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A Case Study on Oaxaqueñx Identities:
A Study on Its Political and Legal Importance



February 2019, Oaxacan dancers in Ayoquezco de Aldama, Oaxaca.

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Undergraduate Honors Thesis
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Para mi comunidad, de una hija de ex trabajadores agrícolas.

For my community, from a daughter of former farmworkers.

I would like to acknowledge several people who have helped me through this academic endeavor. I am forever grateful to anyone who supported me, encouraged me, and never doubted my passion for this project. Thank you all for believing in Oaxaqueña scholar.

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I dedicate this project to Oaxaca and OaxaCalifornia.

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Sometimes I look and reflect on me working in the fields for ten years. It makes me want to leave and go back to my country. But I want to make something for myself. I still have hope that I can go through an immigration process. Working in the fields has impacted how I miss Oaxaca.

- Denise

I. Abstract

Although the Bracero program ended in 1964, migration did not start nor end there. The history of Indigenous migration is one that has resulted in complex transborder identities and communities. The identities and migration of Oaxaqueñxs¹ is a key focus throughout this project as I seek to elevate the stories of this Indigenous community. This study seeks to close the gap in existing literature that links Oaxaqueñxs' demographics in farm labor to the Bracero Program through the lens of legal consciousness. My research question is: How does the legal consciousness of the Oaxaqueñxs reflect their roots in migration? By looking at migration as a catalyst for identity, I used the following sub-questions: (1) How and to what extent has the Bracero Program shaped how Oaxaqueñxs relate to the American legal system?; (2) How and to what extent do Oaxaqueñx farmworkers believe the Bracero Program shaped their political, economic, and "legal" identity?; (3) How and to what extent has the migration shaped the transborder identities of Oaxaqueñxs in California?; (4) How and to what extent do Oaxaqueñxs identify with the political community in Los Angeles, OaxaCalifornia?; and (5) How and to what extent do Oaxaqueñxs understand themselves to be Californians (or citizens of California) legally and politically? To answer these complex questions, I conducted semi-structured interviews with Oaxaqueñxs in California, specifically farmworkers, organization leaders, and people with ties to the Bracero Program, to the Central Valley, and Los Angeles. This study finds that as a result of immigration status, membership in Oaxaca, and employment history Oaxaqueñx carry unique struggles and legal consciousness. This research points out the importance of Indigenous organizations, a comprehensive citizenship pathway, and the complex "legal" identity of transborder Indigenous migrants. Ultimately, this project is crucial in highlighting the crucial needs of Oaxaqueñx in policies, law, and organizations by showcasing how they navigate their lives and the law.

¹ I use the term Oaxaqueñx and Oaxacan instead of Oaxaqueño. I do this to be inclusive to people who are outside of the male/female gender binary. Spanish is gendered, and I make it my mission to be inclusive throughout this research study.

II. Introduction

Law is self-contradictory in that it can give power while also taking it away. Law can be used to expand justice, grow or diminish the power of rulers, and restrict or magnify the power of institutions (Hart, Rossum, and Sportel 2013). In the context of migrants and immigration laws, law can serve, legitimize, and protect the citizens of that country. Yet at the same time, it can also offer temporary protections to migrant workers (Constable 2013).

Hernández defines legal entitlement as how people use the law and understand their entitlement to use legal methods to seek remedies, interventions, and justice (2010). Lacking legal entitlement therefore affects the legal consciousness of people. Disparities in legal entitlement can give explanations as to why there are differences in how people reflect and engage in the legal process. Legal entitlement can also explain the huge disparities and barriers as to why certain people distrust in the legal process (Hernández 2010).

The barrier to accessing legal rights and power is an incredible struggle of immigrant, and transnational, and transborder families. This struggle plays a role in forming the decisions, awareness, and ability to use the legal system to uphold rights. The struggle is even more hard for those who are undocumented and find themselves unable to use the legal system despite feeling part of the fabric of American society. Thus, undocumented communities find themselves at greater risk of being exploited because of their fear and hesitancy of seeking and using the legal system as a form of power.

Similarly, Oaxaqueñx, even if they are not undocumented or DACAmented, feel hesitant in relying on the legal system. As a result of their transborder identity, accessing services that help Indigenous people is a huge barrier. Discrimination, language barriers, and legal status all ultimately contribute to why Indigenous Oaxaqueñx find themselves hesitant to rely on the legal system as a form of power or empowerment.

With this in mind, I investigated how migration has affected the legal consciousness of Oaxaqueñxs. I looked at if and how Oaxaqueñxs are able to participate, resist, or steer clear from the law. I also looked at if and how Oaxaqueñxs' transborder identities affect how they seek or engage in legal resources.

I seek to establish if Oaxaqueñxs' legal consciousness has been shaped as a result of 1) migration, 2) the Bracero Program, 3) their current location, and 4) transborder identities. The goal is to understand how Oaxaqueñxs view their legal entitlement as it relates to seeking rights, thus exploring their legal consciousness.

The main theoretical objective is to expand the research and knowledge that there is about a migrant-working population rooted in Indigeneity. Although research on the Bracero Program exists², there is a gap regarding its connections to Oaxaqueños. The Bracero Program, in many ways, shaped the future of guest worker programs and visas. This research, with the Oaxaqueño community, will shed light on the need for an established pathway for citizenship beyond just a guest workers program with work visas. Within theories and even policy discussions about the need for a path for citizenship, I see no discussions about the huge population of Oaxaqueños that continue to exist and work in the United States.³ This research will inform decision makers about current political and policy decisions of President Biden and his administration. For example, President Biden and his administration plan to unveil new immigration legislation.⁴ The U.S. Citizenship Act of 2021 is an example of how new immigration legislation could establish a pathway for farmworkers and undocumented immigrants towards citizenship without relying on a guest-workers program.

III. Literature on The Bracero Program, Oaxaqueño Identities, and Legal Consciousness

Introduction to the Literature

My research engages with literature on (1) the Bracero Program and its intersections with Oaxaqueños, (2) Oaxaqueño identities and communities and lastly (3) legal consciousness. I first examine the literature on the Bracero Program in order to give context to migration and to show how the Bracero Program contributes to the legal, political, and transborder identities of Oaxaqueños in California. The literature on Oaxaqueño identities explores connections between how Oaxaqueños understand themselves and their identities (legally and politically) in regard to their Indigenous roots and migration. Within this literature, I engaged with the intersections between the OaxaCalifornia, a cultural and political community, and how it has shaped and maintained the identities of Oaxaqueños in Los Angeles. The legal consciousness literature is useful in that it helps to explain how Oaxaqueños perceive their legal identities. As a result of the Bracero Program, Oaxaqueños have had complicated relationships with citizenship and the law both in México and the United States. The legal consciousness literature speaks to what “citizenship” mean for Oaxaqueños while also exploring how transborder identities navigate the legal system.

² García, Juan R. 2018. “The Bracero Program, 1942–1964.” Oxford Research Encyclopedia of Latin American History. August 28, 2018. <https://doi.org/10.1093/acrefore/9780199366439.013.590>.

³ Briggs, Vernon M. Jr. 1975. “Mexican Workers in the United States Labour Market: A Contemporary Dilemma.” *International Labour Review* 112 (5): 351–68.(Briggs 1975)

⁴ (“Text of U.S. Citizenship Act - Inside News - Immigration Law - LexisNexis® Legal Newsroom” n.d.)

The Bracero Program

Background

The Bracero Program was an agreement made in the year 1942 between México and the United States to exchange workers and labor, also known as the Mexican Labor Agreement. As America continued to industrialize and there was a shortage of workers as a result of World War II, Mexican labor was in high demand. The Bracero Program allowed Mexican workers to come to the United States with guaranteed housing, food, medical services, and wage rates. This agreement established that the Mexican workers would not “replace or depress domestic farm wages”(Ngai 2014). Mexican workers were made clear that they were not in competition with domestic workers. In 1951, Congress passed the Public Law 78 that expanded the Bracero Program by creating a new agreement called the Migrant Labor Agreement. Together they set out the future of the Bracero Program until its end in 1964 (Ngai 2014).

Public Law 78 was designed to respond to demands of the Mexican government and it also determined how the Bracero Program ran under the approval and conditions of the United States Congress (León 2015). León highlights the control by the United States as well as its failure to ensure decent working conditions. The Bracero workers were hired under the supervision of the federal government and yet at the same time, the federal government took no action in addressing the ongoing mistreatment, discrimination, and violations of the program, of which they supervised its implementation (León 2015).

The program fell short at keeping its promises of adequate housing, food, health services, and workers’ protections. The Bracero Program violated promises of safe working conditions and brought down the domestic wage rates of agricultural workers. This led to a decline in wages for all workers, including domestic workers, Braceros, and undocumented workers (Briggs 1975). There was even a term that was used to highlight the low wages, known as “wetback wages.”

The standard wage post World War II was twenty-five cents an hour (Ngai 2014). Americans were able to enjoy the low prices of agricultural work while also benefiting from the specialization of labor from these migrant workers. Immigrant labor to this day helps productivity of the economy while also freeing up opportunities for workers to partake. There are direct links between the economic prosperity of America and agriculture work with the influx of Braceros and undocumented workers in the United States (Leal and Trejo 2011).

Although the Bracero Program helped America’s economy, it was problematic for the workers. Despite that Braceros were given a contract that guaranteed anti-discrimination policies, the United States government ignored any ongoing discrimination from contractors regarding working conditions and wages (Delgado and Stefancic 1998). Currently undocumented workers

make up fifty percent of agricultural work, one of the most dangerous jobs (Norris 2020). Their working conditions make them at higher risk for harsh seasons and conditions including but not limited to extreme heat, cold, rain, and bright sun.

Despite the blatant discrimination, wage-theft, and horrible working conditions for the Braceros, many still continued to seek employment through the program. The reasons as to why these workers came to America can be explained in these two terms: *push* and *pull* factors.

Push & Pull Factors

Push and *Pull* factors can explain how migrants are pushed and pulled into migrating. However, these two terms do not encompass all of the reasons nor the history of Indigenous peoples' migration. Migration has been a precolonial practice and yet there is a disconnect in how people regard migration and borders today. Furthermore, nation-states and settler-colonialism have imposed this concept of borders and "nationality." This is to say that the terms *push* and *pull* factors may explain migration but do not take into the account how Indigenous communities have migrated and relocated prior to colonial contact, "borders," and the formation of nation-states.

The Push

There are many factors that "*push*" undocumented workers into migrating. For example, in the case of México, there are high rates of poverty, crime, violence from narcotics, as well as corruption (Becerra et al. 2012). These factors can push someone to leave their country in order to seek economic prosperity. Another "*push*" factor that *Latinos and The Economy* mention is the role that war plays. Wars push migrants to seek asylum and safety in the United States (Leal and Trejo 2011), although it is imperative to point out that the United States in some cases share the responsibility in affecting and sometimes even pushing migrants out of their country. For example, the North American Free Trade Agreement (NAFTA) in 1994 is linked to be a factor as "one variable among others that could account for México's poor economic performance."⁵ Once México opened their ports of entry and low-priced goods to the United States, it created a hunger for cheap labor and exploitation of migrants. It is this very hunger that contributes to the migration and exploitation of undocumented workers.

The Pull

The Bracero Program is an example of a *pull* factor for migration. Approximately four million Mexicans were recruited into becoming part of the workforce in the United States. Another *pull* factor that can be seen is the desire for employment and educational opportunities in America,

⁵ Weisbrot, Mark, Stephan Lefebvre, and Joseph Sammut. n.d. "Did NAFTA Help Mexico?," 23.

otherwise known as the “American Dream.” This plays a huge role in creating *pull* factors that may inspire many immigrants to come to America because of economic, social, and educational reasons. Undocumented workers, mostly made up from México and Central America, are disproportionately uneducated and poor (Leal and Trejo 2011). Their socioeconomic status plays a huge role in pushing and pulling them into America.

Legacy

According to the Pew Research Data of 2016, there are approximately 11 million undocumented workers in the United States (Norris 2020). In terms of numbers, we can break this down to approximately 7 million or fifty-nine percent that come from México (Becerra et al. 2012). The Bracero Program set a precedent for America’s need for international and cheap labor. This influx of workers created a migration path unlike any other that relies on job sectors of farming. This spurred the high rates of undocumented workers in the agricultural sector. Despite the program’s exploitative nature, there is no doubt that the program had a direct impact on the economy as a result of seeking undocumented workers in other countries. The Bracero Program is important to acknowledge in the context of *push* and *pull* factors that continue to influence migration in America. As a result, America must acknowledge that immigration is not a one-sided issue nor is the issue solely dependent on the immigrant and undocumented worker.

