

Hometown to the World:

The Postville Raid and the Casualties of Globalization

Erik Camayd-Freixas

There are times when an event becomes a crossroad of history, a collision site of conflicting cultural and political currents, issuing from the remote past and extending into the foreseeable future. The place, however small, becomes the snapshot of a generation, perhaps even a microcosm of civilization. It is all a matter of reading the signs and connecting the dots.

We do live in a globalized world. A decision made in Washington, D.C., forever changed the life of little Postville, Iowa; destroyed the livelihood and hopes of hundreds of working families subsisting below the poverty line; and sank well over a thousand children from Iowa to Guatemala, deeper into the void of poverty, malnutrition, and uncertainty.

The explanation for the Postville tragedy cannot be found in Postville. It is the product of outside forces. There are many dots to connect, both across geography and history. The question is where to start.

If we start at the beginning, we would have to go back 1,500 years, to the origin of the people who supplied most of the victims of the Postville raid. Out of the 389 who were arrested in the raid, 290, that is, 3 out of every 4, were Guatemalan, and the vast majority of these are from the province of Chimaltenango. They belong to one of the twenty Native American nations that compose the Mayan ethnic family of Central America, each with their own language. Most of these workers are Cak'chiquel Mayans. Their ancient book, *The Annals of the Cak'chiquels*, dates their civilization to the 5th century AD, flourishing and reaching their pinnacle in the 8th century, and declining after the 12th century with the fall of their great city states. That was the end of their kings and ruling class, but the common people and their folklore survived. These are the descendant of the greatest civilization of ancient America, the master builders of imperial pyramids and cities, who conquered the secrets of mathematics, architecture, astronomy,

agriculture, and religion. The Spanish conquistadors destroyed their traditions and burned their books, but their popular culture survived, and they became a deeply Christian people.

Maybe that is where we should start, with their rebirth as a Christian people. Then we would have to start the Postville story on Easter Sunday of the year 1510. That day, Friar Antonio de Montesinos got up on his wooden pulpit before the congregation of settlers in the Caribbean island of Hispaniola, and said: “I am the voice of Christ in the desert of these lands, a voice harsher and more fearsome than you ever expected to hear: that you are all in mortal sin, and in it you live and die, because of the cruelty and tyranny that you use with these innocent people.” Montesinos’ sermon caused the conversion of Father Bartolomé de las Casas, who freed his slaves and became known as the Apostle of the Indians. Las Casas founded in Guatemala a utopian community of Christianized Indians, called the Vera Paz (the True Peace), which lasted 20 years, until it was raided by the greedy conquistadors. That was the first Postville.

If we jump to modern history, after centuries of survival and resistance, we would have to trace a line from Postville back to a dot in the 1930s: the arrival of the United Fruit Co. in Guatemala. Backed by the U.S. military, the United Fruit brought an era of exploitation, puppet governments, and political repression, for which O. Henry coined the sarcastic term “banana republic.” In the following decades there were no less than 44 US military interventions in Guatemala under the so-called “gunboat diplomacy.” When democratically elected president Jacobo Arbenz tried to regain control of Guatemala’s future, the United Fruit plotted with the CIA to overthrow him in 1957, and installed an “anti-communist” military dictatorship, as part of the Cold War with the Soviet Union. Then after the triumph of the Cuban Revolution in 1959, the US-backed Guatemalan regime started a violent anti-insurgency campaign against its own people, the so-called “Civil War” which lasted 36 years, from 1960-1996. It was really a genocidal campaign systematically directed against the ethnic Mayans. The worst of the violence came in the early 80s with Ronald Reagan’s “Contra Wars” against the newly triumphant Sandinista Revolution in Nicaragua. According to the “Domino Theory,” communism could spread to the rest of Central America. This led to the US-backed government “death squads” in El Salvador under the regime of Roberto D’Aubuisson, and to the Guatemalan “scorched earth”

campaigns under President Ríos Montt. Entire villages were slaughtered and burned. In 1996, after the Guatemalan conflict officially ended, the United Nations Truth Commission found that many of the government henchmen were on the payroll of the CIA.

When Reagan was elected in 1980, I said “Oh my, there will be a blood bath in Central America.” To be sure, then there was the Iran-Contra affair under Oliver North, and the rest is history. I had predicted 30,000 casualties. I fell hopelessly short, in Guatemala alone, the conflict left some 250,000 dead and 1.5 million peasants displaced.

