



Union says ICE raid against both 4th, 5th amendments

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The union that represents workers at the Swift & Co. meatpacking plant argued late Monday that an investigation of identity theft at the Greeley plant was nothing more than a Trojan Horse to "effectuate an immigration raid" and called it an outrageous abuse of power.

"Mass denial of the right to be advised by counsel regarding their rights was a deliberate attempt to coerce expedited removals for a group of persons ... who have not been charged with crimes and possess no criminal records," the union stated.

United Food and Commercial Workers Local 7 filed its arguments Monday, naming 13 Greeley Swift workers as plaintiffs in the case, or the 13 who were positively identified as taken in the raid. Spokesman Dave Minshall said the union is arguing on behalf of all the workers taken and detained but only 13 could be identified at present.

"As late as today, we didn't have a list of detainees," Minshall said. "Our position is that once the company certifies these people as legal workers, by contract, we represent them. We can't represent them or provide legal help for them if we don't know who they are. ... We assume that since the company has put them through the process as being legal residents, that they are exactly that."

U.S. District Court Judge Kane ordered ICE return about 75 detained workers to Colorado after the union filed its initial lawsuit Dec. 13, the day after Immigration and Customs Enforcement agents swarmed the plant and arrested 261 workers. Those detainees had been sent to Texas. Both the union and the Department of Homeland Security were to provide their arguments in the case by midnight Monday.

"The sheer disparity between the number of employees arrested vs. those charged with any crime related to identity theft is a vivid example of ICE's abuse of its police power," the union claimed.

ICE officials had apparently filed paperwork with the courts detailing arrest warrants for 109 people through six Swift plants throughout the country, but the agency arrested 1,282 workers across the country. In Greeley, only a few dozen arrest warrants have been filed.

Specifically, the union claims the ICE raid violated the detainees' rights under the Fourth and Fifth amendments.

"Essentially, ICE 'disappeared' hard-working individuals without providing an opportunity to challenge their detention and/or removal," the union states.

The union claims that the ICE raid violated the Fourth Amendment because it "constituted an illegal search and seizure."

"ICE may not stop and detain individuals based solely on a reasonable suspicion that they are aliens, without any reason to believe they are unlawfully in the country," the argument states. " ... Investigatory stops may only be performed when the totality of the circumstances raise a suspicion that the person stopped is engaged in criminal conduct."

The union claims the raid violated the Fifth Amendment, which assures "the humane treatment of noncitizens in detention.

"The courts have held that deportable noncitizens enjoy a range of due process rights including the following: the right to be represented by counsel, the right to access free legal services lists, the right to medically adequate treatment, the right to access telephones, and the right to self-help and other legal reference materials."

The argument also details ICE actions inside the plant. According to union, ICE agents put the Greeley plant on hold for five hours last Tuesday, to whittle down its suspects.

The lawsuit claims ICE officials prohibited a union representative from talking to other employees and that agents denied numerous requests by workers to go to the bathroom, make telephone calls or get something to eat during the raid.

"Finally, at 12:30, the ICE agents allowed the petitioners to eat lunch," the union stated. "During lunch, several employees told (their union representative) they were mistreated by ICE agents."

The department of Homeland Security's arguments in support of the legality of the raid was not available to the Tribune late Monday. Minshall said the judge could set a hearing for some time today.

DETAINEES

The following people were listed as detainees who are part of the union's lawsuit:

- » Ronald Yarrito
- » Carlos Perez
- » Maria E. Fragu
- » José Chavez
- » Adam M. Flores
- » Rinald Dirrato
- » Arrestada Joy Aspose
- » Kimberly Cordova
- » Roberto Burgos Roman
- » Rudy Hernandez
- » Lionel Vicente Chum
- » Juan Vela
- » Marquez Barron

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