

POSTVILLE: AT THE INTERSECTIONS OF AGRICULTURE, IMMIGRATION, AND LABOR

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Abstract	137
I. Introduction.....	137
II. The Raid and the Deportations	139
III. The Aftermath Within Postville	143
IV. How Did We Get Here?	146
A. Macroeconomic Trends	146
B. Federal Policy Changes	156
V. The Present and the Future	161
VI. Conclusion.....	168

ABSTRACT

In 2008, Postville was the site of the largest workplace immigration raid in American history. This Note seeks to examine the causes of the Raid, of labor induced immigration in the agricultural industry, and of the political backlash towards illegal immigration over the last decade. It further wishes to explore what the effects of immigration raids like Postville caused on the town itself, and what the fallout would be if applied on a nationwide scale.

I. INTRODUCTION

Many of those who were hiding, were beaten. Women were crying, and a lot of the men too. An agent entered the room with a 9mm in his hand and said that if we moved, he'd shoot. They held us for six hours, sitting down. Almost every meter there was an ICE officer.¹

† Jack graduated with a Juris Doctor from Drake Law School in May 2026. Jack has lived his entire life in the state of Iowa and has always been fascinated by the history of his home. Postville was and is a tragically unremembered piece of Iowa history. This Note was written in part to commemorate those victimized by the Raid and those who continue to suffer as a result of our immigration system. Jack would like to thank Emily Murphy, who worked tirelessly to make this note the best it could be, and his parents, Dan and Kristin, for supporting him throughout law school.

1. N+ UNIVISION, *America First: The Legacy of an Immigration Raid*, at 06:21 (YouTube, July 20, 2018), https://youtu.be/mQGh__ND0lE?si=oRpnmr2H4Hr99j7o [<https://perma.cc/3ZLM-H7CF>].

In May 2008, Postville, Iowa was the site of the largest workplace immigration raid in American history.² Resulting in the deportations of 300 people, the Postville Raid (Raid) sent shockwaves throughout the town, state, and entire United States.³ Postville was the result of decades of changes within the United States agricultural industry, amendments within immigration law, and the dynamics of the American workforce.⁴ The meatpacking and agricultural industry are wholly supported by a backbone of migrant labor.⁵ This backbone was threatened by the Raid and by continued American anxiety over changing demographics of rural America and throughout the nation.⁶ The legacy of Postville is still being defined today, as the model of workplace raids to facilitate mass deportation is now the signature policy proposal of the current President of the United States, Donald Trump.⁷ Mass deportation is the current platform for the Republican Party, and widely supported by millions across the United States, especially within rural communities and small towns like Postville where immigrant labor has become a defining characteristic of the American agricultural industry.⁸

This Note seeks to examine the changes in law and policy which resulted in the Postville Raid, and in turn, how the Raid evidenced changes in law, politics, and attitudes towards immigration in the United States. It will further examine the consequences of the Raid itself, and the predicted impacts which similar deportations on this scale would have on the country. The causation and circumstances surrounding the Raid were replicated across the country over

2. Courtney Crowder & MacKenzie Elmer, *A Decade After a Massive Raid Nabbed 400 Undocumented Workers, This Tiny Town Fights to Reclaim Its Identity*, DES MOINES REG. (May 17, 2018, at 07:38 CT), <https://www.desmoinesregister.com/story/news/investigations/2018/05/10/postville-immigration-raid-10-year-anniversary-town-reclaims-identity/587995002/>; Peter R. Moyers, *Butchering Statutes: The Postville Raid and the Misinterpretation of Federal Criminal Law*, 32 SEATTLE U. L. REV. 651, 651–52 (2009).

3. Crowder & Elmer, *supra* note 2; Moyers, *supra* note 2, at 654.

4. See Crowder & Elmer, *supra* note 2.

5. See *id.*

6. See *generally id.* (describing how the 2008 Postville immigration raid resulted in the detention of nearly 400 workers, the departure of roughly a quarter of the town's population, prolonged community trauma, and national debate over immigration enforcement and demographic change).

7. Charlie Savage, Maggie Haberman & Jonathan Swan, *Sweeping Raids, Giant Camps and Mass Deportations: Inside Trump's 2025 Immigration Plans*, N.Y. TIMES (Nov. 11, 2023), <https://www.nytimes.com/2023/11/11/us/politics/trump-2025-immigration-agenda.html>.

8. *Id.*

decades, but what the City of Postville became after the Raid may still be the future of every American small town.

II. THE RAID AND THE DEPORTATIONS

The Postville Raid began in the early morning hours of May 12, 2008.⁹ Around 10:00 a.m., the Raid was announced by the chopping blades of helicopters circling overhead.¹⁰ Postville is a small town of about 2,500 people in northeast Iowa, roughly 20 miles west of the Mississippi River.¹¹ That morning, hundreds of immigration agents flooded Agriprocessors, a kosher meatpacking plant and slaughterhouse in Postville.¹² The Raid had been planned for months—according to affidavits filed in court by the Department of Homeland Security— with 697 criminal complaints and arrest warrants had been issued “against persons believed to be current employees.”¹³ The complaints alleged, in part, that Agriprocessors knowingly hired illegal immigrants to employ at the plant.¹⁴ United States Immigration and Customs Enforcement (ICE) became aware of the illegal hiring practices of Agriprocessors through information provided by confidential informants.¹⁵ Further evidence of illegal hiring practices were discovered as a result of cooperation between ICE and the Social Security Administration (SSA).¹⁶ According to the confidential informants, since 2002, the SSA had received thousands of notifications that the information provided by workers on their W-2s did not match the records held by SSA.¹⁷ The crux of the identity fraud claim, and one of the main justifications for the raid itself, was that nearly 600 Agriprocessors

9. Moyers, *supra* note 2, at 651.

10. *Id.*; Crowder & Elmer, *supra* note 2.

11. CITY OF POSTVILLE (Feb. 21, 2026, at 11:25 CT), <https://www.cityofpostville.com/> [<https://perma.cc/SN9R-KP4Y>]; *City of Postville*, ALLAMAKEE CNTY. ECON. DEV. & TOURISM (Feb. 27, 2026, at 09:03 CT), <https://www.allamakeecounty.com/business-directory/city-of-postville> [<https://perma.cc/DF9Q-RBBL>]; Christina Fernández-Morrow, *Postville Raid Brought Devastation; 15 Years Later, It's a Sign of Resilience*, IOWA CAP. DISPATCH (May 12, 2023, 10:38 CT), <https://iowacapitaldispatch.com/2023/05/12/postville-raid-brought-devastation-15-years-later-its-a-sign-of-resilience/> [<https://perma.cc/64QD-4VAE>].

12. Cindy Juby & Laura E. Kaplan, *Postville: The Effects of an Immigration Raid*, 92 FAMS. SOC’Y: J. CONTEMP. SOC. SERVS. 147, 147–48 (2010).

13. Susan Saulny, *Hundreds Are Arrested in U.S. Sweep of Meat Plant*, N.Y. TIMES (May 13, 2008), www.nytimes.com/2008/05/13/us/13immig.html?em&ex=1210910400&en=9fd0d884661bdeb&ei=5070; Moyers, *supra* note 2, at 651.

14. Moyers, *supra* note 2, at 656.

15. *Id.*

16. *Id.* at 659.

17. *Id.* at 659–60.

employees used valid Social Security numbers to obtain employment, but those numbers were not their own.¹⁸ Immigration officials claimed the raid and the charges of identity fraud were to prevent further victimization of innocent third parties.¹⁹

The commencement of the Raid caused pure chaos.²⁰ Nearly one-third of the town was targeted for apprehension; every exit to the town was cut off by law enforcement vehicles.²¹ According to one observer,

They had helicopters flying over for hours, they brought in huge buses; they had hundreds and hundreds of agents—armed— running around town. They had every entrance blocked with a state police or federal vehicle, lights flashing. They were chasing people in the fields . . . they were driving after them. They were going into apartments; they were going into homes finding people, pulling people out of closets.²²

A detained worker described the violence perpetrated by ICE:

As the people came out to the yard, everyone was taking off their aprons and gloves. Those who were hiding were beaten and shackled. One had his nose all crushed, because they threw him face first against the wall. What hurts the most is that it was our very own, the “Chicano” policemen, the ones who treated us more worse. I never thought they would treat us like that. One worker was so nervous that he started running with his work knives. An agent pushed him to the ground, and the poor man stabbed himself in the leg. They shackled him just the same.²³

In total, 389 people were rounded up on buses and sent to Waterloo, Iowa, approximately 80 miles southwest of Postville, where they were processed for imprisonment and deportation proceedings.²⁴ The workers were held at the National Cattle Congress, an entertainment venue for an agricultural fair held

18. *Id.* at 660.

19. *Id.*

20. Juby & Kaplan, *supra* note 12, at 148.

21. *Id.* at 148–49.

22. *Id.* at 148.

23. Erik Camayd-Freixas, *Affidavits of Two Guatemalan Prisoners from the Postville Raid of May 12, 2008*, in THE POSTVILLE PROJECT (2008), https://scholarworks.uni.edu/cgi/viewcontent.cgi?article=1349&context=postville_documents [<https://perma.cc/J592-HR35>].

24. Julia Preston, *Immigrants' Speedy Trials After Raid Become Issue*, N.Y. TIMES (Aug. 8, 2008), <https://www.nytimes.com/2008/08/09/us/09immig.html>; Edward M. Olivos & Gerardo F. Sandoval, *Latina/o Identities, the Racialization of Work, and the Global Reserve Army of Labor: Becoming Latino in Postville, Iowa*, 15 ETHNICITIES 190, 191 (2015).

yearly.²⁵ The fairgrounds were transformed into makeshift jails and ad hoc courtrooms.²⁶ At the National Cattle Congress, according to testimony submitted by one of the workers, ICE agents mocked them in Spanish, beat them, caged them, held them without food, and did not allow the workers to sleep for days at a time.²⁷

The process of convicting the hundreds of plant workers became akin to the assembly line which immigration officials had just forcibly removed them from.²⁸ Pleas were pre-packaged and pre-approved by both judges and counsel, while the defendants—many of whom spoke little English and could read even less—were pressured to sign their lives away for the efficiency of the process.²⁹ Pleas were accepted ten at a time and sentences were carried out five at a time.³⁰ Few of the defense attorneys which were provided to workers were competent in immigration law, and even if they had been, counsel had so little time to communicate with their clients that many of the prisoners felt as though they had no representation during the proceedings.³¹

In an unprecedented move, the workers were charged with aggravated identity theft under Section 1028A(a)(1) of the U.S. Code.³² Federal law enforcement alleged these individuals should be imprisoned and deported because they carried fake identification and work authorization papers provided by Agriprocessors.³³ While most immigration raids bring immigration charges, such as illegal entry into the United States, this appears to be the first time federal identity theft charges were levelled against undocumented workers at this scale.³⁴ This approach by federal immigration authorities and the Department of Justice created a great amount of controversy.³⁵ A year after the Raid, the United States Supreme Court ruled in *United States v. Flores-Figueroa* that undocumented workers could not be charged with aggravated identity theft unless they knew that

25. Preston, *supra* note 24.

26. *Id.*

27. Camayd-Freixas, *supra* note 23.

28. Julia Preston, *270 Illegal Immigrants Sent to Prison in Federal Push*, N.Y. TIMES (May 24, 2008), <https://www.nytimes.com/2008/05/24/us/24immig.html>.

