

Proto-Citizens: Perceptions of U.S. Immigration Law in Rural Michoacán, Mexico

Kate Bass
SOAN 710: Fall, Winter Term
January 2012
Advisor: David Stoll
Second Reader: Marcos Lopez

Abstract

Researchers have explored economic and social aspects of migration. However, legal considerations in migrant decision making and sending communities have been largely ignored. This thesis focuses on perceptions of U.S. immigration laws in Santa Rosa, Michoacán—a small community in central Mexico. I show how migration from Santa Rosa to the United States has been historically constructed as necessary and ethical. I also reveal that people in Santa Rosa expect and are waiting for another amnesty for undocumented workers in the United States. I highlight the role of the Bracero Program (1942-1964) and the 1986 Immigration Reform and Control Act in the construction of these beliefs, as policies that encouraged and then rewarded illegal entry to the United States. I then suggest that U.S. immigration policy has established a social contract, complete with benefits and obligations, between the people of Santa Rosa and the U.S. state.

Contents

ACKNOWLEDGEMENTS / 3

1. Introduction / 4

 Out of the Murky Backroom: Theoretical Framework / 7

 Methodology and Positionality / 13

2. Santa Rosa Today—Research Findings / 21

3. Making Migrants / 41

4. Two Social Contracts / 54

5. Conclusion / 65

 Suggestions for Future Research / 68

WORKS CITED / 70

ANNEX 1: Interview Guide / 73

Acknowledgments

This research would not have been possible without generous funding from the Middlebury College Senior Project Research Supplement (SPRS), the Middlebury College Center for Education in Action, and the Rohatan Center, from which I received the Mellon Grant. But it also wouldn't have been possible without the intellectual environment Middlebury creates, or its faith in its undergraduates' ability to make sense of weird research questions. On that note, several of my friends at Middlebury greatly added to this process, particularly Hillary Aidun, who read not one but two drafts, as well as the final version, with genuine interest and insight.

My undergraduate advisor, Professor Svea Closser, is responsible for any methodological soundness found in this project (though none of its faults). She helped me find anthropology and taught me that being critical and idealistic aren't mutually exclusive, and there's even a discipline to do it in! I owe mil gracias to Professors Marcos Lopez and David Stoll for their kindness in the process of writing this thesis. Professor David Stoll has never spared or censored a thought, for which my entire undergraduate experience has been much improved.

Santa Rosa taught me to laugh, especially at myself. For their participation and openness in this project, and everything else they have given me over the years, I am indebted to its community members. I'm not sure I'll ever be able to properly thank my friends there, so I'll just keep trying to make better tamales and tastier questions, in Michoacán and in the U.S., until I can't anymore.

I. Introduction

I walked on hot pavement under brilliantly colored bushes. The turquoise metal work of house gates shone through fuchsia leaves, the sun cast afternoon shadows on cacti dotted mountains, the smell of tortillas just barely lingered in the air, and all I really wanted was a nap. I walked, book in one hand, the other hand in my pocket, down the road towards Cecilia's house for lunch, and the 3 P.M. showing of *Laura*—our favorite talk show. I opened my mouth to yawn, wondering what surprises Laura would unveil that day about someone's daughter or mother-in-law, when I heard the smack of a machete on the palm of a too-familiar hand. I looked in front of me and Juan didn't try to look menacing; with his three-day-old scruff and dirty black shirt, he just was. I was thinking about how long it would take me to run for Cecilia's help (approximately 16 seconds, I decided—she's just around the corner of this two-road town), and how long ago exactly it had been since Juan had been deported from the United States for drunk driving and general disorder, when he spoke. "That's rude." He pointed the machete. "Cover your mouth."

I have a difficult time explaining how proper people in Santa Rosa can be. First arriving in the community at seventeen with barely workable Spanish, I learned informal rules the hard way. I now know exactly when to get on my knees at church, give five pesos to the people asking for it at the market, say thank you for dinner but not for snacks, provide personal information or sit quietly, joke or be serious, ignore or confront an issue, sit in my chair or stand, provide a seal and signature, and hug. Explaining these things to people in the United States is difficult not because of the difference (how many of these exist in the United States with only slight tweaks in decorum?) but of perception. How could people who so openly break U.S. laws

also care about which spoon you stir the salsa with and with which hand you grasp a tortilla? After all, over half the original population of Santa Rosa—a small town in the central state of Michoacán, Mexico—lives in northern California. And many of those individuals did not enter the United State legally. They've broken one law—how many others did they break before? How many do they break now, everyday? Aren't they a risk to society?

And yet, remembering all those times my host grandmother picked me up off the floor of the church by the elbow with strong-thumbed consternation, I feel strongly that rules—including laws—aren't something people in Santa Rosa take lightly. My first summer in the community, I was expected to return to my host family's house before nine o'clock in the evening. Juan continues to be the only person in the community I have ever seen drunk, though it's true families often hide the men who drink in their homes. But even Juan cares whether or not I cover my mouth when I yawn on an empty street, seemingly alone on an afternoon in August. I don't mean to describe the community, with its imperfect inhabitants, as perfectly law-abiding or prim. But I did always have a hard time reconciling what I know of the dutiful town of Santa Rosa, Michoacán with the questions of those back home. The questions of those in Colorado and the United States, in general, about all those Mexicans who could bear to cross the line illegally—who could bear, and dare, to break the law of the United States.

So I began to look for information. Surely, someone must have explored why Juan is capable of reprimanding me for endangering the community with my mouth bacteria one day and crossing illegally into the United States the next. Surely, someone has explored whether or not Juan even knows crossing in the United States without authorization is illegal. Searching, however, provided little more than fodder for my curiosity. What migrants thought about U.S. immigration laws and why they would consider crossing them was absent in ethnographies of

sending towns and migration studies texts. Where were the voices, perceptions, and understandings of my clever friends in Santa Rosa, who abide by so many rules, who I don't believe to be generally lawless, and yet who have crossed the border so many times over the years? Better yet, where were the voices of those in Santa Rosa who had decided never to cross the line?

Returning to Santa Rosa to complete this thesis, asking these very questions, I have found that residents of the community are aware that entering or remaining in the United States without authorization is illegal and they increasingly elect to enter the United States legally. However, the majority of those who have stayed in the community are waiting for and expect another amnesty, if not to increase their chances of someday moving to the United States than to aid in the legalization of a family member's presence in the U.S. Furthermore, even though people in Santa Rosa express a wish to act in accordance with immigration laws, they do not consider breaking them to be amoral or wrong if a migrant possesses a suitable justification, like providing for family.

What might account for these beliefs? What do they reveal about a Mexican citizen's relationship to the United States? In this thesis, I argue that the relationship Mexican citizens in Santa Rosa hold with the U.S. state has shaped understandings and behaviors regarding U.S. immigration laws. I will show how developments in U.S. immigration policy has repeatedly incentivized and rewarded illegal migration, while further institutionalizing the movement of people from Santa Rosa to the United States. In examining the extent of the impact of U.S. laws on the social-cultural composition of this small community in central Mexico, I will also explore the possibility that there is an implicit social contract present between the United States and the people of Santa Rosa.

Juan may be really annoying, but he certainly deserves a voice.

Out of the Murky Backroom: Theoretical Framework

Formative questions in this research include: How do Mexicans in Santa Rosa perceive laws and legality when deciding to go to the United States, to return, or to stay home? How do Santa Rosans justify and understand unauthorized crossing or overstaying visas? Finally, what are the implications of those beliefs for the relationship of a Mexican citizen to the United States? These questions, as well as the research methodology, are rooted in two bodies of theory: migration studies—specifically the anthropology of international migration—and the anthropology of law and illegal practices.

Migration Studies and the Anthropology of Migration

This study seeks to build on theory that examines social and political aspects of migration. It expands on perceptions of legality as related to migrant decision-making. Nicholas DeGenova asserts, “If...the academic home of migration studies was long a murky ‘back room of demography,’ where it did not receive much attention from anthropologists, then surely the study of undocumented migration has long been lost in the shuffle somewhere in a corridor between demography, policy studies, and criminology” (2002). Fortunately, this observation was made in 2002 and perhaps underestimates certain key texts that preceded it. However, it demonstrates that migration studies have emerged from an exclusive focus on economic and demographic questions to include a broader concern with political, social, cultural, and even religious dimensions of migration.

Economists have offered various models, from the international to individual level, to explain migration. Dependency theory, or world systems theory, stress the inherent contradictions of the expanding capitalist system, detailing the need to export and import a reserve army of labor in response to market dynamics (Cornelius et al 1994). According to these models, large structural forces result in the movement of people, those movements are often experienced between periphery and core countries, and political checks on the movements are largely impotent (Sassen 1988). Trade theory emphasizes the role of economic disequilibria in predicting flows of people, suggesting that migration will take place where there is great economic disparity on either side of a border (Cornelius et al 1994). Again, individual agency is minimized in this framework.

The theory of complex interdependence opens the analysis to the influence of state power and politics, bringing globalization sharper into view. It is here that Hollifield suggests a connection between the changing natures of the international political economy and migration patterns (1992). Neoclassical economists have used “push-pull” factors to explain how these systems exert forces on individual, rational actors (Sheridan 2009). “Push-pull” examine costs and benefits. A range of factors, economic and otherwise, is included in the individual’s decision about whether or not and how to migrate. Various authors have critiqued the inadequacies of this analysis as apolitical, asocial, and aspiritual (Hagan 2008, Corenlius et al 1994, DeGenova 2002). I have also found the “push-pull” analysis to be lacking in its considerations of legality and citizenship. The factors that have been historically emphasized in “push-pull” analyses have overwhelmingly excluded indicators of legal perceptions or relationships with nation-states.¹

¹ For example, see: Lee 1966. Lee writes about the four structural factors determinant of migration: conditions in country of origin, state of affairs in receiving country, intervening obstacles, and personal context (societal and individual beliefs).

The growing literature on social and cultural aspects of migration offers some help in this arena. The social migration theories that have gained the most prominence are the ‘culture of migration’ and network theories of Douglas Massey. ‘Culture of migration’ analyses seek to place an individual’s decision to migrate in a broader social context in which migration might become, for example, a rite of passage for youth (Kandel and Massey 2002). Network theories, emerging in the 1980s, built on an existing awareness of migrant social connections and reintroduced migration as a social process in which networks inspire and facilitate the movement of people (Massey et al 1987, Hagan 2008, Tilly 2000).

Still, few scholars have linked these theories with larger migrant perceptions of law. Two exceptions are Jaqueline Maria Hagan (1994, 2008) and Susin Bibler Coutin (1993), to whom this project owes particular debt, for their chronicling of the sanctuary movement and amnesty of the 1980s. Hagan researched the responses of Maya immigrants in Houston, Texas to the 1986 Immigration Reform Act. The Act provided a path to citizenship for approximately 3 million undocumented people (Swarns 2006). Hagan details the factors that acted as barriers or encouragement for legalization, demonstrating that migrants’ social networks largely shaped their perceptions of the new law. For example, immigrants were more likely to try to secure paperwork if they knew someone who had already succeeded and if they had children and planned to stay in the U.S. Hagan’s later work examines the role of religion in the decision-making and crossing process of undocumented immigrants from Guatemala and Mexico to the United States. Her research in Houston offers an example of a study focused on questions of legality and migration. Her study of religion is a compelling example of inquiry into a decidedly difficult aspect of migration decision-making to research and document. Hagan explains how the role of religious consultations, “have gone virtually unrecognized in the scholarship on migration

and decision making, perhaps because they verge on humanistic orientations that are difficult to conceptualize or document” (Hagan 1994: 29). This ephemeral humanism and inaccessibility may well also contribute to the lack of literature on Mexican migrant concepts of law.

Coutin’s work goes farther than Hagan’s in offering alternative social-legal models for understanding and interpreting actions towards immigration law. She explores how humanitarian actors during the sanctuary movement openly and publically violated U.S. law, which both recognized—and therefore, reinforced—and challenged its authority. This violation, what Coutin refers to as ‘civil initiative,’ attempted to re-create U.S. law at a socially-interpreted level in order to reflect what activists and religious leaders believed to be a more just legal system. In this case, that meant a legal system that would allow refugees fleeing civil wars in Central America to enter the United States. Many of the actions and beliefs that Coutin documents are based in the Catholic right to seek a better life and self-improvement, a principle that neglects national and legal boundaries. As Catholicism is widespread in Mexico, Coutin’s study bares particular relevance as to how migrants from rural, central Mexico might conceptualize violating U.S. laws to enter the country today. However, neither this line of questioning, nor that regarding a social context for deciding to cross legally or illegally and why, has emerged more broadly in the study of Mexican migration to the United States.

The Anthropology of Law and Illegal Practices

A large number of anthropologists have written about methodology and concepts in studying perceptions of law (Kostiner 2003, Heyman 1999). Theory expanding concepts of ‘law’ and ‘rule of law’ from written legislation or constitutions to the everyday experience of individuals and groups is particularly useful. Legal anthropologists have found law, like many

subjects, to be re-constituted and interpreted by the meanings assigned to it in quotidian life (Kostiner 2003). The theory of socio-legal consciousness, a theory that seeks to connect culture and law at popular and individual levels, has emerged from this line of thought and is relevant to studying the intersection of law and migration (Kostiner 2003). According to socio-legal consciousness theory, perceptions of law cannot only be studied at the formal legislative or even punitive level, as day-to-day legal behavior and consciousness may differ from the formal system—even if the cultural and formal systems never officially interact (DeGenova 2002). For example, if you were to study teenage drinking in the United States, the attitudes you would find among teenagers would likely be quite distinct from what is reflected in state drinking-age laws. You could find an entire sect of a population that regularly breaks one or more laws but that is not reflected in a state constitution or federal case law.

