

Crux of immigration case: Did bosses know?

Federal trial of Columbia Farms poultry plant managers is scheduled to start today in S.C.

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Nov. 03, 2009

GREENVILLE, S.C. The government's long-simmering case against Columbia Farms could play out in a federal courtroom starting today. Barring a last-minute plea deal, the poultry company and two of its top managers will go to trial on charges they knowingly employed illegal immigrants.

The government will probably build its criminal case largely on the testimony of former company human resources officials and documents submitted by illegal immigrants when they were hired, court filings suggest.

The company - a subsidiary of N.C.-based House of Raeford Farms - is expected to argue that it followed all federal laws. Those laws prohibit employers from scrutinizing employee documentation too closely - and from rejecting documents that "reasonably appear to be genuine," the company has said in court motions.

"Employers such as Columbia Farms are left with a Hobson's choice: do nothing and risk immigration charges or take action against possible unauthorized workers and face discrimination charges," defense lawyers wrote in a recent motion.

The two sides were in talks Monday night, but it was unclear whether a deal would be reached.

"The vast, vast majority of federal criminal cases are resolved with a plea agreement, because federal law enforcement, such as the FBI, generally have rock-solid cases before an arrest is even made," Jeremy McKinney, an immigration lawyer from Greensboro, wrote in an e-mail to the Observer.

Still, McKinney said, the government faces a challenging task: proving beyond a reasonable doubt that the defendants knew that workers were in the country illegally.

Two top managers - Barry Cronic, complex manager of the company's Greenville, S.C., plant, and Elaine Crump, the plant's human resources director - could face more than five years in federal prison if convicted.

And House of Raeford could face stiff fines and the loss of government contracts worth millions. During the past year, House of Raeford has been awarded about \$6.7 million in

federal contracts - including nearly \$1 million in federal stimulus money - to supply turkey for school lunches and low-income people.

In a February 2008 series on workplace safety in the poultry industry, the Observer reported that some House of Raeford managers knowingly employed illegal immigrants. Current and former supervisors said the plants preferred undocumented workers because they were less likely to question working conditions for fear of being fired or deported.

Five months after those stories were published, Crump was indicted. Soon afterward, immigration authorities raided the Greenville plant, detaining more than 300 workers believed to be in the country illegally. Most of those workers have since been deported.

Authorities, who filed additional charges against Cronin and Columbia Farms this year, allege that the three defendants intentionally hired illegal workers from 2000 until October 2008. Prosecutors contend Crump instructed human resource employees to use previously signed employment verification documents for new hires.

According to motions filed last week, the government is hoping to introduce into evidence "no match letters" - letters that the Social Security Administration sent to Columbia Farms, notifying it that the tax information submitted for some employees did not match government records.

The 2008 raid came after authorities determined that 777 of 825 workers at the plant had apparently submitted false documents to get their jobs.

The government is likely to put former human resources officials on the stand. Two of them have told the Observer that top plant officials knew that many workers were in the country illegally. One of them - former Greenville human resources employee Caitlyn Davis - said she was told not to examine actual IDs when hiring, but instead to copy the IDs, then review the black-and-white images. She said some Latino applicants provided discolored Permanent Resident Cards, but such flaws did not show up in the black-and-white copies.

Federal immigration law requires little of companies when checking applicants' IDs. Employers don't have to verify workers' immigration status or check that their IDs are valid.

The defendants are asking the court to exclude the "no match" letters from evidence, arguing that they provide no proof workers are in the country illegally and that the law prevents employers from taking action against workers based solely on those letters.

The company is asking the court to dismiss the charges on the grounds that the government deported workers who might have helped the defense.

"The Government did not afford the Defendants in this case an opportunity to interview the aliens before it removed them from the United States," attorneys for the defendants wrote in a motion to dismiss.

The government counters that the defendants have done nothing to show that the deported workers could help their case. Prosecutors also suggested there's little to stop defense lawyers from interviewing many unauthorized workers who weren't deported. Authorities have given the defendants contact information for 83 illegal aliens who were released locally for humanitarian reasons, prosecutors wrote in a recent court filing.

A judge has yet to rule on that motion.

Cronic, Crump and Columbia Farms have all hired leading S.C. criminal defense lawyers.

House of Raeford is one of the nation's top chicken and turkey producers, with eight processing plants in the Southeast and about 6,000 employees.

Before 2005, federal authorities rarely pursued employers for immigration violations. That's changed. Since October 2006, more than 300 owners, managers, supervisors and human resources employees have been criminally charged with immigration violations, according to U.S. Immigration and Customs Enforcement.

Early this year, a federal judge sentenced the owner of a Massachusetts leather-goods factory to a year in prison after he pleaded guilty to harboring and concealing undocumented workers. Francesco Insolia, the owner of Michael Bianco Inc., was also ordered to pay \$1 million after an immigration raid that led to the arrest of 361 workers.

But in another high-profile case, Tyson Foods fought federal immigrant smuggling charges at trial - and was acquitted. The 2003 trial followed guilty pleas by two Tyson managers, who had been charged with conspiring to hire illegal immigrants. McClatchy reporter Barbara Barrett contributed.