29. *Id.*

30. *Id.*

31. Camayd-Freixas, *supra* note 23.

32. 18 U.S.C. § 1028(a)(1); Preston, *supra* note 28.

33. Moyers, *supra* note 2, at 671.

34. Preston, *supra* note 28.

35. See *Flores-Figueroa v. United States*, 556 U.S. 646, 649–50, 656–57 (2009); Preston, *supra* note 24.

the documents they possessed were falsified.³⁶ Despite this ruling, most of the Agriprocessors workers received no relief, as they had already been deported.³⁷

The vast majority of the defendants accepted the pleas and were sentenced to five months in prison.³⁸ Due to the scope of the Raid, the resulting number of defendants sentenced in such a small timeframe, most served their sentences in county jails across Iowa or federal prisons spread throughout the country.³⁹ Deportations took place only after the sentences had been served.⁴⁰

In September of 2008, the State of Iowa filed criminal charges against Agriprocessors, and three employees, including Sholom Rubashkin, the former CEO and plant manager.⁴¹ The state alleged over 9,000 violations of child labor law, including the employment of 32 illegal immigrants under the age of 18, among them were seven under the age of 16.⁴² One month later, Iowa Workforce Development imposed \$9.6 million in fines against the plant for illegally deducting wages from employee paychecks.⁴³ Federal charges against Rubashkin came one day after the fines.⁴⁴ On October 30, 2008, Rubashkin was indicted by the United States Attorney's Office for 72 immigration charges, among them were 13 counts of harboring illegal aliens for profit, and another 72 charges of finance law violations.⁴⁵ Rubashkin was released after posting a one million dollar bail, agreeing to wear an ankle monitor, and surrendering his passport.⁴⁶ Although Rubashkin was acquitted of the child labor law violations at the state level,⁴⁷ he was convicted in federal court of financial crimes, including embezzlement, in

36. *Id.* at 657.

37. Allison L. McCarthy, *The May 12, 2008 Postville, Iowa Immigration Raid: A Human Rights Perspective*, 19 TRANSNAT'L L. & CONTEMP. PROBS. 293, 301 (2010).

38. See Preston, *supra* note 28.

39. Moyers, *supra* note 2, at 682.

40. Preston, *supra* note 28.

41. Julia Preston, *Federal Charges for Ex-C.E.O. at Meatpacker*, N.Y. TIMES (Oct. 31, 2008), <https://www.nytimes.com/2008/10/31/us/31immig.html>.

42. *Rubashkin Released on \$1 Million Bail*, CROWN HEIGHTS INFO (Oct. 30, 2008), <https://crownheights.info/general/14004/rubashkin-released-on-1-million-bail/> [<https://perma.cc/Q6D5-G3BA>].

43. Julia Preston, *Meatpacker Is Fined Nearly \$10 Million*, N.Y. TIMES (Oct. 29, 2008), <https://www.nytimes.com/2008/10/30/us/30fine.html>.

44. See Preston, *supra* note 41.

45. *Id.*; *Immigration Charges Dropped*, COLLIVE & DES MOINES REG. (Nov. 19, 2009), <https://collive.com/immigration-charges-dropped/> [<https://perma.cc/TK77-GGF4>].

46. *Rubashkin Released on \$1 Million Bail*, *supra* note 42.

47. Jeff Reinitz, *Moral Stakes in Rubashkin Child Labor Case Were High, Both Sides Say*, THE COURIER (June 9, 2010), https://wcfcourier.com/news/local/article_3795a0a6-f57e-506f-984f-7497bddbac17.html.

November of 2009.⁴⁸ He was sentenced to 27 years in federal prison.⁴⁹ Because his immigration and financial charges were separated, and his immigration charges were later dropped, no jury ever saw evidence of how Rubashkin smuggled hundreds of people into the country, or the evidence relating to the numerous labor abuses that took place at Agriprocessors. His prison sentence was commuted by President Trump in 2017, after he served less than eight years.⁵⁰ The owner of Agriprocessors, and Rubashkin's father, Aaron, had his charges dropped in state court for child labor law violations in 2010.⁵¹ Aaron was never formally charged at the federal level.⁵²

III. THE AFTERMATH WITHIN POSTVILLE

Postville was devastated economically by the Raid.⁵³ As a result of the criminal charges and heavy fines, Agriprocessors filed for Chapter 11 bankruptcy on November 4, 2008.⁵⁴ With 300 of the approximately 2,500 individuals within Postville either imprisoned or deported, many of the town's other businesses, especially those run by the Latino population, had closed.⁵⁵ While mothers and their children were not detained and were allowed to stay behind in Postville,⁵⁶ the arrests, imprisonments and deportations meant these families had lost their main source of income.⁵⁷ Some mothers were forced to wear ankle monitors as they awaited their own legal battles.⁵⁸ Many children were provided food, shelter, and

48. See Press Release, U.S. Atty's Off.: N. Dist. of Iowa, Sholom Rubashkin Sentenced to 27 Years in Federal Prison (June 22, 2010), https://www.justice.gov/archive/usao/ian/news/2010/jun_10/6_22_10_Rubashkin.html [https://perma.cc/T9PM-P6SM].

49. *Id.*

50. Vicky Ward, *The Inside Story of How a Kosher Meat Kingpin Won Clemency Under Trump*, CNN POLITICS (Aug. 9, 2019, at 15:36 ET), <https://www.cnn.com/2019/08/09/politics/kushner-rubashkin-trump-clemency/index.html> [https://perma.cc/2PJU-5G7H].

51. Reinitz, *supra* note 47.

52. *Id.*

53. Annie Baxter, *How an Immigration Raid Threw a Small Iowa Town into Economic Crisis*, MARKETPLACE (Aug. 3, 2017), marketplace.org/2017/08/03/postvilles-long-recovery-after-raid/ [https://perma.cc/D4VX-36MC].

54. Julia Preston, *Large Iowa Meatpacker in Illegal Immigrant Raid Files for Bankruptcy*, N.Y. TIMES (Nov. 5, 2008), <https://www.nytimes.com/2008/11/06/us/06immig.html>.

55. CBS, *Immigration Raid Upturns Town*, at 00:24–00:40 (YouTube, July 27, 2008), https://youtu.be/AagsQ1fojHU?si=oJXM_SipZ9nFmOwp [https://perma.cc/35DB-NL9H].

56. *Id.* at 00:59.

57. *Id.* at 01:03.

58. *Id.* at 01:28.

education by the local Catholic Church, St. Bridget's.⁵⁹ Houses were foreclosed as those left behind packed up or could no longer afford payments, while property values within the town cratered.⁶⁰ Approximately two months after the Raid, over 1,000 protesters walked the streets of Postville, demanding amnesty for all undocumented migrants in the United States.⁶¹ These protesters were met by a smaller group of counter protesters who shouted, "Illegals go home!"⁶² One protester quoted by the *New York Times* gave her reason for joining the march as "It's cheap labor, that's what they're getting away with . . . I want to see these employers that hired children and illegal aliens do serious jail time."⁶³

Three months after the Raid, the town's population of 2,500 had dropped by nearly one-fourth.⁶⁴ The same year marked the beginning of the worst economic crisis the United States had faced since the Great Depression, compounding the economic woes of the town.⁶⁵

Despite these circumstances, Postville did not return to being the all-white, all-Christian town that it was before Agriprocessors opened.⁶⁶ Further, the town did not see an increase in job opportunities for the residents of Postville.⁶⁷ Instead, the newly reopened plant, renamed Agri Star, began to hire out new workers.⁶⁸ Agri Star retained the kosher character of the plant.⁶⁹ The new population of the plant was less familiar; these new workers included refugees and 50 unhoused

59. Julia Walsh, *What We Have Learned 10 Years After Postville, the Largest Immigration Raid in U.S. History*, AMERICA: THE JESUIT REV. (June 12, 2018), americamagazine.org/faith/2018/06/12/what-we-have-learned-10-years-after-postville-largest-immigration-raid-us-history [https://perma.cc/F5NW-34LT].

60. Baxter, *supra* note 53.

61. Julia Preston, *Iowa Rally Protests Raid and Conditions at Plant*, N.Y. TIMES (July 28, 2008), <https://www.nytimes.com/2008/07/28/us/28immig.html>.

62. *Id.*

63. *Id.*

64. Moyers, *supra* note 2, at 685.

65. See generally John Weinberg, *The Great Recession and Its Aftermath*, FED. RSRV. HIST. (Nov. 22, 2013), <https://www.federalreservehistory.org/essays/great-recession-and-its-aftermath> [https://perma.cc/9BUP-H7R4].

66. See generally Crowder & Elmer, *supra* note 2 (explaining Postville's recovery after one of the largest immigration raids in U.S. history).

67. See generally Marcelo Ballvé, *A Year Without a Mexican*, MOTHER JONES (Mar. 20, 2009), <https://www.motherjones.com/politics/2009/03/year-without-mexican/> [https://perma.cc/29Y5-XCGD] (explaining the economic impacts of immigration raids on Postville's largest employers).

68. Baxter, *supra* note 53.

69. *Id.*

individuals from Amarillo, Texas.⁷⁰ Unlike the previous Latino immigrant populations which came to work at the plant, these workers were almost exclusively male and had legal status to work in the United States.⁷¹ Ten weeks after the immigration raid, the *Des Moines Register* reported that petty crime, such as theft, had increased in Postville as the single food pantry in the town could not keep up with the demand of both the new Agri Star workers and the devastated families of the Raid.⁷² This caused a serious strain on the police department of the tiny town.⁷³

Since 2008, Postville's population has recovered from the Raid.⁷⁴ According to the 2020 census, Postville is once again home to around 2,500 people.⁷⁵ The Agri Star plant remains the largest single employer within the town, and the town's multicultural character is as strong as it has ever been.⁷⁶ In 2018, Postville High School enrolled over 700 students from 13 different countries.⁷⁷ Postville is nearly one-half Hispanic.⁷⁸ Despite this, according to residents, the town has still never quite returned to what it was.⁷⁹ The town recovered through time, but the dynamics which the Raid left in its wake are still abundant.⁸⁰ Only Sholom Rubashkin served prison time, but the sentence was later commuted by President Trump during his first term.⁸¹ Today, Postville remains one of the poorest cities in Iowa,⁸² while ICE reported that the federal government had spent over \$5 million dollars planning

70. Ballvé, *supra* note 67.

71. Baxter, *supra* note 53; Nigel Duara, *New Hires Bring New Problems to Postville*, DES MOINES REG., July 27, 2008, at A1.

72. Duara, *supra* note 71, at A1.

73. *Id.*

74. See *Postville City, Iowa*, U.S. CENSUS BUREAU (Feb. 23, 2026, at 11:25 CT), https://data.census.gov/profile/Postville_city_Iowa?g=160XX00US1964290#populations-and-people [<https://perma.cc/3D2Z-BRD3>].