Thus, to study legal perceptions in migration, it is not enough to know how many people enter the United States from Mexico legally and illegally every year, nor simply chronicle changes in immigration policy. One must pursue understandings of immigration laws without assuming that how individuals perceive them as policy makers intended. But one must also not assume the meaning of law to be confined by its outcomes. Particularly, in immigration law, there is a history of laws motivated by a variety of factors, some of which are designed to encourage people to break laws. This will be further discussed later in the paper. In studying socio-legal consciousness, one must pay close attention to the perceptions of people who have avoided violating a law. In this thesis, that group describes those who have stayed in Santa Rosa and have never violated U.S. immigration laws. People who decide not to violate laws may have widely different interpretations of them and their relationship to them—not just less incentive to do so. They also shed light on how a community might receive law-breakers publically and

privately. It is necessary to understand how people who have broken a law and people who have not perceive each other's actions and how those actions are socially interpreted, rewarded, and punished. This study attempts to explore each of these dynamics.

Objectives and Outline of Thesis

The objectives of this thesis are first, to analyze the socio-legal dimensions of migration in one small community in central Mexico and second, to explore what those findings mean for a Mexican citizen's relationship with the United States. I intend to illustrate how this relationship exerts pressures on people born in Santa Rosa that have historically worked against any simple reading migration behavior as 'illegal' or 'legal,' or even right and wrong.

- The rest of the **Introduction** will highlight my methodology in undertaking this project—including a note on the vocabulary the work employs.
- **Chapter Two, Santa Rosa Today—Research Findings**, opens with a short sketch of a family living in Santa Rosa. I then detail the findings of my fieldwork, focusing on six principal observations of attitudes and behaviors in Santa Rosa regarding U.S. immigration law.
- In **Chapter Three, Making Migrants**, I argue that historical trends in Mexican state formation and U.S. immigration policy have been crucial to the development of beliefs vis-à-vis U.S. immigration law in Santa Rosa. I review the history of the community, and focus on the role of the Bracero Program and the 1986 Immigration Reform and Control Act in constructing migration, legal or otherwise, as normal and necessary in the community.

- In **Chapter Four, Two Social Contracts**, I consider the implications of these beliefs for the relationship of a Mexican citizen to the United States. The chapter is titled ‘Two Social Contracts,’ as I will discuss the possibility that Mexicans in Santa Rosa are born into two social contracts, with both the U.S. and Mexican nation-states.
- Finally, in **Chapter Five, The Conclusion**, I will provide a summary of these ideas and a brief discussion of areas for future research.

Methodology and Positionality

This study is based on five weeks of field research conducted in Central and Northern Mexico in August and December of 2011. It also draws on six years of visits, collaboration and communication in Central Mexico that have provided my personal background for the project. Originally, I set out to examine migrant concepts of law and citizenship by looking at two moments of migration and legality: decision making at home and the site of border crossing. I chose to conduct the first stage of the research in a small town in Michoacán, a central state with one of the highest rates of out-migration in Mexico (Hanson 2006). Santa Rosa has a long history of migration to the United States, is ethnically homogenous and not indigenous, and has yet to be entirely engulfed in the political economy of the drug trade.² In these respects, I thought the community could provide a fair representation of rural migration from Central Mexico to the United States. I first established a connection with the community in 2006 when I worked as a volunteer with the youth volunteer program Amigos de las Américas, partnered with Integral Family Development (DIF), a Mexican Government program. I lived in the town for six weeks with one of the families that participated in this study. Since then I have maintained a close

² The name of the community in Michoacán and other nearby cities have been changed to further protect the identity of participants in this project, whose names have also been altered.

relationship with the community through phone calls and annual visits. Given the community's comfort with my presence and our established closeness, I was correct in assuming many people in Santa Rosa, including the town leadership, would support my work and be willing to participate in the project.

The second place I wanted to do research was a border crossing area in Sonora, Mexico—a northern state that shares a border with Arizona. I intended to interview migrants in two migrant-serving shelters; however, after spending two weeks in Michoacán, where a complex system of socially interpreted and adapted laws began to reveal itself, I realized that research at the border would be inadequate without understanding the home contexts that brought migrants to and motivated their actions at the line. Having also experienced the facility and openness of Santa Rosa and the heightened risks of life and fieldwork on the U.S.-Mexico border, particularly in conducting interviews, the decision to re-focus the study in Santa Rosa came easily.

This study relies on ethnographic research methods. I initially chose qualitative research because it provided me not only with what people think, in this case of laws, but how they think of them and why. In Michoacán, I conducted 16 semi-structured interviews with ten families—about ten percent of the total number of families in Santa Rosa. Each recorded interview was one to one and a half hours in length with additional conversation before and after. In addition to the recorded interviews, I was able to conduct multiple informal interviews with all but two of the participating families. The informal interviews often took the form of a walk, meal, or visit to family members in the household. They served to build my relationships with the participants and flush out biographic details that were more difficult to attain in recorded interviews. It was in the informal interviews that people would most often tell me about their hopes to cross into the

United States or the different times when it had seemed more or less likely. Others told me the personal details of their experiences while in the U.S.

In Santa Rosa, I also gained incredible access to town functions and daily life, allowing me to conduct participant observation with almost no hindrances. I was able to spend a day in the local sewing workshop—which provides one of the only factory jobs available to women—speak with the manager, and spend time with some of the women who work there. I also visited the city at the center of municipal leadership and life, where the elderly receive benefits and have a social club. Other visits included: several important religious sites, the two largest markets close to Santa Rosa, a birthday party of one of the women factory workers, and a nearby park where families go to picnic on weekends, and the seven days of Posadas (local religious parties) during the Christmas holidays. In 2010, I participated in the community's most important holiday—several days celebrating the patron saint. I danced to musica norteña, cooked tamales, and kissed the statue of 'la virgin,' or virgin, before placing her back on the altar for another year of luck and abundance. In the summer of 2011, I went to one of the cornfields to work with a participating family. The work itself was illuminating, but more importantly, like participating in the saint's day party, it changed the way the community saw me. It also led to more conversations about how people feel about work in the fields—a topic closely tied to migration. During both field visits for this research, I took detailed field notes and wrote daily reflections every night. I also tried to compliment interpersonal interactions with watching the most popular TV shows in the town wherever possible. This meant at least one hour of *Laura*, a show much akin to the United States' *Maury*, every day, usually in the company of the grandmother with whom I was staying.

In the second visit to Santa Rosa for fieldwork this year, returning for Christmas afforded me the opportunity to meet many of the family members that return from the United States for

the holidays. I was able to observe how they interact with their families and more generally with the community at numerous public events. I was also able to verify my original research findings with several of the participants. It was important to me to give the community the opportunity to tell me I was wrong, and why, in my conclusions or any of my ideas. I was happy to hear from those I spoke with that they found my observations and analysis to be in line with their experiences and what they felt they had communicated to me over the summer. While I have written this thesis in English, several community members requested a summary of the work in Spanish and I hope to return to deliver it sometime in the next year.

The most valuable aspects of fieldwork in Guadalajara and on the U.S.-Mexico border are the interviews I conducted with experts. In Guadalajara, I was able to speak with the research coordinator of the Mexican Migration Project, who affirmed the uniqueness of this study and provided methodological advice. I also spoke with the director of an NGO that works with migrants traveling on the trains that pass through the city. He was able to provide me with his opinions about recent trends in migration and the perceptions of law he has encountered in his organization. On the U.S.-Mexico border, I was able to speak with the directors and volunteer coordinators of two migrant-serving centers. I also interviewed some of the more knowledgeable volunteers in the centers who, like the directors and coordinators, have worked with over 10,000 migrants since 2002. The opinions of these experts are reflected at various points in this thesis. It is also worth noting that in traveling to the U.S.-Mexico border, having first traveled there shortly after living in Santa Rosa for the first time, I was able to observe some of the changes to the region that I had heard spoken about in Michoacán. I learned first hand that the militarization and increased risks we discussed were far from exaggerations.

As in all projects, my identity played a role in this research. Being a young, comparatively affluent, white, native English-speaking woman and a citizen of the United States has unavoidably affected how I approached this study and integration into Santa Rosa. To the best of my knowledge, people in Santa Rosa see me as a friend and student. Because of my youth during my first visit and the time that has passed since then, I have not continued to be associated with the Mexican Government program DIF, nor Amigos de las Americas. Bringing my mother to the community for multiple visits has also gone a long way towards establishing trust and deep relationships with people in the community. Adults have also become more open with me as I have gotten older. Now, they ask me more about when I will get married and talk to me about subjects like domestic violence that were previously off-limits because of my age and foreignness. One way some people understand me is through the experience of their family members, some of whom study at universities in the United States. In December, I sat on a couch for two hours discussing anthropology with a California college student who was visiting for the holidays, much to the amusement of her family who sat around us eating tamales. Otherwise, what I believe is understood, and that is quite aligned with anthropological research, is simply that I like spending time in Santa Rosa and have used this project to gain a better understanding of the town and my friends who live there.

Finally, there are several important methodological considerations for studying perceptions of law. I have taken precautions to ensure I am not assuming any one understanding of law or the state. When conducting field research, so as not to gear responses towards one kind of answer, I did not fully explain that I was focusing on the role of law and legality until the participant mentioned or discussed the subjects.³ I would then ask the participant to define law

³ An example of a study utilizing this technique is that of Idit Kostiner who examined how 25 social change activists conceived of legislative reform (2003).

and citizenship and further explain how those ideas might have influenced his or her decision about whether and how to migrate. Furthermore, in research of this kind, it is important to recognize the danger of anthropology to become a surveillance tool of the state, and to assume one side of law to be axiomatic (De Genova 2002). This study does not report large demographic or crossing data, nor does it assume any acts to be inherently legal or illegal, but instead defined and redefined by current legislation and changing social-political relationships. Finally, while the results of any social sciences study should be taken into account when drafting policy, this study was not conducted nor written exclusively or even especially for immigration policy makers.

Limitations of Research

The most obvious limitation of this research is its scope. Four weeks of research concentrated in Santa Rosa (excluding my previous experiences in the community) is far from adequate in order to gauge something as complex as perceptions of law and citizenship. Ideally, I would have conducted more in-depth interviews with more family members, isolating additional individuals for official and unofficial interviews. There were many families interested in participating that I simply couldn't make the time to include. One area I would have like to include was the way gender dynamics in the community affect legal consciousness. Most of my interviews were with women, though I did interview several prominent male figures in the community, and was intrigued by some of the seemingly gendered differences in responses. It should be kept in mind that migrating to the United States and staying home are gendered experiences, whether or not I can comment on that definitively in this paper.

I also would have liked to expand the questions in this research to include indicators of Mexican citizenship. The construction of behavior and attitudes around laws in Mexico,

generally, enters only peripherally into this study, despite its evident relevance to understanding U.S. immigration laws. In the time frame with which I was presented, it was impractical to take into account all the different ways people in Santa Rosa encounter and re-interpret Mexican laws and their identity as Mexican citizens. This is a large gap in this study, and perhaps results in too much of a burden placed on the United States in encouraging illegal immigration. Mexican politicians and state formation have had an active role in establishing notions of citizenship and rule of law that would undoubtedly affect the legal consciousness of Mexicans, even in their perceptions of U.S. immigration laws. While I will provide a summary of my observations in this respect, this study is more adequately positioned to identify ways to move forward in future research than to answer broad questions about Mexican citizenship today.

A Word on Terminology

I refer to people who cross the U.S.-Mexico border without going through customs and immigration procedures of the United States as ‘unauthorized’ or ‘undocumented’ migrants, immigrants, or persons. I make the distinction between ‘unauthorized’ and ‘illegal’ because the latter implies the act of being in the United States without up-to-date immigration status is illegal, which for all but a few states is not the case (Inda 2006). It also shifts the description of illegality to the actor, instead of the act (De Genova 2002). As this study hopes to examine the way the act and the actor relate, it would be unwise to conflate them throughout the analysis. I refer to the act of crossing into the United States without authorization as ‘illegal migration.’ This reflects the current laws of the United States, which have been in place for the majority of the 20th and all of the 21st century (Sheridan 2009). ‘Illegal’ is meant to describe how the act is treated by law and law enforcement and is not meant to carry a value judgment. However, it should be noted that it

is not illegal according to law in Mexico to cross into the United States without authorization from the United States. Thus, these terms assume the perspective of the United States. I have decided to employ them because they seem to most effectively communicate the perceptions and actions of the people in this study.

A final distinction describes the people discussed in this study: ‘immigrants,’ ‘migrants,’ and ‘Mexicans.’ I use ‘migrant’ to describe someone who has left Mexico and is temporarily working and/or living in the United States. I use the term ‘immigrant’ to describe someone who has permanently moved from Mexico to the United States. Finally, I refer to people living in Santa Rosa as ‘Mexicans’ because they were born and live in Mexico, whether or not they have ever left, and their primary identifier does not relate to immigration status. These identifiers are fluid and often co-exist and, of course, the distinction between them is sometimes difficult to make.

