

Globalization, The State, And The Creation Of Flexible Indigenous Workers: Mixtec Farmworkers In Oregon

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ABSTRACT: In this article the experiences of Oaxacan Mixtecs in Baja California, California, and Oregon are explored to underline the heterogeneity of the migrant experience in the U.S. and to establish the importance of exploring inequality within migrant households, particularly in relation to gender and the co-existence of different legal statuses within the same household. The case study of Mixtec migrants is also used to explore how the flexibility of capital is supported by states through free trade agreements and immigration and labor policies. These actions on the part of states continue to affect the cultural logic and construction of gender, ethnic, labor, and family relations—the contexts in which flexible citizens live.

Migration patterns from Mexico to the United States have changed significantly in the past two decades. In 2001 a heterogeneous population of migrants includes people with both documented and undocumented legal statuses; permanent and temporary patterns of residency; men, women, and children

in families as well as alone; old and young; people from throughout Mexico; people from urban and rural backgrounds; and people of indigenous and *mestizo* descent. Migrants from Mexico no longer only settle in U.S. cities and regions which have long-established migrant communities such as Chicago, Los Angeles, and Houston but can now be found in many areas of the U.S. including the rural south and Alaska. Increasing economic stratification in both Mexico and the United States linked to the implementation of neo-liberal economic policy and continued globalization of labor markets and capital has resulted in increasing ethnic and gendered variation of the Mexican migrant population in the U.S.. Changing U.S. immigration and labor policy over the past two decades has also had a major impact on who comes from Mexico to the United States, when, where, and under what conditions.

This picture is often described as transnational labor and cultural flows that cut across conventional political and social boundaries creating new ethnic identities, transnational class sectors, and new definitions of community, nation, and culture (see Appadurai 1996, Kearney 1994). In an evaluation of literature which discusses cultural globalization, Aiwa Ong (1999: 11) suggests some important questions that concretely link questions of identity and culture to political economy. How independent from the "national, transnational, and political-economic structures that enable, channel, and control the flows of people, things, and ideas" are the social imaginations of those who are transnational subjects, citizens, and community members? How are nations and states which are still bound to one another reconfigured by capital mobility and migration? What are the processes that differentiate the mobility of various kinds of migrants and of non-migrants?

Ong develops the concept of flexible citizenship to explain how individuals as well as governments develop flexible notions of belonging, citizenship and sovereignty as strategies to accumulate capital and power. Flexible citizenship "refers to

the cultural logic of capitalist accumulation, travel, and displacement that induce subjects to respond fluidly and opportunistically to changing political-economic conditions" (1999: 6). While this concept helps to illuminate the situation of transnational Chinese men with multiple passports dropping their children off in another country while on a trans-Pacific business commute, it is also useful to think in terms of those who are using flexibility not as a way to accumulate capital, but as a way to survive, support their families, and often against great odds remain united as families. We might ask, how are those who have to sneak across borders in the dead of night (on foot in extreme temperatures after paying the equivalent of a first-class plane ticket to a coyote [one who smuggles Mexicans across the U.S.-Mexico border]) affected by the logic of capitalist accumulation, travel, and displacement? And how do the logics of capitalist accumulation, bi-national trade agreements, and displacement affect gender and family dynamics?

While differences among Mexican migrant households have frequently been discussed in terms of income, race, place or origin, and patterns of migration, little work has focused on stratification within migrant households based on gender, legal status, and age. We cannot assume joint decision-making and internal democracy in the households of migrant laborers. If gender, age, and legal stratification affect the experience of migrants outside the household, why wouldn't it have an impact inside? In the discussion that follows, the experiences of Oaxacan Mixtecs in Baja California, California, and Oregon are explored to underline the heterogeneity of the migrant experience in the U.S. and to establish the importance of exploring inequality within migrant households, particularly in relation to gender and the co-existence of different legal statuses within the same household. The case study of Mixtec migrants is also used to explore how the mobility of capital is supported by states through free trade agreements and immigration and labor policies. While the mobility of capital is facilitated by

current U.S. economic policies, the mobility of people is not. These actions on the part of states continue to affect the cultural logic and construction of gender, ethnic, labor, and family relations: the contexts in which flexible citizens live.

