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July 17, 2008

Julie Myers
Assistant Secretary
Immigration and Customs Enforcement
425 I Street, NW
Washington, DC 20001

RE: Agriprocessors Investigation—Postville, Iowa

Dear Assistant Secretary Myers:

I'm responding to your letter of July 3, 2008, regarding an ongoing U.S. Department of Labor (DOL) investigation of the Agriprocessors Plant in Postville, Iowa. In the letter I sent you, I requested information about possible labor law violations at Agriprocessors, as well as whether Immigration and Customs Enforcement (ICE) communicated with DOL prior to the ICE enforcement action at Agriprocessors on May 12, 2008.

I received your response on July 15, 2008. Your response states, "Please be aware that prior to the May 12, 2008, operations at the Agriprocessors facility, ICE fully coordinated its activities with other Federal agencies, including the Department of Labor (DOL)."

This statement directly contradicts the response we received to the same letter from the Department of Labor. In that letter, the Department of Labor Wage and Hour Division (WHD) confirmed there was an ongoing investigation of Agriprocessors, Inc. Furthermore, they indicated that the investigation was not complete. Most noteworthy, the DOL said that, "The raid occurred without the prior knowledge or participation of WHD" and that "no advance notice was given to WHD or any other DOL agency prior to the raid."

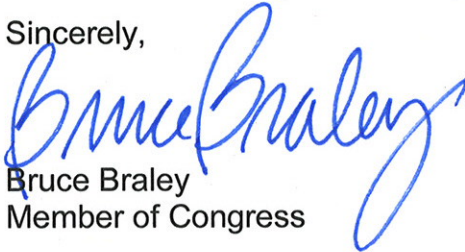
If, in fact, ICE did communicate with DOL prior to the enforcement action at Agriprocessors, what was the exact date when this communication took place? Who at ICE made this contact, and was it verbal or in writing? Who was contacted at DOL, and did DOL provide a response or confirmation of receiving the contact? In addition, I would like to request a copy or transcript of the communication between ICE and DOL prior to the May 12, 2008 enforcement action.

Agriprocessors has a dismal track record when it comes to workplace safety and compliance. For example, in a July 6, 2008, *Des Moines Register* article, reporter Clark Kauffman goes into detail regarding lack of compliance with safety regulations at Agriprocessors: "In early 2006, [Iowa] state officials cited the company for failing to provide protective jackets and boots to workers." He goes on to state that company records show that if workers wanted certain types of protective gear, they had to purchase it themselves. In January 2008, new employees at a safety briefing were allegedly told, "that their pay would be docked \$2 per week to pay for gowns and gloves that they were required to wear." Despite the 2006 state citation, little seemed to change at Agriprocessors.

It concerns me greatly that there is conflicting information on whether ICE communicated with DOL prior to the Agriprocessors raid. While upholding immigration law is important, so is ensuring workplace safety. One should not have to come at the expense of the other. I hope that lack of communication between ICE and DOL did not and does not lead to decreased safety for workers at the Agriprocessors plant.

I believe that any possible violations of labor law, immigration law, and workplace safety laws should be investigated and prosecuted to the full extent of the law. I look forward to getting more specific information on the coordination that took place between ICE, DOL, and DOJ leading up to the raid. Please respond within the next ten days. Thank you for your time and cooperation.

Sincerely,



Bruce Braley
Member of Congress

Cc: Kristine Iverson, Office of Congressional and Intergovernmental Affairs,
U.S. Department of Labor
Cc: Keith B. Nelson, Office of Legislative Affairs, U.S. Department of Justice
Cc: Ricardo Velazquez, Office of Congressional Relations, Immigration and
Customs Enforcement