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WHIP
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CONGRESSWOMAN SHEILA JACKSON LEE, OF TEXAS

STATEMENT BEFORE THE

JUDICIARY SUBCOMMITTEE ON

**IMMIGRATION, CITIZENSHIP, REFUGEES, BORDER
SECURITY, AND INTERNATIONAL LAW
"IMMIGRATION RAIDS: POSTVILLE AND BEYOND"**

JULY 24, 2008

I would like to thank Chairwoman Zoe Lofgren from California and Ranking Member Steve King from Iowa for holding this very important hearing on the recent immigration raids in Houston, Texas and across this great nation. Chairwoman Lofgren has continued to bring relevant and timely hearings and continues

to work for comprehensive immigration reform. For this she should be applauded.

As a senior Member of the House Judiciary Committee and the former Ranking Member of the House Subcommittee on Immigration, it is of the utmost importance that we thoroughly investigate the raids that took place at Shipley Do-Nuts and Action Rags USA by ICE officials. Both of these raids occurred in my district of Houston, Texas.

i. Shipley Do-Nuts

Shipley Do-Nuts is a family-owned chain that has been catapulted into a highly controversial debate when federal agents raided the company's Houston headquarters and arrested 20 suspected illegal immigrants employed at the facility.

On Wednesday, April 17, 2008, Immigration and Customs Enforcement (ICE) agents — in a caravan of 50 vehicles, detention vans and an ambulance — swarmed Shipley's office and

warehouse complex on North Main Street at 5 a.m. A government helicopter circled overhead as the Shipley workers were led away in handcuffs to face civil charges of being in the country illegally.

The Houston raid took place at the same time ICE agents conducted raids of chicken processing plants in East Texas, Arkansas, Florida, West Virginia, and Tennessee. In all, 290 workers were arrested during raids at Texas-based Pilgrims Pride plants on suspicion of identify theft, document fraud and immigration violations, the agency said.

ICE officials have released few details of the Shipley investigation, saying only that it would continue. The undocumented workers arrested Wednesday face deportation.

The Shipley raid centered on its 140,000-square-foot warehouse, processing plants and office complex. It is part of a four-block compound the company operates at 5200 North Main,

where doughnut mix and other fillings are made for many of the 86 Houston-area locations.

The site includes at least five trailers and 14 small homes. The neatly maintained properties sit behind cyclone and barbed-wire fencing used by some Shipley employees.

The people caught in this raid were hard working people. ICE should make certain that minors were not caught in this raid. And, if minors were caught, ICE should ensure that these minors are returned safely to their families.

Shipley Do-Nuts has been the subject of recent discrimination lawsuits. Recently, in 2006, 15 workers filed a discrimination lawsuit against the company, seeking damages for allegedly enduring daily slurs, such as "wetback" and "*mojado*" while working at the company's warehouse. Most of the allegations were filed against a former plant manager, Jimmy

Rivera, and two supervisors. The company settled the lawsuit with the workers in February. The settlement terms are confidential.

If Shipley Do-Nuts was hiring illegal immigrants it has a duty to abide by the immigration laws. If Shipley is to blame, then we must work to ensure that Shipley adheres to the law or faces stiff penalties.

ii. Action Rags USA

Within weeks of the Shipley Do-Nuts raid, on June 25, 2008, ICE agents raided the Action Rags USA plant in Houston. In all, 166 of the 192 workers at the plant were undocumented.

Approximately 70 percent of the 166 detained workers, about 116 workers, were women including eight pregnant women. Many of those workers were detained by ICE, though at least 73 have been released for humanitarian reasons. The vast majority of these women were caring for children and had families. It is shocking to imagine that on that fateful day, many children returned home to

empty homes and apartments wondering when their mothers would return. Equally appalling, the pregnant workers were subject to the stress and anxiety of arrest and detention when their own health and well being is critical to the health and development of their baby.

The chaos and fear in the aftermath of raids did cause injuries. Four women sustained injuries that required immediate medical attention, including one woman that required an immediate “life flight” by helicopter to a nearby hospital as she was so fearful of the raid and the ensuing chaos that she climbed on a stack of wooden pallets and fell 20 feet to the ground.

The detainees in both raids were of Mexican and Central-American descent. The raid on Action Rags USA resulted in the detention of 138 Mexican, 12 Honduran, 8 Guatemalan, and 8 El Salvadoran workers. The Shipley Donuts raid resulted in the detention of men from Mexico, Honduras, Nicaragua, and El Salvador.

