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Standing While Latino
Understanding Day Labor Ordinances in California Cities

A Thesis submitted in partial satisfaction of the
requirements for the degree of Master of Arts

in

Latin American Studies

by

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2009

The Thesis of Emily J. Erickson is approved and is acceptable in quality and form for publication on microfilm and electronically:

Chair

University of California, San Diego

2009

DEDICATION

I dedicate this thesis to my brother Mark and my compadre Eduardo, for introducing me to the lived realities of globalization in Tijuana and for reminding me that while I can't change the world for everyone, I can make a world of change in the lives those around me.

EPIGRAPH

The nation issue of migration becomes a struggle which is played out at the level of the locality in terms of an experience of threat and loss, and the desire to reassert control over one's territory, one's spatial habitus.

- Leonie Sandercock

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ABSTRACT OF THE THESIS

Standing While Latino Understanding Day Laborer Ordinances in California Cities

by

Emily J. Erickson

Master of Arts in Latin American Studies

University of California, San Diego, 2009

Professor Marissa Abrajano, Chair

As day laborers continue to seek work in suburban communities throughout Southern California, the reaction of cities and communities to presence of this new immigrant labor group is varied and complicated. Reactionary policies representing a nativist backlash to the presence of poor Latino male immigrants within traditionally upper and middle class native populations underscore the sense of fear and loss that demographic changes create within native populations. In the absence of national policy outlining the role of local government agents in the policing of immigrants, hyper-visible day laborers operating within the racial spaces of Southern California bear the brunt of anti-immigrant sentiment at the local level, witnessed through the rising levels of restrictionist day labor ordinances.

Chapter 1: Introduction

What is it about illegal immigration that unhinges otherwise reasonable people, leading them to propose inhumane and unworkable remedies to the problem? Yes, it is frustrating to have 11 million or 12 million people living in the shadows of our society. We get it: They shouldn't have come here illegally. They should have worked through proper channels and not jumped ahead of other immigrants seeking a life in the United States...But that's no excuse for legalizing discrimination.

- LA Times Editorial Board, May 9, 2009

Forget the halls of Congress, the newest arena for immigration debates are city council chambers. As national immigration policy reform continues to stall in Washington, D.C., the focus has returned to the local implications of immigration. Cities from Hazelton, PA to Farmers Branch TX, and Escondido, CA are enacting ordinances targeting settlement patterns and use of public spaces and services within their local immigrant populations. In the absence of national policy outlining the role of local government agents in the policing of immigrants, hyper-visible day laborers operating within the races spaces of Southern California bear the brunt of anti-immigrant sentiment at the local level, witnessed through the rising levels of restrictionist day labor ordinances. Although both sides of the political spectrum include immigration reform on their party platforms, the last major piece of federal immigration legislation took place during the mid-1990s when Clinton restricted welfare benefits for immigrants and increased border protections through programs like Operation Gatekeeper. Not since the 1986 Immigration Reform and Control Act

has the federal government enacted sweeping legislation addressing the presence and entrance of undocumented immigrants within the country. George W. Bush tried to push a US-Mexico guest worker program through Congress but was twice derailed; once by the events of 9/11 and a second time by his historically low approval ratings. Without a realistic immigration policy, the number of undocumented immigrants continues to rise, placing an undue burden on local governments. Local police departments must decide whether to take the additional responsibility of verifying legal residence status of its community members, public services stretch thin, and local governments struggle to maintain social cohesion as debates over the legal status of immigrants threaten to tear communities apart.

In the absence of national level immigration reform, municipalities across the nation are left to their own devices to decide how immigrants are received within their communities. In a 2008 report for the International City Managers Association, Rubaii-Barrett wrote

The current piecemeal approach to immigration – in which some local government provide sanctuary to undocumented immigrants and others force landlords to check the immigration status of all tenants – jeopardizes the safety and security of citizens and immigrants alike, strains small and large businesses relying on immigrant labor, imposes significant burdens on the economic and social fabric of localities and creates intergovernmental tensions that may impede effective working relations on other issues (p. 3).

Within this environment of piecemealed local immigrant ordinances, day laborers have been singled out as a target for nativist, or anti-immigrant policies and actions by local government and activist groups leading to conflicting policies on the legality of day labor work within cities and counties. The results is a Southern California region

in which day laborers can cross streets and become an illegal presence as neighboring cities take different approaches to the solicitation of work on public streets. Day laborers are forced to live in communities surrounded by invisible but rigid walls dictating where they are welcome or not, these walls surround wealthy neighborhoods, shopping centers, and in some cases entire communities. These walls are often constructed by local residents, merchants, and governments out of fear of the newly arriving immigrant others, a group commonly identified as hypervisible day laborers.

In recent years, there has been an increase in local governments enactment and enforcement of immigration policy, a policy area historically left to the federal government. Leaving little room for doubt in his meaning, in a 1976 ruling Supreme Court Justice William Brennan wrote that the “power to regulate immigration is unquestionably exclusively a federal power.” While the major immigration policies that regulate who enters the state, how, and when have historically come from the federal government – from the 1924 National Origins Law to 1986’s Immigration Reform and Control Act – local agencies have a history of filling in the gaps. The United States’ lack of an immigrant policy – one which dictates how immigrants are to be received within the state – has historically left local governments to fill the void. In turn of the century San Francisco exclusionary ordinances were passed targeting Chinese immigrants in an attempt to alter their settlement patterns within the city. These took the form of regulating the amount of cubic air necessary per person in a bedroom, banning the use of sidewalks by Chinese laundrymen carrying bundles of laundry, and Chinese miscegenation laws (Molina, Winter 2009). Today cities

throughout the state and nation are following San Francisco's early example of localized immigration policies. From the infamous 2006 Hazelton, PA law which punished local landlords and employers for hiring or renting to undocumented immigrants, to Farmers Branch, TX which placed officials in charge of verifying the legal status of new residents to the city. A 2008 survey of municipal action related to immigration found 98 such restrictive policies either proposed or passed at the local level (Ramakrishnan and Wong 2008).

The debate surrounding these policy decisions at the local level are intense and real. Residents feel a sense of loss as storefronts change names and languages, and the shared memories and histories of a community are changed by a new population's entrance into the community. Reactions to these changes vary, on the one extreme is Farmingville, New York where the 2000 beating of two day laborers shocked the local community and grabbed national headlines as two Farmingville natives picked up two day laborers, drove them to an abandoned building and beat the laborers within inches of their lives (Tambini, 2004). In the 2004 film, *Farmingville*, the directors explore the panicked environment felt throughout the community in response to the new and growing presence of Latino day laborers. The years leading up to the violence were defined by fear and protest in Farmingville, from protests to counter protests, citizens organizing campaigns, and day labor organizing campaigns. While local officials tried to sort out what they had the legal authority to do, what the residents wanted, and what was morally sound, the situation worsened. Farmingville's tragic spiral into violence

can be seen as a warning to other cities struggling with issues of social cohesion in the face of rising levels of visible immigrants.

Locally, the San Diego Minutemen, proudly list off the 42 day labor hiring sites throughout San Diego County and boast that their “efforts have resulted in the closure or partial closure of at least four sites this year...The citizens support our efforts and we will continue to *clean up our own neighborhoods* through operations and activities” [emphasis added] (San Diego Minutemen, 2008). Their efforts, like those of many nativist groups, involve the monitoring of day labor sites; harassing potential employers, taking pictures of the hiring process, and a variety of other intimidation tactics all with the same goal: discourage the hiring and seeking of employment by day laborers on public streets, storefronts, and parking lots. These tactics not only harass an already vulnerable group, but contributes to a sense of panic and hysteria within the community about the presence of day laborers. Reading through the *Orange County Register's* online comments section of their news articles opens a new world of political debate not available in the print editions. In response to an article about a City of Orange proposal to require proof of legal residence to use the city sponsored hiring center, one commentator wrote “I am so sick of these ILLEGAL immigrants protesting in America’s Streets for thier so called “civil rights”! How can ILLEGAL’s have any rights at all? They broke our laws and should be deported immediately” [sic] (The Orange County Register, 2007). As visible others, day laborers are seen not only as intruders or unwelcome foreigners, but as criminals as well.

Using the Southern California region as a case study, this paper seeks to understand not only the presence of day laborers within our communities, but the reason they represent such a threat to so many communities and to begin to understand how and why cities react to the presence of these men, as day labor is almost exclusively a male labor force, who appear daily on street corners. The choice of this region is not arbitrary. Given its historic roots as part of the Mexican state and large native and foreign-born Mexican population, one might expect the Southern California residents to view visible and new Latino immigrants with a blasé sense of normality. Yet this is not the case, as discussed in this thesis, cities and residents from the region have taken strong nativist stances to the presence of day laborers, banning them, harassing them, and criminalizing them for standing while Latino.

Chapter Two contextualizes the presence of immigrant day laborers as part of the larger economic shifts occurring over the last four decades. While day labor is a labor market with a long history in California as well as throughout the United States the industry's movement into suburban areas over the last two decades reflects continued increase in the demand for low wage work outside the urban core.¹ The increasing demand for low wage work in the region is coupled with an uprooting of labor forces throughout the developing world and changes in the U.S. labor market creating shortfalls in the supply of native born low wage workers. The confluence of

¹Markets for temporary, informal laborers have existed within the region, state, and country for centuries. Within Southern California, Abel Valenzuela describes the 1910's Los Angeles, "labor recruiters would often visit the center of downtown...to hire day laborers" as it was the Latino part of town (Valenzuela 3).

these three factors has led to sustained and growing rates of immigrant inflow to the state and nation as a whole (see Appendix E for a chart of immigrant inflows since the turn of the 20th century). Abel Valenzuela has singlehandedly opened up the field of research on day laborers in the United States. From his work on how the market works to the surveys identifying demographic characteristics and traits of the day labor population in various regions of the country, no discussion can be had on this topic without acknowledging Valenzuela's contributions. Yet missing from this literature is a look at how this group fits in with the larger sociological understandings of immigrant settlement and incorporation. One goal of this thesis is to integrate the day labor analysis into the existing work on immigrant incorporation and reception.

Contextualizing the presence of immigrant day laborers as members of a growing immigrant population is important as it takes the onus of responsibility off of the laborer himself and places the shared responsibility on the sending and receiving states as both interact with global economic shifts that encourage the expansion of markets into emerging economies. A resident of Farmingville described her aversion to day laborers within the community by saying "they don't have the right to live here...to destroy my community" (Tambini, 2004). By understanding day labor work and international migration as parts of a larger whole, a global system, foreign workers become not an unwanted interloper into the community, but participants within the same global economy that local residents are also part of. This turns the dialect of *us* versus *them* to an understanding of how *we* live within a shared economic and social system.

While Valenzuela and others have helped to take the study of day labor from documentation of demographics to analysis of the spatial implications (see Esbenshade 2000) and the local responses to day laborers (see Varsanyi 2008) neither begin to discuss how or why these options are chosen in specific cities. In this era of the growing municipalization of immigration policing and policy making, when city governments are turning local police departments into immigration enforcement officials, and councils are banning groups of residents from use of sidewalks and parking lots at an alarming rate, understanding the way in which local governments choose to interact with this new wave of immigrants will lead to a better understanding of the potential for future engagement between governments and immigrant day laborers.

In an effort to understand this interaction of local government with first generation immigrants, Chapter Three of this thesis explores the policy approaches taken by local governments and classifies them into four distinct policy actions – avoidance, seclusion, exclusion, and harassment. After the classification of these approaches, the chapter turns to understand how city agents framed or constructed their day labor ordinances. This section uses Schneider and Ingram's 1993 understanding of the social construction of target populations of policy in the passage of policy to understand how the day labor laws have been framed by each city and looks for correlations between the construction chosen and policy option taken. By choosing eleven case cities from the Southern California region who have an historic or current day labor debate within their agencies, and examining the text of their laws

and ordinances as well as the demographic trends over the last two decades the following patterns are observed: cities with higher levels of Latino population growth rates choose exclusion over any other type of policy option; and if a city is to ban solicitation through an exclusionary policy they are likely to frame the target population as social deviants.

Chapter Four explores the historical underpinnings of Southern California racialized spaces to understand why day laborers are seen as such a threat to their host communities. Building off of Leonie Sandercock's (2003) work on mongrel or diverse cities and her understanding of the fear of otherness, and Haney-Lopez's (2004) notion of common sense racism, in which racialized attitudes and understandings of racialized spaces have become normalized in the public view, this chapter argues that day laborers as hyper-visible immigrant others threaten and challenge a commonsense understanding of who belongs where in the built environment of Southern California cities. The result of this entrance of hyper-visible day laborers into the racialized spaces of suburban life are moral panics which fuel intense distrust and fear towards this immigrant population while encouraging restrictive local policies to confront the issues surrounding the presence of day laborers. Missing from Chapter Four's exploration of motivating factors leading to the fear of immigrant day laborers, is a discussion of gender. That day labor is a male dominated industry is not irrelevant in this increased fear in response to the hyper-visibility, but it is outside the scope of this chapter. The role of gender within discussions of visibility of day laborers is central to understanding the function and reaction to day labor markets, and any future research

on this topic would be welcome. Finally the thesis concludes with a look at policy options being tested in other countries and regions on how to accept and incorporate immigrants into the local sphere.

The municipalization of restrictive immigration policy tends to be a lose-lose for immigrants and the host community as immigrants usually end up criminalized and cities with a hostile and divided population on top of costly legal fees as their right to legislate legal status and access to public space and goods are challenged in the courts. Cities, states, labor groups, and industry representatives have all called on the federal government to act to create a policy that will provide the national security desired and a way for the local and national economies to fill their demand for labor at every level of the wage scale. In the absence of this overhaul of our immigration system, undocumented and informal laborers will continue to divide our cities and as the Los Angeles Times editorial board put it, cause “otherwise reasonable people” to become “unhinged.”

Chapter 2: Demystifying Day Laborers

Every morning, rain or shine, hundreds of would-be laborers gather on corners like this one, risking arrest, fines, and deportation, in hopes of finding work. These men who wait at corners – esquineros – are mostly young, male, non-English speaking, undocumented Latino migrants from Mexico or Central America.

From the safety of their cars, often with windows rolled up and doors locked, passersby can see the esquineros leaning against the fenced parking lot of the hardware store or squatting. Those on foot hurry past, feeling intimidated. Police drive by, usually glancing with indifference.

- Daniel Malpica 1996

The men who appear daily on street corners and parking lots in search of work are often viewed as foreigners, interlopers, and misplaced others within Southern California communities. Yet as I will explore in this chapter, day laborers' presence is not an anomaly, but a natural outgrowth of the shifts within the global economy. The presence of day laborers on street corners of global city-regions is a consequence of the global expansion of capitalist economies and changes in the domestic labor markets. This chapter aims to demystify day laborers; to understand who they are, where they come from, and how they participate within their host communities. To do this I will first explore the day laborer market and its relation to the community at large followed with a discussion of relevant immigration theories, viewing day laborers as members of an informal economy within the Southern California global city-region, and explore how the segmented labor market and changing domestic labor force creates a continued demand for immigrant labor.

By placing day laborers and immigrants within the context of economic restructuring it removes the finger pointing and criminalization of the immigrant informal economy and encourages a holistic understanding of the impact of global economic forces on the local, lived environment. As nativist movements continue to grow louder with national leaders like Jim Gilchrest and Lou Dobbs, the need for an academic understanding of the situation is as important as ever. Policy and discussions surrounding day laborers have been driven by fear and misconception, by contextualizing this labor group within the known reality of economic restructuring I hope to continue the push for discussions founded on fact, not fear.