Mixtecs in the Pacific Northwest

The Pacific Northwest has a growing population of Mexican migrants who are increasingly from among the indigenous populations of Mexico. A primary source of indigenous migrant workers in the Pacific Northwest is the southern Mexican state of Oaxaca. The primary ethnic group which has migrated to work in agriculture in California and the Pacific Northwest are Mixtecs followed by Triquis, Zapotecs, and others (see Runsten and Kearney 1994; Zabin et al. 1993). While some Mixtecs worked in the United States as Braceros, after 1965 this immigration did not continue. In the late 1960s and early 1970s, Mixtecs were recruited to Sinaloa and by the late 1970s to Baja California as agro-export production took hold in Northern Mexico. From there they moved into California and Oregon agriculture in the 1980s (see Zabin and Hughes 1995; Zabin et al. 1993: vii). As many as 124,000 Mexican farm workers now labor in Oregon during some part of each year harvesting strawberries, raspberries, cucumbers, hops, Christmas trees, broccoli, squash and other crops, according to the 1997 Census of Agriculture (cited in League of Women Voters of Oregon 2000: 4).

A study of Mixtec migrants suggests that by 1993 there were probably 50,000 Mixtec migrants in California, making up about 16.6% of the state's farm labor force (Zabin et al. 1993: vii). Many of these (up to 82%) also work outside California traveling to Oregon, Washington, and Mexico. Informed estimates put the permanent Mixtec population in Oregon at about 10,000 and the circulating population at between 20,000 and

30,000 (see de León [1995] for a historical discussion of Mixtecs and their life in Oregon).¹

Indigenous farmworkers are an increasingly important component in the most labor intensive crops: strawberries, fresh tomatoes, grapes and citrus (Runsten and Kearney 1994: 19). The farm labor market on the west coast of the United States has been undergoing a new cycle of ethnic replacement in which established farm laborers, primarily *mestizos* from central Mexico (Michoacán), are being replaced with cheaper indigenous workers from southern Mexico (Oaxaca and more recently Guerrero and Veracruz) (see Zabin et al. 1993, McWilliams 1979, see also Portes and Rumbaut 1991 on fragmentation of labor forces in the U.S.).² Many *mestizo* farm workers who gained legal residence have left the farm labor force and moved into other sectors (see Duran and Massy 1992). This has also happened for some indigenous farmworkers who were legalized in the 1980s.

Changes in immigration laws during the past decade, as well as the expansion of Mexican export agriculture and the integration of labor flows from Mexico and the U.S., have produced a Mexican migrant labor force in the Pacific Northwest which now juggles a multitude of national, ethnic, linguistic, cultural, and legal identities.³ Migrant workers who once migrated only within Mexico to work in commercial agriculture (particularly in the states of Sinaloa and Baja California) now also work in the U.S. as well. Some of these workers have brought their families and settled in the United States. One family can include legalized male workers with permanent residence, undocumented single or married females, and children who are citizens. Parents may speak primarily an indigenous language (usually Mixtec, Tarasco or Zapotec) and some Spanish along with children who are bilingual in Spanish and English.

The Gendered Dynamics of Mixtec Migration and Economic Restructuring

During the past two decades, there have been two distinct patterns to the gendering of Mixtec migration related to changes in U.S. immigration policy in 1986 and in 1996. These two patterns are also linked to the expansion of export agriculture in Northern Mexico and the continued search for cheap, seasonal farm labor in the U.S. The first pattern is described here and the second in the following section. A survey conducted by Carol Zabin and others in the early 1990s in both the U.S. state of California and in the Mexican state of Baja California documents the way that Mixteco migrant families are caught in a labor market segmented by gender in which agricultural-export employment provides "stable employment, albeit low-wage employment, for some members of the family close to the border (especially women and children) while allowing other members of the family [primarily men] to assume the risks of U.S. immigration" (Zabin and Hughes 1995: 395). In a nutshell, families were divided.

The work environment on the west coast of the United States (California, Oregon, Washington) for farm laborers is significantly different than that in Baja California, Mexico. Zabin found, for example, that 64% of Mixtec farmworkers in the U.S. are paid by piece rates, compared to 2% in Baja. Work takes place at a much more rapid pace under a piece-work scheme (1994: 190). Child labor laws are enforced in the United States, but in Mexico young children form a significant part of the labor force. Because there are often chronic labor shortages in Baja, workers do not lose their jobs if they miss a day or two of work. In California and often in Oregon, where there is a surplus of workers but higher wages, growers operate under stricter standards and demand great efficiency from workers.

