

STREET VENDORS, SUPER BOWL 50, AND THE SPATIAL POLITICS  
OF IMMIGRATION CONTROL IN SILICON VALLEY

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by

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The Designated Project Committee Approves the Project Titled

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OF IMMIGRATION CONTROL IN SILICON VALLEY

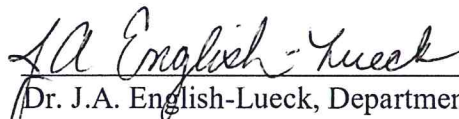
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## ABSTRACT

### STREET VENDORS, SUPER BOWL 50, AND THE SPATIAL POLITICS OF IMMIGRATION CONTROL IN SILICON VALLEY

By Miguel A. Garcia Jr.

This project report identifies the design services and strategies that mitigate the impact of the City of San José's street peddler and Trump's federal immigration control policies on the local undocumented Mexican street vendor population. Ultimately, I participated and collaborated with the nonprofit Sacred Heart and other local allies who form an immigrant defense network to respond to increased Immigration and Customs Enforcement (ICE) activity. Additionally, I conducted a "Know Your Rights (KYR)" workshop with Sacred Heart for the undocumented community, taking the information I had learned about the street vendors into account. The "Know Your Rights" workshop with Sacred Heart provided a template for designing future services that directly address issues specific to undocumented Mexican street vendors. By combining activities in the immigrant defense network with ethnographic insights from the research on street vendor experiences, I was able to articulate the criteria needed to design future services.

I used an activist research approach to identify the impact of San José and Santa Clara County's street peddler policies on the livelihoods of local undocumented Mexican street vendors. Specifically, I examined the policy's special event provision's impact on vendors during Super Bowl week in February 2016 and the city's "Christmas in the Park" event in 2016. These events also reflected the impact of President Donald Trump's immigration control on undocumented Mexican street vendors and the undocumented community in general. Findings from ethnographic interviews and observations with ten street vendors revealed that federal immigration practices and street peddler policy enforcement socially control street vendor lives

and workspace in several ways. I was able to use the theoretical approaches of anthropology to analyze this data, reveal the structures that affect the lives of street vendors and apply those insights to customizing the services rendered to that population.

## EXECUTIVE SUMMARY STATEMENT FOR THE RAPID RESPONSE NETWORK

This project could not have happened without the organizational partners that allowed me to connect my research on street vendor experiences and city and federal policy. These organizations include Sacred Heart, PACT (People Acting in Community Together), SIREN (Services, Immigrant Rights, and Education Network), Somos Mayfair, and all the legal observer volunteers of the Rapid Response Network. As a trained legal observer and volunteer, I was able to use the training and the data I gathered as an observer and apply them to the issues that impact the undocumented Mexican street vendors who participated in the project. The observations and interviews that were done with vendors and other stakeholders during the Super Bowl and Christmas in the Park events in 2016 sensitized me to the issues of street vendors as a community. Since these people are a dispersed and even hidden community, it was important to find advocates who could help them directly. The election of Trump as President, and his proposed immigration control policies intensified the hostile political environment the vendors experience. Street vendors are publicly visible, and therefore a vulnerable largely undocumented immigrant population. Given those changing circumstances, I shifted the focus of my project's work to protect vendors from the increasingly hostile policies. Working with your organizations, who sponsored Migra Watch, allowed me to serve the street vendors by sensitizing community activists such as yourselves to their plight. You are in a position to continue the work now that you have been sensitized to their situation.

Thus, I am providing suggestions that could be used to customize the services provided by the network and other future services provided by your organizations. These suggestions are influenced by the direct insights gathered from the street vendors who participated in the project. First, providing more Know Your Rights (KYR) workshops such as the one I conducted with

Sacred Heart that caters to street vendors would be beneficial. For example, KYR workshops done outside in public spaces that vendors work in would be a great start. Second, Street vendors interviewed expressed the constraints they face due to the cost of the fees. Designing services that could greatly reduce the cost of street vendor fees or completely eliminate them would be directly beneficial to that community. Lastly, build a street vendor campaign to redesign the city of San José's street peddler policies that target street vendors. For example, currently in Los Angeles, in Southern California, community organizers, vendors, and service organizations have been building a campaign to legalize street vending. My hope is that these suggestions and the data from this project could create future services and programs that could benefit undocumented street vendors.

## ACKNOWLEDGMENTS

“Quisieron enterrarnos, pero se les olvido que somos semillas.”

“They wanted to bury us, but they forgot that we are seeds.”

—Mexican proverb

First, I would like to thank all ten street vendors who participated in this study by allowing me to interview them and ask them questions related to their work and lives. Without them, this project would not have been possible. The street vendors in this project are hardworking people who face challenges in the United States due to the current anti-Latino and anti-immigrant climate fueled by President Donald Trump and his supporters from the political right, including white nationalist groups such as the Alt-Right, the KKK, and neo-Nazis. Additionally, I would also like to thank Victor of Somos Mayfair, organizers at Sacred Heart, and the Rapid Response Network, aka, Migra Watch. I hope this project leads to future projects on street vendors and the undocumented Mexican and Latino community in the United States.

Next, I would like to thank my family. I would not be here without you. The last four years have been difficult being away from all of you, my mom, dad, and brothers Xavier and Josh. Thank you, mom and dad, for always loving me unconditionally for who I am. Thank you for helping with interviews because my Spanish is not the best. Thank you for being there when I needed you and I was struggling to pay rent or needed food while living in expensive Silicon Valley. I would also like to thank my primos, tias, tios, and friends.

Also, a huge thank you to my girlfriend, Lauren. Thank you for dealing with me for the last two years and patiently waiting while I finish grad school. I love you. Furthermore, I would like to thank my grandparents, José and Rafaela Sánchez and Miguel and Margarita Garcia, as



well as my Tia Ramona and Tios Pablo and Jorge. Though you have not been with us physically for years, I know you were with me in spirit. Six of you were undocumented immigrants at one point, and all of you sacrificed for our families. Additionally, Nana Garcia was stripped of her Native American culture. I will never forget where I come from; I am a second generation Xicano of undocumented Mexican immigrants just like those who participated in this study.

Most importantly, I would like to thank my project committee and the Department of Anthropology at San José State University. Thank you, Dr. Jan English-Lueck for all of your help and input during the last two years. You have made me a better writer and ethnographer. Thank you, Dr. Roberto González; I came to this program because your work on militarization and U.S. culture influenced me, both politically and anthropologically, in my undergraduate years. I would not be in grad school without you. Also, a big thank you as well to Tanzeen Doha and Maribel Martinez-Willmes for joining my committee at the last moment. You have also made me a better anthropologist. To conclude, I would like to thank my cohort, especially Vanessa, Nate, Danielle, and Amanda. You made the last four years easier because of your friendship. I am glad I met you all. I will always cherish our nights after class at Grande's for happy hour. We made some great memories.

I dedicate this study to all undocumented immigrants working in the informal economy, such as Antonio Guzman Lopez (R.I.P.). I also dedicate this project to Laurie Valdez, of Justice for Josiah, and all victims of police violence.

**Brown Lives Matter! Black Lives Matter! All power to the people!**

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## CHAPTER 1

### INTRODUCTION

In this project report, I identify the economic and social impact of the City of San José's (California) street peddler policies on the livelihoods of participants of the local informal economy; in particular, I document the experiences and constraints of local undocumented San José Mexican street vendors. I also probe the impact of local and national policies, beginning with the National Football League's (NFL's) temporary "clean zone" ordinance, which, among other things, banned local street vendors while San José hosted Super Bowl 50 (SB 50) in 2016. The clean zone ordinance is a requirement by the NFL for all cities who host the Super Bowl. Similar local policies are evident in other events, such as Christmas in the Park. Moreover, I examine the police implications towards undocumented immigrants, including street peddlers, in conjunction with President Donald Trump's federal immigrant control practices and their impact on the street vendors.

Using the ethnographic insights gathered from the street vendor participants' experiences, I identified the strategies needed to design services that could mitigate the impact and constraints of these policies on vendors. I collaborated with organizations such as Sacred Heart who provide services for the undocumented community and influenced the design of services and strategies street vendors would need to mitigate those policies in the future. My overarching application in this project is anthropological service design, as illustrated in *An Anthropology of Services: Toward a Practice Approach to Designing Services* (Bloomberg and Darrah, 2015). In this

model ethnographic research is used in order to identify and rethink the services that are provided to a particular population—street vendors, by specific organizations—the organizational partners that foster “Know Your Rights” training and other supportive services.

Street vendors provide a service by selling products, and also are service recipients. Since the 1990s, street vendors in San José have been known to provide services such as selling a variety of products that include fresh fruits and vegetables, tortillas, pirated CDs, and beauty products (Zlolniski, 2006). Overall, street vendor services can include the selling of any material goods outside of official retail settings, but the street vendors who participated in this study were limited to those who sell food outside of official retail sites. Therefore, the study focused on street vendors with food pushcarts and food trucks/stands in downtown San José and Eastside San José.

Specifically, street vendors in this study included (1) *paleteros*, or street vendors who sell frozen fruit pops and ice cream; (2) *eloteros*, or street vendors who sell corn on the cob; (3) *tamaleros*, or street vendors who sell tamales; and (4) those who sold other food such as hot dogs, cut-fruit, and chicharrones (pork rinds). Street vendors in San José are also well-known for selling Mexican food such as tacos, but none of the participants of this study sold tacos. All of the street vendors who participated in this study were undocumented Mexican immigrants immersed in San José’s large Mexican and Xicano (Mexican American) community (Zlolniski, 2006).

After the introduction, in Chapter 2, I discuss the methodology used for the project. The chapter describes the process used for conducting interviews with street vendors in the Eastside and downtown of San José during Christmas in the Park (Dec 2016), an annual city tradition of lights, trees, and exhibits in Plaza de César Chávez. Observations during Christmas in the Park

2016, as well as Super Bowl week (Feb 2016), are highlighted. The experiences and constraints of street vendors from the interviews and observations of Christmas in the Park, Super Bowl week, and the Eastside illustrate why it is necessary to design services for vendors. Street vendors are particularly public, and vulnerable, and are now aware of their rights.

Purposeful anthropological practice requires a strong theoretical underpinning in order to provide robust applicable research. In Chapter 3, the literature relevant to the research project is discussed, including that of anthropologists such as Leo Chávez and Laura Nader, as well as other social science scholars, such as geographer David Harvey. For example, David Harvey has critically examined the concept of the *right to the city* and the relation of public space and urbanization in relation to capitalism (Harvey, 2008). Such concepts directly inform activities such as the KYR campaign. The chapter also discusses the literature of service and service design that was used for this project.

Furthermore, in this chapter, I examine the relevant literature on Latino (particularly Mexican) immigration and citizenship, as well as the sanctuary city movement and the anthropology of modern cities in relation to citizenship and immigration, street vending, and space. Lastly, the literature review delves in-depth into the “Latino threat narrative” (Chávez, 2008), which results in a form of social control and controlling processes (Nader, 1997), and reviews sociologist Pierre Bourdieu’s theories of habitus and fields linked with the four forms of capital (Bourdieu, 1980, 1984, 1986): social, economic, cultural, and symbolic. These ideas demonstrate how larger cultural values shape policy and the resistance to oppressive policies. For example, participants in Migra Watch must have a clear idea of the boundaries of citizenship, and how racially charged values among law enforcement personnel can violate the legal principles of citizenship. After all, undocumented immigrants are still citizens of their



home countries. This discussion of anthropological theories helps me to understand better the nature of the service of Migra Watch volunteers.

Understanding the situation of street vendors requires a deeper understanding of their social and cultural capital. Such capital has both negative and positive impacts on local street vendors. For example, undocumented street vendors are negatively impacted by the limited economic capital they possess, especially compared to the larger vendor and catering companies. This limited economic capital is primarily tied to their status as undocumented citizens. As non-citizens, their opportunities for work are limited, and they are often relegated to finding work in the informal economy in day labor, as a street vendor, and other “under the table” work (Zlolniski, 2006). Their limited economic capital makes it difficult, if not impossible, for them to pay the street permit fees required by the city. Additionally, the street vendors cannot participate in local large-scale events such as Christmas in the Park because of the high fees required by festival promoters. In contrast, larger food truck vendor companies can afford these fees. This fiscal limitation highlights the need to design specific services that could reduce or eliminate such fees.

However, undocumented Mexicans also leverage their social capital when migrating to the United States, specifically via relatives already living in the United States. In turn, this social capital allows undocumented Mexicans to work in the informal economy as street vendors to build their lives in the United States and provide for their families here or in Mexico. In fact, many Mexican immigrants migrate to the U.S. to rebuild their lives and eventually return home to Mexico (Zlolniski, 2006).

Next, in Chapters 4 and 5, I will present data collected from street vendor interviews, participant observations, and secondary data, and the themes that emerged from the data,

analyzing that data using the ideas discussed in chapter 3. Furthermore, I also identify how the Latino threat narrative influences the everyday street peddler policies impacting street vendors. For example, the city/county street peddler policies that socially control the public space that street vendors depend on for work is explored. In addition, street peddler policies acting as extensions of federal immigration control practices that threaten street vendors and their families' everyday lives in a sanctuary city<sup>1</sup> are examined. Furthermore, the social control of space is accomplished through "othering" street vendors, using race and citizenship in a negative way, while privileging other groups. "Othering" is the process of defining groups of people as "other" or different from oneself that is often done based on race, gender, class, culture, or sexual orientation, to name a few (Omi and Winant, 1994). This process of "othering" is often integral to justifications for racism and structures of inequality such as white supremacy (Omi and Winant, 1994). Furthermore, the threats and "othering" that street vendors face is a microcosm of the issues faced by undocumented Mexican immigrants as a whole, linking their experiences to the matrix of national policies. Those policies have fueled the creation of the Rapid Response Network/Migra Watch, the focus of application in this project.

Next, in Chapter 6, I discuss the Rapid Response Network created by local nonprofits and immigrant rights groups. The Rapid Response Network created a service in which allies (supporters who are not undocumented) and directly impacted communities (the undocumented community) can respond to ICE raids in their local neighborhoods in real time. This network is also referred to as Migra Watch. Specifically, the Migra Watch is a community defense network

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<sup>1</sup> Sanctuary City: Practices are different across the 60 U.S. cities that are sanctuary cities. According to NPR (2017), "The term refers to the scores of cities and counties across the United States that limit their cooperation with federal immigration authorities by refusing most requests to detain, pursue or report undocumented immigrants (those here illegally) who have had contact with local law enforcement." For more information, visit the link <http://ww2.kqed.org/lowdown/2017/10/25/explainer-what-are-sanctuary-cities/>

for immigrant families and their allies to report and respond to ICE raids. I joined this network and participated in three “legal observation” training sessions, i.e., sessions devoted to what kinds of observations of ICE raids (to ensure the civil rights of those caught up in those raids) are legal. Additionally, I also co-facilitated a “Know Your Rights” workshop and participated in ICE raid scenarios during two of the legal observation training sessions. At first, the deliverable for this project was going to be a “Know Your Rights” workshop just for street vendors. However, the idea was not feasible because it was difficult to gather street vendors in one place. Thus, I created a template of the workshop that can be used to design future services that are specific to the needs of street vendors. For example, the street vendors who were interviewed expressed concerns about Trump's plans for increased immigration control. Thus, participating and working with Migra Watch and conducting a “Know Your Rights” workshop was a logical choice for me.

The linkage between national policy trends and local street vendor experiences is solidified at the conclusion of Chapter 6 and in Chapter 7. To conclude Chapter 6, I examine a case study in Southern California in which a street vendor was deported because she was cited for not having the proper street peddler permit. Next, in Chapter 7 I provide a context for the impact of the local Trump campaign rally/protest in June 2016 on street vendors and all undocumented immigrants. The Trump supporters at the rally were a microcosm of the political right-wing view of Mexicans, immigrants, and people of color in the United States. Finally, I note how anthropological service design can potentially provide insights into how street vendors and the undocumented Mexican community can be better supported by the organizations with which they work. To illustrate, I will provide ideas and recommendations on how to provide and design specific services for street vendors to Sacred Heart and the Rapid Response Network.

## CHAPTER 2

### Methodology

In applied anthropology, research is often the first step to application, especially in the area of service design. First, I created open-ended research questions that could help me better understand the experiences of street vendors and the policy environments that affected them. To answer these research questions, I used the following research methods: open-ended ethnographic conversations/interviews with street vendors and participant observations of street vendors at work in San José. Second, I conducted direct observations of street vendors during Super Bowl 50 in February 2016 and local events such as Christmas in the Park. Third, I attended and participated in council meetings, community organizing meetings, workshops, and training sessions, noting the policies and practices that could have an impact on street vendors. I had the assistance of my parents, who are native Spanish speakers, during my street vendor interviews at Christmas in the Park 2016. They were very helpful in gaining the trust of street vendors due to their Spanish proficiency. Before the interviews, I briefly gave them a quick training/tutorial on ethnographic interviewing.

Lastly, I conducted a textual analysis of media and public documents related to street vendor policies, President Donald Trump, and immigration policy, and the Super Bowl, noting the language used and the policies that were invoked. All these research and analytical tasks were done in order to create a train-the-trainers workshop that could better serve the needs of the street vendor community members.

According to Bloomberg and Darrah (2015), anthropological service design is knowing how to create, plan, and intervene in service delivery. With this framework in mind, The “Know

Your Rights (KYR)” workshop template, which I helped design and coordinate, conducted at Sacred Heart, provides an example of future services that can cater to the undocumented street vendor population.

This was an ethnographic study done in order to better implement specific services. Ethnography could be described as descriptive accounts of the specific cultures or topics being researched. Ethnography is usually done through face-to-face field experience (Schensul and LeCompe, 2013) that includes participant observation, interviews, or simply living and being around the culture or group being studied. For cultural anthropologists such as myself, ethnography is a primary research method tool.

Additionally, ethnography can be used to define a problem that is not yet clearly defined or is very complex (Schensul and LeCompe, 2013). Ethnography is also used to identify participants when a population, stakeholders, or potential participants are not known. Street vendors, as undocumented and informal workers, comprise a hidden population. Equally important, ethnography can be used to document processes or clarify the contexts in which current social problems occur. Ethnography can be used to explore the factors that are associated with a problem and to identify and describe unexpected or unidentified outcomes (Schensul and LeCompe, 2013). For example, the impact of street peddler policies on undocumented Mexican street vendors is not clearly understood. By using interviews with street vendors and observations of street peddler policy enforcement, ethnography uncovers the impact that policies have on street vendors at work and in their daily life. Lastly, since this ethnographic study is a project, the ethnographic data collected was used to improve potential services that can be designed for undocumented street vendors (Bloomberg and Darrah, 2015). In particular, the ethnographic data could be incorporated into the KYR workshop that was conducted with Sacred

Heart, and data collected were used to inform and imagine the services needed by undocumented street vendors.

### Interviews

For the research portion of this project, interviews with ten street vendors<sup>2</sup> were conducted between February 1, 2016, and January 25, 2017. Seven women and three men, all undocumented immigrants from Mexico, were interviewed. All interviews were conducted in Spanish. The participants hailed from the federal district of Mexico City and from states such as Oaxaca, Puebla, Michoacán, and Vera Cruz. Most of the interviews were between fifteen to forty-five minutes. The ages of the vendors ranged from the early twenties to the late sixties.

Additionally, most of the interviews were on the spot, while the street vendors were at work. The majority of the interviews were conducted in December 2016 at Plaza de César Chávez and Paseo de San Antonio in downtown San José during Christmas in the Park, the annual city tradition of lights, trees, and exhibits. I also conducted some interviews at Our Lady of Guadalupe Catholic Church in Eastside San José with my parent's assistance, in front of Grant Elementary School in downtown San José, and in the parking lot of the nonprofit community organization, Somos Mayfair, in Eastside San José.

### Observations

I focused my observations on downtown San José and Eastside San José (in the Somos Mayfair neighborhood). Downtown San José was chosen because it was under the Super Bowl clean zone ordinance. Observations were done in Eastside San José because it is an area that

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<sup>2</sup> I also spoke to others, such as police officers, for example, but briefly. These were direct comments to me or comments I heard while in the field. My focus was on the street vendor population for this project.

contains the largest population of Mexican immigrants in the city. The drawback of focusing my research on certain locations is that it provides a limited scope on an issue that impacts many parts of this large metropolis.

