
Usos y Costumbres of Santa María Tindú

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Introduction

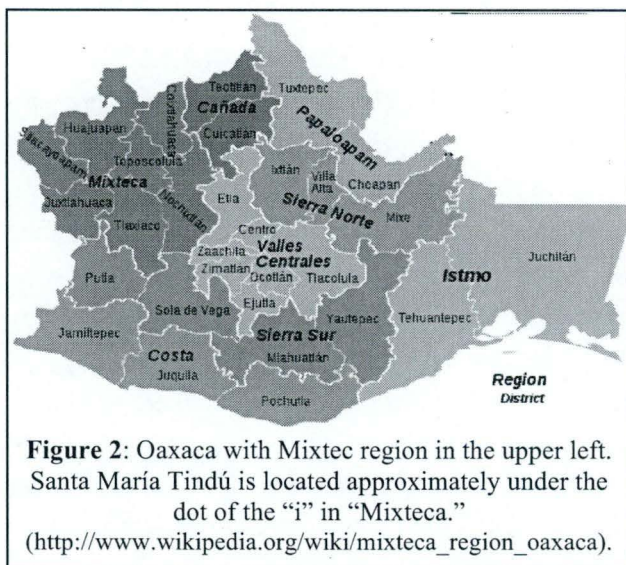
Indigenous migrants face a complex problem that stems from their dual character: they are indigenous peoples, and they are a people in transition (Fox, 2004).

Santa María Tindú is a rural, indigenous village located in Oaxaca, a state in southwest Mexico. It was founded near two springs in an area where water is scarce. Tindúreños tell rich stories of the founding in the early 1900s, and of Tindú's patriotic but tragic participation in the revolutionary war. People say they used to make gunpowder from the feces of bats living in the surrounding caves. The elders report that during that time, an explosion killed all the women of the village, and the men had to find new wives from neighboring villages. Another tale says that if outsiders drink the water from the spring that comes from the Sabino tree, they will leave their hearts and never again want to leave because those who drink water from the great Sabino tree are of Tindú (Martinez de Escobar 1999, 115). This legend of outsiders becoming a part of Tindú also reflects the value of Tindú's auspicious location and its proximity to water and other important resources. Despite the presence of those resources, the



movement of Tindureños no longer reflects this legend. Outsiders who come are not staying, and the population of Tindú has been decreasing for decades.

Tindú first experienced significant effects of migration when the Bracero Program recruited workers into the United States in the 1940s. Although initially created to meet U.S. wartime needs, the pro-



gram continued to recruit agricultural workers into the 1960s. This set the foundation for more drastic out-migration later as the Immigration Reform and Control Act (IRCA) of the 1980s and the free trade policies in the 1990s created a push-pull effect that led to the migration of many rural, indigenous people in Mexico who could no longer make their livings in an economy based on subsistence agriculture. In the United States, IRCA provided a pathway to citizenship to three million undocumented workers, and analysts have estimated that free trade policies such as the North American Free Trade Agreement (NAFTA) pushed at least three million rural inhabitants of Mexico out of the countryside and into cities in Mexico or farther north to the U.S. This happened in Tindú, but even before NAFTA, the legacy of the Bracero Program had already left its mark. In 1992, over 60% of Tindú's population was living outside of Tindú, mostly as migrant farmworkers in the United States. By 2003, that number rose to 63% and continues to increase so that the population losses have become permanent.

Hometown associations (HTAs), formed in the 1990s by migrants, have provided important economic resources for developing infrastructure not only in Tindú and other localities but also at the national level. In 2008, remittances to Mexico totaled 25 billion USD, making it the second largest source of foreign income after oil revenues. Migration at the local, state, and national levels has become an important factor that sustains the Mexican economy. In 1996, only a few years after the citizens of Tindú had formed HTAs, they sent back 28,732 USD in remittances that were used for the construction of a bridge, the maintenance of the municipal building, the church, and the school. In addition, 22,000 USD was spent to purchase an ambulance, and 68,582 USD was earned by the migrants through the dollar-for-dollar program, which is an effort of the Mexican government to support the contributions flowing into the country by add-

ing public funds to expand infrastructure. These are only a few examples of how HTAs have contributed to the development of infrastructure that the state and national governments failed to provide. This paper explores the structure, contributions, importance, and implications of these organizations.

The indigenous practices of *usos y costumbres* (customs and traditions) that were tolerated and existed alongside the broader political system in Mexico were actually the core practices that allowed the home town associations of Tindú and other communities to organize in a binational way. Those practices and the related HTAs made it possible for migrants to provide tangible community benefits to Tindú itself. Thus, despite the effects of NAFTA and other neo-liberal reforms, tradition has been one of the most important elements softening the impact of modernization. Moreover, the particular forms of *usos y costumbres*, found in Tindú and other indigenous communities, continue to have a strong effect on the way migrants live in the United States. This is an ironic fact because significant out-migration from Tindú and other communities also threatens the decline of the governance structures and legal institutions in the hometown of Santa María Tindú, Oaxaca.

Methodology

Over the course of a year, a project that initially focused primarily on youth expanded into a larger analysis of the system of *usos y costumbres*. I interviewed twelve people and conducted extended participant observations in both Oregon and Oaxaca. I interviewed six people in Oregon, five in Tindú, and one in the nearby city of Huajuapán de León. In Oregon, I interviewed four young people between the ages of 16 and 23 and two older, male community members in Oregon's northern Willamette Valley. Each person in Oregon provided written consent for the interviews. In Oaxaca,

where I obtained the verbal consent of the participants, I interviewed four men and two women who varied in age.

