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ACLU of Iowa Submits Brief Expressing Concern Over Postville Judge's Actions

(Des Moines, Iowa) — The American Civil Liberties Union of Iowa has submitted a friend of court brief, stating that it agrees with defense attorneys that U.S. District Court Linda Reade should have removed herself as presiding judge after the Postville raids.

The 2008 Agriprocessors meat-packing plant arrests were the largest U.S. immigration raid at the time. More than 300 foreign workers, mostly Guatemalans with limited English or Spanish, were detained and threatened with mandatory prison sentences if they did not immediately accept plea deals.

Nearly all of the workers were forced into guilty pleas that resulted in deportation, breaking up many families. The ACLU was among the first to speak out against the worker's unfair legal treatment.

The ACLU filed the brief after it found out that Reade, chief judge of the U.S. Court for the Northern District of Iowa, was involved in a troubling way with prosecutors and investigators, helping to plan the raid and arrests.

The brief was submitted as part of a motion for a new trial for Sholom Rubaskin. Last June the former Agriprocessors CEO was sentenced to 27 years in prison for his role in 86 counts of financial fraud at the plant. He was acquitted of 67 counts of child labor violations.

Ben Stone, Executive Director of the ACLU of Iowa, said, "We were deeply disturbed by the government's behavior in the Postville raids. Upon learning about the memos describing the role of Judge Reade in planning this affair, we felt compelled to argue for a new trial. Everyone, no matter what the charges, deserves full and transparent justice."

"We decided that it was important to take a public stance on this issue," said Stone. "We just regret that this new information came to light too late to help the workers."

Reade's full actions were revealed only after Rubaskin's defense lawyers requested documents through a Freedom of Information Act. Those documents revealed that Reade had met repeatedly with federal prosecutors and enforcement personnel prior to the raid. Specifics include:

- Reade as judge began meeting with prosecutors 10 months before the raid, while the raid was in the early planning stages.
- She insisted that the raid would be planned for a time when she personally be available to hear the case. It appears the raid was scheduled to work around her vacation time.
- Immigration officials reported that Reade before the raid surveyed the National Cattle Congress grounds in Waterloo, where detainees were housed and processed. Reade denies that she did so.
- She asked for a "final game plan" for the raid and a "briefing" on the operation.
- She appears to have discussed the prosecutions charging strategies and pre-approved the pleas offers in advance of the raid.

The ACLU brief does not accuse Reade of misconduct but points out potential bias and the need for greater transparency. It argues that Reade should have either recused herself or permitted further inquiry into her involvement. Defense lawyers requested further discovery on this issue, but were denied.

The brief is authored by attorney Tom Frerichs of Waterloo. It has yet to be accepted by the U.S. Court of Appeals for the 8th Circuit. When asked to agree to permit the ACLU to file a brief, government attorneys declined. Absent such agreement, the court of appeals can either accept or reject the brief. Rubaskin's case is now on appeal before the U.S. Court of Appeals for the Eighth Circuit.

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