

# Can the Informal Economy Be “Managed”? Comparing Approaches and Effectiveness of Day-Labor Management Policies in the San Diego Metropolitan Area

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**ABSTRACT** Day-labor hiring sites are found in more than 120 municipalities across the U.S., there is limited research examining the specific drivers that generate direct interventions into the day-labor market, nor is there any research examining the effectiveness of day-labor management policies. In what follows, I draw on examples from the San Diego Metropolitan Area (SDMA) to address this gap in policy-research. The findings demonstrate the pervasiveness of neoliberal ideology in day-labor management, from policing strategies to social service provision. In each case examined, local governments only took direct action when they believed day-labor activity threatened local commercial activity or when residents’ fear of “illegal immigrant” day-laborers made them question the state’s ability to control space effectively. In each case, I also evaluate the effectiveness and cost of the management strategy. The results of this analysis clearly demonstrate that attempts to eliminate day-labor activity are costly and expensive while efforts to formalize day-labor cost less and have a higher success rate.

## Introduction

Every day more than 100,000 men wait on street corners, sidewalks, and other public and semi-public spaces in hopes of finding work as a day-laborer. Day-laborers, also known as *jornaleros*, tend to wait for work in the same locations each day, establishing a regularity that makes each hiring site a relatively stable element in the landscape in cities across the U.S. (Valenzuela et al. 2006). In the majority of cases, day-labor hiring sites generate little attention from area residents who are not involved in construction, agriculture, or other industries for which jornaleros are most commonly hired. Day-labor has received considerable media attention; however, focused on the cities or neighborhoods where day-labor hiring sites became flash points for community conflict.

When these conflicts arise, city governments use one, or a combination, of two generalized approaches to try and move day-labor activity away from a location deemed problematic. The first approach, which I refer to as “formalization strategies,” is to establish a formally designated space for day-labor hiring—most commonly a workers’ center that is run by a community-based organization. The second approach, which I refer to as “annihilation strategies,” seeks to eliminate day-labor activities within a particular legally-defined space (city or county-limits would be most typical).<sup>1</sup> Within day-labor research, there is an understandable focus on the ethics and legality of both approaches (Camou 2002; Fine 2006; Smith 2008; Toma and Esbenshade 2001). To date, there is limited research examining the specific drivers that generate direct interventions into the day-labor market, nor is there any research examining the effectiveness of day-labor management policies. In what follows, I draw on examples from the San Diego Metropolitan Area (SDMA) to answer three related questions that collectively fill these gaps in day-labor research and policy analysis. First, what

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specific events prompt local agencies of the state to shift their day-labor management approach from what Foucault (1991) refers to as techniques of *governmentality* to more classic forms of *governance*? More simply, why do governments shift from indirect techniques of social control to direct actions intended to control populations? Second, are there observable patterns between the source of conflict that generates a direct intervention and the method of intervention used by the state? And finally, are particular approaches to day-labor management more effective than others? For this research, effectiveness is measured according to three criteria: whether the intervention achieved the state's social and spatial control objectives in the short and in the long-term, the resources committed to the intervention, and whether the intervention generated any measureable positive changes for stakeholders (including day-laborers themselves).

The case studies presented below demonstrate that local governments only enact policies intended to “manage” day-labor markets, when activity at hiring site(s), or constituents’ reaction to day-laborers’ presence or actions, create moments of crisis for local political, social, and/or economic stability. In each case study, the crisis and subsequent government response is shaped by neoliberalism. By neoliberalism, I refer specifically to a collective set of social and economic policies, the primary directive of which is to “extend market discipline, competition, and commodification throughout all sectors of society” (Brenner and Theodore 2002, p. 353). These localized crises occur as a result of the awkward position which day-labor occupies within neoliberal ideology. On the one hand, day-laborers are part of a low-cost labor force which is crucial to economic growth according to neoliberal ideology. On the other hand, day-laborers are a poor, mostly minority, mostly immigrant population whose visible presence must be eliminated to create or maintain a “purified” landscape for consumptive activities (Mitchell 1997, 2003; Sibley 1995; Swanson 2007).

The following analysis contributes to the already-substantial body of critical and theoretical work documenting inconsistencies within neoliberal ideology, as well as the tendency for crisis-generation under neoliberal governance (Aguiar and Herod 2006; Bauder 2008; Castree 2010; Harvey 2005; Herbert 2005). In particular, it provides empirical context for understanding the “topographical complexity of the neoliberalized landscape” (Peck and Tickell 2007, p. 31). The localized policies and outcomes of neoliberalism vary substantially, and understanding the nuanced differences in outcomes based on localized context is critical for efforts to promote social justice within neoliberal landscapes. In particular, this research demonstrates the influence of geographic site and situational characteristics on the effectiveness of day-labor management efforts. Last, the findings illustrate the futility of day-labor “annihilation strategies” from a simple cost-benefit perspective. That is to say, neoliberal annihilation strategies fail, even when evaluated according the market-based logic upon which the ideology is based. Though this analysis draws on the San Diego Metropolitan Area, the findings have important implications for local governments as well as day-labor advocates in the more than 120 municipalities with active day-labor hiring sites (Valenzuela et al. 2006).

### **Neoliberal Governance and Day-Labor**

Informal hiring-sites, or shape-up sites, have existed in the U.S. since at least 1780 (Mohl 1971). In many ways, the markets have functioned in a similar fashion for more than 100 years. Groups of men, many of whom are recent immigrants to the U.S., without access to consistent, full-time, employment congregate in specific locations each morning and wait for an employer to arrive and offer a job opportunity that meets the laborer’s needs. However, in the U.S., day-labor increased substantially as a result of global economic restructuring under neoliberalism (Theodore 2007). By neoliberalism, I am referring to a collective set of social and economic policies, the primary directive of

which is to extend market discipline, competition, and commodification throughout all sectors of society (Brenner and Theodore 2002). More simply, neoliberalism suggests that all spheres of society should be organized to encourage economic growth, and of particular importance for this research, that public space should be regulated so that any use of space perceived to impede consumptive activities is disallowed. Neoliberal ideology is extended in a variety of ways; in some cases through direct policy actions by government agencies and non-governmental organizations, in other cases, the ideology is extended through powerful discourses that redefine “common-sense” notions about subgroups within the population and/or acceptable behaviors in the public sphere. Common-sense “is not the same as ‘good sense’ that can be constructed out of critical engagement with the issues of the day. Common sense can, therefore be profoundly misleading, obfuscating or disguising real problems under cultural prejudices” (Harvey 2005, p. 39). The manipulation of “common sense” therefore allows political and economic challenges to be framed as cultural problems that arise as a result of particular groups’ unwillingness or inability to follow “common sense” behavioral norms.

The increased attention that contemporary day-labor markets received in the late 1990s through the 2000s was the result of two related processes. First, the growth of day-labor in the U.S. during this period can be largely attributed to the neoliberal policies intended to weaken labor protections at multiple scales. Informal and contingent labor arrangements have increased since the 1980s as neoliberal economic policies made labor organizing more difficult, reduced labor protections, and, perhaps most significantly, gutted budgets for agencies responsible for *enforcing* existing labor laws (Brenner and Theodore 2002; Doussard 2013; Harvey 2005; Herod 2001; Theodore 2007). These policies are enacted at federal, state, and local levels—in each case the objective is to promote business by ensuring that flexible and cheap labor is available (Brenner and Theodore 2002; Harvey 2005; Theodore 2007). Local governments accomplish this in a number of ways. They can fight unionization of local employees, including city workers. Local governments also may oppose living wage ordinances or other efforts intended to improve labor conditions for the working-poor within their jurisdiction. For day-labor markets specifically, local governments may establish a worker’s center or allow day-labor to operate informally, both of which maintain a low-cost, contingent workforce for local businesses to hire as needed (Fine 2005, 2006; Frasure and Jones-Correa 2010).

Second, neoliberal discourses that define poor, minority, and immigrant bodies as dangerous are largely responsible for the localized community conflicts that sometimes arise around day-labor hiring sites (Chavez 2001; Inda 2006; Perez 2006). These discourses are used to justify increased social control through policing and regulation of “acceptable” behaviors and activities in public spaces. In the neoliberal era, local governments have created new laws and adapted existing ones to eliminate particular public space activities that are viewed as deviant or impediments to consumptive activities that are central to a pro-growth agenda. These types of controls are best exemplified by the increase in anti-homelessness legislation (Amster 2003; Mitchell 1997, 2003) but also include legislation aimed at reducing the presence of youth in public spaces such as daytime curfews or banning skateboarding (Venkatesh, Kassimir, and Social Science Research Council (U.S.). Collaborative Research Network on Youth and Globalization 2007). The necessity of these restrictions on individual freedom is based on the supposed danger that the individuals engaged in these activities pose to the general public. This construction of consent through fear is a pervasive element of neoliberal governance, the logic of which simultaneously validates existing social controls and demands they be extended (Harvey 2005). The social control agenda is also part of the pro-business agenda; the presence of supposedly deviant people or activities is viewed as a threat to commerce and/or local “quality of life,” and therefore must be prevented or relocated to spaces where their intimidating presence is minimized (Dear and Wolch 1987; Mitchell 2003; Zukin 1995, 2005).

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Day-laborers are primarily hired by firms in the construction, landscaping, and agricultural industries. This low-cost labor force also serves as a contemporary version of the neighborhood handyman—providing short-term expertise to area residents in need of help with home improvement project (Valenzuela et al. 2006). In fact, day-labor hiring sites are located in neighborhoods where demand from these particular types of employers is highest. In the San Diego Metropolitan Area, day-labor hiring sites are found in neighborhoods where demand for their work in construction, in agriculture, and from home owners is significantly higher than in neighborhoods without active hiring sites (Crotty 2015). To meet each neighborhood’s demand for short-term labor, *jornaleros* must physically occupy public spaces, where their presence is often interpreted by area residents as a threat to quality of life (Esbenshade 2000; Frasure and Jones-Correa 2010; Lemanski and Saff 2010). When residents bring official complaints regarding hiring sites to local officials, day-labor activity threatens local government’s authority through a contested use of public space. In some cases, day-labor activities can create legitimate public safety concerns for area stakeholders.<sup>2</sup> The most common issues are related to restroom access and traffic/pedestrian safety. Public urination and defecation can occur at sites where jornaleros lack access to restroom facilities. Traffic problems also sometimes occur at sites where employers stop their vehicles in active traffic lanes while negotiating the terms of employment with laborers. However, these legitimate public safety issues rarely generate direct day-labor management interventions from local government or community groups. Instead, these issues tend to be managed informally. For example, laborers and local business owners negotiate a mutually beneficial arrangement for restroom access. Similarly, jornaleros often shift their main area of congregation from high-traffic areas to spaces where job negotiations can take place more safely—side streets with reduced traffic or the margins of parking lots are quite common (Crotty 2016). The bulk of negative attention that day-labor hiring sites receive is not due to these sorts of traffic and restroom-access issues. Instead, it is the discursive link between day-labor and illegal immigration in the United States that leads many residents to perceive *jornaleros* as a criminal threat, even if those residents have no direct interactions with the *jornaleros* themselves (Esbenshade 2000; Perez 2006).