2. Santa Rosa Today—Research Findings

“Laws are for the President to make, and one has to respect them.” –Rosario

“Here we are. All those of us who don’t want to go.” –Ofelia



As many vacant as there are occupied houses line the two main roads of Santa Rosa. They are memories of entire generations of families, like old snake-skins, in the center of town

and on the horizon—big houses constructed with remittances money, empty and visible in the fields those families now rent to friends to work.

I remember one afternoon sitting with my host aunt, Rosario—she leaned against the turquoise walls of the kitchen eating pickled jalapeño peppers from a freshly opened can, resting her classic black-and-white All Star sneakers on a chair after a day in the clothing factory. Flipping through a 2006 census book of Santa Rosa, she pointed to the headshots of its former community members. “This one’s gone. This one too. All three of them are gone. He’s al otro lado [on the other side of the border],” she chimed. “Except him—he’s still here.” She points to another picture and reflects, “We’re going to be left alone here.” If she had checked off photos of all the departed community members in the book, she would have had only a page or two of unmarked faces. At the time of the census in 2006 there were 171 men and 193 women (including children), a total of 364 inhabitants. It is unlikely that half of those people still reside the majority of the year in Santa Rosa. She ended our conversation by bunching the census into a fan and pushing the chilies in my direction—waving away flies, five P.M. heat, and more than a few unsettling ruminations.

When they are not generously hosting visiting anthropology students from the United States, or family back for the holidays, Rosario and her mother, Cecilia, live alone in Santa Rosa. Cecilia is eighty-four, resourceful, and ill. She has suffered from clinical depression for the last two years at least, in addition to near-debilitating arthritis. To tell the story of her life, she relies on lists of family members who have died—starting with her parents, continuing to her siblings, her husband, and now, even her children. One night in the summer, she woke early in the morning after dreams about one of the men in her life that died. As she told Rosario and me about her dream, braiding her long, dark grey hair into the twisted braid all women her age wear

in Santa Rosa, she refused to tell us the name of él que se me murió or, roughly, the one who died on me. Neither Rosario nor I wanted to push her to reveal the identity of the deceased loved one, but trying to ascertain whom it might have been served as a sharp reminder of the quantity of people Cecilia has lost in her life—both to death and migration. It is sometimes difficult to discern which has had a greater impact on her happiness.

Cecilia grew up with four brothers and four sisters, though she lost both a brother and sister not very long ago. All of her siblings moved to the United States at least a decade ago and have secured varying levels of immigration status that allow them to travel back and forth to Santa Rosa, though they don't elect to very frequently. After finishing the Mexican equivalent of middle school—a rarity, as there wasn't a middle school in the community at that time—she stopped studying. She married and gave birth to five sons and two daughters. Of those, three of her sons are in the United States and all her children but Rosario have at some time lived in California. Her sons Pedro and Julio, who live in the US now, have both separated from their wives—a major source of frustration for Cecilia who is a very devout Catholic and does not believe in divorce for any reason. Her daughter Rosita lives about a forty-five minute drive away from Santa Rosa, where she works as a nurse at a local medical clinic and raises two sons with her husband. Cecilia's remaining son in Mexico, Mateo, lives in Santa Rosa with his wife and three sons and is a skilled mechanic. One of Rosario's brothers gave her a van two years ago that is sufficiently problem-ridden to keep Mateo busy a good portion of his free time.

Her brothers and sons, as she tells the story, twice succeeded in convincing Cecilia to travel to California. Both times she crossed along the southern border of the United States de alambre, literally through the wire. One of the times, she crossed with one of her sons who had married a woman in the United States and already had a green card, but who accompanied her

and the guide for the trip across the border anyway. Her second time crossing, she was stopped by the Border Patrol but was ultimately successful in a second attempt. She says she left Michoacán because she had ganas, or a desire to go. “All four of my boys were there. I wanted to see them. I didn’t talk to anyone.” She laughs shamefully into her hands, cupping her face so only her eyes and the tips of her smile show over her fingers. “I didn’t talk to anyone—not my children. I asked my husband for permission and he gave it to me so I went.”

She stayed in California, caring for children everyday of the week for three years. “I liked it because I made money and all my children were there.” She expresses surprise that people paid her to sit with children and care for them, “give them food to eat.” She was able to earn her own living while also participating in community events in the city. There was a church near her house where she attended bible study classes and mass every week. She says she came back to Santa Rosa because “I had my husband and my children here —my obligation.” Of course, Rosario sits next to her on her bed as she tells the story. I wonder, had one of her sons in California taken Rosario’s place, if she would have felt a renewed obligation to be in California for the same reason. She returned to Santa Rosa after her second time in the United States after the death of her sister.

In the city in California where so many of the people from Santa Rosa now reside, Cecilia says she lived with some people who had green cards, some with work visas, and some with no paperwork at all. However, she believes there were more people with ‘papers’ than without. She never thought, not even once, about getting paperwork before she left. “I didn’t know a single thing,” she says. After her son died, she didn’t have anyone to help her in the process of crossing or thinking about legal entry. Even today, she doesn’t have a very clear understanding of how her siblings and children have managed to secure visas, residency, and in some cases, citizenship.

“I think it was just because of their children,” she explains, but admits that she doesn’t understand ‘things’ much more than she did when first crossing into the U.S.

During the official interview I conducted with Cecilia, I asked her about laws in Mexico and Santa Rosa. She initially perceived ‘laws’ to mean something akin to a social program.

“What do I think? They never support us at all. What do I think of laws? Nothing, we don’t get anything here.” After more questioning as to what she perceives the laws to be, she continues,

“The laws are very simple—but they aren’t written. How could people know them? Laws? I don’t know them.” At this point in the interview, Rosario joins us and cajoles her mother into a few more details. “So laws here in Mexico? Do you respect them?” I ask Cecilia.

“Well, I don’t think there are any!” she responds. Rosario is affronted: “Mama! What?”

“Well, what are they?”

“How about the President of Mexico?” Rosario counters.

“He’s far away.”

Rosario reminds Cecilia that she broke a law when she crossed into the United States.

“It’s against the law to cross the border,” she scolds.

“To cross the border...” ponders Cecilia.

“Yes! To cross the border is to violate the law of the United States.”

“Well, then they should give people what they need to go! Papers, so that everyone can go! They go to work, they don’t go over there to sin.”

“That’s why everyone should get a tourist visa, so you don’t have to break the law of the United States!” Rosario exclaims.

Cecilia takes a moment to think, seriously, before responding, ‘Well I did violate it [U.S. law], then. Twice.’”

Rosario doesn't miss a moment to remind us that she doesn't plan to go to the United States without immigration status perfectly in line. "Well, I have never broken the law, because I haven't crossed. And when I go, I'm going to go with a visa. I just want to go to see it. Then I'm going to turn around to my Dear Mexico."

Rosario has always described herself as independent. She never crossed into the United States and she never married, though she has had considerable incentive to do both. The majority of her family would welcome her and has, on multiple occasions, encouraged her to go to California. She has also sustained a relationship long-distance with a man from the neighboring city for the past seven years. She told him she will marry him someday, but she refuses to go to live with him in the United States if she can't go legally. "I'm not going without my visa!" she repeats. The situation is complicated by many factors, including her desire to stay with Cecilia in Santa Rosa and maintain her independence, but legal considerations play no small role in her decision-making.

Of course, her views aren't totally unsympathetic to those who have entered the United States without a visa.

"They're violating the law, but they want a better quality of life for their families. That's why they're going—they want to earn money. They're thinking, yes, I'm violating a law, but if I don't violate a law, what am I going to give my family to eat? It's because of the necessity that they don't think. They should think, some of them should think more, but they violate it anyway without thinking about it. For the well being of their children. Because what you make here isn't enough."

Cecilia and Rosario's stories introduce many of the major themes in attitudes and behavior regarding US immigration laws in Santa Rosa today. There are many people like them, who have remained or returned to Santa Rosa despite enormous out-migration, poor economic prospects and pressure to follow family members. Others sometimes share Cecilia and Rosario's beliefs,

and sometimes differ in their approaches to immigration laws. Like Cecilia and Rosario, the people who are left are usually elderly or caring for an elderly family member, or have another anchor tying them to Santa Rosa. Often, they have stayed to maintain economic assets as most people left in the community own property, or at least work a friend's or extended family member's fields. Some of them admit that, of their family members, they were the ones most afraid or simply least disposed to 'adventure' and travel; the idea of going to the United States was intimidating for them. A good number have gone for a short time—one or two years, only to return to the community. A good number have been deported, often more than once, and usually without any criminal history. For some, the last time they were deported was simply the last they could bear and they returned to Santa Rosa permanently. However, at least two individuals were deported because of illegal activities—notably, child abuse and driving under the influence. These different experiences produce a great variety of stories, feelings, thoughts, and opinions about migration to the United States and the U.S. government. We will now turn to the six primary themes I have been able to observe through field research in the community.

1. Mexicans in Santa Rosa perceive it to be against the law to overstay a visa or cross the United States-Mexico border without authorization.

First and most fundamental, people are generally aware that crossing the border without authorization and overstaying a visa are violations of a law. It appears Cecilia is an outlier in her lack of awareness of immigration laws. The town president, Augusto, who went to the United States for the first time when he was fourteen-years-old and has lived in California for more time than he has in Santa Rosa, remarks:

“When I went, I didn’t know I was breaking a law. I only thought about going to the United States, that you went with a coyote [guide]. I didn’t know about that. When I got my papers, they asked me if I had known I had broken the law and I said that right now, I know I broke a law but when I crossed I didn’t know that I was breaking the law. That I didn’t know the laws here. Like I said, I was young. I didn’t know anything when I went. Now people have studied when they go, they’re older. I went like an animal. I had never studied. I just wanted to work. Now I know to cross there, it’s breaking a law.”

Aurelio, the town historian who has also crossed into the United States an immeasurable number of times, confirms that Border Patrol agents used to ask if the people they were apprehending understood why they were being arrested. He relays the experience of being questioned, imitating the officials with both pity and frustration in his voice, “Do you know what you’re doing? Do you know this is a crime? That you’re violating the law?” He also agrees with President Augusto that before, ‘about half’ of the people crossing didn’t understand that they were violating a law. Today, he maintains, nearly everyone knows. “The people know. They know they’re going to cross the line. They know if they do it in a car, if they go through the mountains, they’re breaking the law of the United States. They don’t know all the laws and regulations of the United States, but they know that. That they’re going against the law and immigration services.” He pauses to think of how to explain the next thing he’s going to say, placing the piece of worn red cloth he’s been holding in his hands over his eyes for effect. “Those that say they don’t know, shut their eyes,” he says, “and say, in the name of God, I’m going to leave this to luck.”

Marissa, an eighteen-year-old in Santa Rosa and one of its best students, agrees that the only people who don’t understand that they’re breaking a law are, “people who don’t think, who don’t have any idea about how things are—that you’re not going in an airplane and that nobody’s going to come for you.” Marissa is one of the most patient people in Santa Rosa, but her frustration with regard to this subject is clear. Her grey eyes and light

skin are unique to her family, though she believes there used to be more people like her when Santa Rosa was first founded. Perhaps if more of Marissa's family members had stayed in the town, this would still be true today. As it is, she has watched and counseled many family members in deciding and preparing to go to the United States. She speaks with authority when she describes several her cousins who left five years ago, saying, "They knew—they knew it was going to be hard. They knew that if they grabbed them, they were going to punish them or put them in jail."

Both Marissa and her mother, Nori—a teacher in a local school and the person responsible for Marissa's scholarliness—attribute a lack of understanding of immigration laws to poor education in Mexico. Ofelia, one of Santa Rosa's oldest community members, agrees that education is important to understanding law. "Some of us know something. Others, we don't know anything. It's because, well, if you don't study, you don't know." She describes her own understanding, "I don't know anything of that—the laws. What laws? It's that, they don't help someone to know that. I don't think anything. I don't think at all." She uses a common phrase for ignorance in Santa Rosa, "Since I didn't study, I'm like an animal in the wild." But she also contests that some people know, and as Marissa and Aurelio suggest, simply choose not to think. "Yeah, they know and they think about it, but they say, let's see what we can get."

2. People in Santa Rosa don't differentiate between Mexican and U.S. law when discussing illegal entry into the United States.

A second and fundamental feature of perceptions of US immigration law is that few people in Santa Rosa differentiate between US and Mexican laws when discussing unauthorized

crossing. Historically it has never been a violation of Mexican law to enter the United States without authorization. There is no Mexican statute that prohibits or threatens to punish Mexican citizens for crossing into the United States illegally (Sheridan 2009). Additionally, if people do designate the law as a US law, as Rosario does in the dialogue above, at least in Santa Rosa I have never encountered any discussions about why it is less important or more understandable to break a US law than a Mexican one.

Nori, Marissa's mother, has made a point to discuss laws with her daughters. She is also one of the few people in Santa Rosa to regularly make the distinction between U.S. and Mexican law.

“No they [early unauthorized migrants] didn't know that it was breaking a law. I didn't know either. I didn't have that logical faculty yet. Now I do. Sometimes we don't know. We go despite all the dangers there and it's not the fault of the United States when people go and drown. It's just that they have a law and we, the Mexicans, should respect.”

