Affidavits of Two Guatemalan Prisoners from the Postville Raid of May 12, 2008

Erik Camayd-Freixas
AFFIDAVITS OF TWO GUATEMALAN PRISONERS FROM
THE POSTVILLE RAID OF MAY 12, 2008
MARVIN DANilo PEREZ-GOMEZ AND Mardoqueo Valle-Callejas
WHO WERE RELEASED ON OCTOBER 11 AND DEPORTED ON OCTOBER 14, 2008

I, Dr. Erik Camayd-Freixas, acting as Academic Consultant to the Consul General of Guatemala, interviewed 94 Guatemalan prisoners at the Federal Correctional Institution and the Federal Detention Center in Miami, Florida, from October 3 through 8, 2008.

At the request of their immigration lawyer, I prepared these two affidavits in Spanish, following my interviews with Marvin Perez and Mardoqueo Valle at FCI Miami, on October 5, 2008. As their lawyer was denied access to the clients on the last few days before their release and deportation, they were unable to sign the affidavits before being deported. Through the Consulate and others I was able to send the affidavits to them in Guatemala, where after making any corrections they signed on November 15, 2008, before Attorney and Notary M.A. Sagastume-Gemmell, who notarized both documents on the same date.

Out of the 94 prisoners, approximately 80% were ethnic Cakchikel Mayans from the region of Chimaltenango, Guatemala. The vast majority had their families and children in Guatemala. Approximately 60% of them had not had any contact with their families in the five months since their arrest, either because they had no money for a phone card or had not been given the opportunity to call. A total of 42 of them had not received their last paycheck from Agriprocessors. I forwarded a list of these to the counsel for the Iowa Department of Labor.

As an update, Mardoqueo Valle, one of the two affiants, has lost his house in Guatemala and is now boarding temporarily at a neighbor’s, with his wife, mother, and his five children.

TRANSLATOR’S CERTIFICATE OF ACCURACY:

I, Dr. Erik Camayd-Freixas, certify that I am a federally certified interpreter, and that the following six pages are to the best of my ability a true, accurate, and complete translation, from Spanish into English, of the affidavits of Marvin Perez-Gomez and Mardoqueo Valle-Callejas, which were submitted to me in the original, and which I retain on file.

Dr. Erik Camayd-Freixas, Translator

Date: 11/30/2008
AFFIDAVIT

I, MARVIN DANilo PEREZ-GOMEZ, Bureau of Prisons # 10673-029, of 27 years of age, a native of Chimaltenango, Guatemala, attest to the following facts:

1. In Guatemala I only went to school up to 5th grade. I first worked in agriculture earning some $4 a day. Lately I went to work for a workshop making fireworks and earning about $35 a week. But it is the most dangerous job in the country. While I worked there, there were three explosions and two of my workmates died. Because now I have a wife and two small daughters, I could not continue risking myself there, and I had to migrate.

2. I first tried to come legally to the U.S. I borrowed money and paid $2,000 to a recruiter who promised sure and legal work in the U.S. planting pine trees in Mississippi for $30 each pine with an H2-B visa. The recruiter helped me with the paperwork and got me an interview at the American Embassy. When I went inside the embassy, I saw that there were more than 50 peasants, and that the American officers were laughing at us. They asked me if I had bank accounts, deeds, car, etc. Since I didn’t have any, they denied my visa, just like they did with all who were there. I was only able to recover a part of the $2,000, and I was left with a considerable debt that definitely forced me to migrate. Then, all the way to Iowa, you start accumulating more debt, such that the entire journey from Guatemala ends up costing about $7,000.

