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Union: ICE raid interfered with ongoing investigation

By JOSH NELSON, Courier Staff Writer

POSTVILLE --- Officials from a union attempting to organize workers at the Agriprocessors plant in Postville attempted to dissuade immigration officials from conducting a raid more than a week ago.

Mark D. Lauritsen, international vice president of the United Food and Commercial Workers, sent U.S. Immigration and Customs Enforcement a letter on May 2 informing the agency that any planned immigration enforcement could disrupt an ongoing investigation into labor law violations at the plant.

Union officials said the Iowa Department of Labor and the U.S. Department of Labor were investigating potential minimum wage and child labor laws.

Workers for El Centro Latinoamericano processing detainees and their families all night in Postville reported a handful of underage male workers were released to them, the majority of them Guatemalan.

Sholom Rubashkin, Agriprocessors vice president, said Agriprocessors is open today. Rubashkin denied that his company is violating any labor laws and said the UFCW is just trying to hurt them.

"We are a serious economic power in this part of the country and it's being undermined," he said.

The UFCW has been trying to organize workers at the Agriprocessors plant for more than a year. The letter said other employers have used ICE actions to abuse or intimidate employees before an election to decide whether to unionize, or blame the union for immigration actions.

"With these labor disputes in progress, we urge you to suspend any potentially existing enforcement efforts and refuse to be involved in this labor dispute in accordance with the internal guidance 'Questioning Persons During Labor Disputes,' because ICE participation has the potential to deprive the workers of their guaranteed protected rights," Lauritsen wrote.

Lauritsen said any action --- such as Monday's raid --- could have a "chilling effect" on the work force. He said the raid could scare off workers, thus hindering any investigation into violations of labor laws.

The internal guidance policy urges ICE and Department of Labor officials to develop policies that would avoid "inappropriate worksite interventions" where it is suspected a labor dispute is occurring, according to the National Immigration Law Center.

Union officials questioned the timing of Monday's raid since the letter alerted them of the pending investigation.

Tim Counts, an ICE spokesman, said the operation was the result of several months of investigation and planning.

"It was conducted in full compliance with ICE policies and procedures," Counts said.

Iowa Labor Commissioner David Neil confirmed an investigation has been ongoing into wage and child labor law violations at the plant. Neil said he wasn't sure how Monday's actions would affect that inquiry.

"I don't know at this point, but it's an ongoing investigation that is not complete yet," he said.

Scott Frotman, a UFCW spokesman, said union officials hope Monday's action doesn't end the state and federal investigations into what they called "very serious, serious allegations."

"We would hope they would continue to pursue the investigation and follow it where it will go," Frotman said.

The union did not elaborate on what labor officials were looking into. Union organizers have heard bits and pieces of what was going on, Frotman said, but they weren't sure of the duration or the scope of the investigation.

Officials from the U.S. Department of Labor and the Iowa Labor Services Division were unavailable for comment this morning. Messages left for ICE officials were not immediately returned.