Nori believes schools and parents should teach children not to break U.S. or Mexican laws. She started to educate her two children, “when they were really little, saying to them that we have to respect other people, that we have to be kind and put forward a good face. If you meet someone in the street, you have to say ‘good morning’ or ‘good afternoon.’ I think parents should also tell children what the law is over there in the United States and that we should respect it.” She tells her two daughters, “If someone ever wants to get you paperwork,” referring to relatives who have already secured immigration status in the US, “you'll go there correctly. If you ever want to go back again, you have to come back here when you should.” Briana, Nori's youngest daughter, looks up from the crafts kit balancing on her knees during the interview with her mother. Nori periodically asks her for clarification about a term or a thought, and I am not

surprised when Briana responds articulately. She's just entering her teenage years and already possesses the same intelligent hum to her presence as her sister and mother. Only her hair is different—darker, and reflects the white of the midday sun as we discuss laws and the possibility she might someday leave her home and family and travel to California, a characteristically calmly stated fact that would alter her life entirely. But I know this isn't the first time she's had this discussion with her parents, nor will it be the last. And I am confident, were she to enter the United States on a student visa, she would be back in Mexico before the minute it expired, if only to please her mother.

3. People in Santa Rosa find illegal entry to the United States justified by desperation and familial obligations.

“The shame didn't matter if your family wasn't going to eat,” states Aurelio. The third and perhaps most important characteristic of beliefs regarding immigration laws in Santa Rosa is that people in the community often understand violating laws in order to enter the United States to be justified and ethical — sometimes even heroic and self-sacrificing. Rosario introduces this explanation when she says, “They're violating the law, but they want a better quality of life for their families.” This is an everyday sentiment: ‘yes, it's a violation of the law, and that's regrettable, but...’ The most common justification is the need to provide for family in difficult economic circumstances. Another that is increasingly prevalent is family reunification. Cecilia is a good example of this, having traveled to the United States twice to be with family. “When we went with my sister, she brought her children with her,” she explains. “There were four of them.” They were going to join her family and her sister's husband. Cecilia's brothers and sons have also crossed illegally, multiple times, to be with their partners and children.

People in Santa Rosa cite providing for family, even providing food for family, to explain the migration as early as the 1940s. Two young women who live in a house across the street from Cecilia and Rosario shared their thoughts about why people have left Santa Rosa over the years, saying, “The people who leave here, they all go for the same reason. Because what you make here isn’t enough to maintain oneself.” When specifically discussing breaking the law to cross the border, the youngest sister remarked, “Well what they’re doing is bad. Crossing without papers—that’s not good.” Her older sister responded, “They don’t go to do bad things. They’re going to earn money to maintain their families. They do it for hunger. Here it’s hard even to buy yourself a bicycle. There, you can buy yourself a car, no problem.” Aurelio thinks, “Some people go for sins. Others go to have a better life. To elevate themselves and live better—to buy a car, their own house, to eat. To educate their children because they want them to succeed in school.”

Of course, not everyone who leaves Santa Rosa is considered a hero who provide for his or her family. There is a lot of discussion in the community about the “some” who go to sin, as Aurelio introduces above. They are known as those that go to the United States and ‘caer en vicio,’ or fall into sin or vices. Usually, they consist of men who drink, particularly, men who drink and drive, but they also sometimes include women and adolescents. Santa Rosa hasn’t experienced very many crime-related deportations. Aurelio describes, “Here, there aren’t very many deported people. In La Estancia,” a neighboring town, “there were many. People who had been deported—they were thieves, tattooed, smoked marijuana, used drugs.”

The two people who still reside in Santa Rosa (there have been others who were deported but already returned to the United State) after being deported from California are well known and have become the subjects of many conversations and scrutiny. Juan, in his late 30s, is almost

always inebriated and carrying a machete, frequently mixing his alcohol with medication for the numerous medical conditions he has. For me, at least recently, he has been a somewhat constant concern in the community. His three sisters who live in Santa Rosa give him money and try their best to control him in public settings. Last summer, at a baby shower already full of tension because the twenty-one-year-old pregnant woman had brought an unpopular friend of hers to the party—causing the group to split into two distinct parties in one, very small room—Juan came in demanding money for cigarettes. He was deported a little over a year ago and likes to practice his English, so he cornered me and refused to leave until I told him he spoke good English. I caused further tension by leaving the room, calling him rude under my breath, and going to play with the kids until he left. Later that night, discussing the incident with Rosario, I explained that I was worried I had offended his sisters. ‘They don’t want him here, either,’ she said. ‘They’re embarrassed. Your country doesn’t want him—and we don’t want him either.’

Beyond people who have gone to the United States and failed to provide for family, or even left their families, people who have simply gone without good cause are vulnerable to negative judgments. Ofelia’s sentiment about some crossers, “Yeah, they know and they think about it, but they say, let’s see what we can get,” shows how the act of entering the United States illegally holds negative value on its own. The neighbor sisters say the same thing when they agree that breaking the laws is “a bad thing they do.” Justifications of providing for family, or acting out of economic desperation, only go as far as an individual has a family, provides well enough for it, and works.

Still, excuses are granted liberally—particularly to men. One of Cecilia’s sons is with his third wife in the United States, has kids all over Mexico and California, and yet, Cecilia finds fault not in his actions, but the women with whom he has had the bad luck of becoming involved.

In general, the town's negative judgments of those who go without these justifications are not so severe that they become a deterrent for crossing. Nor, especially for men, does violating an immigration law without good reason result in any intense social exclusion. For example, in Santa Rosa, women who divorce their husbands (though there have only been two in recent memory), even for an offense as severe as domestic abuse, become the subjects of constant gossip, don't dare participate in church or religious gatherings, stay mostly in their houses with family, and are sometimes even verbally attacked by people in the community. If one were to compare the community reaction to a man who has crossed the border without good justification to how a woman who divorces her husband is treated, breaking a border law would seem like a light judgment with next to no real social consequences.

4. People in Santa Rosa express a wish to uphold U.S. Immigration law.

Many people in Santa Rosa, including people who have crossed illegally into the United States and returned, report a desire to act in accordance with the U.S. immigration law. Rosario, in her commitment to procuring a visa before leaving Santa Rosa, is one example. The neighbor sisters also maintain that they would not cross illegally into the United States—as does Marissa, her sister, and her mother.

However, some motivations for crossing legally appear to be more firmly rooted in cost-benefit analyses than more abstract ideas about the importance of adhering to the law. For example, Cecilia's neighbors, the sisters, have never seriously thought about going to the United States illegally—not because of what it means to break a law but because of what illegal passage entails. They aren't able to invest in illegal passage because they don't have the money and they don't want to because of the potential for violence in the crossing. "Have you ever considered

crossing the border?” I asked them. “Like that? No. Without papers, no.” But with papers, both of them say they would prefer to leave Santa Rosa.

Even for Nori, the teacher who cares so much about laws and active community living, the decision not to enter the United States illegally appears more rooted in an instinct to keep opportunities open than general respect for law. When pressed to speak more about her commitment to these ideas, she explains that if you violate laws, you can get into trouble with police, law enforcement, border patrol, and prisons. She wants none of that. And if you overstay a visa, you can’t return legally for a number of years. Ultimately, she’s pragmatic. Her ideals around law as well as the teachings she is concertedly passing on to her daughters contain similarly rational lessons; breaking laws has consequences, and you shouldn’t do it.

Most people in Santa Rosa say they don’t want to break immigration laws. That desire is in some cases motivated by the fact that people who enter the United States legally have more opportunities available to them later. It is also motivated by fear of the dangers of crossing illegally, especially in light of the increased risk in the border region in general, as everyone in Santa Rosa is quick to clarify. Yet at least a few people in the community, who claim to have decided not to go to the United States because they refuse to break the law, challenge this notion. Rosario is a compelling example.

5. People in Santa Rosa prefer to enter the United States legally and chose to do so wherever possible.

In the last decade in Santa Rosa, individuals and whole families have increasingly acquired immigration status and entered the United States legally. Cecilia describes the phenomenon, “Almost everyone has left. There’s no one here. If people could, everyone would go. But they

can't—so they don't go. Only people who have papers go.” Rosario adds, “The majority of people here are waiting for paperwork.” There are several factors in this trend, none more important than the increased ease of attaining immigration paperwork since the 1980s. Many Santa Rosans went to the United States before the 1986 Immigration Reform and Control Act, which granted a pathway to citizenship to about half the undocumented population of the U.S at the time, and who have married U.S. citizens. As a result, the network of migrants that connects to Santa Rosa has gradually included more legal residents and U.S. citizens. Santa Rosa residents report that U.S. residents and citizens are much more able to successfully request immigration paperwork for family members and do so relatively quickly than in previous decades. Today in Santa Rosa, attaining paperwork through family in California, before crossing the border, is the most popular mechanism for entering the United States.

President Augusto describes, “A lot of families wait for papers. That's better. They have fewer problems in the crossing.” Ofelia echoes, “The ones that go have papers.” One of Ofelia's sisters was actually able to secure a tourist visa for her several years ago. It is one of many times that migration has presented itself to Ofelia, though likely the only time it did so with pre-arranged immigration status. She turned it down, but doesn't like to talk about it in Santa Rosa, where so many people are waiting for or want papers. I was sitting on a rock wall with my back to the fireworks at a town party this December when I heard, “So you like it here?” The woman behind me had spoken loudly to be heard over the sound of the crackling in the air and excited screams of the kids. She's a friend of Cecilia's, so I knew her face and the green apron she always seems to wear but we hadn't ever spoken much before. We quickly started to talk family.

She was one of 12 brothers and sisters and never married. She lives alone in Santa Rosa and cleans her oldest brother's house everyday. Most of her siblings are in the United States.

When I asked how many exactly, she shrugged off the question for its specificity. I had my answer: enough not to count anymore. She once went to California for a month, she told me. A lot of people in the community assume I'm from California, if not also from the medium-sized city where their relatives live. She looks at me for some sort of affirmation of this, and when it doesn't come, she continues on about how she didn't like it at all. It's a calm criticism, humble, when she admits she prefers Santa Rosa and doesn't ever want to go back to California. "I have paperwork," she confesses—and it has that tone, of confession. Her brother got it for her eight years ago. "People in Santa Rosa have such strong ties to the United States," I say. "Yeah—me? I'm all over there, everyone I have is over there." I got the impression, talking with her through the noise of the party, that she doesn't often share how easy it would be for her to move to California, or how much she doesn't want to. Maybe it's easier simply to pretend she's like anybody else in the community—wants to go but can't, or is just waiting for the paperwork to arrive. Still, I doubt her immigration status is a secret in the community, just like Ofelia's is well known even if she doesn't talk about it much. 'Citizen,' 'visa'—even 'green card' (spoken in English) makes frequent appearances in daily conversation. There is constant discussion of different individual and family's immigration status.

For all the gossip and envy surrounding paperwork, the subject has also become somewhat pedestrian. Most often, people discuss immigration status as if it were hair color or any other basic detail about a person. They are also generally supportive of others in the process of applying. For example, people in Santa Rosa seem to genuinely support Rosario's relationship and her partner in getting his citizenship. Hector has been studying for citizenship for the last two years, at least. As he works long hours in restaurants in California, he finds it difficult to do the necessary English and civics preparation. In his commitment to taking the test this year, he

cancelled his trip to Santa Rosa for the holidays for a second year in a row. Once he gains citizenship, it will be easier for him to come and go to Santa Rosa, which he hopes to continue to do for the next ten years before moving back to Mexico permanently. As Rosario doesn't want to live her life in California, and doesn't have the money to travel to California anyway, she isn't currently working to get paperwork. If she wanted to go, however, she knows her brothers have been successful in getting visas for other members of her family. The difference in how her family might encourage her to enter the U.S. compared to Cecilia's experience is remarkable. For Cecilia, some twenty years ago, legal entry appeared beyond reach. At the time of her initial crossing, it was unusual that her son had paperwork at all. It would have been difficult, if not impossible, for him to getting her paperwork and the decision was made to cross the southern border of the U.S. illegally. Rosario simply wouldn't make the same decision today. Instead, she can wait for Hector to get citizenship and secure her paperwork when they marry—or she could attain paperwork through her existing family networks.

6. People in Santa Rosa expect amnesty.

It is very clear that people in Santa Rosa expect and are waiting for amnesty for undocumented migrants in the United States. Many people in the community share the same exasperation that Cecilia voices when she says, 'so give them all work permits.' But most people are more explicit about amnesty. Rita owns the largest store in Santa Rosa, complete with a small video game arcade in what used to be her house patio. She describes the current situation: "Apparently it's really hard because they're not giving amnesties. Without the amnesties, it's very difficult to get paperwork. If they did an amnesty, there would be many people who would get papers." Hermila, a 35-year-old woman who lives alone with her father remember the effect

the last amnesty, the 1986 Immigration Act, had on her family. “They gave out permissions. They gave my brother a letter, a permission, to get paperwork.” Her other brothers had wanted to go at the time, to take advantage of the new law, but weren’t able to leave Santa Rosa because they didn’t have enough money. They went illegally shortly afterwards and still haven’t gained get legal status. They remain in the US, working and waiting for a chance to get paperwork. Another amnesty is not only present in the collective consciousness of Santa Rosa; people are waiting for and expect another to happen.

President Augusto sees a connection between amnesty and perceptions of crossing laws,

‘I think they [migrants] should worry about breaking the law. They should because you go there with the hopes of another amnesty, and in that moment they’re going to tell you, you’re breaking the law coming to this country. Like I said, I hadn’t thought about it. But I told them I hadn’t studied and that now I know. Here, you listen to the news; you learn that crossing there is against the law. I know I did something bad, but then you work.’

