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An open secret: Hiring of undocumented workers at Agriprocessors was no surprise

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An open secret Hiring of undocumented workers at Agriprocessors was no surprise

Second of two parts.

By JEFF REINITZ

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POSTVILLE — A badly kept secret. That's how one former prosecutor describes suspicions that sparked the investigation into illegal workers that ultimately collapsed a meatpacking giant, jailed its boss and sent the town into a tailspin five years ago.

"It seemed to be a badly kept secret that there was a problem with illegal aliens in Postville and especially a problem at Agriprocessors," said Robert Teig.

In 2008, Teig was the mouthpiece for the U.S. Attorney's Office for the Northern District of Iowa as immigration officials rounded up 389 Agriprocessors workers for potential deportation and began building a case against the company.

Today, Teig, now retired, still can't divulge the specifics of how the investigation started. Court records show that the government had for years been pestering Agriprocessors because Social Security numbers workers were using had yet to be issued or didn't match their names. For instance, Social Security Administration officials told the company at least 500 numbers had discrepancies during the 2005 tax year. One Immigration and Customs Enforcement report estimated about 76 percent of the company's workforce in the fourth quarter of 2007 was using fake documents.

"Almost the entire workforce was illegal," Teig said.

There were other tips. Investigators found signs of a straw man scheme to provide vehicle registration to undocumented residents.

Occasionally an arrest on other charges would turn up a person



COURIER FILE PHOTO

Immigration and Customs Enforcement agents lead detainees to a specially convened court at Electric Park Ballroom on the National Cattle Congress grounds in Waterloo on May 15, 2008. Eventually, 306 people detained on immigration charges in Postville were deported to their home countries.

who was in the country illegally and working at Agriprocessors.

Agents interviewed several former employees and sent an undercover operative to apply for a job at the plant, eventually amassing enough information for a search warrant.

The May 12, 2008, raid detained 389 workers and lodged charges against 306 of them — 281 men and 25 women — according to numbers provided by the U.S. Attorney's Office at the time.

"My feeling is the majority who were arrested on the day of the raid, they were detained, and most of them spent five months in jail and then most of them were deported back to either Mexico or to Guatemala," said Sister Mary McCauley, who was pastoral administrator at St. Bridget's Church in Postville during the 2008 raid.

See **POSTVILLE**, page A5

Huge immigration raids a thing of the past

By JEFF REINITZ

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POSTVILLE — For a short time in 2008, the Agriprocessors raid was the largest single-site immigration raid in U.S. history.

It took only four months for the "largest raid" title to go to another plant when Immigration and Customs Enforcement agents hit Howard Industries in Mississippi and found more illegal workers.

In the years that followed, the large raids — with meticulous preparation and mass arrests and deportations — have waned.

Instead, immigration officials are favoring low-profile audits that target employers.

"We have seen an end to the Postville-type of raids," said



Muzaffar Chishti, director of the New York office for the Migration Policy Institute, a nonpartisan think tank.

The largest raids came as lawmakers and the George W. Bush

administration argued over immigration reform bills that would have provided a path to citizenship for the 11 million or more people living and working in the country illegally.

"I think there was some need for the administration to be seen as being tough in enforcing this law," Chishti said.

The initiatives involved allegations of identity fraud for workers who used bogus documents to land jobs.

"Operation Wagon Train" targeted six Swift and Co. facilities in the Midwest in December 2006, detaining almost 1,300 workers and bringing criminal charges against 240.

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POSTVILLE

Search of the plant revealed effort to give workers fake documents

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Authorities seized company records and computers and began building cases against the people on the next rung of the Agriprocessors ladder.



Sholom Rubashkin
sentenced to 27 years in prison

"In a case where you have that huge a number of people that are illegally working and using false documents, obviously there is a concern whether it's being coordinated and an intentional thing by management at some level," Teig said.

According to court records, what agents found was that in the days before the raid, some supervisors suspected immigration officials were preparing for a visit and hatched a plan to supply workers with better fake documents to keep them on the job.

