Hucksters and Trucksters:

Criminalization and Gentrification in New York City's Street Vending Industry

by

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Abstract

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The expansion of the informal economy since the 1970s developed in tandem with a growing militarization of urban public space, creating extreme precarity for street vendors, a leading occupational group within the informal sector. Based on over three years of participant observation and seventy interviews with street vendors and their advocates, this dissertation examines the present-day street vending industry in New York City, which has long been comprised of first-generation immigrants, but has in recent years seen a marked growth in highly educated, native-born gourmet food truck owners. The research illustrates how two processes, inherent to what I term *the post-industrial complex*, are increasing stratification within New York's street economy. First, there is a dramatic criminalization of immigrant street vendors who regularly encounter arrests and ticketing. This blocks their upward mobility, most acutely for women, and locates vendors in a *liminal class position*, possessing elements of proprietorship that are subjugated by the governance of public space. Second, a new wave of commercial gentrification has occurred within street vending, where more affluent native-born vendors are able to effectively capitalize on vending to rapidly establish brick-and-mortar businesses, and in so doing inflate the price of vending permits in the underground

economy. These divergent conditions reveal how the governance of post-industrial urban space reinforces the criminalization of poor and working class people of color, while facilitating the advancement of more affluent and predominantly white professionals. The streets of the post-industrial complex are *policed as a border* for immigrant vendors, and are *pioneered as a frontier* by native-born food truck owners. Yet criminalization has produced street vendor solidarities, evidenced in a growing *street labor movement* amongst immigrant vendors in New York. Like most vendor organizations across the Global South, two immigrant street vendor worker centers in New York press the municipal government to uphold vendors' right to the city. In contrast, the city's native-born food truck owners have established a business association not to achieve social justice but to increase profitability. Post-industrial urban governance thus deepens inequalities within the informal economy while spurring new movements to claim the enduring resource of urban public space.

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Borders and Frontiers: the Streets of the Post-Industrial Complex

There is nothing more contradictory than 'urbanness.' On the one hand, it makes it possible in some degree to deflect class struggles. The city and urban reality can serve to disperse dangerous 'elements,' and they also facilitate the setting of relatively inoffensive 'objectives,' such as the improvement of transportation or of other 'amenities.' On the other hand, the city and its periphery tend to become the arena of kinds of action that can no longer be confined to the traditional locations of the factory or the office floor. The city and the urban sphere are thus the setting of struggle; they are also, however, the stakes of that struggle.

Lefebvre 1991: 386

Sparks in the Night

One Tuesday evening in early March 2011, about forty New York City street vendors, all members of an organization called the Street Vendor Project (SVP), walked from their monthly meeting on William Street over to City Hall Plaza in downtown Manhattan. Carrying candles and hand-made signs in English and Arabic, the group rallied around a cart owned by a fellow SVP member, a Latina produce vendor. On the cart were flowers and candles surrounding a photo of Mohammed Bouazizi, the twenty-six year old fruit vendor in Sidi Bouzid, Tunisia, who set himself on fire in December of 2010. After a municipal officer slapped him in the face and confiscated his weighing

scales, Bouazizi headed to the governor's office to ask for his property back. No one would speak to him. On the street in front of the office, the vendor asked a final question before he lit the flames that would engulf him: "How do you expect me to make a living?" His wounds eventually proved fatal, but public outrage over Bouazizi's story sparked the beginning of what would come to be known as the Arab Spring.

These events were much discussed among SVP members, a group predominantly comprised of recent immigrants who took up street vending, much like Bouazizi, as an occupation of last resort. SVP decided to hold a vigil for the Tunisian vendor not only to honor his memory, but to make a public statement that they too face injustices as street vendors in New York. An Egyptian food vendor, Hassan, orated passionately about the oppression felt by vendors in cities all over the world. Stanley, a merchandise vendor and African-American military veteran, talked about how much he had given for his country, only to be repaid in $1,000 fines for minor infractions and police harassment for trying to run his business. Victoriana, a Mexican merchandise vendor, recalled the many nights she headed home on the subway in tears, feeling defeated by the tickets she had accrued that day. But in Bouazizi's death, she found a call to action: "When he died he told us to stand up for our rights."

Providing affordable food and goods in a New York minute, the street vendor is an embattled urban archetype. Maligned as illegitimate hucksters by municipal policymakers and brick-and-mortar business owners alike, vendors tend to occupy a defensive position in the turf wars of urban public space. Though competition with fellow vendors is not insignificant, vendors describe these struggles as far less of a concern than the daily threat of punitive state sanctions, which are enforced in the main by the police.

In fact, the shared experience of surviving street vendor criminalization can yield a sense of solidarity between vendors who, from a purely economic perspective, might otherwise view each other as competitors. These dynamics help to explain why vendors come together in an organization like the Street Vendor Project, and why Bouazizi's role in catalyzing the Dignity Revolution, as many Tunisians refer to it, held such meaning for SVP members.