Since events such as the Super Bowl and Christmas in the Park are heavily regulated, they provided a good opportunity to see how policy directly impacted street vendors. To that end, I observed the activities around Super Bowl media day at the SAP Center, an indoor sports and entertainment arena. Additionally, observations also included downtown San José's Christmas in the Park (Dec 2016), downtown San José during and after Super Bowl week (Feb 2016), and during (then presidential candidate) Donald Trump's visit in June 2016. Therefore, the focal geographic location of this research was the area in and around Plaza de César Chávez /Paseo de San Antonio/Convention Center in downtown San José; this location was the center of Christmas in the Park in December 2016, Super Bowl week activities in February 2016, and Donald Trump's visit/protest in June 2016.

As noted earlier, these specific events are not only connected due to their location. Christmas in the Park in 2015 was extended to February 7 instead of ending the first week of January so that the annual winter event could be part of Super Bowl activities during Super Bowl week. During Super Bowl week, the clean zone ordinance was in place and street vendors were nowhere to be found in downtown. However, during the normal Christmas in the Park time period from late November 2016 to the first week of January 2017, the clean zone ordinance was not in effect; that is when I observed dozens of street vendors and obtained most of my interviews for this project.

Lastly, I observed three rapid response training sessions and a "Know Your Rights" workshop as part of the Rapid Response Network. The meetings and workshop were conducted

with the local nonprofit social service organization, Sacred Heart. The Rapid Response Network was formed by local nonprofits and immigrant rights organizations to respond to heightened deportation activities by ICE following the election of Donald Trump as president of the United States. Sacred Heart, along with other nonprofit organizations, such as Somos Mayfair, PACT, and SIREN, created the network locally, but the network is part of a larger statewide and national network. These organizations provide services to the undocumented community and the Rapid Response Network training sessions provided examples that helped me better envision ways to design services for the undocumented street vendor population.

Additionally, Trump's campaign rally and the counter-protest in June 2016 foreshadowed both his eventual presidency and the resistance to it by highlighting the concerns of, response to, and resistance from the local Mexican (including the undocumented) community to his immigration policies. For example, street vendors who were interviewed indicated their fear and concerns about Trump's election on their lives and reflected the concerns of the larger undocumented immigrant community of which they are a part. The response from local nonprofits and immigrant rights groups in providing a service by creating a Rapid Response Network due to increased deportation raids by ICE (Sánchez, 2017) is another result of those fears and concerns.



## CHAPTER 3

### Literature Review

This research and design project deals with topics, theories, and issues related to the public's right to public space, the political economy, race and citizenship, and the globalization of modern cities. All of these frameworks were used in imagining how to improve the design of services to the street vendor population. Chapter 3 serves as the literature review that will summarize and critically examine these issues. I begin this chapter with the theoretical approaches used for this project, followed by a summarization of the literature topics and issues related to the service design project.

### Theoretical Approach

A set of intertwining theories were used to inform the research design of this project. First, since this research is a project, the field of anthropological service design is discussed. The practice of service design is the expertise to create, plan, and mediate services (Bloomberg and Darrah, 2015). Furthermore, services are best described as part of service systems where people, technology, internal and external service systems, are connected via value schemes, and shared information (Bloomberg and Darrah, 2015; via Spohrer and Maglio, 2010). Likewise, “service systems engage in an exchange with other service systems to enhance adaptability and survivability, thus co-creating value—for themselves and others. (Bloomberg and Darrah, 2014; via Vargo et al, 2008, p. 146). However, Bloomberg and Darrah (2014) suggest services are less designed and more assembled from fragments of practices, lifestyles, technologies, institutions, and networks.

For example, the undocumented street vendors who participated in this project provide a service by selling food such as *elotes* that connects them to other people who receive the services, which creates value for both the service provider and the recipient. Bloomberg and Darrah (2014) remind us that the perspectives of those involved in “services” matter since they define the encounters and the interactions that identify the service and the value that is created. The ethnographic insights from the street vendors who participated in this project can be used to identify the constraints they face from the service they provide. These insights can also be used to provide them organizationally-based services that can improve the value and service the vendors provide themselves. I suggest such services include informing them of the rights they have, even as undocumented citizens, or helping campaign to reduce or eliminate street vendor fees.

Power, as seen in Antonio Gramsci’s (1971) theory of hegemony is at the heart of this project, theoretically and methodologically. For example, different forms and levels of hegemonic power impose social controls that impact local Mexican street vendors. According to Antonio Gramsci’s *Prison Notebook*, *hegemony* (1971) is exercised by the dominant group/class in power throughout society and is enacted through “direct domination” or command exercised through the state and juridical government (Gramsci, 1971). Hegemony is also enforced by those in power through spontaneous consent by the masses and through the apparatus of state coercive power, which “legally” enforces discipline in those groups that do not consent either actively or passively (Gramsci, 1971).

In the context of this project, the forces of state-affiliated social control that impact local street vendors come from three levels. First, at the local level, San José City and Santa Clara County street vendor policies enforced by the county’s Public Health Department and the San

José police pose direct constraints as well as imagined justifications for control. Secondly, these forces are a result of state (California) and federal immigration policies that impact undocumented street vendors and undocumented people as a whole. Third, these forces of control impact local Mexican street vendors through the corporate and capitalist power of the NFL, which requires Super Bowl host cities such as San José (Patrick-Welch, 2013) implement a temporary clean zone ordinance. Other forms of corporate and capital power impact local street vendors are visible at local large-scale events such as Christmas in the Park. Such events, entangle corporate power with the governing state since the stated objective is to hold such events to boost local businesses.

The second theory that was used to inform the research project is *controlling processes*. Anthropologist Laura Nader's (1997) theory of controlling processes is related to hegemony because it focuses on the social and cultural controls that keep the dominant class in power. Controlling processes, according to Nader (1997), are the mechanisms by which ideas take hold and become institutional in relation to power. Also, controlling processes reflect the transformative nature of central ideas that emanate from institutions operating as dynamic components of power (Nader, 1997). These controlling processes are institutionalized, and internalized, and act as controls on society. Controlling processes enable Gramsci's "dominant class" to continue to exercise hegemony over the other classes lower in the hierarchy. In relation to this project, the institutionalized controlling processes include everyday street vendor policies, the temporary clean zone ordinance, and Trump's anti-Latino immigration policies. Further, these ideas emanate from institutions such as the City of San José, the state of California, the federal government, the media, and the NFL, which operate as dynamic forms of power.

Other controlling processes have a broader impact on U.S. society through what Gramsci referred to as spontaneous consent in hegemony. Gramsci (1971) said: “The “spontaneous” consent given by the great masses of the population imposed on social life by the dominant fundamental group; this consent is “historically” caused by the prestige (and consequent confidence) which the dominant group enjoys precisely because of its position and function in the world of production.” Thus, the power of the media in the United States is entangled with the power of high-profile professional sports such as the NFL, creating spontaneous consent from the masses through what Laura Nader calls *harmony ideology* (Nader, 1997).

Harmony ideology, or what Nader first called the “harmony law model,” “encapsulates coercive compromise and consensus as a form of behavior modification” (Nader, 1991). Harmony ideology emphasizes conciliation and compromise, or as members of the Zapotec society that Nader studied would say: “A bad agreement is better than a good fight.” Harmony ideology promotes a controlled peace over conflicted justice. The Super Bowl and the power of the media to influence the masses is an example of harmony ideology. NFL football is an exemplar of spontaneous consent and harmony ideology through the masses of millions of football fans via attendance figures and TV viewership. To illustrate the scope of this event, in 2016 the NFL had 33 of the 50 most watched sports events on television (sportsmediawatch.com). In addition, NFL Sunday Night Football on NBC has been the highest-rated television show for the past four years (Axson, 2017). Also, in 2014–2015, Business Insider reported that the NFL averaged the highest attendance per game of all pro leagues in the world at 68,776 per game (Gains, 2015).

Moreover, to win the hearts and minds of Americans, the Department of Defense paid NFL teams over \$5.4 million for patriotic displays before and during games from 2011–2014

(Niles, 2017). The Department of Defense (DoD) referred to these payments as “paid patriotism.” Militarization itself is a controlling process (González, 2010). Historian Richard H. Kohn defined militarization as a “wide-ranging process that describes the degree to which a society’s institutions, policies, behaviors, thought and values are devoted to military power and shaped by war” (as cited in González, 2010). The DoD uses the power and controlled-harmony of the NFL to encapsulate coercive compromise and consensus as a form of behavior modification. The DoD clearly views the NFL through Gramsci’s spontaneous consent and Nader’s harmony ideology, which allows the DoD to showcase its military power and patriotic values.

To summarize, high attendance figures and TV ratings and its partnership with the DoD gives the NFL power and control. The NFL’s controlled harmony through popularity and profits, allows the league to operate as a dynamic component of power. This power allows the NFL to control the process of hosting the Super Bowl by U.S. cities such as San José, with that control extending to government policies that impact street vendors.

Additionally, other forms of social control that impact undocumented street vendors are imposed through the social controlling of space. For example, historical Latino barrios (neighborhoods) are being gentrified throughout the Bay Area (Urban Renewal Project, 2017; Truong, 2015). These same barrios were viewed as racialized or marginalized spaces before becoming valuable land for economic development.

Before their gentrification, these historically Latino areas would fall under what Anthropologist Ben Chappell (2010; via Villa, 2000) refers to as *barrioization*, where space comes to be looked upon as reflective and constitutive of the subjects who occupy the space. In his fieldwork, Chappell examined the policing of space of Xicano lowrider clubs in Austin, TX.

According to Chappell (2010), the spatial-cultural activity of low riding and its construction as deviant and criminal illustrates how discourses of policing lead to the production of racialized spaces.

Thus, Xicanos and Latinos have been regulated into certain spaces, which are then socially constructed as “marginal” due to the race of their population. Ben Chappell’s work on Xicano lowrider clubs and spatial politics is very applicable to examining the regulation of space of undocumented Mexican street vendors. The regulation and policies on where and when street vendors can sell are much different between downtown San José and Eastside San José: Spatial restrictions are tighter in downtown compared to Eastside San José, where many street vendors and undocumented Mexicans live (Zlozniski, 2017). These questions of socially controlling public spaces where Mexican undocumented street vendors work or live leads to the question explored by Marxist geographer David Harvey—Who has the “right to the city?”

### Street Vendors, the Sanctuary City, and Right to the City

Political Geographer David Harvey (2008) discusses the collective right to the city, reviving an idea by French socialist and Marxist philosopher Henri Lefebvre. The right to the city is more than an individual’s access to resources that the city represents through capitalism (Harvey, 2008). The right to the city is accessed through collective power over the processes of globalized urbanization (Harvey, 2008). As mentioned earlier, the theoretical framework of urban rights is essential to the activities of the KYR workshops, the deliverable in this project.

Harvey (2008) looks at the issue of prioritizing the city as a place for individual profit for the privileged few instead of a space that can be used collectively for all, and that urbanization

has always been a sort of class phenomenon, relying on creating surplus value. Harvey explains how, in order to create this surplus value (profit), capitalists need to produce a surplus product. He contends that the urbanization of the city depends on the mobilization of this surplus product, and this connection creates a linkage between the development of urbanization and capitalism. In short, the city is used to continue the creation of surplus value for the wealthy capitalist class, on the backs of the poor.

The right to the city can be seen in the issues faced by undocumented Mexican street vendors. The re-urbanization (or gentrification) of downtown San José is used to create surplus value, and street vendors' rights to the city through the street vending service they provide is socially controlled by street peddler policies. Street vendors are a threat to the surplus value that a gentrified city desires in that they don't provide surplus value through their small service that big food truck vendors and other businesses do for the city. Policies around Super Bowl week, Christmas in the Park and the heightened national control of immigration provide a glimpse into how power-holders respond to that threat. The goal to create surplus value in Harvey's right to the city help San José create more profits. Mexican undocumented street vendors and marginalized Latinos are a threat to the surplus value a gentrified city desires, but they are also a threat to larger forces of control such as the NFL, large food truck companies, food festivals, and the governing state. The threat of undocumented Mexican street vendors and marginalized Latinos to San José's surplus value illuminates the constraints faced by street vendors and amplifies the need to provide a service to help vendors navigate their right to the city. To illustrate, reducing or eliminating street vendor fees would be one service that could be designed and altered to benefit vendors.

## Donald Trump and the Latino Threat Narrative

Anthropologist Leo Chávez tackles the stereotypical and prejudicial discourse directed at Latinos in the United States, particularly Mexican/Central American immigrants. *The Latino threat narrative* (Chávez, 2008) is a belief that Latinos are unlike previous immigrant groups, in that they are unwilling or incapable of fully integrating into U.S. culture. This dominant cultural narrative claims that Latinos (especially Mexican immigrants) are part of an invading force from south of the border that plans on reconquering land that was formerly theirs. This perception is used in justifying the policing and criminalization of Latinos (a majority of whom are Mexican) from the border to communities of resettlement (Chávez, 2008). Along with social control, controlling processes, and spatial politics of street vendor space, the Latino threat narrative is the main lens used to examine and analyze the data collection around this research project.

For example, Trump backers not only include the Republican Party but the rise of the Alternative Right, a rebranded white nationalist movement founded by Richard Spencer (Vice News, 2016; DiMaggio, 2017). In Leo Chávez's book, *The Latino Threat Narrative*, he discusses the racism fueled by right-wing white nationalist politics that are used to continue this anti-immigrant and anti-Mexican-Latino narrative, particularly his examination of the Minuteman Project at the U.S.-Mexican Arizona border on April 1, 2005 (Chávez, 2008).

The Minuteman Project was founded by Jim Gilchrist (a California resident) in 2004. In 2005, Gilchrist put out a call for citizens to come to the Arizona-Mexico border to monitor and report illegal immigration (Chávez, 2008). The Minuteman Project's mission was to bring national attention to what was seen as the decade-long careless disregard of effective U.S. immigration law enforcement (Chávez, 2008). The Minuteman Project's name directly indicates the influence of U.S. nationalism and the association of nationalism and war with the protection



of space, that is the United States homeland. The Minuteman name itself is derived from the patriotic volunteers of the U.S. colonies who fought against British rule (Chávez, 2008). The U.S.-Mexico Border has been likened to a “war zone,” with its increasing levels of militarization over the years (Chávez, 2008). Gilchrist and the others involved in the Minutemen Project feel a sense of patriotism by being guardians of the border and thus the homeland. They use national symbols such as the bald eagle, Uncle Sam, the American flag, and the Minuteman icon of the American Revolution (Chávez, 2008) to convey their message and duty as “patriots.”

Donald Trump kicked off his presidential campaign in June 2015 by calling Mexicans rapists and drug dealers. He was quoted as saying: “[Mexico] are sending people that have lots of problems, and they are bringing those problems to us. They are bringing drugs and bringing crime and they’re rapists.” (Gabbatt, 2016). Just as with the Minuteman Project before him, Trump connects the Latino threat narrative with securing the U.S. border and “building a wall.”

Furthermore, the Latino threat narrative ideology has a direct effect on San José’s Mexican undocumented street vendors. Groups such as the Minuteman Project, KKK, neo-Nazis, the Alternative Right, the Tea Party and other white nationalist political movements have a major influence on the way Trump and his supporters think about immigration and Mexicans (Mathis-Lilly, 2017; Nazaryan, 2017; Piggott, 2017). This influence carries over from the borderlands to major U.S. cities. Therefore, Trump’s immigration control plans amplify the need for providing and designing services such as informing undocumented Mexican street vendors about their rights and other available services such as the Rapid Response Network.

In addition, policing and immigration enforcement entangle with issues of racism and violence in the Xicano community in similar ways as in the Black community. Historically, the United States was founded on upholding a white racial hierarchy (a white democracy), also

known as white supremacy, starting with the colonization and genocide of Native Americans (Olson, 2004). In her book, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (2012), law professor Michelle Alexander discusses the history of white supremacy and genocide in the United States in relation to the mass incarceration of Blacks. Alexander historically connects Native American genocide with Black enslavement and the genocide that she says is ignored: the killing and mass incarceration of Blacks during the war on drugs (Alexander, 2012; p. 6, 208).

One of the ways the state upholds its white democracy and hegemonic control is through policies and policing used to socially control certain groups. The institution of law enforcement (locally and federally) enforces the social control of Mexicans and Latinos in many ways. For example, as discussed earlier regarding Nader's controlling processes and Gramsci's hegemony, there are two types of control when discussing social control: (1) direct control, or simply coercion, and (2) indirect control, or control without force. Indirect control can be done in three ways: persuasion, manipulation, and/or deception. The social controlling of space, along with the Latino threat narrative fueled by racial stereotypes, leads to policies limiting the use of public space for street vendors. Gramsci (1971) states that hegemony is what a dominant group exercise throughout society, and, more specifically, "direct domination" or command is exercised through the executive, legislative and juridical government.

The use of restrictive street vendor policies illustrates both indirect and direct control. When street vendors follow the policies, that is an indirect control, a form of harmony ideology. For example, some street vendors do comply and have a permit from the city, creating a controlled-harmony. When the city and county officials enforce the street vendor policies, that is a form of direct control.

Furthermore, I observed San José police enforce the policies at Christmas in the Park. Specifically, police officers enforced the special event provision (similar to the clean zone) of the city's street peddler policies. The police continuously beleaguered street vendors by telling them to move from one spot to the next. This enforcement is a form of direct control.

Accordingly, in this project, I must address the use of the police to enforce the city of San José's street peddler policies to socially control public space used by undocumented Mexican street vendors. Likewise, the same can be said of federal law enforcement officials such as Immigration and Customs Enforcement (ICE) personnel enforcing federal immigration policies. The police, at their discretion, have the power to force individuals to do something against their will. The police are armed with guns, batons, tasers, and many other weapons that can be used to "force" someone to comply. The fear generated by such force is internalized by street vendors. Police also have citywide jurisdiction and centralized control, which is crucial to the function of the police to enforce policies using social control. Along with the authority to use force, the police also have the power of being the overseers of social control of a whole city or geographical area. The police are given full power and discretion within their jurisdiction.

The use of this power is on display when one looks at historical and precedent-setting cases of traffic stops and consent searches during the war on drugs. The war on drugs, as part of the prison industrial complex, has incarcerated Black and Latinos at much higher rates than Whites, even though drug use is about the same across all three groups (Alexander, 2012). A key Supreme Court decision in 1968, known as *Terry vs. Ohio*, gave police unprecedented power to stop and search any individual if they reasonably suspect they are engaged in criminal activity (Alexander, 2012). This tactic is what came to be known as *stop and frisk*. Thus, stop and frisk is one of the tactics that can be used by local police on street vendors working in public spaces.

Additionally, the use of the stop and frisk tactic by law enforcement highlights the need for services such as “Know Your Rights” workshops to be designed specifically for undocumented street vendors. Undocumented street vendors provide a service themselves that puts them in an especially vulnerable position to local and federal law enforcement because they work in such public spaces.

The stop and frisk tactic of social control by the police is carefully portrayed as color blind and as consensual. The tactic is an indirect social control mechanism because the law technically applies to anyone regardless of race or ethnicity. Consequently, this rationalization puts all blame on the individual and not the system. The tactic is also considered justified because the individuals who are stopped, searched, and/or frisked, consented to the stop. This stop and frisk issue will be revisited in Chapter 6.

Michelle Alexander (2012) notes that a police officer simply can ask a person walking down the street: “Can I speak to you?” They also may ask “Can I search you and pat you down?” Alexander notes almost no one will say no to an officer because of fear and intimidation, and this applies to interactions with ICE agents as well.

