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When Freedom Turns Its Back

By Bryce Haugen
Contributing Writer

They couldn't stay here legally. They couldn't go back safely. Mercilessly exploited, profoundly ashamed and maddeningly frustrated, they waited, waited and waited some more.

The promise of permanent residency for their families in America and high pay seemed like a perfect opportunity for hundreds of skilled workers from northern India, many of whom had spent years working alone abroad. They obtained loans, sold ancestral farmland and jewelry – did whatever it took – to raise the \$20,000 needed to secure jobs rebuilding oil rigs in the hurricane-ravaged Gulf Coast for Signal International, a marine contractor.

But these welders and pipe-fitters' green cards never arrived. Living conditions at their group housing proved abhorrent and they faced an increasingly hostile work environment. Hundreds left their work sites in March 2008, violating the temporary worker permits which tied them to a single employer. Some marched from New Orleans to Washington, D.C. to protest what they claimed were Signal's gross human rights violations. While they attracted some fleeting congressional support, the federal government failed to give them legal status as victims of human trafficking.

Seeking to support their families and repay their significant debts, 23 men – dubbed the Cass 23 – found their way to North Dakota in mid-2008, using false documents to gain employment with Wanzek Construction on a Casselton ethanol plant. A week before the presidential election of Barack Obama, they were arrested, charged with several felonies and detained.

"I drowned my family in debt in order to come and work for Signal," wrote Christopher Glory, one of the Cass 23 who is still in Fargo, from the county jail. "I spent all my savings from 30 years of work in the Middle East. I had saved this money for my retirement ... but I gave that up for a dream. Instead of a dream, it was a nightmare."

After pleading guilty in Dec. 2008 to possessing counterfeit documents, the Cass 23 each posted bond the next month and were released from a suburban detention facility near Minneapolis. They still faced possible deportation—a potentially dangerous scenario given the debts they had been unable to repay in India. At about the same time, with the assistance of the New Orleans Workers' Center for Racial Justice, most of the Cass 23 applied for T visas, a special type of immigration status awarded for victims of human trafficking. In the meantime, deportation proceedings were dropped as the visa application inched its way

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through the Citizenship and Immigration Services system. However, the men were still barred from employment, relying on support from Lutheran Social Services of North Dakota and, until very recently, the United States Conference of Catholic Bishops, while they awaited authorization.

That wait is over. Local advocates report that, in the past two weeks, the Cass 23 have received temporary worker permits, a pivotal step in the T visa process.

“For these workers, justice is finally being served,” said Barry Nelson, director of the Metro Youth Partnership who previously spent two decades at Lutheran Social Services working with immigrants. “I’ve gotten calls from a couple of them and they are elated. They can finally get on with their lives.”

Progress has been incremental and excruciating for the men, as is the nature of immigration cases, and since they have yet to receive their T visas, the waiting isn’t over, says Darci Asche, community services supervisor for the New American Services at Lutheran Social Services of North Dakota. “But the waiting will be a lot easier when they can work...They are very employable. That’s what got them here in the first place and it’s still true today. Now they can take those skills and put them to good use.”

The four men who remain in Fargo declined to comment for this story, heeding the advice of Saket Soni, director of the New Orleans organization, which is representing the approximately 250 immigrants scattered nationwide who have applied for T visas. Soni cited unspecified “dynamics” that might jeopardize the visa application process, but refused to elaborate.

Asche, a 15 year veteran of immigration work, says the men hope to eventually have their families, whom they haven’t seen since they came to the Gulf more than three years ago, join them in America, as is possible with T visas.

The Cass 23 have been inspiringly patient and gentle throughout this whole terrible ordeal, explains Sister Maris Stella Korb, director of the Presentation Sisters’ Social Justice Center in Fargo.

“It’s just a grave, grave injustice – the cruelty of it,” Korb said with passion, before describing in detail how the Sisters have supported the men in various material and spiritual ways over the past 18 months, including helping furnish apartments and attending a Nov. 2008 Downtown Fargo prayer vigil in sub-zero weather, organized by Nelson. “The employers should be punished. I am just angry at the injustice of it all.”

Documents obtained by the High Plains Reader provide a damning case against Signal International, based in Mobile, Ala., their recruiter, Dewan Consultants of Mumbai, India, and several other organizations.

A Nov. 2006 cover letter from Dewan to one of the Cass 23 states: “Congratulations... The company shall proceed with your Green Card for United States of America. You are requested to arrange you (sic) payment at the earliest and report to us.” Instead, the workers received H2B temporary work visas, which are by definition short-term, non-immigrant permits.

“We believed what they told us,” some Cass 23 members wrote in a jointly-penned factsheet from Feb. 2009.

Once allegations surfaced in early 2008, the Indian government suspended Dewan’s recruitment license. Signal claimed ignorance of these recruiting practices in a May 2008 filing which responded to the workers’ class-action lawsuit, *David et. al. v. Signal International et. al.* This case alleges the businesses violated various racketeering and human trafficking laws. The case is still weaving its way through the federal courts. “In fact Signal was a victim not a perpetrator,” the filing reads, further noting that the company severed ties with the recruiters. Dewan Consultants did not respond to several email requests for comment.