A national survey of day-laborers in 2006 found that undocumented immigrants comprised 75 percent of the nearly 120,000 men who sought work as day-laborers (Valenzuela et al. 2006). Nearly a decade later, in San Diego County the size and number of day-labor sites is nearly the same, but the day-labor workforce comprised of considerably fewer undocumented immigrants as a result of structural shifts that occurred during the great recession. Since 2008 immigration from Mexico to the U.S. declined precipitously. Immigration declined so substantially that official estimates suggest that more people are migrating *to* Mexico than the reverse for the first time since 1940 (Jordan 2015). Structural shifts occurred in the construction industry during the same time period. In the SDMA, one-third of all construction workers lost their jobs between 2008 and 2012. Many of these formerly full-time employed construction workers began seeking work at area day-labor hiring sites (Crotty 2014). Despite documented changes in the composition of the day-labor workforce, the discursive link between day-labor and illegal immigration remains basically unchanged in popular media. Within “illegality” discourse, undocumented migrant bodies are defined as criminal by virtue of their presence in the U.S. This discourse is mobilized by anti-immigrant activists and politicians in ways that conflate more serious sorts of propensity for violence to undocumented migrants and those who look like them (Hiemstra 2010; Valenzuela 2006; Ye Hee Lee 2015). The discursive link between “illegal immigration” and day-labor marginalizes and racializes *jornaleros*, as the negative attributes associated with “illegality” are transposed onto the laborers (Hiemstra 2010; Varsanyi 2008). Chacon and Davis argue that the disconnect between anti-immigrant policies at the US-Mexico Border, and

economic policies known to promote migration between the two countries creates an intentional contradiction that allows for greater exploitation of immigrant labor in the U.S. (2006). As state agencies fail to implement immigration reforms at the federal level, the challenge of negotiating the social and economic changes that arise from increased migration to particular cities or neighborhoods is left to local agencies (Coleman 2007; Varsanyi et al. 2012; Walker and Leitner 2011). For communities where active day-labor sites are viewed as a threat or problem, the narrative of illegality places local governments in a difficult position in which they must balance their desire to promote economic growth with the social control demands of some of their constituents.

### **Approaches to Day-Labor Management**

Controlling public spaces is one of the foundations for government authority (Allen 2003, 2004). When local governments fail to control space in a manner that the voting public views as acceptable, it creates what John Allen would describe as a crisis of legitimacy. More simply, it creates a situation in which local governments are forced to take action to justify their position of power and leadership. The existence of day-labor sites in a municipality does not in-and-of-itself challenge the government's authority. Only when members of the government, or their constituents, view the use of space as problematic does an informal hiring site challenge government authority. There are three general options available to governments for day-labor management: formalization of space, annihilation of space, or the most common approach, leaving day-labor activities formally unmanaged (Crotty and Bosco 2008). However, when faced with a day-labor-related crisis, leaving day-labor formally unmanaged is no longer a viable option. In these situations, local governments may choose to designate a particular space for day-labor activity and hope that laborers will move from the problematic informal site to the formally designated space. Alternatively, local policy-makers can try to remove day-labor activity from the area entirely.

### **Workers Centers and City-Sponsored Shape-up Sites: Formalizing Space for Day-Labor**

The establishment of a worker's center is the most common method of formalizing space for day-labor congregation and hiring. The designation of a particular space allows for day-labor activities to be centralized. Workers' centers can be successful in addressing the chaotic appearance, traffic congestion, littering, and public urination, which together are some of the most common community complaints regarding informal day-labor sites. The centers can also serve a greater purpose than simply reducing the chaotic appearance and traffic problems common to informal day-labor sites. They often provide basic social services, legal counsel, English language classes, and some protection against workplace abuse. Day-labor researchers and labor advocates argue that designating space for worker congregation, with a formal structure for job distribution, access to restroom facilities, and other amenities is the most comprehensive solution currently available for day-labor management (Camou 2002; Valenzuela et al. 2006).

Political considerations often make local governments reluctant to formalize space for day-labor. Residents who dislike the presence of day-labor activity are often quite vocal in their opposition to making day-labor a more permanent part of the local landscape. Opposition to formalization efforts often focus on two specific issues. First, anti-immigrant groups argue that day-laborers are "illegal" immigrants and any support of them, public or private, is a crime. Their argument presupposes that all of the workers who use a center are illegal immigrants; this is, in fact, not the case. The demographic and legal status of labor populations in the U.S. varies regionally, between hiring sites in a

given metropolitan area, and even depending on the time of day at a specific site (Crotty 2015; Crotty and Bosco 2008; Valenzuela et al. 2006). Thanks to the popular understanding of day-laborer as synonymous with illegal immigrant, this argument still holds political sway (Varsanyi 2008).<sup>3</sup> Second, similar to homeless shelters and other social service providers, workers' centers often encounter resistance from Not-In-My-Backyard (NIMBY) groups when looking for a potential location (Dear 1992; Takahashi 1997a, 1997b; Tempalski et al. 2007). Members of oppositional groups may or may not be in favor of establishing a workers' center *somewhere*, but unquestionably do not want one to be located near their residences—in their metaphorical “backyard” (Frasure and Jones-Correa 2010; Toma and Esbenshade 2001).

One way that local governments' reduce their political liability in establishing a formal workers center is to encourage already-existing local community or non-profit groups to establish a formal center without direct financial support from the local government. Municipal leaders may offer non-fiscal resources to help these non-governmental groups reduce the time and/or cost of establishing a workers center. For example, they may direct city workers to help organizations navigate zoning and code-compliance issues, the organizations may be exempted from certain regulations that would prevent a workers center being established, and applications for necessary permits may be fast-tracked. Providing non-fiscal resources to non-profit organizations involved in politically volatile social issues allows politicians to either deny supporting the organization if their constituents are strongly opposed to the organization's activities, or claim credit if it is politically opportune (Frasure and Jones-Correa 2010).

### **By the Gavel, Gun, or Walls: Annihilating Space for Day-Labor**

The second approach to day-labor management includes a variety of actions that are intended to remove day-labor activity from the area. In work examining similar policies for homeless people in the U.S., Don Mitchell described the effects of similar policies as the *annihilation of space* (1997, 2003). Annihilation of space refers to a number of actions that local authorities take to alter space in ways that make it more difficult for laborers to engage in the behaviors required to seek work in a particular area. Space can also be altered through legal means, by criminalizing behaviors viewed as inappropriate or problematic. This approach is characteristic of neoliberal governments and has been used against a wide range of deviant others, including day-laborers (Mitchell 2003; Varsanyi 2008). Several municipalities have attempted to pass laws that would criminalize day-labor within their jurisdiction; however, most of these have been found unconstitutional upon appeal, as employment-seeking is a form of free speech protected under the First Amendment of the U.S. Constitution (Kornzweig 2000).

However, annihilation of space need not be accomplished through traditional legal methods. The mere physical presence of local police or other law-enforcement agencies can also alter space.<sup>4</sup> In San Diego County, the most common method of discouraging day-labor congregation is increased police presence and focused ticketing for petty crimes which are often a necessity of actually seeking work as a day-laborer: jaywalking, loitering, obstructing traffic, public urination, etc. (Crotty 2016; Crotty and Bosco 2008; Eisenstadt and Thorup 1994).

In addition, anti-day-labor actors occasionally endeavor to alter or disrupt day-labor markets independent of government agencies. Anti-immigrant political groups tend to be the most active in this regard, and typically take a more direct approach in their day-labor management strategies than local governments. Groups like the San Diego Minutemen and the Federation for American Immigration Reform (FAIR) often organize protests at day-labor hiring sites. These protests serve to intimidate

day-laborers, and simultaneously discourage potential employers from hiring laborers from that location (Chacon and Davis 2006; North County Times 2006, 2007; Sifuentes 2007a,b,c; Wilkins and Moreland 2007).

Finally, annihilation of space can be accomplished through architectural and urban design (Ellin 1997; Mitchell 2003). The most common means of adapting spaces to be less friendly for day-labor activities are the removal of benches so laborers cannot sit down, removal of shade trees, and the addition of fences and bushes that restrict pedestrian access to particular spaces or restrict path of travel between private and public spaces (Crotty 2016).

Efforts to annihilate spaces for day-labor are not universally popular politically. Immigrants' and workers' rights groups, as well as groups concerned with social justice more generally, oppose direct enforcement of existing laws to discourage day-labor congregation. Thus, there is considerable political pressure against local governments whether they attempt to formalize *or* annihilate spaces for day-labor in their jurisdiction. As a result, most local governments elect to do nothing and leave day-labor *formally* unmanaged. In the San Diego Metropolitan Area, there are examples of municipalities, non-governmental organizations, and political groups engaged in each of the day-labor management strategies. In the following sections, I draw from a number of case studies to illustrate and compare these different strategies.

### **Methods/Case Study in the SDMA**

The findings presented in this paper are drawn from data collected between 2005 and 2012 as part of a mixed-methods project that took place in the San Diego Metropolitan Area. The primary research methods for the project were site mapping, participant observation, and informal interviewing at or near-to hiring sites. Forty-five hiring sites were identified in the SDMA during the mapping process. Once a site was identified, it was surveyed a minimum of four times per year, at 3-month intervals, during which time the number of laborers using the site, as well as their demographic characteristics (race, gender, age) was recorded. Informal interviews were also conducted at each site at least once per year to better understand the ways that laborers used the sites, and to identify particular social issues that were generating conflict at each site. Six of the forty-five sites were also selected for in-depth participant observation. These observation periods lasted between 2 and 6 weeks depending on the site, during which time the researchers spent up to 8 hours per day engaging laborers and nearby stakeholders in conversation and informal interviews and observing laborers activities between hiring opportunities. This long-term ethnographic engagement with day-labor activities at the regional scale provided a wealth of information regarding the ways that various stakeholders interacted with day-labor hiring sites, both in times of relative stasis, and during moments of day-labor-related crisis. In the following examples, archival sources are also used to provide supplementary evidence regarding the social and political context for specific day-labor management efforts.

The 45 SDMA day-labor hiring sites are spread across 19 municipalities, 28 census designated places, and many more neighborhoods (see Figure 1). The unique character of each place results in a range of perspectives on day-labor activity and a corresponding diversity of strategies for managing day-labor activity. Over the past 20–30 years, there are examples of city governments and community groups employing each of the three most common approaches to day-labor management (Crotty 2012; Eisenstadt and Thorup 1994).

The following sections examine six distinct attempts by local government and community members in the SDMA to influence or control day-labor activities through formalization or annihilation of space. To be clear, the case studies below are examples of publicly visible interventions into day-

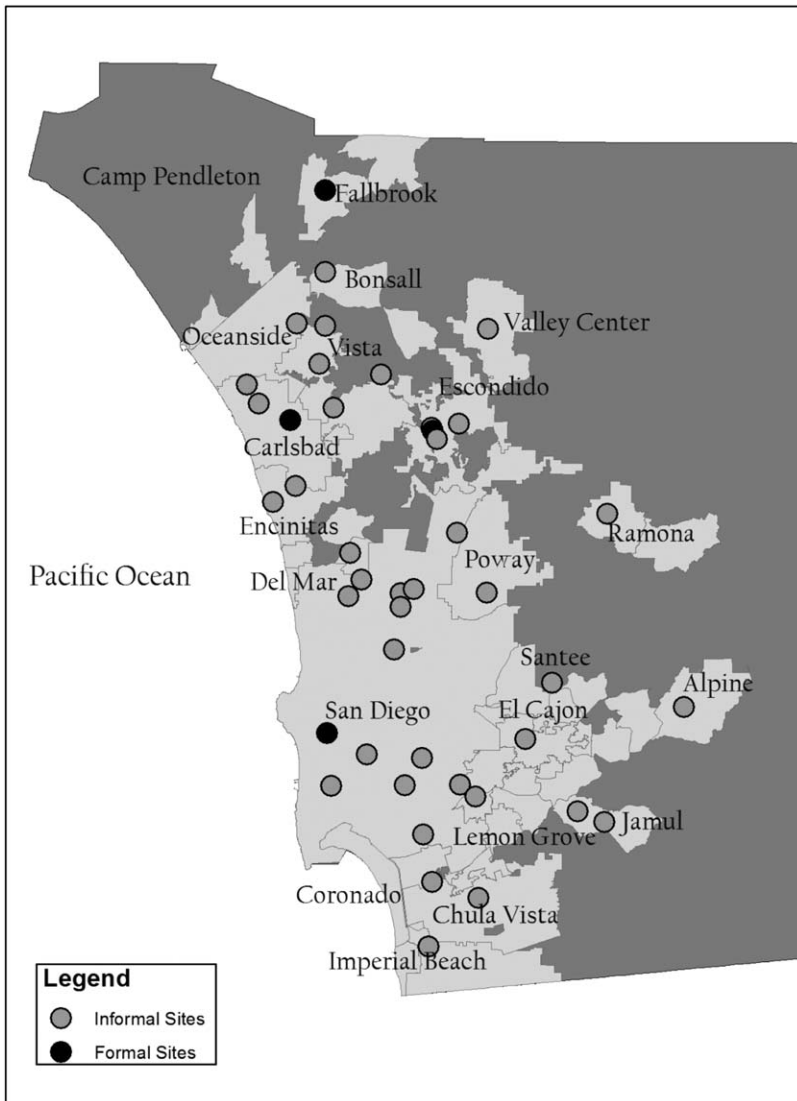


FIGURE 1. THERE ARE 45 TOTAL HIRING SITES (4 FORMAL SITES) ACROSS THE 19 MUNICIPALITIES OF THE SAN DIEGO METROPOLITAN AREA.

