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Regulating the Population: Day Laborers and the Comprehensive Immigration Reform

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Abstract

The Comprehensive Immigration Reform Act was created without representation on behalf of the immigrant population it is attempting to legislate. This study assesses not what the law is but what the law does. To understand the relationship of a group of immigrant workers to the federal legislation which targets them I conducted a participant-observation ethnography of day laborers at a public hiring site collecting information through informal interviews with male immigrant day laborers seeking employment. I will complement this data with a content analysis of publications and solicitations by organizations actively lobbying in the immigration reform debate at the national level. Additionally, I will be reviewing existing literature surrounding the Senate's Comprehensive Immigration Reform Act (S. 2611), Title IV, Subtitle A- Temporary Guest Worker Programs, Section 401 through 414. Through an accurate representation of those who a Comprehensive Immigration Reform would affect, I am arguing that to humanize the current political controversy surrounding immigration is the only way to implement effective public policy. The findings of this study illustrate that the law instead of enforcing geopolitical lines of inclusion or exclusion have caused internal exclusion within the U.S. pushing an already marginalized minority population further onto the fringes of an already segmented labor force and society. This study is paramount in a discussion of current immigration patterns and trends, a contemporary look at transnationalism, and a crucial critique of the authenticity of concurrent legislative motions. The outcome of this bill will mediate future norms and understandings designating national proceedings in foreign policy, immigration, and our placement within the stratification of an increasingly globalized society. In effect, it is imperative we look critically and objectively at how the law manifests in our society, and the ways that immigration reforms are mediated and understood by the groups which they target.

Introduction

I set out in this research to understand the relationship between a group of immigrant workers and the Comprehensive Immigration Reform bill in the senate, which targets them; however, I have come to find that there is no direct relationship between these two groups. To investigate this relationship I conducted an ethnographic study of a group of immigrant day laborers seeking work at a public hiring site outside of a local hardware store, San Lorenzo Lumber. As current reforms are products of previous reforms, this reform will shape future reforms. This not only affects the immigrant groups affected by legislation but will also mediate future norms and understandings designating national proceedings in foreign policy, immigration, and our own placement within the stratification in an increasingly globalized society. In effect, research of this type is imperative. My intention in this research was, aside from understanding the relationship of a federal statute to the immigrant group it targeted, but more so to personalize the debate through a portrait of the population most commonly called "them." Previous to researching this topic I was deeply concerned with the homogenous population creating this regulatory initiative without the integration of the perspectives or experiences of those being targeted through this legislation. What I have found is that it is not only necessary our governing body be an accurate representation that accurately represents its population, but further that it is impossible to create and enforce legislation without foremost having an understanding of the lifestyle and pursuits of those we seek to regulate through legislation.

The law is a cultural construction acting as both a response and an intermediary to how people view the world around them. The day laborers in this study see the pending

legislation not as a dictation of rights or nationality but as further confines limiting them to the fringes of society and pushing them further into the shadow economy. Here, laws appear to be interpretive determinants of social status quos, which shape not the legality of a man's presence here, but the extent to which he is able to participate both socially and economically within the U.S. while remaining outside the scope of regulatory apparatuses.

Neither legislation nor culture dictate how people behave within a society; however, culture does mitigate the methods and means people will use to mediate the confines created by legislation. Immigration reforms have always been created on the basis of regulating the population, sustaining social order, and ensuring both public and political interests. This has manifested in legislative initiatives determining geopolitical inclusion or exclusion of certain populations. The paradox of the current proposed legislation, is that the initiatives targeting Mexican immigrants are no longer serving to effectively enforce geopolitical exclusion. Instead legislation is now influencing internal social and economic exclusion for Mexican immigrants. Whereas previous immigration reforms served to regulate the population, it now serves as an increasing provocation for people to seek alternative means for evading these regulatory processes pushing an already marginalized minority further onto the fringes of society--exploiting the current national deficits, which this legislation seeks to stop.

In effect, legislators have come to an impasse and it is imperative we integrate an understanding of the individuals as well as the influence of social institutions on individuals to ascertain feasible alternatives and solutions. Laws, as cultural constructs with a dialectic relationship to the communities they serve are assumed to be

representative of social ills, economic demands, national values, and social interest. However, in the case of illegal immigration and the day laborers who stand in front of San Lorenzo, it appears that the law has been both a reaction to anti-immigrant sentiment, and a provocation of further marginalizing this population. Yet, the further a group is marginalized, the less adeptly the law may mediate their daily lives. In effect, this study, which initially proposed to analyze the current law is no longer addressing what the law is, but looks at the cultural construction and social segmentation which results from what the law, inadvertently or other wise, truly does.

The men in this study do not care about legislative initiatives. They don't know what they are, nor do they understand the current state of federal activity in the immigration debate. Instead, they understand the fear of deportation, that some people must leave, and that they must work within confines that will continue to demobilize them and keep them on the fringes of a progressively polarized society to remain here.

I looked at the history of immigration reforms and the precursory factors influencing migration, to better understand the processes prior to the introduction of immigration initiatives, as well as theoretical understandings of social aspects contributing to the methods and targets of immigration reforms. I conducted content analysis of publications by activist groups in the immigration debate. However, more important than understanding the influential aspects of reforms and the precursory and resulting social conceptions contributing to them, is that without an understanding of the population being targeted by a given law, it cannot effectively be enforced.

There is a disturbingly thin vision of immigrant incorporation in our society today. What I have found is that without taking an objective and critical look at aspects of

society which we seek to address in legislation, we are not only creating further social divides by mediating social ideologies and inherent contrasts towards "the other," but we are furthering ourselves from achieving the desired outcome of our legislative process through a refusal to acknowledge the one aspect which will allow us to understand the problem: those we assume are causing it.

I will illustrate these ideas through the portrayal of six vignettes, which took place during the course of this study. The first is the story of a man named Jose. He is an illustration of the way that immigration reforms regulate the population, not through border apprehensions but at the local level due to social alienation. The second is the story of Hernon. Prior reforms have not successfully stemmed the flow of immigration, but instead criminalized the immigrant population here. Hernon's story is not that of a criminal but that of a man who seen as criminal. He is not preoccupied with the possibility of deportation or our ubiquitous paranoia of crime and punishment but instead with the unwritten set of social rules which allow him to continue to seek employment here. The third vignette is an account of a border crossing reenactment. Although the participants in this study did not understand the social institution of our legislative body, they understand the way that this limits their ability to participate in certain aspects of society and inhibits their ability to return home seasonally. Fifth is the story of three men who seek work together each day. They illustrate the primary role of social networking in immigration and that legislation has not foiled plans of migration but has instead created a viable avenue for immigrant income generation through continued labor market segmentation and the growing shadow economy. Lastly, a vignette of Vic illustrates that

although citizenship is a legal construct, it shapes participation and belonging in a society, which cannot be legally mediated.

The men in this study are dictated by laws of social accountability and networking. Immigration has become a self-feeding phenomena, which is governed by a series of rules and regulations that are social, cultural, and dynamic. What the law has done, and can do, is either further marginalize the immigrant population or seek alternatives to increasingly aggressive tactics hoping to stem undocumented migration, which are ineffective and unrealistic. The law, within our democratic society at least, is founded in the dialectic relationship between society and our representatives. As cultural constructs, it seems inherent that the structural instruments speaking to social concerns must account for cultural and social differences. It seems instead, that they are further dividing society, despite immigration as an inherent attribute of any given society, especially in the globalized society in which we live today.

Methods

Overview

This study is a triangulated study utilizing participant-observation ethnographic research, content analysis of publications and solicitations published by active parties involved in the immigration debate, as well as a comprehensive literature review of existing literature surrounding this bill as well as predecessors and contemporary assessments of Mexican transnational activity in the informal economy of the United States.

Ethnographic Research Methods

Location

Participant-observation research took place on four sections of a public sidewalk where day laborers gather seeking daily employment. This sidewalk, for the purposes of this study is not only a public space on the periphery of a local hardware store, but is further and open-air, open-market, "specialized" hiring site for day laborers. The sections were broken down according to both spatial distinctions as well as differences spatially specific context of work. The different areas studied were all within close proximity of the hardware store. The two primary locations are on the sidewalk immediately to the front of the hardware store divided by entrances: one place to east of the north entrance and one to the west of the south entrance of the hardware store parking lot. The third area of study is caddy-corner to the hardware store at the intersection of River and North Pacific, which primarily consists of workers previously recruited for work and separated from the majority of workers for swift morning retrieval. The last location for study was at the cross-section of River and Mora St. to the east of San Lorenzo Lumber just off of River Street which consists of workers participating in semi-regular work for semi-regular employers, as well as workers participating in illicit activities.

