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# **News Release**

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## **Court dismisses claims against U.S. Department of Homeland Security following immigration operation**

A United States District Court Judge last week dismissed claims against the U.S. Department of Homeland Security, its agencies and employees in connection with a civil immigration enforcement operation at the Swift & Co. facility in Worthington.

On March 27 in Minneapolis, Judge Joan Ericksen issued her opinion granting the government's motion to dismiss all of the claims filed against the U.S. government and to dismiss a request for injunctive and monetary relief.

The civil lawsuit was filed on Sept. 4, 2007, by 10 individuals who claimed their constitutional rights were violated during the civil immigration enforcement operation at the Swift & Co. facility. The operation, known as Operation Wagon Train, focused on Swift & Co. plants in six states identified during a 10-month criminal investigation concerning the alleged use and distribution of fraudulent identity documents by Swift employees.

On Dec. 12, 2006, agents from U.S. Immigration and Customs Enforcement (ICE) executed a warrant and entered the meat processing plant. They arrested 239 people on immigration violations and 20 of those have also been charged in relation to identity theft.

The lawsuit alleged that the government violated the Fourth, Fifth and Sixth amendments. The plaintiffs claimed that the employees could not be questioned unless law enforcement had a particular reason to believe the employee was illegally present in the U.S. The plaintiffs sought monetary damages and injunctive relief.

Judge Ericksen dismissed all of the Fourth, Fifth and Sixth amendment claims, as well as the request for injunctive and monetary relief by the plaintiffs, concluding that the government's search warrant had established sufficient basis to question individuals about their citizenship. She also held that agents executing the warrant were entitled to take measures to ensure a safe and efficient search, including detention of persons present at the site of the search. Further, the judge stated that she was satisfied that a reasonable official could have concluded that the actions

of government agents were consistent with the parameters of the warrant and not otherwise unreasonable.

Assistant U.S. Attorneys Lonnie Bryan and Ana Voss argued the motions on behalf of the U.S.