75. *Id.*

76. Crowder & Elmer, *supra* note 2.

77. *Id.*

78. *Postville City, Iowa*, *supra* note 74.

79. Jackson Valenti, *Iowans Discuss Mass Deportations 16 Years After Postville Raid*, KCRG (Jan. 2, 2025, at 22:21 CT), <https://www.kcrg.com/2025/01/03/iowans-discuss-mass-deportations-16-years-after-postville-raid/> [<https://perma.cc/DV4A-VTCD>].

80. See *id.*

81. Crowder & Elmer, *supra* note 2.

82. Clark Kauffman, *Agri Star's Postville Plant Sued for Water-Quality Violations*, IOWA CAP. DISPATCH (Feb. 26, 2025, 16:19 CT), <https://iowacapitaldispatch.com/2025/02/26/agri-stars-postville-plant-sued-for-water-quality-violations/> [<https://perma.cc/BCC6-QEBQ>].

and conducting the Raid and deportations.⁸³ What, then, did the Raid accomplish for the people of Postville, or the country? Why did it happen here?

IV. HOW DID WE GET HERE?

A. Macroeconomic Trends

Throughout the 1980s, Postville was thrust into economic panic, much like the rest of Iowa and the Midwest, as a result of the ongoing farm crisis.⁸⁴ The crisis resulted in mass selloffs of farmland, the closure of many businesses in rural areas, and a contraction in population as money and opportunity dried up.⁸⁵

In 1987, wealthy businessman, Aaron Rubashkin, an orthodox Jew from New York City, opened Agriprocessors.⁸⁶ While Rubashkin had earlier made his fortune in the textile industry, in the 1980s he turned his business acumen towards kosher meat, both as an attempt to make money, and out of a sense of religious piety.⁸⁷

Postville provided an ideal location for the Rubashkins.⁸⁸ The opening of the kosher plant in rural Iowa was emblematic of the changing landscape surrounding the agricultural industry and the labor it employed at the end of the 1980s.⁸⁹ While meat-packing and slaughter traditionally took place in cities, where it would be sold, the industry began an exodus from urban America during this decade.⁹⁰ The advantage in moving meat-packing facilities from dense urban areas to rural areas was two-fold.⁹¹ First, it reduced the cost in transporting live animals from farm to factory, and second, it reduced labor costs as a result of hiring non-union employees.⁹² Of course, since there were fewer workers available in rural areas,

83. Fernández-Morrow, *supra* note 11.

84. Maggie Jones, *Postville, Iowa, Is Up for Grabs*, N.Y. TIMES MAG. (July 11, 2012), <https://www.nytimes.com/2012/07/15/magazine/postville-iowa-is-up-for-grabs.html?auth=login-google1tap&login=google1tap>.

85. IOWA PBS, *Farm Crisis Impact on Rural Communities*, at 01:57 (YouTube Sept. 6, 2013), <https://www.youtube.com/watch?v=4dFC13KNrvs&t=11s> [<https://perma.cc/59MH-BPCR>].

86. Nathaniel Popper, *How the Rubashkins Changed the Way Jews Eat in America*, FORWARD (Dec. 11, 2008), <https://forward.com/news/14716/how-the-rubashkins-changed-the-way-jews-eat-in-ame-02974/> [<https://perma.cc/896S-6A7N>].

87. *Id.*

88. *See id.*

89. Olivos & Sandoval, *supra* note 24, at 199.

90. *Id.*

91. *Id.*

92. *Id.*

Agriprocessors, like many other businesses, began to supplement their workforce with immigrants.⁹³

Between 1990 and 2000, the population of Postville grew 54%, mostly attributed to immigration.⁹⁴ During the 1980s and 1990s the majority of the immigrant population in Postville was Eastern European.⁹⁵ By the end of the 1990s and the beginning of the 2000s, Agriprocessors had shifted to hiring immigrants of Latino ethnicity, principally from Guatemala.⁹⁶ This mirrored changes happening across the country within the agricultural industry.⁹⁷ According to Merle Turner of the Postville Diversity Council,

[T]he first wave of immigrants, mainly young, single men, came in the late 1980s when Agriprocessors was just getting off the ground. They came from the former Soviet Union, mainly Kazakhstan, Kyrgyzstan and the Ukraine. They were followed by Mexican immigrants in the mid-1990s, Turner said, and Guatemalans earlier this decade.⁹⁸

This trend has only continued in the years since.⁹⁹ According to the Center for Economic and Policy Research, in 2020, approximately 44% of the workforce within the meatpacking industry was Hispanic.¹⁰⁰ As explained by Professors Gerardo Sandoval and Edward Olivos,

[F]rom 1980 to 2000, the Latino composition of the meat processing industry grew from 8.6% to 28.6% . . . and the turnover employment rate increased dramatically since the 1970s upwards to an annual turnover rate as high as 400% . . . Thus, the restructuring of the meatpacking industry under the neoliberal economic context of the 1980s resulted in the breaking of the unions, the opening of new global markets for meat, and the structural (labor) incorporation of Latino workers.¹⁰¹

93. *Id.* at 202.

94. *Id.* at 191.

95. *Id.* at 202–03; STEPHEN G. BLOOM, *POSTVILLE: A CLASH OF CULTURES IN HEARTLAND AMERICA* 133 (2000).

96. Olivos & Sandoval, *supra* note 24, at 202.

97. *Id.* at 196.

98. Duara, *supra* note 71, at 5.

99. Shawn Fremstad, Hye Jin Rho & Hayley Brown, *Meatpacking Workers are a Diverse Group Who Need Better Protections*, CTR. FOR ECON. & POL'Y RSCH. (Apr. 29, 2020), <https://cepr.net/meatpacking-workers-are-a-diverse-group-who-need-better-protections/> [https://perma.cc/E2GK-P63G].

100. *Id.*

101. Olivos & Sandoval, *supra* note 24, at 199.

As is common in the agricultural industry, the Rubashkins recruited many of these workers directly from their country of origin.¹⁰² At the time of the Raid, Agriprocessors employed over 800 people, and was the largest kosher plant in the United States.¹⁰³ Agriprocessors was by far the largest employer within Postville itself.¹⁰⁴ About half of the total workforce of the plant was subject to deportation at the time of the Raid.¹⁰⁵ The importation of immigrant labor into Postville served two important functions for Agriprocessors and continues to serve business owners across the country.¹⁰⁶ First, by using a vulnerable population (one that has no legal status in the country) workers are preempted and discouraged from asserting their rights to report abuses and to form unions.¹⁰⁷ Second, immigration increases the potential supply of labor as immigrants “chain” migration with family members who remained in their country of origin.¹⁰⁸

Within Agriprocessors in Postville, workers had been trying to unionize since 2005.¹⁰⁹ While a majority of workers voted to unionize, Agriprocessors refused to recognize the union until the National Labor Relations Board (NLRB) had forced their hand.¹¹⁰ By 2007, a number of current and former employees had joined in a lawsuit against the company for unpaid wages.¹¹¹ That year, the same union which had been attempting to organize Agriprocessors released a report detailing the company’s numerous labor and safety abuses.¹¹² The report detailed

102. Gerardo Francisco Sandoval, *Shadow Transnationalism: Cross-Border Networks and Planning Challenges of Transnational Unauthorized Immigrant Communities*, 33 J. PLAN. EDUC. & RSCH. 176, 181 (2013); Fernández-Morrow, *supra* note 11.

103. Preston, *supra* note 28.

104. Fernández-Morrow, *supra* note 11.

105. Preston, *supra* note 28.

106. See Olivos & Sandoval, *supra* note 24, at 200.

107. *Id.* at 201.

108. See *id.*

109. Press Release, The United Food & Com. Workers Int’l Union, Agriprocessors Slammed by Federal Court for Illegally Denying Workers a Voice (Jan. 10, 2008), <https://www.ufcw.org/press-releases/agriprocessors-slammed-by-federal-court-for-illegally-denying-workers-a-voice/> [<https://perma.cc/CBQ8-2GJ9>]; see also Rod Boshart, 2008: Plant Faces 9,000 Labor Violations - Agriprocessors Owner Among 5 Charged with Putting Minors in Peril, THE GAZETTE (May 7, 2013, at 16:29 CT), <https://www.thegazette.com/article/2008-plant-faces-9000-labor-violations-agriprocessors-owner-among-5-charged-with-putting-minors/> [<https://perma.cc/BSE7-PLY3>] (detailing labor disputes with Agriprocessors).

110. Press Release, The United Food & Com. Workers Int’l Union, *supra* note 109.

111. *Id.*

112. Press Release, The United Food & Com. Workers Int’l Union, UFCW Report Details Major Food Safety Concerns at Leading Kosher Meatpacking Plant (Aug. 10, 2007), <https://www.ufcw.org/press-releases/ufcw-report-details-major-food-safety-concerns-at->

instances which included physical and sexual abuse, harassment, unpaid wages, and use of child labor.¹¹³ Less than five months before the Raid, Agriprocessors lost a case in the U.S. Court of Appeals.¹¹⁴ Agriprocessors had argued that, despite hiring them, the workers had no right to a union because most of them were undocumented.¹¹⁵ The Second Circuit rejected this argument based on the U.S. Supreme Court decision in *Sure-Tan Inc. v. National Labor Relations Board*, which held in 1984 that the National Labor Relations Act (NLRA) protects all workers regardless of immigration status.¹¹⁶ Many of the complaints levied by the workers were taken up by the State of Iowa in charges against Agriprocessors for child labor law violations.¹¹⁷ In turn, these abuses brought Agriprocessors to the attention of the federal government, specifically ICE.

As the Latino population in Postville grew, migration became a feedback loop.¹¹⁸ Postville had work available and an established community of immigrants; because of this, more immigrants arrived, which increased the available work, strengthened their sense of community, and encouraged further migration.¹¹⁹ Not coincidentally, these waves of migration resulted in massive demographic changes to a town which was almost universally white and Christian in the 1980s.¹²⁰ By 2000, Postville was almost one-third Latino, and contained the largest number of rabbis per capita of any city in the United States.¹²¹

Why and how did Postville change so dramatically in such a small amount of time? Beginning in the 1980s with the election of Ronald Reagan, America shifted away from protectionist policies which had privileged American industry

leading-kosher-meatpacking-plant/ [https://perma.cc/7KCH-GLAB]; see also Julia Preston, *Inquiry Finds Under-Age Workers at Meat Plant*, N.Y. TIMES (Aug. 5, 2008), <https://www.nytimes.com/2008/08/06/us/06meat.html> (reporting union criticism of labor practices at Agriprocessors).

113. Press Release, The United Food & Com. Workers Int'l Union, *supra* note 112.

114. Press Release, The United Food & Com. Workers Int'l Union, *supra* note 109.

115. *Id.*

116. Nathaniel Popper, *In Rubashkins' Backyard, Another Tale of Labor Strife*, FORWARD (Aug. 14, 2008), <https://forward.com/news/13997/in-rubashkins-backyard-another-tale-of-labor-s-02369/> [https://perma.cc/CL67-LWB8]; see *Sure-Tan, Inc. v. NLRB*, 467 U.S. 883, 884 (1984).