The Bracero Program ended in 1964 for several reasons but amongst them was the outcry for its exploitation of workers, low wages, and harsh working conditions. After the only existing worker-exchange program was terminated, there was no other alternative created for Mexican workers. From this point on, they would have to navigate the legal avenues of immigration. This resulted in a spike of undocumented workers after 1964 and thus the rise of another kind of exploitation- undocumented labor (Ngai 2014). The ending of the Bracero Program did not halt the migration of Mexican migrant workers:

Undocumented workers maintain family households in México and traveled illegally to work in the United States. An immigration inspector observed that some ‘cross the river early in the morning, work all day on a farm adjacent to the river, and return to their homes in the evening.’⁶

⁶ Ngai, Mae M. 2014. *Impossible Subjects: Illegal Aliens and the Making of Modern America*. <https://doi.org/10.1515/9781400850235>.

Oaxaqueñx Identities

Oaxaqueñxs have their identity rooted in Indigeneity. Oaxaca is diverse even in the context of Indigeneity since they have at least sixteen Indigenous groups, all of which have their own languages, cultures, food and culture (León 2015). Oaxaca also happens to be one of the poorest regions in México. It is culturally rich with important archaeological sites like Monte Albán, and yet on the other hand, it is filled with poverty and socioeconomic inequalities. The deep poverty in Oaxaca continues to play a key role in creating the *pull* factor to migrate to the United States.

Two of the two largest Oaxaqueñx Indigenous groups, especially when looking at migrant populations, are the Mixtecos and Zapotecos. In California, the Central Valley and Sierra Norte of Oaxaca make up a large amount of the migrant population specifically within Los Angeles. Mixtecos can be linked more with the farming and agriculture life in the “San Joaquin Valley (Fresno, Madera, and Selma), the Central Coast (the agricultural corridor that extends from Oxnard to Salinas), and the northern part of San Diego County”(Gaspar Rivera-Salgado 2015). By 2010, some 165,000 Oaxaqueñx Indigenous people were settled in these rural communities in California, and one-third of Mexican agricultural laborers in the state were Indigenous, mainly Mixtecos and Triquis from Oaxaca (León 2015, 56; Gaspar Rivera-Salgado 2015).

The agricultural communities of Oaxaca link back to Indigenous groups. Oaxaca has an extensive diversity in Indigenous groups. “16 [if not more] Indigenous groups inhabit the state (Amuzgo, Chatino, Chinanteco, Chocho, Chontal, Cuicateco, Huave, Ixcateco, Mazateco, Mixe, Mixteco, Méxicano, [Popoloco,] Tacuate, Triqui, Zapoteco and Zoque) and have different forms of social organization, political and economic” (León 2015, 56). It is clear that Oaxaca has a beautiful mix of regions, cultures, and Indigenous communities.

Oaxaqueñxs Braceros

As previously mentioned, there was a rise in undocumented migration during and after the Bracero Program. It created stigma and out of discrimination rose a term known as “*wetback*.” This term was used for people of Mexican origin who had crossed the Rio Grande to enter the United States (Copp 1971). Back in México, there was a huge economic disparity that still continues today. Copp (1971) links this growing disparity as a factor of why Indigenous people started to leave their homes and towns to seek employment.

Another researcher, Kresge, also considers poverty and economic crisis in the displacement and migration of Oaxaqueñxs. In seeking a better life, many Oaxaqueñxs desired to participate in the Bracero Program, even if it meant signing a contract and leaving their family for months on end. The migration of Oaxaqueñx workers stems back to the Bracero Program as well as the NAFTA agreement. Kresge later links the flow of migration from there on to farm labor contractors,

migrant networks, and the economic crisis in México. It is therefore no coincidence that Oaxaqueñxs, with a deep history of farming, and taking care of land, have now become the fastest growing population of farmworkers in California (Kresge 2017).

Beyond the already mentioned factors, in 1944 there was a shortage of corn and an epidemic. In the month of September, Oaxaca also suffered from a heavy downpour that affected crops and the livelihoods of Oaxaqueñxs. It created the most damage for the Papaloapan, Tuxtepec, Ciudad Ixtepec, Tehuantepec communities, and others (León 2015).

In León's thesis, they highlight the lack of data on the participation of Oaxaqueñxs in the Bracero Program.⁷ However, there was one successfully made connection: "Ana Margarita Alvarado Juárez, part of Migration and Poverty in Oaxaca, mentioned that in 1946, the state of Oaxaca was ranked 11th nationally in contributing 3.5% of all national migrants in the Bracero Program" (León 2015, 14).

These statistics signal that the Oaxaqueñx population was a significant group that was being recruited into farm work. Furthermore, León points out that there were no data on the exact numbers of Oaxaqueñxs that were hired during its first two years. One of the few data points was presented by the Ministry of Labor and Social welfare. "In 1944, [Oaxaca] had a percentage of 2.04% population in the country, in 1945 it was 6.35%, and by 1946 it reached 6.56%" (León 2015, 15).

Transborder Lives

To understand Oaxaqueñx identities and communities, research around transborder literature is key. The term "transborder" points out how individuals through their everyday lives transcend the boundaries of nation-states. "The borders [Oaxaqueñx] cross [are] ethnic, class, cultural, colonial, and state borders within Mexico as well as at the U.S.-Mexico border and in different regions of the United States" (Stephen, 2007).

Ultimately "transborder" point how Oaxaqueñx lives goes beyond the term "transnationalism" centered around nation-states of origin and settlement. Identities that are centered around living in-between different countries yet still maintaining social relations can be seen as "transnational." Transnationalism is defined as "the processes by which immigrants forge and sustain multi-stranded social relations that link together their societies of origin and settlement" (Kearney 2000). Oaxaqueñxs have established community networks, communities, and identities as a result of migration. Stephen highlights that Zapotecos have "successfully integrat[ed] themselves

⁷ One of the struggles I had throughout this project was finding research that linked the Bracero Program and Oaxaqueñxs directly. I would like to personally thank Antonio Santiago León - the only other researcher, that I know of, that linked the program to this Indigenous group in México. I have translated their work to the best my ability.

into the service sector in the Los Angeles area and prosper in the United States” (2007). Previous literature on the Oaxaqueñx has used the term “transnational” and “transnationalism,” but this may neglect how Indigenous identities surpass the creation of nation-states and the relationships that arise.

Citizenship and the legal rights that come along with its status are a complex topic in the context of Indigenous identities. Stephen raises an important point about how citizenship is a “relational concept between citizens and a state and/or a political community” (2007). A key question throughout all of this is: if citizenship is a relationship between the state and the political community, how have Oaxaqueñxs maintained their citizenship rights when they are no longer “physically” in Oaxaca? Ultimately, this question can only be answered by redefining what “citizenship” means to Oaxaqueñx in a way that does not rely on postcolonial definitions.

This can be answered by looking at how citizenship for Indigenous communities differs from that of non-Indigenous persons in relation to the Mexican state. The relationship with México has been complicated and at times racist towards Indigenous communities. The legal and cultural acceptance of Oaxaqueñxs has been a rocky road, especially as they are at times forced to accept or integrate with Mexican culture and society. Mexican culture and politics, although deeply influenced by Oaxaca, has contributed to and upholds many laws and policies that take away from the autonomy of Indigenous people in México. Thus Oaxaqueñxs have led the conversations and the creation of “grassroots Indigenous projects that seek forms of political and cultural autonomy that challenge the hegemony of the nation-state and its assimilative project” (Kearney 2000).

In the case of Oaxaca, Indigenous communities have a set of rights and responsibilities that are applied throughout México and the United States (Stephen 2005). Stephen outlines these responsibilities as: (1) Participation in the local system of governance where members serve their duties and responsibilities in positions ranging from mayor, committee member, office, judge; (2) Participation in the religious *mayordomías*, a community membership centered around sponsoring the celebration of the days of saints, hosted in the local Catholic Church; (3) Participation in *tequio* or communal labor; and (4) *Cooperación* or otherwise explained as funding and reaching certain monetary goals to invest in community projects or celebrations. Stephen also lays out a key understanding of how Oaxaca defines citizenship rights. They include: “(1) Access to communal land for farming or house construction; (2) Access to community forests, water, sand, minerals, plants, and wild game; (3) The right to burial in the community cemetery; (4) The right to express opinions and vote in the decision-making process that takes place in community assemblies”(Stephen 2014, 118).

It is clear that communal land is a huge part of the Oaxaqueñx citizenship rights. The migration of Oaxaqueñxs to the United States does not affect their citizenship status – thus making it a

transborder practice. In fact, Oaxaca has allowed for migrants to continue serving their communities and thus contribute to their duties. They are able to serve in elected positions, host celebrations, and fundraise all while still residing outside of México. Many Oaxaqueñxs were able to gain legal residency in California as a result of the 1986 Immigration Reform and Control Act (IRCA) and the Special Agricultural Workers (SAW) Program (Stephen, 2005). This increased the number of legal ways that Oaxaqueñxs could increase their ties to both Oaxaca and the United States. However, Oaxaqueñxs also partake in how Mexicans understand cultural citizenship. Stephen explains that cultural citizenship allows for transborder people to understand themselves while also recognizing their legitimacy and seeking rights for themselves and their children based on the economic and cultural contribution to the United States and even México regardless of their official legal status (2014).

It is important to establish that the transborder identities of Oaxaqueñxs create a contradiction between themselves. There is an inconsistency between peoples' lived identity and how they partake on international and 'legal' citizenship. In other words, there are contradictions between how Oaxaqueñxs live their lives as opposed to their identity in legal forms or categories.

OaxaCalifornia

The communities, tied to the Bracero Program and those who came after the program ended, have created a unique and thriving community in Los Angeles, one of the hotspots for Oaxaqueñx migrant workers. I focused on this community known as OaxaCalifornia. Kearney has stated so beautifully that "Oaxacalifornia... implies both a fusion of aspects of life and society in Oaxaca and in California and a transcendence of them" (2000, 182).

The term OaxaCalifornia was coined by Michael Kearny, an anthropologist who has contributed to the ongoing literature and research of Oaxaqueñxs. This term was created to connect all of the following places and communities: "Oaxaca, Baja California Sur, and Baja California Norte in México and the state of California in the United States"(Stephen 2014, 134). This community has allowed for Indigenous families to connect back to their roots while also developing a community in California. In many ways this community has allowed for Oaxaqueñxs to retain their culture in México and the United States, many of which cannot be physical in one space or another.

Chávez explains OaxaCalifornia, in their personal experience, as a community. For them, they understand this community as a critical part of living, experiencing their culture, festivals, language, etc. OaxaCalifornia as a term for Chávez represents "expressing [their] duality as Californian and of Oaxaqueño descent" and also links it to the "unbroken cultural connection[s]" (2020).

The complicated relationship with México and the United States, legally and with everyday interactions, has inspired this community to create a space to develop their presence in California. Chávez describes this phenomenon as making “California, [their] beautiful and beloved Oaxaca” (2020). This not only allows them to exist in California and Oaxaca, but to cultivate a belongingness rooted in culture, music, and festivals with a mission to protect traditions for future generations that come. The cultural aspect is extremely vital for Indigenous populations, culture, and tradition. Oaxaqueñx culture on one side is deeply rooted in México’s traditions and on the other side is disappearing because of various factors such as discrimination and anti-Indigenous sentiments.

Political Participation

Oaxaqueñxs have Indigenous roots tied to their land, sovereignty, and way of life. These Indigenous roots have therefore caused, as Kearney pointed out, an inability of Oaxaqueñxs to “live entirely either in México or in California, many Oaxaqueño migrants instead piece together complex transnational migration and develop strategies whereby they exist in the transnational space beyond the territories and the legal and cultural domains of both México and the United States” (2000, 174).

The complicated relationship with both nation-states creates a complex identity within oneself and the community. However, Zabin and Escala point to the strength and power that Oaxaqueñxs have found as a result of grounding themselves in their culture. For example, getting involved in their cultural roots has opened the doors to explore their citizenship rights in México while continuing to live in the United States. There is an irony in that Mexican immigrants are able to enjoy their formal citizenship in their origin country (once they immigrated) although they were once “outside the center of power and decision-making in their societies of origin” (2002, 20).

OaxaCalifornia and Oaxaqueñxs have been able to be politically and legally active through the Binational Front of Indigenous Organizations (FIOB). “Being Indigenous and migrant is what precisely ... defined the organizational strategy promoted by the Indigenous migrants who founded this organization in 1991 in Los Angeles, California” (Gaspar Rivera-Salgado 2015, 119).

The FIOB organization continues to play a critical role in organizing while also promoting cultural presence of Oaxaqueñxs. This further expansion of transborder migration increased the need for establishing community organizing. FIOB continues to be highlighted as a key pivotal organization in expanding these communities. They have established successful projects and programs such as the Programa de Intérpretes en Lenguas Indígenas (Program for Interpreters in Indigenous Languages) organized along with the Centra Binacional para el Desarrollo Indígena Oaxaqueño (Binational Center for Indigenous Oaxaqueño Development). FIOB offers

translation services, resources, and social services for health, education, and workers' rights. FIOB also is involved in political and legal organizing. They have played a huge role in helping Oaxaqueñxs in California courtrooms as well as disseminating legal information (Gaspar Rivera-Salgado 2015).