Population

Inclusion in research is primarily dependent upon proximity and willingness to participate. The population interviewed and observed was primarily homogeneous, consisting of Mexican men seeking daily employment outside of San Lorenzo Lumber hardware store ranging in age from 18 to 57. Discrepancies in assumed identity within cultural assignments of ethnicity were present distinguishing indigenous Mexicans from mestizo Mexicans.

Interviews

Interviews used for the collection of data were informal interviews in a conversational manner dependent upon informant willingness to participate in study (Please see attachment A for consent narrative used) and comfort in conversing with researcher. The informal interview, primarily involved questioned in 5 areas: immigration, general work, day labor, family, living situation, and national immigration (Please see attachment B for interview guide). Questions on immigration were asked in regard to length of residence in the United States (without reference or questions in regard to documentation), length of preparation to migrate and desired reasoning for decision, and visitation to Mexico. Questions in regard to general work addressed participant's work prior to immigration (when applicable), current aspirations for work in the United States, and whether participant sends money to Mexico. Day labor questions addressed length of time working as day labor and frequency of attendance at hiring site, as well as questions addressing the acquisition of long-term work form hiring site jobs and complimentary or other occupations. Participants were also questioned on family presence in the United States, how long they have been residents, and social networks present in the United States prior to migration. Similarly, participants were asked about living situations here in the United States according to part of town and with whom they live. Lastly participants were asked questions regarding national immigration according to affiliation with organizations and perceptions of temporary visa allocation.

Content Analysis

Several organizations active in the immigration debate use publications, websites, and polls to lobby for proposed initiatives. For the purpose of this study these

publications are valuable insights into public opinion discrepancy as well as public perceptions of Mexican immigrants and current legislative initiatives targeting this population. Although content analysis data collected will not be largely represented in this assessment it is valuable in understanding the daily social context of Mexican immigrant workers within a society riddled with controversy in regard to their social status and presence within the community.

Organizations

Although there are many active groups in the current debate both advocating on behalf and in opposition to immigration this study focused on four organizations based in California yet active at the national level. The first group is the Immigrant Workers Freedom Ride Coalition (IWFRC), which has been active in encouraging immigrants to be proactive members of the legislative process and in advocating civil rights for immigrant workers. Second is The Save Our State organization, a self-proclaimed grass roots organization and nonprofit organizing aggressive activism against illegal immigration. Thirdly, The Minuteman Project is an activist group, which targets government agencies angry about what they believe to be lax legislation for the current state of immigrant enforcement and legislation. The last organization used in this study is the National Day Laborer Organizing Network, which advocates on behalf of day laborers for civil rights, labor rights, and assists in immigration issues thereof.

Publications and Content

Each one of the organizations above has in depth websites and participates in various acts of activism. An analysis of these websites and corresponding activism and publications will be integrated into the study by focusing on the underlying

understandings and perceptions of immigrant workers in the United States as relates to the Comprehensive Immigration Reform act.

Summary

To assess the relationship of immigrant workers to the current legislation in the senate (CIR, S. 2611) the researcher gathered the perspectives of those whom this legislation addresses. In order to gather this data, the researcher has conducted participant-observation ethnographic research at a public hiring site collecting information through informal interviews with male immigrant day laborers seeking employment. This data is complimented by a content analysis of publications and solicitations by organizations based in California actively lobbying in the immigration reform debate at the national level. Ethnographic data will be used to understand lifestyle while content analysis will allude to daily context of immigrant workers within a greater social context. This information will be further supported by literature surrounding the Senate's Comprehensive Immigration Reform Act (S. 2611), Title IV, Subtitle A- Temporary Guest Worker Programs, Section 401 through 414 as well as literature assessing previous bills, respective outcomes, and the current state of the immigrant condition in the U.S.

Regulating the Population: Jose

Tichenor said that Immigration Policy is a matter of regulating the population by privileging visions of nationality and inclusion.¹ Jose is one of the men being regulated.

¹ Tichenor said that, "Immigration policy involves not only regulating the size and diversity of the population, but also the privileging of certain visions of nationhood, social order, and international engagement" (2002, 1). He further discusses the history of

Jose catches a bus from Watsonville at 6:05 A.M. 6 days a week. His bus makes 4 stops before arriving at the Santa Cruz Metro Terminal. A guard sits on a bench reading the morning paper and does not look up as the bus comes to a halt in front of him. He is tired from warding off the homeless men who call this home and the spillover of drunken locals from the bar across the street. People move about the Metro as though the morning is in slow motion. The walk from the Metro at this hour is eerily quiet aside from hoses showering the sidewalks in front of restaurants and hair salons.

Each day, Jose walks past a series of Mexican food restaurants and cafes filled with bustling blue-collar workers holding scones. Men in suits shuffle through the line at Starbucks to commute to their jobs in San Jose, Santa Clara, and Cupertino. Jose keeps walking. He walks past boutiques with dimmed windows displaying spring dresses and theatres with neon signs. The sky is still streaked with grey as the fog has not yet retreated off the coast and the homeless just begin to wake up in alleyways and parking lots. He passes a littered patio in front of the pizza parlor and the Santa Cruz Down Town Association's Hospitality office. He walks past Gap Kids and a store of kitchen goods with a series of mixing bowls lining the display case. As Jose approaches Water Street, city buses rush through the intersection with plush seats and no meters, hauling college students up the hill to campus. Luxury cars run yellow lights late to their jobs

U.S. immigration legislation discussing the influences instigating this type of legislation, the methodology of enforcement, and the reasoning for the targeting of certain immigrant groups. He goes on to say that initiatives seek to regulate the population through decisions of inclusion or exclusion reflective of the government's interest in economic prosperity, assimilation and cultural cooperation, national and international agendas, as well as social conceptions of particular ethnicities.

and hung-over men stand teetering on the edge of the sidewalk across the street from him. He leans, looking in the Jamba Juice window watching his reflection before the walk sign begins chirping to let him know it is okay to cross. He crosses the street. To his right is the Santa Cruz Clock tower, looming before a dive bar with a lit martini glass. He passes by a head shop and murals painted on either side of the stairwell to the mission, which is now closed-off by a towering chain link fence. He turns left at the only downtown trailer park and heads east on River. As he approaches work, a few men are already standing, waiting but he doesn't greet them. He goes to the far end of the wall in front of San Lorenzo Lumber and stops.

I approach him, nervous. "Hi." He says nothing. "I'm Caitlin." Nothing. "I'm doing a school...." I trail off as he stares at me and instead take a seat on the wall. I light a cigarette and offer him one. He stares deeply into my face for what feels like years before taking the Camel Light I have outstretched in my hand towards him. He takes it and pulls a lighter out of his pocket. We sit in silence. Just as the lights for San Lorenzo Lumber flick on behind us, a coffee cup lands at Jose's feet from a passing truck, most likely angry contractors. The men who threw the cup speed away down the road laughing and yelling. He turns to me, "Soy Jose." We again sit in silence. "How often do you come here?" Silence. A homeless man rides by on his bicycle mumbling to himself about politics. I smile to myself, but mostly because I feel so uncomfortable. "What type of work do you do?" Again no answer. So I ask in Spanish, "How long have you been in America?"

The homeless man on his bicycle rounds the corner again and I slowly put my hand holding the cigarette behind the wall. He stops, "Give me a cigarette." Jose stares

at him and looks to me. In Spanish he says to me, "This is your boyfriend?" I laugh as the man stares angrily at us. I tell him, "Yes but we are fighting right now." Jose laughs. As the man rides away, I feel at ease for the first time with Jose. "Never," he says. I look to him searching for the question he is answering. "When I look at the day, I see that I will never be in America."

The Save Our State Organization, which promotes grass roots activism against illegal immigration, asks on their website, "Is your community becoming a third world city?"² The people that drive by, with Starbucks cups and Mercedes, are mostly white. The men who stand here in the sun are Mexican. Here, however, Mexican is more than a nationality, it is an ethnicity further determined through work, through language, through the eyes of onlookers, assimilation, and through the bond found among them furthered by their place on the fringes of society. The day laborers are regulated and confined by both nationality and ethnicity. Third world is no longer a reference towards industrialization or standards of living, but ethnic placement within the global order. To the same extent the "other" is magnified is to the same extent that Latinos accentuate their group membership. As stated by Ochoa & Ochoa (2005, 227), "For these immigrant workers, their Latino-ness is reenacted for affirmation and survival precisely because they live in an anti-immigrant society." In this way ethnicity and the social order regulate the population. Although these men may not be in the America they had dreamed of, now that they are here they have only the comforts of each other and memories of home.

² The Save our State Organization is a grass roots activism group advocating a closed-door policy. They are publicly active at protests and demonstrations as well as on the Internet promoting individual and group action opposing illegal immigration. To find out more about this organization please refer to their web page, located at saveourstate.org.

However, even I, a white woman, middle class, a visitor to the life of the "other" perched on a wall outside a hardware store, feel as though I am watching America drive by from the sidelines.