In both raids, youths were detained. The Shipley Donuts Raid resulted in the detention of one youth who was placed in the care of Catholic Charities and allowed to attend school until ICE could secure deportation papers. He was subsequently deported before finishing the school year.

Two youths were detained in the raid on Action Rags USA. One of the youths, a rising senior in high school, worked at Action Rags USA as a summer job and had only been employed for one week prior to the Raid. He is now awaiting deportation and will be deported before he is able to achieve his dream of a high school degree. Assistant U.S. Attorney Doug Davis said the fact that 85 percent of company workers at the plant were undocumented was sufficient to show a conspiracy existed. U.S. Magistrate Frances Stacy ruled there was evidence to support federal conspiracy charges that Mabarik Kahlon, 45, owner of Action Rags USA, and three managers knew undocumented workers were hired and they had presented false work documents.

Four government informants, three who were paid a total of \$13,200 along with immigration benefits will be a key part of the case. The three paid informants were illegal immigrants planted at Action Rags USA by ICE agents. Because the paid informants were given cash money and documents allowing them to legally stay and work in the country, there is a strong incentive for anybody to say what the agents want them to say.

The ICE surveillance reports documented only one hour and 57 minutes in which Mr. Kahlon was at the plant. Mr. Kahlon is the owner of several vitamin supplement companies, and may not have been actively managing daily operations at Action Rags USA.

Among the persons arrested at Action Rags USA was 34 year old, Valerie Rodriguez, described by government officials as the company's resource manager. It was reported that Ms. Rodriguez was nothing more than a secretary.

Both Mr. Kahlon and Ms. Rodriguez were released last week from custody after posting bond. The judge denied bail for Cirila Barron, 38, one of two illegal immigrants ICE documents describe as company managers at the plant.

Another undocumented worker, Mayra Herrera-Gutierrez, 32, was denied bail. She was arrested for allegedly being an illegal alien and working as a warehouse supervisor. There is evidence, however, that she did not have the authority to hire and fire workers.

As members of the House Judiciary Subcommittee on Immigration, we exercise oversight of ICE's actions. Shipley Do-Nuts is a family-owned and operated business with a 72-year history in the Houston area, and 190 stores in several states.

I am concerned for the well-being of the employees that are being detained and their families. I am concerned that the detainees be treated fairly and are not denied counsel or their basic human

and civil rights. Lastly, I am concerned that these raids have disproportionately focused upon the undocumented employees and the employers largely have been left unharmed from these raids. I believe that it is an injustice in the immigration system that the “crackdown” has been directed at the “undocumented” workers who are working to support themselves and their families.

These raids demonstrate that Congress must pass comprehensive immigration reform. I have long advocated for comprehensive immigration reform. Indeed, in December 2007, I introduced, HR 750, Save America Comprehensive Immigration Act of 2007. This bill would provide for comprehensive immigration reform.

Importantly, the bill authorizes DHS to adjust the status of aliens who would otherwise be inadmissible (due to unlawful presence, document fraud, or other specified grounds of inadmissibility) if such aliens have been in the United States for at least five years and meet other requirements. Additionally, it

authorizes the emergency deployment of Border Patrol agents to a requesting border state.

The bill also directs DHS to: (1) provide for additional detention space for illegal aliens; (2) increase Border Patrol agents, airport and land border immigration inspectors, immigration enforcement officers, and fraud and document fraud investigators; (3) enhance Border Patrol training and operational facilities; (4) establish immigration, customs, and agriculture inspector occupations within the Bureau of Customs and Border Protection; (5) reestablish the Border Patrol anti-smuggling unit; (6) establish criminal investigator occupations within the Department of Homeland Security (DHS); (7) increase Border Patrol agent and investigator pay; (8) require foreign language training for appropriate DHS employees; and (9) establish the Fraudulent Documents Task Force.

This bill also sets forth unfair immigration-related employment practices. Additionally the bill requires petitioners

for nonimmigrant labor to describe their efforts to recruit lawful permanent residents or U.S. citizens.

As these investigations move forward I will make sure that all issues are addressed surrounding this raid. This raid demonstrates the importance of immigration reform. As members of Congress, let us work together to resolve this matter and ensure that everyone's rights are protected!