on Jewish schools, grocery stores and a synagogue to maintain their lifestyle.

Jewish workers at Agriprocessors worked for months without pay, and took backbreaking jobs formerly filled by immigrant workers in a failed attempt to rescue the plant.

"To some degree, there's an even deeper fear about the future. What is a ritual slaughterer going to do without a job at Agriprocessors? He can't become an accountant or work at Walmart. He's finished. He'll pack up and leave," he said.

Despite the struggles, the will to recover is strong. St. Bridget's Catholic Church continues to work around the clock to help the community's immigrants pay for food and rent. The city has teamed up with the Postville Recovery Coalition to offer a home rehabilitation project to clean up yards and homes uninhabited for most of the past year. The University of Iowa's Institute of Public Affairs recently started working with town residents to develop a strategic long-term plan for Postville.

Amid all the recovery efforts, a feeling of treading water in a storm permeates everything.

Kim Schutte, a carpenter in Postville, fixed up a funeral home just east of downtown last week. Between trips to his car for supplies, he said he thinks about his future everyday. He tries not to imagine what many consider a doomsday scenario:

"If the plant closes and leaves, there's going to be...I don't know what's going to happen," he said.

Abbas, radio station manager, is one of Postville's voices pushing for the town to imagine life after Agriprocessors. To whomever will listen, he broadcasts his vision of a publicly owned plant that processes specialty meats, everything from kosher to organic chicken.

Yet he admits even the best-laid plans will gather dust until Agriprocessors is sold or shut down.

"How can we move forward if we don't know what we're moving forward from?" Abbas said.

The Des Moines Register³

November 20, 2009

Feds drop Sholom Rubashkin immigration charges

By WILLIAM PETROSKI and GRANT SCHULTE*

Federal prosecutors on Thursday dropped all 72 immigration charges against Sholom Rubashkin, sparing the already-convicted former Postville meat plant manager a second criminal trial.

People on both sides of the immigration debate noted Rubashkin escaped judgment on some of the central allegations arising from the federal government's May 12, 2008, immigration raid at Agriprocessors Inc. But they disagreed over whether a second trial was necessary.

"It sounds a little bit ironic, given that the employees were prosecuted so quickly," said Lori Chesser, a Des Moines lawyer who specializes in immigration cases. "But I don't think it is any indication of the government letting up on prosecuting employers for immigration violations."

Craig Halverson of Griswold, national director of the Minuteman Patriots, a conservative activist group that opposes illegal immigration, said proceeding with a trial would have sent a message to businesses that they shouldn't violate immigration laws.

More than 300 people, mostly from Guatemala and Mexico, were arrested at Agriprocessors in the largest single site immigration enforcement operation in Iowa history.

Rubashkin could still spend the rest of his life in prison. He is awaiting sentencing, expected early next year, after being convicted last week by a federal jury on all but five of 91 business fraud charges listed in a 163-count indictment. The total maximum sentence for his convictions adds up to 1,255 years, although his actual sentence would likely be far less under federal guidelines.

Assistant U.S. Attorney Peter Deegan Jr. said in court papers filed Thursday that even if Rubashkin were convicted of the 72 counts of alleged immigration violations, it would have no impact on his eventual sentence because of last week's convictions.

Dismissing the remaining charges will avoid an extended and costly trial and lessen the inconvenience to possible witnesses, he said.

Deegan also said the jury's verdicts on several of the fraud and false statement counts were premised, at least in part, upon Rubashkin knowingly making false statements to a bank with regard to the harboring of undocumented workers at Agriprocessors Inc.

In the government's estimation, Rubashkin has been convicted of the most serious charges he faced in terms of potential penalties, he said.

Rubashkin lawyer Guy Cook said he viewed U.S. District Judge Linda Reade's decision to grant dismissal of the charges as a victory for his client.

"Frankly, the government should have done this a long time ago. In spite of the way the government characterizes things in its motion, we believe it overstates the verdict on the financial case in South Dakota.

Rubashkin has steadfastly denied the immigration charges. He has pled not guilty. In spite of the raid of May 12, he continues to assert he committed no crimes," Cook said.

Robert Teig, a spokesman for the U.S. attorney's office in Cedar Rapids, declined to comment.

Rubashkin is being held in the Linn County Correctional Center in Cedar Rapids. He is awaiting a ruling by Judge Reade on a request by his lawyers that he be released on bail while awaiting sentencing.

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Cook said he plans to file a motion this week seeking a new trial, based on what the defense believes were legal errors in the prosecution and trial of the case. If the new trial motion is not granted, an appeal will be filed, he said.

One criminal trial related to the Agriprocessors raid is still pending. Brent Beebe, 52, the plant's former operations manager, is scheduled to face trial beginning Jan. 10 in U.S. District Court in Cedar Rapids. He is accused of federal immigration crimes following an investigation by U.S. Immigration and Customs Enforcement.