The police also use preventative oriented policing, imagining their actions as proactive efforts to forestall crime. As a tactic for social control, such action marginalizes street vendors. This particular tactic is explored in Chapter 5, which examines the policing of street vendors at Christmas in the Park 2016. For example, the San José Police Department (PD) uses preventive orientation emphasizing heightened vigilance when they determine where vendors can work during Christmas in the Park, constantly observing and moving them from place to place. The enforcement of laws controlling undocumented Mexican and other Latino immigrants has gone from the borderlands to the interior and the cities of the United States (Nunez and Heyman,

2007; Steussie and Coleman, 2014; and Quesada, 2014). The prevention orientation tactic has been done through the passage of legislation such as the Secure Communities program (established in 2007), which enabled police and sheriff departments to act as foot soldiers for the enforcement of federal immigration law (Steussie and Coleman, 2014). In the same way, legislation in other states, such as Arizona (AB 1070) and Georgia (287(g)), grants power to local police and state agencies across the country to discriminate against and harass Latinos if they suspect they are illegal (Steussie and Coleman, 2014). The subjectivity and power of police to focus on minor criminal offenses, such as traffic stops or stop and frisk, enable police to arrest undocumented Latinos and turn them over to ICE for deportation (Steussie and Coleman, 2014).

The preventive orientation (broken windows theory) tactic argues that police should focus on minor offenses in order to prevent major crime. The term and tactic were popularized in an article written by social scientists James Q. Wilson and George Kelling (1982), who argued that ignoring minor disorders would lead to fear, more serious crimes, and the fostering of an anarchistic environment (Williams, 2007). This theory was then famously applied by Police Commissioner/Chief William Bratton in New York, Los Angeles, Oakland, and once again, currently, in New York (Vedantam, 2016). Since then, it has been arguably the most used tactic by law enforcement agencies across the United States.

Also, “pretext” stops, for example, when police stop a driver for not using a signal before changing lanes, have racially discriminated against Latinos and acted as a tool of social control for the police in San José, CA. In May 2015, it was reported that the San José Police Department (SJPD) had pulled over, searched, cuffed, curb sat, and detained Latinos and Blacks more than any another group in 2014 (Kaplan, Salonga, Poitinger, 2015). The examination of traffic stop data showed that 57 percent of the drivers that SJPD pulled over were Latinos, compared to 18

percent that were White, 8 percent Black, and 13 percent Asian. The population in San José, however, is 33 percent Latino, 32 percent Asian, 29 percent White, and 3 percent Black. The data also shows that only 6 percent of all those pulled over were arrested, including 7 percent of Latinos and Blacks, 5 percent of Whites, and 3 percent of Asians. So, even though Latinos only make about a third of the population in San José, they were over half of those pulled over in pretext stops. Furthermore, 35 percent of Latinos and 36 percent of Blacks were searched, whereas only 19 percent of Whites and 12 percent of Asians were searched. Lastly, of those searched, Whites were slightly more likely to have been found with evidence (contraband or illegal drugs) at 16 percent, than Blacks and Latinos at 14 and 12 percent, respectively.

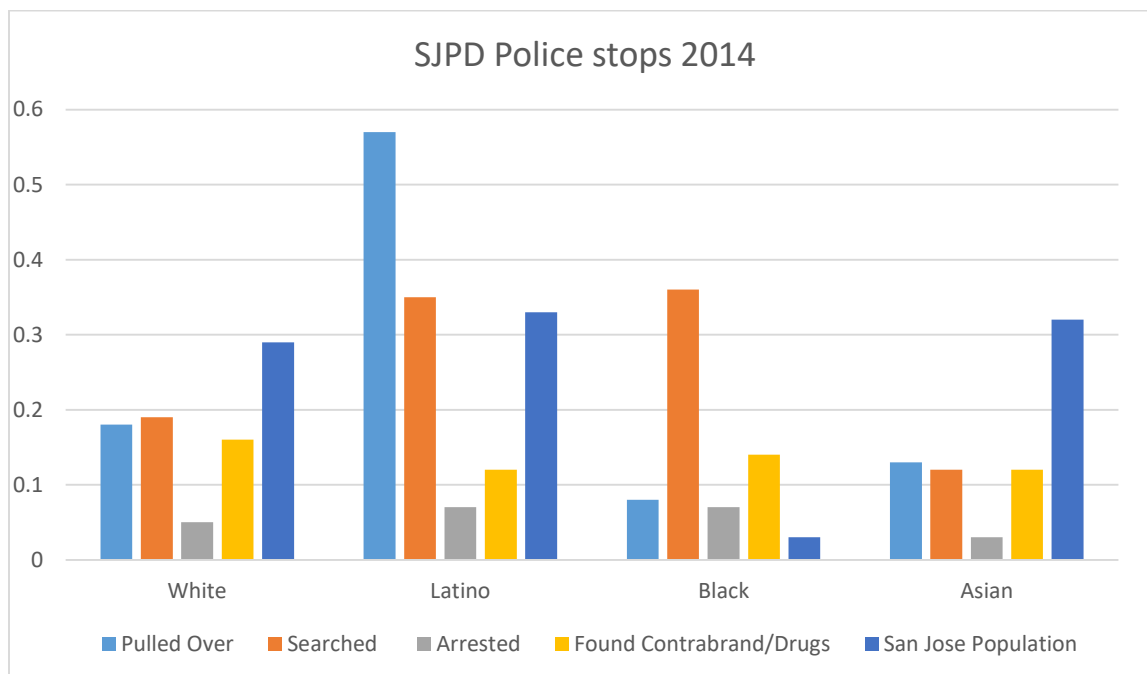


Table 2.1: SJPD Police stops 2014

## Capital and Social Control of the Street Vendor Marketplace

Finally, this leads us to the final theories used in the project to understand the experiences of the street vendors and imagine a suitable design for people delivering services to them. French sociologist Pierre Bourdieu (1984) examined the controlling processes (including harmony ideology) and forces of social control that impact street vendors through his theoretical lens of *social fields* and *habitus*. Similar to Nader's views on controlling processes and their dynamic components of power, Bourdieu views power as culturally and symbolically created. Power structures are socially constructed. Bourdieu defines society as divided into *social rooms*, and these social rooms contain their own *fields*. Fields have their own set of rules of access that Bourdieu refers to as *doxa* (Bourdieu, 1980, 1984). Fields can be environments or institutions where competition between individuals or groups take place.

For example, the field of education and access points to it would be exams, grades, or a thesis. In the world of capitalism and business, rules of access are profits and a determination of success. For this project, different fields, such as controlling processes, are the forces of control. The power of those who control the field of government are institutional forces of control. Specifically, the Trump administration uses ICE to enforce and control federal immigration policies (rules of access) that have an impact on undocumented Mexican street vendors. The rules of access in the field of citizenship determine who wins certain privileges and resources as a documented citizen. Likewise, the City of San José uses the police to enforce and control street peddler policies (rules of access) that impact undocumented Mexican street vendors. Thus, the issue of citizenship status is where Bourdieu's forms of capital come into play.

In Bourdieu's (1984, p. 101) formula: [(habitus) (capital)] + field = practice, habitus is "a structuring structure, which organizes practices and the perception of practices" (Bourdieu, 1984,

p. 170). Habitus, according to Bourdieu, is a mental system of structures that are engrained in an individual's and/or a collective's consciousness. Habitus can include one's thoughts, ideas, beliefs, interests, and understanding of the social world. Bourdieu also states that habitus constrains but does not determine one's thoughts and actions (agency), and if one is aware of their habitus, they are able to observe social fields with objectivity. Furthermore, Bourdieu is saying that one's habitus provides restraints within a field, but how much capital one individual or group has gained through their own thoughts and actions (agency) and now has at their disposal, determines their position within that field. This is how Bourdieu explained habitus in his own words:

"I developed the concept of 'habitus' to incorporate the objective structures of society and the subjective role of agents within it. The habitus is a set of dispositions, reflexes, and forms of behavior people acquire through acting in society. It reflects the different positions people have in society, for example, whether they are brought up in a middle-class environment or in a working-class suburb. It is part of how society produces itself. But there is also change. Conflict is built into society. People can find that their expectations and ways of living are suddenly out of step with the new social position they find themselves in...Then the question of social agency and political intervention becomes very important" (Bourdieu 2000, p. 19).

Furthermore, Bourdieu expands on the traditional definition of "capital" in terms of economics. Bourdieu introduces four forms of capital, with three (social, economic, cultural) being the central elements that determine where actors are positioned within a field. Before discussing the fourth form of capital—symbolic capital—social, cultural, and economic capital need to be defined and explained.

Social capital can be defined as the resources an individual obtains through the social relations of networks, organizations, groups, or institutions to which they belong. The larger an individual's network of peers/friends/business relationships, the more access to social capital an individual has in social fields. Again, Bourdieu approaches his idea of social capital through the



lens of power and conflict. People (actors) and/or groups are employed in a struggle (fields) in pursuit of their interests.

To illustrate, street vendors in this project are engaged in a struggle for their own American dream. Undocumented Mexican street vendors are working in the informal economy by providing a service (street vending) to improve their way of life for themselves and their families (Zlolniski, 2006). Undocumented street vendors have social capital via their street vendor network and their friends and family. In fact, many undocumented Mexican street vendors in San José have migrated to the city because they have a relative already living in the city (Zlolniski, 2006). By providing services such as a “Know Your Rights” workshop or the free legal services Sacred Heart provides at workshops, social capital would be amplified; and in turn, the street vending service provided by street vendors would improve.

Next, cultural capital refers to the informal social skills, tastes, habits, knowledge, language styles, and experiences within certain ethnic or institutional cultures. Bourdieu also explains that cultural capital is the set of rules (doxa) that determine other forms of capital and fields (Bourdieu, 1986). For example, San José Mexican undocumented street vendors have cultural capital through the food they sell within the Mexican community (Zlolniski, 2006).

Specifically, in this project, some street vendors interviewed sold tamales, a pre-colonial Mexican dish made of masa (corn dough). Mexicans are not born loving tamales, but tamales have been socialized since around 7000 BCE into their culture. (Warner, 2010). Thus, Mexicans develop a taste for tamales. Hence, street vendors realize that the selling of tamales provides more cultural capital, which enables them to increase their economic capital.

Lastly, economic capital is the exchanged value or monetary resources an individual or group has at their disposal. Social and cultural capital has a direct impact on economic capital. The more social and cultural capital an individual has, the more potential economic capital they can own. For example, larger food truck vendors who have permission from Christmas in the Park, have more cultural and social capital. Thus, the larger vendors possess more economic capital to pay the fee required by Christmas in the Park. Accordingly, the fourth form of capital, symbolic capital, is the universal framework for the other three forms of capital.

For instance, symbolic capital is accessed through owning prestige, honor, or recognition, which are highly valued within a society, culture, or group. The more social, cultural, and economic capital an individual or group own, the more symbolic capital they can gain. For instance, the City of San José viewed hosting the NFL's Super Bowl week as a way to increase their symbolic capital. The city recognizes the potential prestige that can come with hosting the Super Bowl as a means to increase the city's cultural and economic capital (profit). San José's cultural capital could increase through the potential enjoyable experiences of sports tourists attending the game and visiting the city.

Additionally, the city's symbolic capital increases in the eyes of the NFL, if hosting the Super Bowl is viewed as a success, and potentially leads to San José hosting more Super Bowl games in the future. Consequently, the city's interests in using their own capital and obtaining more capital impacts undocumented street vendors by their being excluded during Super Bowl week. Again, this exclusion is done through the clean zone ordinance policy during Super Bowl week but also occurs during local large-scale events such as Christmas in the Park.

To summarize, Chapter 3 reviewed the literature and theoretical approaches and concepts related to this project's research focus: the impact of street peddlers and immigration policies on

San José undocumented Mexican street vendor space and life. First, Bloomberg and Darrah (2015) describe the practice of service design as the expertise to create, plan, and mediate services. The ethnographic insights gathered from the street vendors who participated in this project can be used to identify the constraints they face from the services they provide. These insights can also be used to design organizationally-based services that can improve the value and service that the vendors provide themselves.

Second, Gramsci's hegemony provides a theoretical foundation on how social control is put into practice by those in power, particularly the state. In addition, Nader's controlling processes and Pierre Bourdieu's four forms of capital detail how these policies function as social controls. For example, the clean zone ordinance during Super Bowl week functioned as a controlling process by banning street vendors from working in downtown. Additionally, undocumented Mexicans have migrated by leveraging their social capital through their relatives already living in San José. However, undocumented street vendors' cultural capital is limited in the United States due to them not being U.S. citizens. Thus, the constraints of their limited social and cultural capital could be improved by designing specific services such as a "Know Your Rights" workshop or providing free legal services that are otherwise not available due to their undocumented status.

Furthermore, Leo Chávez's Latino threat narrative illustrates the impact and influence that anti-Latino immigrant sentiments in the United States have on street peddler policies and Trump's immigration control policies. For example, the narrative has an influence on police practices regarding Latinos in San José, in comparison to their practices involving other racial/ethnic groups. Moreover, Chappell's (2010) concepts of *barrioization* and social controlling of Latino space embody why street peddler policy enforcement is stronger in

downtown San José compared to Eastside San José. Consequently, the narrative has tangible negative impacts on undocumented street vendors and the undocumented San José Mexican community. Lastly, David Harvey's concept of a "right to the city" illustrates the ways cities use urbanization for profit, which impacts street vendor policies and amplifies the need to design improved services that could benefit street vendors. Such services could include the reduction or elimination of street vendor fees that would improve their "right to the city."

## CHAPTER 4

### Latino Threat Narrative, Control, and Super Bowl 50

In Chapters 4 and 5, I examine the less visible social control tactics employed to constraint street vendors. These concealed social control tactics and tools use everyday policing tactics that are presented as color blind in discourse and law, but in practice are racially charged. Specifically, I discuss in detail how San José's temporary clean zone ordinance during Super Bowl week in February 2016 is an example of social control. Later, in Chapter 5, I examine the more enduring social control mechanism of the permanent street peddler ordinance and policies employed by the San José and Santa Clara County public health departments. No service mitigation or design could make sense without understanding the subtle local constraints that street vendors experience. The vendors function within a highly racialized urban context, and the differential enforcement of local ordinances reveals that reality clearly.

Both the permanent street peddler policies and the clean zone ordinance appear fair and not based on racially motivated targeting or favoring of one group over the other. Therefore, in this chapter, I unpack this assumption using fieldwork observations of downtown San José during Super Bowl week and support from secondary data. Chapter 4 begins with an overview of the entanglement between space, race, and citizenship in relation to undocumented street vendors and street vendor policies. I conclude the chapter with ethnographic insights gathered from observations of the temporary clean zone ordinance functioning as a social control.

## Space, Race, and Citizenship

The late political scientist Joel Olson, of the University of Arizona, in his book *The Abolition of White Democracy*, argues that citizenship and race are not mutually exclusive in the formation of U.S. democracy (Olson, 2004). He argued that democracy and racism originated together. The formation of the United States as a settler-colonial project (Wolfe, 1999; Krautwurst, 2003) that included the genocide of Native Americans and the slavery of Blacks, supports Olson's argument. The idea and political system of democracy do not exist without the role of the citizen. Without a government for the people (the citizen) and by the people, there is no democracy. Olson specifically points to the abolition of slavery in the United States as creating the need to distinguish between who is an American and who is a not American, which, in this case, was a way to distinguish between whiteness (citizen) and newly freed Blacks (Olson, 2004). Whiteness, in other words, is not mutually exclusive to American democracy (Olson, 2004).

Additionally, there are some similarities between the distinguishing between citizenship (degree of whiteness/Americanness) and non-citizenship ("the other") that occurred after slavery was abolished in the nineteenth century and now. The major difference is that undocumented immigrants are not slaves. All three groups are and have been "othered" as non-citizens, or as not assimilating to white American standards. This is what historian Natalie Molina refers to as *racial scripts* (Molina, 2014).

According to Molina (2014), racial scripts highlight the ways in which the lives of racialized groups are linked across time and space, affecting one another directly and indirectly. You can say that the Latino threat narrative conceptualized by Chávez is another form of a racial script. For example, the narrative holds that Latinos are unlike previous immigrant groups, which

creates a cross-comparison of similarities and differences among different racialized groups across time and space, as well as affecting how the groups affect each other directly and indirectly. The treatment of undocumented immigrants, such as San José's undocumented Mexican street vendors, is no different than the treatment of non-white groups of the past in some ways. The Latino threat narrative "others" street vendors and paints the picture that they do not wish to assimilate fully into white American citizenship. Thus, racial scripts and the Latino threat narrative highlight that racism is a driving force behind the increased activity of ICE. This cultural script amplifies the need to enhance services such as "Know Your Rights" workshops designed specifically for undocumented street vendors.

This narrative can be seen through the direct impact of street vendor policies in San José on undocumented street vendors. These policies are controlling processes. They socially control when and where street vendors can sell their product through race, space, and citizenship. The policies are racially color-blind, as they, as written, apply to anyone, regardless of race, but as the ethnographic data collected during this project unveils, these policies are not applied without bias.

To illustrate the above, ethnographic insights into the temporary Super Bowl clean zone ordinance and its impact on San José undocumented Mexican street vendors are discussed. Again, this was the starting point of the research project. San José (and many, including myself) miscalculated the positive economic impact the city was going to receive from hosting the game. The Bay Area as a region profited \$240 million, but San José/Santa Clara only received about 20 percent of that profit, according to the East Bay Times (Aritz, 2016). Not surprising, San Francisco profited the most with 57 percent. Out of the 20 percent made by San José and Santa Clara, the former's profit share was 12.3 percent, while the latter's share was 7.2 percent.

Furthermore, the impact on street vendors that arose from the project data seems more to do with visibility, security, and (equal) opportunity, as opposed to economics, in a city that is considered a *sanctuary city*. Though there is no official legal definition of that term, a sanctuary city is one that does not hand over undocumented immigrants to federal immigration agents, or ICE (Immigration and Customs Enforcement). San José is a sanctuary city, but that does not prevent ICE from deporting undocumented people (Denvir, 2017; Sánchez, 2017) within its borders. In September 2017, ICE conducted “Operation Safe City” in ten U.S. sanctuary city areas, including Santa Clara County, where ICE arrested 21 undocumented people (Salonga, 2017). The symbolic limitations of sanctuary cities amplify the need to design services that provide practical protections to undocumented Mexican street vendors. Services such as the Rapid Response Network would be a prime example of this practical protection that is needed.

The street peddler ordinances are legally color-blind, but the way the ordinance is enforced, managed and policed paint a different picture. The temporary and permanent ordinance contradicts San José’s and Santa Clara County’s pro-immigrant image. The ethnographic data revealed that other themes besides economics have a larger impact on street vendors now and, potentially, in the future. To illustrate, the clean zone ordinance functioned as a social control that impacted street vendors during Super Bowl week.

Therefore, the enforcement, managing and policing of the street peddler ordinances that socially control street vendors highlight the need to design services that counter this control. Designing services such as “Know Your Rights” workshops or creating a service that elevates or even eliminates street vendor permit costs would be one example. Furthermore, loosening zoning restrictions that act as constraints for undocumented street vendors would benefit undocumented street vendors. The fact that street vendors are vulnerable to immigration control and restrictive



city street peddler policies because they work in public space amplifies the need for such services. Such efforts could be politically aligned to the desire for sanctuary city status. If the city wishes to claim such status, organizations that support undocumented immigrants could point out the disconnect between zoning ordinances and the need to protect this vulnerable population.