Having been born in Tindú, I first had to name my parents and give people the opportunity to map out my kinship and see where our familial lines connect. This is important for the people of Tindú. During one of my first visits, when I visited the *Agencia* (city hall) and asked to meet those “in charge,” I was met initially with skepticism. Only after I identified the family to which I belonged and local people could place me, was I welcomed; only then were people willing to talk with me. I carried out this project with a dual role. I was a community member returning after many years, and I was also an outside researcher who was only there temporarily. This unique position allowed me to have knowledge and familiarity with the language, culture, and traditions of Tindú, but because I grew up in the U.S., I had a perspective that some Tindureños lacked. While this blend of perspectives can be an advantage, it can also be a limitation. I have struggled to represent accurately the people who often took hours of their day to talk to me and present my findings.

The Historical Context of Migration

In “Migration and Organization of Indigenous Oaxacans,” Rufino Dominguez Santos states that we cannot really pinpoint the exact time when Mixtec migration began; only that it has been going on for many years (Dominguez in Varese and Escárcega 2004). According to Dominguez, the migration probably began when the Spanish invaded the Americas over 500 years ago. Because of the historic migration routes in the Mixtec people’s past, Dominguez, a member of the Frente Indígena de Organizaciones Binacionales (FIOB), has called the Mixtec people historical migrants. He notes that his grandmother, a Mixtec woman, told how the Mixtec people first migrated from the Mixtec Region to the coastal

town Pinotepa Nacional where they harvested mangos, coconut, cotton, coffee, and bananas. While some went to Pinotepa Nacional, others went to Chiapas to pick cotton and harvest coffee. That local migration happened before the Mixtec people began migrating to the eastern coast of Mexico and then later to the northern Mexican states.

Mixtec people have a history of agricultural work. In *Borders of Belonging*, Martinez de Escobar notes that Veracruz was one of the first states to recruit outside workers from across Mexico to work in their agricultural fields, and the Mixtec region provided many workers. The first Mixtecs arrived in Veracruz around 1917 for the sugar cane harvest. They stayed and continued to work harvesting sugar cane, cotton, and coffee. Then, between 1925 and 1940, the first Mixtecs arrived in Mexico City where they worked in construction, gardening, and private homes.

In the 1940s, the first Mixtec people began arriving in Sinaloa for the tomato harvest. They migrated further north to Sonora, to Baja California, and then across the Mexican-American border into California. The Bracero Program, which lasted from 1942 to 1964, came during a time when the Mexican economy was rebuilding and preceded the decades of the Mexican Miracle from 1940-1980. The Bracero Program also coincided with a time when the United States desperately needed workers to replace those who entered the military or those who bypassed the agricultural sector to work in the industrial sector (Corbett, et al., 1992). Prior to 1940, therefore, migration had mostly been internal to Mexico, but the Bracero Program helped start the large waves of external migration from the Mixtec Region that flowed into the United States in the decades afterward.

Martinez de Escobar has identified two separate waves of migration. Adult males migrating to work under subhuman conditions characterized the first wave that spans the periods of internal migration and later the Bracero Program. The second wave involved migration to the United States

of undocumented workers, including many women, some by themselves and others with partners and families. During this second wave, migrants began having children in the United States, and in 1986, IRCA granted residency to more than three million Mexican workers, including many Mixtecs, a significant number of whom were from Tindú. For many Tindureño immigrants, obtaining legal residency in the U.S. under the terms of the IRCA provided important opportunities to help the advancement of their families in Tindú.

Because of its small size and rural location, Tindú lost many people during the second wave of migration, and the local population has never recovered. Benjamin Herrera came to Oregon for the first time as a teenager in 1993. Having lived in Tindú to witness the effects of IRCA, he commented on the effects of the IRCA in an interview. "This was when the misfortune of our town happened. The majority of the people came because they were given the opportunity to stay (in the U.S.) with the family reunification program. Whole families left, sometimes taking up to six kids out of school. This was the dagger that struck Tindú."

In the 1980s, after the Mexican economic crisis, the Mexican state increased its support for free trade and other neoliberal policies. Consequently, by 1994 when NAFTA was implemented, support for rural and family farms decreased and left rural, indigenous farmers vulnerable (Corbett, et al., 1992). The Mexican economic crises of 1982 is linked to sinking oil prices and mounting Mexican debt in combination with significant numbers of agricultural workers, primarily men, receiving legal residency in the U.S. under the terms of IRCA. Those trends led to the increased migration to the U.S. from Tindú and other rural, farming regions. Many men who qualified for residency petitioned for their wives and children to be allowed into the U.S. Other undocumented relatives found having a documented family member to be an important resource, regardless of

whether they themselves were eligible for legal residency. Maria Elena Santos recalled that there were families who harvested and sold crops in Huajuapán who did very well financially. The land had produced enough to sustain their families with a little bit left over for profit. After a while, however, even that was not enough. Those families who were well off began to struggle, and soon they too began migrating, a trend that was increasingly likely in the middle to late 1980s.