117. Preston, *supra* note 112.

118. See Olivos & Sandoval, *supra* note 24, at 202.

119. See *id.*

120. See BLOOM, *supra* note 95, at 133–36.

121. *Id.* at 22.

and agriculture for nearly a century.¹²² In a prelude to what became the North American Free Trade Agreement (NAFTA), President Reagan first proposed a free trade deal between the United States and Mexico in his successful presidential run in 1980.¹²³ His commitment to the free movement of goods and people defined his economic policy while serving as President.¹²⁴ In 1986, Reagan declared, “[O]ur trade policy rests firmly on the foundation of free and open markets . . . I . . . recognize the inescapable conclusion that all of history has taught: [t]he freer the flow of world trade, the stronger the tides for human progress and peace among nations.”¹²⁵ President Reagan’s commitment to these policies during his presidency resulted in the creation of the World Trade Organization, the signing of a free trade agreement between the United States and Canada, and the enactment of the Immigration Reform and Control Act of 1986 (the Act).¹²⁶ The Act provided amnesty to 2.9 million illegal immigrants living in the United States and legalized seasonal migrations for foreign agricultural workers into the United States, as long as the workers could prove they had been present in the country before January 1982.¹²⁷ In addition, the Act made it illegal to knowingly hire or recruit non-citizens for work in the United States.¹²⁸ Although the Act provided for federal enforcement of this provision by imposing fines and other penalties on employers who violated the Act, the main enforcement mechanism was compelling employers

122. See 1984 Democratic Party Platform, THE AM. PRESIDENCY PROJECT (July 16, 1984), <https://www.presidency.ucsb.edu/documents/1984-democratic-party-platform> [<https://perma.cc/8365-EECX>].

123. Michael Wilson, *The North American Free Trade Agreement: Ronald Reagan’s Vision Realized*, THE HERITAGE FOUND. (Nov. 23, 1993), <https://www.heritage.org/trade/report/the-north-american-free-trade-agreement-ronald-reagans-vision-realized> [<https://perma.cc/9ZZ2-ES8U>].

124. See Ronald Reagan, President of the U.S., Remarks at a White House Meeting with Business and Trade Leaders (Sept. 23, 1985).

125. *Id.*

126. Daniel Griswold, *Reagan Embraced Free Trade and Immigration*, CATO INST. (June 24, 2004), <https://www.cato.org/commentary/reagan-embraced-free-trade-immigration> [<https://perma.cc/5SB2-8E5H>].

127. *A Reagan Legacy: Amnesty for Illegal Immigrants*, NPR (July 4, 2010, at 14:12 ET), <https://www.npr.org/2010/07/04/128303672/a-reagan-legacy-amnesty-for-illegal-immigrants> [<https://perma.cc/8A32-TGFW>]; Hugh Cassidy, *How Granting Amnesty to Undocumented Immigrants Could Boost the US Labor Market*, BAKER INST. (Sep. 7, 2023), <https://www.bakerinstitute.org/research/how-granting-amnesty-undocumented-immigrants-could-boost-us-labor-market> [<https://perma.cc/F8ZF-4J9K>].

128. Frank D. Bean & Thoa V. Khuu, *The Causes and Consequences of the 1986 Immigration Reform and Control Act (IRCA)*, (CPIP Working Papers Series Paper No. 20207, 2020), <https://www.cpip.uci.edu/files/docs/CPIP%20working%20paper%2020207%20-%20Bean%20-%20IRCA.pdf> [<https://perma.cc/F9KP-7LVN>].

to attest to their employee's immigration status.¹²⁹ These provisions are why Agriprocessors provided their employees with fake Social Security numbers.¹³⁰ While ostensibly passed to better stem the tide of illegal immigration, the population of illegal immigrants within the United States more than doubled between 1986 and 2013.¹³¹ Much of this growth can be attributed to non-enforcement of federal penalties against violators of the Act and the economic incentives of employers to continue to hire migrant labor.¹³²

The Supreme Court of the United States played a role in these changes as well.¹³³ In 1982, the Court handed down *Plyler v. Doe*, ruling that the Equal Protection Clause of the Fourteenth Amendment guaranteed undocumented immigrants access to public schooling.¹³⁴ In *Plyler*, the Court made special note of the fact that undocumented labor within the United States created a two-fold benefit for American citizens.¹³⁵ First, much of the labor provided by undocumented workers is essential to the functioning of the American economy.¹³⁶ Further, these workers pay taxes for social programs like Social Security and Medicare that they would never be able to access themselves.¹³⁷ Thus, the Supreme Court had implicitly recognized that the exploitation of undocumented labor is essential, both for the functioning of the American economy and of American social welfare programs.¹³⁸ The majority in *Plyler* accurately summed up the situation in saying:

Sheer incapability or lax enforcement of the laws barring entry into this country, coupled with the failure to establish an effective bar to the employment of undocumented aliens, has resulted in the creation of a substantial “shadow population” of illegal migrants—numbering in the

129. *Id.*

130. Moyers, *supra* note 2, at 660.

131. Brad Plumer, *Congress Tried to Fix Immigration Back in 1986. Why Did It Fail?*, WASH. POST (Jan. 30, 2013), <https://www.washingtonpost.com/news/wonk/wp/2013/01/30/in-1986-congress-tried-to-solve-immigration-why-didnt-it-work/>.

132. *Historical Overview of Immigration Policy*, CTR. FOR IMMIGR. STUD. (Feb. 19, 2026, at 08:35 CT), <https://cis.org/Historical-Overview-Immigration-Policy> [<https://perma.cc/R8HV-Z9W5>]; see Cassidy, *supra* note 127.

133. See generally *Plyler v. Doe*, 457 U.S. 202 (1982) (holding that the Equal Protection Clause of the Fourteenth Amendment guarantees undocumented immigrants access to public schooling and implicitly recognizes that the exploitation of undocumented labor is essential).

134. *Id.* at 230.

135. *Id.* at 228.

136. See *id.*

137. See *id.*

138. See *id.* at 228–30.

millions—within our borders. This situation raises the specter of a permanent caste of undocumented resident aliens, encouraged by some to remain here as a source of cheap labor, but nevertheless denied the benefits that our society makes available to citizens and lawful residents. The existence of such an underclass presents most difficult problems for a Nation that prides itself on adherence to principles of equality under law.¹³⁹

In 1984, the Court again extended protections towards undocumented immigrants, this time, in labor law.¹⁴⁰ Discussed previously, in *Sure-Tan, Inc.*, the nation's highest Court announced that the protections of the NLRA apply to all employees within the country, even those without the legal right to work and live in the United States.¹⁴¹ The Court reasoned this decision in part to ensure that "there will be no advantage under the NLRA in preferring illegal aliens" and thereby decrease an employer's incentive to hire undocumented workers.¹⁴² In the majority opinion, the Court again references the fear of endorsing the creation of a permanent underclass within the American economy and within the nation's society.¹⁴³ Justice O'Connor stated,

If undocumented alien employees were excluded from participation in union activities and from protections against employer intimidation, there would be created a subclass of workers without a comparable stake in the collective goals of their legally resident co-workers, thereby eroding the unity of all the employees and impeding effective collective bargaining.¹⁴⁴

While it is impossible to say what effects *Plyler* and *Sure-Tan* have had on immigration in the four decades since the Court's decisions, the opportunity for immigrant children to avail themselves to American public schooling and the protection of American labor law has certainly not discouraged unlawful entry into the United States. Specifically, in *Sure-Tan*, the Court implied its ruling may even result in a decrease in illegal immigration.¹⁴⁵

President Reagan's dominance of American politics throughout the 1980s led to the widescale adoption of his economic platform on both sides of the

139. *Id.* at 218–19.

140. *See Sure-Tan, Inc. v. NLRB*, 467 U.S. 883, 891–94 (1984).

141. *See generally id.* (holding that protections of the National Labor Relations Act apply to all employees within the country, including without the legal right to work and live in the United States).

142. *Id.* at 893.

143. *Id.* at 892.

144. *Id.*

145. *Id.* at 893–94.

political aisle.¹⁴⁶ In what was a major reversal of policy for the Democratic Party, President Bill Clinton expanded the framework of free trade with NAFTA.¹⁴⁷ This included the incorporation of Mexico into the earlier United States-Canada free trade policy.¹⁴⁸ NAFTA represented a seismic shift in the way American companies did business across the southern border, and created a tidal wave of dislocation, political reorganization, and economic shock to both countries.¹⁴⁹

The initial pitch for NAFTA was that increasing trade with Mexico would increase demand for Mexican products, increase job opportunities for Mexicans, and raise wages and living standards across the country.¹⁵⁰ These aspects would then lead to a decrease in illegal immigration to the United States and an increase of prosperity for the country's neighbor.¹⁵¹ Instead, the opposite has happened.

Since 1990, the population of illegal immigrants within the United States has skyrocketed from 3.5 million people to 11 million people, over 3% of the total United States population.¹⁵² One of the main causes is attributed to American goods overwhelming the Mexican markets.¹⁵³ For example, in the agricultural sector, generous subsidies from the American federal government for crops, lack of trade barriers, and massive output of American agriculture have made it easier

146. See *The Reagan Presidency*, RONALD REAGAN PRESIDENTIAL LIBR. & MUSEUM (Feb. 8, 2026, at 16:34 CT), <https://www.reaganlibrary.gov/reagans/reagan-administration/reagan-presidency> [https://perma.cc/HE4L-PW8H].

147. Karen Hansen-Kuhn, *Clinton, NAFTA and the Politics of U.S. Trade*, N. AM. CONG. ON LATIN AM. (Sept. 25, 2007), <https://nacla.org/article/clinton-nafta-and-politics-us-trade> [https://perma.cc/5DRC-P8VL].

148. *Id.*; Andrew Chatzky, James McBride & Mohammed Aly Sergie, *NAFTA and the USMCA: Weighing the Impact of North American Trade*, COUNCIL ON FOREIGN RELS. (July 1, 2020, at 08:00 CT), <https://www.cfr.org/backgrounder/naftas-economic-impact> [https://perma.cc/TR55-6RUH].

149. Chatzky, McBride & Sergie, *supra* note 148.

150. *Id.*

151. *Id.*

152. BRYAN BAKER & ROBERT WARREN, OFF. OF HOMELAND SEC. STATS., U.S. DEP'T OF HOMELAND SEC., *ESTIMATES OF THE UNAUTHORIZED IMMIGRANT POPULATION RESIDING IN THE UNITED STATES: JANUARY 2018–JANUARY 2022* at 3, 9 (2024), https://ohss.dhs.gov/sites/default/files/2024-06/2024_0418_ohss_estimates-of-the-unauthorized-immigrant-population-residing-in-the-united-states-january-2018%25E2%2580%2593january-2022.pdf [https://perma.cc/W56V-N26Q].