Agusto highlights an important aspect of anticipating amnesty and of behavior regarding immigration laws, in general: there are informal rules people from Santa Rosa try to obey in crossing the border. Perhaps the best example of this code of conduct is lying or telling the truth with authorities and employers. In my interview with the town historian, Aurelio, he sharply criticized his sister for having lied about her identity when she crossed the border and worked in the United States. ‘You shouldn’t have done that. They don’t like liars over there,’ he said to her, shaking his head. ‘What do I care?’ she responded, the only person I’ve ever met in Santa Rosa who considers illegal migration so casually. When I asked her if she knew she was breaking a law, she said she didn’t know: “didn’t know, didn’t care, didn’t worry.”

President Augusto supports his Aurelio’s position. “In the United States, they don’t like lies. They throw out liars.” Esteban, the father of the two sisters who live by Rosario and Cecilia,

who has crossed in to the United States over five times in his life, never once lied about his identity. “I kept all my paychecks, with my name on all of them. I kept them organized,” ready to bring them to immigration officials, if he was ever given the opportunity. There are other examples of rules, like how everyone must learn at least basic English and work while in the U.S. But honesty is the most related to amnesty, as keeping your name while working and staying ‘on the books’ facilitates getting paperwork during an amnesty process. The attention to honesty also demonstrates the attention people in Santa Rosa have paid to developments in immigration laws—particularly amnesties—in the last thirty years, if not longer.

3. Making Migrants

“Everything, almost all these houses were constructed with money from the United States. Here, there were times when the government gave nothing. When the PRI did nothing—filling its pockets, and the people suffering. All of Santa Rosa, and other communities, depended on money from the United States.” –Aurelio, honorary historian of Santa Rosa

A variety of structural forces acting on and within Santa Rosa have constructed migration to the United States, in whatever way available, as necessary and ethical. In this chapter, we will discuss the history of this construction. We will first examine the socio-political development of Santa Rosa, briefly examining the founding of the community and its experience in and after the Mexican Revolution. We will then assess several key moments in the history of U.S. immigration policy, beginning with the duration and legacy of the Bracero Program and concluding with a discussion of the 1986 Immigration Reform and Control Act.

Santa Rosa in 20th Century Mexico

“We’re almost alone here now.” Our conversation began, as do many in Santa Rosa, with an offer of food and a lament for all the people who have left for the United States. Still, several aspects of this interview were unusual. First, I didn’t know whom I was visiting. Considering the years I have spent traveling back and forth between the United States and Santa Rosa and the miniscule population of the town today—numbers fluctuate between as little as 100 to 150 people—I know most everyone in the community. The other unusual aspect of the interview was our focus; we weren’t going to be speaking about a personal history of migration and law, at least not primarily. I had been sent here, to one of the four house-front stores of Santa Rosa, for

history. Various people had reported the man in the upper tiendita to be very knowledgeable about the founding of the community.

Ring the bell and stepping in through the pantry area of the shop with its walls of Mexican chips and creative candy containers, I realized I had been to the house before. The man to whom everyone was referring used to sit in the main plaza of Santa Rosa for hours, sometimes with other men but usually alone. At least several years ago, he spoke near-perfect English. I hadn't seen him since then, which could have meant that I hadn't been to the community for a long-enough visit, but I suspected the reason for his seclusion was ill health. Aurelio confirmed this quite quickly as I entered the sitting room to greet him. He didn't get up—just smiled and tapped his cane against his chair. “Bad knees,” he explained. Aurelio is in his mid-fifties.

“We're almost alone here now,” we began. But Santa Rosa isn't at all new to migration. Though there is some confusion as to how the community was founded (hence the referrals to Aurelio), he explained it was never a hacienda—the expansive and privately owned agricultural properties that characterized Michoacán, and much of Mexico, in the early 20th century (Boyer 2003). Santa Rosa was a small town surrounded by haciendas, where seasonal workers moved with their families to live and sometimes farm their own lands, a supplement to income from work on larger farms. San Elias, the closest neighboring community of Santa Rosa, was a sprawling hacienda that attracted many workers and their families. Marissa, who had also recommended I speak with Aurelio, recites the history of the community in family names. “It was the Rojas family that first came to Santa Rosa, then the Cáceres. Afterwards, more people started coming and there were more families with different last names.” She describes the routes that migrants followed to the community through family and friends, echoing theories some use to explore Mexican migration to the U.S. today. The founding migrations to Santa Rosa,

however, took place a century ago, even before the tumultuous decade of the Mexican Revolution.

Despite fierce fighting in other parts of Mexico and Michoacán's central location, the state was largely untouched by the worst fighting of the wars in 1910-1920 (Boyer 2003).

Aurelio, however, is the first to remind us that while there was no war, per se, in Santa Rosa, residents still felt the effects of the Revolution.

“My father always told me—we celebrate the anniversary of the Revolution, when in reality, if they knew what it meant and what people lived, they wouldn't celebrate it. It's a tragic thing—life like a dog's. Nothing to eat, you can't sleep. You couldn't have an animal, like a goat. They stole it. They robbed it all. Here what you saw were gavillas—gangs, agglomerations of people...they lived in the shadow of others. They say they came together, those gangs, because...they took advantage of the situation and they came together to rob people...Cloth on their faces, a big hat with the rim down to the eyes, they came and took the single women. So the towns took the women and they hid them there on the hills with the nopales [large cactus trees]. Here in Michoacán, that's what we had—gangs.”

Gangs, robbery, and general insecurity characterized the experience of Santa Rosa; well known belligerents of the Mexican Revolution only made brief appearances in the community, if at all. Aurelio explains, “The Cristeros, the Villistas, the Maderistas, the Zapatistas—they passed through here—but they only passed through. Like I said, this was the way to other, bigger cities.” Understanding Santa Rosa's experience in the early 20th century in great detail is difficult. Even the year Santa Rosa was founded is unclear. Knowledge of the Revolution is limited and seemingly contained by one or two older men and some women, though the community has been reluctant to point to the women as knowledge sources. Fortunately, the quantity of information about the latter half of the 20th century is considerably greater than that about earlier times, and more people are willing to offer their personal and their family's experience as witness. Perhaps unsurprisingly, the major features of the second half of the

century relate to U.S. immigration laws. The following episodes are only two of many changes, but they are those most frequently identified as important to the history of Santa Rosa by community members.

20th Century U.S. Immigration Policy and Santa Rosa: The Bracero Program

“Many people from Santa Rosa went—my father, all my uncles.”⁴ In our interview, Aurelio skipped in his narrative from the Mexican Revolution to the Bracero Program. It’s a historical jump that bears no small amount of symbolism for the role of the program in the town’s history.

The Bracero Program first came into being as Public Law 45, a binational temporary agricultural worker initiative organized by the United States and Mexican governments (Gamboa 1987). PL-45 was signed into law in 1942 just after the entrance of the United States into World War II, during the aftermath of the attack on Pearl Harbor and increasing labor shortages (Calavita 1992). It was renewed several times, the last of which received Congressional approval in 1951. The program came to a close in 1964. The Program lasted over two decades, incentivized the movement of millions of Mexicans back and forth across the border, and left a legacy in Santa Rosa and Mexico as a whole that cannot be overstated in Mexican interpretations of US immigration laws.

The program initially specified that Mexican temporary workers, about 200,000 a year, would be contracted through the U.S. and Mexican governments to fill agricultural jobs. Mexican recruiters based out of Mexico City would identify candidates from different regions of

⁴ This interview was not recorded and as such I am unable to convey Aurelio’s words exactly in all cases in this interview. To differentiate between direct quotes and paraphrase, here and in general in this thesis, I use singular ‘quotes’ for paraphrase and regular “quotations” for exact phrases.

Mexico—including Michoacán and the northwestern states of Guanajuato and Jalisco. Those recruits would then travel by U.S. government-sponsored transport to the United States. The temporary laborers were to work anywhere in the western United States except Texas, receive a subsistence wage of three dollars a day, and only take positions that would not result in a displacement of workers from the United States. Similar to migration from Santa Rosa to the United States today, the majority of braceros worked in California. In 1945, the state employed 63 percent of the imported work force. Work included cotton, sugar beets, fruit, and vegetable farms. The program targeted young men.

‘My father went when he was very young—he wasn’t even 40-years-old.’ Aurelio remembers. Aurelio believes farm owners from the United States heavily targeted Michoacán. ‘Community members would travel to various locations where the farm owners recruited. Wherever,’ in the state, and sometimes in neighboring states like Guanajuato.

‘The dueños would ask for some 30 to 50 people. They would ask for specific things—usually that the workers be young men who could work much longer and harder than the others. But the men could use bribes to get past the age requirement—or any other specific thing the bosses requested. La mordida.’

La mordida. He bites his arm playfully to illustrate. La mordida—literally, a little bite—in Mexico is the institution of small bribes. Kitty Calavita, a sociologist focused on the Bracero Program, affirms the commonality of the practice of bribing the Mexican recruiters. The mordida was particularly necessary with Mexican government officials to obtain the permit required to travel to the United States as a bracero (Calavita 1992). From the initial recruitment, workers would travel to the U.S. farms for a time-period ranging between three and five months. Aurelio put it plainly, ‘Some would get lucky and find jobs immediately upon arriving back in Mexico.’

These were the braceros that would go back to the United States sometimes without even returning to their home communities between jobs.

Reflecting on the need for the program and why people left, Aurelio became somber. “At that time, there was real hunger.” Braceros and their families were able to buy land in Santa Rosa, or purchase what they needed in order to cultivate the land they already owned. Aurelio describes a process by which the original lands of Santa Rosa switched hands according to who went to the United States and had the money to buy, own, and work them. Many lands were actually sold back and forth between two or more families throughout the Bracero Program’s duration.

Erasmio Gamboa, an ethnic studies scholar of the Bracero Program in the Pacific Northwest asserts, “The vast majority of braceros in this period [1943-1947] came from the least developed, poorest, and most remote areas of Mexico” (cited in Calavita 1992: 20). Of course, from within those communities, it has historically been the wealthier families who have been able to invest in migration. For example, Aurelio maintains that while those without land had more to profit from leaving Mexico, then as now, it was landowners who were most able to invest into migration. Ina Dinerman’s research into migration in rural Michoacán in the 1970s and 80s supports this idea (1982). She suggests that, as communities in Michoacán became more involved in international labor and agricultural markets, migration became more institutionalized and necessary to life in small, rural communities. Mexican policies, according to Dinerman, have increasingly sought to integrate rural communities into larger economies, ultimately raising desired consumption levels and reducing the profitability of traditional agricultural practices, as well as the availability of seasonal employment. Dinerman highlights household-level decision-making and the ability of a family to “sponsor migrants” as determinants of migration. Her

research suggests that, as communities raise desired consumption levels and become wealthier, through economic integration and remittances, it is more likely that families will continue to sponsor migrants to leave to the United States. Thus while it may have originally been the wealthiest landowners who could sponsor a migrant, eventually migration became a fixture and economic strategy of the community as a whole. In short, migration begets migration.

Although Dinerman focuses on migration in the 1980s, I believe this pattern of investment and dependency to be analogous to Santa Rosa's experience during the Bracero era. Aurelio confirms this in his analysis of land ownership and bracero migration, remarking, 'It is expensive to own and cultivate land.' Those who didn't own land needed to migrate in order to purchase them, and those who did own lands needed to migrate in order to maintain them. Furthermore, as the profits of the Bracero Program entered the community, consumption expectations increased. One outcome of increased consumption expectations is investment in new technology. As technological advances often require further investments than the initial purchase, the purchases then act as incentive for further migration. To cite a comparatively mundane example, Cecilia has two different stoves in her kitchen. Every Mother's Day, her children pool money to purchase large gifts that they think will actually make a difference in her day-to-day life. Unsurprisingly, many of these gifts are purchased in the United States and shipped to Mexico. I imagine the first several years of new, plastic gifts arriving on Mother's Day: a new blender, a new bowl for fruit. In later years, the gifts became new refrigerators, and finally, stoves. As Cecilia instinctually keeps everything she can (she sleeps surrounded by little gift bags her grandchildren have given her over the years—somewhat useless knickknacks that serve no greater purpose than to disturb, or accompany, her sleep), she now has two stoves. The oven in the first one broke. Now, she finds the second one too complicated. I can only imagine a

third next year. She would prefer her kids stopped buying her new things—she’s told me this many times, and anyone else who will listen—including her children. However, the expectation has become established.

Ofelia, one of the eldest members of Santa Rosa, shares her memory of the Bracero Program:

“No, I don’t remember the first person I met [who left to the United States] because a lot of people went as Braceros. Because of that, who knows? I had an uncle who went...who died in some kind of crash in San Jose, Texas. He was working. All of them got together and they went. They contracted them. They even came to Santa Rosa to contract them, or they went to another place to sign up.”

Ofelia’s father worked on the railroads even before the Bracero Program began, though she doesn’t remember exactly where or how. Afterwards, he worked as part of the Program. She recounts matter-of-factly, “After the Bracero Program ended, they stopped going. Or they started to get paperwork—some were already there and some were here. Lots of people still went without work. They wanted to see if they could cross—to earn something, to do something. Many were turned back, returned to Mexico.”