It was not for another few weeks that I fully understood what it was Jose was saying to me, but in that moment, I knew that it was not only here that he meant he was never really in America. As one of the people passing by, much like the people in their Mercedes avoiding eye contact, the experience of being here is not the same experience of the America I live in each day. Starbucks, Jamba Juice, city buses, skin color and suits were the regulating force here mediating social order and inclusion. These landmarks that Jose passes each day on his way to work remind him of the world he faces. The destitution Jose knew in his town just outside Oaxaca does not match the loneliness of each day here, which he calls the "soledad Americano" (American Loneliness), a place without friends or family. According to Jose the U.S. is a nation not satisfied socially nor bound by relationships and intimacy, to him, here social is movement. Jose picked up the coffee cup that had earlier landed at his feet and handed it to me.

Jose explained to me that he left home not because he wanted to, but because his family needed him to. Before he left, he envisioned an America abounding with work and with freedom. He says that his family talks of the day when they will come to meet him, when they will have a home, when they will drive to the market and when they will be together again in a better place. Jose says that he misses Mexico but that Mexico is also here. He says that although he thought he would have a better life here, his life here is just as barren as it was there, but in a different way. As he tells me this I struggle for words, unsure whether I want to comfort him, cry, or flee to the comfort of the America I

know hiding around the corner. Again we sit in silence. He knows that another day is not necessarily another dollar, but that each day is marked by *soledad Americano* and that at the end of his day he will find company in malt liquor instead of his family.

Jose has been in America over a year. He has been riding the same bus and standing at the same wall for over a year. However, what he has learned in this year is neither English nor a better way of life, but that the same marginalized way of life he lived as an indigenous man in Mexico exists here in the U.S. as a Mexican immigrant. Each morning, as the skin color lightens when he steps off the bus at the Santa Cruz Metro, as no one speaks, and as he walks the avenue alone, he is again reminded that within the economically and socially segmented U.S. labor force, he is still caste below many and demobilized. As a Mexican immigrant he is only able to marginally participate in regulate processes demobilizing him in the long run. However, his placement within this social order and in the face of aggressive migration reforms has not deterred him from finding a place here: it has instead condemned him to the outskirts and taught him how to mediate these institutional obstacles. Social institutions, in this instance laws, systematic segmentation and racism, do not dictate what it is that people should do, nor does culture dictate how people will behave. Alternatively, within the constraints of

social institutions culture does predispose people to the methods they will use to mediate these restraints.³

College students and staunch liberals sit at a café around the corner discussing the plight of immigrant rights, over muddy coffee and Marlboros, although none of them admit that this is an international affair shaping social order within a globalized and stratified society nor that they too are afraid of the men in front of the hardware store. As people walk by they look at me questioningly. One man even stopped to ask if I was okay. The social exclusion experienced by Jose is also a reflection of national reorganization of immigration agencies in the federal government.⁴ Previous agencies focused on immigration and naturalization are now housed in the Department of Homeland Security and instead of acting as advocates they are increasingly active in judicial enforcement. In response to contemporary fear of the "other" and international or foreign threats, social conceptions have shifted towards an anti-immigrant society.

Forfeiting previous ideals of diversity, it appears that an evolving relationship exists between the continued support of legislation in accordance with the creation or

³ Dohan (2003), discusses that although social institutions and culture do not dictate what it is that people should do, they do influence the methods people will use to mediate the constraints of social institutions. In this way he identifies cultural interactions with social institutions as components in the reproduction of urban poverty and perpetuation of urban minority demobilization. As a result, he goes on to argue that social institutions are created to facilitate income generation yet impede mobility only meeting the immediate needs of the community while demobilizing it in the long run. In effect he argues we should emphasize income support rather than fraud prevention in public assistance and other social institutions to lower the price of poverty in every day life.

⁴ In a Historical-Institutional analyses of immigration policy Tichenor identifies one contributing factor in the creation of legislation is, "Institutional changes in the nation state and party system can provide structural advantages for particular groups and activists to pursue their policy initiatives" (2002, 34)

reorganization of government agencies directly correlates with the degree to which we seek integration only through inadvertent demands for a more homogenous society.

Although these phenomena may perpetuate stratification but subdue social unrest, it does not speak to the ways that immigrants themselves mediate these obstacles.

Jose knows he lives on the fringes, because he lives it. He finds empty coffee cups at his feet and looks wearily at the white men in suits getting morning coffee. This is why he shies from me when I approach him and why he only breaks upon realizing we have found common ground. Jose asked me if I would keep his name secret, and I told him he could pick whatever name he liked. He said he picked Jose because that is very common. His fear does not inhibit his participation in U.S. society, but it does mediate the extent to which he participates and the methods he uses. This is why he, unlike his family, knows that he will never really be in America. He does not know that it is a product of society, or influenced by government agency and international markets, but he does realize that others see him as a threat, a Mexican, and often a criminal.

Criminals: Hernon

Although studies previously portraying immigrant causal stories often discuss the perilous journey of undocumented workers across the border followed by assertions of immigrants as economic leeches, few seek to understand the experience of the immigrant within this context.⁵ Identity is a dynamic self-assumption determined both situationally

⁵ Immigrant causal stories are books and other forms of media and expression portraying the experience of immigrants prior to and often following migration. Some suggestions I have are Ruben Martinez's *Crossing over: A Mexican family on the migrant trail* (2001), Victor Zuniga's *New Destinations: Mexican immigrants in the United States* (2005), a

and culturally. However, in the case of immigrant workers as criminal, this is an identity which has been assigned by host societies yet is not an accurate reflection of their own self-perception.

A study discussing the results of the Immigration Reform and Control Act of 1986 (IRCA), a Bill paralleling the current initiative, found that the IRCA "...has done little to stem the flow of migration from Mexico, and it is unlikely to end without significant improvement in that country's economy. What the IRCA *has* managed to do is to criminalize migrants who are seeking employment and has driven an increasing number of them to work in the informal economy." (Ochoa & Ochoa, 2005, 35). The solidification of expertise in policy processes has politically privileged certain types of immigration causal stories eliciting particular political responses manifested in legislative reforms.⁶ The findings expressed in studies allow for the solidification of previous assumptions instigating legislation, unfortunately it seems that these assumptions are evermore based on stereotypes and cultural capital or desirability.

Studies recording immigration causal stories are valuable and growing expertise in policy has provided increased support for seeking legislative means to regulate the population; however, the dynamic and transient attributes of immigration as well as legislators' preoccupation with precursory influences and reactionary amendments limit U.S. ability to affectively respond to illegal immigration. Immigrants will continue to

compilation of stories and essays, and *Across the wire: life and hard times on the Mexican border* by Luis Alberto Urrea (1993).

⁶ According to Tichenor's historical-institutional analyses one factor in the creation of immigration policy is that the "Solidification of expertise in policy processes has politically privileged certain kinds of immigration causal stories that elevate particular policy responses" (2002, 34).

migrate from Mexico to the U.S. as long as the U.S. economy and labor force is seen as more prosperous and available than in Mexico. In effect, it is to our advantage to disparage the perpetuation of social and economic divisions within society. I say this not in an effort to make assertions of social ideals, but because to continue reproducing previous agendas targeting the immigrant labor force as criminal is to discount the experience of the immigrant as a criminal, or as I have found, the experience of the immigrant as a member of society and criminal only in the eyes of others.

A cop drove by slowly on a Wednesday. It was almost noon and the sun hung in the sky over a sea of men still waiting and hoping for work. I sat perched on a wall and watched the cop drive by, admittedly nervous. Hernon sat next to me staring into the parking lot and no one else seemed to notice either. We were discussing the different areas in front of San Lorenzo where day laborers stand. I had thought that the different areas were indicative of different types of work or pre-arranged daily labor. The men were laughing and telling me that they just had better chances if they spread out across several areas. I thought to myself how indicative this was of my bias. How I have learned to compartmentalize the world and assume that lines exist socially even where they do not.

Another cop drove by. They drive by slowly, quickly glancing at the men standing on the sidewalks. I grew nervous again waiting for them to pass the entrance to the driveway in hopes they would soon be gone. I interrupted the men asking them if the police made them nervous. They laughed and one of the men began to dance back and forth with amusement at my question. The men often laugh at my questions. They laugh though in a way not at my expense but in a way to highlight the lack of understanding I

have of their world, which abstractly exists within my own.

I asked why and they responded with why. I asked if the police stop. Hernon, sitting beside me on the wall, tried to answer. He spoke softly about a man sitting beneath a tree inside the confines of the San Lorenzo parking lot. He began explaining that we are not permitted to be within the confines of the San Lorenzo Lumber property but that our position here is just fine. I thought to myself that he doesn't see what I do as I sit perched on this wall. He told me only white girls sit on the wall. I pointed at him quizzically. He laughed and told me white girls and those hoping to marry them. While he gave me this explanation the rest of the men laughed and continued to shout other answers with less relevance to the immediate but indicative of the world they live in. They did not harbor fear around the police because they understood that their life was at stake each day. Their perilous journey had led them this far and to lose what they had now, to fall victim to catch and throw away, would still allow the men to return to Mexico a success.