### San José's SB 50 Temporary Clean Zone Ordinance

The zone ordinance was in effect during Super Bowl week from Monday, February 1, until Tuesday, February 9, 2016. The zone ordinance was amended and approved in November 2015. I attended a city council meeting in December 2015, in which the city discussed how it would impact local street vendors. Advocates from the nonprofit, Sacred Heart and others spoke out against the ordinance at the meeting but agreed to participate in the city's campaign to inform local street vendors about the temporary ban. This outreach would target not only street vendors but specifically Mexican, Spanish-speaking vendors. The city also planned to do outreach at Christmas in the Park and at local churches leading up to Super Bowl week to inform street vendors. Though the temporary clean zone ordinance did not specifically state which group it would affect and appeared to be color-blind, the city's actions would target Mexican street vendors. Thus, what does the temporary clean zone ordinance actually state? Here is the summary of the ordinance from the draft itself that can be found on the city website:

An ordinance of the city of San José to provide for the designation of specified areas of the city of San José as a special event zone to prohibit certain activities on public property including peddling, distribution of merchandise, goods or coupons for a commercial purpose, the sale of counterfeit merchandise, and the flying of unmanned aircraft systems within the special event zone and to provide for the temporary suspension of the authority of the director of the office of cultural affairs under part 16 of

chapter 20.80 of title 20 of the San José municipal code to issue permits for temporary outdoor uses of private property within the special event zone during the time period beginning at six o'clock (6:00) a.m. on Monday, February 1, 2016 and ending at six o'clock (6:00) p.m. on Tuesday, February 9, 2016, relative to the use of these areas in conjunction with the 2016 National Football League's Super Bowl 50 related activities and events (city of San José, Nov 2015)

The zone ordinance specifically states that it would be used to prohibit street peddlers from Monday, February 1, 2016, at 6 a.m. through 6 p.m. on Tuesday, February 9, 2016, in the designated zone area in downtown San José. Again, the clean zone ordinance did not specifically mention any specific racial/ethnic group. The clean zone is by law, color blind, but indirectly it was racially biased: the city's office of cultural affairs specifically targeted its outreach to the undocumented Mexican street vendors. At the city council meeting that I attended on December 1, 2015, during which the ordinance was discussed, the city said it would do this targeted outreach at Christmas in the Park and local churches. As shown in *Map 3.1* below, the zone covered most of the main downtown area, which includes SAP Center, San Jose State University (SJSU), SoFa district, the San José Convention Center, Plaza de César Chávez, and St. James Park. In particular, this project focused on this area for observations, particularly SAP Center (Super Bowl media day), SJSU, and Plaza de César Chávez locations during the week of the Super Bowl.



*Map 3.1: SB 50 temporary clean zone boundary in downtown San José.*

The ordinance itself also had some more interesting details that support the claim that San José’s use of the Super Bowl was to showcase that it is a modern and global city for tourism. For example, on the bottom of page one and the top of page two of the ordinance<sup>3</sup> is the following:

WHEREAS, Super Bowl 50 and related events will attract thousands of visitors to the City and provide the City with national and international exposure;

WHEREAS, Super Bowl 50 and related events is anticipated to have a positive economic

The first sentence spells out San José’s goal of becoming a premier and global city by using the Super Bowl to “provide national and international exposure.” In that same sentence, the City of San José explicitly states that the event will attract thousands of visitors to the city, which in this case means sports tourists. In the next sentence, they connect hosting the event with the objective of being economical. Thus, San José’s main purpose of becoming a tourist destination is to make more money, but it did not consider the implications for all of its residents.

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<sup>3</sup> Here is the link to the clean zone ordinance document from the city of San José’s website:  
[http://sanjose.granicus.com/MetaViewer.php?view\\_id=2&event\\_id=1475&meta\\_id=544324](http://sanjose.granicus.com/MetaViewer.php?view_id=2&event_id=1475&meta_id=544324)

San José's anticipated positive economic impact did come true, but the 12.3 percent share of the \$240 million (Artz, 2016) only equals to around \$29 million, and the city has not disclosed how much it spent on being a host city. The San José Mercury News reported in January 2016 that San José projected it would spend about \$1.375 million, with only \$150,000 covered by the Super Bowl Host Committee, which raised around \$50 million for Super Bowl expenses (Mercury News, 2016). Likewise, Santa Clara County projected it would cost \$3.5 million to host the Super Bowl, but unlike with San José and San Francisco, the host committee covered the expense.

In contrast, San Francisco had a 57 percent profit share of the \$240 million (Artz, 2016). San Francisco projected its Super Bowl expenses would be around \$5 million and did not appreciate that the host committee did not cover the bill (Mercury News, 2016). The committee's reason was that San Francisco would profit the most, and they were correct. That 57 percent share comes out to \$137.8 million, which is over \$100 million more than San José's share. Santa Clara's was much smaller, as a 7 percent share of \$240 million equals to \$17.28 million. These numbers are being questioned by Stanford sports economist Roger Null, however. Null points out that the Super Bowl Host Committee released a seven-page executive summary with a two-page fact sheet that does not specify how it obtained those figures (Artz, 2016). Even so, it is clear that San José (and Santa Clara) is still in the shadow of San Francisco when it comes to the tourist economy.

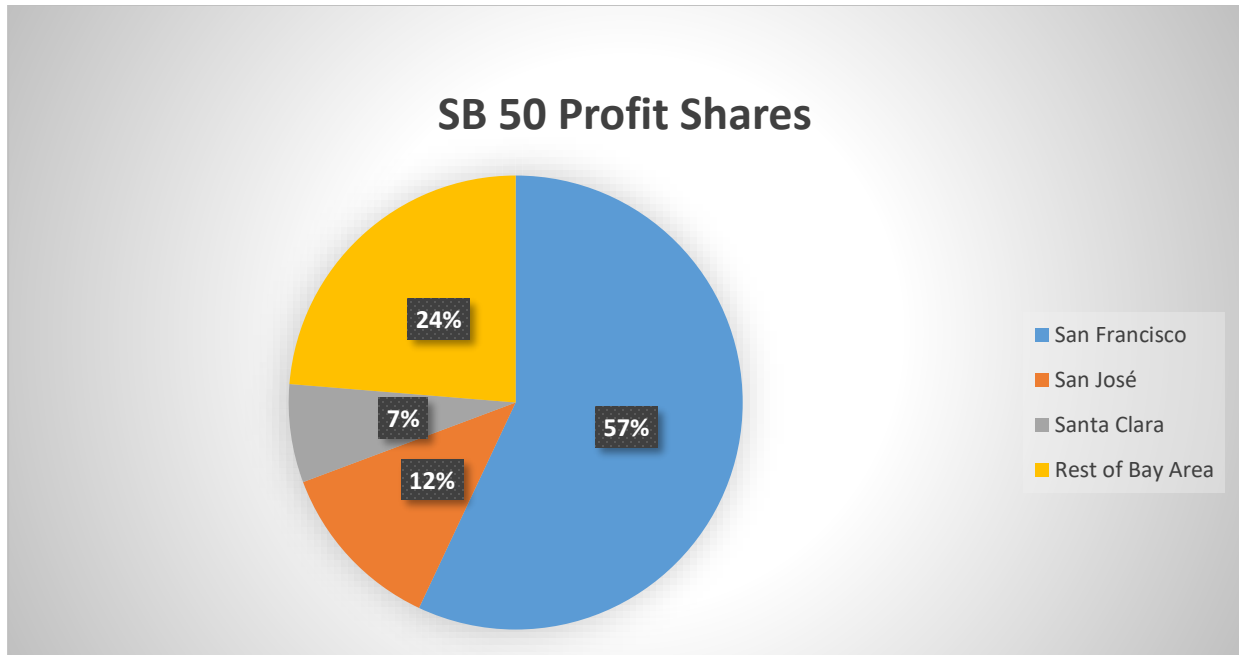


Table 3.1: Bay Area Super Bowl 50 Profit shares

The City of San José’s justification for the ordinance implies that it is necessary to ban commercial activities for the public health, safety, and welfare of the participants and the general public. The city does not explicitly state that the NFL requires all Super Bowl cities to enforce a temporary clean zone ordinance, so it is not just for safety or public health, it is just a requirement they must fulfill to be a host city (Kaszuba and Olson, 2014). According to documents obtained by the Minnesota Star (Kaszuba and Olson, 2014), the clean zone ordinance was, in fact, a requirement for the city of Minneapolis to host the Super Bowl in February 2018.

Also, another reference to public health and Latino street vendors came from a local tech CEO a week before Super Bowl week. A story from the San Francisco Examiner on April 26, 2016, titled *Another tech CEO in hot water for insensitive comments* discussed the anti-street

vendor remarks made by Invoca<sup>4</sup> CEO Mark Woodward on Facebook (Bartholomew, 2016). Specifically, Woodward posted on a public Facebook group page called “Willow Glen Charm,” which is run by a local realtor. Woodward’s remarks were in response to another anonymous person’s post about unauthorized street vendors selling their produce in the affluent San José Tony Willow Glen neighborhood (Bartholomew, 2016). Woodward posted that he would destroy the street vendors produce and harass them if they sold in front of his house (Bartholomew, 2016):

In a now deleted post, Woodward wrote, “If that was my house, I would go out there and make their life miserable. I would do whatever it took to make them leave. If that means destroying some of their produce or standing out there with signs to chase everyone away, or [sic] just making them very uncomfortable, I would do that in a heartbeat.” (Bartholomew, April 26<sup>th</sup>, 2016)

Furthermore, the anonymous Facebook poster’s original comments echoed the racist Latino threat narrative. The anonymous poster reinforced the narrative through stereotypes that Latino immigrants are criminals, a threat to their family’s safety, and dirty. Here are the remarks:

... we now have complete strangers watching our homes, knowing what time we leave for work, what time our kids leave for school and what packages arrive from Fed Ex or UPS,” read the anonymous post.

The author of the post claimed police response to their complaints had been inadequate and that fruit sellers had urinated in a neighbor’s yard, and also implied a recent home burglary might have been connected to the street vendors. (Bartholomew, 2016)

Woodward further portrayed Latinos as criminal and threats and added: “I had a family, not from our neighborhood who was constantly digging through the recycle bins in our neighborhood illegally,” Woodward wrote. “I confronted them rather aggressively and they have never been back.” As these remarks illustrate, many white Americans, such as Woodward,

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<sup>4</sup> Invoca specializes in capturing analytic data from customers’ cellphone calls. It has four offices in San Francisco, San José, Santa Barbara and Boulder, Colorado (S.F. Examiner; Bartholomew, April 26<sup>th</sup>, 2016)

subscribe to the dominant racist narrative that Latinos are a threat to the United States and the U.S. way of life, in particular, the white American way of life.

These comments also reflect the narrative that San José street vendors are a threat to public health. In fact, these anti-immigrant and anti-poor remarks predate the election of Donald Trump. Again, it is important to discredit the notion that anti-Latino and immigrant views were not already strong before Donald Trump's anti-Latino and immigrant campaign and policies. These racial scripts permeate across time and space and have always been a part of the United States since it colonized the land held by Native Americans.

The clean zone ordinance is justified by the city as an effort to maintain public safety. As the remarks above illustrate, Latinos were viewed by some as threats to safety pre-Trump. The clean zone ordinance itself explicitly states on Pages five and six, Sections 4, 5, and 6, that street peddlers are prohibited within the clean zone. This also includes those with a valid street peddler permit approved by the city. The section also indicates that the ordinance prohibits vendors with approved alternative locations during special events that are designated by the permanent special zone ordinance:

#### SECTION 4.

A. All approved location permits issued pursuant to Chapter 6.54 of the San José

Municipal Code for approved locations within the Special Event Zone designated in Section 1 of this ordinance shall be suspended during the time period designated in Section 2 of this ordinance.

B. If any such permit holder peddles at the alternative approved location designated in the permit, the permit shall only be suspended in part, as applied to the primary approved location, and shall remain in full force and effect as applied to the alternative approved location, subject to Section 5 of this ordinance.

SECTION 5. Any person holding an approved location permit issued pursuant to Chapter 6.54 of the San José Municipal Code within the Special Event Zone designated by Section 1 of this ordinance may peddle at any alternative approved location designated in

his or her approved location permit in compliance with all terms and conditions of the permit, only if the alternative approved location is not also within the Special Event Zone or within a special event boundary designated pursuant to Chapter 6.55 of the San José Municipal Code.

SECTION 6. No person, including persons holding a peddler's permit issued pursuant to Chapter 6.54 of the San José Municipal Code, may peddle within the Special Event Zone designated by Section 1 of this ordinance during the time period designated in Section 2 of this ordinance.

Also, during participant observations of Super Bowl week, clear violations of the temporary clean zone ordinance of Section 6 were observed, in particular, during observations of Super Bowl media day at SAP Center. However, violations by Mexican street vendors were not observed near SAP Center or Plaza de Cesar Chávez in downtown San José. The Super Bowl clean zone ordinance explicitly states in Section 12 on Page seven that the violation of the ordinance is a misdemeanor and subject to a fine of \$1,000:

SECTION 12. Violation of this Ordinance shall be a misdemeanor. All remedies for violation of the San José Municipal Code set forth in Title 1 of said code shall apply to violations of this Ordinance. Notwithstanding the provisions of Section 1.15.040A, the amount of the fine imposed for violation of this Ordinance shall be set forth in this Ordinance, not in the schedule of fines established by resolution of this Council for purposes of enforcement of Chapter 1.15 of Title 1 of the San José Municipal Code, the administrative citation fine amount for a violation of this Ordinance shall be \$1,000.00.

Additionally, a couple of days prior to Super Bowl week, downtown began to be transformed into Super Bowl headquarters. As part of the participant observations, images were captured of downtown San José in order to give a visual of the city's transformation for the week. The city and the NFL were taking control of public spaces within the Super Bowl clean zone area in downtown. Flags and banners were hung from street lights throughout downtown San José as seen in *Figure 4.1*. Local businesses were getting ready for the big game as well. Restaurants and bars throughout downtown displayed Super Bowl 50 signs on their display windows and offered Super 50 specials (*Figure 4.2*).





Figure 4.1: Below the SB 50 banner, a bicyclist is crossing San Fernando and 4th Street in downtown San José near SJSU.



Figure 4.2: A no-parking sign in a handicap parking space across from SAP Center the night before Super Bowl Opening Night.



*Figure 4.3: AFKgg Gamer Lounge hosted a Madden Football video game tournament during Super Bowl week. The lounge is located on Santa Clara Street in downtown San José.*

To begin, the clean zone was already in place the Monday morning of the media day event. An hour before the event, homeless people were observed around downtown near SAP Center. From these observations, homeless people were not displaced from the clean zone for the week just as San Francisco had done for Super Bowl City (Reilly, 2016).

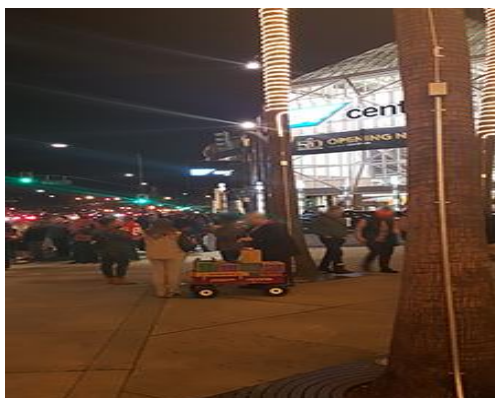
Additionally, no Mexican street vendors were observed throughout the observations of media day near SAP Center. In contrast, the share-riding service Lyft had a table set up across the street from SAP Center. Lyft was passing out free ride coupons and Lyft flyers. According to the Lyft representative, they set up there during all special events and had permission. Section 9 of the clean zone ordinance prohibits the selling of any items without the NFL's approval, even when just passing out free promotional items:

**SECTION 9.** It shall be unlawful for any person, firm, association or corporation, directly or indirectly, to distribute upon any street, sidewalk or public right-of-way within the Special Event Zone, defined in Section 1, any free merchandise, free sample goods or coupons for the purpose of advertising any commodity, article, merchandise, business, meeting, entertainment or activity for a commercial purpose.

Section 9 clearly states “It shall be unlawful for any person, firm, association, or corporation, directly or indirectly, to distribute upon any street, sidewalk or public right-of-way within the Special Event Zone.” Specifically, the following sentence mentions that free merchandise, free samples, or coupons for commercial purposes are prohibited. Nevertheless, the Lyft representative said they had permission.

Shortly after the event ended, I observed an apparently white woman and her daughter selling Girl Scout cookies in front of SAP Center on the corner of Autumn Street. The cookies were \$5.00 a box. Again, the clean zone ordinance explicitly prohibits anyone from selling anything within the zone from February 1 to February 9. The woman and her daughter were not Latino. They were selling the cookies right in front of the arena and in front of the police cars blocking Autumn Street. I asked the woman if she was aware of the clean zone ordinance. Additionally, I asked the woman if she had a street vendor permit and if she had been approached by the police. The woman said she was not aware of the ordinance, did not have a permit, and that the police had not approached her. Meanwhile, no Mexican street vendors were observed while the woman was selling cookies. Typically, during San José Sharks games there would be a young Mexican woman outside SAP selling hot dogs. The young woman was one of the street vendors interviewed for the project during Christmas in the Park 2016. Again, Section 6 of the ordinance states:

**SECTION 6.** No person, including persons holding a peddler's permit issued pursuant to Chapter 6.54 of the San José Municipal Code, may peddle within the Special Event Zone designated by Section 1 of this ordinance during the time period designated in Section 2 of this ordinance.



*Figure 4.4: A lady and her daughter selling Girl Scout cookies outside SAP Center after Super Bowl Opening Night.*

The key phrase in Section 6 is “No person, including persons holding a peddler’s permit...may peddle within the Special Event Zone.” The woman selling Girl Scout cookies was not aware of the ordinance and was in clear violation. However, the police who were near the woman never approached her and did not enforce the ordinance.

To review, San José’s Department of Cultural Affairs at the December 1, 2015, council meeting, during which amendments were made to the ordinance, stated that they would do outreach to the community. The department specifically targeted the Mexican immigrant population, even though other groups and organizations such as the Girl Scouts are also vendors. Yet, observations during Super Bowl media day illustrated that the clean zone ordinance enforcement did not apply to Girl Scouts, or, possibly more specifically, to non-Latino Girl Scouts.

Next, observations were also done at Plaza de César Chávez in downtown San José. During observations at the plaza, there were two or three stages that had been set up since the start of Christmas in the Park event in late November 2015. Additionally, a beer garden, some food trucks, and an Ethiopian hot dog vendor were observed.

According to the city, the hot dog vendor is one of three vendors who can continue doing business as normal during the week in the clean zone ordinance. However, in years past Ethiopian vendors have had issues with Christmas in the Park organizers (SanJoséinside.com, 2015). Also, some police presence at the park was observed. Moreover, there were also vendors giving out free popcorn samples in front of the ice rink right next to the museum of art.

Plaza de César Chávez has city and event-approved street vendors. The city made note of this arrangement in the clean zone ordinance and at the city council meeting on December 2015. These street vendors are also immigrants (Ethiopian) and non-white, just as the majority of Latino/Mexican street vendors are in the city. The difference here is that the Ethiopian street vendors already had the City of San José's approval to work on-site at the park as part of Christmas in the Park. The approval illustrated that these specific street vendors had social capital and economic capital (for fees) that undocumented Mexican street vendors did not have.

Lastly, police officers' insights on the ordinance enforcement were captured at the plaza. According to the police officers, they were not worried about enforcing the ordinance too much. However, they were much more focused on keeping watch around the Carolina Panthers Hotel. That was their top priority, not the ordinance. These insights from the police could explain why the woman selling Girl Scout cookies in front of SAP Center was not approached by the police around her.

Nonetheless, from the observations at the plaza and SAP Center, the ordinance was keeping Mexican street vendors from peddling in downtown for the week. So far, the temporary clean zone ordinance appeared to be functioning as a process that was socially controlling Mexican street vendor workspace. However, the clean zone ordinance was observed being violated by a Mexican street vendor later in the week. Specifically, in front of Grocery Outlet in

downtown San José near the bus stop on Santa Clara Street between 5<sup>th</sup> and 6<sup>th</sup> Street. The undocumented Mexican street vendor's name was Octavio. He was a short man, with dark brown skin. Octavio was not formally interviewed but provided some quick comments and insights.

Octavio was not aware of the ordinance. When I mentioned the ordinance he replied “*No le hago caso,*” or “I do not pay it any attention.” Octavio was also asked if any authorities had approached him that day, and Octavio said they had not. Additionally, Octavio mentioned that he sells his elotes and fruit in this general area of downtown. Octavio sold *elote* for \$3.00 and cut-up mango fruit was \$2.00.

Octavio was the only undocumented Mexican street vendor that was observed in violation of the ordinance during Super Bowl week. In addition, when asked about the street peddler permit, Octavio quickly mentioned he had a permit. Again, the ordinance mentions specifically that even licensed vendors are prohibited without city approval. However, Octavio's comments and those of the woman selling Girl Scout cookies indicated they were not aware of the clean zone ordinance.

