

6 TYSON FOODS OFFICIALS FACE FEDERAL CHARGES OF SMUGGLING IMMIGRANTS;

SCHEME INCLUDED TWO MISSOURI PLANTS, AUTHORITIES SAY

St. Louis Post-Dispatch (Missouri)

December 20, 2001 Thursday Five Star Lift Edition

Copyright 2001 St. Louis Post-Dispatch, Inc.

Section: NEWS; Pg. A1

Length: 934 words

Byline: News Services Jim Gallagher And Phyllis Brasch Librach Of The Post-Dispatch Contributed To This Report.

Dateline: CHATTANOOGA, TENN.

Body

Six executives and managers of Tyson Foods Inc. were accused Wednesday of smuggling illegal Mexican immigrants into the country to work at the processing plants of the world's largest poultry company.

The federal indictment said one of the managers had told an undercover agent that the company would pay \$200 for each illegal alien delivered.

The indictment, unsealed Wednesday in U.S. District Court in Chattanooga, also said the managers had helped the immigrants obtain false documents to work in the United States, hoping that the cheap labor would help Tyson cut costs and meet production goals. In what immigration officials said is the biggest case of its kind, Tyson also is accused of failing to check the credentials of illegal workers.

Among those indicted was Keith Snyder, former complex manager at Tyson's operation at Noel, in Missouri's far southwestern corner. Tyson's plants in Noel and outside Sedalia were among 15 plants in nine states involved in the scheme, the Justice Department said.

Noel Mayor John P. Baucom reacted with surprise to word of the federal indictment. "I'm flabbergasted over all this," said Baucom, the top elected official in Noel, a town of almost 1,500.

Baucom described Snyder as "an all-American boy."

"He doesn't strike me as the kind of person who would do something illegally," Baucom said.

"He's just logical. If there is a problem, he will try to help you take care of it. He can meet you one-on-one and see both sides."

Genaro Salas owns a convenience store and gas station just outside the main gate at Tyson's Noel plant, where he caters to Hispanics employed by the company.

Salas said Tyson, in its effort to find workers, had gone to Texas to recruit people to come work in the Noel chicken processing plant.

6 TYSON FOODS OFFICIALS FACE FEDERAL CHARGES OF SMUGGLING IMMIGRANTS; SCHEME INCLUDED TWO MISSOURI PLANTS, AUTHORITIES SAY

"I don't see what the big deal is," Salas said. "If people want to work and do the job other people don't want to do - let them."

Ken Kimbro, a spokesman for Tyson, called "the prosecutor's claim in this indictment of a corporate conspiracy . . . absolutely false."

Kimbro said the charges were limited to a few managers who acted on their own. He said that four had been fired and that two others had been placed on leave pending the outcome of the case.

"This indictment came because Tyson refused to agree to the prosecutor's outrageous financial demands," Kimbro said. The Arkansas-based company refused to elaborate on the alleged demands.

According to the indictment, the company cultivated a corporate culture in which the hiring of illegal immigrant workers was condoned to meet production goals and to cut costs to maximize profits. The scheme dated back to 1994, the indictment stated.

"The Department of Justice is committed to vigorously investigating and prosecuting companies or individuals who exploit immigrants and violate our nation's immigration laws. The bottom line on the corporate balance sheet is no excuse for criminal conduct," Assistant Attorney General Michael Chertoff said in a statement.

Founded by Donald Tyson, a longtime friend and political supporter of former President Bill Clinton, Tyson is one of the world's largest poultry, beef and pork processors, with 120,000 employees and sales last year of \$23.8 billion.

The indictment was handed up after a 2 1/2-year undercover investigation by the Immigration and Naturalization Service. The undercover investigation that led to the indictment began 18 months before Clinton left office.

"This case represents the first time the (immigration service) has taken action against a company of Tyson's magnitude," said James Ziglar, commissioner of the agency.

The Tyson case, Ziglar said, means that "companies, regardless of size, are on notice that (the immigration service) is committed to enforcing compliance with immigration laws and protecting America's work force."

According to prosecutors, undercover agents working for Tyson were directed by company managers to pick up immigrants at the Mexican border and take them to processing plants. Prosecutors said the agents were reimbursed for "recruitment" expenses.

Prosecutors would not say how many immigrants were involved.

Robert Hash, vice president of Tyson's retail fresh division, and Gerald Lankford, a former human resources manager of the division, were charged, along with three former managers at the Shelbyville, Tenn., plant and Snyder, who used to work in Shelbyville.

In the past, Tyson officials have played down the company's role in the booming Hispanic populations near its plants. Bedford County, where the Shelbyville plant is situated, is home to Tennessee's highest concentration of Hispanics, according to 2000 census figures.

Importing illegal aliens for commercial advantage can carry a mandatory minimum sentence of five years in prison. Prosecutors are also seeking forfeiture of the financial gain allegedly realized by Tyson and its managers, which could result in fines exceeding \$100 million.

Tyson previously encountered legal problems when top executives were accused of providing illegal gratuities to former U.S. Agriculture Secretary Mike Espy and to Espy's girlfriend.

6 TYSON FOODS OFFICIALS FACE FEDERAL CHARGES OF SMUGGLING IMMIGRANTS; SCHEME INCLUDED TWO MISSOURI PLANTS, AUTHORITIES SAY

Tyson agreed to pay a \$**6** million fine in 1998 to settle allegations by a special prosecutor that it had provided thousands of dollars in gifts, **including** football tickets, plane fares and limousine rentals, to Espy while he was agriculture secretary in Clinton's administration.

A **federal** jury acquitted Espy on all **charges** of improperly accepting gifts and travel from companies that he regulated. Espy resigned in 1994 amid the **charges**.

Classification

Language: English

Subject: MANAGERS & SUPERVISORS (86%); NEGATIVE PERSONAL NEWS (85%); ILLEGAL **IMMIGRANTS** (84%); INDICTMENTS (83%); **SMUGGLING** (64%); FOREIGN LABOR (64%); IMMIGRATION (64%); IMMIGRATION LAW (64%)

Company: **TYSON FOODS** INC (93%); **TYSON FOODS** INC (93%); **TYSON FOODS** INC (93%); US DEPARTMENT OF JUSTICE (55%); US DEPARTMENT OF JUSTICE (55%); **TYSON FOODS** INC (93%); **TYSON FOODS** INC (93%); US DEPARTMENT OF JUSTICE (55%); US DEPARTMENT OF JUSTICE (55%)

Organization: US DEPARTMENT OF JUSTICE (55%); US DEPARTMENT OF JUSTICE (55%)

Ticker: TSN (NYSE) (93%)

Industry: **FOOD** INDUSTRY (64%); **FOOD** & BEVERAGE (64%); POULTRY (60%)

Geographic: TENNESSEE, USA (75%); UNITED STATES (92%)

Load-Date: December 20, 2001