Because women remain the primary caregivers to children, employment conditions in Baja are often more conducive to

women's dual role as wage earner and caregiver than in the United States. Frequent unemployment on the west coast in the U.S. means that growers have their pick of workers. "Lone males provide a flexible workforce for growers because they are mobile, can work long hours when the harvest is ready, and are often willing to travel long distances" (Zabin 1994: 191).

U.S. Immigration and Border Policy: Creating a Hostage Population of Undocumented Workers

A second trend which I am in the process of documenting in the state of Oregon, suggests that undocumented women and children who followed men to that state between 1986 and 1998 remained a kind of "hostage" population—both in the sense that many remained undocumented in the United States and because it became increasingly difficult for all undocumented Mexicans to go back and forth to Mexico due to increased policing of the border in the mid-1990s. For the past two years I have been working with Oregon's farmworker union (Northwest Treeplanters and Farmworkers United/Pineros y Campesinos Unidos or PCUN) to document the experiences of farmworkers at work, at home, and in the communities in which they live. I have carried out more than 30 in-depth life history interviews with men and women farmworkers, done participant observation at labor camps and at union meetings and events, and participated in dozens of informal conversations and meetings about people's experiences coming to the United States and how they adapt once they live here. I am in the process of putting together a large-scale survey in conjunction with a legal service center that will get at the gendered and ethnic patterns of Mexican farmworker migration and settlement in the state of Oregon.

The hostage population pattern described above begins with the implementation of the 1986 Immigration Reform and

Control Act (IRCA) and the accompanying Special Agricultural Worker (SAW) program. Under these two provisions, some Mixtec farmworkers (primarily men) who became legal residents after 1986 encouraged their wives and children to join them. Some of these men who received legal residency in the 1980s legalized their wives and children by the early to mid-1990s, bringing them either from Oaxaca or from Mixtec ethnic enclaves in Sinaloa or Baja California. Others brought their wives and children but never went through the process to legalize them. Those women and children who have continued to reside in the U.S. were trapped into undocumented status by deadlines from the 1996 Illegal Immigration Reform and Immigration Responsibility Act (IIRIRA).⁴

Under this act, undocumented family members filing for residency in the United States after January 1998, were punished if they tried to file while undocumented and living in the United States. They had to leave in order to file for residency, because they could no longer apply in the U.S. If they did leave, then they could trip a bar of up to ten years before they could apply to change their immigration status (if they had been in the United States illegally for more than a year since April of 1997 and there was evidence of that). If they were to be lawful, families had to divide and send undocumented family members secretly back to Mexico to apply from there. If families wanted to remain united, they had to take the risk of remaining undocumented in the U.S., thus replicating the pattern of families with multiple legal statuses among their members.

As he left office in late 2000, President Clinton extended a special "sunset provision" that gave another chance to all those who missed the January 1998 deadline to apply for legal residency if they already have a family member here. A small window of opportunity was created between the dates of December 21, 2000 and April 30, 2001 under the LIFE (Legal Immigration and Family Equity) Act that allowed a person who

qualified for permanent residency, but was ineligible to adjust status in the United States because of an immigration status violation, to pay a \$1,000 penalty to continue processing in the United States. This made it possible for some of the “hostage” population of women and children to apply for legal residency. The high cost of the “fine,” however, has inhibited some people from applying. According to the National Agricultural Workers Survey of 1997-1998, about half of farmworkers earned less than \$7500 per year. Given this level of income for many farmworkers, the \$1000 fine plus legal costs for each person processed may make the opportunity unavailable to a significant number of people. As of summer 2001, it appeared likely that the LIFE Act would be extended to allow more people who qualified to apply for permanent residency.

While it is unclear how many undocumented women and children in Oregon’s farmworker population took advantage of the LIFE Act, the enactment of this piece of legislation along with the 1986 IRCA legislation and the 1996 IIRARA legislation all demonstrate the continued importance of the state in setting parameters for how individuals, families, and communities construct their identities and daily lives—even in the midst of transnational labor and cultural flows. U.S. immigration legislation and border enforcement policy have a real impact in the lives of Mexican migrant families. Thus we cannot write the state out of formulations of the processes of globalization, particularly those that involve the mobility of people.