Contingent Labor and its Spatial Implications

Day labor work by design is temporary, contingent work. Day laborers are men who are hired on a short term basis when employers – whether professional contractors or individual homeowners – need an extra set of hands. While there is no formal definition of day labor, according to urbanist Abel Valenzuela the term is used “to convey a type of temporary employment that is distinguished by hazards in, or undesirability of the work, the absence of fringe and other typical workplace benefits (i.e., breaks, safety equipment), and the daily search for employment” (Valenzuela 2003, p. 308). Work is sought daily from predefined sites located within a city, either formal or informal sites where anywhere from a handful to hundreds of laborers seek work. Laborers seeking work at these formal and informal sites can find work that will last anywhere from two hours to one month in length. The following section begins

with a brief discussion of how the day labor market works and then moves on to discuss the spatiality of day labor hiring sites in relation to the city at-large.

There are two distinct types of day labor, formal and informal. Formal day labor takes place through a temporary employment agency or a hiring hall. These are usually run by for-profit agencies and include a more diverse working population that includes women, non-immigrants, and homeless (Valenzuela 2003, p. 309). Because these hirings take place in an enclosed space and are regulated by temporary employment agencies, they fall outside the scope of this paper. I will focus instead on informal day labor which “is characterized by men (and in a few [rare] cases, women) who congregate in open-air curbside or visible markets such as empty lots, street corners, parking lots, designated public spaces, or storefronts of home improvement establishments to solicit temporary daily work” (Valenzuela 2003, p. 308).

These informal hiring sites take on a variety of shapes and sizes, some stretching down the street for a mile, others occupying one small corner of a parking lot, and still others with a handful of men on a street corner. Some new sites appear overnight, others have been used by day laborers and their employers for years. Although the sites and hiring processes that take place often seem “disorganized, even chaotic,” there exists “an informal social organization that imposes considerable structure on the market” (Malpica 1996, p. 81). Daniel Malpica (1996) analyzes the Los Angeles day labor markets to judge the level of structure as based upon Fisher’s (1953) study of unstructured labor markets within California agricultural economies, and finds that although there are no unions, seniority, or barriers to entry, there is an

informal structure that provides an organizational basis for bringing together employers and seekers of work, seen by the fact that there are no women, and there are divisions between those who are rehired regularly by the same employer and those that are never hired (Malpica 1996, p. 86). Although seemingly chaotic, the hiring process at informal sites is fairly routinized. Valenzuela (2003) describes the archetypical hiring process:

As a prospective employer arrives, groups of men crowd the vehicle and aggressively point to themselves and communicate their availability. Employers select the worker based on different criteria...based on ascribed characteristics such as size, ability to communicate in English, or some other marker of human capital or work experience such as spotted white painters pants and work shirts in the case of an experience painter...Wages for the hour, for the day, or for the task are usually negotiated after the worker is selected. The negotiation usually takes place in the car en route to the job site or shortly after the selection of the worker while still on the curbside (Valenzuela 2003, p. 318-319).

The frenzied appearance of the negotiations is often caused by employers starting a bidding war between laborers to drive wages down.

Valenzuela (2003) identifies three types of informal hiring sites – connected, unconnected, and regulated – and argues that these are strategically determined by economic and political motivations. A connected informal hiring site is industry specific and often located next to a business catering to the industry: day laborers specializing in landscaping seek work outside nurseries; construction workers at home improvement stores; and painters at paint shops. Valenzuela found that in Los Angeles connected sites were most widely used by day laborers and he argues that this is because “first, [day laborers] want to market themselves for a specific skill or trade

such as painting...[and] second, the ease of picking up work materials and labor is convenient for employers, thus increasing the probability for getting hired throughout the day when the store is open” (Valenzuela 2003, p. 321). The most common understanding of connected sites are day laborers who seek construction work at Home Depot parking lots throughout the state hoping that a contractor or private homeowner will have a project that requires additional help. This has become such a common day labor hiring system that Los Angeles County officials are considering a law forcing large home improvement stores like Home Depot to provide a space for day laborers on their property.

Unconnected informal sites are hiring sites spread throughout a city that have no apparent connection to a specific industry. They are street corners, stretches of road, and empty lots that have turned into hiring sites for other reasons, “such as foot or vehicular traffic, police cooperation, historical reasons (i.e., a site has existed for many years), or prime location in a specific community or intersection” (Valenzuela 2003, p. 322). Oakland’s International Avenue is an example of an unconnected site, as there are no industry specific sites along the mile or so stretch of street where day laborers congregate, yet it has a historic foundation of temporary labor along the street.

As Chapter Three of this thesis discusses, many city and county agencies have stepped into the day labor hiring process in response to complaints from residents and merchants about the presence of day laborers in public view. A regulated site – or city sanctioned site – are local government’s attempt to relocate or regulate the day labor

market. Governments across the region have developed sites to move day laborers off of public streets and parking lots and into less visible, less nuisance prone areas. These sites usually provide a shelter, bathrooms, and regulations on who can use the facility and how the hiring process is to take place i.e., first come first serve for jobs. Valenzuela, Kawachi, and Marr (2002) find that “seeking work at a regulated site removes most of the advantages found in informal or unregulated sites such as the freedom to aggressively compete for prospective employers, negotiating wages, and not having to queue up for a job” (Valenzuela, Kawachi and Marr 2002, p. 210). Additionally, thanks in large part to local NIMBY (Not in My Back Yard) movements, these regulated sites often end up in less desirable locations than the more organic informal connected and unconnected sites. Another barrier to the effectiveness of regulated sites is the common requirement of proof of legal eligibility to work in the United States that many sites enforce. This often lessens the effectiveness of regulated alternative sites making business owners and residents wonder why they are funding a hiring center the majority of workers will not use.

The desire by many communities to relocate day labor hiring sites to less visible locations – explored fully in Chapter Four – is primarily driven by fear. Day laborers, their employment structure, and their presence in public space is not fully understood. Much of this lived reality of fear is because of the *otherness* of immigrant day laborers. The following section places day laborers – and many low wage immigrants – within a global economic in an effort to contextualize and understand why these men are on suburban street corners.

Immigrant Day Laborers

With less than two percent native US born workers among them, Southern California day labor work is unquestionably immigrant work (Valenzuela 1999, p. 7). Day labor work has historically been an immigrant dominated industry– from 18th century New York where half of the Irish male population worked as day laborers to 19th century California where off season agricultural workers sought temporary work at hiring sites in urban centers (Valenzuela, Kawachi and Marr 2002, p. 197). Today’s Southern California day laborers are no exception. A 1999 survey¹ of Orange and Los Angeles County day laborers found that 77.5 percent of day laborers within this region were born in Mexico with an additional 20 percent born in Central America² (Valenzuela 1999, p. 7). Although California’s two largest immigrant groups are Latinos (56 percent) and Asians (34 percent) (Public Policy Institute of California 2008), Latinos make up 97 percent of the day labor work force in Southern California region (Valenzuela 1999, p. 7). This disproportionately large representation of Latino men – it is nearly an exclusively male workforce – in contingent work is most likely due to varying levels of human capital, breadth and make up of social networks, and ethnic niche markets available to an individual immigrant upon arrival in the region.

With few barriers to entry, the day labor market is popular among undocumented Latino immigrants as “day labor serves as a convenient port of entry

¹ The survey was led by Abel Valenzuela of the UCLA Center for Urban Poverty. His team visited 87 hiring sites throughout Orange and Los Angeles county reaching a total of 481 respondents. Although the scope of this thesis goes beyond Orange and Los Angeles counties to include San Diego and Riverside counties, there is no day labor specific data available for these regions at the moment.

² The survey indicated that 7.2 percent were from El Salvador, 2.9 percent from Honduras, and 10 percent from Guatemala. For comparisons sake, the 2000 census identified that the Latino population only makes up 32 percent of the state population.

for newcomers without documents to secure employment” (Valenzuela, Kawachi and Marr 2002, p. 201). Day labor work requires little English language skills or knowledge of a trade, is open to workers of various legal statuses, and does not require an extensive social network for gaining employment. According to the Southern California Day Labor Survey, over forty percent of survey respondents cited lack of legal documentation to work in the United States as the primary reason preventing them from entering the formal, regularized labor market. Other factors included lack of English language skills (21 percent), formal jobs pay too little (9 percent) and the lack of available jobs (9 percent). Daneil Malpica’s 1996 article on Los Angeles day laborers includes the following vignette describing how many immigrants enter into the day labor market:

when Ernesto arrived from Oaxaca, Mexico without family, friends, or documents, his future looked bleak. Everyone asked him for papers and a work permit, so the rout to employment seemed hopeless. So when someone told him about the esquina [corner] where hardly any employer asks for papers and no recommendations are needed, Ernesto gave it a try, starting at Pico and Main and experimenting from there (Malpica 1996, p. 90).

The informal unregulated nature of day labor work lends itself to immigrants facing barriers of entry into the formal economy of their host country. Citing findings from a 1988 survey of Southern California immigrant laborers, Cornelius (1988) found that, “of the recently arrived undocumented migrants we interviewed - mostly at street corners and public parks-nearly two - thirds were in the United States for the first time...many of them were having a difficult time finding regular, permanent jobs. They were relying on casual day-labor to survive.”

While day labor work is often the choice employment for new immigrants, it is not a permanent one and is largely seen as a springboard into the formal economy for recently arrived immigrants. Day labor provides opportunities to earn an income while simultaneously acquiring job skills, learning English, and building a social networks within the local community. According to Valenzuela's Southern California Day Labor Survey, the majority (52 percent) of day laborers are recently arrived immigrants – 30 percent had less than one year of residence and 22 percent had less than five year of residence in the United States. While day labor work enables recent immigrants to earn wages with few barriers to entry, day labor is not as many assume the refuge of men “desperately seeking work – any type of work,” as the average tenure of day labor workers is 5.5 years (Valenzuela 1999, p. 11). The number of workers who have been in the industry for less than one year is 43 percent – an admittedly large number – but 51 percent have been working as day laborers for between one and eleven years. While the tenure of individuals within the day labor market varies, the benefits for newly arrived immigrants working within this industry (skills, language, and networks), make it a viable and sustainable port of entry for new laborers.

As a new immigrant dominated industry, day labor must be understood not just as an informal labor group, but as an immigrant labor group. The following section explores what immigration theory tells us about the presence of and demand for immigrant labor – including day laborers – in the US economy.

Immigrant Labor Supply and Demand

As an immigrant labor group, the presence of day laborers and the employment they seek can be understood with the framework of contemporary immigration theory. Massey, Durand, and Malone (2002) offer a straightforward synthesis of immigration theories and how they play out in the real world as they outline the “Principles of Operation” for international migration flows. Moving beyond an simplistic classical economic cost-benefits analysis of immigrants acting as rational actors when deciding to migrate, more nuanced theories on the contexts of decision making are able to explain not only why day laborers are present within Southern California cities, but why there is a demand for their immigrant labor.

Unlike the rational actors of political science and economic analysis of probability of migration, the *new economics of migration* theory recognizes that immigrants are part of a family unit and community which directly impacts their decision to migrate. In emerging economies, like much of Mexico and Central America, where subsistence based agricultural is routinely being replaced by commercial agriculture production without formalized banking, insurance, and finance institutions – in the form of crop insurance, futures markets, and reliable irrigation – the transition leads to high amounts of risk for small-scale commercial agriculturalists. One bad year of rainfall could lead to crop failure leaving the family with no financial resources with which to sustain itself. To combat this risk a family unit may opt to send one member abroad to seek higher-earning wage labor in the United States. In this way if the crops fail, the household can rely on remittance money to sustain itself.

This process was seen in a 2008 study of a small Oaxacan community traditionally dependent on agriculture where two generations ago a crop failure due to erratic rainfall drove the first wave of immigrants from this community to California in search of a more steady income (Erickson 2009). Outside of agricultural communities the access for individuals to credit from banking institutions in places like Mexico is limited. Causing families to diversify their risk through international migration, “in the event that conditions at home deteriorate through rising unemployment, falling wages, failing crops, sagging prices, or high inflation, households can rely on migrant remittances as an alternative source of income” (Massey 2002, p. 12). Through the dramatic peaks and troughs of national and local economic situations in Central American and Mexico, international migration of a family member who remits money is a way for family units to insure a minimum standard of living.

While this understanding of the context of decision making for families looking to diversify their risk through international migration is useful in understanding the need to seek employment outside of the home country, it doesn't explain why the local economies are experiencing such dramatic shifts, or how immigrants end up in the countries they do, performing the jobs that they do. By ignoring the role of trade agreements and economic expansion by the wealthiest countries in uprooting Mexicans and Central Americans, the new economics of migration used alone to understand migration flows places the responsibility of migration solely on the shoulders of poor families from the home countries. In the following paragraphs I will explore how the capitalist world system and its global city

capitals coupled with shifts in the domestic labor markets place an equal burden of responsibility on the host countries.

Although many immigration theorists often use Immanuel Wallerstein's world system theory to explain the decision to migrate (see Sassen 1988), I argue that the world system theory works in conjunction with the new economics of migration in understanding the migration process – new economics of migration explaining a household's decision to migrate or not, and world systems elaborating on why the need exists in the first place and how immigrants choose their destination. Wallerstein's world-systems theory divides the global world economy into core, periphery, and semi-periphery states - echoing Marx's class breakdown which divides people into bourgeois, petit-bourgeois, and the proletariat class - in which the core states control production and the periphery states are used for labor and natural resources to fuel the continued expansion of a global capitalist system. For migration theorists, it is this continued 'expansion of markets into peripheral, non-market or pre-market societies [that] creates mobile populations that are prone to migrate' (Massey 2002, p. 13). International migration is then seen as a natural outcropping of the market expansion by firms from core states as they enter periphery states to extract raw materials and search for cheaper labor. The entry of new production plants and factories into periphery states has a variety of effects that facilitate migration including "producing goods that compete with those made locally, by feminizing the workforce without providing sufficient factory-based employment for men, and by socializing women for industrial work and modern consumption without providing a lifetime career capable

of meeting those needs” resulting in “the creation of a population that is socially and economically uprooted and prone to migration” (Massey 2002, p. 14). At the same time that the global integration of production is creating an uprooted labor force in periphery states, the infrastructure surrounding it has created links between these states enabling easier communication, travel, and transportation (Sassen 1991).

Saskia Sassen takes this world systems analysis of immigration flows an additional step, explaining how the capitalist world market has created increased demand for low wage labor within the capitals of this global economic market, what she calls global cities. While advances in technology have allowed for the spatial dispersion of economic activities, the globalizing of world finances has led to a simultaneous concentration of high level professionals within the capitals of this global economy, turning cities like Los Angeles and New York into so-called global cities. While the production and movement of goods has turned global, the industries that manage this global economy, insurance, finance, and law, concentrate within a few key cities to regulate the global processes of economic exchange.