3. I worked 3 years in Agriprocessors, in the area for deveining kosher beef. The rabbis who inspected the meat, if they found any little vein, they would throw the piece of meat to your face. They would not pay us for all the “overtime.” On the contrary, they would deduct the laundering of the work clothes, the gloves, and the other equipment, the doctor’s visit if we got sick or injured, and even the Tylenol or any other medication. You’d have to work even if you are sick or have a fever. They would make you sign a paper that the company was not responsible for any accident or injury, and that the medical expenses were on us. I did not know very much about what went on in the company. I did not know what a social security number was and I had never seen a resident card when I started working.
4. The raid started at 10:00am, right before the ½ hour for lunch. They yelled insults in Spanish at us. What is most upsetting is to be yelled at, and then the mockery. There was a Chicano agent who would yell: “This is our home. You go back to your countries.” And he would lift fistfuls of chains in both hands, offering them in mockery: “Let’s see, who wants shackles?” Those who ran they would hit and kick them to the ground, and shackle them. They sat many of us in the dining halls, and there they booked us during several hours. Then they took us out to the yard. There, at 2:00pm they shackled me until late at night. Upon getting on the bus, they made me kneel on the seat, they took off my rubber boots and they put chains on my ankles too, and left me like that, barefoot. On some they put the shackles backwards and very tight, and they ended up with swollen hands and ankles.

5. That day they had us suffering hunger. I had started my shift at 4:00am, and they didn’t give me anything to eat until 10:00pm. I felt my head was going to explode. In Waterloo [National Cattle Congress] they kept me sitting down without my sweatshirt and barefoot in the cold from 8:00pm to 2:00am, while they arranged the paperwork. Then they put me in one of the cages where they had the cots for sleeping. But they did not let us sleep at all for 48 hours. They kept coming every so often to run the scanner over the barcode of a bracelet they had put on us. They would come in shouting: “Wake up!” There were also cages with women. Those who asked to go to the bathroom were told not to be such a nuisance, and whenever they were finally taken, it was with four guards or chained, amid mockeries and humiliations. They made us eat and drink in shackles, and you had to lean way over sideways on the chair in order to sip a bit of water from the bottle. Then they would mock us for the way we walked with the chains, and since our clothes were too long on account of our short height, they would tell us “You look like clowns.” I, when they would tell me all of those insults and humiliations, all I could see were the faces of my daughters, and I would cry.

6. In these five months we’ve known nothing of our families. They haven’t given us even one minute to call. We don’t even have the money to buy a phone card. What little money we have you only get upon leaving each prison. I have been through four prisons, and some even through eight. And when you arrive to each prison, they strip you naked and inspect you. In the first jail in Newton, Iowa, before and after the lawyer’s visit, they would strip us naked. There have been many humiliations. We have spent five months of sheer suffering.
Here at FCI Miami [Federal Correctional Institution] they get me up at 4:00am to work in the cafeteria. The government takes money away from us and then punishes us. That has left a big mark on me. I don't know how our families have managed to survive. That is the sorrow we carry.

To all of this I attest. Signed,

[Signature: Marvin Perez]

MARVIN PEREZ-GOMEZ

Date: 15-11-08 [November 15, 2008]

In the city of Antigua, Guatemala, State of Sacatepequez, the Undersigned NOTARY, on this fifteenth day of November of the year two thousand and eight, ATTESTS that the preceding signature is AUTHENTIC having been affixed in my presence by MARVIN DANilo PEREZ GOMEZ, a person known to me, who signs again next to the Notary who certifies.

BEFORE ME

[Signature Illegible]

[Signature: Marvin Perez]

MARCO ANTONIO SAGASTUME GEMMELL
ATTORNEY AND NOTARY

[Stamped]

[Notarized Document Stamps]
AFFIDAVIT

I, MARDOQUEO VALLE-CALLEJAS, Bureau of Prisons # 10456-029, of 42 years of age, a native of Chimaltenango, Guatemala, attest to the following facts:

1. In Guatemala I used to work in agriculture for neighbors who had some land. I worked like that since I was 7 years old, because my father died when I was 6 years old. Back there what you earn in a day, you eat as you go along. I had no schooling. That is why I continued like that until I met my home companion. Then I started an egg business. I took out a loan to expand the business, but I failed. Then because of the debt I found myself forced to come to the U.S., so I wouldn’t lose my house, where I lived with my wife, my mother, and my 5 children.