153. *NAFTA's Impact on the U.S. Economy: What Are the Facts?*, KNOWLEDGE AT WHARTON (Sept. 6, 2016), <https://knowledge.wharton.upenn.edu/article/naftas-impact-u-s-economy-facts/> [https://perma.cc/7N7K-K355].

for Mexican businesses and consumers to purchase imported crops.¹⁵⁴ Corn, traditionally grown in Mexico, is now largely supplied to Mexican consumers by American producers rather than local Mexican producers as a result of these changes.¹⁵⁵ This has proved a boon to American farmers, but has devastated the Mexican agricultural industry, driving impoverished agricultural laborers to seek employment within the United States.¹⁵⁶ Since 1994 when NAFTA was enacted, to 2002, the Mexican agricultural sector lost 1.3 million jobs.¹⁵⁷ The enactment of free trade agreements between the largest economies in the Western Hemisphere created knock-on effects for a number of countries in Central and South America.¹⁵⁸

In 2004, the United States signed a new free trade agreement with Central American countries Guatemala, Nicaragua, Honduras, El Salvador, and Costa Rica, dubbed the Central American Free Trade Agreement (CAFTA).¹⁵⁹ CAFTA led to similar problems for its signatories as NAFTA did for Mexico.¹⁶⁰ In Guatemala, economic growth was improving after a civil war and genocide perpetuated by the Guatemalan government which had taken the lives of hundreds of thousands people between the 1960 and 1996.¹⁶¹ American support for the Guatemalan government during the war led to widespread distrust of the United States among Guatemalans.¹⁶² The announcement of CAFTA led to one of the largest protests in Guatemala in the twenty-first century.¹⁶³ Economic considerations were at the forefront: economic competition from industrial

154. Kailey Griffith, *Mexico's GM Corn Ban Is About More Than Biotech*, THE CHI. COUNCIL ON GLOB. AFFS.: BLOG (May 12, 2023), <https://globalaffairs.org/commentary-and-analysis/blogs/mexicos-gm-corn-ban-about-more-biotech> [<https://perma.cc/J2YE-QJMS>].

155. *Id.*

156. *Id.*; PUB. CITIZEN, THE NAFTA-CAFTA LEGACY: FAILED TRADE POLICY THAT DROVE MILLIONS FROM THEIR HOMES 1 (2019), https://www.citizen.org/wp-content/uploads/NAFTA-Factsheet_Immigration_Oct-2019-1.pdf [<https://perma.cc/3HTY-D9GF>].

157. Sandra Polaski, *Mexican Employment, Productivity and Income a Decade after NAFTA*, CARNEGIE ENDOWMENT FOR INT'L PEACE (Feb. 25, 2004), <https://carnegieendowment.org/posts/2004/02/mexican-employment-productivity-and-income-a-decade-after-nafta?lang=en> [<https://perma.cc/8U3U-AYLQ>].

158. Xuan-Trang Ho, *Guatemala and CAFTA*, COUNTERPUNCH (Mar. 31, 2005), <https://www.counterpunch.org/2005/03/31/guatemala-and-cafta/> [<https://perma.cc/R9QV-THBN>].

159. *Id.*

160. *Id.*

161. *Id.*

162. *See id.*

163. *Id.*

American farms posed a major threat to the livelihoods of Guatemala's small farmers.¹⁶⁴ Faced with a flood of cheap, subsidized agricultural imports from the United States, up to 1.5 million Guatemalans would be displaced and out of work.¹⁶⁵ According to Sandoval and Olivos,

Many of the Guatemalan immigrants working in the meatpacking plant in Postville were from two small villages in Guatemala (Calderas and El Rosario)

Guatemala's transition into the global economy created instability in the country since the 1960s. This was a gradual and conflicted transition that saw Guatemala's markets deregulated in the 1990s and early 2000s, and culminated with the CAFTA and other neoliberal trade agreements with the United States. This transition into a system of neoliberal deregulation destabilized Guatemala's markets and the price of the agricultural products

. . . .

. . . The Postville Guatemalans were incorporated into this Midwestern town's labor force by a combination of the plant's specific labor needs as well as the social networks that developed in the plant that brought immigrants from Guatemala directly to Postville.¹⁶⁶

The United States, and specifically the American agricultural industry, want immigrants as laborers.¹⁶⁷ American support for removing Latin America's barriers to trade, in addition to American military support to foreign militaries in bloody conflicts across the region, created an entire generation of displaced peoples in Guatemala and Latin America as a whole.¹⁶⁸ By recruiting directly from countries whose economies had been destabilized by American military and economic intervention, American businesses could employ cheaper labor for

164. *Id.*

165. PUB. CITIZEN, CAFTA'S TRAGIC LEGACY IN CENTRAL AMERICA: FAILED TRADE POLICY THAT DROVE MILLIONS FROM THEIR HOMES 1 (2018), <https://www.citizen.org/wp-content/uploads/CAFTA-fact-sheet-Aug-2018.pdf> [<https://perma.cc/T5LZ-87M3>].

166. Olivos & Sandoval, *supra* note 24, at 201–02.

167. *Id.*

168. *Id.* at 205.

longer hours, without threat of unionization.¹⁶⁹ By 2008, over 800 Guatemalans had moved to Postville.¹⁷⁰

B. Federal Policy Changes

Government policy at the federal level encouraged drastic changes within the agricultural sector and rural America. Beginning in 1980, the American Midwest was swept by falling prices in agricultural commodities, leading to an increase in debt in American farms.¹⁷¹ This, in turn, led to large numbers of foreclosures by agricultural banks, which themselves failed as they became unable to recoup their losses on loans.¹⁷² Crises of overproduction are common in the American agricultural sector, especially because price supports on crops guarantee a level of income stability for farmers that would have been impossible before their implementation.¹⁷³ A good harvest became as devastating to American small farms as crop failure would have been, in part because of a lack of available export markets.¹⁷⁴ This crisis encouraged American involvement in opening up new export markets, as discussed previously.¹⁷⁵

In response to the Farm Crisis, the federal government passed the 1985 Farm Bill and the 1987 Agricultural Credit Act.¹⁷⁶ These two bills completely

169. *Id.* at 200, 202 (“The Guatemalans had been ‘depeasantized’ in the 1990s and early 2000s as a result of neoliberal socioeconomic policies and soon thereafter these ‘depeasantized’ laborers joined the ranks of the global reserve army of labor and ended up becoming industrial agricultural laborers in Postville’s non-unionized meatpacking industry. The Guatemalan aldeas essentially became labor pools for Postville’s meatpacking plant.”).

170. *Id.* at 200.

171. *The Farm Crisis of the 1980s*, IOWA PBS: IOWA PATHWAYS (Feb 8, 2026, at 16:41 CT), <https://www.iowapbs.org/iowapathways/mypath/2422/farm-crisis-1980s> [<https://perma.cc/QZP5-ZGT8>]; see also *The 1980s Farm Crisis Changes Federal Agriculture Policies*, IOWA PBS: IOWA PATHWAYS (Feb 8, 2026, at 16:41 CT), <https://www.iowapbs.org/iowapathways/artifact/1552/1980s-farm-crisis-changes-federal-agriculture-policies> [<https://perma.cc/U9MY-3BM9>] (referencing congressional response to the 1980s farm crisis).

172. *The Farm Crisis of the 1980s*, *supra* note 171; *The 1980s Farm Crisis Changes Federal Agriculture Policies*, *supra* note 171.

173. See Jason L. Huffing, *A Century of Overproduction in American Agriculture* 29 (Aug. 2014) (M.A. thesis, University of North Texas) (on file with the University of North Texas Digital Library).

174. See *id.* at 24.

175. See discussion *supra* Section IV.A.; Olivos & Sandoval, *supra* note 24, at 200.

176. *The Farm Crisis of the 1980s*, *supra* note 171; *The 1980s Farm Crisis Changes Federal Agriculture Policies*, *supra* note 171.

overhauled the banking and crediting system for American farming.¹⁷⁷ President Reagan's laissez-faire philosophy made direct aid to struggling farmers a non-starter for legislators: "I have pleaded and warned repeatedly that just as your families don't have a blank check for whatever your needs may be neither can government, and that means taxpayers, bail out every farmer hopelessly in debt . . . [,]" said Reagan.¹⁷⁸ Instead, the 1985 and 1987 Acts authorized the federal government to buy back loans from landowners and reissue them with lower interest rates.¹⁷⁹ While this stabilized the crisis somewhat, it acted more as a gift to large corporations and land speculators that had bought farmland in response to the crisis than as a life raft to the farmers who had suffered through it.¹⁸⁰ "These policies, however, reduce farm numbers, encourage the separation of ownership and operation, restrict entry, and encourage expansion of large farms at the expense of small farmers."¹⁸¹ The Farm Crisis and its subsequent federal response accelerated increases in farm size, corporate ownership of American farmland, and the depopulation of much of rural America.¹⁸²

Large and very large commercial farms in 1974 had a [47%] market share and [35%] of net farm income. In 1982, these same farms had [84%] of net farm income with a market share of [54%]. Very large farms accounted for the majority of this growth. While accounting for only 1.2[%] of all farms, this class increased its real share of net farm income fourfold from [16] to [64%].¹⁸³

Between 1980 and 1990, Iowa's population dropped 4.7%, from 2.91 million to 2.78 million people.¹⁸⁴ These trends encouraged recruitment of immigrants to rural America in order to make up for shortfalls of labor, discussed previously.¹⁸⁵

177. *The Farm Crisis of the 1980s*, *supra* note 171; *The 1980s Farm Crisis Changes Federal Agriculture Policies*, *supra* note 171.

178. *The 1980s Farm Crisis Changes Federal Agriculture Policies*, *supra* note 171.

179. *Id.*; *The Farm Crisis of the 1980s*, *supra* note 171.

180. Joseph W. DeLave, *Save the Small Farm? The 1985 Farm Bill Is Not the Answer*, 13 J. LEGIS. 247, 268 n.130 (1986).

181. *Id.* at 264.

182. *Id.* at 250, 251, 267.

183. *Id.* at 252.

184. DAVID J. PETERS, IOWA STATE UNIV. EXTENSION, IOWA POPULATION OVER 100 YEARS 1 (2011), <https://store.extension.iastate.edu/Product/Iowa-Population-Over-100-Years-PDF> [<https://perma.cc/BMH2-TCGQ>].

185. See discussion *supra* Section IV.A; Olivos & Sandoval, *supra* note 24, at 200.

Federal immigration law received major overhauls during and after the Reagan era, as well.¹⁸⁶ As mentioned above, the 1986 Immigration Control and Reform Act provided amnesty for millions living within the United States, as well as instituting penalties for employers who employ illegal immigrants, *Sure-Tan* ensured labor law protections to undocumented immigrants, and *Plyler v. Doe* allowed illegal immigrants to avail themselves to a small part of American governmental services.¹⁸⁷ While the Supreme Court during the 1980s had extended some legal protections to migrants, during the 1990s and early 2000s the Court refused to recognize new rights and began to curtail some of the small gains made over that twenty-year period.¹⁸⁸ While not explicitly overruling *Sure-Tan*, in *Hoffman Plastic Compounds v. NLRB*, the Court significantly narrowed the scope of the NLRA's protections of illegal workers.¹⁸⁹ Writing for a 5-4 majority, Chief Justice Rehnquist ruled that the 1986 Immigration Control and Reform Act precluded the NLRB from awarding an undocumented immigrant backpay for violations of labor law, claiming that allowing the NLRB to do so "trivializes" existing immigration law.¹⁹⁰ In dissent, Justice Breyer forcefully and accurately described the dangers in taking away protections for immigrant laborers.¹⁹¹ In the dissent, Justice Breyer stated, "To *deny* the Board the power to award backpay . . . lowers the cost to the employer of an initial labor law violation (provided, of course, that the only victims are illegal aliens). It thereby increases the employer's incentive to find and to hire illegal-alien employees."¹⁹²

In 1996, the last major reform of American immigration law prior to Postville was signed into law by President Clinton, The Illegal Immigration Reform and Immigrant Responsibility Act of 1996.¹⁹³ The scope of the 1996 Act was sweeping, but most significantly, the Act completely overhauled the removal proceedings for immigrants that entered the country without authorization.¹⁹⁴

186. Griswold, *supra* note 126.

187. See discussion *supra* Section IV.A.; *Plyler v. Doe*, 457 U.S. 202, 230 (1982); *Sure-Tan, Inc. v. NLRB*, 467 U.S. 883, 894 (1986).