While temporary provisions such as the LIFE Act may allow some individuals to change their legal status in the United States, another factor that has contributed to the “containment” of undocumented farmworkers in the United States and continues to do so is beefed-up policing of the U.S. border. Since the mid-1990s under President Clinton, border crossing areas that were once easily crossed, such as border areas near San Diego, have been reinforced by steel fencing and walls, stadium lights, motion-detecting sensors, infrared night-vision

equipment, new roads, and increased patrolling. The result of this "hold the line" strategy has been to push border traffic out of urban corridors such as San Diego and El Paso and into remote mountain and desert areas. This policy has not only benefitted those in the human smuggling business as people no longer can take familiar routes (some of which were used by more than one generation within a family), but also in dramatic increases in the number of deaths on the border caused by exposure to extreme heat and cold and in attempting to cross deadly deserts, canals, and rivers.

By the summer of 2000, the fee charged by *coyotes* to cross the border ranged from U.S.\$800 to \$1,300 (Cornelius 2000: 10). In the fall of 2001, fees could be as high as U.S. \$2000 to be delivered from southern Mexico to northern Oregon. The cost, however, pales in comparison to the other risks which do not deter migrants from crossing the border.

One team of academic researchers detected more than 1,600 possible migrant fatalities along the U.S.-Mexico border between 1993 and 1997 (Cornelius 2000: 12). In 1998, according to the Immigration and Naturalization Service statistics, the number of migrant deaths along the southern border was 261. By 2000 this number had jumped to 369 (Zeller 2001: A14). A study carried out by the Center for Immigration Research at the University of Houston (Eschbach et al. 2001) provides further documentation of this trend. The study finds that deaths from weather-related causes (hyperthermia and hypothermia) have risen dramatically since 1995. By 1998, deaths from these causes were nearly three times as common as they were when undocumented migration crested in the mid-1980s (report summary, Eschbach et al. 2001). In the January 1 - November 15, 2000 period, "at least 445 Mexicans (and an unknown number of Central and South Americans) perished during illegal entry attempts, according to the Mexican Ministry of Foreign Relations" (Cornelius 2000: 12). Thus at precisely the same time that the deadline for applying for legal residency through the

1996 IIRARA legislation terminated (January, 1998), the border tightened, and the risk of death by exposure to the elements of extreme heat and cold climbed significantly. These combined factors contributed to the ongoing presence of highly vulnerable, undocumented farmworkers who remained in the United States and made it more difficult for those who attempted to cross back and forth between the U.S. and Mexico as part of transnational communities.

Mexicans continue to come to the United States not only as first time migrants following what has become a mainstream job-seeking strategy in many Mexican communities, but also as part of transnational communities that have long histories of residing in the U.S. but returning to Mexico for part of each year. The long-term economic integration of specific communities in Mexico with specific regions of the U.S. has resulted in a permanent flow of migrants that can be traced to U.S. policies beginning in the 1920s. This involved an experimental temporary workers program that was part of the 1917 Immigration Act which allowed for the entrance of temporary workers to the U.S. that would be inadmissible under the 1917 Act. This provision was extended until 1922. In 1942, the Bracero Program to import Mexican farmworkers and railroad workers was started during World War II and extended until 1964. About 4.6 million contracts were issued to Mexican workers so that an estimated 1 to 2 million individuals participated, many with repeat contracts (Krikorian 2001: 2) The Bracero Program launched immigration networks that were also significantly augmented by the IRCA amnesty of 1986 that granted legal status to about two million more Mexicans and made it possible for their immediate family members to obtain legal status as well. These programs set the stage for continued immigration that has acted in concert with the ongoing consolidation of the Mexican and U.S. economies. Researchers such as Douglas Massey have found that with each individual immigration experience, more migration is likely to follow. "Ev-

ery time someone migrates to the United States, social capital is created within the set of people to whom that person is related, raising the odds that one of them will migrate, thus creating more social capital that stimulates more migration" (Massey 1998: 7). While current policies may redirect the traffic of undocumented migrants to more marginal areas and keep those who are part of transnational communities from traveling as frequently back and forth to Mexico, the long-established historical patterns of migration from particular places in the U.S. to particular places in Mexico continues.

Vulnerabilities of Undocumented and Low Wage Women Workers

Differences in male and female legal statuses within families of indigenous farmworkers have a number of implications in terms of power relations within the home as well as in the workplace. In the workplace, undocumented women like undocumented men are more likely to accept substandard work conditions and wages in order to hold their jobs for fear of being reported to the INS. They are less likely to participate in union drives for fear of being reported to the INS.