The IRCA of 1986 further criminalized immigrants by making the hiring of undocumented workers illegal. However, it also granted amnesty to three million undocumented people and created permanency to a group of migrants that had only recently begun migrating out of Mexico. According to Jonathan Fox, prior to the 1980s, migration from the Mixtec region was mostly internal and temporary. By the 1980s and 1990s, however, migration became external (to the U.S.) and permanent. Although increased border enforcement made the coming and going of people more dangerous and more expensive, undocumented immigrants nevertheless began settling permanently in the United States and started or continued to raise families. Thus the second wave of immigrants to the U.S. established a new generation of indigenous Mexican migrants in the United States.

Rocio Gil Martinez de Escobar (2006) has shown that many of the families residing in Oregon first lived in California. Her research shows that families who came from California to work in Oregon faced multiple financial difficulties that forced them to stay in Oregon. Ultimately, the expenses of traveling between the two states and paying rent in both states became too great. Today, Tindureños in Oregon are in Gervais, Woodburn, Molalla, Mt. Angel, Salem, Hillsboro, Silverton, and many other small towns mostly in the northern Willamette Valley, Oregon's fertile agricultural region. Many families originally came to this region in search of agricultural work that included harvesting fruits, working in nurseries,

pruning Christmas trees in the fall, and even working in canneries or other factories. However, the work sites of Tindureños in Oregon seem to be changing. Martinez de Escobar observes that "The work that Tindureños acquire in Oregon is increasingly going farther away from agricultural fields." Indeed, IRCA as well as individual efforts to achieve residency and citizenship have caused shifts in the labor force as well. Younger people are moving away from agricultural work into the industrial sector. Those who are graduating from high schools, community colleges, and universities will likely enter non-agricultural sectors. Among those I interviewed, few had plans of ever returning again to the fields again for work. Instead, their plans included going to college to pursue other careers.

According to Martinez de Escobar, young Tindureños in Oregon are less fluent in Spanish because they were born in the U.S. and were immersed in English at an early age. She says that now, unlike the prior two decades (1980s, 1990s), young people are not taken to Madera, California, to work as part of an internal circular migration pattern. Instead, they go to Oregon in search of a formal education and to learn English (95). Those changes help explain why there are more young Tindureños in Oregon than in California. In his interview, Marcos Aguilar reflected Martinez de Escobar's argument as he explained why his return migration to Oaxaca is unlikely.

[Tindú] cannot go backwards. One cannot return to the village... to a life in the countryside because the level of education and the standard of living they've acquired here [in the U.S.] will not permit them to. In that way, life itself is not going to allow us to return because that life is no longer applicable. Even if we are uneducated, we now have a different standard of living. And because I don't like working in the countryside, in the fields, I'm not going to return to do that. I have other goals that I cannot carry out there. Similarly, Tindureños have different goals that they cannot actualize there.

Thus, the level of education among Tindureños marks a difference in lifestyle. But this difference also marks the expansion of educational opportunities for Tindú's migrant population. While Marcos and Isabel, a U.S.-born second generation Tindureña, both find it hard to imagine a life in Tindú, two other young people I interviewed, Julia Rodriguez and Andres Mendoza have alternative visions of Tindú's future. They both are active in El Comité, a Tindú HTA, and take part in community functions.

Nineteen-year-old Andres and his family are in Oregon because of IRCA. After his father received legal residency in 1986, they moved to San Diego, California where Andres was born. He has graduated from high school and now works in construction with his dad. He returns to Tindú often and credits these visits with his ability to feel like part of Tindú. "[My dad] showed me the ways," he says. "[S]ince I was a little kid my dad's showed me how to communicate. When I go there, I feel like I'm from there. I think I feel I'm more from there than from here because I've been going since I was a little kid so a bunch of the old people know me, and I know the ways." During the interview, Andres was concerned about possible future land encroachments. He hopes that the new highway that will cross through Tindú will provide future economic opportunities (like restaurants and hotels) for Tindú that would help retain its people.

Julia, 22, has a more complex migration story. She was born in the United States, and after her mother was in a fatal car accident, Julia was taken back to Mexico to be cared for by her grandmother. In Tindú, she along with other young people, volunteered for the clinic to assist elders by making sure that they were taking their medicine, giving them shots, and simply reminding them about appointments. Julia returned to the United States when she was sixteen and has been in Oregon for six years. Instead of seeing Tindú as a place where "goals cannot be actualized," she sighs during the interview and says that in a few years, Tindú will be very nice. "Everything will be well fixed. The sewage system will be in place, the

roads will be paved, there will be more people, I hope. Yes, everything will be, well ... very nice.” While she has no definitive plans for the future, she said that she hopes to return to do something for her community. She also informed me that the new interstate that is being built and will soon cross through Tindú (connecting Tindú to Huajuapán and Pinotepa Nacional) and create more opportunities for the people and the growth of Tindú.

Oaxaca Governance

To understand how HTAs have structured activities that support human economic development and how they have encouraged binational mobilization, we first need to outline the basic structure of Tindú’s systems of governance. *Usos y costumbres* can be divided into two parts: the religious cargo (“charge,” or responsibility) system and the *Agencia* system of government (city hall) and the offices or cargos (“charges”) associated with it. The system of religious cargos usually consists of a group of people taking on the task of organizing a religious celebration, known as a *mayordomía* or *cofradía*. There are two celebrations in Tindú. The first, on December 8, celebrates Tindú’s patron saint la Virgen de la Imaculada Concepción. On January 18, the second celebration honors Padre Jesus. Religious cargos revolve around the pantheon of saints and virgins in the Catholic Church and grants special responsibilities to a group of people to plan a formal celebration in the community. It is the obligation of each family in the community to comply when a family member is named to a civil or religious cargo, usually for a period of one to two years (Figure 3).