188. See *Hoffman Plastic Compounds v. NLRB*, 535 U.S. 137, 149 (2002).

189. See *id.* at 143–44.

190. *Id.* at 150.

191. *Id.* at 155.

192. *Id.*

193. Dara Lind, *The Disastrous, Forgotten 1996 Law That Created Today's Immigration Problem*, VOX (Apr. 28, 2016, at 07:40 CT), <https://www.vox.com/2016/4/28/11515132/iirira-clinton-immigration>.

194. AM. IMMIGR. COUNCIL, REMOVAL WITHOUT RECOURSE: THE GROWTH OF SUMMARY DEPORTATIONS FROM THE UNITED STATES 1–2 (2014), https://www.americanimmigrationcouncil.org/wp-content/uploads/2025/01/removal_without_recourse.pdf [<https://perma.cc/D2TC-Y8BX>].

Before the 1996 Act went into effect, Immigration and Naturalization Services had two separate proceedings for unlawful entrants into the United States: exclusion and deportation.¹⁹⁵ The former proceedings were exclusively for those migrants who had not made an actual entry into the United States, while the latter were for migrants that had made it into the country.¹⁹⁶ Both processes were folded into removal proceedings, which was reformed to include a “stipulated removal” program, allowing the federal government to mandate deportation and exclusion as part of plea agreements in criminal cases against non-citizens.¹⁹⁷ These stipulated removals were included within the plea bargains of the Postville workers, likely because they allow deportation without notice and hearing for a determination of their removability.¹⁹⁸ The 1996 Act was responsible for laying much of the groundwork for the mass convictions and removals seen in the Postville Raid in 2008.¹⁹⁹

The Postville Raid occurred in the final year of President George W. Bush’s second term.²⁰⁰ While Bush’s two terms were overwhelmingly focused on foreign policy and national security in the wake of the September 11 attacks, these focuses occasionally overlapped with federal immigration policy.²⁰¹ ICE was created through the 2003 Homeland Security Act, shortly before the American invasion of Iraq.²⁰² While much of its function had existed in the prior Immigration and Naturalization Service, which ICE superseded, the Homeland Security Act organized ICE in the (contemporaneously created) Department of Homeland Security (DHS), providing both the Department as a whole and ICE in particular the same focus as the rest of the Executive Branch: national security.²⁰³ This

195. Austin T. Fragomen, Jr., *The Illegal Immigration Reform and Immigrant Responsibility Act of 1996: An Overview*, 31 INT’L MIGRATION REV. 438, 438, 445–47 (1997).

196. AUDREY SINGER, CONG. RSCH. SERV., R43892, ALIEN REMOVALS AND RETURNS: OVERVIEW AND TRENDS 2 (2015).

197. AM. IMMIGR. COUNCIL, *supra* note 194, at 4; *see, e.g.*, Plea Agreement at 3–4, United States v. J. Doe 193, No. 2:08-cr-01141-LRR (N.D. Iowa May 19, 2008).

198. *See, e.g.*, Plea Agreement, *supra* note 197, at 3–4.

199. Lind, *supra* note 193; Jessie Higgins, *ICE Raid Devastated Tiny Midwest Town; 10 Years Later, It’s Still Recovering*, UPI (Aug. 29, 2018, at 14:12 CT), https://www.upi.com/Top_News/US/2018/08/29/ICE-raid-devastated-tiny-Midwest-town-10-years-later-its-still-recovering/3461535551297/ [<https://perma.cc/4XPH-CJ9Z>].

200. Higgins, *supra* note 199.

201. *The Origins of ICE*, NPR (June 30, 2018, at 08:13 ET), <https://www.npr.org/2018/06/30/624911770/the-origins-of-ice> [<https://perma.cc/XK22-EHQ8>].

202. *See id.*; *History of ICE*, U.S. IMMIGR. & CUSTOMS ENF’T (Feb. 21, 2026, at 11:26 CT), <https://www.ice.gov/history> [<https://perma.cc/8BZJ-D3J6>].

203. *History of ICE*, *supra* note 202.

common focus has shown its effect both in ICE's procedures and the language American politicians use to discuss immigration. ICE has been described as a military force, and the United States-Mexico border has been transformed into an area under armed occupation.²⁰⁴

Transforming the border into an imagined war zone, a bloated border budget funds increasing numbers of armed border patrol agents and surveillance technologies from drones and sensors to facial recognition and human detection technologies. Customs and Border Protection (CBP) has the largest U.S. drone fleet of its kind outside the Department of Defense, including 36-foot-long, nearly 5,000-pound Predator B drones that were built for military use but have been used by CBP since 2006. These military-grade drones, which run around \$17 million each, cost the federal government \$32,000 every time they're used to apprehend an individual.²⁰⁵

In Postville, as in similar raids before and since, ICE was equipped with armored trucks, helicopters, military grade rifles and body armor to pull people as young as 15 years of age off assembly lines in a meatpacking plant.²⁰⁶ Despite the increased funding and militarization of the border, the population of undocumented immigrants in the United States has continued to increase.²⁰⁷

It was shortly after its creation that DHS, and ICE in particular, formulated Operation Endgame, a plan to deport all removable aliens within the United States.²⁰⁸ Postville was the largest and most expensive workplace immigration raid ever executed by the United States, but ICE's goal of deporting every undocumented immigrant within the country was never realized.²⁰⁹ This was in part from pushback within the Bush Administration and in part because of the

204. LINDSAY KOSHGARIAN & LORAH STEICHEN, INST. FOR POL'Y STUD., NO WARMING, NO WAR: HOW MILITARISM FUELS THE CLIMATE CRISIS — AND VICE VERSA 19–24 (2020), <https://ips-dc.org/wp-content/uploads/2020/04/No-Warming-No-War-Climate-Militarism-Primer.pdf> [<https://perma.cc/K6CP-CZN9>].

205. *Id.* at 22.

206. Juby & Kaplan, *supra* note 12, at 148; Fernández-Morrow, *supra* note 11.

207. Claire Wang, *Millions of Mexican Americans Were Deported in the 1930s. Are We About to Repeat This 'Ethnic Cleansing'?*, THE GUARDIAN (Dec. 3, 2024, at 14:25 ET), <https://www.theguardian.com/us-news/2024/dec/03/trump-mass-deportation-plan-1930s-repatriation-program> [<https://perma.cc/C6PB-ED64>].

208. AMERICAN CIVIL LIBERTIES UNION, THE DEPARTMENT OF HOMELAND SECURITY, 20 YEARS ON: A BLUEPRINT FOR CIVIL LIBERTIES REFORM 3–4 (2022), https://www.aclu.org/wp-content/uploads/publications/221117dhs20thdraftproofing_proofed_tm_updated.pdf [<https://perma.cc/W38V-LJBX>].

209. Fernández-Morrow, *supra* note 11.

estimated cost of the plan itself.²¹⁰ The political cost of large-scale deportations increased as a result of the Raid, as well. Powerful political figures, including then-Senator and future President Barack Obama, as well as then-Iowa governor Chet Culver, condemned the Raid and the conduct of the criminal proceedings.²¹¹

Operation Endgame was shuttered during the Obama Administration.²¹² Despite this, the number of deportations in total increased under President Obama, and despite sustained calls for immigration reform, federal immigration law remained essentially unchanged between 2003 and 2025.²¹³ Throughout his eight years in office, President Obama oversaw more deportations than any other United States President, before or after.²¹⁴ Both on the state and federal level, the response from elected officials concerning Postville was one of condemnation rather than legislation, rhetoric rather than action.²¹⁵

V. THE PRESENT AND THE FUTURE

“Silence breeds contempt” is a common cliché. Donald Trump first ran for President in 2016 on a nativist platform, unheard of among the major parties in the United States for nearly a century.²¹⁶ Then-candidate Trump’s stark and forceful rhetoric on immigration earned him a number of loyal supporters, in many ways a

210. Mike M. Ahlers, *ICE: Tab to Remove Illegal Residents Would Approach \$100 Billion*, CNN (Sep. 12, 2007), <https://www.cnn.com/2007/US/09/12/deportation.cost/index.html> [<https://perma.cc/7FEC-CY4B>].

211. Chet Culver, *Governor: Agriprocessors Must Operate Responsibly*, DES MOINES REG., Aug. 24, 2008, at OP.3; *Obama Criticizes Agriprocessors*, WATERLOO-CEDAR FALLS COURIER (Aug. 27, 2008), https://wcfcourier.com/news/politics/article_c4145400-c390-5a2f-9120-5755f674dd20.html.

212. THE DEPARTMENT OF HOMELAND SECURITY, 20 YEARS ON: A BLUEPRINT FOR CIVIL LIBERTIES REFORM, *supra* note 208, at 3.

213. Amanda Sakuma, *Obama Leaves Behind a Mixed Legacy on Immigration*, NBC NEWS (Jan. 15, 2017, at 13:04 CT), <https://www.nbcnews.com/storyline/president-obama-the-legacy/obama-leaves-behind-mixed-legacy-immigration-n703656> [<https://perma.cc/KPP3-EL77>].

214. *Id.*; Wendy Salene Pérez, *What 30+ Years of Deportations Show Across 5 Presidents*, LATINO NEWS NETWORK (Aug. 25, 2025), <https://latinonewsnetwork.com/community/who-deported-more-migrants-obama-or-trump-we-checked-the-numbers/> [<https://perma.cc/7CEP-K68P>].