2. In order to come over I sold the car I had, to raise the cash to pay for the trip to the U.S. I took out a visa to travel to Mexico. I arrived in Mexico City and from there I went by bus to Monterey. At post 26 they caught us and sent us back to Guatemala. Fifteen days later I again took a bus all the way to Laredo, and I crossed the river on a raft with another 10 persons. I suffered humiliations all along the way. I walk for 8 hours from Laredo to San Antonio. I looked for Immigration to have them pick me up, but I couldn’t find them. From there I took a bus to Dallas, and somebody gave me $20 to eat. I spent two weeks planting trees in Houston, earning only $180 a week. There was talk that you made good money in Postville, so I saved up for the trip. But here we all failed.

3. I got to work 3 years at Agriprocessors. At first they only gave 2 or 3 days of work per week, earning $180 to $200 a week. It was not enough to cover one’s own expenses, send the remittance, and pay the debt. I spent 14 months like that. But afterwards they expanded and gave more work. So then I was able to begin paying the debt. They would start paying $6.25 an hour. Every so many months they would raise you $0.25, until you reached $7.00 an hour. From there on they didn’t pay any more than that. I got to work double shift, from 6:00am to 3:00pm and from 3:00pm to 1:00am. They only gave a 15 minute break to go to the bathroom and 30 minutes for lunch. But they would take from you between a ½ hour and 3 hours of “overtime” on many days, and it was no use complaining; it became something accepted. I got to work up to 86 hours a week, but they didn’t want to recognize more than 60 hours by law. EVERYONE, even the bank, knew that we were undocumented.
4. When the raid started we didn't realize it, because of the noise of the machinery and that we had earplugs on. But then they stopped the production line, and everyone was running already. Those of us from the chicken area were running over to the cows, and those from the cows ran toward the chicken side. We were surrounded. They rounded us up toward the middle like a bunch of chickens. By then the women began to cry. The officers yelled insults in Spanish and bad words. I cannot speak them because I am a Christian. Some people started crawling up on the roof of the freezer, all squashed up there, shaking, and the girls all crying. And there was one that was almost fainted; I held her and I told her “Don’t cry no more, because God will deliver us.”

5. There was no cellular signal to call one's family. 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. Another one who was already chained told them “Can't you see that he is badly wounded?” Right then, that guy who defended him, the agent kicked him in the legs and threw him to the ground. “Who told you to speak?” he told him. “If you meddle, I'm going to beat you up.”

6. Then in the bus we went all chained up. Even the hamburger they gave us you had to eat all chained up. When we got to Waterloo [National Cattle Congress] they stuck us in these cages, and they took away our sweatshirts that we had from the plant, and they left us to suffer cold, some barefoot. They gave little food, a piece of bread on a tray and a bottle of water, to eat and drink all chained up. And they would mock us and laugh at us. Then they wouldn't let us sleep at all. Between the cold and them coming to order us around, they kept us two days without sleeping. Before court, without a lawyer, they made us sign a paper in the middle of the night [Waiver of Grand Jury Indictment] under the threat of more time. I said that I wanted to talk to a lawyer, and they asked me if I had the money to pay.
I said I didn’t. So then they told me: “If you are going to put a lawyer, it’s going to take two years. If you don’t sign, you’re going to be forgotten in this country.” Later in jail they made us sign the paper of the 5 months, with the threat of giving us 2 to 10 years in prison and a $250,000 fine. And us, like, how are we gonna be able to pay all that. Then, when we were going to court, the lawyer would tell us: “Say yes, yes, yes, to speed things up.”

To all of this I attest. Signed,

[Signature: Mardoqueo Valle]

MARDOQUEO VALLE-CALLEJAS

Date: November 15 2008 [sic]

The Notary ATTESTS

In the city of Antigua, Guatemala, State of Sacatepequez, on this fifteenth day of November of the year two thousand and eight, the Undersigned Notary ATTESTS that the preceding signature is AUTHENTIC HAVING BEEN AFFIXED IN MY PRESENCE by MARDOQUEO VALLE CALLEJAS, a person known to me, who signs again next to the Notary who certifies.

BEFORE ME

[Signature Illegible]

MARCO ANTONIO SAGASTUME GEMMELL
ATTORNEY AND NOTARY
[Stamped]

[Notarized Document Stamps]