Many of the Postville workers are the orphans of the Guatemalan Civil War. I ascertained this in my interviews with 94 Guatemalan prisoners from Postville, which I sustained in two federal detention centers in Florida, from October 3-8, 2008. Marcos told me he father died when he was 7 in 1981. Julio said his dad died when he was 6 in 1982. Both had been working the fields ever since. Without a father, they were condemned to a life of abject poverty. Rolando said when the agents rounded them up in the raid, he had flashbacks of when his entire village was rounded up and massacred. His father and the family were saved by running up the mountain, but all his aunts, uncles, and cousins, as well as the rest of the village, were killed, and the village burned to the ground. Like thousands of others, he has no pueblo to return to.

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In the 1990s, the pressures of globalization brought an era of neo-liberalism and free trade agreements that proved disastrous for Mexico and Central America, displacing millions of workers and forcing them to migrate north to the US. NAFTA was passed in 1993 between the U.S. and Canada. The decision to include Mexico was based on the belief that it would lead to development south of the border, which would provide jobs for Mexicans and help halt their migration north. Exactly the opposite happened. NAFTA and neo-liberalism served as a tool for the U.S. to penetrate the weaker markets of our southern neighbors, displacing millions of workers and pressing them to migrate in order to survive. Small Mexican farmers could not compete with corn from huge U.S. producers, subsidized by the U.S. farm bill, which flooded the Mexican market. With the phase-out of tariffs under NAFTA, U.S. agricultural exports to Mexico grew at a compound annual rate of 9.4%, according to the U.S. Department of

Agriculture, reaching \$12.7 billion by 2007. As David Bacon points out, “NAFTA prohibited price supports, without which hundreds of thousands of small farmers found it impossible to sell corn or other farm products for what it cost to produce them. And when NAFTA pulled down customs barriers, large U.S. corporations dumped even more agricultural products on the Mexican market. Rural families went hungry when they couldn't find buyers for what they'd grown. Mexico couldn't protect its own agriculture from the fluctuations of the world market.” As privatization of the public sector and the lifting of trade barriers for manufactured products eliminated thousands of jobs, the *campesinos* could not find work in the cities either and were forced to migrate north.

This was exactly the same process brought about by the Central American Free Trade Agreement (CAFTA), which included Guatemala. All of the Postville workers I interviewed worked in agriculture back home. They were displaced and lost their land or left it idle. Those who grew carrots or broccoli could find no buyers at their price. *Finqueros* (large farm owners) many of whom are foreigners drove up the prices of pesticide and fertilizer. Small farmers could not buy them or get loans or subsidies to continue farming. Work at the large farms paid only \$4 a day, which was not enough to support their families. They were forced to migrate.

This is how Free Trade Agreements work. They phase out tariffs, while the US has built-in systematic protectionism, via a system of regulations and inspections by Customs, USDA, FDA, EPA, sanitary and phytosanitary (SPS) measures, and various other agencies and bureaucratic procedures. Only large U.S. outfits are in a position to effectively comply and compete. U.S. family farms hurt as well, but with more resources here, they can at least survive.

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If we look at history from the U.S. side, we would have to begin connecting the dots right after independence. The Naturalization Act of 1790, the Alien Act of 1798, the Chinese Exclusion Act of 1882, and the Johnson-Reed Act of 1924 were all politically and racially motivated. From the 1930s to the 1950s, immigration policy under the Great Depression, World War II, and the Cold War invoked the doctrine of expediency to brand Mexicans, Filipinos, and Japanese residents as “illegal” despite having entered the country legally, becoming naturalized,

or being born in the US, even as third generation citizens. They were stripped of property and rights, and interned or deported by the thousands. Only the Immigration Act of 1965, a product of the Civil Rights Movement, provided relief from draconian policies and ushered a period of relative normalcy. But in the 1980s the US-orchestrated Central American conflict and the economic neo-liberalism of the 1990s displaced millions of peasants and fueled immigration, a trend that has intensified in the last ten years under the free trade agreements. The Immigration Reform and Control Act (IRCA) of 1986 provided amnesty for certain immigrants with continuous residence who entered prior to 1982, but made it illegal to hire undocumented migrants, laying the foundation for today's criminalization of workers, such as we saw in Postville.