These global cities are home to global financial service institutions and the high wage earning employees that staff them, creating increased demand for low wage service employees to dry clean, babysit, landscape, keep house, and chuffer these global capitalists. The power couples of the global financial institutions are often what Sassen calls a “professional household without a ‘wife’” as there is no one in the family to perform the traditional roles of a wife (Sassen 1991, p. 322). Many professional families often outsource their household responsibilities to low paid

immigrant workers, laying the foundation for a bifurcated city with a class of ultra-elite professionals and a low-income immigrant labor. The bifurcation of global capitals leads to the development of informal economies as, according to Sassen, the following three factors intersect, increasing demand for services and by the expanding high-income populations; increasing demand for low-cost services by the growing low-income population; and rising demand for customized services and goods or limited runs from firms that are either final or intermediate buyers, a trend that also leads to the growth of subcontracting (Sassen 2006, p. 162). This informal economy is one response to the “unbalanced spatial distribution” of economic growth; “leading sectors of the economy tend to be concentrated in downtown city districts and suburban office complexes” with little economic growth happening in low income communities, semi-formal economies develop to fill the void (Sassen 1994, p. 2289). It is within these bifurcated global cities that “increased earnings inequality, and the concomitant restructuring of consumption in high-income and very-low-income strata” lead to the development of an urban informal economy (Sassen 1994, p. 2289).

Sassen’s approach to understanding cities within global economies is a valid and useful tool and for the purpose of this study I propose to understand the Southern California region as a global city-region. The global city-region is one in which the global economic spheres create linkages and opportunities for immigrants not just within the global capital – in this case Los Angeles – but within the region as a whole. In a 1996 article Rubin-Kurtzman, Ham-Chande, and Van Arsdol, propose what they call the Southern California-Baja California Urban System, a conceptualization of the

unique transborder geographic and economic area of Southern California that is so closely tied to both its urban Tijuana counterpart, and the global economic system. The authors argue that because of the region's shared history, Mexican-origin population, the economic integration of the counties on either side of the border, and geographic proximity the space between Ventura County to the north and the municipio³ of Ensenada to the south, the region should be considered as a unit. Building off of Sassen and the transborder regionalism, I argue that the Southern California region is a unique global city-region in which the presence of day laborers should not be viewed as an unwarranted presence, but as a natural outcome of global economic shifts and expansions of the capitalist world system.

The expansion of global economic powers in core countries like the United States has led to the upheaval of populations in peripheral and semi-peripheral areas such as Mexico and Central America as it feminizes the labor force, pushes for mechanization and consolidation of production while simultaneously creating links between the core and periphery states enabling the easier movement of labor. The consolidation of firms within global cities has created a demand for immigrant labor as professional households become more dependent on low-wage help.

Day laborers, like many immigrants, often face nativist attacks of charges that they are stealing jobs from *Americans*. Whether coming from national media outlets like CNN's Lou Dobbs, national activists like Jim Gilchrest, or local politicians, there is an anti-immigrant party line claim that immigrants steal jobs from hard working

³ A Mexican municipio is the equivalent of a United States county.

Americans. Yet the segmentation of the US labor market has resulted in a continued demand for immigrant labor at the bottom of the wage scale as teenagers and women, the two groups that traditionally fill low status jobs, seek higher pay higher status jobs.

The segmentation of the labor market assumes that both wages and status are important considerations from employees and that simply raising wages for the lower level of workers – agriculturalists, food processors, bus-boys – won't solve the problem, it will result in wage inflation. Aside from the actual dollar amount of the wage, the distribution of wealth in the form of wage differentials is key to this puzzle. Consider a restaurant where the busboy requests a raise. He has seen the higher access to commodities that the restaurant managers have and wants in. The manager gives the busboy a raise bringing his salary closer to that of the waitress. Yet the waitress feels as though her job is higher skilled higher status than that of a busboy and will also demand a raise. This causes the cook to request a raise as his job is higher status than that of the waitress. Thus, differential between wages didn't change only the numbers themselves so even though the busboy is now earning more money, he is still of the same low status.

Changes in the US labor market mean that low status jobs are no longer able to be filled by the domestic labor pool. As seen in Sassen's analysis of global cities, the increasing demand for low wage, low status positions continue to grow in these regions. Traditionally these jobs have been filled by teenagers and women two groups that did not derive status or primary incomes from their employment making them more willing to take instable, low wage, low status jobs. Yet these two groups no

longer fill the demand for low status, low wage jobs. Massey et al. cite the following reasons for this phenomenon, “the rise in female labor force participation, which has transformed women’s work into a career pursued for social status as well as income’ the rise in divorce rates, which has transformed women’s employment into a source of primary support; the decline in birthrates and the extension of formal education, which have produced small cohorts of teenagers entering the labor force” (Massey 2002, p. 18). While the demand for low status laborers has risen with the growth the service economy, the domestic labor pool willing to take these positions has shrunk. Immigrants, who are willing to take low status jobs because their status is still tied to the home country, are able to fill the gap left by women and teenagers (Massey 2002, p. 17).

The changing domestic labor market within the United States in which native born workers no longer meet the demand for low wage labor while simultaneously the demand for these low wage workers is growing as the economy shifts into a bifurcated service based economy facilitates the need for foreign born labor. At the same time as the US demand for foreign labor is rising, global market expansion into peripheral and semi-peripheral states uproots native labor forces while creating the necessary links to enable migration to the United States. Within this context Latino immigrant men enter into the US labor market in search of wage work. Many newly arrived immigrants turn to temporary, contingent employment as day laborers in order to gain skills necessary to enter the formal economy. However, the physical presence of day laborers in southern California global city-region is not always a welcome one. As I

discuss in the following chapter, a number of cities within the region have passed restrictive ordinances and policies limiting the access of day laborers to the city that these global economic forces pulled them too.

Chapter 3: Day Labor Ordinances

The history of this ordinance, and statements by members of the Vista City Council, show that racial and ethnic discrimination and immigration status played a substantial role...the ordinance does not serve the need they purport to address.

David Blair-Loy, Legal Director, ACLU

Illegal immigration is no longer a federal issue – it's a local community issue...a local government issue.

*- Stacey O'Connell, Arizona State Director
Minutemen Civil Defense Corps from Varsanyi 2008*

Consider the case of day laborers in Rancho Cucamonga. There the city has banned the solicitation of employment from public streets and sidewalks. However, a traditional hiring site, where both laborers and employers connect, happens to be on a street corner on the edge of town. Across the street from this site is the City of Ontario which has no such ban on solicitation. When day laborers see the Rancho Cucamonga police approaching, they cross the street into Ontario where they are free to stand on public sidewalks without fear of harassment. Once the Rancho Cucamonga police leave, the day laborers return to their original spot to once again seek employment (Esbenshade, 2000, p. 57). Reacting to the hyper-visibility of day laborers (see Chapter Four) policies enacted by California cities to control, regulate, or protect this immigrant group underscore the need for a comprehensive national-level immigration policy in the United States. In the absence of comprehensive national immigration reform, states, counties, and cities are on their own to decide how immigrants should be received within their communities. For day laborers, this creates an especially

challenging legal mine field that must be navigated daily as cities pass new restrictions and adopt official policies of harassment aimed at limiting access to public spaces. This chapter sets out to answer the question how do Southern California city governments respond to the presence of day laborers within their communities and why? I propose that Southern California cities respond to day laborers in four general ways, avoidance, exclusion, seclusion, and harassment. Within the case studies presented in this chapter, a pattern is observed correlating the high growth rate of Latino populations with the policy options chosen by community leaders. The chapter concludes with a discussion looking at how policy makers choose to construct the target population of policies; whether policy is directed at deviant day laborers, or advantaged voting general citizenry.

While there is a significant body of research exploring who day laborers are (see Valenzuela 2000, Valenzuela, Theodore, Melendez and Gonzalez 2006, Valenzuela 2003), and a growing literature on local responses to increasing levels of immigration and day laborers (Varsanyi 2008, Esbenshade 2000, Valenzuela 2000), there is little analysis of what drives cities to the policies they choose. One recent exception is Ramakrishnan and Wong's (2008) work looking at varying responses to immigrants at the local level in California. They conclude that political factors, namely if a region is Republican or Democrat, dictate whether a community will elect to pass restrictions or pro-immigrant policies and that demographic changes are a secondary indicator of policy choices. While their findings open an exciting new chapter of the larger dialogue, on their own they are neither convincing or sufficient

explanations. Their definition of Republican or Democratic region is defined by how a county voted in the 2000 presidential election between Bush and Gore which I find problematic because at the regional level this data can also look similar to income levels and class association. Additionally, their analysis does not address the role of regional political environments within the state of California. Despite these oversights, their findings leave the door open for future research into the partisan nature of immigration policy. Participating within this existing dialogue, this chapter explores the categorical break down of formal and informal policy reactions to day laborers within Southern California cities, and looks at the demographic shifts and construction of the target population to uncover why cities chose the policy responses they do.

In order to understand the debates over day laborers taking place in council chambers across Southern California and to explore why some cities limit day laborers rights to the city and others seek to formalize this informal labor market, this chapter begins by defining the types of action taken – categorizing policies and practices into a spectrum of responses. Building off of the work of Valenzuela (2000), Esbenshade (2000), and Varsanyi (2008), I define the policy responses as avoidance, exclusion, seclusion, and harassment. The second portion of this chapter will look at the demographic shifts in California cities facing day labor debates and identify patterns in demographic transitions and policy responses that open the door to future research. Finally, this chapter looks at the language used within day labor laws to understand how policy makers construct their target population. This is followed with a discussion of the trends and hypothesis that can be excavated from this analysis.

Understanding the local responses to growing numbers of day laborers in an ever widening range of cities is important for a number of reasons. First, as immigration rates continue to trend upward, the reception of growing immigrant communities throughout California will become even more critical. In her critique of the United States' laissez-faire attitude of immigrant incorporation, Irene Bloemraad reminds us that "immigrants' political incorporation thus carries significant repercussions for states that derive their legitimacy from notions of equality and democratic involvement" (2006, p. 11). Secondly, in the absence of a modern and comprehensive national immigration policy, local cities are left to fill the void leading to a fragmented, complicated, and costly slew of policies for city councils and immigrants to navigate. In a report for International City Managers Association, Rubaii-Barrett (2008) argues that "immigration [is] one of the most pressing contemporary issues facing the United States, one that requires each level of government to acknowledge and fulfill its unique role, beginning with comprehensive immigration reform at the federal level" (p. 3).

Finally, as hyper-visible immigrants, day laborers spend day after day under public scrutiny as they look for employment at major intersections and home improvement stores, "many suburbanites only face-to-face contact with California's demonized Other – aside from that with the invisible housekeeper – occurs when they see day laborers on their streets" (Esbenshade, 2000, p. 34). As such they receive the brunt of nativist attacks and serve as a warning to immigrant rights groups and local governments that without full acceptance into the larger community, Latino

immigrants will continue to be subjected to racial segregation and isolation from their communities.

The cases used in this chapter are taken from eleven Southern California cities in San Diego, Orange, Los Angeles, and San Bernardino counties. Aside from location within the Southern California global city-region, the cities have been chosen because they have experienced debates over day laborers within their communities and have documented, political responses to their presence. Table one lists the cities included in this analysis, for a map see Appendix A. As the second portion of this analysis explores the way policies have been enacted, and how policies are framed to target different populations, this discussion does not include cities that have not enacted formal policies directed at day laborers, or announced official changes police procedural approaches to handling of day laborers. Recognizing that I have only chosen to look at cities who have taken a reactionary response, this chapter aims to offer an approach for understanding and contextualizing policies at the local level while beginning to look for patterns that emerge across these cities. For a study that examines factors influencing a city's decision of whether or not adopt its own immigration policy, see Ramakrishnan and Wang (2008).

Table 1: Case Cities by County

Los Angeles County	San Bernardino County	Orange County	San Diego County
Baldwin Park	Upland	City of Orange	Vista
Glendale	Rancho Cucamonga	Lake Forrest	Escondido
Redondo Beach		Costa Mesa	
		Laguna Beach	

Each of the cities is either suburban, or semi-urban in nature, with average populations ranging from 70,000 residents to 180,000 residents. Every city, except for Escondido in San Diego county, took formal legal measures (i.e., updating their municipal code) to limit day laborer's access public areas within their city. While considered a form of speech and therefore protected under the First Amendment, the rights of day laborers to solicit employment in public are constantly under attack from California city councils, most often resulting in costly legal fees and court battles, a hostile environment within the community, and fostering fear among the wider Latino community – both authorized and unauthorized.

Policy Responses

City and county governments have a variety of responses to chose from in order to regulate the presence of day laborers within their communities. In the creation of a policy action, there are three stakeholders to consider, “1) the economic demands of workers and employers, 2) the commercial and esthetic needs of residents, merchants and passerby's, and 3) the civic, political, and liability needs of local government officials and police enforcement” (Valenzuela, 2000, p. 9). Although not all cities take these three stakeholders into account – as I will show, the weight of the latter two takes precedence – effective policy should include an understanding of laborers who seek work daily. Responses of the eleven cities in this sample study to the presence of day laborers can be categorized into four primary policy actions, avoidance, exclusion, seclusion, and unofficial policies of harassment.

These four categories are adopted from Valenzuela (2000), Varsanyi (2008) and Esbenshade's (2000) analysis of policy responses to day laborers, coupled with a study of the specific local actions these cities chose. Valenzuela frames the policy responses into three straightforward categories, *outright prohibition*, *creation of hiring sites*, and *leaving day laborers unchecked*. While his inclusion of the policy of inaction is useful addition to the policy option framework, his tri-fold approach is missing something included in both Varsanyi and Esbenshades framing - unofficial policies of harassment. With countless cities encouraging the use of formal and informal police harassment tactics, it is an option that can't be ignored.

Varsanyi subdivides policy activities into the *enforcement of existing city ordinances*, and the *creation of new city ordinances* which is unnecessary based on the findings presented here. Whether trespassing laws were already on the books or not is irrelevant, what is significant is that existing trespassing laws are being reframed to address new concerns – the presence of day laborers in communities. However Varsanyi's broadening of harassment policies to include all unofficial policies is useful as it can include not only formal police harassment in the form of ticketing for minor infractions, but also police brutality, and tacit consent of harassment by nativist groups and individuals who may not be monitored by police. Finally Esbenshade's (2000) understanding of policy strategies enacted by local governments are described as seclusion, exclusion, and harassment. I will borrow Esbenshade's terminology, as I believe it to be the most concise and clear, while still incorporating the ideas behind Varsanyi and Valenzuelas conceptualization.

In sum, the policy responses of the eleven cities in this study fit best into a four category breakdown that draws on all three previous frameworks – avoidance, exclusion, seclusion, and unofficial policies of harassment. While day laborers are present in many communities, it is important to mention that not every community addressed this issue head on, many cities have left day laborers alone. Although none of the cities I look at have chosen this option, it does not mean it is an unpopular response. This approach involves “leaving the solicitation of temporary work in public spaces legal and free from police surveillance and harassment” which is “consistent with laissez faire economics” (Valenzuela, 2000, p. 10).

Exclusion – and it’s complications

Exclusionary policies within the cities of this study are prevalent, they range from explicitly defining proper use of commercial parking lots, or limiting solicitation to specific areas of town, to banning solicitation of any kind in public. In the two years prior to 1998, the number of anti-day labor ordinances doubled to thirty in the state of California (Esbenshade, 2000, p. 55), and current estimates indicate that “nearly sixty California cities have ordinances that limit solicitation” (Public Policy Institute of California, 2007). Of the eleven cities in this study, seven have exclusionary policies incorporated into the municipal code – Rancho Cucamonga, Costa Mesa, Baldwin Park, Redondo Beach, Lake Forrest, and Upland. Exclusionary policies are often challenged in courts, as anti-solicitation laws are frequently “too broad and could ‘conceivably restrict people from hailing taxis, or Girl Scouts from selling cookies outside their school” (Varsanyi, 2008, p. 36).