"Why would we worry for the police?" I tried to explain without actually saying anything that I had heard the police would stop and hassle them from time to time. They said no. They began chattering again among themselves while I continued to sit preoccupied with the question of why they do not find fear in this as I do. Hernon still sat beside me staring at the man in the parking lot. He stared into the man as though his eyes would move him from beneath the tree. I asked him why he didn't fear the police. He asked why he should. I didn't know how to answer, because I didn't have an answer. He explained to me that his life here is to work and why should he be arrested for seeking work. I had ideas and fear from preconceived notions of immigration. Paper reels and

news lines swirled through my brain as I watched him focus on the man under the tree while talking to me of the police. He said that they drive by because they are going somewhere not because they are here. He did not seem to understand why this question bothered me. He didn't seem to notice the evasive customers or the current national debate on documentation. These newsreels and stigmatizations have consumed me for months and to find he had no understanding of this phenomenon was baffling to me. He continued to discuss the man beneath the tree explaining to me that it was this man who may be arrested, who should stand as all the other men do, that it is men like this who put him at risk. The risk this man poses is not of deportation but instead it is the risk of losing Hernon's version of job security, of social laws, and of forfeiting the income generation of several for the weariness of one.

The laws governing these men are unwritten laws of accountability within the community of day laborers and the bond of the immigrant men who come here to seek employment. The laws Hernon is preoccupied by are those that have been socially established among a marginalized community dictating the methods through which they may come to participate in the economy of the United States, through which he may continue to seek daily work and through which he may find safety in the prospect of his continued life work and pursuits here. It is not enforceable by police officers or local enforcement officials advocating property rights but instead by social accountability and a community mentality among these men.

Hernon is aware of the dynamic and transient nature of his life as an immigrant. He knew prior to his arrival here the implications of illegal immigration. The push-pull factors, which led Hernon to California, overshadow fear of law enforcement and police

officers. Although society may see him as a criminal, he sees himself as an entrepreneur, a success, and a refugee. He came to California seeking a more fiscally sound life than was available to him in Mexico. He wears jeans, work boots and layered black shirts with a ball cap. He is not sinister in admissions of his desire to be rich or in prospects of social and economic integration into the U.S.; however, he is preoccupied with memories of the abundance he thought he would find here and for which he still seeks outside of San Lorenzo through day labor. Further, his most immediate threat is a man beneath a tree in the parking lot. Two motorcycle cops now drive by. They don't even look and the men around me talk amongst themselves. Hernon hums a song I don't know still drilling his gaze into the man beneath the tree. He looks to me and shakes his head, "I think he is drunk."

Expertise and immigrant causal studies, social conceptions and humanitarian debates do not reflect the immigrant seeking a better life without concern for legislative or social repercussions because they don't have anything to lose by leaving. It is the interference of employment and staying which pose the most immediate threat. The confines here, of the parking lot, of inconsistent at-will labor, legislative reforms and social stigmatizations, are merely obstacles steering Hernon's participation, activity, and ability to socially integrate and generate income. He does not operate out of a place of cause and effect or consequential logic but instead from a foundation in labor disadvantage⁷ seeking to compliment his lack of human capital⁸ and social stigmatization

⁷ Labor Disadvantage Theory is discussed further later in this article but in this context is discussed in regard to writings by Valenzuela (May, 2000), and Waldinger & Lichter (2003).

through entrepreneurship, self-employment, and day labor. Hernon is not afraid of the police because he knows that this may be the best it ever gets for him, and as far as he is concerned it is not bad. He is also not afraid of leaving because he knows that his life here is a transient and possibly temporary one. He will stay until he is no longer able to.

One Way and The Wall: Pinche and Oso

Circular migration was quite the catch phrase in discussions of immigration from Mexico prior to the new millennium.⁹ However, in recent years, circular migration has dwindled due to increased border enforcement and continuing tumultuous circumstances within Mexico. Unfortunately, the new wall being built by the U.S. is not assisting in intercepting Mexican immigrants entering the United States but is instead keeping immigrants in the U.S. from seasonal returns to Mexico, as previously assumed to be the norm and pattern of circular migration. International crises further inhibit domestic ability to intervene with legislation.¹⁰ In the current instance, international affairs both

⁸ Human capital within this context refers to the skills sets that contribute to an individual's success and ability to compete within the work force. These skills are not determined by cultural attribute or social connections but are more succinct in their acquisition through schooling, vocational training, or experience. Human capital differs from cultural capital which are assets in conjunction with cultural attributes, understanding or knowledge, and social capital which refers to social ties enabling individuals access to something (i.e.: jobs, housing) through networking, recommendations, and otherwise socially redeemed opportunities. For more information please refer to Dohan (2003), Valenzuela (May 2000), Waldinger & Lichter (2003).

⁹ Zuniga (2005) is a compilation of articles discussing contemporary immigration patterns following the decline of circular migration since the 1980s.

¹⁰ The third facet of Tichenor's perspective on factors influencing the creation and tactics of immigration reform policies is that, "International crises affect domestic political opportunities for immigration reform by reshaping the interests and relative power of state actors" (2002, 34).

overseas and within the Mexican government have limited U.S. ability to implement policy, addressing immigrants from Mexico without creating further social segmentation and racism as perpetuated by previous bills and simultaneously catering to U.S. agendas in international affairs with Europe and Asia regarding the war in the middle east. This has manifested, however, in legislation that creates large-scale projects illustrating anti-immigrant sentiment without seeking efficient means for enforcement or alternatives to meet social needs or increase local legislative resources to address undocumented immigrants currently residing in the U.S.

The current bill in the Senate, the Comprehensive Immigration Reform Act (S. 2611)¹¹ is a reproduction and amendment to the Immigration Reform and Control Act of

¹¹ The Comprehensive Immigration Reform Act (S. 2611) that was introduced in the Senate in May of 2006 has six primary clauses. The first clause referred, commonly referred to as "Jump Start" was partially initiated during the introduction of the bill. This clause calls for the addition of 6, 000 National Guards to assist in border control along the Mexico-U.S. border in Arizona, New Mexico, Texas, and California. This clause also calls for a technological upgrade on surveillance and pothier technology to be utilized for the apprehension of undocumented immigrants crossing the border. The second clause is a proposed alternative to the current "Catch and Release" program utilized at the border. This calls for the addition of an initial 4, 000 new beds (and an addition 6, 700 new beds in the year following) to detention centers along the border for undocumented immigrants apprehended at the border. This clause also seeks to accelerate the deportation process. The third clause a revamped version of prior temporary guest worker programs which would establish a legal channel for foreign workers to enter the U.S. for up to three years with the prospect of reapplication to stay for up to six years. The fourth clause is to begin a regulated enforcement of work-place immigration laws (as established in the Immigration Reform and Control Act of 1986). Fifth, is to resolve the status of illegal immigrants who are already in the U.S., which is not amnesty or deportation. This clause states that immigrants may pay a fine to apply for residency and will have to undergo a series of conditions for a trial period concluded by a test and official documentation of all prior work experience and living situations. That last clause seeks to implement programs to help new immigrants to assimilate into U.S. society. The program would facilitate language classes, as well as classes teaching the history, customs, and values of the U.S. To view the proposed legislation please refer to the web page for the National Center on Immigration Law located at <http://www.nilc.org/immlawpolicy/CIR/index.htm>

1986 (IRCA),¹² which resulted in a decrease in border apprehensions yet a later increase in immigration following the allotted amnesty period in the six months following increased enforcement. It seems apparent to me in the accounts found here, when compiled with theoretical foundations of factors influencing policy and historical-institutional analyses, that this result will be reproduced. The IRCA did not stem the

or for information on the current status of immigration legislation at the federal level please refer to the white house page addressing immigration located at <http://www.whitehouse.gov/infocus/immigration/>.

¹² The primary provisions to Immigration Law within the IRCA were amnesty programs, increased INS resources for border enforcement, employer hiring of undocumented workers knowingly illegal (Bansak, 2005). This bill granted temporary resident status to aliens residing in US continuously and unlawfully prior to Jan. 1, 1982, and allowed these temporary residents to become permanent residents after 18 months if they could exhibit a minimal understanding of English, history, and US government or were pursuing a course of instruction to gain this knowledge. It also barred new citizens from public assistance in most forms for 5 years with the exceptions of emergency medical aid, elderly aid, blind or disabled persons needs, serious injuries, or assistance in the interest of public health.

