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WORKERS SUE TO STOP MASS ARRESTS AND DETENTIONS BY FEDERAL AGENTS

UFCW suit challenges punitive immigration raids and claims violation of 4th Amendment rights

Washington, D.C., —The United Food and Commercial Workers International Union (UFCW), today, sought court intervention to protect the 4th Amendment rights of all Americans and enjoin the government from illegally arresting and detaining workers including U.S. citizens and legal residents while at their workplace.

The lawsuit—filed in the U.S. District Court for the Northern District of Texas—names the U.S. Department of Homeland Security (DHS) and the Immigration and Customs Enforcement (ICE) agency as defendants. The suit calls for an injunction against the excessive, illegal and unnecessary worksite raids conducted by ICE agents.

"This lawsuit is about ensuring that workers are protected and that their constitutional rights are respected," said UFCW International President Joe Hansen at a press conference announcing the lawsuit. "It is unconscionable that our government would round up hundreds, sometimes thousands, of innocent workers in an effort to target a few select individuals."

More than 12,000 meatpacking workers—including citizens, legal residents and immigrants in the process of legalization—were swept up in ICE raids on December 12, 2006, at six meat packing plants across the country. The UFCW represents workers at five of the plants including Worthington, Minn.; Greeley, Colo.; Cactus, Tex.; Marshalltown, Iowa; and Grand Island, Neb. Despite this unprecedented, unwarranted and excessive use of force, only 65 workers were indicted for identity theft.

The legal complaint contends that during the December 12th raids workers were denied access to telephones, bathrooms and legal counsel. Citizens and legal residents also were deprived of the opportunity to retrieve documents to establish their legal status. Some workers were handcuffed. Others were shipped out on buses. Families, schools and daycare centers could not be contacted to make arrangements for the children of detained workers. Families were left divided and scared—not knowing where or when they might see a missing family member again.

"When I tried to report to the cafeteria during the raid, ICE agents accused me of trying to run away. They held me in handcuffs. I'm a U.S. Citizen, born in Iowa. My parents live in Mississippi. My government treated me like a criminal, and I didn't do anything wrong. I knew our rights were being violated. What they're doing in these raids is illegal," said Mike Graves, who has lived in the United States his entire life, works at the Marshalltown, Iowa, Swift and Company plant, and is a member of UFCW Local 1149.

Peter Schey, President of the Los Angeles-based Center for Human Rights and Constitutional Law and the lead counsel in the UFCW litigation said, "The Department of Homeland Security routinely violates the Constitution and federal law when it conducts work place raids to detect undocumented workers by engaging in mass detentions of all workers without any basis for believing that they have violated any laws. Such mass detentions have long been considered unlawful by the U.S. courts. While the Department of Homeland Security has a legitimate function to perform enforcing the nation's immigration laws, it cannot do so by running roughshod over the well-established constitutional rights of U.S. citizens and lawful resident workers. If DHS Secretary Chertoff is unwilling or unable to stop the unconstitutional conduct of his agents, then we are sure the federal courts will step in to do so."

The lawsuit also includes in its complaint that union lawyers and representatives were not given prompt access to UFCW members during and immediately after the raids. In many cases, union lawyers were denied access to UFCW members, a direct violation of a worker's right to legal counsel.

"Work is not a crime, and workers do not leave their constitutional rights at the plant gate," said Hansen. "To

inflict this kind of enforcement on innocent workers—to arrest and illegally detain massive numbers of people against their will, to treat them as criminals—is not just unacceptable, it is un-American.”

The UFCW expects members of the union, civil rights, religious, and immigrant rights communities to file amicus briefs on behalf of the UFCW suit.

In addition to the class-action lawsuit announced today, the UFCW will continue to hold field hearings across the country to investigate and expose these punitive actions against hardworking families. The UFCW also will press Congress to hold hearings into the issue and to renew its efforts to pass comprehensive immigration reform.

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The UFCW represents 1.4 million workers, 250,000 in the meatpacking and poultry industries. UFCW members also work in the health care, garment, chemical, distillery and retail industries.