labor activities. Access to and control of space is negotiated informally at all 45 sites in the region. It is only when informal spatial control processes prove insufficient to meet political, economic, and/or social objectives that these sorts of direct day-labor management efforts occur. The first two case studies examine attempts to annihilate space for day-labor within a particular municipality. The first annihilation case study examines the City of El Cajon, California’s use of targeted policing in an effort to eliminate day-labor activity within the municipality. It should be noted that there were likely other targeted police efforts to eliminate or relocate day-labor activities at sites within the region over the past 30 years. Unfortunately, archival evidence of short-term police actions is non-existent. These actions are relatively rare however, as the case presented is the single example of annihilation of space by force during the 8-year research period. The second example highlights an attempt to use

the legislative process to eliminate day-labor activity in Vista, California. Multiple municipalities within the SDMA and across the U.S. have passed anti-day-labor solicitation laws since the 1990's. However, the case presented in this paper is one of the few legal attempts to influence day-labor activity that was not ruled unconstitutional upon appeal.

The final four case studies examine each of the four day-labor employment centers established during the last 30 years. Information regarding the basis for establishing the formal hiring sites is drawn from qualitative fieldwork and archival sources. Archival sources are also used to verify information drawn from qualitative data. In the following analysis, each case is evaluated according to three criteria: how successful was the attempt in altering existing spatial patterns in day-labor activity (in the short-term and the long-term), what state resources were used in the management effort, and measurable benefits to stakeholders—including *jornaleros* themselves (See Table 1).

### **Annihilation of Space: Expensive and Ineffective in the Long-Term**

When city governments are pushed to taking direct action to manage day-labor activity, many try to remove day-labor activity from their jurisdiction altogether. To accomplish that goal, these cities enact policies that attempt to *annihilate space* (Herbert and Beckett 2010; Mitchell 2003). The general idea is to keep laborers (or any other group deemed as undesirable) out of particular spaces by altering the nature of those spaces. This can be accomplished through legislation, architectural design, or force.

### **Annihilation of Space by Force**

Direct policing actions are the most common method of day-labor management historically. To be clear, the local police and their day-labor-policing policies are important elements in the everyday production of day-labor hiring spaces. Under “normal” circumstances, police engage with laborers sparingly—only visiting hiring sites when activity is causing traffic problems or other disturbances that threaten public safety. From this perspective, the police are managing activity in space, but rather than trying to remove it entirely, they use the tools at their disposal to *direct* activity into certain spaces, and establish place-based behavioral norms that they deem acceptable (Crotty 2016; Herbert 1997). However, police officers’ relationship with day-labor spaces changes when the local government faces a crisis as a result of constituent concerns about day-labor activity. The police are used as a political instrument in these cases, to assert force and control space in a manner that meets particular constituents’ demands (Herbert 2001).

During the field research for this project, the City of El Cajon: a municipality in the eastern part of the SDMA was in the midst of a NIMBY backlash against a proposed second Home Depot location within the city. During public hearings about the proposed new Home Depot location, area residents repeatedly expressed fear that day-laborers would begin congregating in their neighborhood, and repeatedly referenced the city’s inability to eliminate day-labor activity at the existing Home Depot as a basis for opposing the new location (See Figure 2).<sup>5</sup> The NIMBY group collected more than 1,250 signatures for a petition opposed to the new Home Depot location which listed day-laborers congregating outside the store as one of the primary concerns. The group also sent more than 200 letters to government officials, in which day-laborers were described as a threat to the neighborhood quality of life, its residents, and, in particular, their children. The residents’ fears are most evocatively expressed by Margaret Henning’s<sup>6</sup> statement to the city council:

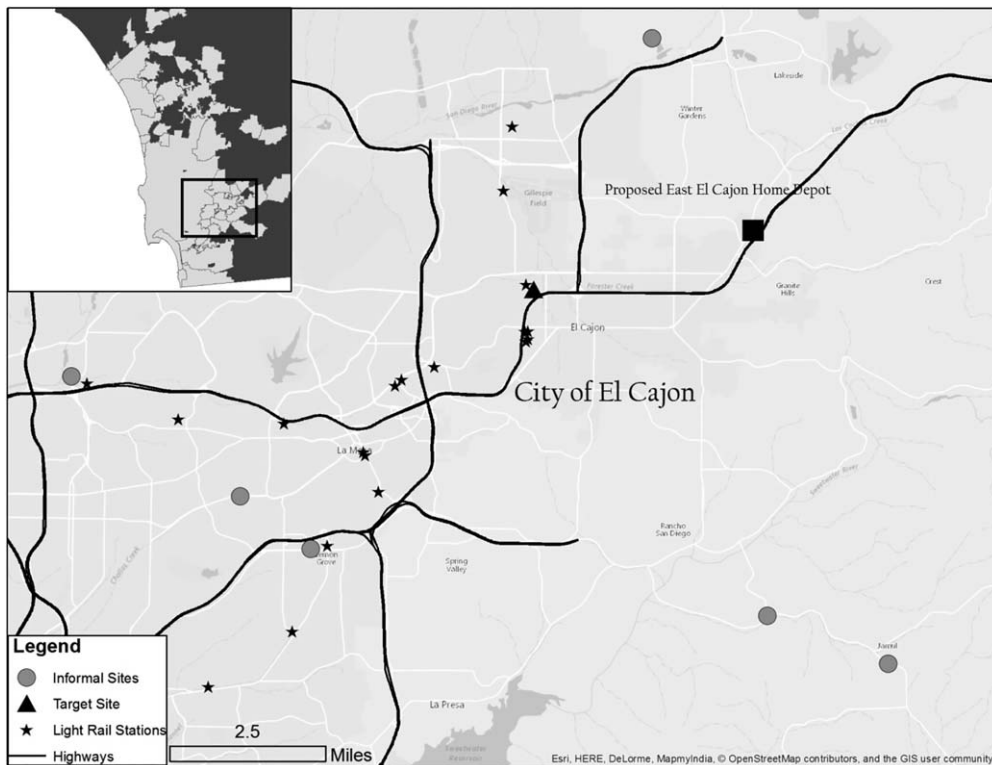


FIGURE 2. SHOWS THE PRIMARY HIRING SITE IN EL CAJON, CA, WHICH WAS TARGETED BY A LOCAL POLICE ACTION FROM 2006–2008, AS WELL AS THE LOCATION FOR A PROPOSED HOME DEPOT IN EASTERN EL CAJON. SEVERAL OTHER INFORMAL HIRING SITES ARE VISIBLE IN THE MAP, TWO OF WHICH ARE LOCATED ADJACENT TO STOPS ON THE LIGHT RAIL SYSTEM.

We share a property line with the lot that they (Home Depot) own across the street which will be a *day worker haven*. This lot gives access to our backyards through a walkway, a walkway and hillside that offers them shelter for the night on private property in the bushes and trees. Our children would have to walk to school and to their bus stop, alone, past day workers as early as 6:30 a.m. The EIR<sup>7</sup> fails to address that day workers are in the path of children walking to and from school and we have not received due process. The EIR does not include that. The stress factor alone is unbearable for an adult, not to mention a child. As *they watch us and learn our routines*, I would not feel safe for the children home alone, alone downstairs watching TV or playing in their own backyard. Because they (Day Laborers) will have access over a 4-foot fence to our backyard. We have 23 children on my street alone and all 8 families are financially obligated to stay or pay back up to an 85 thousand dollar 'silent second' to the city and share the equity with them if we sell. Homes have doubled in price since we closed escrow in 12/03. None of us could afford to move to a safer neighborhood. I feel that our children will fall victim to crimes of opportunity such as Danielle Van Dam, Samantha Runnion, and Polly Klaas (Statement to the El Cajon City Council, 7 December 2005).

I highlight Margaret's statement in particular because in it she makes explicit what many of her neighbors implied in their own statements and correspondence with public officials. In this emotional and fear-drenched narrative, day-laborers are no longer simply men looking for work that might urinate in public or litter, but are dangerous pedophiles that will camp in her backyard, spy on, and study her family's routines, all with the goal of robbing the families and making their children the victims of horrific sexual violence. This is made clear when she references Danielle Van Dam, Samantha Runnion, and Polly Klaas; three young girls who were kidnapped from their homes, sexually assaulted and murdered. None of the crimes she references, however, had any connection to

TABLE 1. OVERVIEW OF DIRECT INTERVENTIONS INTO DAY-LABOR ACTIVITIES IN THE SAN DIEGO REGION: 1990–2012.

City Neighborhood	Basis for Intervention	Intervention Type	Intervention Description	Duration	Immediate Spatial Effect	Broad and/or Long-Term Impacts	Direct Cost to City
Pacific Beach (PB)	High-visibility informal site in neighborhood viewed as public-safety problem.	Formalization: City Sponsored	City-sponsored formalization of nearby space for day-labor activities.	1997–2010	Day-labor activities moved several blocks to new site	Did not eliminate informal day-labor activities, but successfully relocated them to lower-traffic area	\$70,000/year
Carlsbad	High-visibility informal site(s) in neighborhood concerned parents whose children attended elementary school nearby.	Formalization: City Sponsored	City-sponsored formalization of space for day-labor activities about 3 miles from existing sites.	1990–Current	Negligible impact on day-labor activity.	Some laborers use formal site but all informal sites are still active in original locations.	\$80,000/year
Escondido	Anti-immigrant fervor generated fear of vigilantism against day-laborers in the city.	Formalization: NGO Sponsored	Non-governmental organization formalized space for day-labor activities adjacent to existing informal hiring site	2002–Current	Negligible impact on spatial dimensions of day-labor activity.	Some laborers use formal site but all informal sites are still active in original locations.	\$0
Fallbrook	Anti-immigrant fervor generated fear of vigilantism against day-laborers	Formalization: NGO Sponsored	Non-governmental organization formalized space for day-labor	2006–Current	Informal day-labor activity relocated	Some laborers shifted to other informal hiring sites in the	\$0

TABLE 1. CONTINUED

City Neighborhood	Basis for Intervention	Intervention Type	Intervention Description	Duration	Immediate Spatial Effect	Broad and/or Long-Term Impacts	Direct Cost to City
Vista	congregating at hiring site—Vi mile from St. Peter's Catholic Community.	Annihilation: Legal	activities adjacent to existing informal hiring site.	2006–Current (Active enforcement ended in 2010)	entirety to formal hiring site.	region, rather than use the formal hiring site.	\$13,000 month- + \$40,000 for legal fees
El Cajon	High-visibility informal site in city viewed as public-safety problem. The intervention took place during a period of high anti-immigrant political fervor as well. Neighborhood resistance to a siting decision for a new Home Depot location focused on the city's long-standing inactivity regarding a large day-labor hiring site at an existing Home Depot location.	Annihilation: Force	Vista legislation sought to regulate all informal hiring activities within the city—with enforcement targeting the main hiring site in the city. Targeted policing of misdemeanor crimes at hiring site with spoken intention of moving day-labor activity away from the Home Depot location.	2006–2007	Negligible impact on spatial dimensions of day-labor activity. Forced day-labor activity to relocate to new locations roughly 100 m from original site.	Some laborers moved to other informal hiring sites in region. Activity near original site continued with fewer laborers.	\$40,000

day-labor activities. Throughout the public hearing, the potential for criminality among day-laborers went nearly unopposed—by individuals both in support and against the new Home Depot proposal. Such is the power of “illegality” discourse in neoliberal urban spaces. In response to these vocal concerns, which threatened the city’s ability to approve a store projected to generate between \$440,000 and \$600,000 in new sales-tax revenue per year, the El Cajon Police Department (ECPD) began a directed effort to remove day-labor activity near the Arnelle Ave Home Depot (Woodell 2005).

