

Hearing shows informants profited in Action Rags raid

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Defense attorneys grilled the agent who headed an immigration raid of a Houston rag exporting business, challenging the bias and quality of information provided by undocumented plant workers, including three who earned more than \$13,200 as informants.

"Wow," remarked attorney Matt Alford , who represents ex-employee Cirila Barron. "I might get out of the law business and get into the informant business."

Alford made the remarks after Special Agent Calvin Bradford, with Immigration and Customs Enforcement, testified how one undocumented informant who worked at Action Rags USA for three days was paid \$1,200 for information. Another, who worked for three months, earned \$10,000, and a third was paid \$2,000.

The hearing Tuesday was to determine if probable causes exists for federal hiring charges against four defendants be forwarded to district court for trial. Last week, ICE agents arrested company owner Mabarik Kahlon, 45, and four others to government claims were company managers who conspired to harbor and hire undocumented workers.

Two of the managers, Barron, 38 and Mayra Herrera-Gutierrez, 32, are Mexican citizens who are here illegally. Also detained were 166 undocumented workers at the plant at 1225 Port Houston on June 25, based on a search warrant obtained by Bradford.

Bradford testified the 166 undocumented workers detained at Action Rags during the raid represented more than 80 percent of the 192 employees who clocked in that day. He said workers were not paid overtime, and were not provided with safety equipment and worked in a poorly ventilated facility.

And as the hearing began, U.S. Magistrate Frances H. Stacy dismissed all charges against Rasheed Ahmed, 58, who the government had said was the uncle and business partner of the owner of Action Rags USA. The government request to dismiss the case cited health concerns, referring to advanced Parkinson's disease that has caused Ahmed to be helped to court hearings by his son.

"The government did the right thing factually, and sympathetically, by dismissing the charges," said his attorney, Matt Hennessy , adding his client only worked for the company three months last year. "He was not an owner, he was not the owner's uncle."

He added; "Mr. Ahmed is very pleased, and he's very happy he's a home, which is where he was at the time of the raid," Hennessy added.

Paul Nugent, who represents manager Valerie Rodriguez, 34, questioned Bradford about the national press attention gained by the case.

He claimed Bradford's affidavit, which included reference to a 2005 hotline tip about undocumented workers as young as 13 years old being smuggled into the country to work for low wages in a building without air-conditioning, was an attempt to create the perception "this was a slave labor camp."

The judge granted an objection to the question by Assistant U.S. Attorney Doug Davis but Nugent and other attorneys pressed the agent on a lack of corroboration of information provided by informants.

Bradford acknowledged he had only the informant's version to support claims that Rodriguez, told the informant she "might" be allowed to work for a week without documents. And, the ICE agreed he did not mention in his affidavit that a cooperating witness — allegedly fired because she became pregnant - who provided information against Action Rags has a lawsuit pending against the company and was claiming millions in damages.

"The government presented no clear evidence that Ms. Rodriguez was in any way involved in hiring decisions," Nugent said, after the hearing was adjourned. "The primary witness against her is an informant who was paid \$10,000 in cash tax free to try to develop evidence against Ms. Rodriguez."

And, Bradford said he did not know how long Barron worked for Action Rags, but said informants told him she left the company in December 2007 or January of 2008.

Sitting in the audience, relatives of Herrera-Gutierrez said the Mexican citizen was promoted to her job as warehouse manager for only two or three months before the raid.

"She just worked there," said her sister-in-law, who declined to give her name. "She didn't do any hiring. She was just in charge of the people in the warehouse. She was just doing what she was told to do."

Judge Stacy granted a joint defense motion to allow them to question Bradford about his notes and reports he produced in the case, and ordered the hearing to resume Wednesday.

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