Moreover, it is important to note that the ordinance is available online but is not available in Spanish. The street vendors that were interviewed for the project were Mexican and undocumented immigrants and mostly spoke Spanish. If the city really wanted Mexican street vendors to avoid downtown while the ordinance was in effect, the ordinance could have been available in Spanish. This language issue would appear again in observations of Christmas in the Park in 2016. Specifically, the signs prohibiting street vending at the entrance of the event were not translated into Spanish correctly.

In summary, Chapter 4 focused on the temporary Super Bowl clean zone ordinance put in place during Super Bowl week. Thus, observations of Super Bowl week were done for the project. Additionally, the observations were supplemented with textual analysis of the clean zone ordinance document. Racist comments made on social media referring to Mexican street vendors were also included.

The city outreach efforts targeted the immigrant Mexican community. However, a violation of the ordinance by a white woman and her daughter selling Girl Scout cookies was observed during the media day. Only one violation by a Mexican street vendor was observed in downtown San José throughout the week. Violations were not observed at media day or Plaza de César Chávez during Christmas in the Park 2015. The police were also observed, and they commented that the clean zone enforcement was not a priority. On the other hand, in Chapter 5, observations at Christmas in the Park in December 2016 revealed that enforcing the city's permanent street peddler ordinance is a priority. To illustrate, note the following interviews with undocumented Mexican street vendors and observations of police enforcement practices.

## CHAPTER 5

### Christmas in the Park and Social Control of Everyday Street Vendors

San José's permanent street peddler ordinance, along with Santa Clara's public health regulations, are what regulate street vendor activities in the city every day. These policies are examples of everyday controlling processes in place to socially control street vendor space. The temporary Super Bowl clean zone ordinance is nearly identical to San José's special event zone ordinance (Ord. 6.55), which will be detailed in this chapter. The special event zone ordinance (6.55) is an add-on to the city's permanent street peddler ordinance (6.54).

Specifically, this chapter will explore how both ordinances and the county's public health street peddler policy impact undocumented Mexican Street vendors through in-depth interviews and observations. The impact and constraints of these street peddler policies and the experiences of street vendors gathered from interviews highlights the need to design services to reduce or eliminate the constraints they face. In design research, anthropologists look for "points of pain" experienced by the community. Such points are opportunities for advocating for change. I continue to analyze texts of the ordinance documents themselves. First, the chapter unpacks these ordinances and outlines the street vendor fees from the City of San José and County of Santa Clara. Second, the chapter connects these ordinances with the ethnographic insights captured from interviews and observations from Eastside San José and Christmas in the Park 2016. Lastly, the chapter concludes with street vendors expressing concerns over Trump and his immigration control plans.



## General Provisions of Peddler Ordinance

In Part 2 of the Peddler Ordinance, the City of San José provides a list of six peddler categories that the ordinance chapter regulate the conduct of each peddler category. The categories are (1) pedestrian peddlers; (2) motor vehicle-based and mobile-unit peddlers; (3) approved location peddlers; (4) annual or special-event peddlers; (5) arena peddlers; and (6) flower peddlers (Ch. 6.54.100). The participants in this research study that were interviewed were part of peddler categories 2, 3, 4, and 5. All of the street vendors were mobile-unit peddlers (category 2), and some were approved location peddlers (category 3) since they were mobile peddlers selling in private parking lots (churches and Somos Mayfair). All of the street vendors interviewed at Christmas in the Park were mobile-unit peddlers but also could be categorized as special event peddlers (categories 2 and 4). However, it is unclear whether the vendors fall into category 4 because they were not officially approved to vend inside the Plaza de César Chávez event boundary.

The City of San José in Part 2 of the ordinance spells out the key provision requirements needed to legally street peddle in the city. I will only focus on those that I identified as directly impacting the street vendors who participated in this research project. They are:

1. **Peddler business permit required (Ch. 6.54.110)**, which makes it A) unlawful to street peddle without strict compliance with the cities valid peddler business issued by the Chief of Police, the regulations issued by the City Manager (Director), and in accordance with any requirements of the state of CA and the county of Santa Clara. B) A business permit is a permit for purposes of Chapter 6.02 of the code.
2. **Peddler business permittee responsibility (Ch. 6.54.120)**, which states that “The act or omission of any permittee's partner, owner, associate, director, manager, officer, agent or employee is for all purposes the act or omission of the permittee regulated by this chapter.”

3. **Peddler employee license required (Ch. 6.54.130), A.** It shall be unlawful for a person, other than the permittee, to peddle without having first obtained a peddler employee license issued by the chief of police. **B.** It shall be unlawful for any permittee or any operator, manager, owner or employee of a peddler business to allow or tolerate any person who does not have a peddler employee license from working for or under the direction of, or on behalf of, or as an agent of the peddler business. **C.** For purposes of peddling, a natural person holding a valid peddler business permit is deemed to also have a peddler employee license.
4. **Approved location permit required (6.54.140):** “It shall be unlawful for any person to peddle from a fixed location on any public street, sidewalk, or right-of-way unless that person obtains an approved location permit from the chief of police as provided for in this chapter. (Ords. 25115, 28534.)

### Operating Regulations and Permit and License Conditions

Next, in Part 3 of the ordinance, the City of San José provides twelve operating regulations and permit and license conditions. I focus on nine of the regulations since they have an impact on the street vendors that were interviewed for this project. It is important to note that not all street vendors have permits, which is largely due to the cost of the permit fees. There were ten street vendors interviewed, and about half said they had permits. The fees were an issue for some of the street vendors who were interviewed for this research project, and therefore reduction of the fees is an opportunity for those who would provide services to them.

However, other vendors said they did have a permit but never showed proof of such, so I could not verify those claims. Only two of the street vendors interviewed admitted to not having a permit. The expensive cost of the street permit fees is the reason given for not having the permit. Again, all the street vendors who were interviewed are Mexican immigrants, low-income, and undocumented, so fees are very difficult to pay since they rely on the informal economy for income. The constraints of the cost of street vendor fees is another example of the

need to design and provide services specifically for undocumented street vendors. For example, creating a program to subsidize, or a campaign to lower the fees or completely eliminate fees would benefit the vendors. The street vendor permit fees are discussed further below.

### Current Street Vendor Permit Fees

Mobile street vendors in San José must obtain various permits and pay expensive fees. The Santa Clara County Department of Environmental Health defines “mobile food facilities (MFFs) as trucks, trailers, vans, carts, or any portable unit used to prepare, sell or transport food (County of Santa Clara<sup>5</sup>).” The county also requires all MFFs that conduct business in Santa Clara County to have a valid permit issued by the Santa Clara County Department of Environmental Health (DEH; SCCgov.org). Additionally, the definition of a “mobile peddler” is essentially the same in the City of San José and in the county of Santa Clara.

Santa Clara County has three different street peddler fee categories: (1) \$138.00 (no food prep), (2) \$438.00 (limited food prep), and (3) \$635.00 (full food prep).<sup>6</sup> Depending on what street vendors are selling, they can fall into either category. *Paleteros*, or ice cream mobile cart peddlers would fall under category 1, while those selling tamales, cut-fruit, churros, elote (corn) would fall under category 2. Vendors with the highest fee under category 3 would be the hot dog or taco vendors. The street vendors who participated in the research project were from all three categories.

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<sup>5</sup> Mobile Food Facilities-Consumer Protection Division-County of Santa Clara  
<http://www.sccgov.org/sites/cpd/programs/MFF/Pages/home.aspx>

<sup>6</sup> Department of Environmental Health Fees-Consumer Protection Division (effective as of February 1, 2017)  
<https://www.sccgov.org/sites/deh/Fees/Documents/DEHPermitFees.pdf>

Furthermore, the county also requires an operating permit/change-of-ownership fee of \$340.00 and, if needed, \$219.00 for a mobile support unit. In contrast, most San José *paleteros* rent their carts from the ice cream company they get their supplies from for less than \$20 a day (Zloliniski, 2006). Also, a food safety exam is \$75.00 and the materials for the exam are \$25.00. If a person wants to get certified training plus the exam, it is \$155.00 during the week and \$205.00 during the weekend.

The City of San José's permit fees varies as well. For example, for a new or renewal fixed location fee, the cost is \$355.00<sup>7</sup>, while the re-inspection fee is \$255.00. That means street vendors who sell at a fixed location (such as a parking lot) would pay this fee. Some cut-fruit vendors along with hot dog vendors and tamale street vendors work from a fixed location. The fees would also include taco trucks. For mobile peddlers, which were the majority of the street vendors that were interviewed for this project, the fee for new/renewal permits is \$135.00, as well as for a re-inspection. Also, street peddling requires an employee license fee, which is \$128.00. All of the permits expire every two years from the dates issued. For example, if the permit was obtained on February 1, 2017, the permit expires February 1, 2019. Only the re-inspection fee is paid per re-inspection. All of these fees must be paid through the San José Police Department. As noted, there are various fees a street vendor must pay, and they are very expensive and costly to most street vendors. The majority of the Mexican street vendors are undocumented immigrants and have a low-income. The cost of fees to become a street vendor varies. In *Table 5.1* below, fees are organized under the three categories of MFFs provided by the County of Santa Clara. These fees include both Santa Clara County and the City of San José.

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<sup>7</sup> City of San José permit fees:  
[http://sjpd.org/Records/Fee\\_Public\\_Safety\\_Permits.asp](http://sjpd.org/Records/Fee_Public_Safety_Permits.asp)

	Street Vendor Total Fees		
<b>Santa Clara County Fee</b>	<b>Category 1</b>	<b>Category 2</b>	<b>Category 3</b>
1. SCC No Food Prep	\$138.00		
2. SCC Limited Food Prep		\$438.00	
3. SCC Full Food Prep			\$635.00
4. SCC Operating Permit	\$340.00	\$340.00	\$340.00
<b>SCC Total</b>	<b>\$478.00</b>	<b>\$778.00</b>	<b>\$975.00</b>
<b>Other Fees</b>			
5. SCC Mobile Storage Unit	\$219.00	\$219.00	\$219.00
6. Food Safety Exam	\$75.00	\$75.00	\$75.00
7. Exam Materials Fee	\$25.00	\$25.00	\$25.00
8. Cert. Training (Weekday)	\$155.00	\$155.00	\$155.00
9. Cert. Training (Weekend)	\$205.00	\$205.00	\$205.00
<b>SCC Total + Other Fees (Weekday)</b>	<b>\$952.00</b>	<b>\$1,252.00</b>	<b>\$1,449.00</b>
<b>SCC Total + Other Fees (Weekend)</b>	<b>\$1,002.00</b>	<b>\$1,302.00</b>	<b>\$1,499.00</b>
<b>San Jose Fees</b>			
10. Fixed Location New/Renewal Fee	\$355.00	\$355.00	\$355.00
11. Mobile Unit New/Renewal Fee	\$135.00	\$135.00	\$135.00
12. Employee License Fee	\$128.00	\$128.00	\$128.00
<b>Total (Fixed Loc + Emp Lic Fee)</b>	<b>\$483.00</b>	<b>\$483.00</b>	<b>\$483.00</b>
<b>Total (Mobile Unit + Emp Lic Fee)</b>	<b>\$263.00</b>	<b>\$263.00</b>	<b>\$263.00</b>
<b>Other Fees</b>			
13. Fixed Location Re-inspection Fee	\$255.00	\$255.00	\$255.00
14. Mobile Unit Re-inspection Fee	\$135.00	\$135.00	\$135.00
<b>Potential Total</b>			
<b>SCC Weekday Total +SJ Fixed Loc + Lic Fee</b>	<b>\$1,435.00</b>	<b>\$1,735.00</b>	<b>\$1,932.00</b>
<b>SCC Weekend Total +SJ Fixed Loc + Lic Fee</b>	<b>\$1,485.00</b>	<b>\$1,785.00</b>	<b>\$1,982.00</b>
<b>SCC Weekday Total + SJ Mobile + Lic Fee</b>	<b>\$1,215.00</b>	<b>\$1,515.00</b>	<b>\$1,712.00</b>
<b>SCC Weekend Total +SJ Mobile + Lic Fee</b>	<b>\$1,265.00</b>	<b>\$1,565.00</b>	<b>\$1,762.00</b>

Table 5.1: Street vendor fees for Santa Clara County and the city of San José.

As the table above indicates, the total potential fees for MFFs in category 1 are \$1,215.00, \$1,265.00, \$1,435.00, and \$1,485.00. This averages to an average fee of \$1,350.00. The street vendors that could fall under category 1 of no food preparation would most likely be *paleteros*. Most *paleteros* obtain their ice cream from a supplier and it is pre-packaged (Zloliniski, 2006). *Paleteros* are the street vendors you typically see pushing a mobile cart throughout downtown San José and Eastside San José (ESSJ), and they are rarely at a fixed location. If *paleteros* are in a fixed location, it is in front of schools, libraries, parks, and churches for a temporary time. According to San José's permanent street peddler ordinance, mobile street vendors cannot stop at a location for more than fifteen minutes without city

approval. Therefore, since they are mobile peddlers, they would only pay the two lowest potential fees of \$1, 215 or \$1,265.

Additionally, the total potential fees for street vendors in category 2 are \$1,515, \$1,565, \$1,735, and \$1,785. That averages out to \$1,650. Street vendors in category 2 would include cut-fruit, elote, tamales, churros, and hot dog vendors. These were the majority of the street vendors interviewed at Christmas in the Park 2016. Most of these vendors could either be mobile or at a fixed location. The total potential fees for street vendors in category 3 (i.e. taco trucks/taco stands/food trucks) are \$1,712, \$1,762, \$1,932, \$1,982. This averages out to \$1,847. Vendors in category 3 pay the two highest fees since they are at a fixed location.

Due to its relevance to vendors, the issue of street vendor fees came up in street vendor interviews. The issue also came up at a meeting organized by Father John Pedigo that was observed at Lady of Guadalupe Catholic Church in Eastside San José. Undocumented Mexican street vendors are low-income and so any extra costs impact them in a big way. Again, designing a service to reduce or eliminate the cost of fees for street vendors would mitigate this constraint they face. Next, the chapter will detail the street vendor interviews and observations from the meeting that uncovered the issue and impact of street vendor fees.

The first street vendor interview examined is with hot dog vendors Sonia and her husband. The interview took place on December 19, 2016, across the street from Plaza de César Chávez during Christmas in the Park. Observations revealed the couple received some customer traffic by being away from the chaos across the street. Moreover, most of the street vendors were in front of Paseo de San Antonio across from the park. On the other hand, Sonia and her husband were across from the park on the other side of San Carlos Street and Market.

First, Sonia made some comments about vendor permits and their costs. She specifically talked about street vendor permits to work special events, such as Christmas in the Park. Additionally, regarding the fixed location vendor fees in category 3, such as the food trucks at Christmas in the Park, Sonia would probably have to pay a fee to Christmas in the Park organizers too.

Furthermore, Sonia said “*Todos estamos fuera del parque, ninguno tiene permiso, ninguno pasa inspección,*” The translation of which is “All of us are outside the park (street vendors not working inside Christmas in the Park), no one has permission, no one passes inspection.” Next, I asked Sonia about the permit fees. Sonia responded that she could not afford them due to the price. Additionally, Sonia remarked that only the larger food truck companies have the money to pay the fees required by Christmas in the Park organizers. Sonia’s remarks illustrate how her limited economic capital is the reason she and other undocumented street vendors are not able to work the event.

Likewise, another street vendor interviewed, named Chelo, had issues with the permit fees, too. Chelo is a Mexican undocumented woman who works and sells tamales alongside another woman, who is the owner of the vendor business. Both vendors work in the parking lot of Somos Mayfair in Eastside San José. Chelo was interviewed in September 2016 and was the first vendor interviewed for the project. Chelo had only been working for the other woman for about a year. Additionally, Chelo also worked a second job across the street from Somos Mayfair headquarters at a flower shop. Working multiple jobs is common among street vendors in San José (Zlolniski, 2006).

Chelo also revealed during the interview that she does not have a street vendor permit. Before she admitted to not having a permit, she mentioned that the permit is the first thing the

police ask for when they see her. Chelo's reason for not having a permit was identical to most of the street vendors without permits. Vendors such as Chelo cannot afford street vendor permits because they do not make enough money. Chelo was one of two street vendors who was interviewed who openly admitted to not having a permit.

Furthermore, street vendor permit fees were also an issue of discussion at a meeting observed shortly after Super Bowl week in late February 2016. The meeting was organized by Father John Pedigo of Lady of Guadalupe Catholic Church in Eastside San José in the Somos Mayfair neighborhood. Father John is also a community organizer and had been trying to organize local street vendors.

The meeting took place on Thursday, February 25, 2016. Twenty-three people attended the meeting inside the church offices (including myself and Father John), twelve of whom were street vendors. There were seven male street vendors and five female vendors, and all were Mexican undocumented immigrants. The rest of the people at the meeting were various stakeholders from the business community, including the organizer of the food truck festivals, called "Movable Feast," at Eastridge Mall in Eastside San José, and a Xicano couple who are the heads of a recycling center.

The meeting was in both Spanish and English, with Father John translating. The meeting agenda was to focus on street vendor needs and identify larger local caterer/ food truck business needs. The meeting's attendees' long-term goal was to establish a community kitchen that street vendors could use to prepare their food. This goal was influenced by issues street vendors face from the county and the city in regard to food preparation and public health. One recommendation for those providing services might be to create a community kitchen. Such a



notion was proposed at the meeting and illustrates an example of a service that could be designed for street vendors.

To review, as noted in Chapter 4, one of the city's reasons for the clean zone ordinance was public health. Furthermore, in the interview with the street vendor Sonia, the issue of public health was brought up. In the interview, Sonia relayed an issue she had in the past with a public health official while vending outside Christmas in the Park:

*Hace como tres años que andaba un señor a comprando tamales que dijo: “no, no, no le compre porque mi esposa se enfermó y está en el hospital por eso.” Y a todos les decía lo mismo. Todos los años decía y era mentira.* In English, this translates to: “It has been about three years that there was a man buying from us, and he said “No, no, no, do not buy from them because my wife got sick (food poisoning) and she is in the hospital because of it (food). He tells everyone else the same thing. Every year he tells people that, but it is a lie.”

This anecdote was revealing, regardless of whether the facts of the story were as she presented. We see this story as a clear example of social control since Sonia internalized her fear and worries about her reputation. Additionally, Sonia understood it was her word against a public health official who holds more symbolic capital due to his position.

Returning back to the meeting at Lady of Guadalupe Church, an elderly Mexican woman revealed her issue with street vendor fees. Likewise, other street vendors then spoke up about the street permit fee issues. The vendors claimed that the San José Police Department have harassed them because they do not have street vendor permits from the city or county of Santa Clara. The

elderly Mexican woman also referred to the fifteen-minute rule, which refers to the fact that the city wants them to keep moving every fifteen minutes.

Another female street vendor commented in Spanish “*Llego la ciudad y la policía a la iglesia,*” or “The city and police came to the church” to check if street vendors had permits. According to vendors at the meeting, the average cost of permit fees was \$850, which includes a background check by the police department. That fee falls just under the potential fees that I calculated (Table 5.1) from the information gathered from the city and county website. The fees for the street vendors that were represented at the meeting were for *eloteros*, *paleteros*, cut-fruit vendors, and other street vendors, who would fall under Santa Clara County’s categories 1 or 2 for mobile street vendors. Again, these are the mobile pushcart or mobile fixed-location street vendors.

Lastly, a local business stakeholder, Chris Esparaza from Giant Creative ([www.winterwonderlandssj.com](http://www.winterwonderlandssj.com)), who runs the Winter Wonderland Carnival at Christmas in the Park was at the meeting. He remarked that some vendors pay \$5,000 to \$10,000 in order to participate in the annual event that he organizes in partnership with Christmas in the Park and that those vendors complain that it is unfair when local mobile street vendors come to the events to sell their food. So Chris proposed: “How can we make it so both sides can sell and be fair to both?”

The question posed by Chris is the ongoing question every year at large-scale local events, such as Christmas in the Park. How can the city, local event organizers, and local businesses be fair to small mobile street peddlers, the majority of whom are Mexican and undocumented immigrants? How can they also be fair to larger food truck vendors and those who pay the \$5,000 to \$10,000 fee to work at Christmas in the Park?