The department’s anti-day-labor effort began in early February, 2006, and lasted one month. In mid-March, the department decreased its actions and attention on the site, though the hiring site continued to receive higher levels of police attention than was the previous norm until 2008. Through intimidating presence and total enforcement of the existing legal geography on Arnelle Ave, officers were able to minimize the presence of jornaleros and exert greater control over space where substantial day-labor activity took place. The actions undertaken by the El Cajon Police Department had several effects, intended and otherwise. The police presence made many day-laborers uncomfortable waiting along Arnelle. That discomfort generated one of two responses from laborers. The majority of laborers who had been using the Arnelle site simply chose to seek work at another site, as evidenced by an increase of almost 20 laborers per day at sites 31 and 33<sup>8</sup> (See Figures 2 and 3).



FIGURE 3. HIGHLIGHTS THE MICROGEOGRAPHY OF THE DAY-LABOR HIRING SITE THAT EXISTED ON ARNELLE AVE AND WAS THE FOCUS OF A POLICE ACTION IN 2006. THE PRIMARY EFFECT OF THE POLICE ACTION WAS TO RELOCATE LABORERS FROM ACTIVITY ZONE 1 TO ACTIVITY ZONES 2 AND 3, WHICH ARE MORE VISIBLE AND PLACED LABORERS NEAR BUSINESSES THAT HAVE LITTLE CONNECTION TO DAY-LABOR INDUSTRIES.

The police effort also changed ways that laborers used space along Arnelle Ave and Jackson Rd. Before the police action, the highest concentration of day-laborers was at the west end of Arnelle Ave near the Home Depot. In response to the police action, which focused on the Home Depot parking lot and adjacent public spaces, laborers adopted a new locational strategy that reduced their visibility to the general public by waiting in lower-traffic areas, farther from the Home Depot (See Figure 3). The police attention was also effective in reducing the number of jobs hired from the site. In April 2006, Juan, a laborer who lives just south of El Cajon, said that the number of days he found work dropped from four or five to one or two per week due to the increased police presence (personal communication 4 April 2006).

The effects of the anti-day-labor actions in El Cajon must be understood within their temporal context. In the short-term, the police action had an immediate and significant impact on the number of laborers congregating near the Arnelle Ave Home Depot. However, the police were never able to completely eliminate day-labor activities in the area, and in the long-run, the effects of their anti-day-labor efforts waned with the department's willingness to dedicate resources to the issue. With its best efforts, the ECPD was successful in *reducing* the number of jornaleros in El Cajon, but the police were never able to *eliminate* day-labor activity at the Arnelle Ave hiring site.

A police department's best effort does not come cheap. The actions taken by the ECPD required a substantial investment of department resources. The ECPD assigned six officers to police the quarter-mile hiring site, 12 hours a day, for a month. After the initial aggressive enforcement period, the department decreased, but did not completely eliminate, its presence on the block. Police continued to patrol the street more heavily than it was patrolled before the anti-day-labor action, and stationed a community police officer on the block during the busiest hiring hours. The average salary of the police officers in El Cajon is \$44,000 per year, which works out to slightly more than \$21 per hour. The cost to station a *single* officer at the hiring site was roughly \$169 for an 8 h shift, and \$252 for the full 12 hours per day that the hiring site was active (6 a.m.–6 p.m.). For the first month, the ECPD had six officers patrolling the street, for 12 hours per day, at an estimated cost of \$10,584 per week. At that rate, the initial stage of the police action cost \$42,336 in officers' salary alone. All of those resources were dedicated in an ultimately unsuccessful effort to relocate laborers.

In El Cajon, the driver of the intervention was a combination pro-growth and social-control agendas. In this case, there was no discussion of establishing a formal workers' center—because the argument that laborers were a dangerous element went unchallenged in public discussions, the politics of the NIMBY conflict required the city government to take direct police action to try and remove the dangerous element. In the end, the police action did not quell the concerns of residents opposed to the new Home Depot location. Rather, the failure of the police action to completely remove day-labor activity strengthened opposition to the proposal as residents viewed their police force as incapable of controlling space. These sorts of failures have led many municipalities to create new legislation that deals directly with day-labor, to provide policing agencies with additional tools in their efforts to control space. Vista, California provides a particularly interesting example.

### **Annihilation of Space by Law**

Over the past 30 years city governments throughout the U.S. have enacted ordinances banning day-labor activity. Time and again these types of ordinances have been overturned in the courts because seeking employment is a form of free speech protected under the First Amendment (España 2002). In the mid-2000's, immigration politics reached a fervor in the U.S. and with consistent failures to make meaningful immigration reform at the federal level, local anti-immigrant groups

flourished (Varsanyi 2008). During this time, there was a sharp increase in the number of anti-immigrant political groups throughout the country, and by February 2007, there were 21 groups classified as hate groups by the Intelligence Project (Holthoust 2009). These groups' activities and political mobilization affected the political climate in the region, leading to a range of responses from area government officials. The mayor of National City (in southern San Diego county) declared his town to be a "sanctuary city" for immigrants; while in sharp contrast, the Escondido city council approved an ordinance that would fine landlords who rented to undocumented immigrants. Similarly, the Vista city council enacted new legislation that required day-labor employers to register with the city, and allowed local police to directly regulate day-labor activity through ticketing and code enforcement. In both cases, local governments sought to remove undocumented immigrants from their cities.

The case in Vista, however, is also noteworthy because it represents a fundamental shift in the way that local governments attempt to annihilate space by law. Rather than trying to ban day-labor activity directly, the city passed Ordinance No. 2006-8,<sup>9</sup> which established a regulatory system for day-labor hiring. The ordinance established legal requirements that employers would have to meet before hiring a day-laborer. Specifically, all employers have to obtain a registration certificate from the city, which must be displayed on the employer's vehicle at the time of hiring. Directly after hiring a laborer, the employer must present him with a term sheet that lists:

the name, address, and telephone number of the employer or his or her agent, signature of the person making the offer, name of the day-laborer, type of work to be performed, hourly rate of pay, number or range of hours to be worked, work site address, and whether the day-laborer will be responsible for his or her own transportation from the work site (Asuncion Hernandez and Raymundo Serrano vs City of Vista 2007).

Though in some ways this formalized arrangement could protect laborers from exploitation and some of the other abuses that are unfortunately common to their line of work, Mayor Morris Vance made it clear that the primary goal was to eliminate informal hiring activities at the largest hiring site in the city (Rodriguez and Gaona 2006). Critics of the ordinance argued that the city was "trying to do through the back door what they can't do through the front" (Tenbroeck 2006b). The primary intent of the ordinance was to remove laborers from the streets by reducing employers' incentive to hire them within the city.

Commentary in the local paper regarding the ordinance focused on the behavior of laborers and whether or not their presence at the suburban commercial hub was a public nuisance or would hurt business. The opinions of local business owners and employees ranged from the owner of a discount store who said, "They can be there, I don't care" to an owner of a specialty cigar shop who said "it's the most dangerous shopping center I've ever seen" (Tenbroeck 2006a). A few comments singled out problematic behaviors by laborers, public urination being the most common. The bulk of negative comments about the laborers, however, argued that the laborers inadvertently intimidated customers simply by virtue of their presence (Tenbroeck 2006a). The language used in public debates in Vista was notably muted in comparison to the NIMBY conflict in El Cajon; however, the suggestion that day-laborers were dangerous again went largely unchallenged. Perhaps most tellingly, none of the local residents' comments about the ordinance focused on the behaviors that the ordinance actually addressed, which dealt entirely with the behaviors of employers.

The effectiveness of the ordinance, in terms of removing day-laborers from the streets of Vista, has been limited at best. Four years after the ordinance was enacted, the registration process is all but ignored by employers and laborers within the city limits (see Figure 4). In 2012, there were exactly as many hiring sites and though the number of laborers at sites in the city site declined, the pattern matches changes at sites of similar types throughout the county during the Great Recession (Crotty

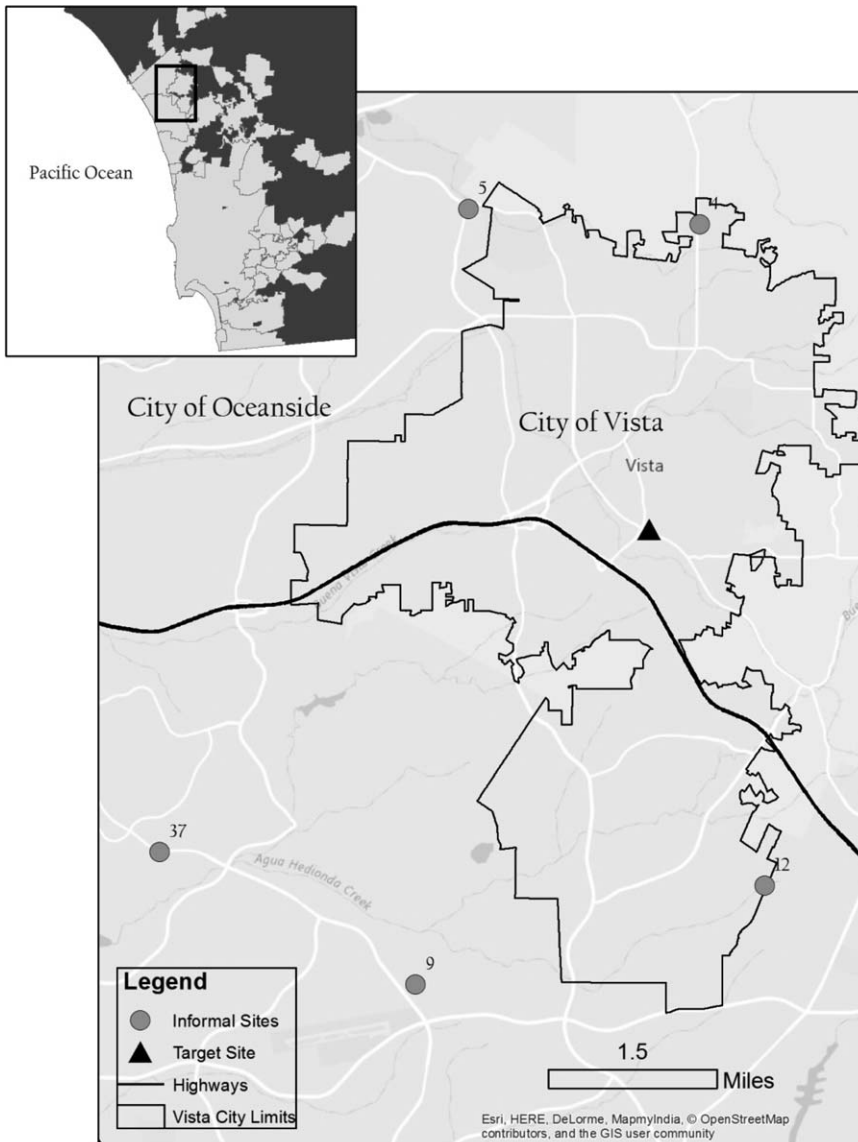


FIGURE 4. THIS MAP SHOWS THE PRIMARY INFORMAL HIRING SITE IN VISTA, CA, AS WELL AS OTHER SITES WITHIN, OR JUST OUTSIDE OF THE CITY LIMITS.