The Bracero Program ended in 1964, having evolved considerably from its original structure and mandate. With decreased congressional oversight and little to no public attention to temper pressures from the biggest agricultural interests, the program went somewhat awry after its first renovation in 1947 (Calavita 1992). Thus the continuation, a continuation of an emergency labor program instated two years after the end of a war brought about radical innovations, particularly in the structure of recruitment. Government-to-government contracting, burdensome to farm owners for its time and cost, was abolished. In its stead, farm owners began to directly recruit braceros in Mexico.

The Immigration and Naturalization Service (INS) was charged with the supervision of the new contracting mechanisms. Its policy with regards to checking immigration status and carrying out deportations, during the war and afterwards, clarified that those actions were not to be taken during harvest season. “From the beginning the Bracero Program had been a creature of administrative discretion,” writes Calavita (1992: 23). Much of that discretion was mediated by the INS, which catered to insistent growers who wanted more workers, less regulation, and easier, less expensive transactions. In 1947, the INS budget, the mechanism responsible for checking undocumented immigration, was cut by over a third (Calavita 1992). This diminution of power, combined with the initial policy of no deportations that could negatively affect agriculture, made it so the INS was hardly equipped (or motivated) to respond to a large influx of undocumented workers. For a variety of reasons, however, U.S. policy at the time would encourage exactly that.

When Ofelia says, “Lots of people still went without work,” she is referring to members of Santa Rosa who crossed into the United States illegally during the Bracero era. They weren’t alone. In the summer of 1947, 55,000 bracero workers were granted legal status in Texas, a state in which they were not even allowed to find work. In the same time period, only 31,333 braceros were recruited and transported from Mexico into the United States. Between 1947 and 1949, 74,600 workers were contracted while over 140,000 were given legal status in the U.S. By 1950, the number of braceros that were granted immigration status in the United States was five times that of those actually recruited in Mexico. And in the decade between 1942 and 1952, INS apprehended over 2 million undocumented workers—the vast majority of which were Mexican (Calavita 1992).

The Bracero Program thus functioned in many ways less like a traditional guest worker program and more like a long-term legalization initiative. For farmers, it was simply easiest if temporary workers came to them, arriving at their farms ready to work. They saved time and didn't have to pay for the transport of braceros from Mexico, as the Farm Security Administration required (Calavita 1992). For Mexican government officials, and overall economic schemes in the United States, the large numbers of undocumented workers actually weren't advantageous. President Truman confronted these unprecedented rates of unauthorized migrants in 1951, dismayed at the abysmal conditions in which they worked and the wage depression their presence caused for other farm workers (Calavita 1992). (Of course, this did not represent the ultimate concerns of powerful farm lobbies.) Mexican officials scolded the United States for allowing farmers to recruit just south of the U.S.-Mexico border, a practice they believed welcomed and encouraged unauthorized crossings. Consequently, while in rhetoric both the governments of the United States and Mexico viewed illegal immigration unfavorably, in practice little was done to alter a situation that encouraged undocumented migration.

Gamboa writes, "The whole idea that a young person from a tiny community in Michoacán could comprehend the meaning...[of bracero contracts] was farfetched. In reality, the workers understood little beyond the fact that they were going to work in the United States" (cited in Calavita 1992). It is unlikely rural Michoacanos had a strong comprehension of the social-legal contradictions of the Bracero Program. Aurelio, who is known in Santa Rosa for having educated himself to a point that exceeds even some of the teachers who live in the community, a man who holds incredible respect for college and the study of history, didn't graduate from primary school. "There weren't educational opportunities then," he says with a characteristic and elegiac smile. It is unlikely Aurelio's young father and uncles, like others from

Santa Rosa who worked in the United States as braceros, ascertained more about U.S. border and immigration laws than their emptiness and ambiguity.

The Bracero Program connected rural Mexican communities to U.S. agriculture and labor markets. The profits from the program raised consumption expectations and facilitated investments that then required further migration to sustain. It fed the institution of the Mexican ‘mordida’ and spurred the first great migration from Mexico to the United States since the 1920s and 1930s. Socially, the Bracero Program established migration to the United States in small communities in rural Mexico, and further complicated cultural ties between the two countries in large regions of both nations. It revealed illegal migration to be more efficient than legal entry to the United States in the face of great and contradictory bureaucracy (Sheridan 2009). Finally, for over two decades, the Bracero Program institutionalized the expectation that after illegal entry into the United States, if you work, you will eventually be rewarded with legal immigration status.

The 1986 Immigration Reform and Control Act

Marissa, the eighteen-year-old student from Santa Rosa, doesn’t share the same generational understanding of the Bracero Program as Ophelia or Aurelio. When asked about the braceros, she responded, “I don’t know a lot about the program, but isn’t it when a person works for a long, long time over there?” She then added, on a decisive note, “Yes, when the person dedicates a lot of their life to living in the United States.”

Marissa may not recall migration history in great detail, but she has come of age during a movement of people from Santa Rosa to the United States to rival that of the Bracero era. During the 1970s and 1980s the number of undocumented persons in the United States grew by 200,000

a year. In the 1990s, including 1993—the year Marissa was born, that number increased to 500,000. From 2000 until 2008, that number grew by 850,000 annually. Mexican migrants account for over half of these numbers (Hagan 2008).

Marissa's comments highlight an important theme: guest worker programs, like the Bracero Program, have been perceived in Santa Rosa, at least by younger members of the community, as no different from other mass migrations to the United States. This is naturally related to a variety of factors; quality of education is one example of many. However, the lack of distinction is at least in part a product of the similar trends in migration during the Bracero Program to migration in the 1970s and 80s, and to migration today.

To explore these similarities, we must first take a closer look at one of the most significant developments in U.S. immigration law in the second half of the 20th century, at least in the collective memory in Santa Rosa: the 1986 Immigration Reform and Control Act. The U.S. Senate approved the Act on October 17, 1986. It contained five principal provisions: the first sanctions in history for employers who knowingly hired unauthorized workers, a new agricultural guest worker program of limited size, a requirement that the INS obtain warrants before conducting raids, a greater allocating of funds to the INS for enhanced border enforcement, and legal status for about half of the undocumented workers estimated to be in the country at the time (Sheridan 2009). In nearly every interview I conducted, community members mentioned amnesty or a law that would provide a pathway to legal status, if not full citizenship. Those individuals that didn't immediately reference the 1986 Reform Act as part of their individual migration history usually mentioned an expectation for a similar law. When pressed to explain that expectation or what the law might look like, they would then usually reference the 1986 Act. In short, in Santa Rosa, the memory of the 1986 Immigration Reform and Control Act has not

been momentary, but instead transmitted over and over again through family members still residing in the United States and those that now travel back and forth with ease, having received their paperwork at the time.

In the history of Mexican migration to the United States, there is a trend that describes first a large movement of people illegally across the border, followed by a new opportunity to gain legal immigration status. This political concession—pathways to citizenship for undocumented immigrants—has happened in spite of economic trends (Tichenor 2002) and in spite of strong anti-immigrant rhetoric.⁵ This pattern appears to transcend time and political shifts, large and small alike. Thus, to the families and descendants of the same braceros that Gamboa highlights as unable to fully comprehend complicated temporary worker contracts, precedents in policy reinforce the same axiom: if you enter the United States illegally, but work and don't violate additional laws, you will probably receive legal immigration status one day. In this light, one could see the continued decision to cross the borderline and overstay visas not as ill informed or uneducated. On the contrary, in a historical context, the decision appears both highly perceptive and logical.

⁵ Here, I refer to the same example of Truman's harsh criticism of the Bracero Program and INS response to undocumented migration at the same time the Program continued to offer up-to-date status to thousands of Mexican migrants every year (Calavita 1992).

4. Two Social Contracts

“Like I told you, the law doesn’t bother you if you work.” –Aurelio

Just before the end of our interview, one of Aurelio’s many puppies peed on the floor between our chairs. Aurelio shooed the dog away with his cane and laughed—courageous, really, considering the look on his sister’s face. Pointing to the little black mop of a dog that scurried away without shame, he joked, ‘That puppy is in violation of the law.’ It reminded me of the end of another interview. We had been sitting on uneven couches and I was glad to be standing again. Nori, the teacher, motions to the door to guide me out of her house and starts laughing. ‘What’s going on?’ I ask, amused. ‘I forgot,’ she barely manages between laughs. ‘You asked who I knew who’d gone to the United States.’ More laughter. She points to her husband, who’s just appeared out of the green mass of corn by the house. ‘He has!’ Chuckling, her husband sits on a pile of concrete cinder blocks, arranges his work gloves on the knees of his jeans, and starts to tell his crossing story. He actually broke his ankle in the jump over the fence on the Mexicali border. Nori, who is usually quite reserved and serious, furiously giggles as he recounts stumbling away into the desert bushes. She nudges him in the arm. “See, that’s what happens when you break the law.”

Tracing Mexico through the 20th century, the diverse pressures that have acted on the community members of Santa Rosa become clear. They have experienced pressure to provide for family and community, most efficiently through migration to the United States. Having already traveled to the United States and invested in education, land, and technology, and as more people gained legal immigration status, they have felt pressure to migrate to work again, and again. As

the border has become increasingly difficult to cross, they have felt pressure to stay in the United States permanently and to bring their family across the line as well. They have felt the burden of responding to the needs of U.S. agricultural and service industries. But they have also felt the contrasting pressures to adhere to and reconcile all the large and small shifts in immigration policy reform over the decades. Whereas community members have been told they are not wanted in the U.S. and that illegal immigration is wrong, they have also witnessed great numbers of undocumented migrants (and migrant families) receive visas, legal permanent residency, and citizenship. There are enough paradoxes in the experiences of people from Santa Rosa to allow for more than a few jokes about laws.

For people born in the community, this multitude of historical contradictions has helped weave the ‘web of meaning’ in which beliefs and behaviors regarding U.S. immigration law are deeply entangled.⁶ Finding order in this chaos is surprisingly easy. The ‘web’ is organized by two poles of power and pressures: the nation-states of Mexico and the U.S. The beliefs and behavior of people in Santa Rosa regarding law today reflect the relationships they share with the two governing powers in their lives. With Mexico, their relationship is, by definition, citizenship. With the United States, the relationship is something less clear, but similarly powerful and binding. In this chapter, we will explore a final question in this research: what is the meaning of the expansive impact of U.S. immigration laws in Santa Rosa—an extension far south of the country where they originate? And how can we characterize the relationship those laws represent? I will argue that U.S. immigration policy has gone beyond controlling who enters the country, but has actually established a legal relationship with the citizens of Santa Rosa. This relationship forms a second social contract in the lives of people in Santa Rosa.

⁶ Here, I borrow from Clifford Geertz’s discussion of ‘webs’ of meaning (Geertz 2008).

A Second Social Contract in Santa Rosa?

In Plato's *Crito*, Socrates explains to a good friend, who has offered to help him escape prison, why he is duty-bound to accept the death sentence he has received. He speaks for the laws of Athens, addressing himself, when he says, "So much more than the other Athenians were you satisfied with the city and evidently therefore with us, its laws; for who would be pleased with a city apart from its laws?" (Plato 1996: 53a). Laws indicate relationships in human societies. They broker power and define the very values on which a society is built and for which it exists. While today we consider the world in nation-states, humans have occupied a large variety of social arrangements since our first days on Earth. Laws, or some form of social rules, have been a constant throughout all of them (Torpey 2000). One of the ways to understand laws in society, and all their functions, is through the social contract.

Many theorists cite *Crito* as one of the first and most formative examples of social contract theory (Lewis 1939, Gauthier 1977, Keeley 1995, Friend 2004) and I will use it to frame my discussion of the social contract and Santa Rosa. In *Crito*, Plato expands on three key components of a social contract: obligation, benefits, and consent. By deciding to remain in Athens after he became politically conscious, Socrates consents to a social agreement with the city. He then benefits from its resources and order, and in return, is required to live by its regulations and expectations. When he fails to do so, he forfeits the city's protection and further submits himself to its will. The laws of Athens declare, "Whoever of you stays here, seeing how we administer justice and how we govern the state in other respects, has thereby entered into an agreement with us to do what we command" (Plato 1996: 51e). Elements of all three of these

characteristics of the social contract—obligation, benefits, and consent—are present in the relationship between the residents of Santa Rosa and the United States.

As observations in chapters two and three have demonstrated, community members of Santa Rosa frequently operate from a framework of perceived obligations to the United States. People who have not yet migrated to the U.S. but are considering migrating legally are careful to keep their records clean. They are fully aware that any criminal offenses will disqualify their applications, and behave in light of that information. Again, even for those who have not yet crossed, there is also a strong desire to learn English in the community. All students, as early as secondary school, take English classes. Language is, in fact, one of the strongest perceived obligations to the U.S. and most people, particularly those who have spent anytime at all in California, speak well enough to get by—if not at an intermediate or advanced level. The system of justifications that exists to explain illegal migration also requires migrants to work. There is a strong perception that working is the ethical way to behave in the United States—one of the only ways to cross illegally and also maintain moral legitimacy. An additional aspect of maintaining moral legitimacy involves the system of informal rules people use when crossing. For example, it is considered ill advised to lie to law enforcement and immigration authorities, as people in Santa Rosa believe that in the United States, lying is considered a severe offense.