In September 2013, FIOB issued a call-to-action to protest against the Sakuma Brothers Farms, a farm under the Driscoll Brand, for violating labor rights of eight hundred Mixteco and Triqui workers in California and Washington. In 2014, FIOB established an agreement with United Food and Commercial Workers in hopes of expanding the knowledge of migrant Indigenous workers about their own labor and rights (Gaspar Rivera-Salgado 2015). The organization is not limited to the United States and that is shown with FIOB's work in Oaxaca in the year 2006. FIOB was a critical part of Gabino Cué Monteagudo's successful election, running against the establishment of Institutional Revolutionary Party (PRI) in México. He was the first successful non-PRI candidate in eighty years. After receiving over 13 migrant organizations' support, Cué was appointed. However, the promises Cué made to appoint a migrant to lead the Instituto Oaxaqueño de Atención al Migrante (Oaxacan Institute for the Attention of Migrants) were not accomplished. Oaxaqueñxs felt that Cué had much work to do when it came to listening better to the migrant demands (Gaspar Rivera-Salgado 2015). FIOB then took to action to hold Cué accountable by organizing, mobilizing protests, and meeting with the newly elected governor. FIOB also organized, in 2012, in support of Andres Manuel Lopez Obrador, the MORENA candidate. In their work they sent out information to Indigenous communities, held press conferences and radio programs, organized and called all migrant voters in México to vote for a non-PRI candidate. FIOB's political organizing was essential in involving Oaxaqueñxs both in the United States and in Oaxaca. It was also important in helping transborder Oaxaqueñxs exercise their membership in México while challenging the Mexican government and politics hegemony known as the political party PRI (Gaspar Rivera-Salgado 2015).

FIOB organizations are not the only form of political participation within the context of Oaxaqueñxs. There are other coalitions centered around transborder organizing that are even more politically focused. Rivera-Salgado lists the following: Organization Regional de Oaxaca (ORO, Regional Organization from Oaxaca), Unión de Comunidades Serranas de Oaxaca (UCSO, Union of Communities from the Sierra de Oaxaca), Coalición de Organizaciones y Comunidades Indígenas de Oaxaca (Coalition of Indigenous Organization and Communities from Oaxaca), Red Internacional Indígena de Oaxaca (Indigenous International Network from Oaxaca), Asociación Cívica Benito Juárez (ACBJ, Benito Juarez Civic Association), Coalición Oaxaqueño Binacional (Binational Oaxacan Coalition), and many others (Gaspar Rivera-Salgado 2015).

A Transnational versus Transborder Legal Consciousness

Legal consciousness is defined as “how legality is experienced and understood by ordinary people as they engage, avoid, or resist the law and legal meanings” (Ewick and Silbey 1998). In the context of legal consciousness, I analyze how a transborder identity affects how someone perceives their legal power and experiences in both their country of origin, where they reside, and any transborder space. *The Common Place of Law* discusses how “legal consciousness is neither fixed nor necessarily consistent; rather it is plural and variable across contexts, and it often expresses and contains contradiction” thus it varies with time and place (Ewick and Silbey 1998, 46).

Hernández asserts that past experiences with the legal system, law, and its actors affects a person’s legal consciousness (2010), therefore, legal consciousness is fluid. This suggests that exposure to the law doesn’t need to be an individual experience, but it can also be a collective experience through kin and networks. Developing legal knowledge, communally and individually, can create more positive outlook on the legal system as well as successful experiences of applying the law (Hernández 2010). These experiences can shape someone’s legal consciousness since it can change someone’s assumptions of the legal system and laws. Legal consciousness therefore affects how people perceive invoking or utilizing the law in their everyday life. It shapes how they believe justice or remedies are possible in their life through legal means.

To some extent using the law can be a tactic or a tool to uphold what people perceive to be justice or values. In the context of transnationalism, people are able to learn and use “various local and international laws in their struggles to assert the right to form transnational families” (Hart, Rossum, and Sportel 2013, 37). For migrant workers, law can also create, offer, and uphold protections for worker’s rights, laws, and policies (Constable 2013). Despite the legitimizing role of law in class relations, it can “inhibit power and afford some protection to the powerless” (Hart, Rossum, and Sportel 2013).

Within the transnational social space, norms are being created about how to deal with law, in other words: legal consciousness (Kulk and De Hart 2013). As a reminder, Kearney's definition of transnationalism encompasses communities “spanning national borders” and “the processes by which immigrants forge and sustain multi-stranded social relations that link together their societies of origin and settlement”(2000, 174).

One of the concepts laid out by Ewick and Silbey is the concept of “outside [or against] the law” (1998). Hart, Rossum, and Sportel discuss how “those up against the law see law as unjust, an oppressive system, arbitrary and unpredictable” (2013, 98). *The Common Place of Law* also

notes that disadvantaged groups, often those based on race, gender, and ethnicity, are more likely to recall experiences that are “against the law” (Hart, Rossum, and Sportel 2013, 998).

Law can deny protections or legitimacy. For example, Hong Kong has had a history of denying citizenship to “foreign domestic helpers” (FDHs) (Constable 2013). Kulk and De Hart discuss this as a clear example of how migrant workers are “outside” of the law, excluded, and thus see law as unequal power (2013). The concept “being against the law” can be applied to undocumented, immigrant, and mixed-status families. The notion of having no rights is extremely important when it comes to immigrants and migrant workers. It leads to exploited workers seeing themselves as constantly in the brink of deportation or apprehension. Undocumented workers see their legal status as a signal of how they (through internalization) and others perceive them and their rights in the United States and internationally (Nielsen 2000). Nielsen points out immigration laws have an effect where they end up controlling the immigrants, not immigration (2000). Legal consciousness gives us insight into how immigrants use their ability to speak up, stand up against exploitation or harsh working conditions, and integrate into the western society of the United States (Abrego 2011, 64). Through these actions, they are able to resist unjust policies and laws while constructing a citizenship centered around culture and political ties (Abrego 2019).

Legal consciousness of transnational families has been explored by Hart, Rossum, and Sportel. In their research they lay out three themes: the power of law, the use of law by transnational family members and legal consciousness, and lastly the role of family and networks (Hart, Rossum, and Sportel 2013). They discuss how there is a direct consequence to legal ties from migration. “The legal relationship with the country of origin is not self-evident and may be forfeited, in terms of loss of citizenship, registration, or social rights”(Hart, Rossum, and Sportel 2013, 997). Hart, Rossum, and Sportel’s research is relevant in that they point out that transnational families are sometimes unable to navigate legal claims back and forth, thus they are unable to “use the law or ‘cherry pick’ across borders, without denying their agency or placing them outside the law” (2013, 997).

Past literature has studied Oaxaqueñx through the term “transnational.” However, several Oaxaqueñx scholars, including Dr. Brenda Nicholas (Zapotec)⁸, have pointed out how the term “transnational” is not a suitable term to describe this community. Since “transnational” is confined to how social relations within societies of origin, settlement, and nation-states, Indigenous communities such as Oaxaqueñx may not see this term encompassing how their identity and community surpasses borders established through colonization. Furthermore, many Oaxaqueñx do not identify themselves through the identity of nation-states such as México or the

⁸ Nicolas, Brenda (BeneXhiin/Zoochina Zapotec). 2021. “Why I Don’t Use the Word Transnationalism in My Work.” Tweet. @bnico004 (blog). April 20, 2021. <https://twitter.com/bnico004/status/1384575978777628675>.

United States. Therefore, confining Oaxaqueñx to the term “transnational” erases their complex relationship with nation-states, indigeneity, and how they actively combat against and reject borders and nation-states.

An important factor that impacts how people understand their legal power and identity is their citizenship status. Citizenship can be understood as responsibilities and rights both individually and collectively (Kresge 2017). Oaxaqueñxs differ in their conception of citizenship, aligning more with transborder lives. Oaxaqueñxs have a cultural sense of citizenship.⁹ According to Stephen, “the notion of cultural citizenship is an alternative concept to legal citizenship, which labels many migrants (the undocumented) in the United States as illegal aliens; it is also a way of reaffirming the contributions of Indigenous migrants outside the framework of U.S. immigration law and within the framework of border-crossing transnational communities.”

Oaxaqueñxs also differ in that activities and certain legal rights cross national boundaries and nation-states. Furthermore, Oaxaqueñxs are an example of how legal consciousness can shift. For example, citizenship duties and legal rights have shifted as they have migrated. As a result of migration, Oaxaqueñxs have had to establish *Mesa Directivas*¹⁰ in the United States and other transborder spaces to continue their connections and contributions to Oaxaca.

Beyond Just Work-Visas

I ground my theoretical objective on expanding research on the need to move beyond just work-visas or a guest workers program such the Bracero Program as a form of obtaining legal rights for Oaxaqueñxs and other migrant transborder communities. As a result of the Bracero Program, many Oaxaqueñxs continue to be one of the biggest and fastest growing Indigenous populations to work in the fields in California and Oregon (Kresge 2017). Policies regarding work-visas as a path towards citizenship have long been neglected, especially when in connection to farmworkers. Even more so, navigating the complex and often confusing legal pathways to naturalization is a barrier, along with lack of financial resources.

I also hope my research will expand knowledge about this migrant-working population rooted in Indigeneity. There is a gap in literature regarding the cultural, legal, and political impact of the Bracero Program in how Oaxaqueñxs understand their identities and lives. As previously mentioned, I have only found a thesis paper that has made direct connections (León 2015).

Another theoretical objective is to expand research on the OaxaCalifornia community. Oaxaqueñxs have maintained their cultural and Indigenous roots both in México and California

⁹ Stephen, Lynn. 2007. *Transborder Lives Indigenous Oaxacans in Mexico, California, and Oregon*. <https://doi.org/10.1215/9780822389965>.

¹⁰ Mesa Directivas are Board Committees. For Oaxaqueñxs, each *pueblo* has their own Mesa Directiva in which they fundraise, organize, and discuss strategies to help Oaxaca. *Pueblo* translates to village.

(Stephen 2007). Their transborder identities spurred the creation of a political community in Los Angeles known as OaxaCalifornia (Gutiérrez 2010). Although there are prominent researchers on OaxaCalifornia, such as Lynn Stephen, there is a gap in research on how and to what extent Oaxaqueñxs identify with this community and on whether or how they themselves are Californians as a result of this community (Stephen 2014).

Lastly, there is a gap in legal consciousness theory. Transborder migration affects how people interact and perceive their legal rights outside and within territories. Although there is literature on “transnationalism” through an Indigenous point of view, borders are a postcolonial creation. Therefore, Indigenous communities themselves may not see themselves within a border context nor agree with “borders.” I define “transborder lives” as political and social participation, and financial and cultural connections that transcend postcolonial borders. Similarly, many people describe it as “siendo ni de aquí ni de allá”/ “being neither from here nor there.” I define political participation with a transborder perspective. With this lens, I define it as involvement in political campaigns, movements, protests, engaging in political power, voting and or influencing ideologies that transcends postcolonial borders.

Within legal consciousness, I see no discussion about how legal consciousness varies for Indigenous communities both in México and in the United States. Oaxaqueñxs, and other Indigenous groups, vary in their legal consciousness, political participation, and identities. This research will inform readers about the importance of not lumping Indigenous communities with Latin American countries such as México.

IV. Methodology

1) Research Strategy:

I investigated the ways in that Oaxaqueñxs in California identify within themselves in regard to legal and political systems. I conducted qualitative semi-structured interviews to learn and explore the experiences of Oaxaqueñxs. With such a complex and sensitive issue, a semi-structured interview method is the best approach since it created a solid framework without constricting or determining how they identify themselves. With this framework, I obtained more detailed and personal responses while also establishing an interview process based on the participant’s comfort and power in guiding the research. It allowed for participants to not feel pressured in answering questions a certain particular way, which can lead to biases. I established questions as a guide but left it up to the participants to guide the conversations and themes.

I disclosed my own family history and ties to Oaxaca, México and farm-labor early on to establish trust with the interviewees. Semi-structured interviews gave me the chance to establish trust with participants, their legal status, their stories, and identities. Although my research

focuses on agricultural work and ties, I opened it up to Oaxaqueñxs in Los Angeles to compare them to Oaxaqueñxs in the Central Valley.