The final chapter in our immigration policy has come after 9/11. One of the great tragedies of 9/11, not seen until much later, was the blind urgency for the government to do something, anything, no matter how misguided, as long as it was commensurate with the scale of the catastrophe. America's demand for retribution could only be accomplished by aggressive and massive action. Going to war, abroad and at home, appeared to fit the bill and satisfy the collective urge to act in monumental fashion. This led to an unscrupulous doctrine of expediency that would justify almost anything in the name of "national security."

Operation Endgame became ICE's blueprint for transposing this doctrine of expediency, from the war on terror to the war on immigration, at a proportionate quantitative scale and qualitative harshness. Endgame is a 10-year master plan (2003-2012) for removing all deportable aliens from the US: an estimated 12 million people. The ACLU uncovered the nefarious document after a 2007 raid in New Bedford, and warned in a *Boston Globe* editorial that it was perilously close to a recipe for ethnic cleansing. Immediately, the document and any communications referencing it were removed from government websites, but it had already been downloaded and posted elsewhere on the internet.

It is of course impossible to incarcerate and deport 12 million people, as well as eliminate all new entrants, without the establishment of a full-fledged police state. But the practical objective is twofold: to build government capability in that direction; and to set that the extreme position that is Endgame as the standard for the full enforcement of whatever

immigration laws exist on the books. In this way, any downward departure from complete enforcement would presumably require some public justification, such as “humanitarian concern,” and be considered a concession of merciful leniency to be paraded as part of the agency’s public relations campaign. The complete enforcement standard and the escalating raids are designed to pressure lawmakers into passing a draconian version of immigration reform.

In addition to Operation Endgame, national security expediency has been invoked to justify acts and measures that provide an avenue for the absolute power of the State. The 2007 National Defense Authorization Act (sec.1042), "Use of the Armed Forces in Major Public Emergencies," gives the executive, for the first time in a century, the power to declare martial law. The same year, the White House decreed the National Security Presidential Directive 51, giving the president absolute power to ensure "continuity of government" in the event of a "catastrophic emergency." The Military Commissions Act of 2006 provides for indefinite imprisonment of anyone linked to "terrorist" organizations or states, legalizing the martial-court treatment of civilians, such as that employed earlier against the so-called American Taliban. The Violent Radicalization and Homegrown Terrorism Prevention Act of 2007 expands the domestic investigative authority of the Patriot Act. What is most troubling about this trend is the domestic expansion of the definition of “terrorist,” as signaled by the Animal Enterprise Terrorism Act of 2006, which targets animal rights and environmental activists. Branding as “terrorist” can now easily be expanded to anyone who opposes the growing authoritarianism of the State, and in particular to immigration activists. The current conflation of immigration and terrorism by DHS/ICE has already expanded the designation of “potential terrorists” to all undocumented immigrants. Then the increasingly “preventive” design of the new laws makes the designation expandable to anyone who opposes the State, as someone “potentially” prone to violent protest, and hence to “homegrown terrorism.”

After 9/11, the wide range of possible terrorist attacks led to the identification of numerous vulnerabilities and a widening definition of security. This also meant the expedient deployment of a widening range of countermeasures, touching on the purview of very different federal agencies (such as immigration and customs), which were then centralized under Homeland Security. This centralization of executive branch agencies meant a consolidation of power that gave DHS jurisdiction over immigration and criminal statutes, plus the authority to issue administrative rules that have the force of law. With such a powerful combination came the ability to dictate policy, beyond congressional and even presidential control, simply by using a strategic mix of existing immigration and criminal laws, reinforced by issuing administrative rules. In this way, DHS/ICE can claim to simply be doing their duty of enforcing the law.

Applied to security, the doctrine of expediency led to preventive laws and preventive enforcement, that is, not because a crime has been committed, but because it could be committed. This led to the criminalization of non-criminal behavior simply because it could lead to crimes against national security. This is why workers were criminalized with “identity theft” and treated as potential terrorists. Now undocumented workers are increasingly jailed by the thousands. Even when they are not criminally charged with ID theft, they are held on immigration detention for indefinite periods without a hearing, sometimes under deplorable conditions. More than 80 people have died in immigration detention in the last three years. Major prisons in Texas and Pennsylvania are designated for family detention, and currently hold hundreds of children.