Another clause within this bill instituted the Special Agriculture Workers (SAW). This granted temporary resident status for more than 90 days to work in perishable goods fieldwork in last year and in 4 years granted residency if continued. 350 thousand of those granted temporary residence were three years later granted full residence if in US for 6 months a year working at least 90 days of said 6 months if they had been doing it for the 3 years prior and post. This bill also enacted H-2 Visas as still adjudicated. (Employer applies more than 60 days prior to needing assistance of foreign workers while also seeking domestic workers to fill jobs, permitted applications for temporary residence, allowed SAW participants to travel and commute from a residence abroad. Lastly alongside employer sanctions were anti-discrimination measures (as employers were permitted to arbitrarily decided citizenship), and the border increased enforcement. At the time the IRCA was implemented border apprehensions had risen to 1.6 M and this bill was a the first significant initiative since the Bracero Act/Guest Worker Program targeting Mexican Immigrants in the U.S. later leading to several CA state propositions throughout the 1990s.

flow of undocumented immigrants or discourage future illegal immigration except for in the short run.¹³

By noon, the men have been standing for a long time. I am sitting on the wall next to a man everyone calls Pinche. He keeps asking me if I want to get married. It seems everyday I sit in front of San Lorenzo I become a more viable bride. I am not listening to him though because another man is explaining to me why moving is the most beneficial work for him. I finally turn to him in hopes that answering his question will get him to stop interrupting me. The seven men standing around us who had previously been yelling that he is already married stop to hear my response. "Maybe someday." They begin to howl and swoon, one-man hands me a piece of newspaper wrapped into a circle. I respond, "I didn't say to you." They begin to howl with laughter again. These men laugh in a way I do not often hear. It seems like it comes from somewhere far away. Their laughter is full and it seems to bounce off the sidewalk and down the street. The men up the street look onward, curious. A man in a sweater wanders over. He asks me if I like Mexicanos. I ask him if he likes America. He says not as much as he likes white girls. I ask if he knows many. He says no. I tell him that makes much more sense. The men again begin to laugh.

¹³ Orrenius & Zavodny (2003) did a comprehensive study on the results of the IRCA and found that following the initial passage of the IRCA the number of immigrants apprehended at the border decreased slightly but the author attributes this to a lack of circular immigration due to risks and possible amnesty and apprehension on the side of Mexico due to heightened security. This study also found that the number did continue to rise to the same state it was in before the implementation of IRCA following the initial 6-month drop, through and following the amnesty period. The author suggests that although the IRCA did not stem the flow of undocumented workers—except for in the short run—it did not discourage it in the long run.

Pinche asks me where my family is and I explain to him that they are all over. I ask him if he will go to visit his. He tells me that the walls keep him in America and again the men laugh. I say that the laws here are obviously working well. They laugh and Pinche falls from the wall to beside his friend and roommate Oso. Oso is very small and quiet while Pinche is loud and overwhelmingly forward. They are childhood friends. So I now direct my attention to Oso, asking if he will go back to Mexico. He says someday and looks over my shoulder as if his home is hidden in the parking lot amid the pick-up trucks. I ask them if it is because it is too dangerous.

Pinche begins to waddle down the sidewalk after Oso trying to yell at him in English, "You, Mexicano, no America you!" He waddles down as another man begins to make noises following closely behind him. Oso huddles against the wall jetting from one inlet to the next acting as though he is holding a rosary praying. He yells, "La Migra," and the men begin to run in circles. Oso is running in tense short movements as though he is a cartoon slipping on a series of banana peels criss-crossing around the sidewalk. Pinche runs as though he has lead block in the bottom of his shoes, leaning backwards to poke out his beer belly. The men on the sidewalk all laugh and one man beside me looks to his shoes. This man is not smiling. Often I feel like the laughter here is like medicine, but we all know that the laughter is so deep because it is so needed, and sometimes seems so close to tragic.

The men finish their reenactment of the perilous journey and return to the wall breathing hard and laughing. We all laugh; tears are streaming down my cheeks as laughter and the mid-morning sun swallow me. Oso falls flat onto the side walk, moaning clenching his stomach in a laughter induced pretend gunshot, as Pinche towers

above him patting his own back and holding his belly. "Another one bites the dust..." he sings in broken English. We all laugh as a truck pulls in the parking lot and three men hop in.

I have read dark stories of deaths and apprehensions in border crossings. I have read firsthand accounts relaying the fear and triumph of crossing the border. These men have these stories, too, and although I have conceded to them I will not ask if they are documented. They all know, as I do, that their experience was just relayed on a sidewalk reenactment of a life-long journey. They have made a life choice in running across the border and they know that to try to return is another life-long choice that none of them can afford to make.

The law is a cultural construct reflecting social interest, economics, political elections, and national values. It has a dialectic relationship with the societies to which it caters, yet the current bill is removed not from society as a whole, but the society it seeks to address. Not only, as discussed before, do these men have little to lose, but they have no regard for federal attempts to dictate geographic delimitations for them. These men have made it here and will not return to the wall. They saw it on their way in and the more we seek to enforce the wall the more we forfeit the reasons why Mexican immigration was not seen as a risk until the late 20th century. Mexican immigrants were seen as temporary additions to a seasonal and intermittent workforce, which would return to Mexico or was easy to deport should a problem occur.¹⁴ However, in recent years,

¹⁴ The first legislation limiting or even addressing Mexican immigration into the U.S. was the Bracero Act/Guest Worker Program of 1940 in response to mass-migration due to federal unrest following the Mexican Revolution (Martinez, 2001). This was also the beginning of the immigrant quota system, rescinding previous initiatives importing hundreds of thousands of Mexican seasonal workers. According to Tichenor (2002),

there has been a complete reversal on previous conceptions of Mexican immigration, which has influenced the implementation of current border enforcement conditions. The increase of enforcement is not keeping Mexican immigrants from entering the U.S., but instead is keeping them in the U.S. indefinitely or most certainly for longer periods of time than they would have previously stayed.

The law as a dialectic companion to society is in this case an accurate representation of social segmentation yet not an accurate reflection of those it seeks to address. Without a greater understanding of these attributes of immigration, it is certain that the law will not be able to create the barriers desired by a wall. Immigration no longer has the concrete circular attributes previously so dominant among Mexican immigrants. In effect, the law as a reflection and response to "deviant" populations must account for the evolving social interests and means of this group to effectively address them through legislation.

"I Want to Be Rich": Social Interest

As previously stated, legislation is commonly assumed to be dictated by social interest, economics, political elections, and national values. However, these factors are not only as dynamic as immigration but are further only representative of a small and

until this bill Mexican immigrants were not seen as an enforcement priority because they were not generally seeking to permanently reside in the U.S. but participants in the circular migration patterns typical of seasonal workers. It was not until 1940. He goes on to say that this was the beginning of the end of immigration as it had been previously. He says that, "Freedom of migration from one country to another appears to be one of the elements of nineteenth century liberalism that is fated to disappear. The responsibility of the state for the welfare of its individual members is progressively increasing. The democracy of today cannot permit...social ills to be aggravated by excessive migration," (Tichenor, 2002, 147).

often homogenous population. The social interests of this population of immigrant day laborers are indicative of their transient nature. They have a different set of worries and concerns as their lives are structured around evading social and economic regulatory processes.¹⁵ Their lives as laborers in the shadow economy, outside the scope of the social norms and legislative confines I know, supply the day laborers with social interests and economic concerns removed from those experienced by a U.S. citizen or documented immigrant.¹⁶ I found some of this social interest in translation.

The primary language spoken in the day labor market is Spanish; however in job acquisition English is not only desirable but also often necessary for negotiations. The men often asked me to help them to learn English and they would in turn help me with my Spanish, which they understood but mercilessly mocked. They explained to me that they did not have opportunities to speak or learn English since most of the men here live and work with other Mexican immigrants. So when I asked what it was they wanted to learn, without fail they responded with, "How do you say, 'I want to be rich'?" When I explained rich they would practice, "reeech?" The sound of this word was hard for most

¹⁵ Theodore states that the "...informalization of a growing array of economic activities through which segments of the economic base remain marginal and underdeveloped as a way of 'escaping the regulatory apparatus of the formal economy'" (2003, 1827).

¹⁶ In the only large-scale study of day laborers done to date, Valenzuela, Theodore, et al. (2006) surveyed 264 hiring sites in 39 municipalities in 20 states and DC. From this sample, it has been approximated that there are some 117, 600 workers seeking day labor jobs daily in the U.S. and that of these, 42% are concentrated in the west. For 83% of day laborers this is the sole source of income with a median wage of \$10/hour and \$700/month, most seeking labor 7 days a week. The population of day laborers in the U.S. is overwhelmingly Mexican and a self-reported 75% are undocumented (Valenzuela, Theodore, et al., 2006). Contractors and private individuals performing manual jobs such as construction, moving, and landscaping primarily employ day laborers. Many suffer work place and employer abuse and all are independent contractors under the law that seemingly cannot apply to them.

of the men and they often continued to repeat it until I affirmed that they were pronouncing it correctly.