Finally, members of Santa Rosa are obligated, whether or not they intend to migrate to the United States, to sustain a keen reading of immigration policy. Beyond presidential speeches and subtle shifts in deportation procedures, they read networks of friends and family, the appearance of jobs, and the difficulty of attaining paperwork and crossing the border. Much more research needs to be done as to how information about immigration policy is transmitted to and inside of Santa Rosa, but it is clear that there is a complex system by which the community takes the pulse

of the United States, and can ascertain how best to meet the desires of the country. Of course, the ultimate goal is to meet the needs of people and families in Santa Rosa. However, at least in the past as community members crossed illegally into California in incredible numbers during the Bracero Program, they have been able to do so while also fulfilling the United States' expectations of them. In fact, the better able they are to interpret the true intentions of immigration, economic and agricultural policies, the greater the likelihood they will attain what they want.

The community members of the Santa Rosa also do more than 'want'; they *expect* certain benefits from the United States. Ofelia continues to be upset that her father was never properly compensated for seven years of work as a bracero. If you work hard, it is expected that you will not be deported and that you will be paid. Cecilia's daughter-in-law, who recently moved to the community to wait until her husband joins her there, explains with indignation, "they're just deporting everyone now, for nothing." The very idea that a person who has responded to the economic need of the United States—a job—could be deported while fulfilling it, is maddening to most people in Santa Rosa. Beyond the expectation of fair pay and safe passage as they work, the community members expect to eventually gain paperwork. Even though the community is experiencing a heightened level of stress about the delay in granting undocumented workers a pathway to citizenship, they have found alternative routes to paperwork—generally through family. Still, this mechanism is only partially satisfying to the community members of Santa Rosa, who have watched the majority of their families leave to California, work, study, and only sometimes receive paperwork. For many of them, receiving residency or citizenship goes beyond job security, but the fruition of a commitment they have made to the country. They expect to receive paperwork, and until they get it, they expect a kind eye from the law while they work.

The extent to which people in Santa Rosa actually consent to this relationship is dubious. Clearly, some people choose to associate themselves more closely with the United States. They do so by crossing the border illegally, overstaying a visa, attaining paperwork, working, and studying in the U.S. But almost everyone in the community has at least sponsored family members to go and engages in a sort of indirect give and take with the U.S. They receive the benefits of their family member's increased income, or new legal connection to the United States through, for example, marriage. For many in the community, even if they will never cross into the United States or seek paperwork for themselves in any serious way, the relationship is defining of many, if not most, aspects of their lives. Aurelio doesn't exaggerate when he looks around the community—at the second story houses and even some of the more humble homes—and sees American dollars. The money for town festivals, machinery, fertilizer, cars and all sorts of other day-to-day expenses comes from the United States.

I used to think people decided to go the United States or not, once, and that was it—their decision-making experience. I constantly tried to clarify when Rosario had definitively decided not to go to the United States. One afternoon, as we drove in circles on an empty soccer field in her van (she wants to learn to drive and none of the men will teach her), and I fielded her patient, persistent questions about getting paperwork in Guadalajara, I realized that she is still deciding. Nearing her forties, she still hasn't entirely made up her mind about where she should live and what would be best for her family. Marisa has experienced similar bouts of indecision, as has her sister. In Santa Rosa, there is no discrete period in which people make the decision about whether or not and how to go to the United States. Some people plan for years and then decide not to leave. Others, like Aurelio's sister, decide over night to try their luck at the border. But the decision isn't singular—it's constant. This means that for everyone in the community, regardless

of immigration status, the obligations to the United States detailed above are relevant. It means that immigration policies and readings of the United States, from birth until death, will have a presence in your life if you live in Santa Rosa. Though, odds are, if you're born in Santa Rosa, the relationship you have with the United States will be far more direct, even than this. Odds are you'd hope to go to college in the United States, like Eduardo, a sixteen-year-old waiting for papers. Or you'd hope your partner gets citizenship and brings you to Disneyland—at least once, like Rosario. To whatever degree of intimacy, people in Santa Rosa are connected to the United States by the nature of their birth. Consent had little to do with it.

Not all aspects of Santa Rosa's relationship to the United States conform to Plato's model of the social contract. One major issue in understanding it as a social contract is reconciling the fact that members of Santa Rosa are not citizens of the United States. In *Crito*, Plato presents a social contract between Athenian individuals and the city of Athens. Even innovations in the 17th and 18th centuries, undertaken by other classic social contract theorists like Thomas Hobbes, John Locke, and Jean Jacques Rousseau, expanded this relationship only enough to include a sovereign and his people and, finally, a nation and its citizens (Keeley 1995). A second complicating aspect of the relationship between Santa Rosa and the U.S. is that it is both legal and extra-legal, in that much of the relationship is navigated through law-breaking, as well as obedience to laws. Between Athens and Athenians in *Crito*, laws establish the parameters of the relationship. *Obedience* to the law is therefore the only legitimate means for participation in the contract. In Santa Rosa, laws also establish the parameters of the relationship. However, the ways they have changed and been undercut by other U.S. policies, sometimes even other U.S. laws, as demonstrated in Chapter Three, has created a relationship in which obedience to those

laws is not always necessary for participation in the social contract. Occasionally, obedience to laws actually hinders it.

Alternative Interpretations

The social contract I have described between the people of Santa Rosa and the United States is only one way of interpreting the relations the two groups share. Another model of state power that could explain the extension of U.S. laws into the lives and decisions of people in Santa Rosa is Foucault's model of state penetration (Foucault 1984). The analogy of the United States literally penetrating Mexico with various forms of power—in this case, legal—would at least explain the geographic spread and influence of U.S. laws (Torpey 2000). I prefer the model of social contract as it gives community members credit for the complex readings of the United States that is required of them in order to simultaneously meet their own needs and respond to those of the United States. The 'penetrated' model, on the other hand, provides migrants with no say or interpretation of their relationship. While the social contract model assumes community members of Santa Rosa have little consent in entering the relationship, they do have choices about the extent to which they want to engage in it: how much they want to gain and give.

What does it mean? The Implications of a Second Social Contract in Santa Rosa

In 1993, in a U.S. Government document, it was written, "Illegal aliens are of concern to law enforcement officials, urban planners, and policymakers, first, because they are lawbreakers" (cited in Inda 2006). In the last century, the United States has consistently constructed new immigrant groups, particularly undocumented individuals, as a threat to its national integrity. Susan Biblier Coutin suggests that explicitly violating U.S. immigration law during the sanctuary movement, in recognizing and challenging law, both reinforced and undermined state power

(Coutin 1993). Undocumented migration poses a similar problem; Mexican migrants have become visible cracks in the image of the United States (Cornelius et al 1994, DeGenova 2005, Kearney 1995, Inda 2006, Sassen 1988, Heyman 1999, Anderson 1983, Held 1991, Yu 2004, Kerber 2005).

However, cracks in the image of the United States will likely always exist. States are and will always be imperfect. Legal and illegal practices, like undocumented migration, are linked and based on complex, conflicting views of laws (Heyman 1999). Alan Smart writes, “Surveying the various reasons why illegality persists, we encounter a common theme: states are not the totalities that they claim to be” (Heyman 1999: 10). Still, apparent statelessness of undocumented migrants has become a sort of boogeyman to full citizenship of the United States. Linda Kerber writes, “The ultimate ‘other’ to citizenship lies in its absence, in lack, in state/essness,” clarifying, “The stateless serve the state by embodying its absence, by providing frightening models of the vulnerability of those who lack sufficient awe of the state” (Kerber 2005). Beyond the general threat of undocumented immigrants to the state, individual migrants have also been constructed as dangerous. Josiah Heyman writes that in the United States, migrants are perceived to be insufficiently socialized into mainstream values (Heyman 1999). Mexican migrants, in particular, have been portrayed as threatening to jobs, dependent on state programs like welfare, poorly linguistically and socially integrated, and finally, as lawbreakers (Inda 2006, Coutin 1993).

The findings of this research directly refute many of these constructions; people who have left and who remain in Santa Rosa aren’t stateless or lawless. The long-standing legal relationship they share with the United States indicates not a lack of state socialization, but a different kind of socialization. People in Santa Rosa have been encouraged and then rewarded by

U.S. policies to behave in a certain way, which, in its history, has frequently meant breaking laws in order to fulfill the needs of the state. This, in its illegality, is perhaps an uncommon form of socialization, but isn't extremely different from the way U.S. citizens are socialized to obey laws. Moreover, the relationship people in Santa Rosa share with the United States—what I have argued could fulfill the parameters of a social contract—if anything suggests community members are not *stateless*, but *statefull*. Linda Kerber, in examining a history of statelessness in the United States and the terror it continues to inspire, argues that, paradoxically, there is a growing population of people on Earth who are *statefull* (Kerber 2005). She gives the example of possessing dual citizenship, as a means of participating and benefiting from two states. Other citizenship theorists (e.g. T.H. Marshall 1950 and Camacho 2008) have argued documented and undocumented Mexican migrants have been able to move towards a more *statefull* existence, engaging in cultural and social forms of citizenship in the United States. I propose that in addition to these other social, economic, and cultural ways of engaging an additional nation state, Mexicans in Santa Rosa have established a legal relationship with the United States—an implicit social contract with the U.S. that often becomes legal residency and citizenship, but not always and not necessarily.

Josiah Heyman writes, “Illegality is not the result of state absence, as has been documented for other cases (e.g. Smart 1988, Thoumi 1995; Leeds 1996), but of the state’s undue regulatory intervention.” (Heyman 1999: 234). People in Santa Rosa behave in a logical and rational way based on a century of legal interactions with the United States; they are not simple or criminal-minded ‘lawbreakers.’ The very existence of the social contract between people in Santa Rosa and the United States indicates that people in Santa Rosa are not lawless, nor ignorant of laws and policies. They are, in fact, astute readers of their true intentions. People in Santa Rosa have

shown themselves capable of predicting tendencies of the complex machine of United States immigrant policy. While the rational decision may sometimes include breaking a law, the relationship that people in Santa Rosa share and have shared with the U.S. since at least 1942, has made space and, in fact, incentivized such action. Furthermore, as more people every year choose to enter the United States with paperwork, the relationship is increasingly legal, as well as extra-legal. Finally, people in Santa Rosa are capable of distinguishing, and have created a social system that distinguishes between different kinds of law breaking. There is a system of justifications for law breaking that is far from all encompassing, and illegal crossings without reason or adherence to certain rules are not condoned. The community doesn't blindly endorse breaking laws, and has demonstrated its desire to adhere to laws—even of another country—wherever possible.

5. Conclusion

Josiah Heyman writes, “We might make faster progress towards better theory by devoting at least as much attention to the state side of the equation as to the illegal practices,” (1999: 100). Neither migration studies nor legal anthropology has yet to seriously inquire into migrant perceptions of laws. In focusing on economic, social, and even religious aspects of migration, anthropology has failed to fully explore the legal and political aspects of migrant decision-making (Torpey 2000). In researching and writing this thesis, I have tried to respond to this deficiency by asking the following questions: How do people in Santa Rosa perceive entering the United States to be legal and illegal and how do those perceptions influence decisions around migration? Finally, what are the implications of those beliefs for the relationship people in Santa Rosa share with the United States?

Through five weeks of field research and over six years of experience in the community, I have found that people in Santa Rosa have a nuanced understanding of and approach to U.S. immigration laws. They recognize the illegality of crossing the Southern border of the United States without authorization and overstaying a visa. Still, people in Santa Rosa don’t generally differentiate between U.S. and Mexican laws. If they do, the importance of upholding U.S. laws is no less great than for Mexican laws. Despite a generally negative assessment of law breaking, there are several common and accepted justifications for breaking U.S. immigration laws. They most frequently include providing for family in difficult economic conditions, but also joining family in the U.S. However, if a migrant fails to provide for his or her family, or breaks

additional laws in the United States, he or she is not well-received or respected in Santa Rosa. Justifications aside, people in Santa Rosa don't want to break U.S. immigration laws and don't do so unless they feel they are faced with no other options. Since the 1986 Immigration Reform and Control Act, and most dramatically in the last five years, attaining paperwork through family members who have received up-to-date immigration status has become easier. It is now the most popular way people enter the United States. Finally, those who have not yet been able to secure paperwork or who still have family members living without paperwork in the United States (which is nearly everyone), expect a future pathway to U.S. citizenship. There is both a moral and empirical demand for another amnesty. People live and behave according to a certain informal set of rules in anticipation of the change in law.

The origins of these beliefs aren't far from the surface in Santa Rosa. While immigration policy has taken many turns in the last century, no two policies have had more impact than the Bracero Program from 1942-1964 and the 1986 Immigration Reform and Control Act. After mass illegal migration to the United States, both the Bracero Program and the Immigration Reform and Control Act granted amnesty to undocumented workers. They helped institutionalize migration from Santa Rosa to California, offering enormous benefits for short-term and long-term stays working in agriculture as well as service industry jobs. The history of the community is defined by these two pieces of U.S. legislation, whose effects still shape the perceptions and behaviors of community members today.

But we cannot take for granted the impact U.S. laws have had on the history of Santa Rosa. It is surprising, if not shocking, that U.S. laws would be so keenly felt and interpreted over time in a community a thousand miles south of the U.S.-Mexico border. This is particularly surprising if we accept that laws symbolize relationships, usually between a state and its citizens.

U.S. immigration laws—obeying and breaking them—have forged a long-standing pseudo social contract with the people of Santa Rosa, connecting them to the U.S. state with obligations and benefits at the individual and community level. This relationship may vary in degree of intimacy (depending on if a person chooses to migrate, to live in the United States, or to stay home), but a shared, base level of connection is a given for all people born in Santa Rosa.