Aside from the problematically broad nature of exclusionary policies, they are often unconstitutional. Solicitation of employment in public is protected under the First Amendment. In a 2006 decision, U.S. District Judge Consuelo Marshall found that a Redondo Beach ordinance banning the solicitation of work in public “violated the First Amendment rights to free speech,” and that the complaints against day laborers “were insufficient to justify preventing all laborers or other solicitors from engaging in speech” (CBS News, 2006). Many cities, including those within this study, skirt the issue of constitutionality by creating an alternative site for day laborers to freely solicit employment. These can be in the form of official hiring centers, or limiting day labor activity only to specific regions of the city. Similar to ‘free speech areas,’ the presence of an alternative site is usually seen by the courts as an adequate alternative to day labor solicitation in public areas, allowing cities to ban day labor solicitation everywhere but the solicitation zone or area.

Additional constitutional challenges for cities with exclusionary policies are violations of the Fourteenth Amendment’s equal protection clause which “the courts have ruled that municipal codes or ordinances that single out day laborers cannot be enforced in a way that isolates or discriminates against them on the basis of race or national origin” (Public Policy Institute of California, 2007). Issues of enforceability of solicitation bans are the most common challenge to day labor ordinances, “small and medium sized municipalities usually have small and medium sized police enforcement and few resources to deploy for banning day labor, especially when other more pertinent police duties have higher priority” (Valenzuela, 2000, p. 10).

Seclusion – Creating Alternative Sites

As seen above, city governments often create day labor centers to avoid legal troubles related to strict exclusion laws, although some cities create or fund hiring centers as a community service. Valenzuela (2000) identifies two types of city operated, regulated sites that exist – *Open Regulated Sites*, and *Limited Regulated Sites*. The difference comes in the amount of structure and regulations that a city places on a government-sponsored site. Open Regulated Sites put few restrictions other than simple “rules [to] maintain order, set times of employment and order of the hiring queue” (Valenzuela A. , 1999, p. 13). However some cities prefer more strict policies for operation of their hiring center, often minimizing the effectiveness and participation rates. Limited Regulated Sites may control the number of men who can seek employment on a given day, they may request workers provide proof of worker eligibility, and charge a fee for use (Valenzuela, 2000, p. 13). One example is Costa Mesa’s now defunct worker center which required proof of legal eligibility to work in the United States before granting laborers access to the center, reducing its effectiveness and contributing to the eventual closure of the center as approximately 84 percent of day laborers are undocumented immigrants (Valenzuela, 2000, p. 13).

Relative to exclusionary ordinances, hiring centers face few legal oppositions. Although two Laguna Beach residents – members of the Minutemen Project – did file suit against the city for their sponsorship of a hiring center alleging “the city is violating federal law by spending public funds to operate the Laguna Day Worker Center on Laguna Canyon Road, where mostly Spanish- speaking workers, among

them illegal immigrants, find jobs and get English language instruction” (Delson, 2006).¹ However this case is more of an anomaly than the court battles and legal challenges faced by exclusionary ordinances. The growth in government sponsored or supported day labor centers indicates “policy makers, community residents, and workers’ rights groups consider worker centers a viable option” (Public Policy Institute of California, p. 14). California leads the nation in worker centers with twenty four in operation throughout the state (Public Policy Institute of California, 2007, p. 2).

Of the eleven cities in this case study, three have active day labor centers, Laguna Beach, Orange, and Glendale. Costa Mesa closed its hiring center in 2005, in part because “the decline in use did not justify the expense of maintaining the center,” however the city council is currently considering reopening it in light of reappearance of loitering day laborers for reasons cited above (Public Policy Institute of California, p. 13). The city also hopes that the presence of a day labor hiring center will ease the legal troubles of their exclusion ordinances. As seen above, “courts have often ruled that strict limits on solicitation violate free speech unless a reasonable alternative – such as a job center – exists for finding work” (Overley, 2008).

Glendale’s hiring center opened in 1997 through a collaboration of funders including the Community Development Block Grant Program, Home Depot, and local charity groups. The city identified a space near Home Depot on a railroad easement and created an *open regulated site* for day laborers with “a paved pick-up area, an

¹ In 2007, Judge Gregory Munoz ruled that the residents failed to prove that the \$22,000 the city paid annually to fund the center was a waste of money and used exclusively by unauthorized immigrants (Delson, 2007).

office, a raised waiting area, benches, rest rooms, drinking water, trash receptacles, and a pay phone, the Center operates like a hiring hall, providing a place for day laborers to register for work and for employers to pick up pre-screened, qualified day workers in a safe and organized manner. While waiting, the laborers can learn English and develop computer and other skills. Home Depot offers workshops and videos on construction skills” (United States Conference of Mayors Report). The center has improved the overall image of day laborers within Glendale as they often volunteer their time to help elderly in the community, and work with organization like Catholic Charities.

Unofficial Policies of Harassment

The final policy option available to cities looking to limit or regulate the presence of day laborers within their communities is an unofficial policy of harassment. Varsanyi argues that “harassment of day laborers by local police, private security guards, merchants, and/or citizens’ groups also play an important role in attempts to manage, relocate, or eliminate informal hiring sites” (Varsanyi, p. 37). A former Los Angeles Police Chief famously described their unofficial policy on day laborers saying, “I think people believe the only strategy we have is to put a lot of police officers on the street and harass people and make arrests for inconsequential kinds of things. Well, that’s part of the strategy, no question about it” (as quoted in Esbenshade, 2000). Valenzeula et al. found that 16 percent of day laborers experienced police abuse, while 19 percent experienced merchant abuse. Police often

harass day laborers through enforcement of nuisance and traffic violations like loitering, trespassing, blocking the sidewalk, littering, and jaywalking.

The City of Escondido has no formal day labor policy on their records, yet in April of 2008 Police Chief Jim Maher announced an increase in patrols in known day labor hiring areas. As the Escondido City Attorney described, “a lot of times you don't need a new law on the books. You just need better enforcement of the ones you have” (Mensching, 2008). In a six week period following the new enforcement strategy, Escondido Police reported a dozen arrests on minor infractions, and another dozen warnings (Mensching, 2008). Rancho Cucamonga has also increased police patrols and harassment of day laborers in addition to their policies of exclusion.

The city of Vista's day labor ordinance that requires employers to register with the city is a form of bureaucratic harassment. Just as Escondido's police routinely patrol day labor sites ticketing for minor infractions causing day laborers to jump through hoops, so too is Vista's hoop jumping requirement a form of harassment as its goal is to limit the ease with which the day labor market operates within the city limits.

Understanding Why These Policies Are Chosen

Demographics

With a basic understanding of what policy choices exist for cities facing day laborers, let us now look at patterns that have emerged that may help to understand the policy selection for each city. While others have explored issues of causality within this field (namely Ramakrishnan and Wang, 2008), the limited scope of this paper

only enables me to identify patterns and suggest areas for future research. The most predominant pattern is that of growth in the Latino population within these communities. Within this study, cities that had high levels of growth and changing demographics tended to enact exclusionary policies towards day laborers. To demonstrate this, demographic trends in each of the eleven cities is presented, and that data is then overlaid with policy options to highlight trends.

Many of the cities in this report experienced extremely high growth rates within their Latino population over the last 20 years, the only two not to are Glendale and Laguna Beach. Five of the cities presented here have experienced more than a doubling of their Latino population since 1990, Vista leads the way with a 138 percent growth since 1990, followed by Escondido with 136 percent growth rate for the same time period, Rancho Cucamonga has 133 percent growth, Upland has 132 percent growth, and Orange has experienced a 106 percent growth in their Latino populations. Only two cities in this study had declining rates of growth among their Latino populations, Glendale and Laguna Beach. The remaining cities – Costa Mesa, Lake Forrest, Redondo Beach, and Baldwin Park – all had growth rates between 33 percent and 84 percent among their Latino populations (for a full breakdown see Appendix D).

In seven of the cities this has led to Latinos representing at least one third of the population as a whole. Baldwin Park is now over 80 percent Latino, while Vista and Escondido are about 45 percent Latino. About one third of the populations of Costa Mesa, Orange, and Upland are currently Latino. Within this framework of dramatic growth rates and increases in the size and proportion of Latino populations

within Southern California communities, trends can be identified with the policy outcomes these cities have chosen for their day labor populations.

The first pattern to note is that cities with positive growth rates within their Latino populations (every city but Glendale and Laguna Beach), have chosen to ban solicitation. Escondido which has the second highest growth rate is a notable exception, as they have opted to use unofficial policies of harassment in lieu of a formal ban. This however can be explained by the city's pre-existing legal challenges as they limit the rights of Latino immigrants within their communities in other ways, notably their 2006 attempt to have landlords verify legal status of housing applicants within in the city. Because of the city's costly loss in this legal battle – it had not only their own legal fees but was required to pay the \$100,000 legal fee's of the plaintiffs – I am arguing that the city is moving away from formalized immigration policies and into more informal approaches (Archibold, 2007).

A second pattern that can be extracted from the demographic data provided here recognizes that cities within this study that have stagnate or declining growth rates among their Latino populations have opted to sponsor alternative sites or hiring centers within their communities. Laguna Beach and Glendale have negative rates of growth among their Latino population and both of them have opted to open hiring centers to limit the visibility of day laborers. The City of Orange, the other city in this study with an active hiring center, is the exception in this case. With a Latino growth rate of 106 percent, Orange would be expected to ban solicitation, which they also did. Why then do they also have a hiring center? I argue it is an issue of timing. When the

doors to the center first opened in 1990, the City of Orange's Latino population accounted for only 23 percent of the Latino population (Bacalso, 2007). In 2007 when the anti-solicitation ordinance was updated and passed the Latino population had grown to represent 37 percent of the city. Taken together these two patterns begin to explain why cities choose the policy options to address issues raised by the presence of Latino immigrant men on public streets as the center opened at a time of relatively limited Latino presence – like Glendale and Laguna. Future research in the area expanding on this link between demographic shifts and policy choices remains to be seen and would help illuminate this topic.

Social Constructions of Day Labor Policies

Understanding how local government actors are framing policies of day labor regulation can add an additional level of understanding to why cities choose the policy response they do. In order to analyze the language used by cities in their official ordinances that have been passed, I will use Schneider and Ingram's (1993) theory of the social construction. Social construction of target populations of policy refers to the way in which policy makers frame or characterize the target population of policy whose life will be affected by the public policy. Social constructions are,

stereotypes about particular groups of people that have been created by politics, culture, socialization, history, the media, literature, religion, and the like. Positive constructions include images such as 'deserving,' 'intelligent,' 'honest,' 'public-spirited,' and so forth. Negative constructions include images such as 'undeserving,' 'stupid,' 'dishonest,' and 'selfish' (Schneider, p. 335).

How a city defines the problem therefore defines the solution. In the case of day labor ordinances, how a city *chooses construct* the target population of their policies defines the policy solution they design. As Schneider and Ingram explain,

Policy sends messages about what government is supposed to do, which citizens are deserving (and which are not), and what kinds of attitudes and participatory patterns are appropriate in a democratic society. Different target populations, however, receive quite different messages. Policies that have detrimental impacts on, or are ineffective in solving important problems for, certain types of target populations may not produce citizen participation directed toward policy change because the messages received by these target populations encourage withdrawal or passivity. Other target population, however, receive messages that encourage them to combat policies detrimental to them through various avenues of political participation (1993, p. 334).

The way in which cities characterize or construct their target population should inform the policy option that they choose. But Schneider and Ingram take the significance of social constructions of the target populations of policy further, arguing that not only does it impact the policy options, but it also defines the relationship the population has with the government. For day laborers facing city councils, police departments, and community organizations looking for solutions to their *day labor problem*, a city council's choice in defining the target population of the policy will not only dictate the type of action taken, but will impact the participation patterns of this group within their local government.

There are four common constructions of target populations of policies that policy makers use to frame the discussion: advantaged, contenders, dependents, and deviants. The influence of the power that a target population has in the political arena

is fundamental to their construction; “the electoral implication of a policy proposal depends partly on the power of the target population itself (constructed as votes, wealth, and propensity of the group to mobilize for action), but also on the extent to which others will approve or disapprove of the policy’s being directed toward a particular target” (Schneider, p. 335). Therefore, although *the rich* are powerful, they have a negative construction as they are deemed undeserving of public assistance or support. The table below shows how the four target populations are created at the intersection of power and social construction and provides examples of what groups may be classified as each target population.

Table 2: Social Construction of Target Populations (Ingrahm and Schneider)

		CONSTRUCTION	
		Positive	Negative
POWER	Strong	Advantaged The Elderly Business Veterans	Contenders The Rich Big Unions Minorities Cultural Elites
	Weak	Dependents Children Mothers Disabled	Deviants Criminals Drug Addicts Communists Gangs

Through an analysis of the ordinances and municipal codes of these cities, in this next section I will define how each city constructed their target population of their day labor policy, as not all day labor policy had a target population of day laborers, some policies were directed instead at communities at large. Not surprisingly, none of

the cities chose to target contender populations with day labor policies. Characterized as both powerful and negatively constructed, contenders “have sufficient control to blunt the imposition of burdens but not enough power to gain much in terms of visible benefits,” day laborers, their advocates, or their foes rarely fall into this category (Schneider, p. 338). Three cities are left out of this analysis, Escondido, Upland, and Redondo Beach. The City of Escondido is left out of this discussion as they did not craft official day labor ordinances. As discussed above Escondido elected the unofficial policy of police harassment over a day labor law, excluding them from this portion of the study. Redondo Beach and Upland are left out because of the way their exclusionary policy was enacted. Both cities formatted their anti-solicitation policies as simple traffic laws leaving them without a target population other than motorists. The table below lists the cities along with their policy choices, social construction, and change in Latino population since 1990 to highlight the findings of this chapter.

Table 3: Latino Population Growth Percent Change 1990-2007

City	Policy	Construction	ΔLatino Pop
Baldwin Park	Exclusion	Advantaged	33%
Costa Mesa	Exclusion	Deviant	84%
Escondido	Harassment	NA	136%
Glendale	Seclusion	Advantaged	-12.36%
Laguna Beach	Seclusion	Advantaged	~1%
Lake Forrest	Exclusion	Deviant	53%
Orange	Seclusion	Deviant	106%
Rancho Cucamonga	Exclusion	Deviant	133%
Redondo Beach	Exclusion	NA	44%
Upland	Exclusion	NA	132%
Vista	Harassment	Dependent	138%

Deviants

Characterized as bad people, with weak power and negative constructions, deviant target populations are often punished with little opportunity to engage in the political debate that surrounds the policies enacted at them. “The negative social constructions make it likely that these groups will often receive burdens even when it is illogical from the perspective of policy effectiveness” (Schneider, p. 338). Of the eight cities studies presented here, the target population of day labor policies in four cities, Orange, Lake Forest, Costa Mesa, and Rancho Cucamonga, targeted deviants, criminalizing and punishing day laborers and burdening them with restrictionsit policies and limiting their access to the public sphere.