The men I asked don't know much about legislative reforms, U.S. government or history, and don't read the newspaper. I do not know how much of this is resulting from language barriers, is a response to not caring, or is due to an inability to understand U.S. politics and media. I do know that a part of this is that these matters do not concern these men because they do not see them as viable or prominent aspects of their lives. What these men do know is that Santa Cruz is more expensive than Watsonville so they prefer to come here to seek work. They know that if they wear work boots instead of sneakers it is more likely that they will be hired. They know that if no one has hired them by 2:00 they probably will not find work for the day. Yet, despite the negative attributes of working in an at-will labor force contingent on the acquisition of daily work, day laborers continue to seek employment here.

Many of the deficiencies in human capital or cultural capital among Mexican immigrants are complimented by contingent employment.¹⁷ To overcome cultural limitations, many immigrants seek employment through the day labor market because this is how many men previously acquired work in Mexico. Language barriers are irrelevant in day labor as Spanish is the primary language at the day labor market. Transportation needs are taken care of by prospective employers to and from worksites. The hours and frequency of work is completely determined by the individual as a self-

¹⁷ Valenzuela (May 2000, 13) found that, "Day labor work competes favorably, if not better, than other low skill immigrant concentrated occupations" due to higher than average wages (despite inconsistency of work), diversity of tasks, flexible hours, opportunity to gain human capital.

contracted worker. The cash payment signature of day labor work is a negotiation system and allows workers to generate income in a legally uncompromising manner. These freedoms allow the worker access to fluid employment, catering to the immigrant-specific needs and desires of this work force. Further, day labor is a venue in which it is feasible that workers may expand and build upon personal skills gaining human capital and fulfilling a means through which day laborers may prospectively integrate into the formal labor market. However, in spite of day laborer evasion of regulatory institutions, they are still demobilized by their escape of these social and legislative apparatuses.

In the Shadows: Emilio, Chucho, and Juan

Despite the growing polarity of immigration reform and the influential and evolving left-right coalitions in immigration policy, the consensus remains that a lack of mobility is the determinant of poverty.¹⁸ Immigrants experience this lack of mobility not only in the deficiency of social institutions, but further in language barriers, lack of credentials and cultural capital. However, from the perspective of the immigrant community, quality of life here is reflective of a desire for residency and individual view

¹⁸ Dohan discusses mobility (economic mobility, and mobility within the work force) with the foundation being that it is the consensus that despite concrete attributions of poverty, since these ideas are subjective and skewed to immigrant populations due to inflated ideas of the worth of the U.S. dollar and other subjective economic assumptions, that a lack of mobility is the consensus of what poverty is. Dohan conducted an in depth ethnographic study of two different Mexican communities in California. He considered the most prominent lack of mobility to be in regard to human capital (language barriers, lack of credentials, information, etc.). Theodore (2003) takes this a step further to assert that the global market has contributed to the current lack of mobility in regard to ever growing demands for low-level, low-cost labor. He says that, uneducated immigrants in low wage labor are stunted participants in the global economy despite the benefits of this work in terms of their limitations.

of the worth of the dollar.¹⁹ So, as stated before in findings by Ochoa and Ochoa, previous reforms have not stemmed the flow of immigration but have instead pushed more immigrants to participate in casual labor, or the shadow economy.²⁰ Further, as found by Theodore (2003, 1813), "Contingent work has contributed to the reproduction and reinforcement patterns of socio-economic inequality, labor market segmentation, racial polarization, and social exclusion within urban labor markets." Yet, as found in a comparative study of minorities within the labor market, Mexican immigrants continue to excel and show lower rates of unemployment than other minorities which reflects both continued burgeoning numbers of immigrants to urban areas as well as the effects of social networking within Mexican immigrant communities both locally and transnationally.²¹

The first men I met in front of San Lorenzo were Emilio, Chucho, and Juan.

They were standing there when I arrived just past 6 a.m. They were chatting over bagels

¹⁹ Dohan (2003) found this subjective understanding to be pervasive in his study as well. He also found that conceptions of other processes for which the U.S. has built stringent understandings (poverty, unemployment, etc.) are subjective among this community explaining the differential understanding of employment between U.S. natives and the Mexican immigrant population.

²⁰ The shadow economy is the process of income generation either by producing and selling licit goods and services through illicit means (such as day labor) or the production and sale of illicit goods or services through licit means (such as prostitution or drug trafficking) (Dohan, 2003). As stated by Valenzuela (2003), globalization and economic restructure, plus the growth of informality in the labor market, and massive migration has led to the unique labor market demanding part-time, low skill, and flexible work available in the day labor market.

²¹ Waldinger & Lichter (2003) conducted a study of employment among minority groups and found that although Mexican immigrants are newer arrivals, their work ethic, drive, and strong social ties have allowed them to excel more than other minorities (specifically African-Americans) in the U.S. work force showing lower rates of unemployment.

and coffee when I arrived, which would be normal somewhere that is not in front of the hardware store on a sidewalk at dawn. They greeted me warmly. I explained to them my research and Emilio responded in fluid English. The other two men stood there grinning but did not speak. I sat up on the wall as I began my interview, which commenced with ease. Emilio responded to each question in depth. He was excited to share his experience with me. The other men talked softly between themselves but did not address me. Before long the men joined me on the wall. I looked down across our feet: one set of slippers and three sets of work boots. Juan said something to me but I didn't understand it. Chucho repeated it, his lisp thick. I didn't know whether it was from the gaping piece of sheet metal in place of his five front teeth on the top of his mouth or a dialect I had not heard before. Emilio explained to me that they are hoping that the man that picked them up yesterday will rehire them, he is moving.

I didn't understand Juan or Chucho because they were not speaking Spanish. They were speaking a language specific to their heritage as indigenous men. They are from Michoacan and arrived here a few months ago. Chucho came first to what he thought was Fresno, but later found out it was Watsonville. He is a large man, maybe in his thirties. Rural dentistry has left a large piece of metal implanted into his upper gums in place of missing teeth, which in the afternoon is blindingly reflective despite the matte finish. He always wears a striped sweater that looks too nice to work in but he assures me it is not because it has a stain. After speaking to some men in Watsonville he was directed here to Santa Cruz where he met Emilio.

Emilio understands him and is able to work as an intermediary between him and prospective employers. Emilio has been in the states for 13 years and has since been

married but with no children. He said he had a life in Mexico and at seven years decided to leave it behind. He has consistently worked in day labor for the duration of his life here, complimenting this contingent work with early morning jobs at cafes and delicatessens or nighttime jobs washing dishes. Emilio currently works at a bakery and goes to the bakery at daybreak to begin baking and prepping for the day before bringing bagels and coffee to meet Chucho and Juan. His wife is a maid. His foundation here and understanding of the U.S. labor force as well as linguistic abilities have contributed to his success. He found the life he desired in the States.

Juan later came to meet Chucho after finding Chucho had found a place to stay and work. Both of the men live in a home with Emilio and his wife on the east side of town. They are here six days a week. Chucho brings Marlboros and Juan brings himself. Emilio has in many ways sponsored them into the U.S. labor force and culture. There is a social order within this group, reflective of the transnational nature of day labor work, as well as the importance of human capital, and cultural barriers.

The social order among these three men is according to integration and human capital, in a way it is an overflow from Mexican stratification with a division among Mestizos and indigenous. Although ethnicity does not define the dynamic of this relationship, it is reflective of the different experiences of these two groups prior to arrival and how this manifests in their life in the U.S. Further, the day labor market is a familiar method of attaining work, as it is present in Mexico as well. These dynamics highlight the way that circumstances prior to immigration continue to effect social order among immigrants in the U.S., which is further compounded in a social order designated according to human capital and limited by cultural barriers. Juan and Chucho are not

able to make a living here solely based on their abilities; however, with Emilio they are much more likely to attain work. In this sense, they are more likely to attain consistent work as a group according to social networking theories, labor disadvantage, and the "Employer-Sanction effect."²²

Social networking theories explain migration as a self-feeding phenomenon.²³ Social networking brings like-minded migrants with social connections, which demands a quality of work to maintain social inclusion.²⁴ This phenomenon further benefits

²² Waldinger and Lichter (2003) found that although socially stigmatized due to social conceptions of the types of industries in which they are commonly found, Mexican immigrants are desirable workers and successful in migrating due to large social networks which supply jobs and enforce a behavioral code and work ethic which is desirable to employers and is demanded to remain included in the group. They found that employers expressed a dual frame of reference, which they refer to as the employer sanction effect. Following the implementation of laws against employers knowingly hiring undocumented workers the ways in which immigrants acquired work shifted. Larger firms stopped hiring undocumented workers due to increased risks so where they were hired and how they are viewed within the workforce has changed. In effect, the employer sanction effect is that although the hiring of undocumented worker became punishable by law it strengthened the importance of social networking and reinforced the positive attributes of the Mexican immigrant worker with social ties as a determined worker bound by social ties.