I selected participants who identify as Oaxaqueñxs/os/as. I interviewed thirteen Oaxaqueñxs/os/as: six were current or past farmworkers in the Central Valley, two had connections to the Central Valley, two had connections to Los Angeles, three had direct family members who were part of the Bracero Program. Within these thirteen participants: four were 27+ in age, six were college students, and six worked or volunteered for organizations including MICOP. One participant who worked for MICOP dedicates themselves to immigration legal services. I had nine participants who were farmworkers or had family ties to the Bracero Program. Some participants spoke variants of Zapoteco, Mixteco, and Chinanteco. Due to the fact that the Bracero Program has ended for some while now and many of the Braceros have since passed away or lost the history, I could only find family members who had some ties through their family tree. Two participants could only recollect information through their perspective of their grandfather and 1 had ties with a close family member.

Figure 1.

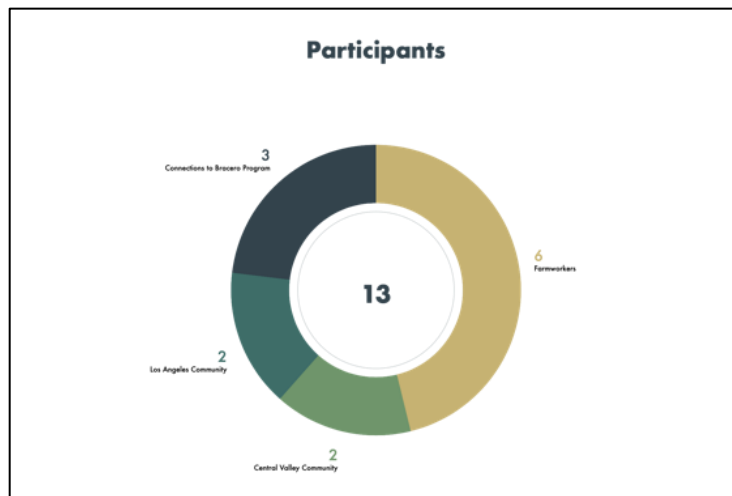


Figure 2.

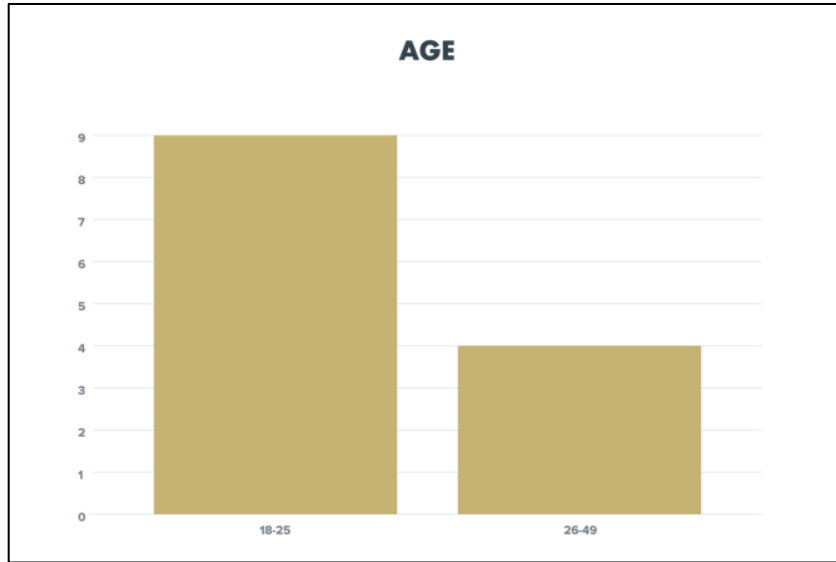
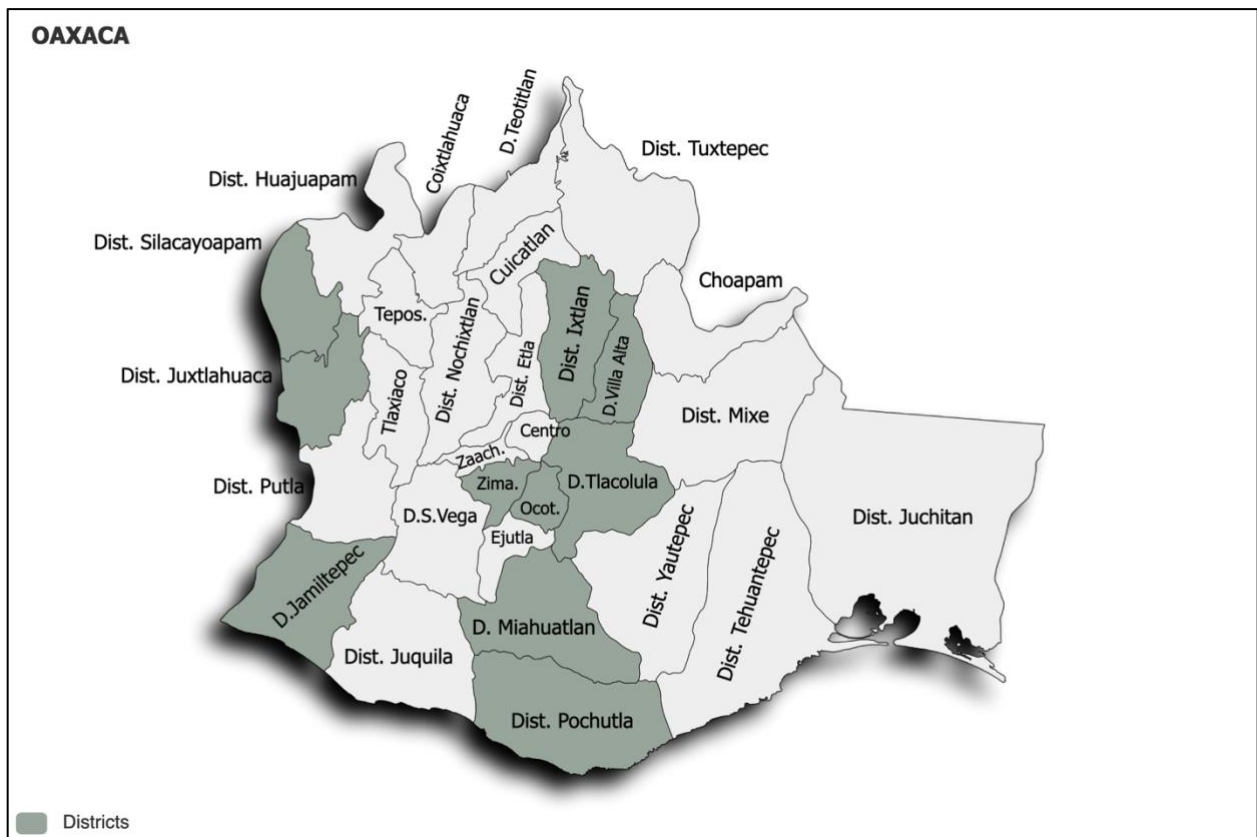


Figure 3.



The interviews lasted forty-five minutes to an hour. In these interviews, I focused on the participants' perception of their political, legal, and transborder identities as a result of migration.

2) Sampling Strategy:

This research project required participants to be Oaxaqueñxs, making the research project's scope limited to this migrant community. I want to make it clear that there is a danger in lumping Indigenous Oaxaqueñx experiences with that of general migrants or with México. In the same manner, I have discussed how diverse Oaxaca in terms of Indigenous groups, languages, and culture is, so therefore my project will only be analyzing the Oaxaqueñx identities and groups I have interviewed. This is important to highlight to fight against the lumping of all Indigenous experiences together.

My research sample includes Oaxaqueñxs in California in general and then I narrowed it down to those who have ties to the Bracero Program, to those who live in the Central Valley, California and to those who live in Los Angeles, California. Due to the difficulty of finding Oaxaqueñx Bracero Workers, I expanded it to Oaxaqueñxs who are currently working in the fields and to those who have family ties to the program as a result of migration. I reached out to community members and organizers of Indigenous organizations such as Mixteco Indigena Community Organizing Project (MICOP), specifically looking at their site in the Central Valley. Through these organizations, I was able to connect to the overall community known as OaxaCalifornia. With their help, I was able to use the snowball effect to outreach to more individuals.

First, I contacted personal contacts such as family members who are Oaxaqueñxs, farmworkers, and community members I know. Then I used the snowball effect to reach people outside my personal scope. Then after contacting contacts and members of organizations, I used the snowball effect. I also adjusted my snowball effect since I was able to get a good number of participants as a result of my flyer. The flyer advertised compensation of participants since I would like to honor their stories, knowledge, and time. On top of this, the flyer was distributed on the social media page of @weare.neto, a page dedicated to preserving and creating space for Oaxacan culture. It was here that my project was highlighted on their social media Instagram stories and posts. With \$20 and a \$5 gift card, I was able to encourage participants to both participate but also share my research study in an online version of the snowball effect (e.g., sharing to mutual contacts or organizations through social media platforms).

3) Variables/concepts and operationalization:

I investigated how migration, as a result of the Bracero Program, matters for Oaxaqueñxs, their communities, and their legal consciousness. This is my dependent variable. To study Oaxaqueñxs' legal consciousness and the different ways in that they understand themselves, I

interviewed different communities throughout California based on their ties to farm labor, migration history, transborder lives, and the communities they belong to such as OaxaCalifornia; this is my independent variable. My sub-questions are centered around the following concepts: migration as a catalyst of identity, transborder versus transnationalism, perception of their legal and political identities and mobilization, and legal consciousness. These concepts helped me identify how Oaxaqueñxs' migration and identities matter.

To operationalize Oaxaqueñxs' identities, I used questions that asked participants to reflect on their migration and how it ties into their identity. The sub-questions that I used to get at this concept are: (1) What does it mean to you to be a Oaxaqueñx?; (2) What does it mean to you to be a descendant of the Bracero Program?; (3) What does it mean to you to have a history of migration?; (4) How has migration changed who you are as a person?

By having participants giving me insight into how they see their identities, I was able to make connections based on their own perceptions and beliefs. Based on their responses, I moved forward to reflect how they view themselves. To also ensure I was able to connect it to the ongoing communities in California, I asked about the OaxaCalifornia community. I gave interviewees a space to express how they feel about this particular community and whether they feel it represents who they are, their cultural and family ties, and their Indigeneity. I did so by using the following sub-questions: (1) What (if any) political community do you identify with?; (2) Do you see yourself as a Californian?; (3) Do you see yourself as a citizen on California?; (4) Do you see yourself as a legal citizen on California?

Lastly, I studied and found themes on legal consciousness. In particular, I addressed the complexity of legal consciousness through a transborder lens, using Ewick and Silbey's definition as a reference point (1998). I asked participants if they have participated in legal or political action focusing on the United States. With these questions, I was able to understand why or why not Oaxaqueñxs partake in political or legal action. In order to get to the root theme of migration, I had to get a sense of how Oaxaqueñxs understand their "legality" both in México and the United States, both culturally and through legal means.

4) Analysis Strategy:

My research focuses on the Oaxaqueñx community throughout California. My data is qualitative, and I transcribed my data into English after translating the interviews. Doing so allowed me to point out key themes, responses, concepts, and words expressed during the interviews. Due to the lack of research around Oaxaqueñxs and their roots to the Bracero Program, I based my approach on a grounded theory methodology (Corbin & Strauss, 1998). I transcribed the interviews first in Spanish and then English since half of my interviews were in Spanish. As someone who has translated Spanish to English all throughout my life, I felt comfortable translating the interviews

myself. By doing this, I transcribed them true to their original nature while also assessing themes articulated by the participants. I created a codebook of the themes and keywords as well as used MAXQDA to analyze and document the interviews. Through these methods, I was able to answer my research questions through an in-depth transborder lens of migrant workers. Interviews helped answer how Oaxaqueñxs understand their legal and political identities, communities, and migration.

While conducting the interview, I was able to find themes, trends, and similar experiences with legal and political institutions, migration, community organizing, and rights' mobilization. After the interviews, I was able to identify the primary themes. Prior to doing the interviews, I did not feel comfortable fixing a set way of analyzing and transcribing the interviews without hearing the stories of Oaxaqueñxs. I was able to move forward with trends and themes similar to what I anticipated.

5) Strengths and Weaknesses of Proposed Methods:

Strengths:

Conducting interviews has multiple strengths when trying to get answers to complex questions surrounding a community's identity. I chose interviews since I was able to foresee how I could make personal ties thus increasing the trust of the interviewees. It also helped the snowball effect work more effectively since I was able to connect to the community and ask for references. Using interviews helped me connect to organizations such as MICOP, which then in turn connected me to farmworkers. Conducting interviews provided me with insight when discussing the political community known as OaxaCalifornia since I was able to dig deeper into how participants understand this community.

Interviews allowed me to obtain more concrete answers. I believe doing surveys or any other method would not allow me to have complex discussions. Conducting interviews also gave me a chance to also address the barrier of language since, as previously stated, more than half of my interviews were in Spanish. With interviews, I was able to get at any intended meanings and answers as opposed to broad and in concrete survey answers.