In 2007 the City of Orange passed into law an ordinance banning the solicitation of employment from a sidewalk, on a street or highway where vehicles cannot legally park, or from private property without the permission from the owner. As mentioned above, banning solicitation is a popular and common solution, and I argue here, a common outcome for cities who construct solicitation policies as directed toward deviant day laborers. The City of Orange, in its municipal code outlines the reason for this new law, characterizing day laborers as deviants, and nuisances. The opening line of the this chapter of their municipal code reads, “large congregations of day laborers at informal day labor sites have for many years, if not decades, blocked and obstructed the public’s use of public rights-of-way, interfered with the use and enjoyment of private property by private property owners, created traffic hazards and have caused other negative impacts and therefore constitute a public nuisance”. As depicted by the

government of Orange, day laborers are a public nuisance preventing the rightful use of private property and public right of ways – as deviants who do not use public and private spaces appropriately and therefore should be punished.

Other case cities construct solicitation policies as directed toward deviant day laborers include Lake Forrest, Costa Mesa, and Rancho Cucamonga. In 1993, Lake Forrest decided that day laborers congregating on public sidewalks were “causing a host of problems” and banned the solicitation of employment from streets and highways (The City of Lake Forest Ordinance No. 36). To pass their anti-solicitation law, Lake Forrest constructed the target population of their solicitation ban as deviant day laborers, arguing that day laborers were thought to cause “pedestrian obstruction and harassment” for the public at large. Included in the solicitation ban chapter of the municipal code are restrictions on the consumption of alcohol in public, and urinating and defecating on private property that is exposed to public view (Lake Forest Municipal Code). Similarly, Costa Mesa felt that deviant day laborers were not using public spaces appropriately. Whereas families were the rightful users of the park, day laborers caused problems including “harassment and intimidation of persons and families who come to Lions Park for the recreational purposes for which it was created” (The City of Costa Mesa Ordinance 89-24). Finally, Rancho Cucamonga deemed that deviant day laborers not only participated in “conduct [that] is intended or is likely to cause a reasonable person to fear bodily harm to oneself or to another, damage to or loss of property, or to otherwise be intimidated into giving money or other thing of value,” but that day laborers also engaged in inappropriate touching of

passers-by on Rancho Cucamonga streets (Rancho Cucamonga Municipal Code 9.13.030). These cities all characterized day laborers as deviants, as disorderly bodies in inappropriate spaces which led to the policy outcome of banning solicitation in public streets, sidewalks, and parks.

Dependents

Of the eight case cities in this study only one chose to construct solicitation policies as directed toward dependents, and that is Vista in San Diego county. In the preamble to the 2006 ordinance that Vista passed requiring employers to register with the city before hiring day laborers, the city lists study after study that proves day laborers are needy, abused, underpaid, and cheated by employers and therefore in need of protectionary laws. In Vista, policy makers framed the issue not as an issue of nuisance or harassment, rather that day laborers themselves were being abused by their employers. By framing day laborers as dependents in need of protection and aid from the state, Vista passed a law that aimed to discourage employers from hiring day laborers in Vista through an employer registration program. I argue that Vista had to couch its anti-day labor laws in dependent constructions to avoid political upheaval as the town is now nearly half Latino (46%), up from a quarter Latino in 1990.

Advantaged

Interestingly, there are three cities that did not have day laborers as the target population of their solicitation laws as either deviants or dependents. Glendale, Laguna Beach and Baldwin Park all framed their policies as a public service for the advantaged. Unlike the cities above, these three chose the public at large to be their

target population of their solicitation ordinance. Their policies are framed as a public service to the city-at-large; clearing traffic congestions and promoting public health and safety.

Laguna Beach limits solicitation to its hiring center in order to “to ensure the protection of the public health, safety and general welfare” of the city (Laguna Beach Municipal Code). Glendale’s anti-solicitation laws are designed to “protect health and welfare of the general public,” and to “promote safer and more efficient traffic flow” (The City of Baldwin Park Municipal Code). While finally, Baldwin Park was seeking to reduce traffic accidents in parking lots when it banned solicitation from private lots, arguing that the purpose of this ordinance “is to assure that the conflict between vehicles and pedestrians on private property is minimized to the greatest extent possible” (The City of Baldwin Park Municipal Code). By characterizing the laws regarding day labor solicitation in terms of public safety, public good, and public welfare, these cities chose to make the target population of these laws the advantaged tax-paying populations of their cities as the beneficiaries of such anti-solicitation laws. These ordinances are framed in a way to appear as though they are not punishing day laborers, they are simply helping advantaged populations by providing a public good.

Conclusions

What does this tell us about the way cities choose their policy responses to the presence of day laborers within their communities? Four umbrella policy choices are available to cities working on crafting day labor and solicitation policies: avoidance, seclusion, exclusion, and harassment. When looking at the policy options taken by the

eleven case cities within this study, one pattern I observed showed that cities with high levels of demographic shifts tend to ban day laborers, unless the shift is so great that fear of reprisal from the large Latino population prevents policy actors from taking such a hard stand. A second pattern observed indicates that cities who enact an exclusionary policy tended to construct day laborers as a deviant population in need of punishment in order to justify their policy actions. While future research is necessary to find a causal link, these are significant and concerning patterns for three reasons. First, these trends underscore the lack of political voice and incorporation that Latino immigrants have in Southern California cities. This is important because as Irene Bloemraad puts it, “if a sizeable portion of a country’s population remains outside of the political system...the moral and political legitimacy of the nation-state is challenged...immigrants’ political incorporation matters to immigrants, host countries, and by extensions, the native-born population of such societies” (Bloemraad, 2006, p. 11). Ingram and Schneider tell us that the way a population is framed within policy discussions will dictate the relationship policy makers have with the population. By continually framing day laborers as deviants, local governments are continuing to disenfranchise this population.

Secondly, as the localization or municipalization of immigration policy continues in Southern California as throughout the country, understanding why cities frame and enact policies as they do will lead to better understandings of how to alter this process and encourage a more positive context of reception for new immigrants. Finally, these findings call out the reactionary nature of many anti-day labor

ordinances as passed in California. The most stringent regulations on day laborers coming from cities with high levels of Latino population growth, this echoes the warning that immigrant incorporation and acceptance into the native population is needed to prevent further social and political isolation among new immigrants in California cities. In an effort to contextualizing these findings, Chapter Four sets out to understand why Southern California cities often react to the presence of day laborers in these negative, restrictionist ways through a discussion of the racial tensions and histories of public spaces.

Chapter 4: Waiting for Cosmopolis

The great possibility of the mongrel [diverse] cities of the 21st century is the dream of cosmopolis: cities in which there is acceptance of, connection with, and respect and space for 'the stranger', the possibility of working together on matters of common destiny and forging new hybrid cultures and urban projects and ways of living.

- Leonie Sandercock (2003)

Cosmopolis is Leonie Sandercock's utopian dream of a multicultural city in which difference is celebrated instead of feared. Where the stranger is respected and welcomed, instead of reviled and pushed out. Yet for immigrant day laborer *others*, Southern California cities are a far cry from Sandercock's cosmopolis. Instead of acceptance and respect, day laborers are often greeted with suspicion and hostility. Nativist groups harass them and their potential employers, city governments pass ordinances banning day laborers from soliciting work within their city and police departments harass and cite day laborers for minor infractions like jay-walking and blocking the sidewalk. While immigrant laborers work in nearly every industry in the state¹, day laborers are often singled out as the cause of an immigration *problem* or *crisis* in our communities (Public Policy Institute of California, 2008). As day laborers move outside the urban barrio into the suburban landscape of middle class, traditionally white communities, they are seen as disorderly brown bodies. It is not just their presence in a non-urban environment that is troublesome, but their visibility as

¹ "Immigrants comprise more than one-third of the California labor force. They figure prominently in key economic sectors such as agriculture, manufacturing, and services. Immigrants provide leadership and labor for the expansion of California's growing economic sectors – from telecommunications and information technology to health services and housing construction" (Immigration Policy Center, 2009).

others, clearly not belonging, not possessing membership within their host community. There exists a common sense notion of racial spatial segregation, one that tells suburban middle class communities that poor immigrant day laborers of color do not belong in their neighborhoods. Yet, it is not just the presence of brown bodies within these communities, it is their presence as hyper-visible others, that is of concern. Sociologist Jill Esbenshade describes the hyper-visibility of day laborers noting that “they are not only poor Latinos, but flamboyantly so, gathering in groups in the public view, speaking Spanish, [and] clearly unemployed” (Esbenshade, 2000, p. 34). Invisible Latino maids, nannies, and gardeners do not create an environment of fear that the visible day laborers do as they wait in parking lots and on street corners for employment. I argue that the hyper-visibility of day laborers challenges the common sense understandings of racialized space, lending themselves to become targets of intense nativist reactions.

A racialized spatial understanding of the city is not a product of coincidence. State actors and representatives from the early twentieth century onward have routinely given legitimacy to the racing of space. From redlining to selective enforcement of crime and vice, state actors have perpetuated the racial segregation of peoples throughout cities and spaces. Yet in global cities and regions, growing diversity and immigration are challenging these understandings of racialized space as immigrants help transform suburban America into global, mongrel cities. To understand how day laborers’ hyper-visibility challenges common sense understandings of raced spaces, this chapter examines two specific phenomena.

Day laborers challenge this accepted or common sense notion of spatial race relations in our cities. As a hyper-visible racialized group, day laborers defy the terms for which poor immigrant men have access to suburban communities. The nature of day laborers hyper visibility within otherwise homogenous communities challenges the way in which the white majority chooses to include racialized groups – invisible domestic workers are acceptable in gated communities but unemployed men of color are not acceptable on street corners within the same communities. Esbenshade (2000) describes the otherness of day laborers and the weight of this visibility in creating fear and distrust among community members, through an incident in Glendale where “a resident candidate for city council suggested, in all seriousness, buying the day laborers suits and briefcases from Goodwill so that other residents would not be so disturbed by their presence” (2000, p. 34). This powerful, albeit absurd, as the proposition was, it highlights that visibility is the issue, if day laborers were not so visibly poor and foreign, there may no longer be fear within the community. Sandercock explains that, “such is our fear of the Other – a fear of those culturally different and of people whose symbolic and real presence speaks of economic instability – that we try to make them invisible by removing them – legally of course (the law is always on our side) – from our neighborhoods, our communities, our parts of the city” (Sandercock, 2003, p. 21).

The visibility of day laborers is in contrast to the less visible, often invisible, immigrant domestic workers within these same racially segregated communities. Female immigrants who serve as nannies and housekeepers are rarely visible to the

community-at-large, often sequestered within the home until they return to their own homes at night. Women immigrants are not only invisible within these communities, but they are “imagined differently” (Esbenshade, 2000, p. 34). Esbenshade describes this discord in the conceptualization of immigrant men and women in Senatorial candidate Michael Huffington’s campaign, “who ran his 1994 campaign almost entirely on an anti-immigrant platform, [but] defended his employment of an undocumented worker, saying *his* nanny was like part of the family” (Esbenshade, 2000, p. 34). No longer an immigrant other, nannies and housekeepers who become invisible members of a community do not represent such a treat as day laborers. The hyper-visible day laborer perpetuates their foreignness, their difference, and elicits strong responses from their host community.

Common Sense Understandings of Racialized Spaces

Legal scholar John Powell argued that “not only have we racialized our space, but it is through space that we do our racing in the 20th century” (Molina, Winter 2009). The built and imagined city environment is racially coded – the black urban core, white suburbs, Asian and Latino enclaves – city spaces are raced. From colonial settlement’s segregation of native Americans to the restrictive covenants of the 1970s, space is understood in racial terms (see Vale 2000). Looking at the racing of space from the 20th century onward, patterns emerge that give residents an intuitive, or normative, understanding of which racialized group belongs where, and in what form it is acceptable to cross these every-day borders. As visible immigrant-*others*, day

laborers are targets of anti-immigrant legislation because they challenge what I call the common sense spatial racialization of lived communities.

Building off of the work of Foucault's normalization and Hall's unconscious ideologies, the concept of common sense racism helps explain how Latino male immigrants are understood as criminal deviant others in a way that is neither questioned nor viewed with skepticism. Rather an understanding of racial difference and racist ideologies have become normalized into ideologies that are both unconscious and taken for granted equating them with common sense. Haney-Lopez uses the idea of common sense racism as a method for understanding the racism experienced by 1960s Chicano activists in Los Angeles at the hands of judges, police, and school board members.

Haney-Lopez's theory posits that understandings of racial hierarchies are so ordinary, pervasive, and perpetual that they have come to be considered common sense. Racial ideas in terms of group characteristics "refer to the stereotypes that attach to races, such as stock conceptions of Mexicans as lazy, dirty, crime-prone, and inferior, as well as beliefs that whites are rational, just, intelligent, and superior" (Haney-López, 2003, p. 119). It is precisely this background body of knowledge and tacit acceptance of racial differences and hierarchies that leads to common sense racism. Because of reliance on common sense understandings of racial differences, Haney-López argues, our interactions with people are based upon understandings of their location within a racial hierarchy.

Stuart Hall (1995), as quoted in Edles, wrote that ideologies “work most effectively when we are not aware that how we formulate and construct a statement about the world is underpinned by ideological premises ; when our formations seem to be simply descriptive statements about how things are (i.e., must be), or of what we can ‘take for granted’...ideologies tend to disappear from view into taken for granted ‘naturalized’ world of common sense” (1991). In the case of racial ideologies’ location in, or even the existence of, a racial hierarchy is not longer seen as one of many possible ideologies but as the natural order of things. In his discussions on the normalization of judgments, Foucault’s (1995) central argument – that through regular discipline, normalization occurs – speaks to how the process of normalization occurs. He describes the process as “the perpetual penalty that traverses all points and supervises every instant in the disciplinary institutions compares, differentiates, hierarchizes, homogenizes, excludes. In short, it *normalizes*” (Foucault, 1995, p. 183). The ‘perpetual penalty’ of discipline that leads to normalization of judgments for Foucault is the same principal that leads to common sense racism for Haney-Lopez.

This common sense understanding of race and racial difference extends beyond the theoretical and into the spatial. Haney-López argues that “the segregation in our cities and workplaces...resulted from actions based on widely accepted racial ideas” (Haney-López, 2003, p. 7). The normalization of raced spaces throughout the 20th century in urban and suburban settings has served to reinforce the idea of common sense racial difference and racialized spatial segregation has come to be viewed as a natural element of the urban condition. This racialized spatial understanding of the city

is not a product of coincidence. As shown in the following discussion, throughout the twentieth century state actors gave legitimacy to the racing of space leading to today's common sense understanding of racialized spaces.

The Historic Racing of American Public Spaces

Historian Kevin Mumford outlines the story of how space became racialized through the policing of vice in early 20th century Chicago and New York. Through his exploration of the spatial implications of unequal policing of illicit activities in neighborhoods of color, it becomes clear that color lines within cities are not arbitrary developments and fundamentally raises issues of who belongs and who doesn't. Color lines and racial segregation, Mumford argues, are direct results of selective enforcement of laws and the restriction of vice;

As with many aspects of police enforcement [of prostitution], jump raids were flawed because they selectively enforced the existing statutes. They were used against the more visible prostitutes and did 'not involve the high priced prostitute [read: white] who is difficult to apprehend.' African American women made up the ranks of streetwalkers, debatably the most difficult and dangerous form of prostitution; they solicited from tenement house windows, doorways, and stoops (Mumford, 1997, pp. 38-39).