This relationship suggests that people in Santa Rosa are able to read and interpret not only the U.S. laws themselves but also the agenda they represent—conscious or unconscious on the part of U.S. policy makers. Despite a strong anti-immigrant rhetoric, for example, people in Santa Rosa have illegally crossed into the United States and benefited from an increased salary, only to later receive immigration paperwork—through marriage, family, or a general amnesty. Of course, exceptions to this story of mutual benefit exist, and are undeniably heartbreaking. But the overwhelming trend of migration in Santa Rosa describes a period of illegal crossings followed by amnesties—for the people who crossed into the U.S. illegally and also frequently for their families. Thus, people in Santa Rosa’s decision to continue to enter the United States illegally and their expectation for future amnesty are not the fanciful imaginations of uneducated or law-breaking migrants. Rather, they are the astute observations of people who have lived this history, and the caprices of the United States immigration policy, for nearly a century. The legal relationship I suggest also implies that rather than having severed ties to any nation, the people of Santa Rosa maintain a social contract with two. Instead than being *stateless* with no discernable allegiance or nationality, they are extra-connected—socially, economically, and as this thesis has sought to prove: legally.

Suggestions for Future Research

Like any research, this project has resulted in a great many more questions than answers. The most nagging questions I have encountered have to do with the relation of perceptions of U.S. immigration laws to Mexican laws. What is the context of laws in general in Santa Rosa? Which are respected more than others and why? What are the justifications for breaking them, if there are any? What are the social consequences for breaking them? The answers to these questions have profound implications for Mexican citizenship today, but also for the discussion of Mexican perceptions of U.S. laws. If, for example, people think providing for family is an adequate justification for breaking any law, a historical reading of that justification as related to changes in U.S. immigration policy is flawed.

One of the most troublesome areas where I believe this might be significant relates to the Catholic Church. Since the Mexican Revolution, Catholic values have competed with politically liberal views of the Mexican state that emphasize voting, public education, and secularism (Boyer 2003). Susan Biblier Coutin writes about the Catholic rights to movement and improvement, and how a belief in those rights helped justify breaking U.S. immigration laws during the sanctuary movement (1993). While I didn't encounter any direct mentions of this in my research, I have found Santa Rosa to have a strong Catholic faith. I wonder to what extent Catholic rights have helped construct the justifications of bettering one's life and providing for family that surround illegal crossings. More research should be done in central Mexico and communities like Santa Rosa about the current tension between the Catholic faith and legal decisions in migration and elsewhere.

Three final areas where I believe further study would be valuable relate first, to the mechanisms by which information about U.S. immigration laws is transmitted. Stories about migration are ever present in Santa Rosa, and though I have only been privy to a small percentage, they have been very revealing about how information about border patrol, the difficulty in crossing, and the differences in migration for men and women is shared and reproduced. Unfortunately, I wasn't able to focus on the stories enough to identify a discussion of law beyond a discussion of U.S. law enforcement, though I am sure it exists. The stories, as well as new, popular telenovelas and talk shows like *Laura*, reveal popular attitudes about laws, as well as changes in policy. Second, it is necessary to more closely examine with whom and how the social contract between people in Santa Rosa has been knit with the United States. The United States government is not uniform; there are many agencies and branches. While the Bracero Program points to heavy agricultural influence in policy, the 1986 Immigration Reform and Control Act was motivated by a different set of actors. Who is responsible for the social contract? Who has entered into it most on the part of the United States? Can it be broken down into separate relationships throughout the migrant journey? These are important questions that stem logically from this research. Finally, I believe it would be valuable to explore how this unusual social contract could be observed in different migrant groups around the world, or the extent to which it is a unique fixture of the relationship between Mexico and the United States. American exceptionalism has been well documented in Political Science. I wonder why the unique relationship the United States shares with Mexico has not, and how much the social, economic, and finally, legal relationship I suggest here is indeed unique to the two.

Works Cited

- Anderson, B. 1983. *Imagined Communities*. London: Verso.
- Berestein, L, and Norman de la Vega. 2005, November 3. Absentees Are Scarce for Mexico's '06 Vote. *San Diego Union-Tribune*, pp. B1.
- Bourgois, P. 2003. *In Search of Respect: Selling Crack in El Barrio*. Cambridge: Cambridge University Press.
- Boyer, C. R. 2003. *Becoming Campesinos: Politics, Identity, and Agrarian Struggle in Post revolutionary Michoacán, 1920-1935*. Stanford: Stanford University Press.
- Calavita, K. 1992. *Inside the State: The Bracero Program, Immigration, and the INS*. New York: Routledge.
- Camacho, A.S. 2008. *Migrant Imaginaries*. New York: New York University Press.
- Coutin, S.B. 1993. *The Culture of Protest: Religious Activism and the U.S. Sanctuary Movement*. Boulder, CO: Westview Press
- Cornelius, W., Martin, P., Hollifield, J. 1994 . *Controlling Immigration: A Global Perspective*. Stanford: Stanford University Press.
- Dinerman, Ina R. 1982. *Migrants and Stay-At-Homes: A comparative study of rural migration from Michoacán, Mexico*. University of California San Diego, La Jolla: Center for U.S.-Mexican Studies.
- De Genova, N.P. 2002. "Migrant "Illegality" and Deportability in Every Day Life." *Annual Review of Anthropology*, Vol. 31: 419-447.
- (2005). *Working the Boundaries: Race, Space, and Illegality in Mexican Chicago*. Durham, NC, Duke University Press.
- Domingo, P. 1999. "Rule of Law, Citizenship, and Access to Justice in Mexico." *Estudios Mexicanos*, Vol. 15, No. 1:151-191.
- Foucault, M., & Rabinow, P. (1984). *The Foucault reader*. New York: Pantheon Books.
- Gauthier, D. 1977. "The Social Contract as Ideology." *Philosophy and Public Affairs*, Vol. 6, No. 2: 130-164.
- Geertz, C. (2008). Deep Play : Notes on the Balinese Cockfights. In McGee, R. J., & Warms, R. L. (Eds.), *Anthropological Theory* (511-532). New York, NY: McGraw-Hill.

- Hagan, J.M. 1994. *Deciding to Be Legal: A Maya Community in Houston*. Philadelphia: Temple University Press.
- 2008. *Migration Miracle: Faith, Hope and Meaning on the Undocumented Journey*. Cambridge, MA: Harvard University Press.
- Hanson, G.H. 2006. "Illegal Migration from Mexico to United States." *Journal of Economic Literature*, 44:4: 869-924.
- Held, D. 1991. "Democracy, The Nation-State and The Global System." *Political Theory Today*. Cambridge: Polity Press.
- Heyman, J. 1999. *States and Illegal Practices*. Berg: Oxford University Press.
- Inda, J.S. 2006. *Targeting Immigrants: Government, Technology, and Ethics*. Oxford: Blackwell Publishing.
- Kearney, M. 1995. "The Local and the Global: The Anthropology of Globalization and Transnationalism." *Annual Review of Anthropology* 24: 547-564.
- Keeley, M. 1995. "Continuing the Social Contract Tradition." *Business Ethics Quarterly*, Vol. 5, No. 2: 241-255.
- Kerber, L. 2005. "Toward a History of Statelessness in America." *American Quarterly*, Vol. 57, No. 3: 727-749.
- 2007. "The Stateless as the Citizen's Other: A View from the United States." *American Historical Review*.
- Kostiner, I. 2003. "Evaluating Legality: Toward a cultural approach to the Study of Law and Social Change." *Law and Society Review*, Vol. 37, No. 2: 323-368.
- Lee, E.S. 1966. "A Theory of Migration." *Demography*, Vol. 3, No. 1: 47-57.
- Lewis, H.D. 1939. "Plato and the Social Contract." *Mind*, Vol. 48, No. 189: 78-71.
- Marshall, T.H. 1950. *Class, Citizenship, and Social Development*. Cambridge: Cambridge University Press.
- Massey, D.S., Rafael Alarcón, Jorge Durand, Humberto González. 1987. *Return to Atzlan: The Social Process of International Migration from Western Mexico*. Berkeley: University of California Press.
- McCormick, P. 1976. "Social Contract: Interpretation and Misinterpretation." *Canadian Journal of Political Science*, Vol. 9, No. 1.

- Menjívar, C. 2006. "Liminal Legality: Salvadoran and Guatemalan Immigrants' Lives in the United States." *American Journal of Sociology*, Vol. 111, No. 4: 999-1037
- Morris, S.D. 1991. *Corruption and Politics in Contemporary Mexico*. Tuscaloosa: the University of Alabama Press.
- Ousey, G.K and Kubring, C.E. 2009. "Exploring the connection between immigration and violent crime rates in US cities 1980-2000." *Social Problems*, Vol. 56, No. 3: 444-473
- Plato. 1966. *Plato in Twelve Volumes, Vol. 1* translated by Harold North Fowler; Introduction by W.R.M. Lamb. Cambridge, MA, Harvard University Press; London, William Heinemann Ltd.
- Sassen, S. 1988. *The Mobility of Labor and Capital: A study in International Investment and Labor Flow*. Cambridge: Cambridge University Press.
- Sheridan, L.M. 2009. *"I Know It's Dangerous:" Why Mexicans Risk Their Lives to Cross the Border*. Tucson: University of Arizona Press.
- Swarns, R.L. 2006, May 23. Failed Amnesty Legislation of 1986 Haunts the Current Immigration Bills in Congress. *The New York Times*.
- Taslitz, A. 1999. *Rape and the Culture of the Courtroom*. New York: New York University Press.
- Tichenor, D.J. 2002. *Dividing Lines: Politics of Immigration Control in America*. Princeton: Princeton University Press.
- Tilly, C. 2007. "Trust Networks in Transnational Migration." *Sociological Forum*, Vol. 22: 1: 3-24.
- Torpey, J. 2000. *The Invention of the Passport: Surveillance, Citizenship and the State*. Cambridge: Cambridge University Press.
- Yu, H. 2004. "Los Angeles and American Studies in a Pacific World of Migrations." *American Quarterly*, Vol. 56, No. 3, Los Angeles the Future of Urban Populations: 531-543.

ANNEX

Document 1: Original Interview Guidelines

July 20, 2011

Middlebury College

Student: Kate Bass

Study Title: "Becoming Aliens: Citizenship and Mexican Migration to the United States"

Interview Guidelines

Summary: These interviews aim to provide a comfortable and relaxed setting through which to organically observe and discuss participants' considerations of law and relationship to the state, and what role that consideration has played in deciding to migrate to the United States. To respect the subjectivity of law and legality, as well as relationship to a state, I do not intend to inform participants that I am specifically looking for their considerations of law and citizenship. Instead, I hope to let the respondents arrive at such subjects themselves and only then ask them more about for greater detail. Before the interview concludes, I hope to ask the subjects to define law and citizenship in their own terms.

These are a basic sampling of questions I imagine could be included in any interview. I do not intend to only ask these questions or to ask all of them. The interview stages I expect to remain roughly the same.

Stage One: Introductions and Basic Biographical Information

1. Where are you from? What is it like where you are from?
2. What is your family like? Do you have many brothers and sisters?
3. What is your profession?
4. Did you attend school and/or to what level?

Stage Two: Previous Experiences with Migration

1. Is there a history of migration where you are from?
2. Have you known other people who have migrated to the United States?
3. How did those individuals chose to migrate to the United States?
4. When was the first time you heard of someone leaving to live in the United States?
5. Have you been very close to anyone who has migrated to the United States?
6. Why do you think the people you have known have migrated to the United States?
7. Why do you think in general people leave to live in the United States?

Stage Three: Personal Migration Experience

1. Have you ever considered migrating to the United States?
2. When did you first consider migrating and what prompted you to consider?
3. Why did you decide to or not to migrate to the United States?
4. Who did you talk to about your decision?

5. Were you in contact with any civil societies or associations while you were deciding to migrate?
6. How did you decide which kind of migration to pursue?
7. Did anyone ever counsel you not to migrate?
8. Have you ever counseled anyone to or not to migrate?

Stage Four: Law and Citizenship

1. What did you know about the United States government before crossing or considering crossing? How did you learn what you knew?
2. How would you characterize the Mexican government?
3. How would you characterize law in Mexico?
4. How would you characterize enforcement of the law in Mexico?
5. Do you feel any responsibility as a Mexican citizen to the country of Mexico?
6. What does it mean to you to be a citizen of Mexico?
7. What is a citizen?
8. How would you characterize the government of the United States?
9. How would you characterize law in the United States?
10. How would you characterize enforcement of the law in the United States?
11. Having crossed into the United States, did you feel any duty to the United States?
12. Did you feel your relationship or understanding of the Mexican state changed when you migrated to the United States?
13. Did you consider how you would be treated by the law in the United States before crossing?
14. Did you consider the law when you decided to or not to migrate to the United States?
15. How do you define law?
16. How do you think the laws about migration to the United States should change, if at all?
17. Do you think migrating to Mexico across the border, without paperwork, is against the law? Of which country? What do you think should be the consequence? Do you think it should be against the law?
18. Do you think it is against the law to be in the United States without up to date immigration paperwork? What do you think should be the consequence?
19. At any point in your migration experience, did you feel like you were treated like a criminal? At any point in your migration experience, did you feel like a criminal?
20. Do you respect Mexican law? Why or why not?
21. Do you respect law in the United States? Why or why not?
22. The people (you have known) who have crossed into the United States via the northern border, have they broken a law? Are they criminals? What should be the consequence?