Weaknesses:

One of the struggles was the issue of interviewing Bracero Workers since the program ended in the year 1964. However, I do not believe that this issue that affected my research. Since I am tying both historical and recent migration to contemporary identities and political communities, interviewing Oaxaqueñxs in Central Valley and Los Angeles ensured a wide scope of answers and themes while still addressing the overall research question. This community, with their

strength and perseverance was able to discuss how the Bracero Program – which ended 57 years ago - currently impacts their lives in the United States.

Furthermore, I used the snowball effect, which has some drawbacks in terms of diversity. However, I believe there is no way to ensure a wide scope of diverse interviews. On top of this, conducting interviews with a small pool allowed for further help in focusing the research. With a small pool of interviews, I was able to find even more subthemes as opposed to general connections.

Conducting interviews during a pandemic poses a unique struggle that I had to address. One weakness was the digital divide, a huge problem to accessing and interviewing Oaxaqueños. As a result of COVID-19, I had to rely on platforms like Zoom and phone-calls to conduct the interview in order to ensure safety. I interviewed Oaxaqueños who are farmworkers, making the access of technology an incredible gap to close.

On the other hand, relying on interviews through Zoom and phone-calls allowed me to connect to communities and people that I would have been unable to interview physically in a world without COVID-19. I also ensured there were multiple online platforms available to conduct the interviews- addressing the technology gap to some capacity. To combat any issues that may have arisen from using a snowball effect, I created a flyer. I distributed this flyer to personal connections, organizations, social media, and people who were connected to OaxaCal, a student-run class part of the University of California, Berkeley campus with members all throughout California. On @weare.neto's page, I was also able to take over their page to promote and talk more about how people could become participants. This created and inspired a social media snowball effect by the Oaxacan community on Instagram.

V. Findings

Before analyzing how and to what extent did a transborder Indigenous identity affect someone's legal consciousness, I wanted to get a sense of how Oaxaqueños mobilized and if so, to what extent did it affect their legal consciousness. First, I had to answer how Oaxaqueño in California saw their identity and legality.

Although my project wasn't centered around legal status and immigration, many of my participants reflect the growing population of working migrants in California. Through my interviews, I hoped to extract detailed personal experiences and stories of how their legality and identity shaped their migration and work. With these stories, I noticed how my participants engaged, resisted, or avoided the law. My hope with these stories is to impact how people, legal actors, and policy makers understand the importance of organizations that serve and are run by

Indigenous people. I also hope to highlight the need for an established citizenship pathway that encompasses Indigenous peoples while going beyond a work-visa program.

Due to the fact that there is not much existing literature that engages both with Oaxaqueñxs and the Bracero Program, I was hesitant to make direct ties or conclusions about the connections. Through the use of interviews, I was able to understand how Oaxaqueñxs understand the Bracero Program and if they believe it has any ties to how they identify within themselves and in the United States.

The Bracero Program has been attributed to the migration of Mexican workers in general and therefore while initially already knowing some of the links, I began this project in hopes to identify how direct they are to Oaxaqueñx community. Due to the lack of direct ties, I could only predict that migration has affected how Oaxaqueñxs understand their political and legal power and rights. Many of the Oaxaqueñx farmworkers and workers are undocumented or live a complex “legal” identity both in México and in the United States. Therefore, I predicted that Oaxaqueñxs understand their status and that may affect how they choose to mobilize. On the other hand, OaxaCalifornia and other organizations have inspired Oaxaqueñxs to keep their “legal” ties to Oaxaca, México while also creating a sense of mobilization in the United States.

Legal Consciousness and Organizations

Throughout this experience, I grew to learn the importance of organizations that are able to support Indigenous communities. This research project as a result has molded and changed as a reflection of the interviews and participants. As a Oaxaqueña, this research project’s goal was centered around exploring legal consciousness of transborder Indigenous communities – a topic I hold with great importance. I have now learned the importance of organizing and supporting Indigenous-run organizations. Many of my participants helped me confirm that the topic of Indigenous transborder legal consciousness has to do with issues of migration, language barriers, socioeconomic factors, and discrimination against Indigenous peoples.

In interviewing them, I discovered how migration, their identity, language barriers, and legal status formed their legal consciousness and legal entitlement. These interviews showcase how Indigenous transborder legal consciousness differs from that of the general Mexican population. It is by studying their differences that we can understand and inform ourselves about how to better serve this population. In this section, I go further into my research findings, which seek to answer my research question and sub questions.

Many of the participants saw themselves only interacting with the law in very specific ways such as seeking legal resources for immigration. At the same time, their identity and legal status

prevented them from having legal entitlement. For example, Christian¹¹ expressed how he had used a legal resource to apply for his green card. Another participant Cynthia also opened up about her experience getting her “papers” with the help of an attorney. Yet these two experiences were not exactly aligning with Ewick and Silbey’s *before the law*¹². Both of them see their legal consciousness as a contradiction. On one hand, they actively seek legal help but on the other hand, they feel that the legal system could not protect them nor give them substantive justice.

Christian also expresses negative sentiments about legal organizations and their ability to serve his community. During the interview, he claims that although his older siblings have also tried seeking services to apply green cards they feel as though they have been scammed or promised something unreachable. Ultimately, these sentiments have seeped into Christian’s legal consciousness in how he feels unable to mobilize. It is Christian’s story that gives insight into how the complex immigration process may strip away migrant’s legal entitlement and change their perception of being able to achieve justice through legal system.

Claudia mirrors these sentiments as well:

Well first there are a lot of barriers to get the papers. You have to do a lot of strategies. You have to have a lot of money, so you have the opportunity. You have to have a lot of money to be able to contract a lawyer. Immigration has therefore always been a stop.

Furthermore, the complex immigration process is not the only thing that affects Oaxaqueñx legal consciousness. Many of the interviewees pointed out that there is lack of legal organizations that are run by and for Indigenous peoples such as Oaxaqueñxs. Participants linked the lack of inclusivity of some organizations to how they treat Indigenous people when they seek resources. Benjamin points out the lack of inclusivity in legal organizations:

Customer service for Indigenous people is very different...I know about organizations that already exist that have done good work but there is a difference in treatment of people. That's what MICOP looks out for- the difference of how to treat, understand, and empower the Indigenous community.

It is here that Benjamin links the disparities in treatment of Oaxaqueñxs and Indigenous people as the main factor for why there is need for more Indigenous spaces like MICOP. Denise further expands this by explaining another huge factor, language barriers:

¹¹ All my participants are anonymous and have their names under a pseudonym.

¹² *With the law* refers to how people perceive the law to uphold social norms, rights, values, and justice (Ewick and Silbey 1998). Being *with the law* can be summarized as using laws as tactic or tools to uphold what people perceive to be justice or values.

For example, if someone spoke Mixteco, Triqui – they [referring to non-Indigenous organizations] wouldn't be able to help people from our community. Right now, MICOP offers Indigenous translators. It wouldn't be the community nor the same support if it only offered services in Spanish or English.

Furthermore, other participants point out how there is a key difference when organizations are for Indigenous people as opposed to run by Indigenous people. The key differences pointed out are language, cultural knowledge, understanding their circumstances, and understanding what resources are available to counteract the barriers they face.

Participants showcased their legal consciousness when discussing how they perceive the legal system's ability to achieve justice. For example, Christian states during the interview:

The legal system in America I feel like overall is corrupt. I think that it shouldn't take so long for people to obtain like a green card, or... for those who are undocumented. And I think that a lot of people like in my community, like a lot of Triqui people – they come here by any means. And I don't think they get as much help as they should. Whether it be... with their legal papers or with their children like in school—there isn't a lot of interpreters, some of them don't speak Spanish.

Here Christian links both the “corrupt” legal system and the lack of services for Indigenous migrants as a direct cause as to why the legal system does not serve his community. It is these sentiments that frame transborder Indigenous legal consciousness. These interviews therefore shed light on the difference between a Oaxaqueñx seeking legal services versus other migrants.

Another perspective is shown by how Oaxaqueñxs see the legal system's inability to give them justice as a result of the institution itself. For example, Teresa feels that it may be a good starting point but that because of the lack of resources it may not get her desired outcome. On the flip side, others see the legal system as a way to obtain security and safety from the constant fear of deportation. Jaqueline points this out when stating that:

There is room to do [justice] by allowing families like mine, to live without fear of being deported, and being able to have a good job that doesn't require their back breaking labor and for them to work, literally, all day and night, you know, finding multiple jobs and whatnot. And just be just living a healthy life and having access to resources- the legal system.

These two interviews breakdown how Oaxaqueñxs understand the power of the legal system. As a result of their identities as Indigenous people, they perceive language barriers, the lack of inclusivity of organizations, the immigration process, and ultimately the lumping of their identities with that of Mexicans and other immigrants as direct signs of barriers to justice. Thus, by the end of the interviews, participants linked their migration to the United States as a direct influence on their legal consciousness.

The Bracero Programs Impact

Interviewing Oaxaqueñx with connections to the Bracero Program was crucial to understanding migration history, how they viewed themselves in the United States, and how that affects their use of the legal system.

Due to the fact that there is a gap on literature of Oaxaqueñx, I first established the migration history. Andres established that there was a lot of Braceros that were from Oaxaca and would return to tell stories about “the North.” He later would link the familiarity Oaxaqueñxs to farm work in their *pueblos* as to why so many migrated. According to Andres, another factor is the poverty and lack of jobs in Oaxaca. This aligns with the *push* factor discussed previously.

Marissa’s perspective from her great-great grandfather aligns with Andres’. Marissa mirrors almost exactly Andres’ statement:

I definitely do think it influenced her [referring to her mother] decision to eventually move here to the United States, just because he would talk a lot about the United States. The quality of life... was better there and there were more opportunities there for them, then back in their pueblo. And so, I guess planting that idea early that it was better to... move to the United States for a chance of a better life for their children.

Through these interviews, I was able to link the Bracero Program as a migration catalyst that ultimately *pulled* Oaxaqueñx to migrate as farmworkers to the United States. In order to establish how the Bracero Program impacted the legal consciousness of Oaxaqueñx, I centered the interview questions on family history in farm work and mistreatment. Andres is able to discuss how his ties to the Bracero Program and migration has ultimately shaped his relationship to law:

Well in the first place we just want to go to work and not have any troubles or arguments, or legal cases. We don't know the laws here when we arrive. So, if you begin to argue, you end up losing. So, you just take it all in and hold it. You don't have the voice to scream help or anything. If you do, they point out you are undocumented or that you work in the fields.

Furthermore, Marissa links the lack of financial security to migration and the environmental injustices Oaxaqueñxs seem to face:

Financial security isn't really found in our pueblos as a result of like, different factors, just ultimately stemming, I guess, from like colonization, and the effects of that – environmental injustices that lead to a lot of insecurities for Indigenous peoples and our pueblos.

While working in the fields, Christian is able to give insight into how farmworkers from Oaxaca are treated. Christian’s layered identity as a queer Oaxaqueño is able to showcase how intersectionality plays a hand in forming their legal and political mobilization.

I had to stay quiet throughout the whole time. I worked in the field, as a queer person. And I think that even like the supervisor had treated... Oaxaqueños, Triqui people like as inferior. I don't know like if [it was] because they knew that they had a hard time like understanding...how like things work in the U.S., like they [referring to Oaxaqueños] weren't really aware of their rights as a field worker- a lot of Oaxaqueños were taken advantage of. And I knew that. But I couldn't speak because of my queer identity.

Regarding how the Bracero Program shaped the political, economic, and “legal” identity of Oaxaqueñx, immigration has been one of the main factors of why there is a discrepancy between Oaxaqueñx lived experiences versus how they feel as members of the United States. Many participants point to how immigration status prevents many from speaking out– living in constant fear. Christian discusses how Oaxaqueñx are shaped the longer they are in California. Their cultures get “shaped and molded into something different.” Ultimately, the Bracero Program was a *pull* for Oaxaqueñx migration into the fields. As a result of the political culture and lack of an established pathway towards citizenship, many Oaxaqueñx understand their legal consciousness as *against the law*¹³ even while seeking legal resources and citizenship.

At the same time, Oaxaqueñx engage in political and legal participation in a transborder setting. Marissa expands on this:

With our pueblos, we have...our Mesa Directiva, and the president of the Pueblo and things like that. And that carries on even here. We have like the Mesa Directiva in Los Angeles. And we also have it like, New Jersey and in other states, where there's like a large group of people from our Pueblo. And so, we retain like making decisions that affect the pueblo back and Oaxaca.

Marissa reveals how Oaxaqueñx as a result of migration and inspired by the Bracero Program have a contradicting legal consciousness. The contradiction is that although Oaxaqueñx can be *against the law*, they are also *with the law*¹⁴ in transborder context. With respect to how migration has shaped the transborder identities of Oaxaqueñxs in California, many participants discussed how the loss of language was a huge factor as to why several struggled with their identity.