2014). It would be difficult to attribute any change in the size of sites to the legislation. So what factors led to the limited effectiveness of the ordinance? The city’s enforcement strategy provides insights regarding the failure of the ordinance to remove day-labor from the area, but also strengthens the argument that the city government never intended to eliminate day-labor from the city. Their intention was simply to shift day-labor activities from the commercial center to more marginal spaces in the city.

The city planned to begin enforcement of the ordinance at the largest of Vista’s three hiring sites, which had generated increasing complaints from residents from 2005–2006. During the same time, the number of laborers using the site doubled, and the political climate surrounding immigration

intensified. City Attorney Darold Pieper described the city's enforcement strategy as active enforcement early in the process, with an eventual scaling down to complaint-based enforcement (Rodriguez and Gaona 2006). The nature of day-labor hiring provides one of the most significant obstacles for enforcement of the ordinance. Even during periods of high overall employment, there are often long intervals between job hires over the course of the day. During low periods of employment, these hiring breaks can last several hours. Because the ordinance only allows the Vista police to cite employers for failing to register with the city, the code compliance officers must be present at the site at the exact moment when an employer arrives. Therefore, to ensure that the ordinance is effectively enforced, the city would have to station a code compliance officer at the hiring site from dawn to dusk, or approximately 12 hours per day.

The five code compliance officers employed by the city of Vista in 2006 earned between \$76,010 and \$88,176 per year in salary and benefits. Adjusted to an hourly rate, the low-end of that pay scale costs the city just under \$40 per hour. As such, it would cost \$480 per day to station one code compliance officer at a hiring site. Therefore, the minimum cost to the city for enforcement of the new day-labor regulation would be \$3,360 per week, and \$13,440 per month. There are three active day-labor sites within the city limits. It would stand to reason that if the police heavily enforced the ordinance at the central location, employers would simply hire their help from unmonitored sites, and the size of those sites would increase in relatively short order. Therefore, to ensure uniform enforcement of the ordinance for 1 month would require three officers, at a minimum, at a total cost to the government more than \$40,000 per month. Even this underestimates the total cost to the city for enforcing the law because it does not include overtime wages for compliance officers (which officials estimated at \$3,000, 4 months after the law was implemented) administrative costs, and other expenses such as vehicle fuel and maintenance. The city also spent more than \$40,000 for legal assistance to defend the law in court (Tenbroeck 2007). This is a considerable designation of resources for a municipal government to dedicate to a single code enforcement issue. In the years since the regulation passed, the city of Vista proved unwilling to dedicate the resources necessary to effectively regulate day-labor activities in the public spaces of Vista, and thereby eliminate day-laborers from the local landscape. Today the law remains on the books, but is unenforced (Rodriguez and Davis 2008; Ross 2010).

In Vista, anti-immigrant political fervor generated a unique response from city government. Perhaps having observed many of their neighboring municipalities' attempts to legally prohibit day-labor activity, Vista took a different approach. They made the entire city a formally regulated space for day-labor activity, with the openly stated hope that regulating the industry would decrease the appeal for employers and drive day-labor activity out of the city. While perhaps creative in terms of legality, this action was short-sighted, as the city lacked the resources or will-power to effectively enforce the ordinance. Their action was not without political benefit however. Ordinance No. 2006-8 was supported by anti-immigrant groups and a considerable number of Vista's residents. As such, support of the ordinance guaranteed local government leaders the support of a substantial, active, and influential voting group in subsequent elections—despite the fact that the ordinance was entirely ineffective in achieving its purported objective. The ordinance achieved a symbolic goal however, by defining day-labor activities as a problem to be removed from the community, *jornaleros* themselves are excluded from community membership as well. Conversely, the creation of a formal workers' center symbolically *includes jornaleros* as part of the community, in need of protection and support. And, when done correctly, targeted formalization through the establishment of workers' centers is a considerably more effective method for relocating day-labor activity.

### Case Studies in Formalization: Location Matters

Four formal day-labor centers were operating in the San Diego Metropolitan Area during the period of this research project: the Pacific Beach Employment Center in San Diego, The City of Carlsbad Employment Center, *Confia en Ti* in Escondido, and the *Iglesia San Pedro* (St. Peter's Catholic Community) in Fallbrook. Each was established in separate, unique, geographic, political, and historical contexts—however, the primary goals for each formal center were the same. The intent in each case was to provide a space for day-labor hiring that would draw *jornaleros* away from specific informal sites that were viewed as problematic by government or community members.

### Formalizing Day-Labor in a Beachy Neighborhood

The Pacific Beach (PB) Employment Center began operation in 1997 when the San Diego City Council voted to approve the Conditional Use Permit (CUP) for an employment center located on an 80 by 200 foot piece of city-owned property on the northeast corner of Mission Bay Drive and Damon Ave. According to Waldo Lopez, the Director of the PB Employment Center, city leaders were concerned that the chaotic appearance of an informal hiring site on Noyes Street near the intersection of Balboa Ave and Grand Ave would negatively impact the robust tourism industry in Pacific Beach. In this case, there is little evidence to suggest that anti-immigrant sentiment played a role in the formalization effort. This may be due to the fact that roughly half of the laborers in Pacific Beach are White or Black.<sup>10</sup> Those visible, racial-markers perhaps suggest that the laborers are U.S. citizens. However, their visibility as poor individuals occupying public space was still considered a threat to area businesses. The PB Employment Center was established to reduce the visibility of day-labor in the neighborhood (see Figures 5 and 6). The city established a partnership with the non-profit organization SER—Jobs for Progress in which the city provided \$70,000 dollars per year toward operational costs and established an initial 5-year lease for the center at an annual cost of \$1. SER—Jobs for progress would staff the center, manage its operation, and provide services to the laborers with whatever funds remained or could be raised independent of city contributions.

In Pacific Beach, formalizing space for day-labor activity was partially successful. The new hiring site did eliminate informal hiring activity at the original “problem” corner. Despite the fact that the designated location is in an unquestionably marginal space—wedged between a drainage culvert, freeway on-ramp, and a highway overpass—it is better for day-labor activity in important ways. The approved location is located less than half a mile from the original informal site, so it is in an area with established demand for labor. The formal site is equally accessible to employers but provides greater protection from traffic for employment negotiations. The block adjacent to the worker’s center also has a number of concrete posts sunk into the sidewalk that *jornaleros* can comfortably lean against while they wait. Overall the space boasts more amenities without decreasing employment opportunities when compared to the precious location.

From its marginal location, the PB Employment Center and the activity that takes place there are rendered less-visible to the general public, thereby “cleansing” the more heavily-trafficked and commercially-critical intersection of Balboa Ave and Grand Ave of the behavior perceived to be problematic (Barfield 1990). As a result, the center was effective in accomplishing the primary goals from the City of San Diego’s perspective. Laborers relocated, *by choice*, from a highly visible space to a less-visible space. The fact that relocating to the new location actually provided an economic advantage, relative to the original informal hiring site, is a critical point that I will return to in the concluding policy discussion.

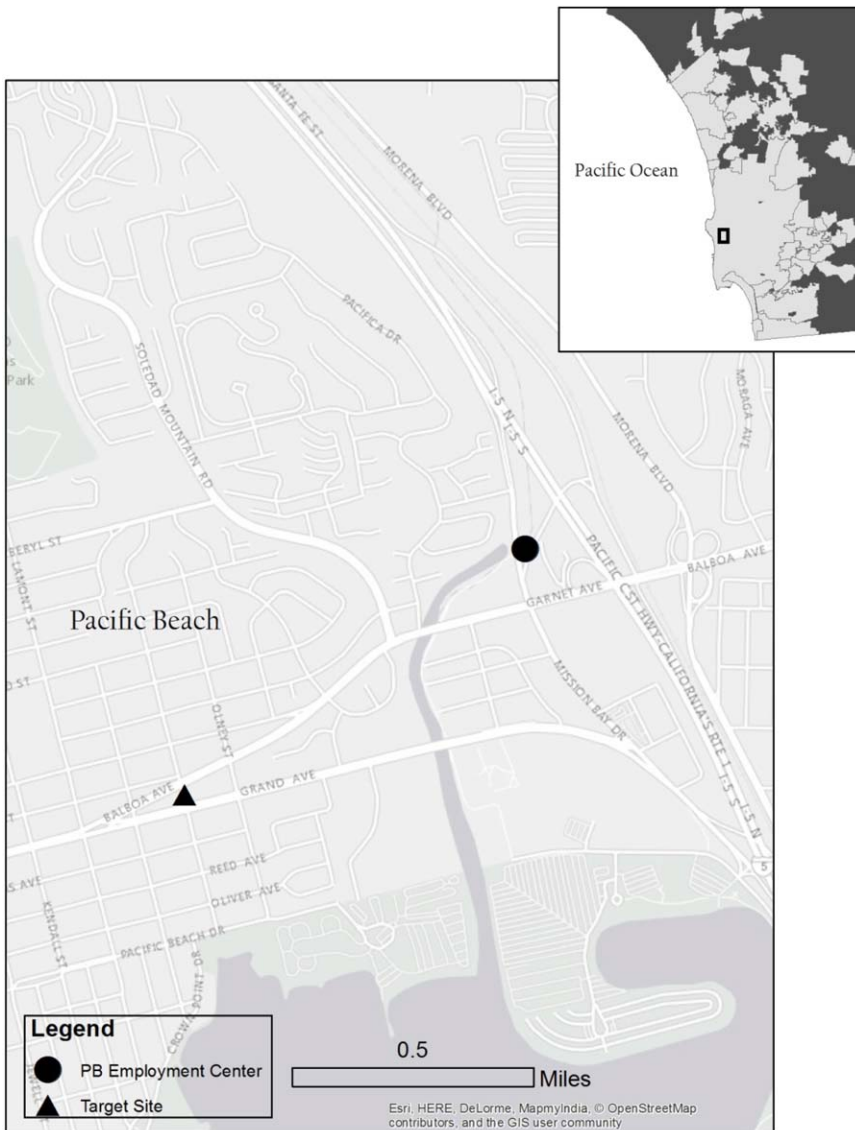


FIGURE 5. A FORMAL HIRING SITE WAS ESTABLISHED JUST OFF OF MISSION BAY DRIVE IN RESPONSE TO CONCERNS REGARDING THE INFORMAL HIRING SITE LOCATED NEAR THE VERY BUSY INTERSECTION OF BALBOA AVE AND GRAND AVE IN SAN DIEGO'S PACIFIC BEACH NEIGHBORHOOD.

### Hyper-Visible Formalization in Carlsbad, California

The City of Carlsbad is located in northwest San Diego County. In some ways, it is a classic Southern California suburban town. It was incorporated in 1952, during the post-World War Two housing boom, and was initially home to almost exclusively White families living in single-family homes. The city was and, even today, is, wealthier and less-diverse than regional averages. Like many suburban municipalities in Southern California, and throughout the U.S., Carlsbad has experienced significant change over the past 40 years. In four decades, the population increased by nearly 300 percent from 35,490 in 1980 to 105,328 in 2010 ([www.sandag.org](http://www.sandag.org)). The demographic



FIGURE 6. THE PACIFIC BEACH EMPLOYMENT CENTER.

composition of the city is changing as well. Hispanic residents make up 13 percent of the local population, while Asians, who currently represent 7 percent of residents, are the fastest-growing minority group.

