

Prosecutors in Smuggling Case Against Tyson Contend Trial Is About 'Corporate Greed' - Correction Appended

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 **Correction Appended**

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Body

Federal prosecutors told jurors today that corporate greed caused Tyson Foods, the nation's largest meat producer and processor, to conspire to suppress its workers' wages by smuggling illegal immigrants from Mexico to work in the company's chicken plants in the United States.

The government, which presented its opening argument in Federal District Court in its case against Tyson, also accused the company of flouting immigration laws by helping illegal immigrants to obtain false identification documents like Social Security cards and driver's licenses and by hiring a large number of the immigrants from temporary employment agencies to bypass the Immigration and Naturalization Service's electronic employee eligibility database.

"This trial is about corporate greed," said John P. MacCoon, an assistant United States attorney. "It's about what happens when a corrupt corporate culture makes the bottom line the all-consuming priority."

Lawyers for Tyson and the company's three co-defendants, two employees and a recent Tyson retiree who were accused of taking part in an illegal immigration ring, maintained that the company had done nothing wrong. Tyson blamed any misconduct on a few "rogue employees" who hid their actions from senior management at its headquarters in Springdale, Ark., and have since been dismissed or disciplined.

Tyson also said it believed that its co-defendants were innocent and offered voluntarily to participate in the testing of the I.N.S. computer program that was designed to ferret out fake identification documents as proof of the company's innocence.

"If this company was really intent on hiring undocumented workers, why in the world would the senior executives of Tyson Foods enter into an agreement with the I.N.S.?" asked Thomas C. Green, Tyson's lead lawyer.

The case has touched off considerable interest among manufacturers in a variety of industries because of the unusual punishment that could be levied against Tyson. If the company is found guilty, prosecutors are seeking to invoke a forfeiture claim, usually reserved for illegal drug cases, that would allow the government to seize profits that the company made during the time that the reported offenses were committed. Prosecutors initially set the forfeiture claims at more than \$100 million, but Tyson officials said the government had reduced that amount. Both Tyson and prosecutors declined to provide the reduced figure.

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Regardless of the amount, industry experts said that forcing Tyson to pay a forfeiture claim would have a ripple effect throughout the manufacturing industry.

"It raises the stakes," said Quentin Riegel, vice president of litigation for the National Association of Manufacturers. "Obviously the government is serious about ensuring that the immigration laws are followed carefully and properly; so there will be a renewed interest on that."

Tyson and six employees were indicted in December 2001 in the smuggling of 26 vehicles loaded with illegal immigrants into Tyson plants. The government's case is based almost entirely on findings by I.N.S. agents who posed as transporters of immigrants from the Mexican border to various Tyson factories in several states, including Tennessee, Virginia, North Carolina and Arkansas. The government also said that several Tyson plants, including factories in Kentucky, Pennsylvania and Missouri, were actively recruiting illegal workers from Mexico.

Benito G. Maldonado, a special agent with the I.N.S., told jurors today that he stumbled onto misdeeds at Tyson in October 1997 after making contact with a man in Shelbyville, Tenn., who introduced him to Amador Anchondo-Rascon, a former Tyson employee who ran a grocery store that catered to Latino customers and provided fake identification documents to Mexican immigrants.

The agent said that Mr. Anchondo-Rascon, who has pleaded guilty and is now a government witness, became excited on hearing that Mr. Maldonado was a transporter and offered to partner with him to "make a lot of money" by connecting illegal workers with a Tyson plant manager in North Carolina. Over the next two and a half years, the two men and other agents brought in about 150 workers to Tyson plants in this country, the government said.

The investigation ended in July 2000, when special agents revealed themselves to a mid-level Tyson manager and asked that he cooperate with their investigation. The employee refused and alerted officials at Tyson's corporate headquarters.

The government's witnesses include former Tyson employees who have pleaded guilty to taking part in a conspiracy to smuggle illegal aliens into the United States and Special Agent Maldonado, who secretly tape-recorded more than 420 conversations with Tyson employees and smugglers and wore a video camera on his belt buckle.

Since the indictment, three of the six Tyson employees who were accused along with the company pleaded guilty to the government's charges and were dismissed from the company. One employee, Jimmy Rowland, committed suicide last April. Of the remaining three employees charged, Robert Hash, 50, the western division vice president, and Keith Snyder, 43, a manager of Tyson's complex in Noel, Mo., were placed on administrative leave. Gerald Lankford, 64, who once worked as a division human resources manager, has retired.

This is not first time Tyson has been embroiled in legal trouble. Last May, the Labor Department accused Tyson and several other poultry companies of cheating workers out of wages. The case is still pending. In 1999, the company was fined by the government for violating child labor laws after a 15-year-old immigrant who worked at a Tyson plant died and a 14-year-old was seriously injured. Several months later, the company settled federal charges that it had discriminated against blacks and women at a plant in Mississippi. And in 1997, Tyson was charged with making illegal gifts to Mike Espy, who was the secretary of agriculture in President Bill Clinton's first term. The company paid \$6 million to settle those accusations.

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An article yesterday about a trial in which Tyson Foods is accused of having smuggled illegal immigrants gave an incorrect date in some copies for another complaint against Tyson, in which the Labor Department accused it of having cheated workers out of wages. That was May 2002, not 2001.

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