So, it has been kind of difficult trying to figure out like, my Oaxacan identity...I don't consider myself Indigenous, just because I don't speak any other language other than Spanish. My parents don't either. But my parents are native to Oaxaca.

- Jaqueline

¹³ As a reminder, *against the law* means that a person might not perceive laws or the legal system as something that can help them achieve justice. This may be contradictory in that they may use the legal system while still believing that laws cannot fully achieve their concept of justice.

¹⁴ As a reminder, being *with the law* can mean someone or a community understanding the law as a tool or method for substantive justice to uphold social norms, values, and rules.

Furthermore, migration encouraged Oaxaqueñx to preserve their identities and in the long run, keep ties to community and Oaxaca.

Because this is what it is about- not leave our state [referring to México] behind just because they tried to step on us or see us as what we are: Indigenous. And we want to leave them like that, no, on the contrary we have to find a way - to preserve that we are Indigenous. We are not ashamed. I personally speak Zapotec. I am very proud to be able to speak it.

- Claudia

We have met with different people from other pueblos [referring to working in the fields,] all from Oaxaca, but different pueblos or ranches. Some come from the city, others not. Once we work, we all meet people from different places. It's beautiful- you meet people every year, every time, time passes. We make friends. It's beautiful because at work, like in Oaxaca, from place to place, language changes and the tones of the language, different languages. We respect each other- every paisano from Oaxaca in Santa Maria.

- Julian

Political Mobilization

My project also explored political action and organizations and how that may affect Oaxaqueñxs' mobilization and power. It is through these interviews that I was able to expand on the lack of mobilization that trickled down to how Oaxaqueñxs seek resources or remedies. When it came to political organizations, many participants feel (1) political organizing and organizations were often not a choice for them due to their immigration status or work position or (2) political organizations could only do so much to protect their community depending on the political climate or (3) political organizing and organizations are much needed but often as a result of the fear of the community they struggled to keep the momentum of organizing.

Andres showcases the first point of view when stating:

I never protested. You come here to make money and help the family. If I protest something, the police could come and get you. You then get locked up. In getting locked up, well then you get deported. So, what do you say to yourself? It's better to stay at home. Let others do the work. I just want to work and earn money. That's what one thinks.

I would simply stay quiet. Well in the first place we just want to go to work and not have any troubles or arguments, or legal cases. We don't know the laws here when we arrive. So, if you begin to argue, you end up losing. So, you just take it all in and hold it. You don't have the voice to scream help or anything. If you do, they point out you are undocumented. You are discriminated in many places.

The necessity to stay quiet then trickles down to how Andres feels towards his engagement with political organizations and rights mobilization. It is important to note many participants understood the importance of political organizations but also feel that they were never fully successful or enough to obtain substantial justice. Interviewees feel as though political organizations, although on the rise, often failed to understand the cultural differences between Mexicans and Oaxaqueños. At the same time, the Oaxaqueño community feels a need to join organizations that help with political issues. Benjamin points out that there is a lack of community involvement:

They were the first kinds of organizations that I came across that do a lot of organizing, to try to pass some remedy or an ordinance...but not many people...follow-through.

It can only be speculated what various factors have impacted this community's political involvement. Some participants suggested language barriers, cultural barriers, legal status, and lastly the lack of organizing as possible answers. However, I also offer another alternative reason. In interviews I noticed many participants did not consider themselves "politically active" but did see themselves doing human rights work and organizing.

When discussing if they are politically active, Christian stated:

Like if I'm completely honest. I don't think that- because there's just so much going on here in the United States alone. I like to try not to like pay attention to the politics in Mexico. Just because the ones here like a very like heavy and... I tried to like, stay away from politics for the sake of my mental health. But it's sort of like, I guess impossible for people like me because it directly affects me whether like I want it to affect me or not. So, yeah, I have no choice but to like to get engaged. And then in Mexico, like even though I haven't put much attention to politics, I know that things aren't better there. I have read a little bit of some like articles about like murdered women, or like missing Indigenous women, or being like murdered. And you know, it's like saddening to know that it happens to indigenous communities. It's still a lot of violence.

Christian, an organizer on their college campus, is involved with immigration issues. As a result of their undocumented status, they feel they cannot escape being "politically involved." Marissa points out how they are different forms of being engaged or activism:

I guess there can be differently forms of activism...trying to be involved in like the betterment of like, my community here, like in Madera, and things like that, like organizing different kinds of services for our community. For example, different legal services – trying to bring it to like Indigenous migrant communities. Social services, like food banks, or like school supply drives, or trying to get access for Indigenous interpreters for the community, and things like that. That's kind of where I've evolved myself more.

Yet even here, Marissa seems unsure throughout the interview if they would categorize this as being “politically involved” because to her, they feel like things you do for your community. Ultimately, I argue that the term “politically active” is perceived to encompass political parties, voting, and other types of democratic participation in a postcolonial era. Therefore, since Oaxaqueñxs organize in anti-colonialist/settler ways, they see their organizing and work beyond the term “politically active.” Their political involvement is not bound nor restricted by borders, politics, or postcolonial definitions.

Complex “Legal” and Citizenship Identity

I have briefly touched upon the discrimination of Oaxaqueñxs both in México and in the United States. Anti-Indigenous sentiments are ingrained in both societies, creating a sense of isolation or “othering”. Participants were deeply impacted by anti-Indigenous rhetoric that pushed many to hide their identities as a result of the shame.

I gotta be careful around like my queer identity but also be careful around my identity, being an undocumented person, and also as a Oaxaqueño. I think that because there was already this big like stigma, like against Oaxaqueños in my town. My friends would ask me like are you from Oaxaca and I would be like oh no like I'm not from Oaxaca. And... every time I would introduce myself from Mexico. Because of the shame I carried with all three identities.

- Christian

One of the derogatory terms that is used heavily towards the Oaxaqueñx community is Oaxaquitas (little people from Oaxaca). This term is used to look down on Oaxaqueñx by stereotyping them as dark, short, and uneducated. As a result of Eurocentric beauty ideals and the effects of colonization, Oaxaqueñx have been discriminated, teased, and bullied in México, in the United States, and in other places. Benjamin reveals how in previous jobs before MICOP:

They would say Oaxaquita. They were Latinos who were joking but that's lack of consciousness, lack of cultural respect. All of that I learned much later. If someone said that now I can defend myself and spend a whole hour talking to them about it.

As Christian has demonstrated, the relationship of Oaxaqueñxs with México and the United States is complicated and hurtful. Therefore, participants identified more with their community and as Oaxaqueñxs rather than México or the United States.

Benjamin highlighted the following:

I always said I am Oaxaqueño. To me there is a difference. Mexican means to not recognize or understand your culture. Mexican means to be in a soccer stadium and to dress up as an Aztec warrior and then you forget about it and disrespect Indigenous people. That's what Mexican means to me. This is my personal take. To me, being Oaxaqueño means recognizing my cultures,

to recognize myself that I am Indigenous, obviously different, and modern. I would have coworkers ask me "but you aren't like the real Indios?" ... No, Indians are people from the Republic of India. We are Indigenous, we are not Indians. But no, I couldn't really say I am a member of Mexico because Mexico doesn't recognize my culture. They don't fully recognize my language- there is always discrimination, racism, all of that so I can only say I am Oaxaqueño.

Discrimination and derogatory terms thus shape the complex identity of Oaxaqueñx in relation to México or the United States. For example, many participants pointed out how their identity has been teased and suppressed in México therefore they feel no relationship to the non-Indigenous Mexican society. As for the United States, many participants were undocumented and so they already felt “outside” of American society. Others differed in that they were citizens but still felt that their identity of Oaxaqueñx was a true reflection of who they were.

I guess nationality like, I'm American, but it's not really a big part of my identity. The same thing with like, being Mexican, like, those are like two nationalities, but it's just not a big part of who I am. And I guess that also comes from like my grandma, and her teachings and things like that. And I was always just reinforced the idea that we are Indigenous, we are Zapotecas –we're from our specific community before, we're like Mexican, or we're American.

- Marissa

Due to the fact that Oaxaca differs in who they classify as “citizens,” many of my participants would fall and categorize themselves as still actively contributing to Oaxaca. “Citizenship” for Indigenous Oaxaqueñx differs in that they do not define their membership through a constricted postcolonial way. This is to say that their membership does not rely on borders, legal papers, physical location, or concepts like blood quantum. Stephen points out cultural citizenship is essential in understanding this further. “Cultural citizenship is one of many senses of citizenship that must be explored if one is to understand the unique set of rights that transborder Indigenous migrants are seeking to achieve in the multisided and multiple arenas of their lives” (Stephen 2007).

Identity and Membership

Identity is a tricky subject to discuss, confine, and label. On top of this, Oaxaqueñx may not understand themselves outside of nationality or nation-states but rather in the context of their community, *pueblo*, their location, and as Oaxaqueñx.

When discussing whether migration shaped their identity, participants stated that it was changed by their experiences in California. However, it did not diminish nor take away from their engagement, community-building, and relationship to Oaxaca. Many also stated that this process

of continuing connections to Oaxaca was hard when there may be a lack of Oaxaqueñx community at their current location.

Christian for example stated how they identify as OaxaCalifornians:

I think I would like to identify myself as that- as a OaxaCalifornia and every time I like meet people, I say that I am originally from Oaxaca, Mexico but I grew up here in California.

Christian later on discusses how as a result of his location in the Central Valley he struggled to make community. After learning more about this, they touched on the fact that their queerness ultimately also shaped how they felt a lack of community:

I guess it's still hard for me like even to this day like to go back home, like in the Central Valley and find community just because I still do identify as a queer person and, there's still like a lot of, I guess you can say shame around like my around queerness. In general, like it still is like hard for me to find community there.

Another finding was that many participants also confirmed that they felt part of OaxaCalifornia, and 4 participants identified themselves as OaxaCalifornians. Furthermore, elders who were born in Oaxaca understand and identify with this community.

I think that... for example like me who are one hundred percent Oaxaqueña and [people] who are this OaxaCalifornians one can say. I think the participation of the parents is very important for all... who come from Oaxaca, so it helps maintain the culture.

- Claudia

Another participant born in Oaxaca joked about how he always tells people he is in OaxaCalifornia. OaxaCalifornia then can be an identity, a community, and a location that transcends borders. When I asked Marissa about what she thought about OaxaCalifornia, she stated:

I think it's because there's a lot of like, Indigenous people that have migrated from Oaxaca here, and like we've formed throughout these migrations, we've still been able to retain... our sense of like communities and our identities as Oaxaqueños, as Indigenous peoples, and so it means being able to form our communities here even while we're away from like our homelands.

When discussing if this community was “political,” many participants stated they saw it more as a cultural community rather than a political one despite that they may get involved with advocating for Oaxaqueñx socioeconomic and political issues. Although Marissa points out how it is both:

To me, specifically, like it's really about culture. But it is also political, you know, a lot of our families came here illegally. And a lot of our community isn't documented. So, in that sense, like, again, it is political. And, yeah, even our language, you know, not being able to, or being able to communicate with one another, you know.... even if even if it's not a language, it's through food through music.

In that last sentence, Marissa points how activism within OaxaCalifornia is done through community, food, and music. Through these interviews, I was able to identify that Oaxaqueñx do identify with the OaxaCalifornia community although they vary in how they categorize it: political, cultural, or both.

Another finding was that many of my participants do see themselves as Californians or members of California but do not consider themselves “citizens” or “Americans” legally or politically.

My relationship with America is good. My children were born here and living here has giving me so many opportunities. If someone asked me, I would say was born in Mexico but it's tricky. I was born in Mexico, but I have around half of my life here in America. Also, my job history has impacted me. One often defines their identity by the type of work they do.

- Andres

Andres demonstrates us how complex this question can be for an undocumented person who feels integrated in the culture and society of the United States. Furthermore, since he worked in the fields he finds that his identity has become tied to his job history in the United States. It is demonstrated in another participant how although they obtained their green card and have citizenship in México, they identify themselves as Oaxaqueña. The green card and the Mexican citizenship are avenues to help them establish and keep their lives both in México and in the United States.

I am still a citizen [and] I am not yet a citizen in the United States. At the end of the day, I hope I can achieve my citizenship and be a double citizen in order to have votes in both countries. And support those who come, the new, the young. Because that way is the way to support, I think.

I still identify myself as a Mexican because even if I have my residence, well even with the current president that we still have... at any time they want to remove it and what happens? We continue in the same situation again, so I don't consider myself an American because I was born in Mexico. I have all the customs there, I still carry it. I teach my daughters that everything is something that we bring, from our roots.

- Claudia

Claudia is able to verbalize how her “legal” identity in the United States is unreliable and fluid as a result of immigration policies, institutions, and the president and administration. This quote gives us insight into how “legal” identity therefore is not an identity that Oaxaqueñx see themselves confined in terms of nationality, legal citizenship, or nation-states.