²³ Waldinger & Lichter, 2003.

²⁴ Social network theory claims that migration is a social system, which attracts people in a chain reaction response according to the experiences and opportunities available to those who have previously migrated. This attracts a somewhat homogenous set of immigrant workers held accountable through social obligations and accountability. Social networking theory further explains migrants as a distinct group displaying a specific set of desirable character attributes that are common among migrant workers. These attributes may be seen in the immigrants' drive and willingness to forfeit previous lives in favor of making a perilous journey across the border to a foreign country to seek better conditions. In effect, the migrant workers in the U.S. from Mexico are men with the willingness to work under trying circumstances without access to many of the civil rights and social services available to U.S. citizens. According to Waldinger and Lichter (2003), the immigrant desperation and work ethic has allowed them to become, although socially stigmatized, desirable workers. However, to attribute this success solely to stereotypes and social assumptions of labor capability would be at best a futile judgment

employers because they are aware that this workforce is dependable and displays a set of like-minded traits desirable in employment.

As one stated by an employer participant in a study on the employment of immigrants stated, "These immigrants *were* different from us, but their differences served as a positive signal for selection; the immigrants' "otherness" was associated with a set of behavioral characteristics that employers generally liked" (Waldinger & Lichter, 2003, 161). Labor disadvantage, in the case of Emilio, Chucho and Juan is the reason these three men seek day labor, or are self-employed.²⁵ They seek daily employment both due to disadvantages in the labor market and a lack of resources. Through seeking day labor employment, they are also able to gain skills and be available for a diverse set of jobs building on their human capital. More importantly to them, day labor work is more profitable than a minimum wage job would be and does not require paper work nor does

on employer ambition and hiring queues. In effect, Waldinger and Lichter next assert that this phenomena is also a result of social capital in accordance with networking theories. Network theory explains that the acquisition of social capital prior to immigration is critical in the later acquisition of a job in the U.S. Employers benefit from network theory in the luxury of ascertaining like-minded employees obliged by social accountability resulting in a desirable, loyal, and socially cohesive work-force. According to social networking and closure theory, these social connections demand a quality of work to maintain social inclusion, which—for newly arrived immigrants is an imperative aspect of survival determining future success within host country.

²⁵ Labor disadvantage theory (Valenzuela, 2000), argues that those who are disadvantaged either in the labor market (racism, previously conceived ideas of attributes according to ethnicity, lacking documentation) or in resources (social networks, language barriers, lack of schooling) seek self-employment or entrepreneurship as a survivalist strategy. Within labor disadvantage there are two divisions according to the type of disadvantage experienced. The first is Disadvantaged survivalist entrepreneurs whop undertake self-employment because they can make greater returns for human capital than in wage or salary work. The second is the value entrepreneur who undertakes self-employment to compensate for or compliment personal values, such as need for a flexible schedule, mobility, or diversity of tasks.

it demand a negotiation of other employment opportunities. These three men make more money at this site than they would in a minimum wage job washing dishes. The only reason Emilio has his other job is to compliment his work here, provide breakfast, and allow him to have a consistent pay check to balance the inconsistent availability of day labor work.

It is this set of attributes and availability that makes Emilio, Chucho and Juan desirable employees. They exert themselves more effectively and efficiently on the work site because they are accountable to each other should something go wrong. The men are submissive in their timid interactions due to language barriers and the racism here is not only a negative stigma attached to them but also connotes a desirable set of attributes to employers (workers who want to work, will work hard, who won't complain, etc.). Employers desire workers who are least like themselves because they want hard working subordinates, and less cost with a more persevering work ethic, which is often assumed to be present in the Mexican work force.²⁶

In effect, immigrants are increasingly incorporated into the shadow economy by social networking and perpetuated by employer sanction effects and labor disadvantage. However, due to previous reforms and increasingly aggressive legislation targeting Mexican immigrants, they are increasingly seeking work in the shadow economy to bypass the regulatory systems of the economy and to compensate for deficiencies in human, cultural, or social capital. As far as Juan and Chucho are concerned, to

²⁶ Waldinger and Lichter (2003) found that employers wanted to hire those least like themselves because they want subordinates, hard workers, and employees who would work for less pay but with a more persevering work ethic—which these researchers found was not assumed to be present in white people or black people.

participate legally or illegally in a dynamic and more prosperous economy allows them more mobility than was accessible to them in Mexico. They also know that for them, employment despite contingent circumstances and lack of coverage in workers compensation and social services are small deficiencies comparative to income generation prior to immigration. Day labor further allows them not only to participate in the shadow economy and informal labor market as a possible avenue to integration into the formal economy. Day labor also allows for the acquisition of a wide set of skills due to diversity of work as well as gives them exposure to sects of the English speaking population (which for them is rare), the cultural aspects of work and regulation within the U.S. and possible employers in need of more long term work who could feasibly assist them in the process of naturalization.

So, despite a series of disadvantages in the labor market as well as resources, in many ways day labor compliments these disadvantages allowing them to build a resume of skill and understanding of the labor market in the U.S. Despite the inherent contingent aspects of day labor work and the long hours this work demands, there are a set of advantages in their participation here, which would not otherwise be available. The global and informal economy caters to the contingent work that is common to immigrant men, which results in their increased participation in the shadow economy.²⁷ Further,

²⁷ The global market as referred to here is mostly a reference to the role of the U.S. within the global market and the economic restructure within the U.S. resulting from increased participation in the global market. According to Theodore (2003), the process of economic restructure is signified by a growth of the producer services sector and the continuing concentration of corporate headquarters (as correlates with suburban growth on city peripheries), and on-going reorganization and polarization of the manufacturing sector (marked by high performance models: quality, customization, timely delivery, etc. on one end and "low road" modes of competition: low investment/low wage/low skill/low cost on the other). Valenzuela (May 2000) considers these changes to be contributing

despite evasions of formal social institutions (taxes, legal documentation etc.) they display attributes of cultural citizenship reflective not only of time here and labor market absorption but further in the knowledge ascertained through exposure to U.S. society.

Dickies and Drug Dealing: Cultural Citizenship

Cultural citizenship, although more predominantly displayed in larger cities and grass roots organizations and immigrant rights protests, is more inadvertently present in Santa Cruz alluding to immigrants' increased understanding of and inclination to participate in democratic processes.²⁸ Although the men I encountered in front of San Lorenzo do not participate in local advocacy organizations or grass roots immigrant rights organizations, they are aware of the ideal of rights present in the U.S. and do display integration into U.S. society perhaps not socially but in their ideologies of what it means to be American. Although immigrants who have been here for long periods of time most predominantly portray this, it manifests in fashion, worldview, assumed freedoms, and other aspects of U.S. culture and portrayals of identity through participation. All of the men here have become familiar with social norms and social

factor in large-scale immigration. According to him, large scale immigration is making “under the table” work more attractive, expanding informal global markets (deindustrialization, and international trade bartering), decreasing formal economic activity as regulated by the state, expanding formal global markets (contingent or part-time work, subcontracting over unions), and increasing rates of self-employment and entrepreneurship.

²⁸ Ochoa and Ochoa discuss the cultural aspects of citizenship stating that, “Although citizenship is a legal concept, it shapes dynamics of belonging and political participation in society” (2005, 304). They also discuss Latino cultural citizenship more in depth as manifesting more and more (especially in more urban areas) as displayed through participation in democratic processes such as demonstrations and grassroots organizing or unionizing despite “illegal” status.

groups to exploit characteristics they feel will be beneficial to the acquisition of what they seek: fiscal security and stability ("the American dream") and a niche within the community socially, the most blatant of these being a man named Vic.

I had noticed Vic standing in front of San Lorenzo because he looked out of place. I didn't speak with him; I just occasionally glanced over to him in hopes of uncovering why it was he was here and what his intended purpose was in standing in front of San Lorenzo. He stood there midday in a pair of black Dickies, a pressed, white, tucked-in, button-up shirt buttoned all the way up to his neck, with a rolled black beanie on his head. It was apparent to me that these were not clothes for seeking day labor. It was also apparent that he had not been doing manual labor as his shiny black shoes remained untarnished. As I left and said my good byes to the men I had been talking with, I walked along the sidewalk with the sense that someone was following me. Vic caught up with me at a crosswalk heading towards Pacific Ave.

He walked up beside me with a confidence that is rare among the participants I have spoken with outside San Lorenzo. I asked him if he as done for the day and he told me that he was. He explained to me that he is not really a day laborer and that he is more interested in appeasing his mother. He told me he has been here 10 years and that this family had since come to live with him here. He is young and he looks to be about 30. He escorts me down the sidewalk and as I finish interrogating him and telling him I can't go to lunch with him because I already have plans he says to me in very good English, "Maybe another time, but today I will walk you."