There are two active informal day-labor hiring sites in the city. Both of the sites have existed in the same location for at least 30 years. They were established to provide short-term labor for home construction, landscaping, and seasonal agricultural labor for the farms that have not yet been converted to commercial or residential land uses. Laborers' role in the local community was not always valued however. In 1987, a community conflict "boiled over," which prompted the city government to take direct action to try and manage day-labor activity. The conflict centered on parents' concerns that an informal day-labor site was located too close to an elementary school. These parents' fears were quite similar to those voiced by residents of El Cajon nearly 20 years later. They feared that their children would be asked for money, verbally harassed, or that they could potentially become victims of more serious crimes (Eisenstadt and Thorup 1994; Portillo 1987). There is no quantifiable link between day-labor activity and violent crime (Valenzuela 2006). It would be easy enough to dismiss these parents' reaction as another example of Americans being scared of the wrong things (Glassner 1999). Yet this is not so innocuous as people's continued fear of flying and love of driving, despite the fact that the former is safer by a factor of roughly 29,000 (Boeing Airlines: Aviation Safety Division 2016; California Highway Patrol 2013). The concerns expressed by parents in both Carlsbad and El Cajon must be understood within the context of neoliberal discourse and ideology. The fears expressed in both cases reflect "common sense" public definitions of immigrants (and those that look like immigrants) as

dangerous criminals as part of anti-immigrant discourse that expanded profoundly in the 1980s and 1990s (Chavez 2001). At the national scale, this discourse allows for greater exploitation of migrant labor which benefits the neoliberal pro-growth agenda (Chacon and Davis 2006). However, at the local level, residents' embodied reactions to *jornaleros* as a result of anti-immigrant discourse can threaten economic growth. At the time of the conflict in Carlsbad, the city was in the midst of a transformation from mostly-agricultural landscape to mostly single-family residences. In that context, the public perception that the area was dangerous due to day-labor was a threat to the city's reputation and perceived quality of life, both of which could negatively affect land value and future economic development. In response to their constituents concerns, the Carlsbad city council voted unanimously to approve funding for a city-sponsored hiring site. As was the case in San Diego, administration and operation of the Carlsbad employment center is contracted to SER Jobs for Progress. The city contributes \$80,000 per year to operate the hiring hall (Gaona 2006).

The approved location for the Carlsbad hiring hall is on city property, nearly *three miles* from the informal site where the conflict was based, but less-than 1,000 feet from the city's central police station (see Figure 7). This location is far from residential and commercial interests, so NIMBY resistance to the siting decision was minimal. The workers center can be easily monitored by local authorities without dedicating or diverting police resources to the site. It has not been successful in eliminating informal day-labor activity in the city. The two informal sites that were the original target of residents' ire are still active today. The failure of this workers center to eliminate informal day-labor activity is the result of two factors. First, the workers' center is poorly located for day-labor activity. It is less-accessible than the existing informal sites for both laborers and employers. Most of the laborers who frequent the informal hiring sites in Carlsbad are perilously poor and live in nearby squatter campsites in undeveloped canyons. These laborers mobility is quite limited and, though they would walk the three miles to the workers center if better employment opportunity existed there, no *jornaleros* interviewed believed this was the case. The second factor that renders this formal center ineffective in relocating day-labor activity is its proximity to the Carlsbad police department. Undocumented jornaleros are particularly disinclined to act in ways that increase their likelihood of interacting with agents of state authority (Menjívar and Bejarano 2004). Immediate proximity to a police station is not locational amenity that jornaleros (or their employers) look for in a day-labor hiring site. Relatedly, the center's requirement that all laborers to register and prove their legal right-to-work in the U.S. is a structural barrier that prevents undocumented laborers from using the center.

The hiring centers established in Carlsbad and Pacific Beach are nearly identical in terms of their administrative operations and the government's goals for relocating jornaleros. The two cities even contracted the same non-profit organization to run the centers. And despite these similarities, the Pacific Beach center was more effective than the Carlsbad center due to the difference in geographic situation of the spaces each city chose to formalize—San Diego identified a marginal urban space for day-labor activity, while Carlsbad formalized a space for day-labor at the heart of a complex of government buildings. Both of these centers' effectiveness is limited by their common policy that requires all day-laborers to register and demonstrate their legal right to work in the U.S. before they can use the center's services. Undocumented immigrants make up a considerable portion of the regional day-labor population. Any attempt to manage day-labor activity through formalization is destined to fail if it only serves documented residents. *Confía en Ti* and St. Peter's Catholic Community provide examples of formal hiring centers that do not differentiate amongst the people to whom they provide services based on documentation status.

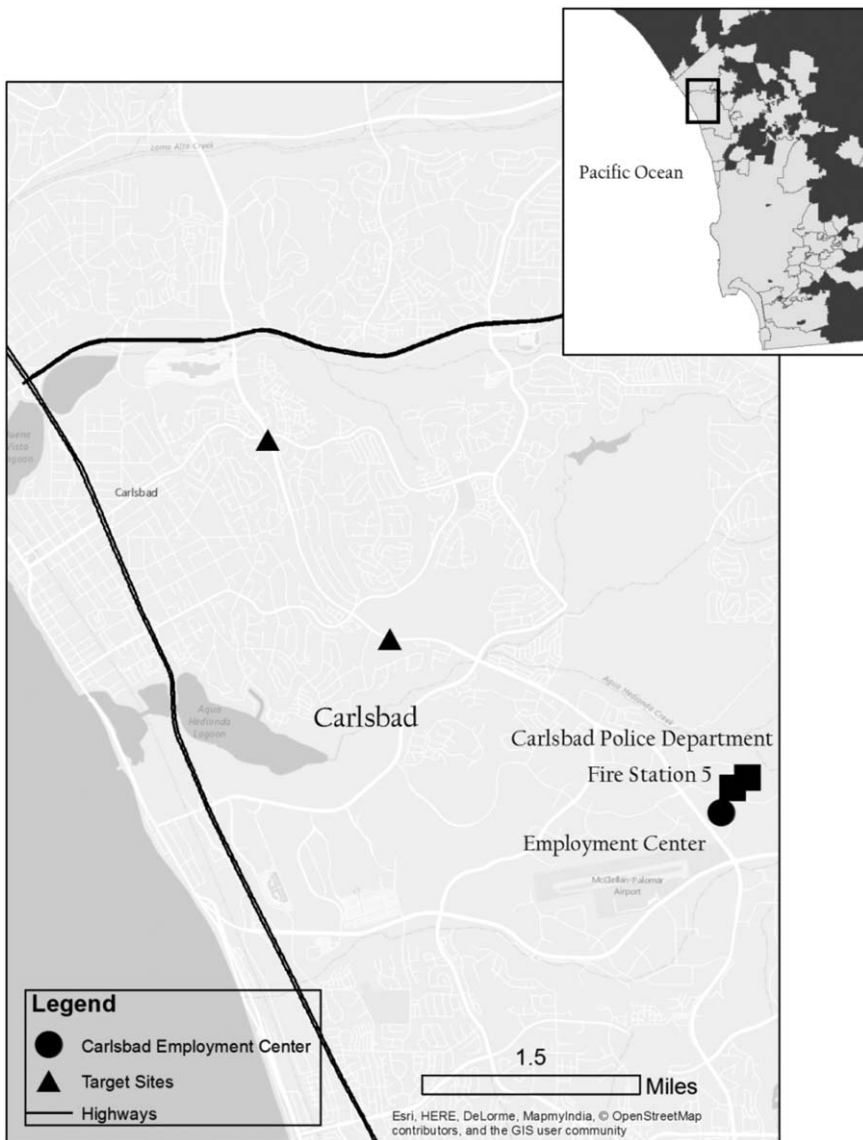


FIGURE 7. A FORMAL HIRING SITE WAS ESTABLISHED IN CARLSBAD, CA IN RESPONSE TO CONCERNS ABOUT TWO INFORMAL HIRING SITES LOCATED SEVERAL MILES NORTH ON EL CAMINO REAL BLVD. THE FORMAL SITE DID NOT LEAD TO LABORERS LEAVING THE TWO INFORMAL HIRING SITES, PERHAPS IN PART DUE TO THE PROXIMITY OF THE EMPLOYMENT CENTER TO THE CARLSBAD POLICE DEPARTMENT AND FIRE STATION 5.

**Social Service-Focused Formalization in Escondido, CA**

*Confia en Ti* is a formal workers’ center located in Escondido, California. Located in the northeastern part of the San Diego Metropolitan Area, Escondido is home to nearly 150,000 residents, an increasing proportion of which are Hispanic. From 2000 to 2010 the number of Hispanic residents increased 49 percent, from 51,693 to 70,326 residents. During the same time

period, the number of White residents decreased by 16 percent, from 69,305 to 58,142 (www.sandag.org). The rapidly changing demographics in Escondido have generated considerable unrest among residents and city government officials. During this time period, anti-immigrant sentiment in the area manifested in a number of ways; anti-immigrant activists began harassing day-laborers, and larger numbers of residents voiced concerns about day-labor activity to the city and local police agencies (Seymour 2008). It was in this climate, with community members on-edge, that *Confia en Ti* was founded.

*Confia en Ti*, which means “Trust in yourself,” is but one of the social service programs offered by Interfaith Community Services, a large non-profit agency based in Northern San Diego County. The workers’ center was established in 2002. According to previous ethnographic research on the center, *Confia en Ti*,

was created as an answer to the *visibility* of the day-labor population. Many community partners including the local police department came together to form a worker center which would *stop workers from waiting on the street*, give them a safe place to contract work, and resolve the community complaints of issues such as garbage and jay walking (Seymour 2008, 57, emphasis added).

One critical difference between *Confia en Ti* and the employment centers in Pacific Beach and Carlsbad is the government’s role in funding the centers. *Confia en Ti* receives no funding from government sources whatsoever. Operating costs for the center are provided by grants from philanthropic groups and smaller private donations. The center is free to serve anyone it chooses, regardless of documentation status, thanks to the absence of government funding for the center. *Confia en Ti*’s dependence on outside funding directs, and potentially restricts, its goals for social service provision. During the research period, *Confia en Ti* was funded in part by a grant from The California Wellness Foundation (TCWF), a group established to promote health and wellness education and disease prevention programs in the state. As a result, much of the services and educational programs provided at *Confia en Ti* are health-related.

*Confia en Ti* is located as ideally as is possible for a workers’ center. The space identified for the center is on Quince Street—the same street where laborers have waited for short-term work since the bracero program (Seymour 2008) (see Figure 8). Because *Confia en Ti* is not dependent on government for funding, it is free to assist all jornaleros, regardless of documentation status. Eliminating that barrier to use should improve its effectiveness in terms of day-labor management. Yet, despite the fact that using the center would not require laborers to relocate more than a block, *Confia en Ti* struggles to draw laborers into the center for employment assistance or the medical and educational services it provides. Many jornaleros take advantage of the free breakfast provided each day, but a relatively small percentage of jornaleros who eat breakfast at the center remain there to wait for work. There are a number of reasons for this. The first is practical. The room where the laborers wait for work is rather small, no more than 1,000 square feet, and there is minimal “spillover” space available for *jornaleros* congregation within the Interfaith Community Services building. The space gets crowded when there are more than twenty jornaleros inside. The combined population of the two informal hiring sites on Quince Street is consistently over 50, so moving all the jornaleros indoors is logistically not an option at this time. All of the laborers could register with *Confia en Ti* and take advantage of their medical and nutritional assistance however, but relatively few choose to do so. Some laborers dislike the formal structure for job distribution set by the center. Jill Seymour, the former program manager at *Confia en Ti*, describes the job distribution process:

Workers come to the center starting at 5:30 a.m. and write their name on a list, along with their identification number. Every registered worker gets an identification number the first day they come in, so that the organization can keep track of services they receive. Employment primarily goes through a lottery system, not a first-come, first-served basis. At 6:00 a.m. the Field Manager puts the corresponding number of bingo balls to workers inside of a bingo cage. He writes the numbers down on the original list. For example, if Antonio signed up as number 16, and number 16 comes out first from the bingo cage, then he is the first person on the list to go out to work. The Field Manager repeats this process until all of the numbers are gone and everyone has a new number. The first two workers on the list used to be given the job of sign holder. The worker center used to have two people stand outside everyday, advertising to potential employers about worker center employment services. This is no longer being done because the executive board felt that during this heightened time of immigration discourse and conflict it would draw unwanted attention to the organization. Now, the first two workers on the list must help to clean the main room and bathroom of Hiring Hope, since the center is supposed to be maintained through the collaborative effort of the workers, and there are no custodial services (2008, 61).