I don't know if I would identify as Mexican. I mean yes, I am a citizen from Mexico. But since being here, I don't know what will happen or my future.

- Denise

However, this is not to say that Oaxaqueñxs do not understand themselves as Mexicans as a result of colonization or the creation of this nation-state. Zapotecos, Mixtecos, and other Indigenous communities may identify with their Indigenous identity first rather than México but of course, identity is a complex thing. As a result of the colonization from the Aztecs and México¹⁵, Oaxaqueñxs identity has therefore been colonized, suppressed, changed, and forced into assimilation.

I feel like I tied myself more as being Mexican than being like, my citizenship basically, entitles me as an American. I feel like I am more Mexican. Since...I grew up taking care of my siblings, because my parents were at work or working in the field, they are engaged, and it just exposed to that more to Mexican community. And yeah, I basically identify myself as a Mexican.

- Cynthia

For example, the Mexican census measures and dictates Indigeneity based on a questionnaire. In each household, the census asks if they speak an Indigenous language or if they understand one. The second form the census measures is by self-identification, which relies on a household's member “considering themselves to be Indigenous according to [their] culture” (783)¹⁶. Hence, Indigenous community members who do not speak an Indigenous language may find themselves in a tough position since the State imposes their idea about who is categorized under “Indigenous.”

It is no surprise then that Oaxaqueñx culture and identities have been lumped and forced into Mexican culture even though Oaxaqueñxs carry different struggles while also having unique culture, language, *pueblos*, and political participation, and ideas about membership.

¹⁵ Flores-Marcial, Xochitl Marina. 2015. “A History of Guelagueta in Zapotec Communities of the Central Valleys of Oaxaca, 16th Century to the Present.” UCLA. <https://escholarship.org/uc/item/7tv1p1rr>.

¹⁶ Villarreal Andrés. 2014. “Ethnic Identification and Its Consequences for Measuring Inequality in Mexico.” *American Sociological Review* 79 (4): 775–806.

On Why This All Matters

Importance of OaxaCalifornia

As discussed throughout this paper, community is vital. The Oaxaqueñx community thrives and is resilient because of their community-work and organizing. In the context of California, the existence of OaxaCalifornia is a direct way of denying the erasure and lumping of their identity and community.

Participants echoed these sentiments and unveiled how OaxaCalifornia helped Oaxaqueñxs continue to pass on traditional culture, knowledge, language, food, and music.

They [OaxaCalifornians] are making Oaxaca known more, they are giving themselves more respect. The small businesses of Oaxaqueños are becoming known or all the traditions so it is something very beautiful. I love it and I love knowing that the young people are there. My generation when I arrived in the United States, there were many Oaxaqueños, but it was not such a thing.

- Claudia

OaxaCalifornia therefore is of incredible importance when discussing the lives of Oaxaqueñx in California. As a result of the interviews I conducted, I was able to dissect and understand that OaxaCalifornia is a transborder community that also transcends the definitions and meanings of what it “means” to be organizing, community-building, and being “politically active.” It is this type of community that ultimately allows Oaxaqueñx to keep their connections to Oaxaca while building community in California. OaxaCalifornia encourages and inspires this community to embrace the complexity of their identities spurred by migration.

In the context of policies and laws, the OaxaCalifornia community is often lumped with the identity, struggles, and the needs of non-Indigenous Mexican migrants. It is essential then that policy makers and legal actors such as legal organizations understand the multifaceted struggles and hardships the OaxaCalifornia community undergoes. It is the strength of this community that ultimately should be a model for how to support, acknowledge, and empower Oaxaqueñx.

Importance of Organizations Run for and By Indigenous People

This project has shown us that the treatment, legal aid, and services differ for Oaxaqueñx and other Indigenous communities. Many participants brought up the topic of how organizations, among those political and legal ones, are helpful at times but do not realize the discrimination, lack of services, and the barriers that they create, impose, and perpetuate. The difference, however, has been highlighted when it comes to Indigenous organizations (run by and for Indigenous peoples) like MICOP. MICOP has been discussed by participants as an extraordinary model that other organizations should be aware and acknowledge.

This type of behavior and discrimination however does not stem from organizations but rather colonization and anti-Indigenous sentiments.

Even within Mexican, people of Mexico- the Mexican people that are from other places like Jalisco and all, not Oaxaca– they like frown upon Triqui people. They frown upon people from Oaxaca. Like with the big organizations that are in my town, they're mostly Mexican people that don't understand where we come from. So, like if someone like if my mother were to go up there, they wouldn't know how to properly help her, because like the language barrier and because of...where she comes from. So yeah, like even at like clinics, I have witnessed like a lot of nurses and doctors, who were kind of like "hmm"- not properly taking care of Indigenous women especially with their children.

- Christian

It is this discrimination that has affected how Oaxaqueñx ultimately seek and receive social, health, and legal services. For example, a University of California, Davis study¹⁷ concluded that farmworkers reported discrimination as a result of speaking an Indigenous language. It is the lack of interpreters and language barriers that have resulted in the discrimination, exploitation, and health risks of Oaxaqueñx migrant workers. Furthermore, this study reported how as a result of supervisors hearing workers speak Zapoteco, Oaxaqueñx worked longer hours, more hazardous jobs, and even reported being sexually harassed.

Thus, the importance of organizations run by and for Indigenous people and Oaxaqueñx is only a step towards addressing these anti-Indigenous treatments and sentiments. As organizations continue to develop, we must understand its relationship and treatment towards Indigenous peoples. It is vital to continue to embrace, support, fund, and create organizations like MICOP who prioritize the treatment, betterment, and empowerment of Oaxaqueñx and other Indigenous communities.

VI. Conclusion

Policy implications

I have briefly mentioned the importance of OaxaCalifornia in regard to policy and law makers, legal actors, and organizations. It is also important to note that I have stressed how immigration policies affect migration and thus the identities of Oaxaqueñx. Throughout this project, I have also discussed the Bracero Program and how it can be traced back to migration and the influx of

17 Uliasz, Alena, and Vanessa Terán. 2018. "Not Everyone Speaks Spanish! The Need for Indigenous Language Interpreters in California's Agricultural Workforce." Western Center for Agricultural Health and Safety. July 19, 2018. <https://agcenter.ucdavis.edu/news/not-everyone-speaks-spanish-need-indigenous-language-interpreters-californias-agricultural>.

farmworkers. Ultimately, an objective through this research was to discuss how policies and the formation of guest worker have shaped the identity, legal consciousness, rights mobilization, and political activism of Indigenous Oaxaqueñx migrant workers.

My project started at the end of former President Trump's term and amidst the transition to the current administration of President Biden. As a result of this transition, my focus went from dissecting President Trump's harmful policies to focusing on the future of immigration policies. One key change that President Biden has discussed is the establishment of an immigration path for farmworkers who have worked in the fields for several years. The U.S. Citizenship Act Bill¹⁸ introduced by Congresswoman Linda T. Sánchez, among others, would approximately help "1.6 million undocumented immigrants married to U.S. citizens and an estimated 4.4 million U.S. citizen children with at least one parent who is undocumented"¹⁹ according to Sánchez's office.

As we discuss the future of immigration policies, we must ensure these policies shield farmworkers and other migrants so they do not rely on work-visas where work exploitation may happen. It is imperative that future immigration policies take into account the much-needed citizenship pathway in order to stop the separation of families, worker exploitation, and the discrimination of farmworkers and undocumented workers. It is also imperative that these policies take into account the history of migrant workers being pushed into farm work. Furthermore, the success of these immigration policies and bills heavily relies on the access of the legal system, lawyers, and other legal actors. It is key to discuss the importance of inclusion and organizations headed by Indigenous people and communities. Thus, legal organizations should analyze their structure, leaders, and who they employ. At the same time, it is essential that we support organizations such as MICOP through funding, word-of-mouth, volunteering, and by supporting their work in legal and policy forms.

The Future of Organizations

Many participants discussed how MICOP, and its legal services shaped how they view their ability to use the legal system. This is to say that MICOP's influence is incredibly important to the Oaxaqueñx community and their legal consciousness as well as rights mobilization. It is my expectation that through this project that organizations are able to understand the importance they carry in regard to the mobilization and the empowerment of the Oaxaqueñx community. It is also important to point out that MICOP's success has been a direct result of the community's involvement. MICOP is ultimately an organization that legal actors should be aware of.

¹⁸ ("Text of U.S. Citizenship Act - Inside News - Immigration Law - LexisNexis® Legal Newsroom" 2021.)

¹⁹ ("The U.S. Citizenship Act of 2021" 2021)

Ultimately, I have pointed out throughout this project that the legal mobilization of the Oaxaqueñx community has been successful because of the community and organizations that combat anti-Indigenous sentiments by ensuring that legal services are available.

However, organization can only do so much to combat the disparities and legal violence that institutions impose and perpetuate towards Indigenous communities. My participants point out this very sentiment by stating that the legal system is “corrupt.” I point this out in order to highlight how legal organizations participate in the legal system but at the same time are essential in order to combat the legal discrimination implicitly or explicitly created.

Organizations then have a mission to serve those who may not have access to legal services. They also have a mission to support and provide legal services in order to promote communities to take action. MICOP therefore is an example of a successful organization that provides quality services for Indigenous people, which can inspire people to seek some remedies through the legal system.

The Future of Oaxaqueñx Communities and Their Legal Consciousness

As I have mentioned, I find this community’s involvement empowering. I’d like to stress that this community’s power goes beyond organizations, “political involvement,” and borders. This community is unique in that they have created a transborder community, identity, and empowerment through cultural participation and promotion.

I hope that this paper has inspired people to understand and learn about this community. Although this community experiences tribulations and multilayered discrimination and lack of support, this community continues to support each other. This community’s strength ultimately has been a result of the challenges they overcome together. The success of their legal outcomes has not relied on legal institutions but rather on community organization, OaxaCalifornia, Indigenous organizations, and FIOB.

In this paper I have focused on the Oaxaqueñx community, but I do believe that many Indigenous communities can relate to these similar experiences especially those within Latin America. I believe it is essential to not lump all Indigenous identities and struggles however it is important to highlight how fundamental MICOP has been and how it can be used as a model for current and future Indigenous organizations and communities.

Lastly, by highlighting these incredibly imperative stories, I hope that this work is able to reach political decision-makers in establishing a naturalization path for migration workers. There has been no substantial reform or protection for migrant workers, often leading to exploitation and wage-theft. As a result, farmworkers and undocumented workers become even more at risk of

being exploited. These interviews should remind society and readers about the much-needed immigration reform beyond just workers' programs like the Bracero Program or work-visas that exclude the already established transborder and undocumented communities throughout the United States. I also have optimism that the interviews give insight into how political, legal, and other organizations can better provide culturally aware services for Indigenous migrant communities. By showcasing how transborder Indigenous migrants thrive and navigate society and institutions, I have hopefulness that more organizations and institutions understand the multifaceted identities and struggles Oaxaqueños carry.

If I am honest, I am very happy with what is being done with OaxaCalifornia– the young people who continue to rise more and more, and if they need the support from those of us that are almost of the third age, why not, right? We are going to give ourselves that time and keep pushing, help them to be higher. Who will win? We Oaxaqueños.

- Claudia

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VIII. Appendix

Interview Questions for Oaxaqueños with ties to the Bracero Program

- 1) Were you born in the United States?
- 2) If so, from state?
- 3) If not, where were you born?
- 4) How did you arrive in California?
- 5) How did your parents arrive in the United States?
- 6) Did you work in México?
- 7) How did you first start work in America?
- 8) Why did you move to the United States?
- 9) Do you engage in politics in the United States?
- 10) Do you engage in politics in the México?
- 11) Would you describe yourself as politically active?
- 12) What has led you to this understanding?
- 13) Do you know of the Bracero Program?
- 14) Do you identify yourself as a member of México?
- 15) Do you identify yourself as an American?
- 16) What has led you to this understanding?
- 17) How much do you attribute the Bracero Program to your decision to move to the United States?
- 18) Can you tell me about a time where you felt intimidated as a result of your immigration status?
- 19) How did you deal with this situation?
- 20) Did you take any legal action?
- 21) Did you engage in any protests?
- 22) Why or why not?
- 23) Do you feel that you are able to use legal organizations to obtain justice?
- 24) Do you feel that you are able to use political organizations to obtain justice?
- 25) Do you feel that legal organizations are able to serve you and your communities?
- 26) Do you feel that political organizations are able to serve you and your communities?