The fact that virtually all but several dozen indigenous farmworkers in Oregon are not unionized sometimes results in salaries that are below minimum wage. One of the results of the low wages paid to workers is that until recently, small and even school-aged children often accompanied their parents (particularly their mothers) to the fields, playing on the sides of berry fields or waiting in cars while their parents worked. As one Mixtec farmworker, Petronia, explained about working conditions when she first entered the farm labor workforce in the mid-1980s before receiving legal status and joining a union: "I brought my children with me to the fields. I couldn't do anything else. We didn't even earn minimum wage so how

was I going to afford child care? I just brought them with me.” Since she came to Oregon in time to qualify for legalization under the SAW program in 1986, Petronia received residency and went on to become a leader in negotiating the first labor contract for farmworkers in the state. She now earns at least minimum wage and has some paid vacation and other benefits.

Some other Mixtec women are not as lucky. They remain undocumented and subject to intimidation by growers over their legal status. And ironically in 1999 and 2000, stricter enforcement of child labor and pesticide application laws in Oregon presented Mixtec farmworker women with a difficult situation. Because growers are now pushed to enforce child labor laws and a right-to-know pesticide law that requires children to never be in the fields, women workers can no longer bring their children to work. Women workers must pay for childcare, not work, or take turns with other women taking care of children one day and working the next. This is a difficult situation that Mixtec farmworker women share with other low-wage women workers in the U.S. who do not have enough money left over from minimum wage jobs to pay for childcare, food, and shelter.

The following conversation which occurred in October 2000 with María Rodríguez, illustrates this difficult situation for Mixtec women. María came to the United States in 1994. Her husband received residency in 1986 as a part of the Special Agricultural Worker provision of the 1986 IRCA law. Her first job was working in the strawberry fields of central Oregon.

- Lynn: When you started working in strawberries were there a lot of women?
- María: There were men, women, children, everyone. Everyone went to harvest. Because before there were a lot of children. Now they say that children can't come into the fields, but before they could.
- Lynn: ...So did you bring your kids with you before?

- María: Yes, I brought my son and my daughter....but now they don't allow kids in the fields.
- Lynn: But isn't this a problem now? Even though the kids aren't working, if their mother comes and has to work, what will she do with her kids?
- María: Yes, it's a problem....Before they used to let you bring your kids. You could sit them in their stroller and the mothers would go to work....So now, sometimes the women say that they can't go to work. They say, "no, well, if we go to work in the strawberries now, if we don't work really hard to earn some money we won't earn even enough to pay the person who is taking care of our kids. Because of this sometimes they take their kids with them and they try to hide them while they are working in the fields. But a lot of time the growers see and they tell them they can't bring their kids." But they can't leave their kids alone in the house either. So they have to pay someone to watch their kids ...They charge \$U.S.1.50 per hour per child.

If women have family members nearby who they can switch with (one sister working in the fields and watching children for another sister one day and vice versa the next) they may be able to keep working. If, however, they do not have a broad family support system where people are not working and must pay for childcare for more than two children, they can actually lose money working if they need to pay for a ride to the fields, for lunch, and deductions from their hourly wages of \$6.50 (if they are being paid the minimum).

While in their home villages in Oaxaca, women spent a significant amount of time close to home and could share childcare with one another. Once they live in Oregon in towns like Keizer, Salem, Hubbard, Woodburn and other places, they are not necessarily living close to relatives and others in their kin network. A car is a requirement and many women do not drive. Extended kin networks cannot be called upon for daily childcare if everyone in them is working, as is often the case (particularly among younger couples). Thus the combination of laws that have prevented women from bringing their chil-

dren to work with them as they were often accustomed to doing in their gardens and fields in Oaxaca and the fact that in many families most adults are working has cut back on the kind of kin support available to women. In some families this pressure has led to a change in the gendered division of labor, with husbands and wives working split shifts so that one of them can always be at home with the children. This arrangement is not possible, however, for everyone and particularly for those who are newcomers and cannot arrange their work schedule to meet their home needs.

Like other low-wage women workers in the United States, Mixtec farmworker women are constantly caught between trying to carry out their mothering roles and working to help support their families. Because they are usually working in minimum wage jobs, they also receive no benefits. As pointed out by Chang (2000), immigrant women workers are often viewed in the same way as women on welfare who must participate in workfare programs. Both immigrant women and low wage U.S. women workers (particularly those who are working to receive public assistance) are seen as disposable workers who don't deserve the same rights as white collar and blue collar "mainstream" workers.