For the celebrations, twenty-five to forty people will

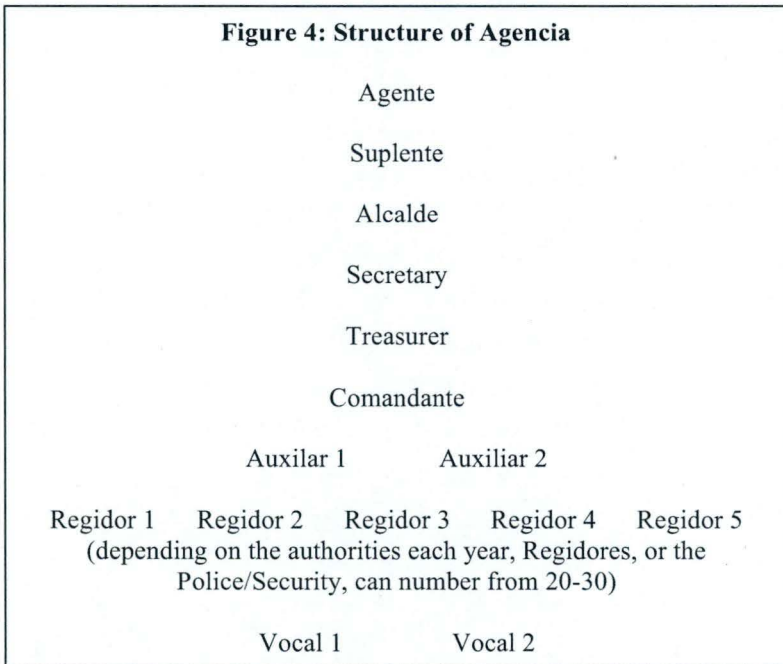
Figure 3: Mayordomía System
1 Mayordomo

Diputado 1 Diputado 2 Diputado 3 Diputado 4

Other members can number up to approximately 35

work for a year, dividing the costs according to the position. The higher positions will contribute larger amounts of money, with the *Mayordomo* contributing the largest portion, the first *Diputado* and his wife contributing the second largest portion, and so on. The participation of the wives of the *Mayordomo* and the *Diputados* is implied, and the wives are also given the titles of *Mayordoma*, and *Diputada*. All of them work together to provide a celebration full of food, beverages, music, fireworks, and candles for the church for the whole year. This system of *Mayordomia* works separately from the civil cargos in the *Agencia* (Figure 4).

Figure 4: Structure of Agencia



Each person in the *Agencia* carries out different tasks. The president has ultimate authority about projects and will often travel to meet with other community leaders or to solicit funds from the state. The *Suplente* can be compared to a *vice-Agente* and fulfills the role of the *Agente* if

the *Agente* is absent. The *Alcalde* in Tindú carries out a variety of tasks with the *Agente* and the *Suplente*. In Tindú, the secretary is now a hired position, rather than a cargo position. The remaining positions, from the *Comandante* down, are all jobs having to do with security. People in those positions perform the jobs of policemen, security during events and celebrations, and escorting people to the *Agencia*. Therefore, the tasks of each position can vary from year to year leaving room for each *Agencia* to customize its work to the current needs of the community.

The cargo system based on participatory community *asambleas*, or assemblies is coupled with the local form of community decision-making. In Tindú, an annual assembly takes place for the election of representatives and leaders. In most communities, the assembly is facilitated by a “*mesa de debates*,” literally a “board of debates.” The board notes the candidates for each cargo and administers the voting process that can be secret, semi-secret, or open. The types of people appointed can vary. Some communities value Spanish speakers and those familiar with “national society” and other state and federal governmental practices and functions. Other communities value the hierarchy of the system of cargos and mandate that those appointed to higher positions with more respect and authority must first be appointed to positions at the bottom of the hierarchy and work their way up. In that way, those communities show how they value knowledge of traditions and histories. In Tindú, neither of these approaches was ever a debated topic of conversation. Rather, these issues were minimized because Tindú lacks a large group of potential candidates to fill cargos. The Tindú community cannot afford to be picky. This fundamental conflict thus threatens to destabilize crucial aspects of *usos y costumbres*. At their annual assemblies, Tindureños gather to nominate people they believe should give service to the community, discuss the qualifications of those nominated, and hold an open vote.

In Tindú, the civil cargos of those in the *Agencia* and the religious cargos of those in the *Mayordomias* operate separately except for the nomination of the upcoming *Mayordomia*. In that case, the *Agente* has the final word on who will be assigned to carry out the tasks. The *Agente* is present and, if any changes occur afterward, then he must be notified. During the celebration, the *Mayordomia* works with the *Agente* to organize the Commander and his *Regidores* around issues of security.

Over the last several decades, the system of cargoes has experienced some change, or “modernization,” according to Alejandro Anaya Muñoz in *Indigenous Autonomy, Governability, and Legitimacy in Mexico* (2006). For example, there has been a shift of importance from councils of elders and healers to the constitutional authorities, especially the municipal agent. Anaya Muñoz adds that this system has developed in a process of “imposition, resistance, appropriation, and reinterpretation at a local, community level.” Because each community uses local and distinct forms of *usos y costumbres* shaped by differing social, economic, political and ethnic histories, the actual systems of *usos y costumbres* differ from municipality to municipality and community to community. He notes the impossibility of giving a definitive account of the electoral aspect of *usos y costumbres* and the difficulty of giving a specific and overarching definition to *usos y costumbres*. In Tindú, the continuation of *usos y costumbres* is largely due to the absence of political parties. That absence has left room for an alternative system of authority, governance, and political participation, although in other communities, party competition aligns with those holding civic cargos.