At present we have seen systematic repression applied mostly to migrants, but the mechanisms are in place to turn it against citizens as well. Thus far we have considered only the

legal mechanism, but the most significant byproduct of the present war on immigration is that it puts in place and hones the practical mechanisms, in terms of tactical and strategic methods of enforcement, as well as personnel and infrastructure capacity building. Now we have a growing domestic paramilitary force and a rapidly expanding network of government and privately owned and operated prisons. The private prison industry in the United States is booming under Homeland Security at a rate of 30% per year, led by the Corrections Corporation of America, Geo Group (formerly Wackenhut), and KBR (formerly Halliburton). ICE detention and processing centers have doubled in capacity since 2004, to 32,000 beds, with a yearly operational cost of \$1.1 billion. According to KBR's 2006 contract, the purpose of this ongoing buildup is to provide ICE detention support "in the event of an immigration emergency, as well as the development of a plan to react to a national emergency." In short, the war on immigration provides the pretext to justify, finance, buildup, and exercise the growing domestic paramilitary force and the expansive prison infrastructure to guarantee the readiness and security of the State against all perils.

The response to 9/11 was a growing militarization in foreign, domestic, and eventually immigration policies. Finger-pointing after 9/11 had resulted in the argument that federal agencies were fragmented and did not communicate adequately with each other. The response was to integrate the intelligence operations of the different agencies of the executive branch under the umbrella of a "Big Brother" department that would protect us from a myriad of imaginable terrorist threats. This led to the concentration of power in the executive branch at the expense of checks and balances.

Rather than “Homeland” Security, it is really “State” Security; that is, security for the government, not the people. Nowhere is this more evident than in Postville, where the very survival of the community was put in peril for the sake of piloting a new and terrific method of paramilitary deployment and fast-tracking prosecution. That is also why the government’s escalating raids have continued despite public outrage and vigorous opposition by civil society, including the legal community, religious groups of all denominations, labor movements, schools, civic organizations, the media, and many members of congress. Indeed, after the Postville outrage, the August 25th raid in Laurel, Mississippi, which netted a new record of 595 prisoners, came as a slap of disdain and defiance in the face of the people. In the wake of 9/11, the beautifully patriotic connotation of “Homeland” Security is calculated to serve the cynical implication that if you do not submit to the policies of State, however abusive, you are unpatriotic and un-American. Because now, in this brave new world of the post-democracy era, the State *is* our Homeland.

Congress delegated enormous power on DHS/ICE for the express purpose of fighting the war on terror. Now they are using that same power to wage an unauthorized war on immigration, circumventing congressional control and immigration reform through the self-serving application of a broken, obsolete system of laws. Like the imaginary weapons of mass destruction, the false pretext in this case is the charge of “identity theft” by which the State attempts to demonize poor working parents, meatpackers, crop-pickers, sweat-shoppers, cleaning ladies, and the like, as criminals and potential terrorists, in order to justify raids, chains and shackles, ankle monitors, racial profiling, home invasions, denial of due process, indefinite detention, separation of families, perverse methods of pest-like population control, and ultimately ethnic cleansing –all of which have been conveniently codified into law. Thus, in the name of “national security” and

“the rule of law” the State carries out its boot-stomping campaign, in flagrant violation of human rights, against the wretched of the Earth, notoriously poor people of color, displaced by famine, violence, and civil war, which our own government policies have historically fostered –a brave new world indeed.

This systematic violence against migrants would seem harmless enough to Americans, were it not for its direct assault on our most precious democratic principles and institutions. What your government does to others, one day it will do to you. Just ask the people of Postville. DHS/ICE operates now with great autonomy and little accountability, like a government within a government, a growing authoritarian regime under the veneer of a constitutional democracy that sugar-coats it. This unified executive agency has repeatedly been accused of taking over the role of the legislature, and now, with the fast-track criminalization of workers, it has gained deterministic control over the judiciary, circumventing three pillars of our democracy: due process, constitutional protections, and the separation of powers. It is precisely because Postville exposes with unprecedented clarity the mechanisms of abuse of power, that it will remain a landmark case in what will only be remembered as a dark period in American history.

After 9/11, we have fulfilled the terrorists’ designs, internalizing fear and allowing it to rule our foreign, domestic, and immigration policies. We have continued the terrorists’ work for them. For many Americans, now, Democracy is just an empty word; its substance died that day. For some, she is buried in Postville.