The work performed by these groups [citizen welfare workers and noncitizen immigrant workers] and their labor conditions are strikingly similar: invisible, unsafe, unsanitary, hazardous, low-paid service work. Their labor is not seen as contract labor, or a service that they provide to society for which they should be compensated. Instead, their labor is constructed as either charity, opportunity, privilege, community service, repayment of a debt to society or as punishment for a crime." In the case of welfare recipients the "crimes" are being poor, homeless, or "unemployed." In the case of immigrants they are criminalized for entering the country (presumed "illegally," of course), and for consuming resources to which they allegedly have no rights (Chang 2000: 159).

While Mixtec farmworker women by no means see themselves as criminals or undeserving of decent working conditions, they do have a high level of awareness of the kind of difficult conditions they work under and the unreasonable demands that may be made of them at work. While working in the berry fields of Oregon, María also went to work in several canneries and food processing plants. Male and female farmworkers often hold other jobs in canneries and processing plants that flash freeze produce immediately following its harvest. María and many other women complained of the lack of respect for seniority (giving more steady hours to workers who had been there longer) by supervisors, the way they were continually pushed to work faster, and some of the ridiculous requirements attached to some jobs, including the ability to speak English. In one instance María recalled a job interview to work in a plant cutting potatoes for french fries, a job that appeared to offer the chance for more regular, year-round employment. "They asked me if I spoke English and I said 'no.' Then they told me that I had to speak English to do the job. Imagine, I needed to speak English to talk to the potatoes....Well, they didn't give me the job because I don't speak English." In this instance she was certain that they used the "English" requirement to keep Mexican workers out of the more secure jobs. She experienced it as a very clear case of discrimination and an effort on the part of the potato plant to keep out undocumented workers by not wanting to hire anyone who couldn't speak English. Through this experience she reflected on the structural position of low-wage women workers like herself and drew clear conclusions about hierarchies of language and race in the labor market.

Proposed Guestworker Legislation: State-Sponsored "Flexibility" for Mexican Workers

During the past several years, the U.S. Congress has considered a variety of measures that seek to guarantee growers an ample population of agricultural workers. Most of these proposals have been based on the H-2 program. This program was founded in 1943 when the U.S. Sugar Corporation received approval to bring Caribbean workers to cut cane "following an indictment for peonage" (Goldstein 1998). During the Bracero program of 1942-1964, Mexican workers could not be H-2 workers. When the Bracero Program ended in 1964, the H-2 program was expanded under pressure from Western growers and their lobbyists. As part of the 1986 Immigration Reform and Control Act, the H-2 program became the H-2A program and labor standards for certification were strengthened. Mexican agricultural workers have become the largest group of H-2A workers since 1993 (Health, Education, and Human Services Division 1997).

Proposals to expand the H-2A program have come from congressional members from western states who argue that growers have reported potential impending labor shortages. A study done by the General Accounting Office in December 1997, however, pointed out "high unemployment rates in agricultural areas, the persistent heavy unemployment of farmworkers, and declining real farm wages, both in hourly and piece rates, as evidence of a farm labor surplus" (Health, Education, and Human Services Division 1997). Grower predictions of worker shortages and lobbying for an expanded guestworker bill also come at a time when organized farm labor has been winning contracts in California, Oregon, and Washington.

In 1999, Senator Gordon Smith from Oregon and his co-sponsor Senator Bob Graham from Florida introduced legislation (Senate Bill 1814 and Senate Bill 1815) which tied the pos-

sibility of legal permanent residency through amnesty to the expansion of the current guestworker H-2A program. While the amnesty provision of this legislation has been widely publicized, its true intent is to allow growers and the U.S. government greater control over the farm labor force.

Critics of Senate Bills 1814 and 1815 pointed out that while the bills superficially appeared to favor the estimated one million undocumented farmworkers who already pick crops in the United States, all would have to continue to work at least six months annually for five to seven years before they could earn the right to apply for legal permanent resident status. In many areas, such as the Willamette Valley, the agricultural season is only three to four months. The farm labor force is also segmented by gender so that women have fewer months of work than men. They work primarily in berry harvests in June and July and sometimes in other crops for a few weeks. Women would have difficulty accumulating the required amount of agricultural work on an annual basis that would make them eligible to apply for residency. This would also be the case for many men as well because of the shortness of the agricultural season. Even if farmworkers did manage to find the requisite amount of agricultural work for five to seven years, they wouldn't have any guarantee of receiving residency. Their names would have been added to a list of residency applicants who currently face a backlog of up to 15 years before their cases are even considered.

