

Use of false IDs not necessarily illegal in Pilgrim's Pride case

CHATTANOOGA TIMES:

July 8, 2008 - Chattanooga Times/Free Press

By Monica Mercer

Jul. 8, 2008 (McClatchy-Tribune Regional News delivered by Newstex) -- A federal judge has suggested that when two men used fake Social Security cards to gain employment at the local Pilgrim's Pride plant, they might not technically have broken the law.

Juan Luis Dardon-Canelo and Andres Loarca-Reynoso, along with three others, are being criminally prosecuted in the wake of a large immigration raid in April. The pair arrived in court Monday expecting to plead guilty to using a fraudulent illegal identification document -- a Social Security card -- to get jobs at Pilgrim's Pride.

U.S. District Judge Harry S. Mattice's suggestion that a Social Security card is not necessarily a form of identification, however, has allowed more time for the defense to evaluate whether guilty pleas are appropriate.

"I'm not sure you can base this charge on a false Social Security card," Judge Mattice said during the hearing, noting that another federal judge dropped a similar charge against Tyson Foods (NYSE:TSN) because of a loophole in U.S. immigration law.

The 2003 Tyson Foods trial in Chattanooga concerned allegations, among other things, that the company had smuggled Mexicans across the border to work at various plants.

The government accused Tyson of hiring the Mexicans even though the company knew they were using false ID documents -- in this case, Social Security cards, too -- in order to get jobs. But the defense argued that the portion of U.S. immigration law under which the company was charged does not expressly list a Social Security card as a form of ID.

U.S. District Judge R. Allan Edgar agreed, dismissing the charge in the process. A jury eventually acquitted Tyson Foods of all charges.

Assistant U.S. Attorney John MacCoon, who prosecuted the Tyson case, said Judge Edgar's decision highlighted "the lack of legislative precision in the (immigration statute)" since Social Security cards are considered ID in other portions of the law.

"It's a very convoluted, confusing statute," Mr. MacCoon said.

Defense attorney Anthony Martinez said after Monday's hearing he was not aware of the ruling in the Tyson case and had "no idea" whether it would affect his clients.

Assistant U.S. Attorney Terra Bay also said she was not aware of the 2003 case, but she told Judge Mattice she did not oppose allowing extra time for both sides to rethink their strategies.

A new court date has not been set. Mr. Loarca-Reynoso's plan to plead guilty to a second charge of illegally entering the country after previously being deported also was postponed.

Three other men charged with various immigration violations resulting from the raid -- Roberto Gabriel-Ramirez, Jose Luis Ramirez-Vasquez and Alfredo Gabriel-Torres -- are set to plead guilty in the near future. It was not clear Monday whether those intended guilty pleas could be affected by the Tyson case as well.