

ADVOCATE

In the broccoli and strawberry fields of central California, LGBT farmworkers face everything from violence to cuts in pay simply for being who they are. How one woman and a cutting-edge legal project are leading the fight for justice.

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Two hours south of San Francisco in the agricultural hub of Salinas, Calif., a Mexican immigrant worked as a foreman in a produce packing plant, supervising nearly 100 people for eight to 10 hours a day, sometimes seven days a week. In three years on the job, there were never any problems with coworkers or the boss -- until the foreman began transitioning to be a woman.

"After I started taking the hormones and dressing like a woman," Sandra says in Spanish via a translator, "I started being treated differently."

Her salaried pay was decreased to an hourly rate, and she suffered almost constant verbal abuse. Her boyfriend, who worked at the same plant, was beaten so viciously, he needed to take sick leave for three days. Yet instead of the attacker being fired, Sandra was demoted from her supervisory job. "I knew they were discriminating against me for who I was," she says. "And they continued to put pressure on me that made my life very difficult."

So Sandra fought back. She and her boyfriend found an attorney, sued their employer, and eventually won a settlement out of court. And as the case progressed, Sandra says that she realized something vital: "There's a lot of different types of help for us."

Lisa Cisneros, a 28-year-old attorney, is one of those sources of help. A graduate of the Boalt Hall School of Law at the University of California, Berkeley, Cisneros grew up in Salinas and now practices law for a special kind of client in her hometown: LGBT farmworkers.

"They're very brave," says Cisneros from her office in East Salinas, a heavily Latino neighborhood with a large farmworker population. "Imagine being a transgender woman working in the middle of a broccoli field. It takes a lot of courage."

For Cisneros, who came out as a lesbian while still living in Salinas, her work couldn't be more meaningful or important. As the head of Proyecto Poderoso (or Powerful Project), a rural legal project for low-income LGBT people, she describes her mission as making "safe places for people to live, work, and go to school."

Proyecto Poderoso, cosponsored by California Rural Legal Assistance and the National Center for Lesbian Rights, is one of the first outreach programs of its kind in the United States. Started in September 2007 with a grant from Pride Law Fund's Tom Steel Fellowship, the project was conceived after attorneys for CRLA noticed an increasing number of cases involving sexual orientation discrimination and harassment, particularly in Salinas, a magnet

for Latino farmworkers. CRLA has 21 law offices throughout the state and provides free legal services to low-income people, many of whom are Spanish-speaking.

The increase in cases, says Mike Meuter, CRLA's director of litigation, advocacy, and training, was the result of comprehensive pro-gay workplace legislation passed and signed into law in California earlier this decade. Once awareness of these state-protected rights started to be raised in places like Salinas, more and more gay, lesbian, and transgender clients, including Sandra, were walking into CRLA offices. By 2006, Meuter says, the nonprofit realized "we didn't have the expertise in-house, and we needed to do something."

In the meantime, Cisneros was finishing up her law degree at Berkeley. As a student, she was one of the senior editors of the *California Law Review*, worked as a judicial extern in federal court, and received the prestigious Francine Diaz Memorial Award for her public service and contributions to the university. As she was preparing to graduate, she received an e-mail about Proyecto Poderoso.

When she got it, Cisneros says, "I knew I couldn't ignore it. I grew up in Salinas, and I'm bilingual, gay, and Latina. There aren't a lot of people who can bridge these different communities."

So instead of heading off to a big law firm in San Francisco, Cisneros headed home. While in high school, she had actually spent a week in the fields

picking strawberries. "The job is very tough physically," she says. During their youth her grandparents had earned extra money by picking fruit.

During her time at Berkeley, Cisneros was also a law clerk at the National Center for Lesbian Rights, so she contacted the organization to see if it wanted to team up with CRLA. A deal was soon made, yielding not only a committed legal activist in Cisneros but a key partnership with an LGBT group that had the kind of legal expertise CRLA was seeking for Proyecto Poderoso. NCLR, says Meuter, "has years of experience in this field that we don't have."

In her job Cisneros consults with CRLA lawyers about possible violations of sexual orientation antidiscrimination law, raises awareness of LGBT workplace rights among Latinos in Salinas and other towns, and handles her own cases. Her experience is a strong rebuke to the notion that "everyone who's gay lives in San Francisco and Los Angeles," she says. "There's a definite LGBT population in the rural areas."

Indeed, according to Gary Gates, a senior research fellow at the Williams Institute at the University of California, Los Angeles, the numbers prove Cisneros's assertion: His analysis of Census data indicates that areas outside large metropolitan areas like L.A. and San Francisco have had the biggest increases in same-sex couples. "Gay people are becoming more visible outside major urban areas, and they need more services" in those places, Gates says. He adds that residents of rural areas and smaller communities "can also be more isolated, so they don't have the same kind of social networks to know the various issues."

But raising awareness of antidiscrimination law is one thing -- enforcing it is also a top priority for Proyecto Poderoso. Although California is a good state generally for LGBT workers, says Shannon Minter, NCLR's legal director, "the laws may as well not exist if gays and lesbians in rural areas don't have access to legal assistance. And employers must know they can't go around these laws."

Cisneros says she regularly hears complaints of harassment on the job, threats and displays of physical violence, and lower pay for farmworkers who are gay or perceived to be gay. "There are a lot of power plays in the fields," she says, but "LGBT people are only asking for a job and to work with dignity."

One worker was demoted from harvesting broccoli with other men when it was discovered he was gay. His pay rate was reduced, and he was moved to a job assigned to female workers in the wrapping and sorting area. "He was humiliated because he wasn't seen to be a macho man," Cisneros says.

Another male worker, whose job involved detailing small airplanes, was soft-spoken and more sensitive than his peers. Although he wasn't gay, coworkers slapped that label on him; they forced him to look at heterosexual porn, and he became the target of verbal abuse, even from his supervisor. A lesbian couple working at a fast-food restaurant endured daily verbal harassment from their coworkers and supervisor, who preferred to address them with derogatory epithets rather than their names.

Proyecto Poderoso holds employers who allow such harassment accountable by going to court. In an important display of unity, it also helped LGBT farmworkers organize a Gay Pride Day in Salinas. "It was only a one-block

walk," Cisneros says, "but a lot of people showed up, and it helped make them feel they were part of a community."

"Legal services in rural areas is really the new frontier," says Minter of NCLR. Says Cisneros: "It really comes down to this: Who should be protected by antidiscrimination laws? Are they just for people who live in the big cities? Or are they for everyone?"