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Wednesday, May 14, 2008 / 9 Iyyar 5768

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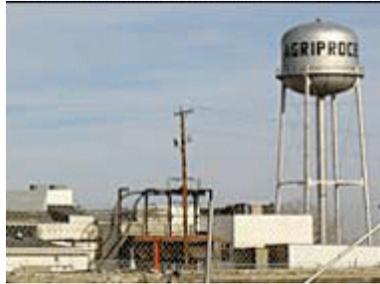
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## Widespread Worker Abuses Alleged At AgriProcessors

[Federal affidavit could open door to indictment against top kosher meat supplier.](#)



*AgriProcessors' kosher meat plant in Postville, Iowa.*

by Debra Nussbaum Cohen  
Staff Writer

Two legal experts suggested this week that the federal government could be laying the groundwork for possible indictments against the owners of the country's largest kosher meat manufacturer.

The comments come in the wake of Monday's raid on AgriProcessors' slaughterhouse in Postville, Iowa, when federal authorities entered the plant and arrested 390 workers — more than a third of the company's workforce — on illegal immigration charges. On Tuesday, 29 workers were charged with crimes including identity theft and using false social security numbers, according to a spokesman for the U.S. Attorney's office.

"It's clear [from the affidavit's allegations] that the government is thinking of an up-the-ladder chain of getting either the whole corporation or some senior managers," said Marc Stern, general counsel to the



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more Stern, general counsel to the

American Jewish Congress, who reviewed the affidavit. "There are clearly some supervisors who are at great risk with being charged with harboring aliens in systematic fashion. There's also a tantalizing thing in there about different-colored paychecks that suggests a slush fund for paying illegals."

"Whoever from the corporation is involved with that is at great risk," Stern continued. "They [the government] lay the groundwork for such a charge. But whether they can prove it beyond a supervisory level or will even attempt it is too early to say."

The affidavit filed by a senior special agent of the U.S. Immigration and Customs Enforcement department lists dozens of pages of allegations against the company's owners and supervisors. The document portrays them as exploiters of a vulnerable illegal immigrant work force, and it could be seen as setting the owners and supervisors up for possible indictment.

Allegations include that company owners and supervisors physically abused and exploited workers; knowingly hired workers without legal documentation; altered work records; paid some off the books; and paid them below minimum wage (starting workers at \$5 an hour).

In addition, the affidavit alleges that company owners and supervisors fraudulently and forcibly sold them used cars and trucks, threatening that they would be fired if they didn't buy the vehicles.

"Our company takes the immigration laws seriously," AgriProcessors said in a statement, adding that it cooperated with the government "in the enforcement action" and will continue to operate during the investigation. It also assured consumers that it is continuing to supply glatt kosher meats and poultry.

AgriProcessors produces about 60 percent of the kosher meat and 40 percent of the kosher poultry in the U.S market.

Washington attorney Nathan Lewin, who has represented AgriProcessors and its owners, the Rubashkin family, in the past, conveyed surprise this week at the breadth of the affidavit's allegations.

The "fact is there was a lot of material in there that did not seem to be relevant [to the immigration charges]. It has all sorts of allegations [against the owners and supervisors], all sorts of information gleaned from all sorts of places," he said.

"Whether or not charges are brought against the Rubashkins, that remains to be seen," Lewin said. He said he does not yet know if he is representing AgriProcessors in this current matter.

He added that he did not believe the U.S. Attorney's Office and the Rubashkins were in talks at the present time.

The affidavit also alleges that an informant saw evidence of methamphetamines being manufactured at the plant.

In the wake of Monday's raid, the country's leading kosher supervising agency, the Orthodox Union, expressed concern about the situation.

"The different issues, like immigration, we don't have expertise or authority in that area but will follow the authorities' lead," said Rabbi Menachem Genack, the OU's kashrut administrator. The OU is one of the two current kosher certifiers of AgriProcessors products, and the most widely accepted.

"We'll see where this leads in terms of determinations the government makes," Rabbi Genack said. "If they find that the company is culpable we will respond. In terms of some of the claims, like drug use, they [the Rubashkins] say that it's not true, but I will wait to see what the determination is. If workers there make drugs, whatever it is, and without sanction of management, then it wouldn't affect us. But if it was with the knowledge of the company then it would affect us," he said.

If the government concludes that the company's owners were culpable, "It certainly

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would be something we would be concerned about," he said.

The federal investigation dates back to last November, and involved sending in undercover workers who recorded conversations about buying false employment documents.

Beyond the challenge of finding new (and legal) workers to replace those arrested this week, the incident and other related investigations could mean major problems for AgriProcessors' owners, Brooklyn-based Aaron Rubashkin and his son, Rabbi Sholom Rubashkin, who runs the Iowa plant.

