



A Rubashkin Acquittal: Did the Prosecutor Go Too Far?

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Former Agriprocessors, Inc. executive Sholom Rubashkin was acquitted in Iowa state court on Monday, June 7, 2010, on all 67 counts of child labor violations relating to 26 teenagers from Latin America who worked at Rubashkin's kosher meatpacking plant in Postville, Iowa. The jury reached its verdict during the second day of deliberations. During the month-long trial, the jury had heard testimony from several Guatemalan workers who were flown in to testify against Rubashkin. In a separate federal trial, Rubashkin was convicted last year of 86 financial fraud charges in connection with loans that the Iowa slaughterhouse received. He faces sentencing on those counts on June 22, 2010.

The verdict is a vindication for Rubashkin, who testified that he was unaware of the age of these workers and who offered testimony by an immigration official who had been unable to identify the minors in a series of photographs of people arrested during the May 2008 immigration raid. The verdict could also have an impact on Rubashkin's sentencing in the federal case, since federal prosecutors asserted during trial that Rubashkin knowingly hired underage illegal aliens. U.S. Chief District Judge Linda Reade can take Monday's verdict into consideration when handing down the sentence on June 22.

The jury's acquittal on the child labor violations poses the question of whether the state prosecutor was overzealous in pursuing this case. Given the high-profile nature of this case, it is no wonder that the Iowa prosecutor piled on as many charges as possible because of the acclaim that his office would reap in the case of a win. These charges, however, were particularly pointless, given



that the state case proceeded even though federal prosecutors were already seeking a life sentence for Rubashkin when the state opened its case. Clearly, the state's motives in pursuing Rubashkin were suspect.

This verdict indicates the jury's willingness to decide based on the merits of the case, rather than succumbing to public pressure and rubber-stamping a poorly designed prosecution case. This is something that prosecutors should note the next time they consider aggressively pursuing a defendant under the guise of seeking justice.

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