The issue of street vendor permit fees can be analyzed using Bourdieu's forms of capital. For example, the smaller undocumented Mexican mobile street vendors do not possess the economic, symbolic, or social capital that the larger food truck businesses have. In other words, the vendors do not have enough symbolic or economic capital to compete with events such as Christmas in the Park in San José. This gap provides an opportunity for those institutions, such as Sacred Heart, who provide services specifically for undocumented Mexican street vendors. Workshops on amplifying and aggregating cultural and economic capital would benefit vendors.

The following interviews for this project took place over three days at Christmas in the Park and at local Sunday church service Masses in Eastside San José and downtown San José in December 2016. During the interviews, vendors spoke of their concerns about the election of Donald Trump (and his immigration stance), the issue of street vendor space during Christmas in the Park being policed by the city and county public health officials, and others. These interviews are supported by observations of Christmas in the Park and from the street vendor and local stakeholders meeting at Lady of Guadalupe Church in February 2016. While local ordinances and events are concerns, the larger national discourse related to Trump's Presidential election overshadows those issues and is the final subject of this chapter.

Local street vendors and larger food truck vendors, along with local festival organizers, have been at odds over who has the right to public and private spaces in regard to street vending in San José. The city's street peddler policies differ between mobile pushcart peddlers and larger fixed location food truck street vendors, and these differences are amplified during special events in downtown San José. These special events include global, once in a decade large-scale events, such as Super Bowl 50, and yearly local major events such as Christmas in the Park.

As part of the city street peddler ordinance, a special event temporary provision is used for events such as Christmas in the Park. The provision is nearly identical to the temporary Super Bowl clean zone ordinance examined in Chapter 4. In fact, the clean zone ordinance was used to update the existing special event provision in the city's street peddler ordinance. One of the major policies for special events is that street vendors with the proper permit, even for a specific location, are prohibited from street vending temporarily if their approved location falls inside the special event zone. This stipulation is exactly what happened to street vendors during Super Bowl week. Moreover, this permitting happens yearly during special events such as Christmas in the Park at Plaza de César Chávez or other special events such as the annual Jazz Festival or Music at the Park concerts every summer. To illustrate, before you enter Christmas in the Park at Plaza de César Chávez, there is a warning sign that reads:

Permitted Vendors Only (in Spanish: *Solo se admiten los vendedores*)

Approved vendors operating inside Christmas in the Park have been permitted by the Dept. of Health, San José Fire Dept. and Christmas in the Park. Non-approved vendors are not permitted to be in the park nor in the surrounding areas as they do not have proper permitting from the Dept. of Health, San José Fire Dept. or Christmas in the Park.



Figure 5.1: A warning sign for unauthorized street vendors outside the entrance of Christmas in the Park.

When I first observed this sign, I noticed that only one sentence was in Spanish and that the translation was wrong. For example, “*solo se admiten los vendedores*” translates to “only sellers allowed,” which does not translate to “permitted vendors only.” The translation does not specify which specific vendors are allowed, just that only sellers are allowed in the park. This inaccurate translation would be confusing to mobile street vendors who did not pay the fee to sell at Christmas in the Park since other vendors are obviously present. The rest of the message explains which street vendors are permitted but that part is only in English.

However, assuming that all Mexican street vendors only speak Spanish would be inaccurate; many understand and speak English well. However, it would also be inaccurate to assume that all the Mexican vendors understand English. If Christmas in the Park and/or the City of San José want to deliver a clear message of who is permitted, these signs did not help and could potentially create confusion. Next, across the street from the signs and the entrance to the park, about a dozen street vendors selling hot dogs, churros, elote (corn), and tamales lined up in front of Paseo de San Antonio.



*Figure 5.2: Street vendors lined up on Paseo de San Antonio across from Christmas in the Park on Dec 17, 2016.*

On this specific night, several street vendors at Christmas in the Park were observed being harassed and told to move by the SJPd. My translator asked the police why were they bothering the street vendors; a police officer replied that the street vendors did not have the proper permit to street vend during the event. Additionally, the police officer commented that it was unfair to the vendors (food trucks), who paid an expensive fee to have the opportunity to vendor the event. The police officer also said they are aware it is difficult to stop all the vendors, but they are enforcing street vendors who block traffic and the walkways for safety reasons. He then added that as long as the vendors follow orders they are allowed to work. The officer also said that some of the vendors do not have the proper street peddler permit to street vend in the city, that he could cite them for that, but he would not. Lastly, the officer said that the police have to continue monitoring and controlling the street vendors because a couple years ago many street vendors entered the plaza and started fighting.

However, the police were observed on Saturday, December 17, and Monday, December 19, 2016, ordering street vendors to keep moving or move from the spot they were settled at. I was there observing for two hours both nights. The orders were based on the street peddler ordinance policy that states that street vendors can only stop at a location for fifteen minutes and then must continue moving. Vendors must also be 150 feet from another street vendor. From the observations captured, it was impossible for street vendors to stay at that distance from each other with so many people and a dozen or so street vendors clustered together.



*Figure 5.3: An SJPd officer tells a vendor she must move away and not be so close from the walkway on Paseo de San Antonio on Dec. 19, 2016.*



*Figure 5.4: SJPd harassed this street vendor couple more than once, asking them to move on Dec. 19, 2016.*

In *Figure 5.4*, shown above, the police are observed confronting a Mexican street vendor couple in front of the Fairmont San José Hotel across from Plaza de César Chávez. In *Figure 5.3*, police are observed confronting another Mexican vendor in front of the restaurant McCormick and Schmick's. These two particular incidents occurred at Christmas in the Park on Monday, December 19, 2016. I also briefly interviewed and got comments from both the street vendor and the couple in the photos.



Claudia is the street vendor observed in *Figure 5.3*. Claudia was selling hot dogs for \$3.00, which was much less than most food sold for inside Christmas in the Park. For example, a hot chocolate inside ranged from \$4.00 to \$6.00 depending on the size of the cup. She was observed being asked to move from her location more than once by SJPD. At one point, she ended up on the other side of the paseo, in front of the Fairmont Hotel where the street vendor couple was located (Figure 5.4). All three vendors were constantly moving from one side of the paseo to the other, whenever police came near or would command them to. This police tactic reminded me of when I had attended anti-police violence protests in downtown Oakland. The tactic also reminded me of the one here at Plaza de César Chávez and the convention center during Donald Trump's campaign stop in June 2016. The tactic known as *kettling*<sup>8</sup> is used to keep the protesters, and in this case, the street vendors, constantly moving back and forth or in a circle to keep them contained to a certain area.

Furthermore, Claudia said that the police keep harassing her and telling her to move. She was observed moving from the San Carlos and Market Street side of the paseo across from the park to the San Fernando and Market Street side in front of the San José Museum of Art after being interviewed. As for the street vendor couple, they were selling hot dogs and churros. The couple's hot dogs were also \$3.00 and churros were one for \$3.00, or two for \$5.00. Inside the park, one churro is \$3.50. The couple said the police have been harassing them and telling them to move to another location, so they did, but then the police would confront them again, and the scene is repeated.

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<sup>8</sup> Kettling: a method of controlling a crowd in which police form lines around the crowd and prevent people from leaving a particular area.

Source: <http://dictionary.cambridge.org/us/dictionary/english/kettling>

One of the first vendors that I interviewed (with the help of my parental translators) the first night (December 17) at Christmas in the Park was a young Mexican woman from Oaxaca, Mexico. Her name was Marisela. She was probably in her late twenties to early thirties and had no children; she only worked as a street vendor. Marisela mentioned that she also tried to work in San Francisco for Super Bowl City during Super Bowl week in February 2016, since she was aware of the clean zone ordinance for downtown San José. Marisela said that while she worked Super Bowl City in San Francisco, the police took away her cart and threw away her food. Marisela also revealed that she also works outside SAP Center selling her hot dogs after San José Sharks games. Marisela usually only works nights. Marisela also mentioned the harassment she has faced from the SJPd during Christmas in the Park and that she had witnessed another street vendor, a man, being harassed. Marisela said: *“La policía viene todos los días aquí durante la fiesta a confiscar nuestras caretas...la otra noche confiscaron el celular de un señor,”* which translates to “The police come here every night during Christmas in the Park to confiscate their carts and the other night they took a street vendor’s cell phone.”

However, during observations both nights, I did not witness the police confiscate any food carts from the street vendors, but the street vendors kept mentioning that they did. When Marisela mentioned that the police were harassing and confiscating food carts and even a man’s phone, that statement was verified by an activist friend of mine. My friend had posted on Facebook about a week prior that she and her friends witnessed the police harassing street vendors, and that a man from the Santa Clara County Dept. of Environmental Health took away a street vendor’s phone. Other street vendors I interviewed also mentioned not having pleasant encounters with the SJPd. Their statements were verified by observations of police harassing street vendors both nights at Christmas in the Park.

As the fieldwork data shows, the city and county, in particular, the San José Police Department, enforce the social control of street vendor space that undocumented Mexican street vendors work in. The use of the city's street peddler ordinance is put into practice as a controlling process, but in particular, the special event provision is used during events such as Christmas in the Park. Mexican street vendors are viewed as threats to public safety and health by the City of San José and county of Santa Clara. SJPd police officers' main duties at Christmas in the Park are to make sure local Mexican street vendors stay across the street from the park. The warning signs in front of the park entrance state that only permitted street vendors are allowed into the park.

However, though the signs apply to anyone that is trying to street vend without approval at Christmas in the Park, the target population is Mexican street vendors. This stipulation was confirmed while observing the city council meeting in December 2015 prior to Super Bowl week, which was held in conjunction with Christmas in the Park in 2015. Additionally, this was also confirmed during the fieldwork data captured in December 2016 through observations and interviews. In fact, during Christmas in the Park, some people were observed passing out free meditation books, which is prohibited and a violation of the special events provision in the city's street peddler ordinance without the approval of the event. However, the police were not observed harassing these people. The police were observed only focusing on the undocumented Mexican street vendors on December 17 and 19, 2016.

Moreover, the county also states on the MFFs page that it inspects all MFFs operating in the county to ensure that "food is safe for the public (SCCgov.org)." Again, the issue of street vending correlates with public health and public safety. It is important to make sure the public food is safe, and the county of Santa Clara has its own regulations and guidelines to ensure the

food we eat is safe. However, the narrative and justification for the San José street peddler ordinance, the constant surveillance of street vendors at Christmas in the Park, and the temporary Super Bowl clean zone ordinance were also “for public safety and security.” Without taking a closer look, the language of both ordinances is targeted at everyone, applying to anyone who decides to street vend. Nonetheless, once you are out on the streets of San José and observe what group of people are doing the majority of street vendor labor, the structure of these policies and their enforcement systematically target undocumented Mexican street vendors.

Next, throughout the interviews in the project, street vendors discussed the fear of Donald Trump being elected president because of his anti-immigrant policies. The interviews illustrated that the fear of deportation would be the obvious threat to undocumented street vendors if Trump was elected. However, the fieldwork also revealed that the racism of Trump’s campaign has manifested the Latino threat narrative. The narrative has fueled vigilante violence and anti-Mexican sentiments across the country. For example, these sentiments, which were displayed by Trump supporters at his stop in San José in June 2016, will be detailed in the conclusion of the project report in Chapter 7. Specifically, most of the Trump supporters observed at the rally were White and held anti-Latino immigrant views. In contrast, the majority of anti-Trump protesters were Latino, particularly Mexican (Artiz, Sulek, and Cameron, 2017).

To conclude the chapter, interviews with street vendors discussing their fears and concerns of a Trump administration that is hostile towards Latino (particularly Mexican) undocumented immigrants is examined. Also, I unpack the pro-immigrant narrative of the sanctuary city label and movement that cities such as San José proudly claim. In fact, Donald Trump has threatened to stop federal funding to sanctuary cities that do not comply with his immigration policy; however, in September 2017 a federal judge blocked the Department of

Justice from doing so (Carter, 2017). San José and San Francisco were specifically targeted by the Trump administration as prime examples of cities that might lose their funding, and both cities have fought back (Fuller, 2017; Sánchez, 2017).

### Street Vendors and Trump

The following interviews with local street vendors revealed their concerns with the political rise of Donald Trump. These interviews are mostly from Christmas in the Park, but also include interviews from the Lady of Guadalupe Church Sunday morning Mass service in ESSJ. Additionally, interviews took place with vendors in the Somos Mayfair parking lot (ESSJ), in front of Grant Elementary (downtown San José), and the Walmart on Story Road and Keyes Street in San José.

One interviewee was Vanessa, a 62-year-old woman who sells tamales outside the Lady of Guadalupe Catholic Church. Vanessa is from Oaxaca, Mexico, and the mother of three children. In her interview, she discussed her fear of Trump as president: “*Tengo miedo con el Trump, se va poner muy difícil.*” Vanessa said she is afraid of Trump and that things are going to get difficult. Vanessa also said she only sells at the church because she feels safe to do so and that she did not work during the Super Bowl because she heard about the temporary clean zone ordinance.

Vanessa’s revelation illustrated that she could leverage her cultural capital with the church, most likely because the majority of the church members are Mexican immigrants. Street vendors, such as Vanessa, sell their food at local churches, schools, and private properties that allow them to do so with permission. Others peddle along streets and stop at schools and parks.

Vanessa said that she feels safe selling at the church, which is not surprising, since many undocumented immigrants, including street vendors, are Catholic. Also, many Catholic Churches act as sanctuary spaces for undocumented immigrants (Garcia, 2017), providing shelter and assistance. Furthermore, the fact that churches are safe space for street vendors is another example of how the provider of immigrant services could directly benefit street vendors who have quite specific needs.

In February 2017 the local Bay Area Catholic Diocese and its various churches from San Francisco to San José took their sanctuary movement to another level. In response to Donald Trump and his anti-immigrant rhetoric and policies targeting undocumented immigrants, they created a service called the Rapid Response Network (Sánchez, 2017). This network includes U.S. citizens who have volunteered to respond to ICE raids in the Bay Area in order to document and keep watch on the raids. This documentation is then used as evidence in court to help undocumented immigrants arrested by ICE and their families in real time. Immigrant rights groups, along with local Catholic Churches, teamed up and have been conducting rapid response training sessions for allies, as well as “Know Your Rights (KYR)” workshops for undocumented immigrants themselves. In Chapter 6, I examine the Rapid Response Network and the “Know Your Rights” workshop services. Customizing that service is the core deliverable of this project.

Next, a Mexican couple who are vendors outside Lady of Guadalupe Church in Eastside San José also expressed their thoughts on Trump. Jesus and Aldemira Gutiérrez sell tamales, champurrado<sup>9</sup>, and churros. They are undocumented and were originally from Vera Cruz, Mexico. The couple only vendor in church parking lots after Sunday Mass or in the local ESSJ

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<sup>9</sup> Champurrado is a warm Mexican chocolate-based atole drink made with Maiz (corn)

Somos Mayfair neighborhood Monday through Friday, in the mornings or at night, depending on the day. Aldemira also works a second job in the informal economy as a house cleaner.

Housekeeping along with street vending and day labor seems to be the most common occupations of undocumented Mexican immigrants in the informal economy (Zlolniski, 2006). I, myself, have had friends and relatives who are undocumented workers in these jobs. Aldemira said she has been working as a street vendor to make extra money for two years; a common reason for street vending among San José street vendors has been to make extra money (Zlolniski, 2006).

Aldemira has two small children (boys) and Jesus has an adult daughter. Jesus looked much older than Aldemira, but I did not ask them their ages. Aldemira looked to be in her thirties and Jesus in his forties. I asked Aldemira what she thought of Trump as President. Aldemira said with a concerned look on her face: “*Estamos asustados de él (Trump). No sabemos que va pasar. Vamos a mirar que pasa.*” She said she is afraid of Trump, and they are not sure what will happen with his immigration policies, but they will see what happens.

Aldemira and her family were like most of the street vendors that I interviewed in their fear of what Trump might do. Aldemira and her husband both have children (born in the U.S.), but Aldemira’s are very young. She fears that if something were to happen to her, they would lose everything and her husband would have to find another job (if nothing happens to him). Lastly, Aldemira also revealed that only she has a valid street peddler permit from the city and county and her husband does not.

To conclude, the final vendor who was interviewed discussed Donald Trump's impact on street vendors but had a completely different perspective from all the other street vendors who were interviewed. His name was Fernando, and he was essentially an outlier. Fernando is a

paletero (ice cream vendor) whom I saw vending during the week across the street from my house, in front of Grant Elementary when school gets out.

I met Fernando once before a couple months prior to the interview. Fernando had been assaulted and robbed by two Xicano brothers who were connected to a string of robberies of Eastside San José street vendors for two months (Salonga, 2016). Fernando was giving an interview with Univision Bay Area in front of the school, so I decided to go out there. I ended up getting interviewed as well, after explaining to Fernando and the news reporter about my project. He agreed to an interview and I was able to interview him in December 2016.

Fernando also worked a second job, running his own cleaning business. Fernando said that after being robbed twice by the same men at gunpoint, he was only street vending in front of elementary schools now. Fernando was an interesting interview, to say the least. Fernando kept changing the subject whenever I asked him questions related to the project. However, Fernando had much to say about organized crime regarding drug cartels in the city and was concerned with the safety of street vendors. Fernando's concern made sense since he was robbed at gunpoint while working. When Fernando was asked about Trump, his comments surprised me.

During the interview, Fernando said, "*Yo pienso que no estaría mal que en realidad Trump implementara una política contra el crimen organizado tanto en México como aquí, pero nomas nada como en México,*" the translation of which is that he believes that Trump should implement a policy against organized crime in Mexico and here (U.S.), but not in the same way Mexico does it. Fernando then said that Trump should send troops to Mexico to fight organized crime and that here in San José, local gang members traffic drugs and give drugs to children. Fernando said he is hoping and waiting for Trump to implement policies against organized crime



because gang members tried to kill him. Also, Fernando said that the reason he called the television news station (Univision) was to pressure the chief of police.

Fernando continued on about organized crime and hoping Donald Trump does something about it. It was interesting to hear Fernando's hopes for Donald Trump to fight narco-violence in Mexico and in the United States. Fernando seemed very concerned about the issue, and I could not help but think his recent traumatic experience had some influence.

Lastly, Fernando said he would not continue to vend on the streets (besides in front of schools) until Donald Trump starts enforcing the law. Fernando seemed to also perpetuate the Latino threat narrative himself as an immigrant Mexican man. He echoed Trump's discourse of immigration and criminality and pointed to the drug war and the influence of Mexican cartels here in San José. Additionally, Fernando's interview captured the complexity of point of views among Mexican street vendors.

To summarize, Chapter 5 revealed that enforcement of the San José street peddler ordinance socially controls undocumented Mexican street vendors in different ways. First, street peddler fees and policies have the biggest impact on the vendors. Permit fees cost an average of over \$1,000 when you calculate the potential cost of fees posted on the city and counties websites. Furthermore, Mexican street vendor opportunities are limited due to the limited economic capital they possess in order to afford city and county street vendor permit fees, including expensive special event fees such as Christmas in the Park. Street vendors, such as Chelo, Sonia, Marisela, and others, expressed having issues with street vendor permit fees and requirements.

Second, vendors such as Claudia and other vendors at Christmas in the Park must constantly deal with police harassment because they are not approved as Christmas in the Park vendors. Also, the city and the county's street vendor permit information website is only in English, even though the majority of the street vendors are Spanish-speaking Mexican immigrants. Christmas in the Park vendors face the same issue with the event's "only approved vendors" signs, which are mostly in English and the one sentence in Spanish directed to prohibited street vendors is not translated correctly.

Additionally, the City of San José explicitly targeted the immigrant Mexican community for outreach efforts about the Super Bowl clean zone ordinance in December 2015. Again, Christmas in the Park 2015 was extended until Super Bowl week in February 2016. The explicit targeting was verified during observations at Christmas in the Park 2016. Police at the event were observed enforcing street peddler policies only on Mexican undocumented street vendors, which was verified by police comments during my observations. This explicit targeting of Mexican vendors fueled by the Latino threat narrative illustrated that the vendors' limited cultural capital as immigrants impacted their opportunities at Christmas in the Park. Lastly, the majority of vendors also expressed concerns over Trump's immigration control plans. Fueled by the Latino threat narrative and coupled with the city and county street peddler policies targeting of Mexican street vendors, vendors also face social control via Trump's administration.