Another concept important for understanding *usos y costumbres* is *tequio*, which has no English equivalent. *Tequio* is unpaid labor that one is asked to do for the community. Martinez de Escobar describes it as “physical labor from the citizens for the repairing of structure or for the

construction of public projects. It is a ‘duty.’” Tindureño migrants who are not in Tindú to do the actual labor are asked for a financial contribution that would equal the time they would normally spend doing *tequio*—one hour’s wage per month, which at the time was \$5, totaling \$60 per year, an amount that currently holds (Martinez de Escobar 2006, 220). *Tequio* is the labor that allows public works projects to move forward, but without people present to carry out the labor, it is more complicated to move projects forward.

Perhaps the simplest way to think about cargos and *tequio* labor is that they are key components of the obligations and duties that local citizens are expected to carry out in return for the bundle of rights they receive. The rights they receive as citizens of Santa María Tindú include access to communal land for farming, house lots, communal forests, water, sand, gravel, and other resources as well as the right to be buried in the local cemetery and to participate in community decision-making structures and meetings (Stephen 2005).

Usos y Costumbres in Tindú

Santa María Tindú employs a traditional type of *agencia* that has begun to change in recent decades in response to mass migration. During a term of office, the *Agente*, as the face of Tindú to outsiders, mediates conflicts with neighboring towns and sometimes meets with the other nineteen *agentes* in the municipality (county equivalent). The *Agentes* are in charge of initiating and carrying out public works projects, often by finding the resources (from migrants or funding from the state). Nicasio Dominguez, during his time as *Agente* in 2000, spent approximately two million pesos to expand the electricity system, build a garage to store the town ambulance, and expand the potable water system.

Aside from committees representing the *Agencia*, other committees

exist for the clinic, water system, school, and security. These groups elect a *Mayordomo* or a committee head to organize people to clean and maintain each committee's designated site. Some committees, such as those for water, schools, and the church, are permanent. Other committees can be created as issues arise. Those committees mostly focus on doing maintenance. For example, the school committee organizes people to clean the schools, and to meet with the parents, while the Water Committee's main job is to turn the water system on and off each day and to maintain and fix broken or leaking pipes.

Reymundo Cortes, who was *Agente* in 2004, inherited the fish tanks project. If successful, the project would have created jobs related to the maintenance of the fish tanks, and breeding and feeding the fish. The idea was to farm fish for sale in the markets in Huajuapán, but the project was unsuccessful. The fish died and the fish tanks are empty and abandoned. Cortes recalls that during that time, his work was especially hard because he had no *Suplente*, similar to a vice-mayor. "During my term ... I was Municipal Agent; I had councilors, but I didn't have a *Suplente*. And this is the weakness of our community. There are no people to hold the cargos." Although he worked hard to maintain the project, he says that without the support of local citizens Tindú's authorities are powerless. "Without its people, [Tindú] can't do anything." When interviewed in July 2010, Cortes was on the *Comité* for the clinic. Before that, he headed that same committee in 2007. He is continually asked to take on cargos and the distribution of cargos among few people makes it hard on him and his family. "I just can't. I cannot lend my services to the people so often out of necessity. I have to work." He continued to explain:

But I had to accept the position, and I'm currently on the committee for the clinic. And right now we are working, we are remodeling our clinic, and we are asking for support from our people who

are in town and why? Because we are those who have deserved that service (of the clinic), then yes, if I have my job, I'll accept because I think I can still take on cargos at my age. I am still at the age [when] citizen to give service. But after a while, when I have my 60, 65 years [sic], I think the law itself gives me rights that I rest, so I stop paying my services. So my concern is rather to the people who definitely did not want to return.

Cortes is frustrated with being one of a few people who can serve in the cargo system. The result for him has been repeated service to his community in different cargo positions that leave him little time to work and earn a living. While remittances are helpful, as long as Tindú lacks people to administer the funds and carry out local projects, the impact of simply sending funds is limited.

Although Cortes acknowledges and values contributions that migrants have made and realizes how integral the funds are in creating successful public works projects, he also says that the migrants' absence has had profound effects: "Thank god that our forefathers and our ancestors, the elders, settled in a very sacred place; yes, sacred. Because nowhere else will you find springs. We're not going to find water anywhere else like we find in Santa María Tindú." Because of the effects of migration on Tindú its system of governance, and community participation, Cortes wants to propose a vote in which Tindureño citizenship will be accepted or denied. This idea came after he talked with other community members who thought it was unfair that they have to occupy so many cargos simply because not enough people were available to fill the cargos in the *Agencia*, and the committees. All of these groups are working in different aspects of the community. Less community participation means that projects are harder to create, fund, and sustain. People power is what Tindú lacks—people who live there and give *tequio*. Cortes then speaks of those who he feels do not participate in Tindú:

[T]here have been people turning their backs on us. Our own people turn their backs to us, turn their backs to their community and that's not fair. There have been times when people ignore Santa María Tindú. They turn their backs to Tindú. They reject the cargos, they do not accept them. But then they casually return trying to sell their land, wanting to sell and break up the land. They go see the *Comisariado*, the Municipal Authority. And what do the authorities do? Well the authority wants to fulfill his post honestly so he says, I'm sorry but I cannot grant you those rights [to sell his land]. Why? Because you have many years of absence, you have been away from Santa María Tindú. And I have a report here, and it shows that you have not given your services to Tindú [while in the U.S.].