Officials at the U.S. Immigration and Customs Enforcement department and the U.S. Attorney's office said that they could make no comment as to whether the Rubashkins will be charged.

Sholom Rubashkin did not return a message left on his cell phone.

At the same time, the U.S. Department of Labor and Iowa Department of Labor are investigating AgriProcessors practices. In March, the Iowa Division of Labor Services levied \$182,000 in fines against AgriProcessors for 39 health and safety violations.

There are troubles for the company even beyond the realm of the government. One of the company's three kosher supervising agencies recently terminated its relationship with the meat maker.

K'hal Adath Jeshurun, based in Washington Heights, ended its supervision of all AgriProcessor products effective April 15. Rabbi Moshe Edelstein, KAJ's kashrut administrator, would not say why the step was taken. A letter KAJ officials sent to Aaron Rubashkin in December, however, made it clear that the AgriProcessor owner had appealed the supervising agency's original decision to terminate the relationship, a conclusion it upheld.

These are far from the first problems AgriProcessors has faced over the past few years.

Aaron Rubashkin bought the Postville plant in 1987 and brought in people local Iowans had never before seen — Lubavitch chasidim, along with an influx of Hispanic workers.

There were tensions between the locals and their new neighbors. Then the vegetarian group PETA: People for the Ethical Treatment of Animals took aim at AgriProcessor's practices.

PETA sent an undercover worker to the Postville plant in 2004 who videotaped what the organization describes as inhumane treatment of still-sentient cows during their slaughter.

PETA did the same at the Rubashkins' Gordon, Neb., plant in May 2007. AgriProcessors eventually changed the way it slaughters cows in response to the criticism.

The United Food & Commercial Workers International Union has been trying to organize factory floor laborers at AgriProcessors as well, with an aggressive campaign that includes a Web site and an automated phone call campaign to people they identified as leaders in the Jewish community, warning them against AgriProcessors' meats.

But despite the crises, AgriProcessors' business has recently been on the upswing, said Menachem Lubinsky, editor of KosherToday.com, who also has a public relations firm and is representing the Rubashkins.

(Lubinsky said Agriprocessors is not the only slaughterhouse to have been recently raided by immigration authorities. "It's not an aberration for I.C.E., they do this all over at meat plants.")

AgriProcessors kosher meat brands are: Aaron's Best, Aaron's Choice, Rubashkin's, European Glatt, Supreme Kosher, David's, and Shor Habor. Two-thirds of their product is non-kosher (since kosher meat can come only from part of an animal), and is sold through retailers including Wal-Mart, Trader Joe's and Pathmark.

While no one knows for sure what the privately held company earns, a Dunn & Bradstreet report pegs Rubashkin Industries' annual income at \$84.9 million. Family members' business interests are diversified beyond meat, and into real estate and other ventures. Sales of kosher beef and poultry in America are about \$300 million annually, according to industry sources.

What remains unknown is the impact of this week's raids on AgriProcessors' short-term business. The company released a statement this week stating, "there will be no shortage in the supply of glatt kosher meats and poultry."

According to Lubinsky, "They have a lot of different resources at their disposal."

In addition to the Iowa and Nebraska plants, the company also owns slaughterhouses in Uruguay and Argentina.

"As a company, they have more than the usual number of resources to tap into. It's not as if even if this plant shuts down they're out of business. The company thinks it will be able to maintain the level of production and supply. I don't know how, but that's what they say," said Lubinsky.

But it is having an impact. While AgriProcessor was up and running, though at reduced production, on Tuesday, the Midwestern cattle markets were down "because AgriProcessor wasn't buying," said Bob Teig, a spokesman for the U.S. Attorney's Office. The plant had halted operation on Monday after the federal raid.

Local distributors and retailers predicted that prices for kosher meat will rise even more as a result of the AgriProcessor problems.

AgriProcessors' problems could be a boon for one new group, feeding demand for a "Heksher Tzedek," or "Just Stamp of Approval."

The nascent Heksher Tzedek Commission, which is affiliated with the Conservative movement, intends to ensure that companies to which it awards its approval meet a range of ethical, as well as ritual, standards.

"This underscores the need for it," said Rabbi Morris Allen, a Conservative rabbi in Minnesota who is director of the Heksher Tzedek Commission. "The fact that the Jewish community has seemingly allowed kosher food to be produced in a way that potentially exploited laborers, this is the reason we need to be reassured that when we buy kosher food, it's with the best values being employed, both in ritual and ethical aspects of Jewish law."

His group issued a statement this week saying they "condemn the corrupt practices of AgriProcessors which resulted in a raid by government agents. The actions of this company have brought shame upon the entire Jewish community."

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