Morning lotteries to establish hiring order are quite common at formal workers' centers. Waldo Lopez, the former director of the Pacific Beach Employment Center, explained the rationale as being entirely practical. "Many of these people are homeless. If we give the numbers in the order of when they get here, many will just sleep here."

*Confía en Ti* structures the hiring process to an even greater degree than was the case at the Pacific Beach Employment Center. At *Confía en Ti*, if a job is offered and your name is next on the list, you are *required* to accept that job, so long as the compensation is at least minimum wage. At the Pacific Beach employment center, if the laborer with the next number up decided he did not want a particular job, for any reason, the job was offered to the next man on the list. The first laborer who passed on the job did not lose his position on the hiring list.<sup>11</sup> Many laborers are convinced that they will be disadvantaged by the structured system and prefer the more competitive employment environment that the informal hiring site provides.

My observations from 2008 to 2010 show that *Confía en Ti* was relatively unsuccessful, when evaluated strictly in terms of effectiveness in removing day-laborers from the streets. For a variety of reasons, the center has not convinced or sufficiently incentivized jornaleros to leave (very) nearby informal hiring sites. There are circumstances, under which, jornaleros are more inclined to congregate at the hiring center. In 2005, at the height of anti-immigrant sentiment in Escondido, jornaleros were often subjected to harassment by anti-immigrant activists and even were victims of vigilante violence on a number of occasions. At that time, as many as 50 laborers chose to wait for work at *Confía en Ti*, rather than take their chances on Quince Street. The number of "clients" at *Confía en Ti* also jumps rather dramatically when the Border Patrol conducts raids of the informal hiring site on Quince Street. In both cases, jornaleros chose to use the center because it provides a degree of protection from public spaces that are made dangerous by the actions of area residents or policing agencies. These situations illustrate the short-term effectiveness of annihilation of space in altering jornaleros' behaviors, but an aggressively hostile public sphere can hardly be considered a socially-just precondition for effective day-labor formalization efforts.

### **Faith-Based Formalization in Fallbrook**

Fallbrook, California, is a small town on the far-Northern edge of San Diego metropolitan area. The self-described "Avocado Capital of the United States," the city is known more for its agricultural landscape and output than any other feature. The formal site located in this community existed at St. Peter's catholic Community church since the early 1990s. The church provides breakfast, religious community, and, if laborers want, a space to wait for work. In 2006, many laborers elected to seek work at an informal hiring site a few blocks away—at the intersection of East Alvarado Way and Stagecoach Lane—however, due to regular protests from anti-immigrant activists at the informal site

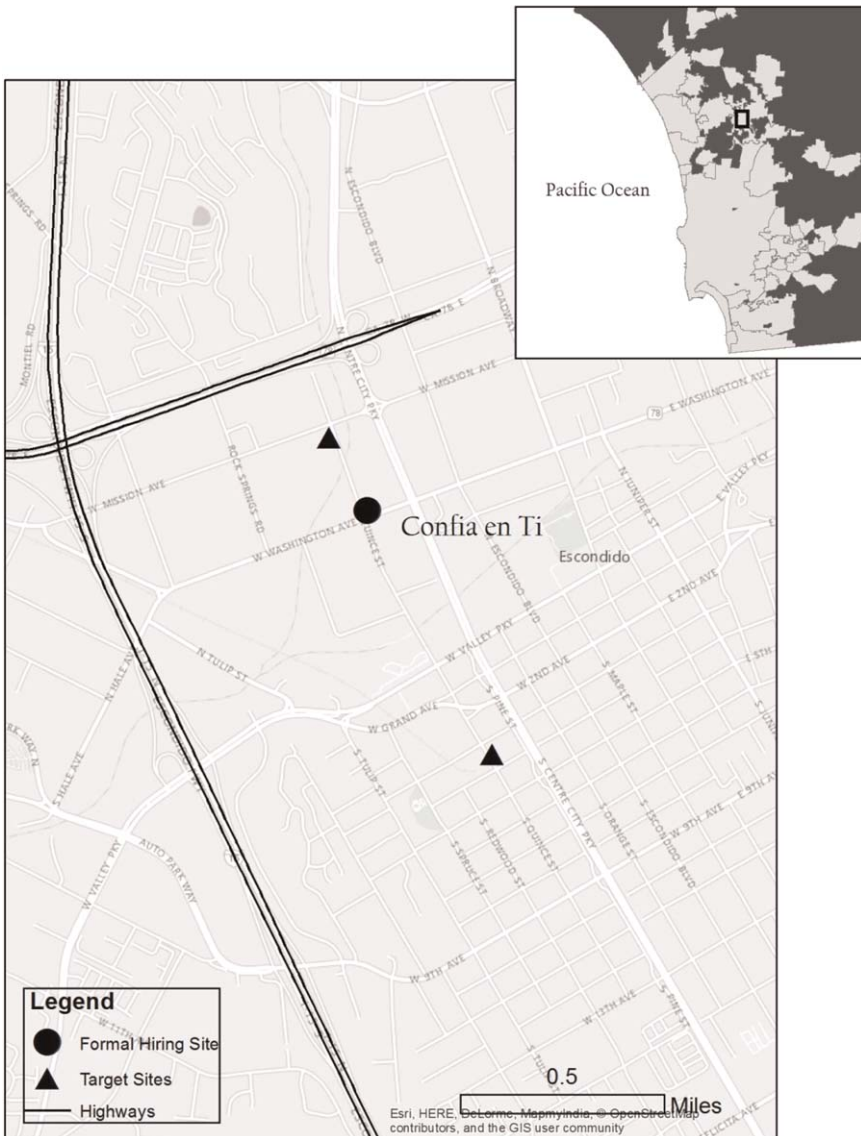


FIGURE 8. THIS MAP HIGHLIGHTS THE TWO PRIMARY DAY-LABOR HIRING AREAS ON QUINCE ST IN ESCONDIDO, CA, AS WELL AS THE LOCATION OF THE CONFIA EN TI WORKERS' CENTER.

pressed the laborers back into the safe space provided by the church (North County Times 2007; Sifuentes 2007a,c). Some 10 years later, laborers in Fallbrook continue to exclusively use the formally-designated space for their employment seeking. The formal hiring space established at St. Peter's Catholic Community is the *most successful* example of the formalization of space being employed as a means of *managing day-labor activity* in the region. There are a number of lessons to be taken from this particular case study.

Fallbrook is a low-density housing area, located less than four miles from the northern border of San Diego County. There is agricultural employment in the area, but that is inconsistent. The area is

protected from sprawl-based development by distance, topography, and zoning. For those reasons, there is not a great deal of employment for day-laborers in the area. Hiring sites can only survive if the laborers who use them find sufficient work to continue seeking employment in that manner. In Fallbrook, it is unlikely there was ever sufficient day-labor work to support a second hiring site. The second challenge for establishing another hiring site in Fallbrook is the city's position in local and regional transportation networks. As opposed to some of the other cities on the rural–urban fringe of the San Diego Metropolitan Area, where highways connect directly through the center of the historic downtown, the dominant traffic patterns in the area do not pass through Fallbrook's historic town center. Without a centralized location for congregation, laborers 'striking out on their own' would be unlikely to draw the attention of employers unaccustomed to looking for jornaleros in a new location.

St Peter's Catholic Community is located on Stagecoach Lane, roughly half a mile south of the intersection of East Alvarado Rd and Stagecoach Lane (see Figure 9). In fact, proximity to the previous informal day-labor space is one of the reasons that the Fallbrook formal center was "successful." The new formal center is at least equally-convenient for potential employers, as many would have driven past St. Peter's on the way to or from the informal hiring site at the intersection of East Alvarado and Stagecoach Lane.

Part of the success of the Fallbrook formalization effort is due to the partner institution—St Peter's Catholic Community. From a simple space and logistics standpoint, the church works well as a formal hiring site. There is a community-activities room large enough for all the laborers to congregate inside, thus reducing their public visibility. There is ample space for employers to pull into the parking lot to negotiate terms of employment with the jornaleros as well. St Peter's is also successful in part due to its administrative and operational characteristics. The church receives no direct funding from the state, so they are able to serve the needs of all laborers, regardless of their residency status in the U.S. Like all of the formal hiring sites, the church implemented a morning hiring lottery to structure employment negotiations. However, they followed the slightly more flexible job-selection process favored by both sites run by SER Jobs for Progress, which allowed laborers to refuse jobs they viewed as undesirable without losing their position in the hiring order. Finally, the church provided more than just a safe space for labor-seeking. They provided meal assistance as well as spiritual counsel for laborers who desired it. In this way, the church provided a more complete set of social services than was the case at any of the other formal workers centers. This confluence of factors: economic demand, local traffic patterns, site logistics, administrative and operational decisions, all combined to make the Fallbrook formal hiring site particularly successful in relocating day-labor activity.

### **Evaluating "Effectiveness" in the Neoliberal Political Economy: Policy Recommendations and Concluding Thoughts**

The case studies presented demonstrate the importance of continued research focused on the material effects of neoliberalism. Much of the existing literature examining the intersection of neoliberalism and governance takes a universalizing and structuralist position, and yet, as this research demonstrates, spaces remain for resistance and reworking of neoliberal urban environments. The material effects of neoliberalism vary spatially and are clearly shaped by the actions of both individuals and institutions at the local level. There are 45 total day-labor sites in the San Diego Metropolitan Area, yet in the past 30 years, there is evidence of just six meaningful attempts by state or non-profit institutions to control the location of day-labor activities. In each case, a few highly motivated actors generated change in the state's relationship to day-labor. In some cases, the actors were motivated by