Interview Questions for Oaxaqueños in the Central Valley

- 1) Were you born in the United States?
- 2) If so, from what state?
- 3) If not, where were you born?
- 4) Where are you currently located?
- 5) How did you arrive to California?
- 6) Did you work in México?
- 7) What current work are you involved in?
- 8) Has migration shaped your identity?
- 9) How did you first start work in America?
- 10) Why did you move to the United States?
- 11) Do you engage in politics in the United States?
- 12) Do you engage in politics in México?
- 13) Would you describe yourself as politically active?

- 14) What has led you to this understanding?
- 15) How do you experience work in the Central Valley?
- 16) How much of your work experience influenced your identity?
- 17) Has your current location allowed you to establish communities?
- 18) Has your current location allowed you to seek resources?
- 19) Can you tell me about a time where you felt intimidated in your job position?
- 20) How did you deal with this situation?
- 21) Did you take any legal action?
- 22) Did you engage in any protests?
- 23) Why or why not?
- 24) Can you tell me about a time where you felt intimidated as a result of your immigration status?
- 25) How did you deal with this situation?
- 26) Did you take any legal action?
- 27) Did you engage in any protests?
- 28) Why or why not?
- 29) Do you identify yourself as member of México?
- 30) Do you identify yourself as an American?
- 31) What has led you to this understanding?
- 32) Do you feel that you are able to use the legal organizations to obtain justice?
- 33) Do you feel that you are able to use the political organizations to obtain justice?
- 34) Do you feel that legal organizations are able to serve you and your communities?
- 35) Do you feel that political organizations are able to serve you and your communities?

Interview Questions for Oaxaqueños in Los Angeles

- 1) Were you born in the United States?
- 2) If so, from what state?
- 3) If not, where were you born?
- 4) Where are you currently located?
- 5) Has migration shaped your identity?
- 6) Why did you move to the United States?
- 7) Why did your parents move to the United States?
- 8) Do you engage in politics in the United States?
- 9) Do you engage in politics in México?
- 10) Would you describe yourself as politically active?
- 11) What has led you to this understanding?
- 12) How important is being politically active for you?
- 13) Can you tell me about a time where you felt intimidated as a result of your immigration status?
- 14) How did you deal with this situation?
- 15) Did you take any legal action?
- 16) Did you engage in any protests?
- 17) Why or why not?
- 18) Have you heard of OaxaCalifornia?
- 19) If so, what have you heard or know about it?
- 20) Do you personally feel connected to this community?

- 21) What does OaxaCalifornia mean to you?
- 22) Do you feel included in this community?
- 23) Do you perceive this community to be a cultural one?
- 24) Do you perceive this community to encourage political participation of Oaxaqueñxs?
- 25) Do you perceive this community to encourage legal participation of Oaxaqueñxs?
- 26) In your view, how would you describe the relationship between Oaxaqueñxs and OaxaCalifornia?
- 27) Do you identify yourself as member of México?
- 28) Do you identify yourself as an American?
- 29) What has led to this understanding?
- 30) Do you feel that you are able to use the legal organizations to obtain justice?
- 31) Do you feel that you are able to use the political organizations to obtain justice?
- 32) Do you feel that legal organizations are able to serve you and your communities?
- 33) Do you feel that political organizations are able to serve you and your communities?

Code Book

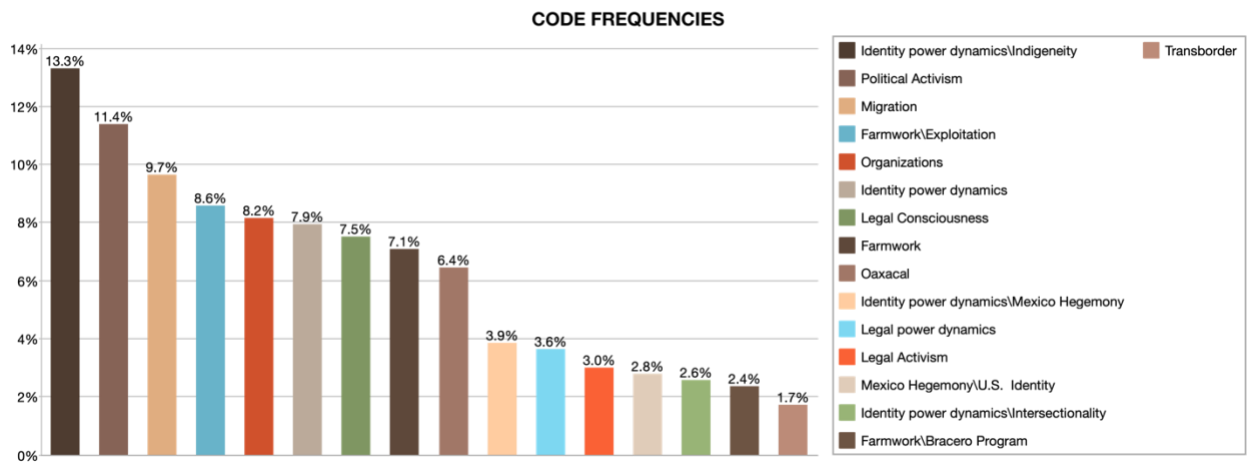
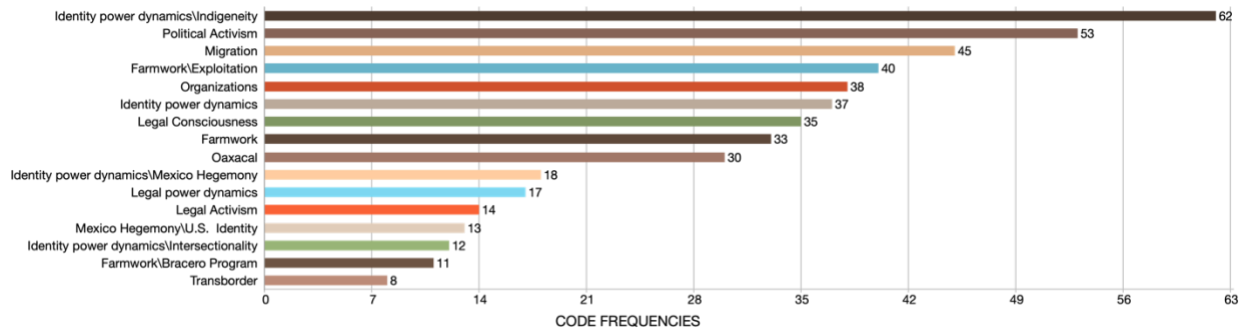
1 Legal power dynamics
2 Transborder
3 Legal Activism
4 Organizations
5 Political Activism
6 Farm work
7 Migration
8 Legal Consciousness
9 OaxaCal
10 Identity power dynamics

- I. Legal Power Dynamics
 - a. Downfalls of the Legal System
 - b. Law's Lack of Protection
 - c. Laws, Policies, and Regulations
 - d. Legal Disparities
 - e. Legal Violence
 - f. Negative Outlook on Legal Organizations
- II. Transborder
 - a. Activism Outside of Nation-State "Borders"
 - b. Communal Contributions
 - c. Communities in Oaxaca and California
 - d. Comparisons and Differences Between Transnationalism
 - e. Dismantling Borders
 - f. Indigenous Movement and Migration
 - g. Indigenous Sovereignty
 - h. Mesa Directivas
 - i. Mutual Aids
- III. Legal Activism
 - a. Activism Within the Legal Sector
 - b. Advocating for Changes in Laws
 - c. Educating Others on Legal Rights
 - d. Legal Actors
 - e. Relying on Laws for Protection
 - f. Using Law as Power
 - g. Volunteering and Working at a Legal Organization
- IV. Organizations
 - a. Client Service
 - b. Combatting Language Barriers
 - c. Indigenous Organizations
 - d. Legal Organizations
 - e. Non-Indigenous Organizations

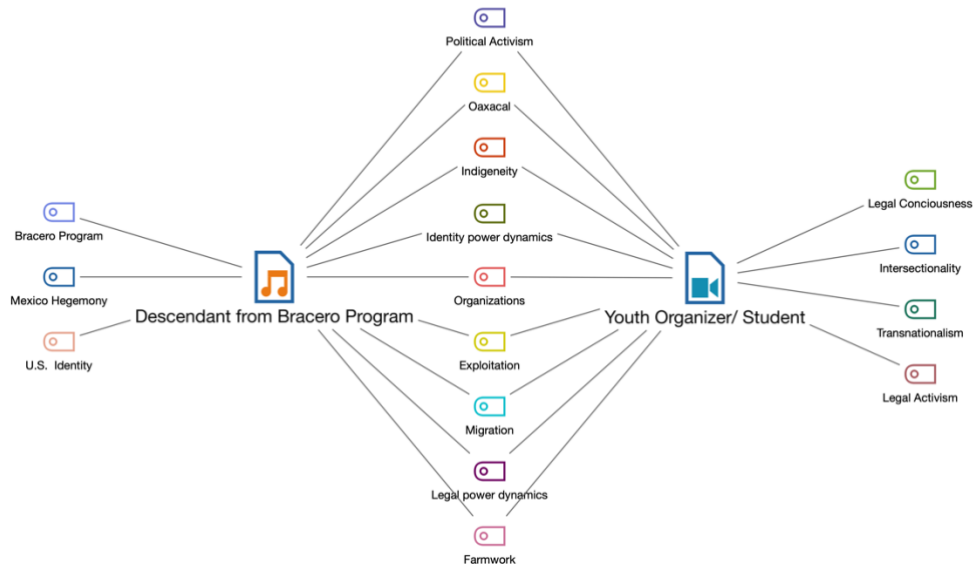
- f. Structure and Staff of Legal Organizations
- V. Political Activism
 - a. Calls-to-Action
 - b. Civil Disobedience
 - c. Community Work
 - d. Funding Social Causes and Community Work
 - e. Increasing Visibility for Social Issues
 - f. Involvement in Student Government
 - g. Political Movements
 - h. Protests, Demonstrations, and Rallies
 - i. Social Media Awareness
- VI. Farm work
 - a. Building Community Amongst Each Other
 - b. Mistreatment of Indigenous Workers
 - c. Mistreatment of Workers
 - d. Perseverance of Farm Workers
 - e. Wage Theft
 - f. Work Environment
 - g. Workers' Exploitation
- VII. Migration
 - a. Belonging and "Othering"
 - b. Cultural Identity
 - c. Identity of Migrant-Workers
 - d. Influx of Farmworkers
 - e. Membership and Citizenship
 - f. Oaxaqueñx Movement
 - g. *Pull* Factors
 - h. *Push* Factors
 - i. The Bracero Program
 - j. Work-Visa Programs
- VIII. Legal Consciousness
 - a. "Legal Identity" vs Lived Identity
 - b. *Against the Law*
 - c. *Before the Law*
 - d. Motivations to Use the Law
 - e. Outlook on Legal Organizations
 - f. Seeking Legal Resources
 - g. Undocumented Consciousness
 - h. Using Immigration Laws to Seek Safety
 - i. *With the Law*
- IX. OaxaCal
 - a. As a Community
 - b. As a Political Movement
 - c. As an Identity
 - d. Border-Transcending Community
 - e. Cultural Empowerment

- f. Hope for Future Generations
- g. Understanding the Term
- X. Identity Power Dynamics
 - a. Anti-Indigenous Sentiments
 - b. Farm-worker Identity
 - c. Indigeneity
 - d. Intersectionality
 - e. Lumping of Identities
 - f. Mexico Hegemony
 - g. Oaxaqueñx Identity
 - h. U.S. Identity

Code Frequencies



Two-Cases Model



@Weare.neto's Social Media Campaign

weare.neto

**IG STORY TAKEOVER:
WEDNESDAY 12/09**

Lesly is a current student at UC Berkeley. She is conducting research focusing on the Oaxaqueño community in California and is seeking participants. She will be sharing in more detail her research on Wednesday, so stay tuned and prepare your questions for her!

Lesly Avendaño | UC Berkeley

Flyers

Conducted under the Legal Studies Honors Program
of the University of California, Berkeley



RESEARCH STUDY

MONETARY COMPENSATION!

- Looking for Oaxaqueños located throughout California, especially those who have ties to the agricultural workforce and/or political communities

- Interviews will be conducted virtually,
whichever preferred platform

- Interviews will last for approximately one hour

**Please contact Lesly Avendaño
at lavendano@berkeley.edu
or send a text to 510-457-1884**

Realizado bajo el Programa de Honores de Estudios Legales
de la Universidad de California, Berkeley



ESTUDIO DE INVESTIGACIÓN

¡COMPENSACIÓN MONETARIA!

- Buscando Oaxaqueños ubicados en California,
especialmente aquellos que tienen vínculos
con la fuerza laboral agrícola y / o comunidades
políticas

- Las entrevistas se realizarán de forma virtual,
cualquiera que sea la plataforma preferida.

- Las entrevistas durarán aproximadamente una hora.

**Comuníquese con Lesly Avendaño a
través de lavendano@berkeley.edu o
envíe un mensaje de texto al
510-457-1884**

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