The new governance proposal would force people to grapple with the reality that many people leave with the intention of returning but do not. If Tindú is evolving into a permanently dispersed, transborder community, should it change its governance structure and definitions of citizenship to match that reality?

Usos y Costumbres Outside of Tindú

Migration is changing the definition of community membership in order to maintain ties with the absent community members (Varese and Escárcega 2004).

At a time when community membership is being reorganized in Tindú, so Tindureños in the U.S., whether documented or undocumented, are grappling with the same issue. Because of the mass outward migration, language, food, and religious traditions have been exported from Tindú into multiple U.S. host regions. In exchange for community membership through *tequio*, Tindureño migrants in the U.S. have reorganized the ways they participate and interact with Tindú while they are abroad. *Usos y costumbres*, or the rights and duties of local citizenship in Tindú including

cargos and *tequio*, gave Tindureño migrants an organizational model that they extended and adapted to their lives in California and Oregon.

Following the creation of La Mesa Directiva, or the Board of Directors, in the farming community of Madera, California, two other hometown associations were formed: El Comité Seccional, or the Support Committee, in Oregon's northern Willamette Valley and La Organizacion Civil Tindureña, or the Tindú Civil Organization, in Huajuapán de León, Oaxaca. The third of those HTAs is located just three to four hours away from Tindú by car or bus. The organizations in the U.S., La Mesa Directiva and El Comité, both use the rules of *usos y costumbres* to elect representatives and their system of cargos is similar to those in Tindú.

The roots of these organizations are in the 1980s when a group of citizens residing in California began fundraising to help with the construction of public projects that benefited the community in Oaxaca. The Municipal Agency in Tindú was remodeled with the money raised through those efforts. Noticing that migrants were interested in continuing to participate and contribute, the municipality of Tindú sent Tindureños in Madera *nombramientos*, or appointments, to some of the committees that were in Tindú itself. These early binational committees lasted for several years before too much disorganization and miscommunication led people in Tindú to rethink the structure.

In 1995, the people in Madera decided they needed an organization to communicate directly with Tindú and to disseminate information. After organizing to get all the Tindureños around Madera together, the first assembly gathering of the Tindú community happened in the United States. At that assembly, La Mesa Directiva was proposed to the municipal authorities in Tindú as an extension of municipal authority. Meanwhile, Tindú called its own assembly to consider the request. With the consent of the community in Tindú and the community in Madera, La Mesa Directiva

became official, solidifying a long line of financial aid that had come from the United States since the early 1980s. The naming and approval process followed the traditional structure and process in Oaxaca and extended it to a binational structure.

One year later, in 1996, people from several communities in Oregon formed El Comité Seccional as a support organization for La Mesa Directiva to raise funds for community development and:

to maintain a permanent communication with our municipal, state and federal governments to work together on social welfare projects for our home town, an aim that was at first difficult, because to organize, to work with an organization, a people or a government, is a difficult task, because life never allows us to act in ideal conditions rather those imposed on us by our reality (Martinez de Escobar 2006, 231).

All three HTAs have contributed to public works projects that include expanding access to electricity, paving basketball courts, building fish tanks and sewage facilities, and paving major roads. Again, Tindureño migrants used the existing organizational structure of Tindú to integrate a new type of citizen into Tindú: the immigrants abroad, their families, and their U.S.-born children.

Interestingly, the hometown association closest to Tindú is the least active. Two reasons may explain why that is so. First, the hometown associations in the United States exist to raise funds for public works projects in Tindú. In one or two events, El Comité can raise up to 3,000 USD through entrance fees, food and beverage sales, and raffles. At the exchange rate 1USD:12-13 pesos (winter 2010), the efforts can turn into a substantial amount of money available for projects in Tindú. In Huajuapán, it is simply not realistic to raise a matching amount. Another reason is that proximity may undermine the sense of urgency that is present for

Tindureños in the United States. In the U.S., because of legal status and for financial reasons that increase with distance, it is more difficult to travel back to Tindú. The HTA in Huajuapán has more opportunities for direct communication but less access to financial resources. This combination of circumstances may have facilitated the lack of commitment and the decreasing communication and collaboration between the authorities of Tindú and the HTA in Huajuapán.

In a recent article, Jonathan Fox and Xóchitl Bada introduce the concept of “civic binationality” in relation to the host nation and the migrants’ nation of origin. The concept of civic binationality, as the authors describe it, is useful for understanding the ways that local citizenship is being redefined in the multiple locations of Santa María Tindú. Fox describes civic binationality as “practices that are engaged both with U.S. civic life and with migrants’ communities and countries of origin” (Fox and Bada 2009). Although binationality is a useful concept, its focus on the nation state leaves less room to explore the ways that indigenous people across the world have learned to navigate across national boundaries despite the imposition of the nation state on many of their past territories. The term is useful for describing Mexican migrants to the U.S. and their civic engagement (e.g. the 2006 immigrants’ rights mobilizations). Yet, because the definition is rooted in the nation, it has limits that become clear as we see how often *usos y costumbres* existed on the national margins in both Mexico and the U.S. Tindureños are binational in the way that term often describes the movement that is often understood as a transgression of established national boundaries. At the same time, however, Tindú’s hometown associations complicate the duality that binational implies.