During the 106th Congress (1999-2000), coordinated opposition by hundreds of organizations supportive of farmworkers prevented the passage of Senate Bills 1814 and 1815. At the end of the 2000 legislative session there were discussions of a potential compromise that involved both farmworker organizations (the United Farmworkers, UFW) and growers (The National Council of Agricultural Employers, the Western Growers Association, and the American Farm Bureau). Proposals involved creating a new legalization program for undocu-

mented farmworkers and revising the H-2A program. The compromise would have offered amnesty (legal residency) for many Mexican workers who are currently living undocumented in the U.S. The compromise was unsuccessful, but the effort indicates that farmworker advocates and growers do see some common ground for future proposals.

In the 107th Congress (2000-2001), two new guestworker bills have been circulating. One bill would require farmers to demonstrate a labor shortage before they can hire workers and would allow foreign workers who have been employed in agriculture for at least 360 days in the previous six years to qualify for legal residency. A competing legislative proposal would expand the use of foreign guestworkers in a variety of industries, but wouldn't grant workers legal residency.

A clear result of any guestworker program would be to make it more difficult for farmworkers who are already here to unionize and improve their working conditions. A new guestworker program makes it difficult for farmworker advocates to fight for improvements in childcare, wages, and housing as growers are allowed to bypass workers already here in favor of a foreign labor market. The real wages for farmworkers fell from \$6.89 per hour in 1989 to \$6.18 per hour in 1998, a drop of more than 10% (Krikorian 2001: 3). A new guestworker program is likely to increase this downward trend. Instead, employers could be made to compete in the domestic labor market so that improvements in wages and working conditions can become possible (Brier and Niles 1998: 35). This would benefit current farmworkers.

In general, all the guestworker program proposals are excellent examples of the influence of globalization and the mobility of capital on economic policies sponsored by states. The economic and immigration policies of states are key components of globalization and affect cultural and identity changes facilitated by the transnationalization of labor and communities. For Mixtec farmworker families currently in the United

States who continue to include undocumented members, the final outcome of legislative debates about immigration and guestworkers will be fundamental in affecting the lived experience of their transnational lives.

Conclusions

The current living and work conditions, economic positions, and possibilities for building family and community for many Oaxacan indigenous families are linked to U.S. immigration and labor policy. This in turn is driven by the dynamics of U.S.-Mexican integration as a part of the globalization of capitalism. Many Mixteco men were able to take advantage of the 1986 SAW program, but the other members of their families who arrived later were not. Some of these family members received legal residency before a 1998 deadline for petitioning from within the U.S. But many did not. Some may receive legalization under the LIFE Act, but others will be unable to afford it. And undocumented men, women, and children continue to come to the U.S., despite the difficulties in crossing the border. Today these families that include undocumented women and children as well as men who came later and are currently undocumented remain extremely vulnerable. Many of them remain a semi-hostage population due to financial and legal constraints as well as the clear risk of death in crossing the border to return to Mexico and then re-enter the U.S.

The experience of Mixtec workers in the Northwest suggests important ways that U.S. immigration policy not only acts as a labor policy, but specifically as a gendered labor policy. For example, while the intent of the 1986 SAW program was not to selectively provide legal status primarily to men, that was the result because a majority of farmworkers at that time were male. Once they were legalized, undocumented women attached to them came to the U.S. and entered the farm labor

market and others. The experience of undocumented women as farmworkers was distinct from that of men particularly given their additional responsibilities for taking care of children. Because farmworker families often needed two incomes simply to survive, many women worked and found themselves isolated from kin support systems. As low wage workers, these women were in the same structural position as U.S. citizen low-wage women workers and welfare workers, often experiencing some of the same kinds of difficult working conditions and discrimination based on their "crime" of being undocumented and poor. If immigration policies are analyzed in terms of their gendered outcomes—particularly in the labor market—they can be seen as extensions of policies such as workfare that attempt to eliminate the right to social services for the poor and to turn them into workers who should be satisfied to work at minimum wage jobs with no benefits.