Selective enforcement of visible, usually African American, prostitutes disproportionately criminalized women of color causing them to be "viewed as 'natural' streetwalkers, deserving of harsh punishment" (Mumford, 1997, p. 39). The "geographical shift from 'segregated vice' to racial segregation" was accomplished through police departments' racially and spatially selective enforcements of vice. The outcome of monitoring and criminalizing prostitution only among black women and

allowing vice to flourish in red-light districts was the dual impact of criminalizing certain spaces and people within those spaces as social deviants.

Looking at the creation and perpetuation of black ghettos in the latter half of the 20th century, Wilson (1980) and Massey and Denton (1993) both identified the same problem of continued racial segregation but developed competing theories to explain it. Wilson believed that the segregation of black Americans in urban ghettos was due to shifting macro economic conditions within the nation rather than racial motivations among non-black Americans. Wilson argues that the loss of stable blue collar jobs in the 1970s coupled with the Fair Housing Act which enabled the middle and upper income black families to move out of the ghetto had disastrous effects on low income blacks. The result of these two policy and economic shifts was the creation of what Wilson calls the black *underclass* with little access to stable, good wage earning jobs, and without the contact, support and networking capabilities with middle and upper income black community members, as they were now living in wealthier suburbs. Looking at the same problem of a perpetual black urban ghetto, Massey and Denton come to a very different conclusion, they argue that it is continued and systemic racism from white America, that has resulted in residential *hypersegregation*. Massey and Denton cite a 1978 survey of white Detroit residents that asked them how comfortable they would be in mixed color residential neighborhoods and the results underscored Massey and Denton's claim of white prejudice as 42 percent of white respondents said they would feel uncomfortable in a community that was composed of just 21 percent black households.

The state continued to legitimize the racing of space through the policies of redlining leading to lasting effects on the ability of racialized groups to receive home loans. Haney-López credits the 1939 decision by the Federal Housing Agency to redline the Boyle Heights neighborhood in the predominantly Mexican East Los Angeles for the creation of the racially insulated and isolated Mexican community. The Federal Housing Authority “refus[ed] to issue federally supported loans in what the agency perceived as “a ‘melting pot’ area literally honeycombed with diverse and subversive racial elements” (Haney-López, p. 70). Restrictive Covenants, banned in 1948 but extra-legally carried on for decades later, lent more legitimacy to racial segregation. As Mike Davis describes mid century Los Angeles,

Residential segregation was steadily tightened during the early 1940s as white property owners secured the limited supply of housing outside existing Negro areas for white occupancy only by attaching race restrictive covenants to the titles. In several areas...‘home improvement’ associations led vigorous campaigns to cover all standing residential structures with covenants. Much of the San Gabriel Valley and Pasadena was thus closed to Negroes in 1941 (Davis, *City of Quartz: Excavating the Future in Los Angeles*, 1990, p. 163).

More recently, in the height of late 1980s gang violence in Los Angeles, police barricaded neighborhoods within the city thought to be drug havens calling them ‘narcotic enforcement zones’ (Davis, *City of Quartz: Excavating the Future in Los Angeles*, 1990, p. 277). The results for neighborhoods like the heavily Latino Pico-Union area of Los Angeles was a “27-square-block area sealed off with barricades and police checkpoints in October 1989” (Davis, *City of Quartz: Excavating the Future in Los Angeles*, 1990, p. 277). Similar to the policing of prostitutes in turn of the century

New York, the Los Angeles Police Departments barricade program and coinage of the term *narcotics enforcement zone*, continued to racialize and criminalize spaces within cities.

Southern California's model for urban growth centered around low density development outside of the inner core led to further racial exclusion from the suburban geographies. The incorporation of sixty communities within greater Los Angeles not only had detrimental effects on the tax base and economic well-being of the urban core, but "also established a geographic basis for unequal opportunity, as incorporated cities were able to exert far more control over who lived, entered, and shopped in their communities" (Pulido, 2006, p. 38). These cities often become fortress cities, using literal walls as well as a variety of restrictions creating virtual walls to prevent non-residents from invading their communities. Davis describes this process in Los Angeles' wealthiest communities,

Traditional luxury enclaves like Beverly Hills and San Marino are increasingly restricting access to their public facilities, using baroque layers of regulations to build invisible walls. San Marino, which may be the richest, and is reputedly the most Republican (85 percent), city in the country now closes its parks on weekends to exclude Latino and Asian families from adjacent communities. One plan under discussion would reopen the parks on Saturdays only to those with proof of residence (Davis, *City of Quartz: Excavating the Future in Los Angeles*, 1990, p. 246).

The southern California low-density model for growth has led to higher racial segregation as incorporated cities have the autonomy and authority to regulate who enters and lives within their boundaries.

From policing of vice to redlining, neighborhoods of color have experienced routine and sustained racial and spatial segregation. The spatial delineations of neighborhoods and their residents have led to a common sense understanding of how space is raced. It is no surprise to see young immigrant youth at the downtown basketball courts, but not at the upscale suburban shopping mall; black men in south central Los Angeles, but not on the streets of Pasadena; and middle aged white men in suits in Oakland's downtown financial district, but not a few blocks down in East Oakland. These spatial norms are not a product of sheer coincidence, rather they are a direct outcome of federal, state, and local action to continually disinvest in urban cores while increasing access to middle class suburbs for white Americans and denying home loans to residents of color in urban centers. Aside from creating racialized spaces, these government programs and policies have led to a sustained disinvestment in the urban core, and a common sense notion of racial spatialization. For Haney-López, the underlying claim is that "racism is routine," but as I have shown, the racing of space and resulting racial segregation is also routine (Haney-López, 2003, p. 133).

Challenges to Common Sense Spatial Racism

Cities are places with racially codified spaces. Yet this common sense understanding of spatialized racial segregation is challenged by increasing globalization and global immigration flows. Advances in travel, communications, and international economic ties have helped to grow international migration rates over the last few decades. These new faces within cities are often perceived as a concern or threat to host city inhabitants, leading to conflicts between groups and populations

within an immigrant receiving community. Drawing on of the work of Sassen (2006) and Sandercock's (2003) exploration of diversifying cityscapes, this section explores how global or mongrel cities complicate and challenge one's perception of their neighborhood often leading to fear and distrust.

As seen through Chapter Two's discussion of migration theories related to day laborers, while advances in technology have allowed for the spatial dispersion of economic activities, the globalizing of world finances has led to a simultaneous concentration of high level professionals within the capitals of this global economy, leading to the creation of *global cities*. Global cities are not only global economic capitals acting as "command points in the organization of the world economy," but as home to a large immigrant underclass providing the support services demanded by residents of these global cities (Sassen, 2006, p. 7). Although global cities are often the wealthiest in the world, they also are home to "dense groups of very poor people, living in close juxtaposition with concentrations of the extraordinarily wealthy" (Fainstein, 2001, p. 20). Sassen's theory places immigrant labor as being part of the wider process of globalization, meeting the demand for low wage services by highly skilled professionals, rather than a sociological anomaly.

The presence of these two classes of global citizens – the professional and the service provider – within cities like Los Angeles have led to the creation of *mongrel cities*; Sandercock's term for cities of difference and otherness. In Sandercock's view, 'cities are now becoming the primary site for the lived reality of globalization, particularly as global migration creates 'cities of difference' (Curry, 2006, p. 102).

Similar to Sassen's global city framework, Sandercock's cities of difference, mongrel cities, place international migration as a central issue facing globalized urban centers. Sandercock uses the metaphor of the mongrel city "to characterize this new urban condition in which difference, otherness, fragmentation, splintering, multiplicity, heterogeneity, diversity, plurality prevail (Sandercock, 2003, p. 1)." The entrance of immigrant others within global cities and regions is not a pain-free process. A deep sense of loss and nostalgia on the part of the host community is often felt; Sandercock describes "an equally painful disruption of their homely space, from the imaginary space of the nation to the very real space of neighborhoods, the kinds of shops and churches, the smells coming from restaurants, the way people dress (Sandercock, 2003, p. 136). The discomfort and anxiety felt by residents of mongrel cities often manifests itself through fear and aversion of the newly arrived *other*.

Within the context of these global mongrel cities, conflict over the entrance of day laborers into suburban neighborhoods represents the larger struggle for security and trust within demographically diversifying communities. Neighborhoods provide "the benefit of membership in a social space that is viewed as orderly, predictable, and protective" which creates a sense of safety and dependability among residents (Logan J. R., 2007, p. 105). Sandercock explains that "when immigrants with different histories, culture, and needs arrive in global cities, their presence disrupts taken for granted categories of social life and urban space as they struggle to redefine the conditions for belonging in their new society" (Sandercock, 2003, p. 134). Residents concerned with maintaining high use values of security and trust are suspect of non-

members present in their community space. This can result in communities acting as “bastions defended against the perceived dangers of interlopers drifting in from adjacent areas” (Logan J. R., 2007, p. 105). As day laborers seek work in white suburban neighborhoods they are perceived as a threatening other, not belonging and as an obvious non-member of the community.

The perceived threat of immigrant *others* within white neighborhoods has resulted in what urbanist Mike Davis calls, “the most powerful ‘social movement’ in contemporary Southern California, that of affluent home owners, organized by notional community designations or tract names, engaged in the defense of home values and neighborhood exclusivity” (Davis, 1990, p. 153). These affluent homeowners have proven to be a formidable opponent to day laborers, and political scientist Robert Putnam helps to explain why. He argues that in the short run, “immigration and ethnic diversity challenge social solidarity and inhibit social capital” (Putnam, p. 137). In the short run diversity can foster social isolation, lower confidence in local government, decrease political participation, reduce participation in community projects, and gives residents a perceived lower quality of life. While in the long run these issues become less relevant, the short run findings are useful to explain the fear of *others* that homeowners develop when faced with increasing diversity within their communities. Ironically, as Logan and Molotch argue, for residents interested in maintaining a specific status and lifestyle, “the stranger to fear may not be the man of different ethnicity of the street corner, but a bank president or property management executive of irrelevant ethnicity far from view” (Logan &

Molotch, 2007, p. 111). It is the invisible white collar real estate developer who has the power to transform a community more so than the undocumented immigrant on the street corner. Yet it is not the bank executive but the visible immigrant-*other* day laborer that is made into a target of community movements and nativist policies. As immigrant others, day laborers are seen as incongruous with the understanding of where racialized groups should belong within the city.

Although the geographic landscape of American cities has been racially segregated over the course of history, there are times when racialized groups have been granted access to the affluent white suburban communities. Drawing on Yen Le Espiritu's theory of differential inclusion, I propose to add a spatial dimension to this understanding of the racial inclusion. Espiritu defines differential inclusion as "the process whereby a group of people is deemed integral to the nation's economy, culture, identity, and power – but only integral or only precisely because of their designated subordinate standing" (Espiritu, p. 47). By emphasizing inclusion rather than exclusion, Espiritu highlights the value these racialized groups add to the nation. While this useful in understanding race relations in the United States, I will add a layer of understanding, a spatial layer.

bell hooks' exploration of the relationship between the margin and the center within American cities offers a good example of adding a spatial dimension to Espiritu's differential inclusion. When describing her early childhood in Kentucky, hooks describes the racial and spatial segregation she witnessed,

As black Americans living in a small Kentucky town, the railroad tracks were a daily reminder of our marginality. Across those tracks were paved streets, stores we could not enter, restaurants we could not eat in, and people we could not look directly in the face. Across these tracks was a world we could work in as maids, as janitors, as prostitutes, as long as it was in a service capacity. We could enter that world but we could not live there. We had always to return to the margin, to cross the tracks, to shacks and abandoned houses on the edge of town (hooks, 2000, p. xvi).

African Americans were not excluded from the world that existed beyond the tracks, rather they were valuable exactly because of their subordinate standing within the racial hierarchy and therefore granted access to certain elements of the white community – as wait staff and domestic workers. While common sense ideas of racial difference created racialized spatial segregation in our cities, differential inclusion explains the instances in which visible minorities are granted access to the traditionally white middle class suburban communities. According to German sociologist Ulrich Beck, with the presence of an unsettling minority *other*, “the desire for the logic of order and identity is reasserted. ‘We’ must secure our centrality and ‘they,’ those who disrupt our homely space, must be pushed out from the center. Difference is an attribute of ‘them.’ They are not ‘like us’ and therefore they are threatening (Sandercock, *Cosmopolis II: Mongrel Cities in the 21st Century*, 203, p. 111). Although ‘they’ are allowed into affluent white neighborhoods to provide services to ‘us,’ day laborers violate the unspoken social contract of racial spatial segregation and rules of entry as ‘they’ enter into these same communities not to provide ‘us’ a service, but to seek employment in a public, un-American manner.

The Panic over Immigrants in California

The sustained Latino immigration to the United States over the last century has led to periods of deep fear and concern over the changing demographics of American communities resulting in moral panics, which Steve Macek defines as “any sudden upsurge of public concern over, or alarm about, a condition or group socially defined as ‘threatening’ or ‘dangerous’” (Macek, 2006, p. xiii). Macek argues that over the course of the last three decades the United States has been in a moral panic directed at the black and Latino inhabitants of urban cities. The threat of these visible minorities has inflated “an urban underclass of working-class blacks and Latinos thought to be so deviant, murderous, and immoral as to constitute a serious danger to the nation’s security and well-being” (Macek, p. xiv). This moral panic directed at the ethnic urban core is best understood as an outcome of economic restructuring in the newly globalized US economy since the 1970’s, resulting in economic polarization and increasing racial segregation between the urban center and the suburban periphery. Macek identifies three factors that have been decisive in the shaping of racially and economically segregated cities; 1) the suburbanization of businesses and white populations, 2) the Great Migration of black population from the rural south to the urban north and the resulting segregation within northern urban ghettos, and 3) the economic restructuring that has led to a loss of blue collar employment opportunities (Macek, p. 3).

At the same time that American urban centers are becoming poor and racially segregated, “white suburbs emerged as largely privatized places of relative affluence”

(Macek, p. 3). In the context of increasingly segregated urban centers and suburban peripheries, day laborers challenge the exclusivity of the suburbs as they wait for employment outside of suburban Home Depot's and Kelly Moore Paint stores. New immigrants are skipping the urban centers and settling in suburban communities.

Nationwide, more immigrants now live in suburban communities (52 percent) versus urban centers (48 percent) (Singer, 2007). As Hardwick observes, today "the outer city is no longer the 'sub' to the 'urb' in any traditional sense of the word" (2008, p. 31). These suburban communities are new destinations for immigrants as densification of older suburban communities allows for low priced apartments and multifamily housing opportunities crop up outside of the traditional urban core; "21.5 percent of all suburban immigrants live in multifamily housing, primarily in apartments, a very different image from the more common perception that housing choices in the suburbs are limited to single-family homes on large lots" (Hardwick, 2008, p. 44). Locally, the heavily Latino Riverside County experienced higher growth rates in their Latino populations between 2000 and 2004 than did the traditional immigrant destination of Los Angeles County (Hardwick, 2008, p. 44)

Southern California semi-urban or suburban communities highlight these trends as seen through the incredible growth rates of Latino populations since 1990. As seen in the previous chapter, demographic shifts in the region have been quite dramatic. Forty five percent of the population of Vista, California in San Diego County was comprised of Latinos in 2007, while in 1990 that figure was only twenty four percent; this demonstrates a 137 percent growth in the Latino population in just

17 years (US Census). The California cities of Orange, Escondido, and Upland also experienced more than a doubling of their Latino populations since 1990 (US Census). Not surprisingly given the moral panic surrounding the presence of immigrants within American communities, all of these cities have passed restrictive laws banning day laborers from the public sphere.