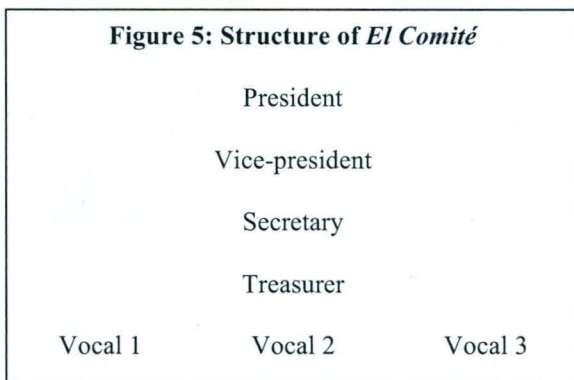
El Comité

For migrant Tindureños, *usos y costumbres* takes a more binational approach as the hometown associations create a link between commu-

nities dispersed in two countries. Gaspar Rivera Salgado has referred to this structure as translocal community citizenship. El Comité Seccional de Santa María Tindú has a structure of *usos y costumbres* similar to that practiced in Tindú. An annual assembly disseminates information, updates plans, and votes for projects. Each cargo lasts two years, so that at every second assembly, new nominations take place. A *mesa de debates* reads the names of the citizens in the area, notes nominations for each position, and administers the open voting process. I was present for the assembly that occurred in 2008. Although I was unfamiliar with most of those nominated, and abstained respectfully, others talked me into voting because, as a citizen of Tindú, I had to participate; it was my duty. The following figure shows the structure of El Comité.

Nominated every two years are a president, vice-president, secretary, treasurer, and two or three *vocales* (see Figure 5). The president is the one most responsible for *El Comité*. He works with the vice president to outline how they will work, the projects they will undertake, and the important points they will present to meetings of the assembly. The vice-president is second-in-command and works closely with the president to coordinate meetings, events, and other projects. The secretary is in charge of processing documents and recording contracts and settlements. The treasurer is responsible for all things relating to money including all collections and contributions. The treasurer acts as a safe deposit-box because the money is not kept in a bank.

Figure 5: Structure of *El Comité*



The *vocales* are general committee members (two or three) who do the home visits to collect contributions. They cover the area from Gervais (which has the largest concentration of Tindureños), Woodburn, and places in Washington and Idaho. The families in Washington and Idaho are often reached through phone, but on certain occasions, the *vocals*, and sometimes the whole *Comité*, make home visits to update more distant people about how their contributions are managed.

Fundraising is the primary way to generate support. Citizens over eighteen years of age who reside in the U.S. contribute \$60 each year. That contribution stands in place of *tequio*, and is a way to guarantee that one is fulfilling the minimal responsibilities of citizenship even in abstentia.

The role of the treasurer is particularly important to the function of El Comité. Today, El Comité continues to function primarily as an organization that raises funds that, combined with the funds from La Mesa Directiva, go towards projects that will benefit the community in Tindú. In Oregon, fundraising efforts focus on various activities such as dances, basketball tournaments, and raffles. Using the money collected from community citizens, El Comité has created an informal economy. It is not registered or recognized by the state of Oregon. It lacks non-profit status and exists completely outside of the jurisdiction of the state of Oregon. Thus, the treasurer is in a unique position of trust to collect all money and hold it in a secure place. The interviews revealed that the money is actually held in a safe box; the informal economy does not use banks or credit unions to hold money. Moreover, the treasurer's citizenship status would likely dictate whether he would even be able to hold funds in a financial institution, regardless of his preferences.

A significant amount of money has been moving from this small, organized group of people. From individual remittances to family members, or group contributions for public works projects, Tindureños,

often agricultural workers, demonstrate a remarkable level of organization and fundraising capacity. And having full control of the funds by keeping it outside of financial institutions has provided benefits not just to Tindú, but to community members in Oregon. *El Comité* grants short-term loans to its Tindú community citizens. This means that loans become available to some families who may be unable to obtain loans from banks. For undocumented individuals and families who are unable to obtain licenses in Oregon and lack job security, the capacity to borrow money from *El Comité* becomes an important safety net, one that banks and other lenders may be unable to provide. According to Mario Sanchez, currently Vice-President for *El Comité*, Tindureños use these loans often, and he says that it is not rare to decline loans to people because they have exhausted their funds. So far, this informal economy has functioned because some people continue to accept the cargos and continue the broader practices of *usos y costumbres*. As undocumented immigrants are increasingly criminalized and their ability to travel becomes compromised, the involvement of second-generation immigrant youth can be significant because they are eligible for driver's licenses and better paying, more secure jobs.

At the same time that there is an increase in the criminalization of immigrants, the naturalization of Tindureños is creating an interesting power dynamic. As of July 1, 2008, Oregon's SB 1080 required proof of citizenship to obtain a driving license. This created a significant set of barriers to undocumented people, including the inability to purchase car insurance, have bank accounts, take out loans, and obtain employment benefits with complete legal protection.¹ The militarization of the border² and the increased collaboration of Oregon's police forces with the U.S. Marshal to incarcerate and deport undocumented immigrants have created a climate in which even the mobility of people to and from community events is highly risky.³ The higher risk further increases the importance of the infor-

mal economy and the participation of young people to continue to practice it. There is not enough information from the interviews to discover whether participation by young people is stable or decreasing. Evidence suggests, however, that participation is not increasing significantly, if at all. This might be because Tindureño citizenship provides privileges and benefits that the second-generation immigrants feel they do not need (such as the ability to receive a loan) as they can count on all the legal protections of the law.

