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December 10, 2008

The Honorable Michael Mukasey
Attorney General of the United States
United States Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 30530

Secretary Michael Chertoff
Department of Homeland Security
425 I Street NW, Room 7257
Washington, DC 20536

Dear Attorney General Mukasey and Secretary Chertoff:

I want to bring to your attention disturbing allegations of verbal, physical, and mental abuse of workers who were arrested and detained during the joint Department of Justice (DOJ) and Immigration and Customs Enforcement (ICE) enforcement action at the Agriprocessors meatpacking plant in Postville, Iowa on May 12, 2008. Enclosed are affidavits from Marvin Danilo Perez-Gomez and Mardoqueo Valle-Callejas, two of the 389 workers arrested and detained during the action.

In his affidavit, Mr. Perez-Gomez states that ICE agents yelled insults at the workers and mocked them in Spanish during the raid. He attests that agents hit the workers and kicked them to the ground. He further attests that agents had shackled some of the workers so tightly that "they ended up with swollen hands and ankles."

Mr. Perez-Gomez states and the other workers remained in shackles even after they arrived at the temporary detention facility at the National Cattle Congress in Waterloo, Iowa, and that he was not fed until 10:00 p.m. that night and had to eat and drink in shackles. Those who wanted to go to the bathroom were first told "not to be such a nuisance," then were only allowed to go "with four guards or chained, amid mockeries and humiliations."

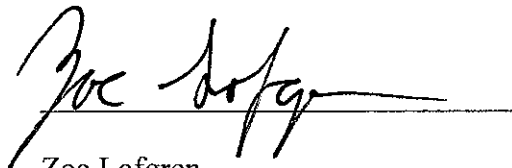
The attestation states that guards taunted the workers that they “look like clowns,” because of how small they looked in the detention uniforms given by ICE, and that workers were kept barefoot and without warm clothes despite cold weather. Mr. Perez-Gomez states that the facility had cots for sleeping, but the lights remained on, and the guards would periodically wake up the workers to scan their bracelets.

Mr. Valle-Callejas’s account of the raid and its aftermath is similar to that of Mr. Perez-Gomez. Mr. Valle-Callejas notes that that ICE agents yelled insults at the workers “in Spanish and bad words.” He observes that “[t]hose who were hiding were beaten and shackled. One had his nose all crushed, because they threw him face first against the wall.” When a worker tried to speak up for another worker who had been hurt, an ICE agent kicked him, threw him to the ground, and threatened “[i]f you meddle, I’m going to beat you up.”

Mr. Valle-Callejas also attests that “[b]efore 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.” Even though he said that he wanted to talk to a lawyer, someone asked him if he had money to pay the lawyer.

The events and conditions described by these two individuals violate ICE worksite enforcement guidelines and contradict the testimonies given by Deborah J. Rhodes, Senior Associate Deputy Attorney General, and Marcy M. Forman, Director, ICE Office of Investigations, at the Immigration Subcommittee hearing on July 24, 2008. I request an immediate and thorough investigation by DHS and DOJ into what happened in the enforcement action at the Agriprocessors plant and its aftermath. I would also appreciate an explanation of the discrepancies between the testimonies by SADG Rhodes and Director Forman and the sworn statements of Mr. Perez-Gomez and Mr. Valle-Callejas regarding treatment of the workers during the enforcement action and its aftermath.

Sincerely,

A handwritten signature in black ink, appearing to read "Zoe Lofgren", written over a horizontal line.

Zoe Lofgren
Chairwoman
Subcommittee on Immigration, Citizenship,
Refugees, Border Security, and International Law