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WORKER IMPACT OF ICE RAIDS AT SWIFT

UFCW Statement before the Worksite Enforcement Panel Briefing, U.S. House of Representatives

On behalf of the 1.3 million members of the United Food and Commercial Workers International Union (UFCW), I want to thank you for giving me the opportunity to address this briefing panel about the impact of our broken immigration system on workers across the country.

The UFCW is the largest private sector union in North America--and, one of the largest unions of new immigrant workers in the U.S. with more than 200,000 new immigrants as members.

We are the primary worker representative in industries that are major employers of immigrant workers, meatpacking, food processing and poultry and have a hundred-year history of fighting for safe working conditions and good wages on behalf of packing and processing workers.

Last Tuesday morning, 13,000 workers clocked in to work as they do every day. They didn't know that government agents would soon storm their worksites dressed in riot gear, brandishing military weapons and locking the doors to prevent anyone from coming in or out. Their mission involved a warrant ICE had obtained to apprehend 170 individuals suspected of identity theft.

The ICE action clearly reached far beyond those 170 suspects. Workers were herded into cafeterias and segregated. In Utah, the ICE agents used skin color to identify the "suspects." In other locations naturalized citizens were separated from the native born.

In effect, people were subjected to a criminal process simply for going to work. In some plants, workers with proper authorization had their identification stripped from them. Many were detained and then transported far from home before being given an opportunity to present their case.

Walter Molina was pulled into the group of detained suspects. His girlfriend wasn't allowed to bring his valid green card to him at the Grand Island, Nebraska, plant.

Lacking ID, he was transported six hours away to Camp Dodge, Iowa, where, after confirming his status, ICE released him. He was left to fend for himself and had to spend \$140 of his own money on a bus ticket home.

Walter's story was repeated over and over again as workers were held captive by ICE agents and denied both representation by their union and due process to clear themselves before being hauled away to distant cities and other states.

Perhaps the most inhumane result of the ICE action last Tuesday is how it ripped parents away from hundreds of children at schools and with babysitters. In one small school district in Texas, 25 children were left in their care the evening of the raid. In Marshalltown, Iowa, a Hispanic ministry was caring for a breastfeeding infant whose single mother was detained. The baby refused a bottle and was struggling to eat. ICE transported her mother to a Georgia detention facility two days later. To this day, one week later, there a small child still with a non-relative babysitter. We still cannot locate its only parent presumed to be caught up in this raid.

There are still hundreds, if not thousands, of children – U.S.-born citizens – left under the care of neighbors, friends, relatives or local charities. The loss of breadwinners has left families unable to pay for food, shelter, or heat.

The real tragedy here is that none of this had to happen. Just last month, four workers from the Louisville, Kentucky, Swift meat packing plant were arrested by ICE agents as part of this same investigation. ICE officials calmly went into the plant and extracted the four individuals who they were

looking for. The Louisville plant was not raided on Tuesday.

Government agents could have approached all of the plants the same way they approached the Louisville facility. They could have but they choose not to do so. To date, only 65 people have been charged with identity theft.

Let me be clear, the UFCW does not condone identity theft or any illegal activity. Our union supports law enforcement doing its job. In fact, we represent many law enforcement officers across the country. But we have a real problem when law enforcement goes too far—and in the Swift raids law enforcement was more about politics and making a splash than about apprehending individuals suspected of identity theft.

There are those who say that family disruption is the price parents pay for breaking the law. But indiscriminate military-style raids that sweep up people like Walter Molina are aimed more at visiting trauma and fear on entire workforces and communities than apprehending individuals who may have broken the law. Worksite raids, family disruption, criminalizing work – this is not an effective immigration system.

The core issue here is a failed immigration system that compounds its failure by victimizing workers. The Basic Pilot Program has been laden with problems since its inception. In the case of the Swift raids, you have a company that was, by and large, in compliance with Basic Pilot. That didn't stop ICE from storming the plants, refusing to allow workers to meet with their union representatives, denying attorney access to workers, and casting whole communities into turmoil.