The current panic over Latino immigration to the United States is lead by academics like Samuel P. Huntington of Harvard who describes the challenges that Latinos present to the nation,

the persistent inflow of Hispanic immigrants threatens to divide the United States into two peoples, two cultures, and two languages. Unlike past immigrant groups, Mexicans and other Latinos have not assimilated into mainstream U. S. culture, forming instead their own political and linguistic enclaves –from Los Angeles to Miami – and rejecting the Anglo-Protestant values that built the American dream. The United States ignores this challenge at its peril (Huntington, 2004).

Aside from academics, members of the media are also contributing to this re-emergent panic, CNN's Lou Dobbs' ongoing segment entitled *Broken Borders* gives him and other nativist individuals and groups not only a platform from which to speak, but a legitimacy derived from their employer (CNN). Citizen groups like the Minutemen Civil Defense Corps' growing voice also contributes to the panic surrounding growing immigration numbers in the United States.² Not to be left out, elected officials at every level of government – from Tom Tancredo and Duncan Hunter to Pete Wilson – are

² While there are record numbers of immigrants entering the country, as a percent of the population the level is still below the historically high rates of immigration seen in the 190's when the foreign born population represented 14.7% whereas today the percent of the total population that is foreign born is closer to 12.4% (Singer, 2007). The panic surrounding immigration has created a false understanding of the makeup of the American population. Most Americans, when asked what percent of the country are foreign born answer about 30%, more than twice the actual number (Jimenez, Spring 2008).

quick to frame immigration issues in terms of national security and rule of law rather than multiculturalism, immigrant incorporation, or even labor economics.³ The panic over Latino migration to the United States can be seen in Leo Chavez's (2008) study of main stream news magazine covers and their depiction of Latino migration. He shows covers from respected magazines like Time and Newsweek, which perpetuate the commonly perceived but ill founded threat that sustained Latino migration will lead to a divisive Quebec-like community, and that Latino women are accused of being nothing more than baby making machines, further fulfilling the threat of a *reconquista*.

Since the 1994 economic slowdown in which Latino immigrants were targeted as scapegoats, allowing for the passage of CA Proposition 187 and Operation Gatekeeper, a moral panic over the growing Latino population in California has taken hold. Reinforced in a post-9/11 understanding of immigration as a national security issue, day laborers are caught in the midst of not only racially segregated cities, but a state-wide panic over the security risk Latino men represent to the overall well being of California. More recently the 2008 recession and 2009 Swine Flu scare have brought about a revival in calls for the government to seal the borders. To understand why these moral panics surrounding immigrants and day laborers emerge at the national and local level this chapter looks at how space within the community and nation is understood and what happens when foreigners enter into the spatial habitus.

³ The 2005 "Border Protection, Anti-Terrorism, and Illegal Immigration Control Act of 2005" known famously by HR4437 or as the "Sensenbrenner Bill" is an example of the framing of immigration policies in US government.

Conclusions

As hypervisible immigrant men, day laborers are seen a threat to the local community. One Farmingville, New York resident when asked about the root of her concern over the presence of day laborers in the community said “they do not have the right to live here...to destroy my community” (Tambini, 2004). The feeling of loss and fear are real for many communities dealing with the issues surrounding rising levels of new in-migration from Mexico, Central America, and across the globe. Although globalization is by definition a global process, the impact is felt and contextualized at the local level through local debates and discussions. The entrance of new people, new stores, community centers, languages, religions, and cultural lifestyles is not always understood as an exciting new opportunity to grow and change as a community but rather it is often understood as a loss of the memory, history, and hominess of a community. The hypervisibility of day laborers, whose presence on street corners is seen as un-American, provides an easy target to channel these feelings of frustration and loss resulting in picketing and harassment of day laborers by community members, police, and city councils. While Sandercock’s work on the utopian Cosmopolis may provide insight into the fear of others, it does not, unfortunately, provide a blueprint for reaching the dreamed of cosmopolis, as so we wait.

Chapter 5: Conclusions

*Before I built a wall I'd ask to know
What I was walling in or walling out,
And to whom I was likely to give offense
- Robert Frost, The Mending Wall*

The experience of globalization and international migration is felt, understood, and lived in the local spaces of daily life. The goal of this thesis has been to understand why local governments and institutions react to these global processes and how the global experience is daily lived within communities. Today's cities are what Leonie Sandercock (2003) calls *multiple*, they are multiethnic and multiracial which leads to both fear and celebration within communities. City spaces are defined not just by their physical attributes but as places of shared history, memories, and symbols. The entrance of newcomers in significant numbers means that these markers of place are changing. With new populations come new memories, histories, and symbolism of these public spaces. These changing representations of the community are often perceived as a threat, "it is a complicated experiencing of fear of 'the Other' alongside fear of losing one's job, fear of a whole way of life being eroded, fear of change itself" (Sandercock, 2003, p. 4). Understanding how individual communities respond to these fears brought on by increasingly changing immigration inflows, demographic makeup, and shifts in labor demands becomes an ever increasingly important topic of study as aggregate inbound immigration rates continue to increase in a political landscape of out of date and poorly designed federal

immigration policies. As each community responds to these changes individually, without an umbrella policy of national immigrant incorporation, and the result is contradictory patchwork of local ordinances that challenges not only the effectiveness of the laws but the ability for cities to collaborate on these and other issues (Rubaii-Barrett, 2008).

In this study of day laborers and the regulations levied against them in Southern California cities, similar experiences were found. From Vista's day labor registration program to Costa Mesa's ban of solicitation, the regulation and limitation of day laborers access to the public sphere echoes the history of local desire to regulate how immigrants are received within a community. Starting out with the questions of what policy responses cities elect to use in the face of day labor solicitation and perhaps why they choose them, this thesis has come to the following conclusions: cities have four policy options available to them when choosing how to react to the presence of day laborers soliciting employment within their communities; avoidance, seclusion, exclusion, and harassment. While future research is necessary to define a causal link explaining why cities chose the policies they do, patterns from this sample indicate that cities with high levels of Latino population growth tend to ban day laborers from soliciting in public spaces unless the size of the Latino population within the city has grown so large it becomes too much of a political risk to disenfranchise them with racially motivated policies. A second conclusion drawn is that cities that ban solicitation tend to construct day laborers as social deviants in order to justify the chosen policy action. Finally, in an explaining why cities and communities feel the

need to respond to this new immigrant group this paper found that the hypervisibility of day laborers within the raced spaces of Southern California communities make them targets of anti-immigrant ordinances. Taken together these conclusions underscore the need for a national immigrant policy which dictates the role of the city, state, and national governments in the incorporation of new immigrants into the existing social fabric and leaves immigration policy making – the policing, monitoring, and regulation of legal status – to the federal government. In a state which is slated to become a Latino majority population within fifty years, these are troubling findings indicating that increasing diversity leads to fear and distrust. Robert Putnam’s similar findings in his 2007 article regarding the challenges of diversity offers a ray of hope for the future. He argues that even though in the short run diversity causes communities to “hunker down” in fear and mistrust, in the long run “successful immigrant societies create new forms of social solidarity and dampen the negative effects of diversity by constructing new, more encompassing identities” (Putnam, p. 139). In the following paragraphs I will outline what I see as policy options and approaches that would facilitate the creation Putnam’s successful immigrant society, through a reduction of fear of newcomers and an increased understanding and acceptance of the changing realities of daily life in global city-regions.

Multiculturalism

As a self proclaimed nation of immigrants the United States has a surprisingly laissez faire approach to immigrant integration. Left to their own devices, immigrants to the United States are expected to follow in the American tradition of pulling oneself

up by their bootstraps. In a 2006 speech on immigration, former President George W. Bush described the assimilation process as “we trust in our country’s genius for making us all Americans, one nation under God.” Housed in the Department of Homeland Security, immigrating policy has been focused on the regulation of entrance to the country rather than the integration into it. With the exception of refugees, government involvement in the immigration process ends once a new arrival clears customs. There are no government sponsored English language classes or job placement services, entry into American society is largely an individual’s responsibility and failure to do so reflects poorly not on the state but on the individual. The responsibility to assimilate a newly arrived immigrant into the community are left to churches, non-profits, and ethnic community groups. While the strongest assimilation facilitators in the United States are its schools and armed services, these are institutions that are not designed exclusively for immigrants and that do not effect every newly admitted resident.

Ironically, fears of non-assimilated Latino immigrants – which have been proven false through numerous surveys – fuel fears of a *reconquista* (re-conquest) yet the policy solution to this perceived problems is not assimilation or integration assistance, but a deportation campaign and strengthened border enforcement (see Chavez 2008). One possible explanation for the hesitancy surrounding the implementation of integration or settlement programs in the United States is the history of Americanization campaigns in the early 20th century. After the Americanization campaigns of the early 20th century in the United States, assimilation

became a four letter word in American dialogues, as it became identified solely by the nativist push for Anglo-conformity and the shunning of foreign cultures (Brubaker, 2001).

In a comparison of naturalization rates between immigrants to the United States and Canada, Bloemraad (2006) found that Canada's official policy of multiculturalism led to higher rates of immigrant naturalization than the United States laissez faire approach. Bloemraad charts the percentage of naturalization applicants of the total foreign born populations in each country and discovers that after the 1960s implementation of Canada's multicultural policies, what had once been similar rates of naturalization between the two countries was now heavily favored in Canadas favor – in 2000/2001 just over 35 percent of US immigrants applied for naturalization versus the 72 percent in Canada, her graph can be found in the Appendix of this thesis (Bloemraad, 2006, p. 30). While the United States has a political ideology of multiculturalism, Canadian politicians have turn the idea of multiculturalism into practice through official recognition of ethnic groups, and the funding of immigrant settlement industries, such as host programs, welcome centers, job assistance, and language courses.

The result of Canada's policy of multiculturalism has not been increasingly divisive discourses of difference but an increase in political incorporation as there are more immigrants running for political office, voting, and participating in civic activities than in the United States, while the US policy of no policy "appears to produce political apathy and alienation rather than incorporation" (Bloemraad, 2006,

p. 5). The repercussion of an alienated ethnic group within a system of government that espouses equality and democracy are serious. Robert Putnam (2000), like Alexis de Tocqueville before him, warns of the dangers of decreased civic participation for democratic governments, yet as immigrants in the United States are largely ignored by government institutions this threat is increasingly coming to fruition.

While a national policy of multiculturalism in the United States would be a broad policy change effecting immigrants of all types, the implications for city governments looking to craft solutions for day laborers on street corners would be significant. Bloemraad's discussion of naturalization isn't a possibility for most day laborers as undocumented immigrants are not, at this point, eligible for the regularization of their status, but if Latino immigrants in general were more actively welcomed and integrated into the community through language programs, job placement, and host programs this would not only facilitate easier entry for immigrants but offer more chances for interethnic mixing between host community and new immigrant which would lead to further political incorporation as "political incorporation is a social process" (Bloemraad, 2006, p. 65). In the absence of such federal policies, and the unlikelihood of their passage in the near future given the current economic crisis and political climate, regional and state level policies should be considered. While immigration policy is the sole responsibility of the federal government, the provision of services is not. The reemergence of regionalism as a unit of analysis in government and academic circles provides the potential for a reimagining of issues related to immigrant incorporation. While the California state

legislature passes reactionary immigrant policies concerning immigrant incorporation, as was the case with the response to Escondido's housing ordinance, the legislature has yet to take a proactive stance. The opportunity to expand the provision of statewide services like job training, to immigrants regardless of legal status, to outline what cities within the state have the authority to mandate with regard to legal status or immigrant policies, and a statewide public acknowledgement of the role of immigrants, documented or not, within the state would all be major steps on the path to a less hostile environment for migrants. Additionally, regional governmental associations like San Diego Association of Governments (SANDAG) have the opportunity to include policies related to day laborers. While immigration is felt and perceived most vividly at the local level, the patchwork of policies in the end is wasteful and does not receive the desired outcomes. If one community bans day laborers, that doesn't mean they go away, they simply find an alternative site to seek employment, in effect these policies simply push the problem onto neighboring areas. Although the current economic and political climate in the country would make it difficult to pass such legislation, federal or state funding for settlement programs could also be used for hiring centers and job placement programs – reducing issues of visibility surrounding day labor debates.

Citizenship

A major roadblock on the path to the incorporation of immigrants into local politics and societies is political recognition or citizenship. Outside of the federally regulated national citizenship are alternative notions of citizenship; local or urban

citizenship in which rights to the city and rights to advancement are predicated not on national citizenship, but on residence in a city. James Holston (2001) describes urban citizenship as the process through which

Illegal residence in a city becomes the basis both for new citizenship mobilizations and for a conception of citizenship based on urban residence. Furthermore, when city governments respond to illegal residence, their policies often lead, paradoxically, to new legal regimes that legitimize this urban citizenship. As a result the city's poor succeed in expanding citizenship to new social basis. In this situation, urban policymakers and city residents together generate new forms of citizenship and reform legal codes around agendas for a more social democracy...nationalistic and xenophobic reactions such as the criminalization of the poor and the dismantling of state social services may undercut this new urban citizenship. However, they do not abolish it. (p. 327).

As cities continue to receive new immigrant arrivals who make demands on the city, claiming rights to the city and rights to difference the understanding of citizenship is challenged. Sandercock (2003) describes the requirements of urban citizenship, "the encouragement of the political participation of migrants and the openness of the society to being redefined in the process, to new notions of an emerging common identity" (Sandercock, 2003, p. 151). Acknowledging the new demands of newly arrived citizens to a city requires a continually reimagined local identity.

One city experimenting with new understandings of citizenship is San Francisco whose mayor Gavin Newsom implemented the City ID program granting all residents of the city local citizenship, regardless of federal legal status. Launched earlier this year, the card provides residents not only a photo identification, but also access to the city run agencies such as libraries, health centers, and recreation

activities. The city has also coupled with local businesses providing discounts and restaurants and museums. Additionally, the card can serve as identification to open bank accounts for participating local banks. City Supervisor Tom Ammiano described the goal of the cards as “they’ll take some people who have been living in the shadows and help them move forward” (Begin, 2009). While it is too early to measure the results of this programs, it certainly echoes Sandercock’s understanding of the benefits of “new notions of citizenship – multicultural and urban – that are more responsive to newcomers’ claims of rights to the city and more encouraging of their political participation at the local level” (Sandercock, 2003, p. 152).

Latino New Urbanism

Another manifestation of this expanded understanding of citizenship and local citizens is the Latino New Urbanism model for growth and redevelopment. A local level of citizenship enables residents to transform the built environment to their own needs regardless of national legal status. Sandercock (2003) explains that local citizenship, “involves attempts by immigrant groups to establish collective cultural expressions of their identify in the form of place worship, commercial environments, recreational facilities, community centers, as well as claims on and the use of public space in everyday life, the ability to transform the built environment in ways that reflect cultural diversity and a subjective sense of belonging” (p. 151). California communities are beginning to see this unfold as cities like Santa Ana in Orange County, historically dominated by sprawling track homes and gated communities. Santa Ana, due in large part to middle class Latinos moving to the city center, is

celebrating a rebirth of its downtown where there are “bridal shops and corner grocery stores. Families strolling downtown. Workers walking to lunch. Store signs in Spanish next to the ubiquitous Starbucks shops. Street vendors. Professionals living in artists' lofts a block from Main Street” (El Nasser, 2005).