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Immigration, in the modern world, is propelled by enormous forces of supply and demand in the global labor markets. The lack of jobs and abject poverty among our southern

neighbors is coupled with a strong US demand for workers in certain low-paying, labor-intensive sectors, such as agribusiness, construction, maintenance, and low-skilled manufacturing. Harsh conditions, long hours, and low pay generally make these jobs unappealing to Americans with access to broader opportunities. These jobs are fundamental to our economy, and yet they often do not provide an acceptable livelihood by US standards. But they can be a lifesaver for migrant workers and their families. Such a strong need on both sides of the border points to an enormous opportunity for mutual benefit. That is the basis for enlightened immigration reform, and the road to an American Renaissance, understood as the restoration of American values in the 21st century.

In late September, I got together with colleagues at Florida International University, including researchers in law, social sciences, humanities, and public health, to launch the Research Initiative on Immigration Reform, with the goal of providing an advisory master plan for policy makers. There are five major areas to CIR: a prioritized path to legalization; expansion of visa processing and quotas; an optimized guest workers program; security and enforcement; and immigration prevention through foreign aid and targeted community development programs. In the next few months, a comprehensive and integrated plan will be developed, bringing together these five major areas.

A sensible path to legalization does not mean indiscriminate amnesty or simply “going to the back of the line,” but needs to prioritize with the objective of respecting basic rights, such as the integrity of the family. This means that American born children need a US legal guardian to protect their rights, with the ability to claim their parents and afford them priority and expeditious legalization. It also means observing seniority, gainful employment, taxes paid,

assimilation, and distinguishing those who came to the US as minors, and who are candidates for the Dream Act or the armed forces. It means as well decriminalizing and demilitarizing immigration and expanding jobs in civil INS service and EOIR processing, including more immigration judges. It has long been recognized that prioritized legalization is essential for security objectives by separating harmless and productive members of society from harmful criminal aliens.

An important lesson to be learned from the Postville case is that a significant number of undocumented workers in the US have left their families behind and have come here on a temporary basis. Legalizing them through a temporary work card, in conjunction with a prioritized guest worker program, would deal a major coup to the alien smuggling and false document cartels, keep workers from being exploited, make it possible for them to visit their families, and save thousands from dying in the dangerous crossing. This would provide much needed workers for key sectors of the economy and take pressure off the border, allowing enforcement to concentrate on those who would do us harm.

It is also evident from the Postville experience that the bulk of the migrants come from certain depressed areas of Mexico and Central America. These areas need to be the focus of foreign aid and development, so that their people are no longer faced with the choice of starvation or migration. As Rufino Domínguez, former coordinator of the Indigenous Front of Binational Organizations (FIOB), concludes: “What would improve our situation is real legal status for the people already here and greater availability of visas based on family reunification. Legalization and more visas would resolve a lot of problems, not all, but it would be a big step. Walls won't stop migration, but decent wages and investing money in creating jobs in our

countries of origin would decrease the pressure forcing us to leave home. Penalizing us by making it illegal for us to work won't stop migration, since it doesn't deal with why people come.”

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I would like to conclude today with a few quotes, which I would like you to meditate on:

- *“This and no other is the root from which a tyrant springs; when he first appears he is a protector.”* –Plato
- *“An evil exists that threatens every man, woman, and child of this great country. We must take steps to ensure our domestic security and protect our Homeland.”* –Adolf Hitler, 1933
- *“Those who are willing to trade freedom for security deserve neither freedom nor security.”*
–Benjamin Franklin
- *“When the people fear their government, there is tyranny; when the government fears the people, there is liberty. All tyranny needs to gain a foothold is for people of good conscience to remain silent.”* –Thomas Jefferson
- *“If Tyranny and Oppression come to this land it will be in the guise of fighting a foreign enemy. If our nation is ever taken over, it will be taken over from within.”* –James Madison
- *“Behind the ostensible government sits enthroned an invisible government owing no allegiance and acknowledging no responsibility to the people.”* –Theodore Roosevelt, 1906
- *“We must also find a sensible and humane way to deal with people here illegally. Illegal immigration is complicated, but it can be resolved. And it must be resolved in a way that upholds both our laws and our highest ideals.”* –George W. Bush, 2008

And the last quote is mine: *“To raid without reform is tyranny.”*