215. *See id.*

216. Luke Cooper, *A Century Ago, Warren Harding Prefigured Trump’s Brand of Strongman Nationalism*, DEMOCRATIC AUDIT (Nov. 23, 2016), <https://www.democraticaudit.com/2016/11/23/a-century-ago-warren-harding-prefigured-trumps-brand-of-strongman-nationalism/> [<https://perma.cc/GPS7-D4V9>] (comparing Trump to Warren Harding, noting Harding’s use of the term “America First”).

continuation and logical extension of the increasing militarization of immigration enforcement.²¹⁷ He generated significant attention to his campaign through outlandish statements such as, “When Mexico sends its people, they’re not sending their best . . . They’re not sending you . . . They’re sending people that have lots of problems, and they’re bringing those problems with us. They’re bringing drugs. They’re bringing crime. They’re rapists.”²¹⁸ He has repeatedly described illegal immigration as an invasion and threatened to use military force as a solution to border crossings.²¹⁹ Throughout the campaign, candidate Trump railed against the free trade policies of his predecessors, calling NAFTA the “worst trade deal” ever, and promising a better deal for farmers and manufacturers.²²⁰

President Trump won the election largely due to strong support within rural areas.²²¹ In his election in November of 2016, Allamakee County, Iowa, where Postville and the Agri Star plant are located, voted for Trump by a margin of over 20%, despite voting for the Democratic Party in 2008, immediately after the Raid, and again in 2012.²²² Postville once again was emblematic of fundamental changes within American politics: at the intersection of myriad structural changes within

217. John Cassidy, *How Donald Trump Won the G.O.P. Nomination*, THE NEW YORKER (May 4, 2016), <https://www.newyorker.com/news/john-cassidy/how-donald-trump-won-the-g-o-p-nomination>.

218. *Trump Says Mexico Sending ‘Rapists’ Across Border; He’d Make Country Pay for Border Wall*, FOX NEWS (Jan. 1, 2017, at 19:11 ET), <https://www.foxnews.com/politics/trump-says-mexico-sending-rapists-across-border-hed-make-country-pay-for-border-wall?msocid=3a4e11753ca46b00370602853deb6a02> [<https://perma.cc/Y495-UJZY>].

219. Alexandra Hutzler, *Trump Confirms Plan to Declare National Emergency, Use Military for Mass Deportations*, ABC NEWS (Nov. 18, 2024, at 13:48 CT), <https://abcnews.go.com/Politics/trump-confirms-plan-declare-national-emergency-military-mass/story?id=115963448> [<https://perma.cc/3SJZ-NMP5>].

220. *What Is NAFTA and Why Does Trump Want It Renegotiated?*, AL JAZEERA (Aug. 19, 2017), <https://www.aljazeera.com/economy/2017/8/19/what-is-nafta-and-why-does-trump-want-it-renegotiated> [<https://perma.cc/3NQ9-CGAR>].

221. Danielle Kurtzleben, *Rural Voters Played a Big Part in Helping Trump Defeat Clinton*, NPR (Nov. 14, 2016, at 10:32 ET), <https://www.npr.org/2016/11/14/501737150/rural-voters-played-a-big-part-in-helping-trump-defeat-clinton> [<https://perma.cc/DFD6-3J2V>].

222. *United States Presidential Election Results*, DAVE LEIP’S ATLAS OF U.S. ELECTIONS (Feb. 8, 2026, at 17:23 CT), <https://uselectionatlas.org/RESULTS/> [<https://perma.cc/JH7N-7VQ8>] (locate the drop down for “General by Year” and select year, e.g., 2016, 2012, or 2008; then scroll down to the map of the United States and click on the state of Iowa; then scroll to the map of Iowa and click on Allamakee County to view the county results); *Pivot Counties in Iowa*, BALLOTPEDIA (Mar. 6, 2026, at 08:36 CT), https://ballotpedia.org/Pivot_Counties_in_Iowa [<https://perma.cc/E4KN-5XZ8>].

the nation's labor market, immigration law, and agricultural landscape, like many other rural areas throughout the country, Postville endorsed policies and politics that promised a return to a lost golden age.²²³ In many ways, Trump's time in the spotlight has been a culmination of the same factors that caused Postville.

Throughout his first term, President Trump pursued a variety of controversial immigration policies, including the recommencement of workplace deportation raids.²²⁴ In 2019, the largest single day immigration raid since Postville resulted in the arrests of nearly 700 undocumented immigrants across three Mississippi towns.²²⁵ All workplaces targeted by ICE were run by Peco Foods, a wholesale poultry producer.²²⁶ These employees were also meatpackers.²²⁷ Within the *New York Times*' discussion of the event, the similarity between this raid and Postville was noted, specifically to how little changed concerning employment verification for undocumented workers:

Immigrants eager for work traditionally have used fake Social Security numbers and green cards to secure jobs. But those do not pass E-Verify. Thus, in recent years, more immigrants have resorted to using the identities of legal United States residents, the identities of dead citizens, or the Social Security numbers of their American-born children to pass the electronic verification program.²²⁸

In addition, Trump positioned himself as a friend of agriculture throughout his first term.²²⁹ While many of his economic policies, especially tariffs, proved ruinous to family farmers, Trump handed out more federal money to farmers than any prior administration.²³⁰

Those payments have been controversial because they have almost exclusively benefited the largest farms and agriculture companies. Two-thirds of the trade aid payments went to agriculture producers in the top [10%], including corporations . . . Small farms, especially diversified operations and

223. Kurtzleben, *supra* note 221.

224. Miriam Jordan, *ICE Arrests Hundreds in Mississippi Raids Targeting Immigrant Workers*, N.Y. TIMES (Aug. 7, 2019), <https://www.nytimes.com/2019/08/07/us/ice-raids-mississippi.html>.

225. *Id.*

226. *Id.*

227. *Id.*

228. *Id.*

229. Lisa Held, *How Four Years of Trump Reshaped Food and Farming*, CIVIL EATS (Nov. 2, 2020), <https://civileats.com/2020/11/02/how-four-years-of-trump-reshaped-food-and-farming/> [<https://perma.cc/UUF2-XQHE>].

230. *Id.*

those run by socially disadvantaged Black, Indigenous, and People of Color (BIPOC) farmers, have largely been unable to access [federal] assistance.²³¹

Those largest farms and agricultural producers are the ones most likely to employ immigrant labor.²³²

Donald Trump won reelection to the Presidency in 2024 on a platform that prioritized mass deportations of illegal immigrants from the United States.²³³ After taking the stage to accept his nomination for President by the Republican Party in August 2024 and flanked on all sides by supporters holding signs reading “mass deportation now!,” Trump promised “the largest deportation operation in the history of our country.”²³⁴ President Trump has repeatedly mentioned a goal of 15–20 million deportations during his term, a number considerably larger than the estimated 10–11 million undocumented immigrants estimated to be currently residing within the country.²³⁵ This number would of course include all undocumented immigrants working within the agricultural industry.²³⁶ By some estimates, undocumented laborers make up nearly half of all agricultural laborers within the United States.²³⁷

Thirty-five thousand undocumented immigrant laborers are employed in the state of Iowa across various sectors.²³⁸ According to Columbia Professor of economic history Adam Tooze, “8 million undocumented workers supply a key component of the [United States] workforce. That’s, you know, 5–6 percent . . . if you take that out, it’s just a giant, it’s a giant supply shock to the American

231. *Id.*

232. Mandy Taheri, *Farmer Who Voted for Donald Trump Worried About Mass Deportation Plan*, NEWSWEEK (Jan. 17, 2025, at 16:26 ET), <https://www.newsweek.com/farmer-voted-donald-trump-worried-mass-deportation-plan-2016838>.

233. See Zachary B. Wolf, *Trump Explains His Militaristic Plan to Deport 15-20 Million People*, CNN (May 1, 2024, at 17:10 ET), <https://www.cnn.com/2024/05/01/politics/trump-immigration-what-matters/index.html> [<https://perma.cc/Q8BC-EGH2>].

234. Brit McCandless Farmer, *The Blueprint of Trump’s Deportation Plan: A Questionable Approach by Eisenhower*, CBS NEWS (Oct. 27, 2024, at 19:45 ET), <https://www.cbsnews.com/amp/news/blueprint-of-trump-deportation-plan-a-questionable-approach-by-eisenhower-60-minutes/> [<https://perma.cc/VJ4B-S38J>].

235. Wolf, *supra* note 233.

236. See *id.*

237. Taheri, *supra* note 232.

238. Donnelle Eller & Kevin Baskins, *What Would Trump’s Mass Deportations Mean for Iowa’s Economy? Nothing Good, Experts Say*, DES MOINES REG. (Jan. 16, 2025, at 09:40 CT), <https://www.desmoinesregister.com/story/money/business/2025/01/15/how-would-donald-trumps-mass-deportations-affect-iowa-workforce-immigration/77105728007/>.

economy.”²³⁹ Within the agricultural sector itself there are nearly 1 million undocumented workers, meaning nearly one out of ten undocumented migrants is employed within the agricultural sector.²⁴⁰

Despite receiving overwhelming support in rural America and the agricultural sector in particular, President Trump’s plans have caused panic among farm owners and the business community.²⁴¹ One California farm labor contractor put it succinctly, “[i]f any of these mass deportations happen, it’s going to be catastrophic” for the industry.²⁴² Another farmer posed the threat in harsher terms: “If you took away my workforce, you wouldn’t eat. If you go into the San Joaquin Valley and you start doing what you’re saying, it’s over. The country will stop, literally stop because the food system won’t move.”²⁴³

According to some estimates, if Trump were to follow through with his mass deportation scheme, agricultural output within the United States would fall between \$30 and \$60 billion over the next decade, leading to higher prices and less food on the table.²⁴⁴

As seen in Postville, mass deportations on this scale would not just affect the workplace where the migrants were employed, but would cascade into city, state, and nationwide effects including the drop in home values, shuttering of schools and businesses, and general increase in inflation.²⁴⁵ Also observed in Postville, these deportation plans may actually increase the number of migrants within the United States.²⁴⁶ In Postville, the labor shortfall was not made up by hiring

239. ONES AND TOOZE: *Why Are Poor Americans Voting for the Party of the Rich?*, at 37:50 (Spotify, Nov. 15, 2024).

240. *Undocumented Immigrants in Agriculture: 2025 Key Stats*, FARMONAUT (Feb. 25, 2026, at 08:36 CT), <https://farmonaut.com/usa/undocumented-immigrants-in-agriculture-2025-key-stats> [<https://perma.cc/M2BF-MMXG>].

241. Taheri, *supra* note 232; but see Jessica Garrison & Rebecca Plevin, *California Farmers Were Big Trump Backers. They May Be on Collision Course over Immigrant Deportation*, L.A. TIMES (Nov. 25, 2024, at 03:00 PT), <https://www.latimes.com/california/story/2024-11-25/are-california-farmers-on-collision-course-with-trump-deportation-plans>.

242. Garrison & Plevin, *supra* note 241.

243. Hutzler, *supra* note 219.

244. Billal Rahman, *Donald Trump’s Deportation Plan Causes ‘Panic’ Among Farmers*, NEWSWEEK (Nov. 18, 2024, at 07:43 ET), <https://www.newsweek.com/donald-trump-mass-deportation-farmers-1987371>.