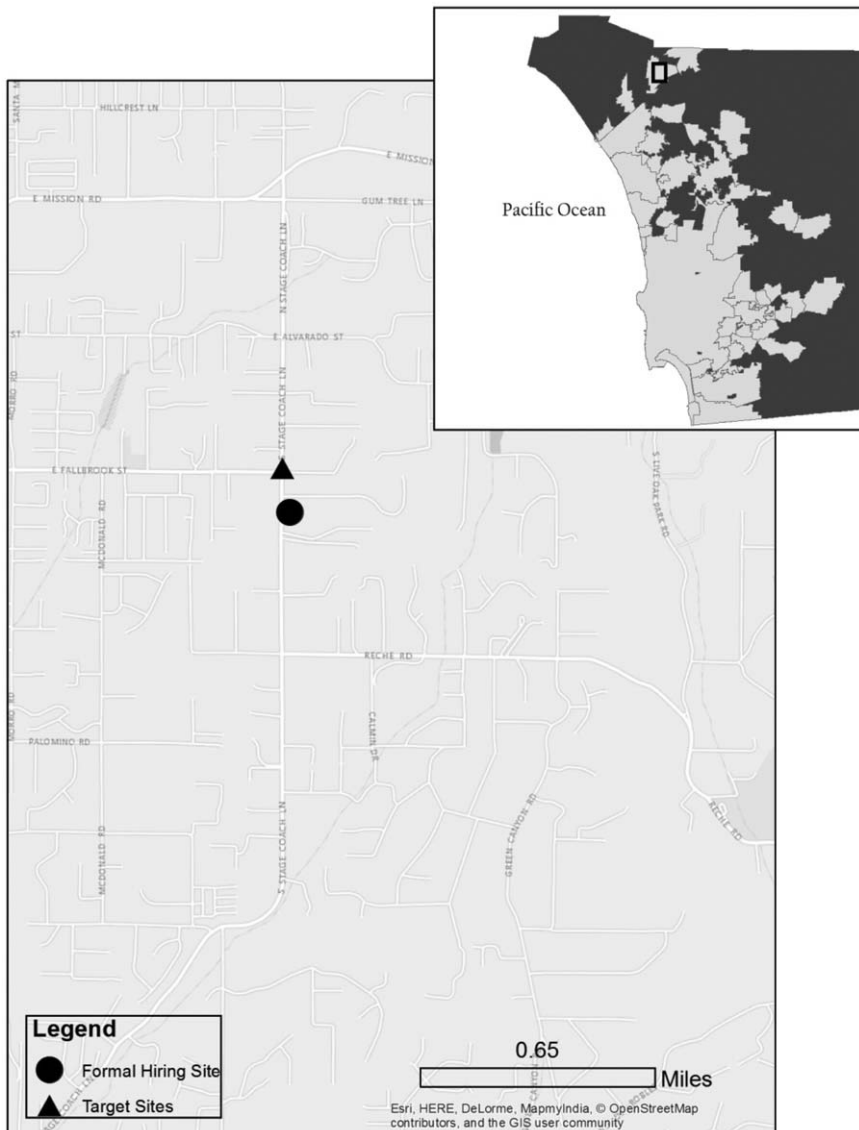


FIGURE 9. THIS MAP SHOWS THE LOCATION OF THE INFORMAL HIRING SITE IN FALLBROOK, CA, AS WELL AS THE LOCATION OF THE FORMAL HIRING SITE ESTABLISHED AT THE ST. PETER'S CATHOLIC COMMUNITY CENTER.

fear, and a desire to eliminate day-labor from the landscape. In Escondido and Fallbrook, non-state actors responded to an overtly hostile public sphere by opening their doors to day-laborers, protecting and formalizing *jornaleros* as part of the local community. Moreover, laborers' agency and ability to resist efforts to control their locational strategies show weaknesses in the social control elements of neoliberal governance. However, their resistance does not alter their capacity to be exploited by employers who act with no real fear of prosecution if they fail to pay *jornaleros*, or if a laborer is injured in an unsafe working conditions. These remaining issues reemphasize the importance of individual and institutional advocacy and smart planning for day-labor.

Despite the geographical specificity of each case within the San Diego Metropolitan Area, the collective lessons have wide applicability throughout the U.S. for day-labor and immigrant-rights advocates, as well as groups concerned with social justice in U.S. cities. These examples of day-labor management efforts also reveal several critical points for day-labor management policy. Efforts to remove day-labor activity through the annihilation of space—either through new legislation or direct policing efforts—are expensive and ineffective in the long-term. Increased police or government presence is likely to reduce the number of laborers at a site in the short-term, but does nothing to address the long-term demand for labor that led to a hiring site’s establishment in the first place. Moreover, both examples of attempts to remove laborers through the annihilation of space failed. The city of El Cajon spent more than half the annual budget of a formal workers’ center in 1 month of targeted police enforcement, which was ultimately unsuccessful. The City of Vista never dedicated the resources needed to affect day-labor activity in their jurisdiction after passing the ordinance to regulate day-labor—perhaps in part due to the \$40,000 per month cost of effectively enforcing the ordinance.

It is worth revisiting the question of what makes an effort “successful” from the perspective of the neoliberal state. Because day-labor is a low-cost workforce that benefits a variety of local industries, and local police departments are uniformly unconcerned about the potential for criminality amongst day-laborers, city leaders have little interest in actually removing day-labor activity. However, the political context, particularly when day-labor activity is linked to anti-immigrant politics, forces city leaders to take action. This was clearly the case in Vista, CA. By taking legislative action but not funding enforcement, the leaders could appeal to a subset of local residents with strong anti-immigrant sentiments while maintaining a low-cost labor force within the city. Vista leaders may consider their action successful—despite its failure to relocate day-labor activity. Conversely, in El Cajon, city leaders unquestionably wanted to remove all day-labor activity to quell the concerns of the vocal NIMBY movement opposed to the new Home Depot location. And yet, despite making anti-day-labor effort the police department’s highest priority, they were incapable of eliminating day-labor. These “failures” create secondary effects that both city governments likely consider positive outcomes. Failed policing efforts support the “common sense” understanding of day-laborers as a dangerous element and can be used to justify increase resources for policing (Herbert 2001).

Second, formalization without attention to the locational characteristics that make certain spaces better or worse for day-labor activities, and the characteristics of the laborers who seek work at target sites, are unlikely to be successful. Evaluated strictly in terms of relocation of day-labor activity both the Pacific Beach and Fallbrook centers were successful. This success, however, was the result of the geographic situation of the formal centers in relation to the informal sites they were meant to compel jornaleros to leave. Both the Pacific Beach and Fallbrook centers were close to their “target” informal sites, and more importantly, were equally or even better locations for day-labor activities than their nearby informal competition. Formalizing a nearby location does not guarantee success in managing day-labor activity. *Confía en Ti* is similarly well-located and has not achieved equal success in managing day-labor activities even just beyond the workers’ center’s property. Day-labor spaces are complex and produced through socio-spatial relationships that are constantly changing. The composition of laborers at a particular site may change due to social or economic circumstances, new stakeholders may move in and out of the area, altering relationships between jornaleros and other stakeholders, as well as their relationships with the places that they seek work. The lesson for local agencies interested in day-labor issues is that these socio-spatial relationships are an integral part of the production of day-labor space, and must be addressed for day-labor management policies to be effective. This

poses a considerable challenge for day-labor management, but not one that is insurmountable. The critical question moving forward with day-labor management is not whether or not cities can afford to sponsor formal hiring sites, but what locational, bureaucratic, and organizational structures must be in place for a formal hiring site to be “effective”?

Effective formalization efforts are also critical for day-labor advocates and those interested in progressive politics more generally. Failed efforts for formalization also bolster neoliberal ideology. When a formalization effort fails it can be used by anti-immigrant groups as evidence that Latino immigrants are unwilling or unable to assimilate and/or follow rules and regulations in the U.S. Finally, failed formalization further supports the neoliberal ideology that government-supported social service programs are inefficient and ineffective—thereby justifying further cuts in funding for these critical programs. Workers centers *are critical programs*. They provide the bare minimum of social support—often not enough to help jornaleros thrive, but enough to help them survive. As such, the value of formal workers centers should not be measured exclusively in terms of their success in relocating laborers. Each of the four workers centers in the SDMA provide important, often life-saving, services, and policy-makers would be well-advised to help the centers in their efforts.

Finally, neoliberal ideology is pervasive in day-labor management, from policing strategies to social service provision. In each case examined, local governments only took direct action when they believed day-labor activity threatened local commercial activity or when residents’ fear of “illegal immigrant” day-laborers made them question the state’s ability to control space effectively. Regardless of the specific driver of each conflict, governments or local community groups altered their existing approach to day-labor management in order to address the concerns or complaints of local business interests or constituents. The management strategies employed in both Pacific Beach and El Cajon were clear responses to moments of crisis when day-labor activity was perceived to be a threat to local business interests. In El Cajon, the threat was clearly linked to the discourse of “illegality” which defines undocumented immigrants, and those who look like they could be undocumented immigrants, as a criminal threat. Indeed, there is no clear correlation between the source of a conflict and the method of intervention. Concerns linked to “illegality” discourse were part of at least five of the six total conflicts, while economic concerns were part of at least three of six conflicts. The manner in which assumptions of criminality inherent to day-laborers went unchallenged in public discussions speaks to the normalization of illegality discourse in the U.S. In Escondido, government support for a non-profit organization establishing a formal hiring site occurred at a time when immigration was the most volatile issue in both local and federal politics. In Vista, local government acted primarily in response to the same political pressures. The tendency toward governing via crisis management is a hallmark of neoliberal governance (Brenner and Theodore 2002; Castree 2010; Harvey 2005), and as these case studies demonstrate, is a tendency that often leads to expensive and ineffective policy decisions. Regardless of the specific action taken to manage day-labor activities in the short-term, it is clear that the long-term pattern is for day-labor activity to continue operating in the locations that are most beneficial for laborers at a particular time. Neoliberal governments’ need to maintain a low-cost workforce all but guarantees that anti-day-labor actions will be short lived. As each crisis passes official attention shifts away from day-labor spaces and activities. Police presence at day-labor sites is reduced, anti-day-labor legislation ceases to be enforced with regularity, and the laborers return to their preferred hiring sites. Even when day-labor conflict stagnates, most municipal governments are unable to dedicate the resources—through formalization of space, or annihilation of space, needed to produce long-term changes in the behavior of informal day-labor markets. Hiring sites exist in neighborhoods with statistically higher demand for the services jornaleros provide, as such; they are an integral part of the local economy. Without changes in the larger-scale structures of

the local economy, day-labor will continue to operate in basically the same locations as they have for years. The operation of day-labor sites is often the result of years of habitual activity in particular places. Changing the rhythms of the city is difficult business and requires substantial stability in the location to which a city or community-group hopes laborers will relocate. In the end, the “power” in day-labor management lies with *jornaleros* who determine the effectiveness of any day-labor management strategy with their daily employment-seeking routine. Laborers’ need for employment will always outlast the short-term political and economic crises that generate day-labor management efforts at the municipal level. As such, short-term approaches characterized by the examples of municipalities attempting to annihilate space for day-labor activity are doomed to fail. Smart governance must recognize this inherent fact and craft day-labor policy that incentivizes laborers to congregate in particular locations rather than reacts punitively to try and force laborers from particular locations.

### NOTES

1. These approaches are discussed in greater detail later in the paper.
2. Though day-laborers are stakeholders in these community-discussions regarding appropriate use of public space, for the sake of clarity, in this paper, I use the term “stakeholder(s)” to refer to local residents, business owners, government and community leaders, etc.
3. See Varsanyi (2008) for a more in-depth discussion of the legal challenges to day-labor.
4. In San Diego County, the United States Border Patrol, and County Sheriffs are the main non-municipal police agencies that commonly visit day-labor sites.
5. Environmental Impact Report (EIR)
6. There is little evidence that the El Cajon Police Department had previously tried to eliminate day-labor activity. In fact, in the 12 July 2005 City Council hearing, a lieutenant from the ECPD stated that there was no connection between day-labor hiring sites and increased levels of crime. As such, the ECPD did not view day-labor as a policing priority.
7. Though this statement was made in a public forum, I have used a pseudonym in this case, as the purpose of this research is not to single out an individual with a particular viewpoint, but rather to highlight the power that “illegality” discourse has in neoliberal politics and for day-labor activities.
8. That the laborers selected these two sites is no accident, they are both very similar to the Arnelle Ave site in terms of geographic situation. Both are located directly adjacent to Home Depot stores, and are easily accessible via the light rail system.
9. Vista City Council Ordinance No. 2006-8. “An Ordinance of the City Council of the city of Vista, California, Adding Chapter 5.90 to the Vista Municipal Code Relating to Day-labor Employment.
10. See Crotty and Bosco (2008) for an in-depth examination of the role of race in the production of day-labor spaces in Pacific Beach.
11. For in-depth discussion of the hiring process at the PB Employment Center, see Crotty (2007) and Crotty and Bosco (2008). For *Confía en Ti*, see Seymour (2008).

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