At a larger level, while the global circulation of capital, culture, information, goods, and services is analyzed in depth by many, the conditions that impede the global circulation of people are often not treated seriously in formal economic policy nor in cultural analyses of transnationalism. Understanding how global conditions of flexibility affect citizenship, strategies of survival, gender relations, and the construction of family and community requires re-examining the proposition that states are declining in significance in the global economy and that the global and the national are increasingly disarticulated (Sassen 1998: 195). We cannot jump from the local to the global without considering ways that states (particularly dominant states such as the U.S.) adapt to the hypermobility of capital and in fact facilitate it. As stated by Sassen: "The state remains as the ultimate guarantor of the 'rights' of global capital, that is, the protection of contracts and property rights" (1998: 197). Bringing the state back in does not mean putting it center stage and ignoring the importance of human agency in manipulating the new sites and spaces created by processes of globaliza-

tion. Rather it means looking at the interactions among local sites of daily living, identity and human relationship construction, and the changing networks of power linked to national and global sites of resource, governance, and information concentration. In the coming years we will find more and more families like the Mixtec migrants who collectively represent those who live between and among nations, whose identities and lives span multiple ethnicities, national boundaries, and who live under the jurisdiction of multiple states. Within the space of one family are people who are crossing borders, merging identities, and occupying multiple territories. They are indeed examples of flexible citizens. Many are from communities who have lived this way for more than several decades, participating in family networks and in bi-national grassroots organizations spanning from Southern Mexico to California and the Pacific Northwest. In order to do justice to these families and others it is crucial that our analyses allow us to argue for why the rights of mobile humans should be equivalent to the rights of mobile capital.

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NOTES

- 1 These numbers were given by Santiago Ventura Morales, Mixtec leader of the Oaxaca Binational Indigenous Front in Oregon in an interview on August 6, 1997 in San Miguel Cuevas, Oaxaca and confirmed by Larry Kleinman, Secretary Treasurer of Pineros y

Campeños Unidos del Noroeste (PCUN) in an interview on August 25, 1997 in Woodburn, Oregon. PCUN is a farm worker community service and labor rights organization which has 4400 members. About 30-40% of their membership is Mixtec and more than one-third of the Board of Directors are Mixtec.

- 2 Most research on Mexican farm workers has been on *mestizos*. While indigenous Mexican farm workers have been the subjects of study in California (Stuart and Kearney 1981; Zabin et al. 1993; Nagengast and Kearney 1990; Runsten and Kearney 1994; Zabin 1992) their increasing presence in the farm labor forces of the Pacific Northwest has only been documented journalistically (The Oregonian, The Statesmen) and in a few reports (Mason 1989; Mason et al. 1993; Dash 1995; Zabin and Oseki 1990).
- 3 See Douglas Massey's article (1998) for an insightful discussion on the combination of factors which have served to increase and sustain Mexican immigration to the United States.
- 4 The 1996 Illegal Immigration Reform and Immigration Responsibility Act expanded the definition of deportation removals to include people who used to be excluded at the border as well as people deported from the interior of the United States. IIRIRA also made it more difficult for people to sponsor relatives to come to the United States by increasing income requirements from at or above 100% of the U.S. poverty level to at or above 125% of the U.S. poverty level. In 1998, this was close to \$20,000 for a family of four (see Capps 1999). In 1999 this is about \$24,000.

IIRARA legislation also imposed a final deadline of January, 1998 for undocumented family members of a legal resident to gain legal residency in the U.S. As of January 14, 1998, all new applicants for residency had to get their documents in the consulate of their country of origin. By applying for residency in the United States prior to the January, 1998 deadline imposed by IIRARA, undocumented family members could avoid tripping a three-or ten-year bar on their immigration. In accordance with IIRARA legislation, if a person was in the U.S. without documents for six months and they left after April 1, 1997, they tripped a three year ban on being able to apply to change their status in the United States. If a person was in the U.S. without appropriate documentation for a year after April 1, 1997 and they left then they tripped a 10 year bar to changing their status. Thus if a person was in the U.S. after April 1, 1997 without appropriate documentation and they stayed and changed their legal status from within the U.S. before January 14, 1998, they would not be subject to the three-year or ten year

ban on attempting to change their status. If they did not make the January 14, 1998 final deadline, however, then in order to petition to gain legal status they would have to leave the country and apply from Mexico. If there was information which showed they had been in the United States illegally prior to that period (such as being registered at a Mexican port of entry) they would be subject to a three or ten year ban on applying to change their status.

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