The concept of Latino New Urbanism, first developed by planner Michael Mendez (2003), highlights the parallels that exist between new urbanism and traditional Latino land use and lifestyle. New urbanism is a rejection of traditional urban and suburban sprawl and instead “favors residential development that includes small lots, short housing setbacks, alleys, front porches, compact walkable neighborhoods with abundant public spaces and parks, and a mix of land uses” (Mendez, 2005, p. 34). According to Mendez, this echoes the land use patterns of Californian Latinos with the emphasis on shared public spaces, walkable communities, and a local small business community. In his example of the heavily Mexican East Los Angeles community Mendez notes that the once small Anglo houses and neighborhoods have been reimagined by their Latino owners and occupants refashioning homes with large outdoor courtyards painted in bright colors and turning neighborhood parks into primary social settings. This process of Latino New Urbanism in which policy makers and government officials recognize the rights and needs of non-white community members is not an automatic process, nor an easy one. Mendez brings to light situations in which cities have limited the number of soccer fields in a community because soccer is seen as an “immigrant sport” and therefore the city funded baseball rather than soccer fields (Mendez, 2005, p. 38). Similarly the

City of Anaheim tried to block the entrance of a Latino supermarket from opening in the city claiming that it “[did] not cater to the public at large...product selection is catered primarily to the Hispanic market...store signage and music are predominantly in Spanish,” yet at the time, the city was more than 60 percent Latino (Mendez, 2005, p. 39). Although lawsuits eventually forced the city to allow the supermarket to open, the hesitancy by planners and local officials to recognize the presence of Latino communities and their own rights to the city and right to make the city their own are what is troublesome.

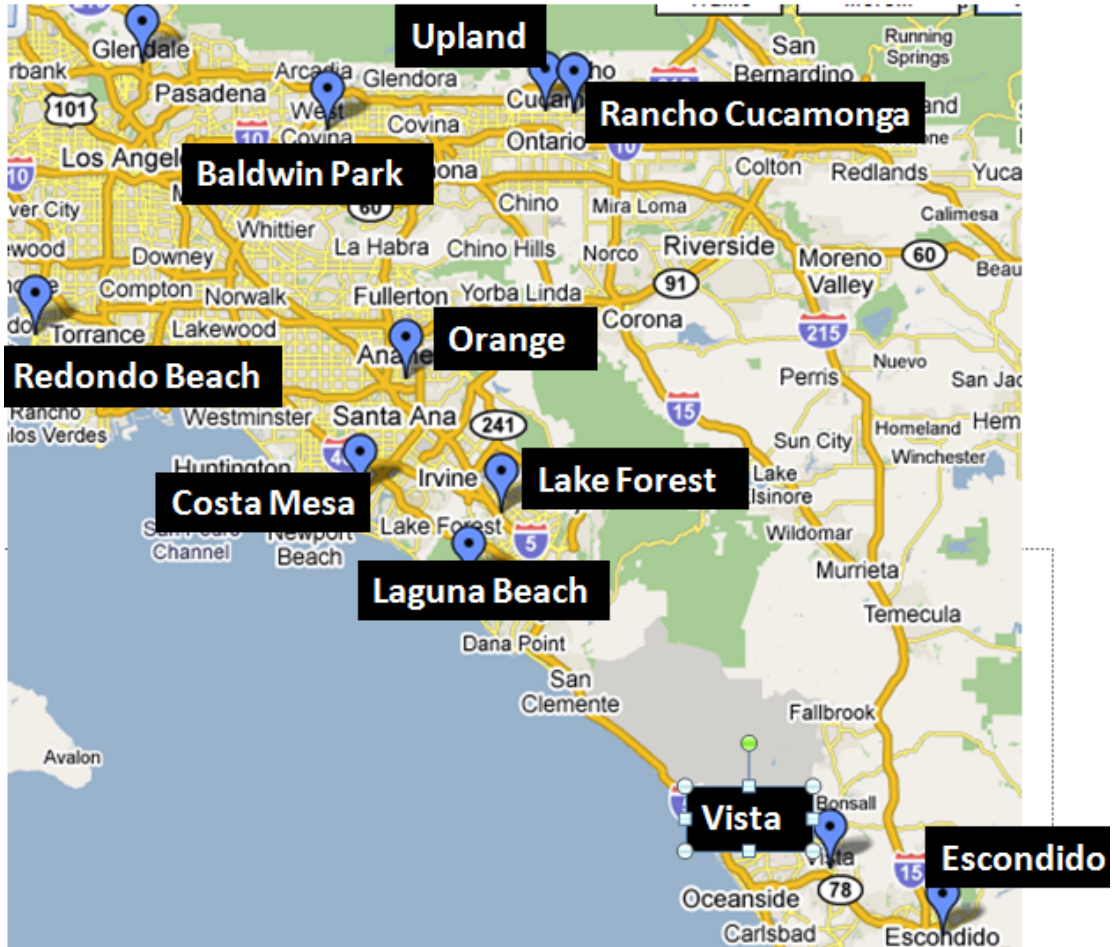
An encouragement of local recognition of new non-white immigrant residents through policies of multiculturalism, an openness to new design and development opportunities, and a reimagining of who belongs are some steps leading to the successful incorporation of immigrants and fostering understanding and respect among old and new residents. Joseph Nevins (2002) warns of the potential negative implications of discourses of fear as they turn into policy. In his exploration of the anti-immigrant panic in the mid 1990s as the passage of California Proposition 1987 and the enactment of Operation Gatekeeper, Nevins traces the simultaneous rise of the term *illegals*. His findings underscore the problems with unchecked discourses of fear as they transition in to misguided policy options. Nevins found that state sponsored use of new terminologies like illegals led to “the state normalizes what might otherwise be very contentious. Through routines and rituals the state constructs particular sociopolitical practices and identities, an outgrowth of the dynamic interaction between the state and culture” (Nevins, 2002, p. 122). Through the

continued discourse from the state and media outlets of the perils of illegal immigrants the resulting normalization of fear results in a moral panics leading to misguided policy options like Operation Gatekeeper and Proposition 187.

Much is made of the declining significance of national boundaries in the face of increasing global economic integration. But borders are as real and firm today as they ever have been. From the hyper-militarization of the Mexican border – one supposedly disappearing since NAFTA – to the rise of gated communities, securitized malls, and continued spatial segregation. For the low wage global workforce, national borders are as real as ever, but so are the local every day borders that day laborers cross within their communities. Whether borders are train tracks, streets, fences, walls, or international boundaries, we are living in an era of increasing divisions within our communities. As Robert Frost reminds us in the epigraph of this chapter, before we build a wall or restrict access to our communities, we should make sure we know what we are walling out and what we are walling in.

Appendices

Appendix A: Map of Case Cities



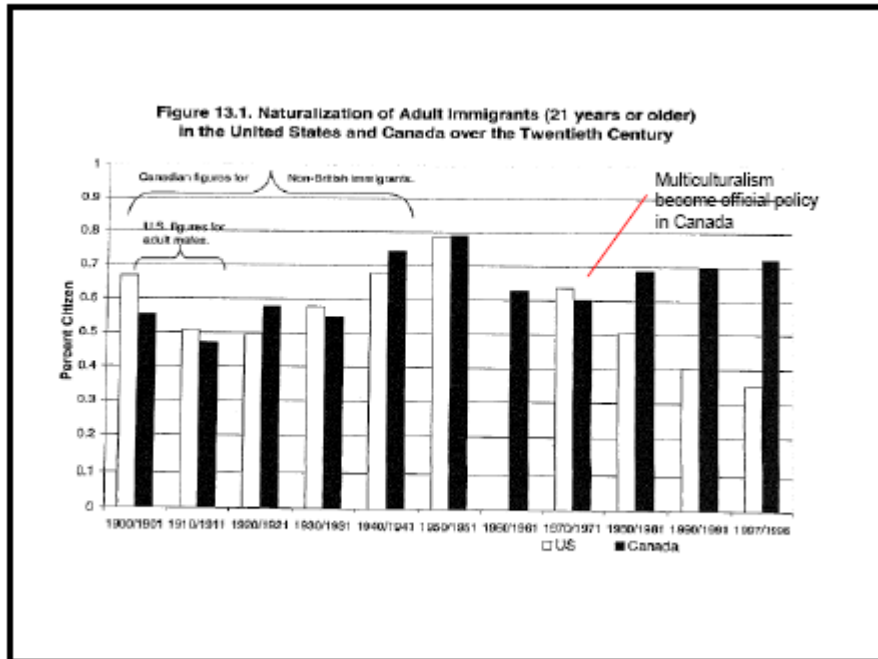
Appendix B: Day Labor Employment

Day Labor Work in Los Angeles

Field	Percentage
Excavation	88.8
Construction	88.5
Cleaning	82.7
Painting	78.9
Moving/Hauling	74.6
Gardening	74.5
Landscaping	69.9
Demolition	66.2
Roofing	65.2
Drywall	55.0
Plumbing	46.0
Mechanic	15.9
Babysitting	1.5
Other	37.4

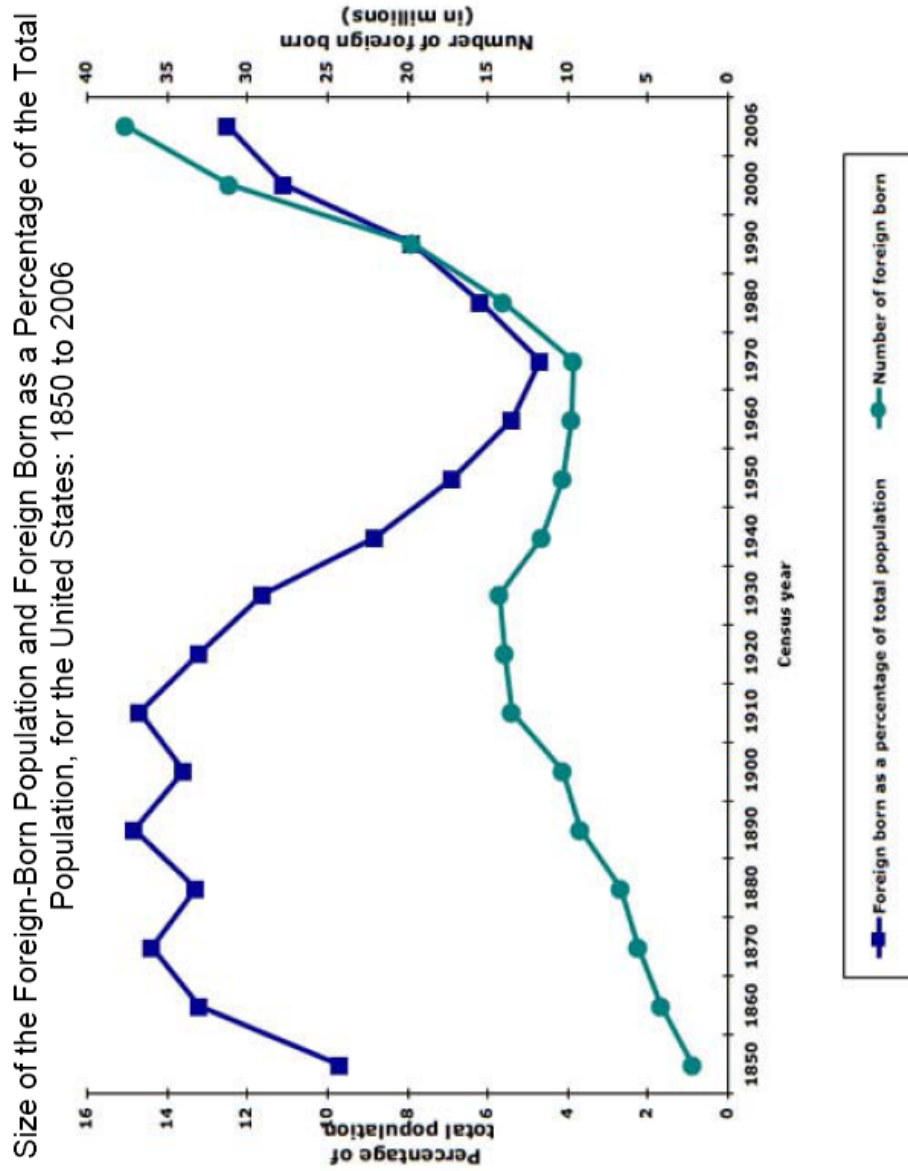
1. Total Percentages do not add to 100 because many cited more than one occupation.
2. Source: Data for Los Angeles from Day Labor Survey.
3. Table taken from: Valenzuela, Kawachi, and Marr, 2002.

Appendix C: Naturalization Rates, Canada vs. USA



Source: Bloemraad 2006

Appendix E: Migration Inflow to the United States



Source: Jimenez, Spring 2008

Appendix D: Demographic Change in Case Studies – US Census

	Total Pop			White			Hispanic		
	1990	2000	2007	1990	2000	2007	1990	2000	2007
Baldwin Park	69,330	75,837	79,980	38,523	33,319	24,956	49,051	59,660	65,005
Percent of Total				55.56%	43.94%	31.20%	70.75%	78.67%	81.28%
Percent Change					-	-			
					13.51%	25.10%		21.63%	8.96%
Costa Mesa	96,357	108,724	107,820	81,238	75,542	79,002	19,319	34,523	35,551
Percent of Total				84.31%	69.48%	73.27%	20.05%	31.75%	32.97%
Percent Change					-7.01%	4.58%		78.70%	2.98%
Escondido	108,635	133,559	138,267	92,504	90,578	104,617	25,380	51,693	59,826
Percent of Total				85.15%	67.82%	75.66%	23.36%	38.70%	43.27%
Percent Change					-2.08%	15.50%		103.68%	15.73%
Glendale	180,038	194,973	194,004	133,270	123,960	141,066	37,731	38,452	33,066
Percent of Total				74.02%	63.58%	72.71%	20.96%	19.72%	17.04%
Percent Change					-6.99%	13.80%		1.91%	14.01%
Laguna Beach	23,170	23,727	23,578	22,191	21,826	21,793	1,590	1,570	N
Percent of Total				95.77%	91.99%	92.43%	6.86%	6.62%	N
Percent Change					-1.64%	-0.15%		-1.26%	N
Lake Forest		58,707	75,572		56,218	53,959		10,913	16,648
Percent of Total					95.76%	71.40%		18.59%	22.03%
Percent Change						-4.02%			52.55%
Orange	110,658	128,821	139,112	91,838	90,822	95,804	25,287	41,434	52,077
Percent of Total				82.99%	70.50%	68.87%	22.85%	32.16%	37.44%
Percent Change					-1.11%	5.49%		63.85%	25.69%
Redondo Beach	60,167	63,261	66,968	52,371	49,735	55,491	6,917	8,524	9,926
Percent of Total				87.04%	78.62%	82.86%	11.50%	13.47%	14.82%
Percent Change					-5.03%	11.57%		23.23%	16.45%
Upland	63,374	68,393	76,982	49,972	45,966	50,438	11,115	18,830	25,742
Percent of Total				78.85%	67.21%	65.52%	17.54%	27.53%	33.44%
Percent Change					-8.02%	8.87%		69.41%	36.71%
Vista	71,872	89,857	92,192	57,972	57,750	53,390	17,804	34,990	42,312
Percent of Total				80.66%	64.27%	57.91%	24.77%	38.94%	45.90%
Percent Change					-0.38%	-7.55%		96.53%	20.93%

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