We head down Pacific Avenue towards Walnut and he is asking me about my tattoo. He says to me he has some tattoos also. I am window-shopping when I catch the

eye of onlookers form across the street with inquisitive looks. I look beside me to see Vic unbuttoning his shirt to show me a chest full of blue ink tattoos. He explains to me that he got them in prison and that he had been, "having some problems." I told him everyone does, which is when he started to explain. Vic lives in Watsonville and sells drugs for a living. His mother, occasionally worried about his dangerous lifestyle, requests that he go to San Lorenzo to seek work. She doesn't want to, "lose her family to America." Vic disagrees with her but understands that for the sake of his family he must occasionally go. He originally did day labor following immigration to the U.S. but has since found more profitable ways of using his time as a self-employed immigrant.

Vic walks with the strut of a young man on the prowl. He invites me to a party. He takes off his beanie and has a shaved head. He readjusts his dickies and stands with me in front of a café where I am meeting a friend for lunch. Vic looks like anyone else on the sidewalk in Santa Cruz. He looks like a young man, stylish in the clothes of a young, hip, California man. The other day laborers in their work clothes do not blend in the way that Vic does in his refined outfit and spotless clothes. He checks out the women that walk by as he continues to tell me about his experiences. He tells me about his neighbors and his family, and how they do not understand that his life is a life of grandeur as is discussed in contemporary hip-hop music and portrayed on music videos on MTV. By all means, culturally, linguistically, and aesthetically he is a U.S. citizen. He is not documented, he does not have paper work, he participated in the shadow economy both through the sale and production of illicit and licit goods through illicit means; however, he understands that citizenship here is a portrayal of self and a display of participation in social status quos.

"Minority participation in institutions such as the labor market and education on the basis of parity with native groups of similar backgrounds," is indicative of citizenship despite legal requirements (Ochoa & Ochoa, 2005, 140). Although citizenship is a legal concept, it shapes dynamics of belonging and political participation in society, which cannot be legally defined in daily life. Vic expresses belonging and an understanding of political participation in U.S. society, not through a formalized chain of activist mandated recognition of existence but through an attempt at interaction with a society, which he seeks to be integrated into.

The U.S. is attractive because it endorses a series of rights and opportunities not present in Mexico. The U.S. promotes liberty, freedom, diminishing gender roles allowing women to participate in activities not accessible to them in Mexico. The U.S. has such social concepts as retirement, equality, and allows novel goods to be accessible to people who do not live novel lives, through participation in the global market and the bloated value of the dollar to the peso. Although initially following migration there is a lack of understanding of U.S. society, local resources, and services, there is no lack of skills or drive allowing workers to build upon what they already know and pursue their ideal of the life available to them here.

Naturalization, residency, and citizenship are legal terms dictating one's legal rights; however, these concepts cannot mediate one's ability or desire to participate in society or seek to make the U.S. home. However, cultural citizenship is an assumed and portrayed identity dictating opportunity, integration, assimilation, and assumed nationality. This is what is portrayed through Vic's dickies and entrepreneurial activity as a drug dealer. Documentation would increase employment opportunities perhaps, yet is

does not indicate quality of life or ability to integrate into society in the ways Vic has chosen to. All of the day laborers, despite lacking assimilative aesthetic attributes and linguistic disadvantages, also express cultural citizenship through their presence here, their participation in the labor market (informal and otherwise), and in their understanding of the dynamics of society, which allow them to successfully build lives here. Whether it is indicated through fashion, confidence, labor market participation, or grass roots organizing, these men are all, to one extent or another, cultural citizens through social participation. Though none of them have come to find confidence in the alleged American melting pot, as immigration continues to reshape the labor force and other aspects of society, we will come to see that immigration is no longer just an attribute of society or series of ethnic enclaves within the greater whole. Mexican immigrants living in the U.S., a population which continues to grow, has begun to reshape communities and social institutions within the U.S. and contribute to the rapid and dynamic evolution of U.S. culture, whether legislation chooses to begin acknowledging this or not.

Summary

This article represents the changes in immigration over the past few decades, and the relationship of an immigrant group of workers to the community where they live. The focus of this relationship is the effects of legislation targeting them, on their daily lives as day laborers seeking daily employment outside of a local open-air hiring site outside of a hiring site. What I found is that the laws greatest effect is not what it intends to do, but instead that it pushes an already marginalized minority further onto the fringes of society

promoting our already segmented labor force and society. The shadow economy is a response to both economic changes due to the global economy, but it also seems to be equally a response to immigrants' methods of escaping the regulatory apparatuses which legislation has created for them. It is not the intention of this paper to advocate for anarchy, or the deconstruction of a governing body, but to highlight that it is imperative we take a more interpersonal look at what the law does. Through the intentional exclusion of groups in the legislation process not only do we create legislation which can not effectively treat the population targeted by it but further, it appears to have unintended consequences undermining the desired results of immigration legislation. It is my hope that further investigation will show alternatives to the current bill which will more adeptly address the undocumented immigrant population in our nation and that our government will implement a more representative body to take into consideration the factors of exclusion which, already existing, influence the success of legislative initiatives in enforcement. I suggest continued exploration of the ideas expressed in this study and, further, stress the importance of the individual, the "other;" as dynamic as society is I encourage the consistent questioning of where we stand as individuals in relation to national motions and our values reflecting that instead of defending the "melting pot" society we have always assumed ourselves to be and we have instead become aggressive advocates of a homogenous society.

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Attachment A

Consent Narrative

I would like you to participate in a research study I am conducting. My name is Caitlin Urie. I am a senior in the school of Social and Behavioral Sciences at California State University Monterey Bay. This research is to be used for my senior Capstone project at California State University, Monterey Bay.

The purpose of this research is to assess the plausibility and projected efficacy of a temporary worker visa program under the proposed Comprehensive Immigration Reform Bill.

You were selected as a participant in this study because you are a worker in a trade dominated by immigrant workers, which will be directly affected, by the implementation or veto of this proposed bill. I am hoping to gather information about your life here to assess how this bill would affect you in your daily life. I seek to represent your views and understandings in this study.

The benefits of participating in this project are to accurately contribute knowledge on the current state of the population, which will be addressed and most affected by this bill while also portraying the projected efficacy and affects of this bill in regard to the feasibility of a Comprehensive Immigration Reform. This research also seeks to humanize a current political discussion which seeks to define national ideology on immigration, foreign affairs, and cultural integration; Further critical is the outcome of this debate socially, legally, fiscally, and politically which I believe will serve to be a fundamental determinant of future proceedings in political arenas serving to mediate our international affairs, socio-cultural institutions and current conception of our contemporary "melting pot."

If you decide to participate in this research, you will be asked to answer questions in regard to your daily life, living situation, experiences in your country of residence prior to residing in the United States, and occupation information. I am primarily interested in demographic information and your daily proceedings.

Any information that is obtained in connection with this study and that can be identified with you will remain confidential and will only be disclosed with your written or witnessed verbal permission as required by law. Your personal anonymity will be maintained both in my notes and subsequent report on findings.

Taking part in this project is entirely up to you. You can choose whether or not to be in the study. If you volunteer to be in this study, you may withdraw at any time without consequences of any kind. You may also refuse to answer any questions you do not want to answer and still remain in the study. The investigator may withdraw you from this research if circumstances arise which warrant doing so.

If you want to know more about this research project or have questions or concerns, please call me at 310/ 497-8331 or email me at Caitlin_urie@csumb.edu. My advisor, Paul Alexander may be contacted via email at paul_alexander@csumb.edu or at 100 Campus Center Dr. Bldg. 86C Seaside, CA 93955.

The project has been reviewed and accepted by California State University, Monterey Bay. You may withdraw your consent at any time and discontinue participation without penalty. You are not waiving any legal claims, rights or remedies because of your participation in this research study.

If you have questions about CSUMB's rules for research, please call the Committee for Human Subjects Chair, Chip Lenno, CSUMB Technology Support Services, 100 Campus Center, Building. 43, Seaside CA 93955, 831.582.4799.

Interview Guide (Ethnography)

Immigration

- How long have you lived in the United States?
- How long did you think about coming before you did?
- Why did you want to come here?
- Do you visit Mexico?

Work General

- Did you have a job in Mexico?
- What was it?
- What do you hope to do here?
- Do you send money home?

Day Labor

- How many days a week do you seek work here?
- Do you know many people who are day laborers?
- Have you ever gotten a longer term or more permanent position as a result of day labor work?
- Do you do other work too? (What? How often?)

Family

- Is your family here? (Are they coming?)
- Who?
- For how long?
- Did you know people here before you came?
- Do you know people here from the same area of Mexico you are from?

Living Situation

- Where do you live in Santa Cruz?
- Where?
- With?

Immigration National

- Are you affiliated with an immigrant rights organization?
- What do you think of a program giving visas for temporary work?