Immigration lawyer Chesser said Thursday she is looking forward to the end of the criminal proceedings in the Agriprocessors case.

"Postville taught us a lot of lessons about justice that we need to absorb as a society and move forward positively. No good came out of this except for that," she said.

Magen Tzedek⁴

Friday, November 13, 2009

STATEMENT FROM THE HEKHSHER TZEDEK COMMISSION REGARDING THE CONVICTION OF SHOLOM RUBASHKIN

Rabbi Morris J. Allen, Project Director

New York, NY (November 13, 2009) — The news out of Sioux Falls, SD, yesterday, that Sholom Rubashkin was convicted on 86 out of 91 counts of fraud in the state's investigation into criminal activity within the Agriprocessor's meat processing facility in Postville, Iowa, delivers both justice and a heavy heart to those of us who champion the cause of ethical kashrut.

The investigation into Agriprocessors has unfolded in slow-motion. First there were allegations of business fraud and worker abuse, then investigations, then negotiations — all with ample opportunity for the Rubashkin family to cooperate and self-correct — then arrogant disregard for the law, shocking revelations, indictments, a plethora of press attention, the riveting scandal of the federal raid in May of 2008, the largest scale of its kind in US history...and finally the verdict of guilty on the majority of counts of business fraud in yesterday's trial.

It is important to note that the trial on charges of worker abuse is not even underway. The heartbreaking stories that will emerge in the course of this trial will be as cringe-worthy as they are criminal.

As the founders of Magen Tzedek, we were on the ground in Postville from the virtual start of this tragic drama in the summer of 2006, bearing witness to the terrible worker conditions and business practices at the nation's largest manufacturer of kosher meat and poultry, trying to steer the Rubashkin family towards taking responsibility and correcting their mistakes, acting in accordance with the biblical injunction — "hokhaich tokhiach et amitecha" — "rebuke your kinsman," that is, do not stand idly by while one of your brethren commits a grievous wrongdoing.

Although the miscarriage of kashrut at Agriprocessors was not the catalyst for the creation of Magen Tzedek, it provided an urgent context and need for us to develop our initiative, proclaiming publicly our belief that keeping kosher is inextricably linked to leading a life of ethical integrity.

There are tragedies within tragedies in the story of the fall of the house of Rubashkin, the worst of which might be the deaf ear of the Rubashkin family turned towards those who tried to prevent the collapse. We were at the epicenter of those who repeatedly reached out to the family. Yet as the investigation and trial wore on, it became clear that the deafness was a direct result of the Rubashkin family's flagrant disregard for the law and ethical behavior.

There is neither joy nor a sense of schadenfreude in yesterday's conviction. Those of us who toil in the field of tikkun olam are downright demoralized by this highly preventable outcome. This story could have ended very differently. Had the Rubashkin family done a sincere teshuva — heeding, for instance, the three-pronged course of action we delivered to them in the summer of 2006 — they would now be the heroes of the kosher world instead of its villains.

Given the sad outcome of this situation, we rededicate ourselves to the birthing of our Magen Tzedek seal of ethical certification, a process that has been long and arduous but more relevant with each passing day.

After thousands of hours of meetings, deliberations, drafts of our working guidelines and compliance procedures, we are getting closer. The soul and future of kashrut depends on the development of Magen Tzedek as an actual seal on kosher food products, indicating that it has been produced in accordance with high ethical standards for employee wages and benefits, health

and safety, animal welfare, corporate transparency and environmental impact. What has emerged in the course of the development of this product is that Magen Tzedek is more than just a new certification for kosher food — it is a worldwide awareness built upon the belief that we are how and what we eat.

Achieving Magen Tzedek is our ascent to Sinai, fraught with challenge and yet possessed of a promise. Like the Law that Moses receives at the summit of the mountain, Magen Tzedek will give Jews and all people of conscience a road map towards leading lives of ethical integrity through the portal of keeping kosher.

The Hekhsher Tzedek Commission

Rabbi Morris J. Allen, Project Director

For further information about this statement or to request an interview with any member of the Hekhsher Tzedek Commission, please contact Shira Dicker at shira@hekhshertzedek.org; 917.403.3989. Because of the Sabbath, please make these requests prior to 4 pm EST.

Notes

¹http://www.washingtonpost.com/wp-dyn/content/article/2008/05/17/AR2008051702474_pf.html

²http://www.qctimes.com/news/local/article_ca5b36ba-3d0d-11de-a14b-001cc4c03286.html

³<http://www.desmoinesregister.com/article/20091120/NEWS10/911200374/-1/groupblogs/Feds-drop-Sholom-Rubashkin-immigration-charges>

⁴<http://rabbimorrisallen2.blogspot.com/>