The Cass 23 factsheet described the appalling conditions workers said they

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found upon arrival at Signal's labor camps in the Gulf. "This was the worst place we had lived. Places that are known for treating workers poorly ... had all treated us better than we were being treated in the United States," they wrote. The extremely crowded metal trailers offered no privacy; there were inadequate toilet and shower facilities; food often made people sick; the camp was surrounded a fence and security guards. And more than \$1,000 a month was deducted from their paychecks for this substandard room and board. "Signal understood that because we had a large debt, they could treat us poorly, and we would have to stay there," the workers wrote.

Erin Hangartner, Signal's lead counsel, bluntly called these allegations "lies" and pointed to the May 2008 filing which asserted high-quality accommodations and that workers were free to come and go at will. She declined to provide corroborating evidence due to active litigation.

The T visa application from Dec. 2008 goes on to finger Signal in a litany of threats and literal coercion, including an instance when five coworkers who spoke out in March 2007 were detained by armed guards, creating a culture of fear of legal or financial retribution and subsequently a condition of involuntary servitude. "All of these factors combined to cause Applicants to reasonably believe that they had no choice but to continue working despite abysmal conditions at Signal or they would face the serious harms of: being deported to India with severe debts they could not pay; physical restraint; and abuse of the legal process ...," the application says.

With the help of organizations such as the New Orleans Workers' Center, Cass 23 members finally left the labor camps in March 2008, embarking on a "satyagraha" journey from New Orleans to D.C., in the non-violent resistance spirit of India's forefather, Mahatma Gandhi.

Although the march caught the attention of the news media and lawmakers, some of whom wrote letters to the Justice Department encouraging it to investigate Signal and grant legal status to the workers, no such protection was granted. In desperation, some men went on a hunger strike in May 2008, including Glory, who offered reasoning in his letter from jail. "Before I was subjected to forced labor, if somebody had told me, choose between a hunger strike or deportation, I would have chosen to be deported," he wrote. "But Signal International treated me like an animal. The law should protect workers from human trafficking and protect our human rights and human dignity."

The Justice Department launched an investigation into Signal and its partners, but it is proceeding at a snail's pace, if at all. Neither the local advocates nor Signal's lawyer said they knew anything of its current status. Media coverage appears to have mostly dried up two years ago and a department spokesman unaware of case specifics had not reported back as of press time.

Meanwhile, testimony in the class-action lawsuit has accused Immigrations and Custom Enforcement – initially tasked with conducting the investigation into Signal – of colluding with the company to "quash" workers' organizing efforts, as reported Feb. 3 on huffingtonpost.com. A draft letter, dated Oct. 19, 2009 from the New Orleans Workers' Center and other organizations to Homeland Security Secretary Janet Napolitano that requested employment authorization for workers, further claims ICE has pressured Citizenship and Immigration Services to block T visas applications in retaliation against workers who have spoken out. "Too often, ICE targets the victims – criminalizing workers while exploitative employers face no consequences," the letter reads. The lack of accountability for human trafficking perpetrators like Signal and its accomplices is alarming, says Nelson of Metro Youth Partnership. "For all we know (corporations) continue to operate with impunity. There is no incentive to follow the law."

Wanzek Construction did what the law required when the firm "noticed some inconsistencies" in the Cass 23's papers, says Becky Young, the company's human resource director. The company reported the men, who Young says were, by all accounts, "good workers," to ICE immediately, though it took months before they were arrested.

Similarly, former North Dakota U.S. Attorney Drew Wrigley claims he was just following the law when he prosecuted the Cass 23 soon after they were rounded up, offering the men's own guilty pleas as vindication for his actions. "The real victims of this are the people of the U.S.," he said. "(The workers) were not here lawfully." He says he did what he had to do, given the circumstances.

But Wrigley could have used prosecutorial discretion to dismiss the charges, given these workers' plight, says Fargo attorney Cheryl Bergian, who has previously practiced immigration law. Instead, Bergian says, he chose a pure "law and order" approach, perhaps posturing for future political office, while ignoring the greater injustice.

To ensure the grave injustice the Cass 23 experienced over the past few years isn't repeated, advocates promote both prosecuting human traffickers and approving comprehensive immigration reform. "The system is broken in so many ways and that's unfortunate," and it goes beyond what the media widely reports, Lutheran Social Services' Asche explains. One solution she suggests is visa "portability," so if it turns out a worker was misled, he or she could find new employment without being immediately subject to deportation. Bergian calls for a policy "that doesn't exploit people," whether by suppressing wages for American workers or taking advantage of immigrants.

As for the Cass 23, in their factsheet they expressed hope that after years of toil, they will simply be allowed to once again provide for their families – to pursue happiness at last. Wrote the workers: "We ask the American people to understand that people should not be punished for being victims of trafficking and speaking out against abuse like we were. The company and recruiters that brought us, continue to work, make a profit, remain free and see their families, while they call us criminals. Please do not let this happen to anyone else and let the world know that America is a land of freedom and justice for all."

To read the initial complaint in *David et. al. vs. Signal International et. al.*, check out: <http://www.folo.us/wp-content/uploads/2008/04/signal-complaint.pdf>

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