The experiences and constraints revealed from street vendor interviews and observations highlight the need to design specific services that would be beneficial to undocumented Mexican street vendors. For example, the services provided by the Rapid Response Network and the "Know Your Rights" workshop that will be discussed in the following chapter would mitigate the harm done by national and local policies. The ethnographic data also revealed that services

could be provided to campaign to reduce or eliminate street vendor permit fee costs so that redesigning the street peddler policies is a strong recommendation that stems from this research.

## CHAPTER 6

### Rapid Response Network: Migra Watch, Anthropology, and the Forces of Resistance

In response to the election of Donald Trump and his anti-immigrant rhetoric and policies, the Bay Area Catholic Diocese Network of Churches and nonprofits and immigrant rights groups teamed up to provide services to the undocumented community. To mitigate the problem, they started a Rapid Response Network, a service designed to legally observe civil rights violations by ICE during raids. I attended three rapid response training sessions in May and June 2016 organized by Sacred Heart and other nonprofit service organizations to observe and document how this service functions. At these training sessions, I also made observations, but I was primarily there to be trained myself and become a part of the network of volunteers.

The third rapid response training session was different from the first two; the session was for rapid responders who had already been trained as legal observers. The third session focused on what to do at an actual ICE raid and included three mock-up scenarios. Otherwise, all three training sessions were essentially the same. Additionally, Sacred Heart also hosted a “Know Your Rights (KYR)” workshop for members of the undocumented community to learn that they have constitutional rights even though they are not citizens. I volunteered and co-facilitated the workshop in Spanish, along with Sacred Heart organizer Nichole. The services provided through the KYR workshop provided the template for the project to design future services such as a KYR workshop that caters specifically to undocumented Mexican street vendors.

First, in this chapter, I will define the Rapid Response Network, who participates and how their roles are envisioned. I will also identify models that are similar to the Rapid Response Network in the Bay Area and in other parts of the United States. Second, I will describe and highlight the key insights from the rapid response training sessions I participated in that are most important to the experiences and constraints of street vendors. Third, I will also discuss the “Know Your Rights” workshop I conducted with Sacred Heart. The KYR workshop’s target audience was undocumented immigrants, such as the street vendors that I interviewed. In contrast, the Rapid Response Network caters to allies (documented citizens).

### Who, What, and Why a Rapid Response Network?

In San José, the rapid response training sessions have been conducted by a number of organizations. The main organizers have been Sacred Heart Charities and PACT (People Acting in Community Together). It also includes others such as Amigos de Guadalupe, Somos Mayfair, and SIREN (Services, Immigrant Rights, and Education Network).

The Rapid Response Network service created a way in which allies (those who are not undocumented) and directly impacted communities (the undocumented community) can respond to ICE raids in their local neighborhoods in real time. They refer to this network as “Migra Watch.” It is essentially a community defense for immigrant families and their allies to report and respond to ICE raids. This community defense response is modeled after other cop-watch organizations formed by activists and community members throughout the Bay Area and the rest of the nation. Cop-watch groups assemble a team of people that respond to police activity, documenting activities with notes and video to make sure no rights are violated by the police

(Mire, 2015). The rapid response teams, or Migra Watch teams, work in the same way, and the trainers at the rapid response training acknowledged the similarities.

The Rapid Response Network has held several legal-observer training sessions in San José and other Santa Clara County cities, including Mountain View, Sunnyvale, and Gilroy. The network plans to be available in every city in the county. The network has created a local Migra Watch hotline that community members can call 24/7 to report an ICE raid. The hotline service went live on May 19, 2017, in Eastside San José and the downtown San José area, which is the same area that the street vendors that I interviewed live and/or work in. The hotline number is (408) 290-1144. The network has trained dispatchers (who must be bilingual) who respond to calls and inform the impacted community member on their rights during an ICE raid that is happening in real time. The dispatcher role is one among several that are held by volunteers trained by the network. I will now detail each role within the network.

### Rapid Response Network Roles

#### 1. Dispatcher

The dispatcher(s) as mentioned above, respond to calls from the Migra Watch hotline and inform the impacted community member on their rights during an ICE raid as it is happening. The dispatcher also sends a text alert to the thousands of available volunteers in the network database by zip code. Those who are five miles from the reported ICE raid will receive the text alert message. The dispatcher groups the volunteers into teams, who are part of the same group text message, so that they can identify each other and communicate with each other. The aim is to have at least five

volunteers responding to an ICE raid. The goal of the network is to train as many dispatchers as possible to provide the service. They needed at least forty volunteers to launch their efforts, which they easily reached. All dispatchers are required to be bilingual, and the network is holding specific dispatcher training sessions outside of the legal observations I attended.

2. Legal Observer (first video role)

The legal observer's primary duty is to document and video record an ICE raid. This role is the most important outside of the dispatcher. There can be multiple legal observers, depending on how many volunteers respond to the text alert.

3. Legal Observer (notetaker role)

The role of this legal observer is to document the ICE raid by taking notes.

Documentation can be done by writing on a notepad or preferably using an audio recording device, where the notetaker can speak and record word for word what they are observing. The notetaker must be side by side with the legal observer who is in the first video-recording role. Depending on the number of volunteers who respond to an ICE raid, there can be multiple notetakers at a raid, just as with the other roles in the network.

4. Legal Observer (second video role)

The third legal observer role is also in a video-recording role. The primary role of the second video recorder is to document and video record the first video recorder, preferably from a different angle and behind the first video legal observer. The second video legal observer acts as a backup to the first video legal observer, in case something happens to them.

## 5. ICE Liaison

The role of the ICE liaison is to be the point-of-contact person between the Migra Watch team and ICE. The volunteer in this role should be well-suited to applying de-escalation tactics with ICE in order to protect themselves and the rest of the team. Their primary purpose is to distract ICE from interfering with the legal-observer documentation of the ICE raid.

## 6. Community Liaison

The community liaison is the volunteer whose role is to be the point-of-contact person for the impacted community members' family, friends, or neighbors during the ICE raid. They will conduct interviews with these community members to get insights on what happened during the raid.

The legal observers have been trained to look for specific violations of constitutional rights that apply not just to U.S. citizens, but to non-citizens as well. An immigration lawyer who spoke at the training sessions stated that legal observers document and look for violations of the Fourth, Fifth, and Tenth Amendments. I will next discuss these amendments and why they are important to document during an ICE raid and are important for undocumented street vendors.

## The Importance of Documenting Potential Violations of the Fourth, Fifth, and Tenth Amendments

The immigration attorney who spoke at the training sessions mentioned that during an ICE raid, only 0.001 percent of the time does ICE actually have a warrant for an arrest and raid. This creates a huge problem for immigration attorneys fighting deportation cases because there is



no documented evidence to fight this violation of rights. ICE needs probable cause in the same way as any other law enforcement agency. Thus, the attorney said it is key for legal observers to document violations of the Fourth, Fifth, and Tenth Amendments<sup>10</sup> because that is the exact evidence they need to use in immigration court. So what are these specific amendments and what rights do they protect?

<p><b>The Fourth Amendment states:</b> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized (U.S. Constitution, 1789, revised 1992).</p>
<p><b>The Fifth Amendment states:</b> No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation (U.S. Constitution, 1789, revised 1992).</p>
<p><b>The Tenth Amendment states:</b> The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.</p>

*Table 6.1: List of the Fourth, Fifth, and Tenth Amendments.*

These three amendments are very important in immigration cases for key reasons. First, many ICE raids are conducted at the homes of the undocumented individual(s) they are looking to detain. As mentioned earlier, less than one percent of ICE raids are conducted lawfully with warrants. If so, documenting this violation of the Fourth Amendment in real time with the services provided by the response teams would provide evidence of a violation of an individual's constitutional rights. Again, the United States Constitution protects the rights of citizens and

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<sup>10</sup> U.S. Bill of Rights link:  
<http://www.billofrightsinstitute.org/founding-documents/bill-of-rights/>

non-citizens with these three amendments. This violation also occurs in traffic stops (Alexander, 2012), particularly impacting Blacks and Latinos as a whole, both locally and nationwide (Kaplan, Solanga, Poitinger, 2015).

Second, the violation of the Fifth Amendment has also been reported to have occurred without documentation evidence at ICE raids. This amendment is commonly known as “pleading the fifth,” in which an individual can exercise his constitutional rights to decline to speak on a subject that may incriminate them. During ICE raids, many undocumented individuals are not aware that they can plead the fifth and stay silent without the presence of a lawyer. Many ICE agents intimidate and pressure individuals to answer questions or respond to questions that can be used against them in immigration court. The importance of documenting ICE violations of the Fifth Amendment provides evidence to support and fight an individual’s immigration case.

The violation of the Tenth Amendment occurs often during ICE raids because states have rights, as well as individuals. For example, if states, such as California, have pro-immigrant and pro-undocumented policies, and hold that residing undocumented individuals have protections, then these individuals’ protections are protected by the Tenth Amendment. Undocumented individuals living in the United States are also protected by international laws, particularly that of their own country of origin. For example, an undocumented individual from Mexico being detained by ICE can argue that their rights as a Mexican citizen are being violated. For these reasons, the Rapid Response Network is emphasizing documenting violations of these three amendments.

I will now highlight and synthesize the three rapid response training sessions as well as the “Know Your Rights” training I conducted with Sacred Heart. Here, I will provide the key

highlights that can be applied to the experiences and the constraints faced by undocumented Mexican street vendors in San José.

### Rapid Response Training Highlights

The first two training sessions provided an introduction to the Rapid Response Network and organizers passed out a training manual (one page, front, and back) to all the volunteers in attendance. Organizers provided the background of the Rapid Response Network, or as the training manual referred to it, Migra Watch or ICE Watch. Migra Watch was modeled after “cop watch,” which is a form of social justice organizing where citizen activists film and keep watch on police activity in order to document and/or prevent police brutality. The longest-running cop watching social justice organization is Berkeley Cop Watch out of Berkeley, CA, which started documenting police activity in 1991 (<http://www.berkeleycopwatch.org/history>).

The organizers would also make an announcement to dispel recent rumors of ICE activity in Eastside San José on (1) Capital Avenue, (2) King and Story Road, and (3) 24<sup>th</sup> and Alum Rock Boulevard. One of the goals of the network is to quickly verify ICE activity before alerting the volunteers in the system. This announcement is key and important to the street vendor population since many work and live in these areas.

Next, an attorney detailed some of the key rights that undocumented immigrants have under the U.S. Constitution that pertain to deportation cases. Again, this is very important for undocumented street vendors to understand and be aware of. These rights are the three amendments I detailed earlier in the chapter. Undocumented immigrants have rights to (1) due

process, (2) silence (pleading the fifth), and (3) an attorney. The attorney mentioned that children, however, do not have a constitutional right to an attorney (Werner, 2014).

The attorney also informed volunteers at the sessions that undocumented immigrants have the right to be free from unreasonable searches and seizures (Fourth Amendment) and that ICE needs probable cause. He mentioned the issue of ICE's constant use of racial profiling and the use of intimidation tactics such as threatening to deport family members of the targeted individual or coercing individuals with threats to family members in order for them to disclose their country of origin and undocumented status. He also mentioned the common tactic of ICE impersonating local law enforcement to deceive targeted individuals into opening their door during a raid (Ruben, 2017; Torres, 2017).

The attorney also provided some key numbers and statistics. For example, during the Obama Administration, over 400,000 undocumented immigrants were detained by ICE in 2013, which was the highest such number in U.S. history (González -Barrera and Krogstad, 2016). He also mentioned how one of the Trump Administration's goals is to increase the number of ICE agents by 15,000 (Naylor, 2017). As I mentioned earlier, only .001 percent of the time does ICE have a valid search warrant, which is why it is very important to document ICE raid activity in real time. One tactic used by ICE is that the majority of raids take place in the early morning before daylight between 3 and 5 a.m., and he mentioned that 68 percent of those detained in the San Francisco Bay Area do not have attorney representation.

The meetings then concluded with what strategies legal observers should use while responding and documenting an ICE raid. The lawyer and organizers of the training emphasized that the most important aspect of Migra Watch is to *observe and document*, but also to identify if ICE, DHS, or Homeland Security Investigations (HIS) is conducting the raid. They also

emphasized legal observers to use *minimal compliance*. For example, get as close as possible to record the badge number of the officer, maintain an arm's length at all times, do not turn your back on ICE agents, and use street smarts.<sup>11</sup> The organizers and lawyer advised legal observers to state their intentions while documenting and interacting with ICE. For example, you can state and respond to officer commands with: "I'm complying (take a step back) and taking a step back (repeat if needed)."

During the first training session, I raised my hand and informed everyone that with my experience with cop watching, I usually tell officers: "I have the legal right to document and record police activity. Am I being detained?" A statement/question that I may repeat many times. The declaration is very similar except for the question regarding detention. This declaration is used to make sure the officer informs you that you are not being detained and are always free to leave. This declaration is very important because if the officer does not verbally inform you if you are being detained or not, he can always say that he did later and use his power of discretion. If you leave before ensuring that you are free to go, there is always the potential danger of the police officer engaging and retaliating with using violence. He can say you were being detained and you tried to resist arrest. It is always his word against yours in court or in public opinion.

Before the training sessions would end, the organizers informed the volunteers to use three important rules if you are using your cell phone to record. First, before responding to an ICE raid and arriving at the scene, make sure that your cell phone is password protected, but not with biometrics. It is important not to use fingerprinting or the iris scan feature instead of a password because if you are detained the officers can always force you to use your biometrics for

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<sup>11</sup> Street smarts: the experience and knowledge necessary to deal with the potential difficulties or dangers of life in an urban environment (google.com)

access. Second, disable message/notification view when your phone is locked. This rule is important so that the officers cannot read any of your text messages that may appear in notification view. Third, do not upload or record live your video documentation onto social media. ICE can use this against you and the data from social media will not be accepted as evidence in court.

One of the organizers discussed how in 2015 her grandparents were raided by eight ICE agents. ICE conducted their raid operation early in the morning when her grandfather stepped outside his house to go to work. She and her family, with the help of immigrant rights groups, mobilized through social media to get her grandfather released from ICE custody. They used the hashtag #FreeAbuelito (translation: #FreeGrandpa). This mobilization using social media led to hundreds of supporters calling ICE, which resulted in an ICE van transporting her grandfather from a detention center in Southern California (Santa Ana) back to San José. Her grandfather was released that night. The social media support was not surprising. The use of social media #hashtags has become an important tool in social movements since the 2011 Arab Spring Revolution in Egypt and the 2014 killing of Mike Brown in Ferguson, MO (Bonilla and Rosa, 2014). The organizers also mentioned that ICE was using the tactic of infiltration and going undercover disguised as civilians or as local law enforcement. They also mentioned a new tactic by ICE, which was the use of unmarked cars. The use of unmarked cars is very important information that is critical to undocumented street vendors. Street vendor workspaces are outside on public streets, sidewalks, and parking lots. Legal observers at training sessions were also informed that a bill in Congress was currently circulating that would make it illegal for ICE agents to identify themselves as police (Lozano and Smith, 2017). Next, the participants modeled

a mock rapid-response to an ICE raid, an integral part of the training that should be retained in any workshop directed towards street vendors.

The mock raid required six volunteers for each role, so I agreed to volunteer. I, along with the only other male in the room, James, an organizer from PACT, acted as the ICE agents in the first scenario. We were simulating an ICE raid of someone inside of their vehicle. The trainers wanted to do this particular scenario because they felt that people seemed less unsure of what to do as legal observers when responding to an ICE raid while someone is in their car instead of at home. In this scenario, as an agent, I decided I needed to act aggressively and be intimidating. This could give many of the other trainers a look at a possible ICE raid scenario.

They did a second and third scenario, and again I played the role of an agent. This time I also acted as if I was an aggressive and intimidating agent, but instead of playing that role with the volunteer acting as the person that is being detained for deportation, I turned my attention to the legal observers in the mock scenario. James and I decided to do this because we wanted to see how people reacted to an officer being aggressive with the legal observers documenting and recording the encounter with video cell phones. In the second mock scenario, I approached the first video recorder, and she did not use the minimal compliance that trainers had been emphasizing. She panicked and I was in reach of her cell phone. The trainers pointed this out after we did the second mock scenario. During the third mock scenario, I did the same thing, but this time the legal observer used the minimal compliance declaration explained during the training sessions. These mock scenarios would be the main focus of the next legal observer training for the network that I attended.

The third session I attended in June 2016 was different from the first two I attended and described. The key highlight of this session was that, unlike the previous two, it was designed for

legal observers who had already joined the Rapid Response Network and had been trained. This training was essentially the second phase of the legal observer training. Organizers announced to the legal observers that the network locally in Santa Clara County had signed up and trained 300 legal observer volunteers. They also announced that the hotline service was now running throughout the whole city of San José, as well. This kind of workshop, whose curriculum is designed to train the trainers, would be particularly suitable for workshops for those service providers who work with street vendors.

The second phase of the training was used to train participants, again using mock ICE raid scenarios. The scenario was essentially the same but with many more people. I, along with five others, again played the role of ICE agents. People asked more questions about what to do in different scenarios. One lady asked if we could call the local police for assistance. The trainers asked the rest of us what we thought, and the people of color along with most of the volunteers agreed that we should not involve the police. I, along with the main organizer of Sacred Heart, explained that people of color, including undocumented Latinos, do not have the same trust and experiences with police as does the white community. The trainers also explained that local law enforcement has no jurisdiction over ICE raids and are not supposed to be working alongside ICE by law. This concluded the second phase of the training. I will now discuss the KYR workshop that I helped co-facilitate and became the template to design and provide future services specifically for the undocumented Mexican street vendor population.



## Know Your Rights Workshop

I, along with Sacred Heart organizer Nichole, co-facilitated a KYR workshop presentation for undocumented people. This workshop was in Spanish and started at 10 a.m. and ended at noon. The demographics of the workshop in terms of those who attended was predictably different from the previous workshops, which was mostly white woman. I counted twelve people in attendance, all of whom were Mexican and undocumented. There were four men and eight women in attendance. Sacred Heart has these workshops once a month, but it was the first time they had provided the service on a Saturday morning. They usually have them during weeknights, and Nichole mentioned that this particular workshop had the largest attendance she had seen since she started doing these workshops at Sacred Heart. She has been doing them for less than a year. The agenda for the workshop was divided into six different sections. Nichole and I split them evenly on who would facilitate which section. The workshop, as mentioned previously, provides a template to design future services specifically for undocumented Mexican street vendors. Therefore, I will detail the key information that would be most useful to the undocumented Mexican street vendor experience and the constraints they face.

First, we did an introduction and Nichole introduced us to those in attendance. Nichole then explained in Spanish: “*No somos abogadas, tal vez no vamos a tener la respuesta, pero por favor hagan todas las preguntas que tengan.*” This translates to: “We are not lawyers, perhaps we will not have the answer, but please ask questions that you have.” For this reason, Sacred Heart had two attorneys on site to provide legal services for free to those who need it.

Second, we gave policy updates at the federal, state, and local level. At the federal level, Nichole discussed an update on DACA or Deferred Action for Childhood Arrivals. DACA allows those who are undocumented but were brought to the country as children the opportunity

to apply for a work visa and a two-year deferred action to stay in the country and not be subjected to deportation. At the time of this workshop the update was positive, but since then Trump and his administration have decided to rescind the DACA program (Johnson, 2017). Also, in November 2017, the Trump administration ended the Temporary Protection Status (TPS) program, which protected many Central Americans from deportation for over two decades (Zablah, 2017).

At the state level, Nichole discussed laws in relation to immigration. These laws were SB54 and SB6. The former is known as the California Values Act, and its main function is “to prevent the use of state and local public resources to aid federal Immigration and Customs Enforcement (ICE) agents in deportation actions (sd24.senate.ca.gov).” This law passed the California State Assembly and, at the time, was waiting to be signed by California Governor Jerry Brown. SB6 is related to SB54; this bill would create a legal defense fund for people facing deportation (sd24.senate.ca.gov). Since the announcement by Donald Trump on September 5, 2017, that he would end DACA, programs and services similar to SB6 are being created. Locally, nonprofit organizations and the City of San José have established similar programs and services (Tolan, 2017). Those who are already a part of the DACA program have until October 5, 2017, to apply for a two-year renewal (Tanfani, 2017). The fee is hefty at \$465. This information is very important to undocumented street vendors who also have undocumented children or relatives.