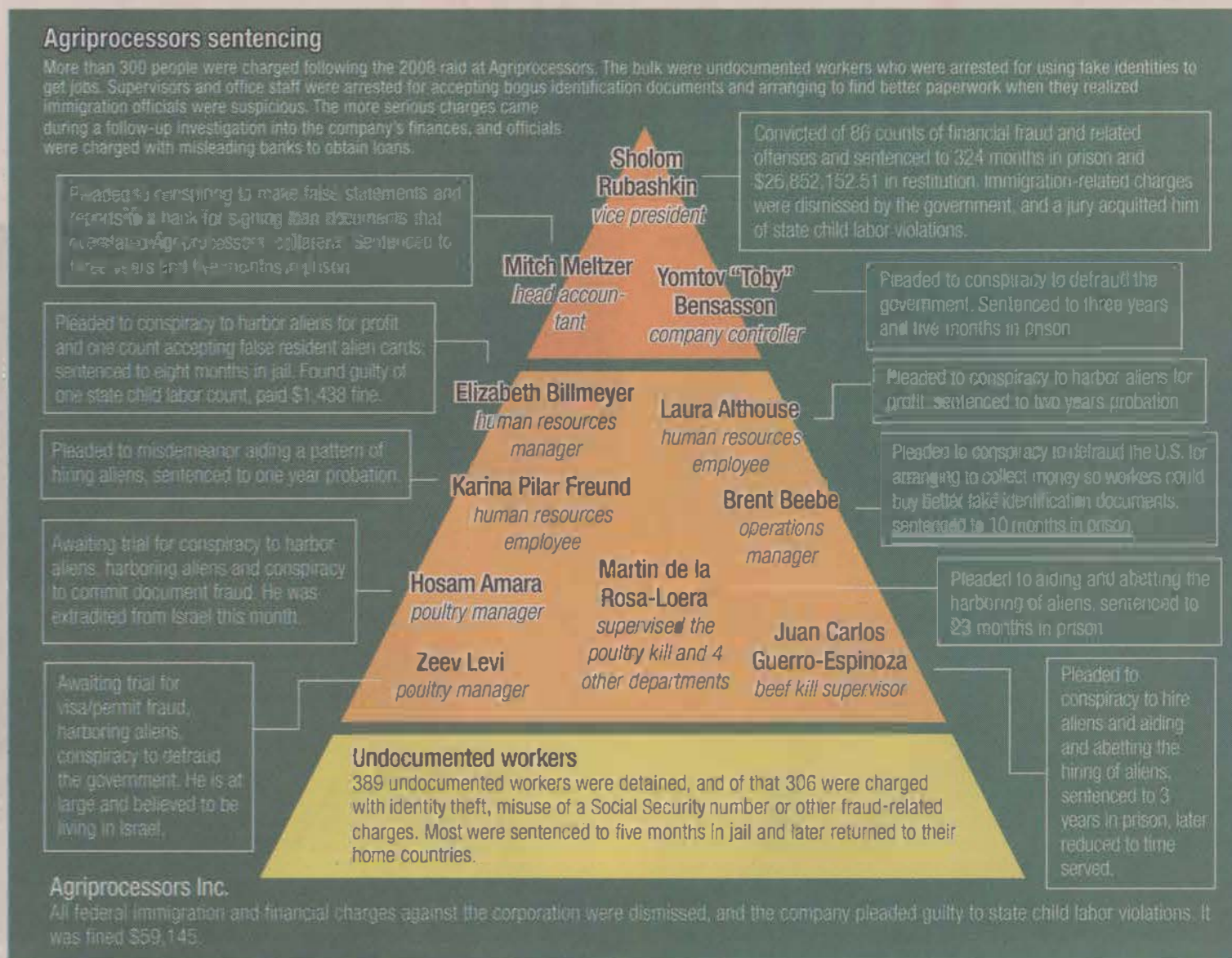
The first round of indictments against management came out in November 2008, alleging Chief Executive Officer Sholom Rubashkin approved a \$4,500 loan for new identification for the employees. Operations manager Brent Beebe, poultry managers Hosam Amara and Zeev Levi, supervisors Martin De La Rosa and Juan Carlos Guerrero-Espinoza and human resources worker Laura Althouse also had a role in the plot, the government alleged.

Human Resources Manager Elizabeth Billmeyer and HR worker Karina Pilar Freund were indicted for accepting or helping workers acquire counterfeit resident alien cards, according to prosecutors.

As the probe continued, investigators continued to find new crimes and added to the charges.

"Every time we turned over a rock, we found something," Teig said. "It was more of a reactive type investigation. Agents were finding information and having to work that up."

Prosecutors revised the charges six times to include allegations



COURIER GRAPHIC / DAVID HEMENWAY

that Rubashkin had misled banks in order to keep loan money flowing. A judge ruled the two different issues — immigration charges and financial charges — needed separate trials. The government opted to take the financial case to trial first.

About a month before Rubashkin's 2009 trial, authorities charged company comptroller Yomtov Bensasson and head accountant Mitch Meltzer for abetting the financial crimes. In the end, jurors found Rubashkin guilty of 86 charges including bank, wire and mail fraud, money laundering and failure to pay livestock providers in a timely manner.

In the wake of the convictions, authorities opted to drop the

original 72 immigration-related charges against him.

"At that point there was no real reason to pursue the immigration charges," Teig said. A second trial wouldn't have added much prison time. Besides, some of the fraud claims related to the hiring of illegal workers, he said.

The others charged in the probe avoided trial by pleading guilty, and sentences ranged from probation to three years behind bars.

Rubashkin, now 53, was sentenced to 27 years in prison and is currently housed at the Federal Correctional Institution in Otisville, N.Y. He was ordered to pay \$26.8 million in restitution.

Rubashkin was also brought up on state charges connected with

the illegal employment of minors at the slaughterhouse. He was acquitted at trial, but the company pleaded guilty to the child labor violations and was fined \$59,145. So far it has paid \$10, according to court records.

About 50 immigrants were able to remain in the United States by obtaining U-Visas, specialized status granted to people who were victims of crime or mistreatment, said The Rev. Paul Ouderkirk of St. Bridget's. A number of them were the youths who had worked at the plant when they were under age 18.

Relatives of the visa holders were also allowed to eventually return to the United States to be reunited, McCauley said. Most of the family

members came in December 2010 after being apart for years.

"That was an extremely touching moment," McCauley said, recalling how a bus filled with family members from Guatemala pulled into Postville during a snow storm with seven inches of snow on the ground.

"There was one little boy, he was about 4 or 5 at the time when he came to Postville in 2010, he was only like 2 1/2 when his mother left. He didn't even know what his mother was going to look like," McCauley said.

"We were grateful for that, but in a sense, it's a small number in comparison to all who were arrested and for that they suffered," McCauley said.