245. JOINT ECON. COMM., ISSUE BRIEF, MASS DEPORTATIONS WOULD DELIVER A CATASTROPHIC BLOW TO THE U.S. ECONOMY 1 (2024).

246. Teresa Cotsirilos & Ted Genoways, *How Trump’s Deportation Plan Could Actually Increase Migrant Labor*, FOOD & ENV’T REPORTING NETWORK (Jan. 23, 2025),

American citizens; instead it was supplemented through the labor of refugees.²⁴⁷ President Trump throughout his first term responded to concerns of the agricultural sector by expanding visa eligibility for agricultural laborers.²⁴⁸ At the same time, the Trump Administration also attempted to lower guest worker wages under this program.²⁴⁹ Some have already begun to expand or supplement their workforce through these visa programs in preparation for the deportations.²⁵⁰ The President has used these visas himself to hire cooks, bartenders, and food service staff at his many properties, including Mar-a-Lago.²⁵¹ Actions to expand the labor market have taken place at the state level, as well; in 2023 Iowa loosened restrictions on child labor, amending state laws to allow children as young as fourteen to work in certain occupations deemed “unsafe” under federal law, including meat slaughter and meatpacking.²⁵² These changes would mean that the state-level child labor law charges faced by Shalom Rubashkin in 2009 could not be brought against him today.²⁵³

This pushback and fear from the agricultural industry may already be influencing Trump and his administration’s position away from the stated goals of total removal of all illegal immigrants within the country. The newly appointed Director of the USDA, Brooke Rollins, has attempted to assuage nervous farmers by clarifying that mass deportations “would initially focus on migrants who have committed crimes,” and that she would “follow and listen to farmers and ranchers as this is moving.”²⁵⁴ According to ex-Principal CEO Larry Zimbleman, “business leaders . . . are having conversation with legislative leaders about this issue, and they’re making their views known.”²⁵⁵ These are people whose pleas to legislators do not fall on deaf ears.

<https://thefern.org/2025/01/how-trumps-deportation-plan-could-actually-increase-migrant-labor/> [<https://perma.cc/GE7D-LM2N>].

247. Fernández-Morrow, *supra* note 11.

248. Cotsirilos & Genoways, *supra* note 246.

249. Held, *supra* note 229.

250. Garrison & Plevin, *supra* note 242.

251. Cotsirilos & Genoways, *supra* note 246.

252. Kate Kealy, *Businesses Are Caught in the Middle of Conflicting Child Labor Laws. How Do They Vary?*, DES MOINES REG. (June 18, 2024, at 10:37 CT), <https://www.desmoinesregister.com/story/money/business/2024/06/18/iowa-child-labor-laws-us-department-of-labor-investigations-what-is-allowed/74096351007/>.

253. See *Rubashkin Released on \$1 Million Bail*, *supra* note 42.

254. Olivia M. Bridges, *USDA Pick Rollins to ‘Follow and Listen’ to Farmers on Deportations*, ROLL CALL (Jan. 23, 2025, at 16:13 CT), <https://rollcall.com/2025/01/23/usda-pick-rollins-to-follow-and-listen-to-farmers-on-deportations/> [<https://perma.cc/X3H6-6FBA>].

255. Eller & Baskins, *supra* note 238.

Similar issues have cropped up in the logistics of the deportation plan. In Postville, during the arrests of 389 and the deportations of 300, the federal government was forced to appropriate fairgrounds and cattle pens to hold all of the workers.²⁵⁶ The protections of the judicial and legal system utterly collapsed as charges and sentences were handed out to multiple people at a time, most of whom never received any sort of legal advice from counsel.²⁵⁷ The workers who were sentenced were sent to federal prisons throughout the country because even the closest federal prisons did not have the capacity for 300 new inmates.²⁵⁸ These problems have already started to infect Trump's deportation plans, only a few weeks into his second term.²⁵⁹ ICE has had to let some detainees go free as their detention centers have reached 109% capacity.²⁶⁰ The second Trump Administration has begun to set up tent cities in Guantanamo Bay and inquired about shipping migrants to prisons in El Salvador, where reports of overcrowding and the use of torture on inmates have come to light, and where they could be used for slave labor.²⁶¹ The total cost of Trump's mass deportation plan has been estimated at nearly \$1 trillion over ten years, a staggering figure even before Trump implemented plans to slash the federal budget.²⁶²

The slowdown of deportations this Note predicts may already be borne out by the data. In his first month of office, President Trump deported 37,660 people, far lower than the 57,000 people President Biden deported per month on average during his term.²⁶³ His lofty rhetoric and spectacular goals concerning immigration during previous campaigns followed a similar story—ten years since then-candidate Trump promised a “big, beautiful wall” that “Mexico would pay for[.]”

256. Camayd-Freixas, *supra* note 23; McCarthy, *supra* note 37, at 295, 305; Moyers, *supra* note 2, at 654.

257. Camayd-Freixas, *supra* note 23.

258. *Id.*

259. See CBS NEWS, *ICE Releases Some Migrant Detainees as Facilities Surpass Capacity*, at 00:20 (Yahoo News, Feb. 5, 2025, at 18:14 CT), <https://www.yahoo.com/news/ice-releases-migrant-detainees-facilities-001431763.html?guccounter=1> [<https://perma.cc/A5AB-YMHX>].

260. *Id.*

261. Carol Rosenberg, *A Tent City is Rising at Guantánamo Bay*, N.Y. TIMES (Feb. 8, 2025), <https://www.nytimes.com/2025/02/08/us/politics/guantanamo-bay-migrants.html>; Zolan Kanno-Youngs, *Trump Says He Would Jail Americans in El Salvador 'in a Heartbeat'*, N.Y. TIMES (Feb. 4, 2025), <https://www.nytimes.com/2025/02/04/us/politics/trump-el-salvador-americans-jail.html>.

262. Rahman, *supra* note 244.

263. Ted Hesson, *Trump Deporting People at a Slower Rate than Biden's Last Year in Office*, REUTERS (Mar. 22, 2025, at 11:10 AM CT), <https://www.reuters.com/world/us/trump-set-broaden-arrests-deportation-routes-expand-immigration-crackdown-2025-02-21/>.

the Mexican-American border remains lined with fences toward which Mexico has not contributed a dime.²⁶⁴ Trump's signature campaign promise from 2016 was notably absent from his platform in 2024.²⁶⁵ In similar fashion, President Trump has consistently compared his deportation plan to that of President Dwight D. Eisenhower in the 1950s.²⁶⁶ This may be an apt comparison, as the United States Border Patrol claimed to have deported 1.3 million people, mainly agricultural laborers, during Eisenhower's tenure—but the actual number was significantly less, and the total population of immigrant workers in the country remained relatively stable throughout the decade.²⁶⁷

Trump has implicitly recognized how much of his political support comes from the ownership class of the agricultural sector. Trump's commutation of Sholom Rubashkin was done after extensive lobbying from Harvard Professor and longtime personal attorney (including during Trump's first impeachment trial) Alan Dershowitz.²⁶⁸ “[H]e understood that from a business point of view,” Dershowitz said.²⁶⁹

VI. CONCLUSION

Illegal immigration to the United States has been encouraged for decades by business owners and agricultural interests who have benefitted from a nearly endless stream of vulnerable, underpaid, and overexploited laborers.²⁷⁰ Agricultural interests remain one of the most powerful lobbies in the federal government and have successfully protected their interests despite decades of attempts to limit the flow of illegal migration into the country.²⁷¹ Their support or opposition can mean life or death for legislation and political careers.

264. Jack Peat, *What Happened to the Trump Border Wall?*, THE LOND. ECON. (Nov. 15, 2024, at 14:48 CT), <https://www.thelondoneconomic.com/politics/what-happened-to-the-trump-border-wall-385881/> [<https://perma.cc/L2K5-LHR9>].

265. *Id.*

266. Wang, *supra* note 207.

267. Robert Kahn, *Operation Useless and Stupid*, COURTHOUSE NEWS SERV. (Dec. 27, 2024), <https://www.courthousenews.com/operation-useless-and-stupid/> [<https://perma.cc/HUM6-8MR7>].

268. Josh Nathan-Kazis, *Rubashkin Freed After Dershowitz Seized a Moment with Trump to Plead His Case*, THE FORWARD (Dec. 22, 2017), <https://forward.com/news/390647/rubashkin-freed-after-dershowitz-seized-a-moment-with-trump-to-plead-his-ca/> [<https://perma.cc/G2ZP-VUWL>].

269. *Id.*

270. See Olivos & Sandoval, *supra* note 24, at 193–95, 198–200, 206.

271. Huffing, *supra* note 173, at 91, 98.

Donald Trump has backed himself into a corner. He has campaigned in three presidential elections as a firebrand on immigration, pushing that issue to the forefront of American politics, and won twice.²⁷² He explicitly founded his 2024 campaign on a pledge to remove tens of millions of people from the United States.²⁷³ In implementing this policy, President Trump has inevitably come into conflict with some of his most influential supporters: the agricultural industry and the ownership class therein, who have structured their business and large sectors of the American economy on the backs of laborers without legal status.²⁷⁴ Those workers are here because the American agricultural industry wants them here as an easily exploited source of labor, their profit margins increased as they pay meager wages for longer hours in some of the most dangerous jobs in the country.²⁷⁵ What the Trump Administration has proposed constitutes the greatest threat to the agricultural industry in American history, and in order to fulfill his promises to immigration hardliners and American nationalists he would have to turn the United States into a country dependent on foreign imports to feed itself.²⁷⁶ Trump's policies challenge the people and interests that elected him in the first place.²⁷⁷

It is for those very reasons that President Trump's promise to deport every illegal immigrant within the United States will fail. This is not to say that deportations will not continue, nor that the Trump Administration will not make life considerably worse for the immigrants that will inevitably remain in this country. Nor is it likely that workplace raids like the one in Postville will not occur again. But Trump, as a business owner himself and a representative of that class,²⁷⁸ will not deliberately govern in a way that significantly harms the interests of that class. When Trump commuted Sholom Rubashkin's sentence,²⁷⁹ he reaffirmed the implicit policy of the United States that has been in place for decades: the people that bring illegal immigrants into the country and exploit them for profit are not

272. Eric Garcia, *Trump's Other Victory: How He Shifted the Conversation on Immigration*, THE INDEP. (Jan. 17, 2025, at 23:06 GMT), <https://www.independent.co.uk/news/world/americas/us-politics/trump-biden-immigration-reform-border-b2681631.html> [<https://perma.cc/F32G-HNEY>].

273. Wolf, *supra* note 233.

274. Rahman, *supra* note 244.

275. See Olivos & Sandoval, *supra* note 24, at 198–200.

276. See Hutzler, *supra* note 219.

277. See *id.*

278. See, e.g., Cotsirilos & Genoways, *supra* note 246 (“The H-2 programs’ many fans appear to include Trump himself, whose businesses have increasingly relied on foreign labor and employed over 1,000 H-2 workers in the past two decades; cooks, bartenders and other food workers were among those hired, some of them on staff at his Mar-a-Lago club.”).

279. Nathan-Kazis, *supra* note 268.

the people that will face consequences for breaking immigration law. Perhaps the biggest punishment the ownership class could face would be the failure of their businesses and the loss of their fortunes and fiefdom. His plan will fail because the people who have facilitated national and company policies that encourage illegal immigration will not be punished for it. As Alan Dershowitz said about Trump commuting Rubashkin's sentence, "he understood that from a business point of view."²⁸⁰ When running for President in 2016, Trump promised to run the country like a business.²⁸¹ In this instance, he will keep his promise.

280. *Id.*

281. *Donald Trump Says He'll Run America Like His Business*, FORTUNE (Oct. 27, 2016, at 07:30 ET), <https://fortune.com/2016/10/27/donald-trump-hillary-clinton-business-management/>.