For the last policy update, it was my turn to facilitate. I provided an update on the local level regarding the local police and their relation to ICE. This update and information are important to street vendors since they encounter local police who regulate the City of San José’s street peddler policies. I reminded people that law enforcement cannot assist ICE in *redadas*, or

raids. I reminded them that they have the legal right to report a crime without fear of deportation. During this update, I got many questions and comments from attendees. For example, one man with shaggy black hair said he would rather not deal with the police and tries to stay out of their way. I reminded people that they have the right to the Fifth Amendment (silence), and a police officer has no legal right to ask them about their legal status and they have the right not to tell them. I then told them that if a police officer asked them for their legal status, they can report them and call (408) 277-4094, which is the number to the Santa Clara County Sheriff's office. Lastly, I reminded them of sanctuary cities and that San José, including San José Unified School District, is part of this sanctuary movement. I have been critical of reporting ICE to the police and the limitations of sanctuary cities, but it is still important information to disclose to undocumented people.

Once we had finished the policy updates, Nichole passed out wallet-sized red cards. These are KYR information cards that provide information on the Fourth and Fifth Amendments in English and Spanish. These KYR information cards would be an important resource for undocumented street vendors since they work in public spaces that make them vulnerable to ICE and local law enforcement. I then reminded those in attendance at the workshop that even though they are undocumented, they have these constitutional rights to the Fourth and Fifth Amendments, which are the rights to no warrantless search and seizure and the right to remain silent. This reminder is especially important since ICE (and local law enforcement) use intimidation tactics, knowing that undocumented people are vulnerable and may not be familiar with their rights. Lastly, the longest part of the workshop was the discussion on what to do if ICE is at their doorstep at home, at their workplace, or out in public on the streets (walking or in their car). Knowing what to do during an ICE encounter in public on the streets is the most important

information for undocumented Mexican street vendors, so I will highlight this key information from the workshop.

### Street Vendors and their Rights

What is particularly important for street vendors is to be aware of their constitutional rights afforded to them even as non-citizens. These are the three amendments that were discussed earlier in regard to the workshop and legal observer training. Street vendors have the right to no warrantless search and seizure and the right to remain silent. They also have the right to an attorney.

Additionally, since the street vendors' workplace is public space out in the streets, this presents an issue that might make them more vulnerable than other undocumented people, whose workspace is not public space. This issue makes the knowledge of knowing the Fourth and Fifth Amendment protections very important. As I explained to participants during the KYR workshop, ICE can enter a workplace but can only be in the public spaces such as a dining room, unless they are granted permission by the manager or owner. At the workshop, I also discussed what to do if you encounter ICE in public. This is probably the most important section of the workshop that is applicable to street vendors.

For street vendors, it would be important to let them know that if they encounter ICE while working, and ICE asks questions, they have the right to continue walking as if they do not understand. My only issue with this advice is the fear that local police and/or ICE agents could get violent and use physical and lethal force for not following commands. For example, this happened to an undocumented day laborer named Antonio Guzman Lopez in February 2014

(Salonga, 2015). Lopez was shot and killed by San José State University Police right off campus after apparently not following verbal commands from police. The commands, however, were in English, and Lopez did not understand English very well.

Lastly, it is also important to inform street vendors to never reveal their legal status. Street vendors have the right not to be searched or have their products seized by ICE or the police. Local law enforcement has taken advantage of street vendors not knowing their rights, historically and in the present, as detailed in this project. Locally, in August 2017 a UC Berkeley police officer harassed a Mexican undocumented street vendor for selling hot dogs near the Cal Berkley football stadium (Serna, 2017). A video of the incident went viral and many in the public, especially the Mexican community, were angered. The officer seized the food and \$60 of his money. This particular example highlights the need for street vendors to be aware of their rights even as undocumented immigrants and to design services such as KYR workshops for street vendors.

Recently, back in the Inland Empire of Southern California where I grew up, a street vendor was facing deportation for excessive street peddler citation violations. On October 13, 2017, Marcela Rios of Ontario was selling elote (corn) at a local park in nearby Rancho Cucamonga when a San Bernardino County Sheriff deputy and a Rancho Cucamonga park ranger stopped her (Marquez, 2017). According to the San Bernardino County Sheriff Department, the deputy is assigned to “solution-oriented policing (preventive orientation/broken windows)” and is in charge of business licensing (Marquez, 2017). The department said it was Rios’ fourth citation for not having a legal street vendor permit, which according to the municipal code is a misdemeanor. She was booked into West Valley Detention Center, also in Rancho Cucamonga. Rios was released shortly after midnight and two ICE Agents were waiting

outside the jail for her (Marquez, 2017). She was transferred to the Santa Ana City Jail in Orange County, which regularly houses undocumented immigrant detainees, as detailed earlier in the chapter involving the grandparent of one of the Rapid Response Network organizers (Marquez, 2017).

This recent case example illustrates the negative impact of street vendor policies that can be devastating to undocumented Mexican street vendors. Rios now faces deportation and is being held at the biggest ICE deportation center in the country in Adelanto, CA, in San Bernardino County (Marquez, 2017). Rios' case study hit home because I grew up near Ontario and Rancho Cucamonga, and because of my work on this project on street vendor and immigration policies and undocumented street vendors. Her case study validates the fears many of the street vendors that participated in this project echoed. Also, the case study was an example of the collaboration between local law enforcement and ICE that happens regularly, even though it is illegal. Furthermore, the specific case showed collaboration across two different counties, Orange and San Bernardino counties.

One solution to this issue would be to design a campaign to reduce or eliminate street vendor fees. The campaign could also work to make citation violations an infraction similar to parking tickets. Another sensible, forward-thinking approach would be to redesign immigration policies and make the path to citizenship easier. In Los Angeles, community activists and street vendors fought for their right to the city, and the city of LA has put in motion the process to finally legalize street vending (Portnoy, 2017). However, as of November 2017, the city was still setting up the process to legalize street vending starting in 2018 (LA Daily News, 2017).

The potential policy has limitations that activists and vendors oppose. For example, the city is considering allowing "only two street vendors per block," and considering marking certain

areas of the city as non-vending areas, such as banning vendors near large venues such as Dodger Stadium and the Hollywood Bowl (LA Daily News, 2017). Another issue is deciding the permit process and fees system, which the city said would potentially cost vendors \$125 for permits and an overhead for expenses, such as equipment, of \$2,932 to \$21, 861 (LA Daily News, 2017.) These potential policy limitations are very similar to San José. Though it is a great sign that the city wants to legalize street vending, these limitations are more examples of controlling processes and harmony ideology and the need to redesign street peddler policies.

Next, in the concluding chapter, I provide some final thoughts and comments on the Trump administration's immigration control plans. Secondly, an exploration of the crucial role applied anthropology and service design can play in the coming years on issues impacting undocumented immigrants, street vendors, and social control. For example, the Migra Watch highlighted by this project uses an activist anthropology/activist research approach that can be replicated in the future.

## CHAPTER 7

### Conclusion

#### Trumpism and Immigration Beyond 2017

##### Latino Threat Narrative, Trumpism, and the Myth of Sanctuary Cities

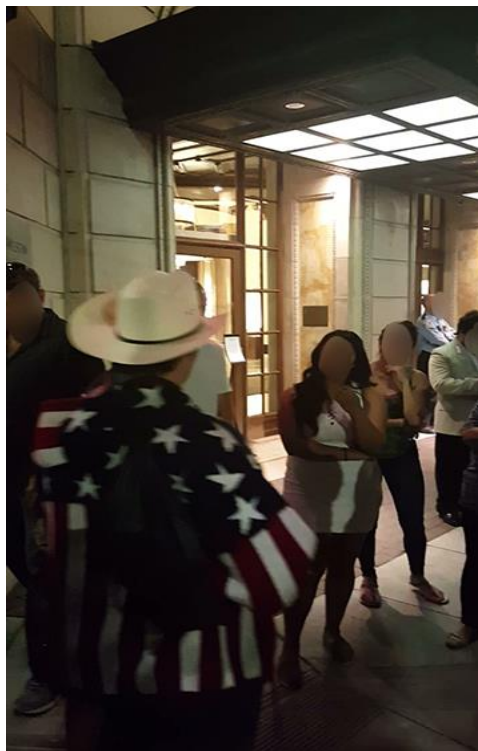
The Latino threat narrative has fueled the rise of Trumpism in 2016 and 2017 and will most likely continue into the end of the decade. The narrative's presence was felt at Trump's June 2, 2016, campaign stop in San José that I observed. Also, the event was a microcosm of the forces of control and the forces of resistance. For example, anti-Trump protestors faced off with Donald Trump supporters and things got violent and ugly fast. Protesters were very diverse, but the majority were Latino (particularly Xicano). The Mexican community was fed up with the racism of Trump's campaign and his supporters. Trump supporters chanted "Go back to Mexico!" and some protesters chanted "Fuck Donald Trump!" Red "Make America Great Again" hats were snatched from the heads of Trump supporters and lit on fire by protesters (TelesurTV, 2017). The police were in riot gear and more focused on controlling protestors as opposed to Trump supporters. It was essentially the police and Trump supporters versus mostly Xicano anti-Trump protesters. The controlling processes of the state, racism fueled by Trumpism, and the Latino threat narrative were forces behind the attempt to control resistance.

Later, a crowd gathered in front of the De Anza Hotel on the corner of Market and San Carlos Streets. Xicano protesters were arguing with a white man wearing a cowboy hat, boots, and red, white, and blue attire. The crowd asked the man why he supports Donald Trump. His



main reasons were “securing the border from illegal immigration” and his support for Trump’s “build a wall” campaign promise. The man went on to say he has no problem with Mexicans who are here legally but has issues with those here illegally or committing crimes. The man was echoing Leo Chávez’s Latino threat narrative and Trump’s main campaign messages.

His reasoning falsely correlated Mexicans/Central Americans and illegal immigration with criminality and the security of the nation-state. In fact, on July 27, 2017, Donald Trump gave a speech on immigration and MS13 was the focus (Bennet, 2017). MS13 is a Salvadorian gang originally formed in Los Angeles that grew in the eighties and nighties with the rise of the war on drugs in the United States and the civil war in San Salvador. Trump, using fear and racism, connected undocumented immigration with crime. The man in red, white, and blue did the same.



*Figure 7.1: A white man in red, white, and blue explaining to protesters why he supports Trump (June 2, 2016)*

Contrary to commonly held beliefs, undocumented immigration has actually decreased from 11.3 million to 11 million in 2015, according to Pew research, and it is the lowest since the beginning of the recession in 2009 (Passel and Cohn, 2017). As for “building the wall” to stop undocumented immigrants migrating from Mexico, in 2016 Mexican undocumented immigrants only made up 50 percent of the total undocumented population (Passel and Cohn, 2017). Mexican undocumented immigration fell from its peak of 6.7 million in 2007 to 5.6 million in 2015/2016, the lowest since 2005 (Passel and Cohn, 2017). However, since Mexican undocumented immigration has decreased, the number of undocumented immigrants from Central America and Asia has increased. From 2009–2015, undocumented immigration from Asia increased from 1.4 million to 1.5 million, and 1.6 million to 1.8 million for those from Central America (Passel and Cohan, 2017). Lastly, crime has been on the decline in the United States since the early eighties (Gramlich, 2017), and there is no correlation of increased immigration and an increase in crime (Miles and Cox, 2014).

Nonetheless, Latino deportations in California and Santa Clara County have increased (Wadsworth, 2017). Though cities such as San José are fighting the Trump administration’s defunding of DACA and their attempt to stop funding for sanctuary cities, these actions are essentially meaningless (Denvir, 2017). The sanctuary city movement is more symbolic than impactful action. The movement’s limitations are apparent with the Trump administration in power, and that is why immigrants’ rights organizations such as Sacred Heart, PACT, SIREN, and Somos Mayfair created and provide the service of the Rapid Response Network. Furthermore, the controlling processes of street peddler policies, such as in San José, Los Angeles, and San Bernardino County, do not help undocumented street vendors; they only make life harder for them.

## Migra Watch, Street Vending, Activist Anthropology, Services, and the Future of Resistance

To close this chapter, I want to discuss what the future holds for resistance against the forces of control from the Trump administration and the state and how designing services such as the KYR workshop for undocumented street vendors will be important for resistance. The Migra Watch is a service and has grown since its launch in June 2017. The network is holding more training sessions, and on November 28, 2017, is holding a mock ICE raid practice session and check-in for all legal observers. The network is also canvassing in ESSJ, going door to door to inform people of the Migra Watch hotline on November 19, 2017. Migra Watch is also looking for more legal observers that can migra watch between 6 a.m. and 9 a.m. because most raids occur early in the morning. The network is also looking for legal observers who are bilingual in Vietnamese because of the increase in deportations in the Vietnamese San José community (Sanchez, 2017). Lastly, the network has spread to other Bay Area counties such as Napa and Sonoma (Espinoza, 2017).

My hope is that by highlighting the services provided by the Migra Watch in this project, the Migra Watch will serve as a model for future Migra Watch teams and other similar services in the years to come. In fact, because this project focused on the issues faced by undocumented street vendors, I have had discussions with Sacred Heart organizers and others about potential ideas to design services to help street vendors with the various issues they face. In October 2017, I was contacted by a graphic designer and artist who works for the City of San José. He received funding from San José MACLA (Movimiento de Arte y Cultura Latino Americana) for an art

project focusing on street vendor rights. The project would consist of interviewing local San José street vendors about their rights. They would receive \$20 to participate for about five minutes. The artist said that he would also paint an ice cream cart that would be the artifact (street vendor archaeology) for the project. Street vendors would pose in front of the cart and hold a sign with a message about their rights. The art project will have an opening reception in early 2018.

To conclude, this project also highlights the importance of service design, applied anthropology or activist anthropology when it comes to issues of immigration. Applied anthropology<sup>12</sup> can be defined as “the application of anthropological data, perspectives, theory, and methods to identify, assess, and solve social problems. Applied anthropologists work for groups that promote, manage, and assess programs aimed at influencing human social conditions.” Additionally, some applied anthropologists use an activist research approach. According to anthropologist Shannon Speed (2006), “activist research provides an important approach to addressing the practical and ethical dilemmas of research and knowledge production, and an especially useful one for anthropologists of human rights.”

To illustrate, this project used an activist research approach, working with the Migra Watch community defense network service. The legal observers trained for Migra Watch were using a form of applied anthropology research to legally document human rights violations by ICE agents during immigration raids. Additionally, legal observers were also trained to interview impacted undocumented immigrants of ICE raids. Thus, Migra Watch emphasized documenting violations of the Fourth, Fifth, and Tenth Amendments in order to address the practical and ethical dilemmas of deportation. Documenting human rights violations by ICE is very important

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<sup>12</sup> CSU-Bakersfield applied anthropology PowerPoint.  
<https://www.csub.edu/~ryohe/AppliedAnthropology.ppt>.

due to the lack of evidence of these violations that could be used in immigration-court defense cases.

Furthermore, I imagine future applied anthropologists might engage in projects and providing services rethinking street peddler policies by using the Migra Watch model and services such as KYR workshops. For example, the documentation of police harassing undocumented Mexican street vendors such as those presented in this project can impact future street peddler policy and can provide key information in designing specific services for street vendors. Other street peddler policies in cities such as Los Angeles and the case study of Maricela Rios in San Bernardino County would benefit from future projects and services such as this one.

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## APPENDIX A

### DEFINITIONS

Alternative Right (or “alt-right”): A rebranded white nationalist right-wing movement founded by Richard Spencer (Vice News, 2016; DiMaggio, 2017).

Barrioization: Where space comes to be looked upon as reflective and constitutive of the subjects who occupy the space (Chappell, 2010). The term “barrios” typically refers to predominantly Latino neighborhoods.

Broken Windows: Law enforcement tactic that focuses on minor offenses in order to prevent crime (Kettling and Wilson, 1982).

Controlling Processes: The mechanisms by which ideas take hold and become institutional in relation to power. Also, “controlling processes” is the transformative nature of central ideas that emanate from institutions operating as dynamic components of power.

Champurrado: A warm Mexican chocolate-based *atole* drink made with *maíz* (corn).

*Chicharones*: Pork grinds sold by street vendors.

Cop Watch: A form of social justice organizing in which citizen activists film and keep watch on police activity in order to document and/or prevent police brutality.



Cultural Capital: The informal social skills, tastes, habits, knowledge, language styles, and experiences within certain ethnic or institutional cultures.

DACA (Deferred Action for Childhood Arrivals): DACA allows those who are undocumented but were brought to the United States as children the opportunity to apply for a work visa and a two-year deferred action to stay in the country and not be subjected to deportation.

Doxa: Rules of access within fields (Bourdieu, 1980, 1984).

Economic Capital: The exchanged value or monetary resources an individual or group has at their disposal.

*Elote*: Corn on the cob on a stick sold by Mexican street vendors.

*Eloteros*: A Mexican street vendor who sells corn on the cob on a stick.

Fields: Environments or institutions where competition between individuals or groups take place.

Habitus: A mental system of structures that are engrained in an individual's and/or a collective's consciousness.

Harmony Ideology: Encapsulates coercive compromise and consensus as a form of behavior modification (Nader, 1991).

Hegemony: Exercised by the dominant group/class in power throughout society. Furthermore, hegemony is accomplished through "direct domination" or command exercised through the state and juridical government (Gramsci, 1971). Hegemony is enforced by those in power through spontaneous consent by the masses and through the apparatus of state coercive power, which "legally" enforces discipline in those groups that do not consent either actively or passively (Gramsci, 1971).

ICE: Immigration and Customs Enforcement.

Informal Economy: The untaxed and often unseen ways in which individuals earn an income.

Other synonymous terms are “underground economy,” “Moonlighting,” and “the black market.” (Wilson, 2017).

Kettling: A method of controlling a crowd in which police form lines around the crowd and prevent people from leaving a particular area.

Latino Threat Narrative: An understanding that Latinos are unlike previous immigrant groups, in that they are unwilling or incapable of fully integrating into U.S. culture (Chávez, 2008).

Migra Watch (Rapid Response Network): A community defense for immigrant families and their allies to report and respond to ICE raids.

Mobile Food Facilities (MFFs): Trucks, trailers, vans, carts, or any portable unit used to prepare, sell, or transport food.

*Paletero*: A Mexican street vendor who sells frozen fruit pops and ice cream.

Racial Scripts: The ways in which the lives of racialized groups are linked across time and space, affecting one another, directly and indirectly (Molina, 2014).

*Redadas*: ICE raids.

Sanctuary City: A city that does not hand over undocumented immigrants to federal immigration agents, or ICE (Immigration and Customs Enforcement).

Service Design: The the know how to create, plan, and intervene in services.

Social Capital: The resources an individual obtains through the social relations of networks, organizations, group membership, or institutions they belong to.

Stop and Frisk: Racial profiling people of color through a random stop and search.

Street Smarts: The experience and knowledge necessary to deal with the potential difficulties or dangers of living in an urban environment (Google.com).

Symbolic Capital: The universal framework of other forms of capital. It is accessed through owning prestige, honor, or recognition that is highly valued within a society, culture, or group.

Tamales: A pre-colonial Mexican dish made of masa (corn dough).

*Tamaleros*: A Mexican street vendor who sell tamales.

Undocumented Citizen: An immigrant who is not legally a citizen of the country they migrated to.

*Vendedores Ambulantes*: Spanish term for street vendors.

White Supremacy: The belief that Europeans are superior and the subsequent upholding of a white racial hierarchy.

Xicano: A political and cultural identifier and term for Mexican-Americans (Hong, 1999; Latino Rebels, 2015). “Chicano” is the original spelling of this term; some are starting to use “Chicanx” to make the term non-gender-binary inclusive. I have personally chosen to use “Xicano.”