The criminalization of undocumented immigrants and the simultaneous legalization/naturalization of the second generation create an interesting power dynamic in which differing levels of integration into the U.S. legal system makes some Tindureños capable of participating in different capacities. For example, during the 2008 *nombramientos*, a Tindureño who was undocumented declined his nomination because he would be unable to fulfill the duties that the position required. Subsequently, a U.S. born Tindureño who came for the first time was nominated. As Mario Sanchez recounted the events, the father of that individual spoke first and said that his son was unable to take that position because he was born in the United States—in other words he was not a citizen of Tindú and therefore not qualified to hold the cargo. The father put into question the citizenship and eligibility of his son to hold this cargo. Then his son said he would accept the nomination if the assembly accepted him. The assembly agreed that if he wanted to accept the nomination, they would in turn accept him. This marks a clear distinction in the responsibilities some Tindureños are asked to assume. The question regarding who can hold a cargo also reveals different understandings of community citizenship and different levels of expectations across place and time. Additionally, the question shows how Tindureño citizens in Oregon are currently changing their own definitions of community membership to include someone whose status as a commu-

nity member was previously unclear. It is hard to say whether El Comité had previously faced this predicament or whether the young man's integration was a precedent. Perhaps El Comité unwittingly set an example for subsequent members—if U.S. born children of Tindureños want to take part in El Comité, they are welcomed as full citizens.

Conclusion

The new citizenship model that has developed in Tindú involves a person who moves away and does so permanently, yet still seeks to maintain a relationship with the hometown. The new Tindureño citizens are binational and trans-border citizens who, in crossing national boundaries from Mexico into the U.S., must navigate both states. As they cross national borders, they are crossing multiple social, cultural, linguistic, and political borders that are not adequately described by such terms as binational or transnational (Stephen, 2007). The Tindú community has created a binational and trans-border culture that connects rural Tindú to multiple places across Mexico and the United States, with strong representation in California and Oregon.

In *The Mixtec Route*, Jonathan Fox talks about “a new citizen,” one who is readapting not only in strategy, but also in discourse amid a changing context; one who in coming and going is creating a new space where social and cultural relations are redefined (21). He describes it as a new type of globalization, a “globalization from the bottom.” Because indigenous Mexican migrants and the practice of *usos y costumbres* have lived on the margins but are now being dispersed with immigration, “globalization from the bottom” is perhaps the best way to describe the new reality. In the case of Tindú, the people's practice of *usos y costumbres*, which was tolerated and existed alongside the political party system in broader Mexico, was the very reason that migrant Tindureños were able to form hometown

associations that provided tangible community benefits. For Tindureños, tradition has been one of the most important elements softening the impact of migration and modernization. However, migration and modernization threaten the governance and legal institutions in Santa María Tindú at the same time that *usos y costumbres* in Oaxaca are having strong effects on the way migrants live in the United States.

Some of the U.S. born children, many of them a legacy of IRCA, promise to return. I have met an aspiring medic, an aspiring nurse, and aspiring politicians whose migration experience are products of a life that is on the economic, political, and social margins of Mexico. Yet marginality is proving to be a springboard that puts them in a place where, through much hardship, many of them are able to access resources that give them more ability to mobilize. The subjects of this study say that their roots are hard to forget. Their actions will shape Oaxaca as Oaxaca shaped them. Similarly, indigenous migrants are introducing alternative models of politics, shaping the political, social, and cultural geography in ways that the political, social and cultural realities of the U.S. have shaped their lives. As young Marcos said, our lifestyles, hopes, and dreams do not lend themselves to be fulfilled in rural Tindú.

I visited Tindú during the summer of 2010. It was really hard to leave with hope after visiting Tindú during a time most marked by migration. The migrants who are able to come often visit Tindú during the patron saint celebrations in the fall and winter. During the summers, the community is quiet, and *triste*—quiet, sad and abandoned—as the people have gotten so used to describing it. It is hard to say how the dreams of Tindureños will be realized. Many people with diverse migration stories have different hopes and aspirations for Tindú's future. Like other rural indigenous Oaxacan communities facing similar challenges, Tindú is in the midst of a transition with effects still to be weighed and a legacy still to be written.

From temporary to permanent migration, from first generation migrants to the second generation of U.S. born citizens, and from the movement away from agricultural sectors, Tindúrenos, historical migrants, will be redefining who they are and the community to which they want to belong.

(Endnotes)

- 1 ACLU of Oregon, www.aclu-or.org.
- 2 Obama sent 12,00 troops to the border in 2010. www.msnbc.msn.com.
- 3 Clackamas County jail renewed a contract with the U.S. Marshall for \$1.9 million in FY 09. Additionally, the *Oregonian* reported that three ICE agents currently work in Washington County and six agents in Multnomah County. On June 4, 2010, one third of the inmates in Colombia County Jail (55/166) were held for the U.S. Marshall. At Clackamas County Jail, the first question asked of inmates is "Where were you born?" An inability to speak English and the failure to provide a social security number or a permanent address are grounds for suspicion and most are reported to ICE for further investigation. As of September 2009, 587 inmates were referred to ICE.

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