

Lawyer says ICE's arrests politically motivated

By Kevin Clerici

Friday, September 24, 2010

An attorney for one of the owners of an Oxnard company who was arrested this week on suspicion of knowingly hiring illegal immigrants called the federal immigration agents' action "overkill" and politically motivated.

"ICE (U.S. Immigration and Customs Enforcement) could have proceeded civilly, instead of with criminal charges," said attorney David McLane, who represents Dennis Haddox, who, along with his father, Wayne Haddox, owns and runs Masters in Metal. "These men have no criminal records. They are long-standing employers."

McLane argued that the two Oxnard men, who were both arrested Thursday, did their best to follow proper procedures in employing two men found to be undocumented workers.

"If there was a lack of compliance, it wasn't because of a lack of good faith to comply with the laws," McLane said.

Federal immigration officials said the arrests were warranted because the case was so egregious and pointed to the economy, not the nation's emotionally charged immigration debate, as the driving motivation.

The Oxnard company was one of 36 local employers — which hire "hundreds to just four or five" people — audited over the past four or five years, and Thursday's arrests marked the first during that time, said David Wales, resident agent in charge for ICE Homeland Security Investigations in Ventura County. The agency does not release names of employers audited.

"The vast majority of audited companies come into compliance on their own," he said.

Criminal prosecutions are rare but help reduce the demand for illegal employment and protect job opportunities for the nation's lawful work force, Wales said.

"Jobs in this economy are difficult to come by, and we are trying to stem the flow of people coming into this country illegally and filling these jobs," he said.

Federal policy requires all employers be given advance notice by ICE investigators that

their personnel records will be audited. And companies are told by ICE agents that their workers are undocumented and are given time and information on how to resolve all issues.

Employers who don't heed the advice and flout the law will face consequences, Wales said.

"We want to get the message out that we are actively working these cases," he said, adding that no crackdown is in effect, but his office has received additional federal funding.

Henry Vega, a Santa Paula labor contractor who works with growers, said the current system puts the employer "between a rock and a hard place" because they have to treat prospective workers fairly yet act as the policemen. "If we deny someone based on some suspicion, then we are blamed for being discriminatory," he said.

He said the country needs a guest worker program for jobs lawful citizens won't do, a program that "no one currently wants to touch with a 10-foot pole."

In the Masters in Metal case, a 2007 audit alleged the company employed 16 illegal immigrants. The company told ICE agents the employees were terminated, but Dennis and Wayne Haddox are accused of keeping two of the workers on the payroll.

Agents said Wayne Haddox allegedly directed the two undocumented workers, who are married, to get "good" Social Security cards that would allow them to continue working. The two illegal immigrants cooperated with the investigation. One of them carried a hidden tape recorder during the investigation.

Agents alleged the workers used cards belonging to two friends. Masters in Metal employs 20 to 23, officials said.

McLane said his client, Dennis Haddox, did his best to comply with federal procedures. If the company started more carefully reviewing Latino applicants, that would be discrimination, he said.

"This is overkill," McLane said of the arrest. "These guys are not selling drugs. They are trying to run a business.

"I think there are politics at issue here. They are trying to make an example of them."

George Buehler, an attorney representing Wayne Haddox, declined to comment.

Audits are almost always initiated after a tip is received, often from the public, law enforcement, disgruntled workers or rival businesses questioning a competitor's practices, Wales said.

More recently, ICE agents have focused on employers and contractors who work at "critical infrastructure," such as military installations, power plants or transportation services, he said.

A lot of smaller companies don't have the benefit of having a human resources person.

"We work with them to come into compliance and educate them on what the requirements are," Wales said.



© 2010 Scripps Newspaper Group — Online