The recent IMAGE program allows companies to opt into a procedure that can provide cover for firing workers who speak up for workplace safety and other protections. I believe that's what happened at the Smithfield pork slaughter and processing facility in Tar Heel, North Carolina, where more than 5,000 workers kill and process 35,000 hogs each day.

I don't think it's a coincidence that Smithfield used the IMAGE program as cover to begin firing workers late last November for no-match social security at a time when workers in the plant were gaining momentum in their efforts to secure safer working conditions, better pay and benefits through union representation.

Immigration policy must face reality. We have to face the reality that corporations export jobs in search of cheap wages and weak labor laws. And other companies that can't export jobs import workers to create a domestic pool of exploitable labor.

These companies lure undocumented immigrants to the U.S. to create a low-wage, disposable workforce in this country. They advertise for workers outside U.S. borders. They utilize labor contractors. They use current workers to recruit more workers. They pay immigrants less, offer fewer benefits, and threaten them with deportation if they stand up for better wages, working conditions, or try to organize a union.

The failure of trade policy to include strong, enforceable labor standards has created a vast international labor pool that lives and works without rights or hope for the future. This is the reality we face.

Raiding workplaces, breaking up families, and devastating communities offer no genuine or sensible answer to this situation. Temporary worker programs are not the solution.

It is put forward by advocates as a realistic and humane way to deal with the issue of immigration—after all, companies require a labor force and immigrant workers seek employment.

But the true reality of temporary worker would institutionalize our current system, where immigrant workers are preyed upon and used as a wedge to lower wages and working conditions for all workers, especially in the many industries that require hard physical labor—and it wouldn't be difficult to speculate that the Swift ICE raids were intended to build political will for temporary worker.

Temporary worker would officially relegate immigrants to second class status and give companies another excuse to turn permanent jobs that pay well into low-wage, no-benefit, and no-future jobs.

Guestworker, or Temporary worker as it is now called, has historically led to the mistreatment of workers.

Temporary worker, particularly in industries that do not require college or even high school degrees, inherently provide employers with the opportunity to abuse and exploit workers.

We have laws that say workers must have a safe workplace, but the laws are useless if workers can take no action under the law without fear of deportation.

We have laws that say workers can take collective action to improve working conditions, but employers will and do end workers' guestworker status and, therefore, employment for any number of reasons when, coincidentally, those workers happen to be speaking out on behalf of safer workplaces or forming a union.

I have witnessed just this kind of action on the part of employers. American democracy works because it's inclusive. If you live and work in America, you ought to be able to participate in the decision-making that governs your life. But temporary worker would permanently exclude individuals who contribute to our economic wellbeing from participating in our democratic process.

If America is about anything, it is about hope—especially hope to achieve the American dream.

We must have an immigration system that helps turn that hope into reality for all workers, new immigrant and native-born. We must have comprehensive reform—and that reform should rest on four basic principles:

- 1) A system that authentically regulates legal entry into this country.
- 2) One that criminalizes employer recruitment and importation of undocumented labor.
- 3) It must provide a path to legalization for immigrants who have worked here for years, paying taxes and contributing to their communities.
- 4) And it must ensure that our immigration processes do not provide employers an incentive to undermine workplace standards that lower wages and benefits for all workers.

We have seen thousands of immigrant workers killed, injured and maimed on the job. We have seen immigrant workers crammed into substandard housing. We have seen millions of immigrant workers underpaid and overworked, used up and then dumped, without rights or regard for their well-being.

The Swift raids are simply the latest in a long chain of abuse resulting from the failure of our immigration system.

It must stop. This is America and that should still mean something to all of us. We must challenge our country to be the America that has been the hope of immigrants, and all workers, for more than two centuries.

Thank you.

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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.