The Street Labor Movement

Figure 1: A street vendor march, downtown Manhattan 2012
All photos by Kathleen Dunn

Street vendor organizations like SVP have proliferated in the era of globalization, particularly in cities of the Global South, where observers of the informal economy began in the 1970s to recognize and even champion the sector as a vibrant expression of poor

and working class entrepreneurship. Indeed, Hernando De Soto's (1989) widely influential call to support the entrepreneurship of the informal workforce helped to stimulate the financialization of poverty: micro-lending programs that target the poor. This accelerated in the 1990s through the expansion of a global microfinance industry, forging a variety of partnerships between banking institutions, NGOs and foundations, international development agencies and national governments to stimulate entrepreneurship as a poverty alleviation strategy (Roy 2010). Women in particular were notably recruited by such efforts (see Eisenstein 2010), influenced by the initial success of Grameen Bank in rural Bangladesh – which now runs several branches in the U.S., including one in New York that lends money to Latina street vendors.

Yet the urban dimension of these developments, as Lefebvre presaged, proved quite contradictory. The so-called entrepreneurial turn in urban governance (Harvey 1989), wherein municipal authorities shifted their policy priorities away from redistribution and towards bolstering cities' economic competitiveness, was accompanied by an increasing militarization of public space (Davis 1992), with the stated goal of securing an efficient business climate – which in practice only benefited businesses of a certain scale. Street vendors, which the ILO (2002a, 2002b) estimates as one of the leading occupational groups within the urban informal sector, confront a glaring policy paradox. Rather than being lauded for their entrepreneurial ethos, vendors instead are usually treated as "quality of life criminals" (SVP 2006). Municipal policies are almost universally set to deter street vending, and those enforcing the policies increasingly carry weapons and handcuffs.

Thus despite concerted top-down efforts to stimulate competition among the economically disenfranchised, a countervailing need for cooperation and collective action can spur street vendors to develop mutual aid and advocacy organizations from the bottom up, from informal networks to unions, co-operatives, national federations and even an international alliance, StreetNet, comprised of forty-eight membership-based organizations from forty countries, with the U.S. represented by SVP. Most commonly these organizations negotiate with municipal governments against street vendor displacement, for police accountability and toward the establishment of more just regulation, and in some instances, vendor rights and protections. The nearly three million-strong National Association of Street Vendors of India (NASVI), a coalition of trade unions, community organizations and NGOs, has taken legislative action at the national level to protect vendors' right to work, a multi-year campaign that if won would benefit roughly ten million street vendors.

Despite the massive variation in the political and cultural contexts in which these street vendor struggles take place, nearly all street vendor organizations form as labor associations, characterizing vendors as workers with rights to organization, representation, and inclusion in municipal planning and policy-making (Cross 1998; Gallin 2001; Mendiola Garcia 2008; Bhowmik 2010; Celik 2011). SVP itself embodies the characteristics associated with a recent type of labor organization in the U.S. called a worker center: a small, foundation-funded, community-based group that organizes, advocates, and provides services for precariously employed workers, most commonly comprised of immigrants and African Americans. Over 1,300 of New York's estimated

20,000 street vendors belong to SVP; another 500 belong to VAMOS Unidos, a Bronx-based vendor worker center of Latinas living and working in the city's outer boroughs.

In New York and well beyond, city streets themselves have become the scene and the stakes of a new class struggle: a street labor movement, born of urban entrepreneurialism's broken promise, directed sharply against state tactics of criminalization and forced displacement, and bursting with demands for social and economic justice. Not much would have predicted its emergence, with ample evidence of urban public space's ever more exclusionary politics (Low and Smith 2006, Low 2000, Zukin 1995, Davis 1992, Sorkin 1992) and the myriad challenges to organizing that the informal sector presents (Agarwala 2013, Gallin 2001, Ross 2000).

Why then have millions of "street entrepreneurs" (Cross and Morales 2007) joined labor organizations? As Jessie, an African American military veteran, merchandise vendor, and SVP board member plainly explains, "I had less trouble with the police when I was a drug dealer."

Enter the Gentry, On Wheels

Two months after SVP's Bouazizi vigil, a very different kind of street vendor gathering was held in Brooklyn on a Sunday afternoon. Organized by the recently established New York City Food Truck Association (NYCFTA), a "Food Truck Rally" took over Grand Army Plaza, a large public square that borders the newly affluent Park Slope neighborhood at the northern end of Prospect Park. NYCFTA plans food truck rallies (which are essentially promotional events) in conjunction with the Prospect Park

Alliance, a private-public partnership that governs the public park's upkeep and programming. Over a dozen food trucks, all owned by members of NYCFTA, sold a wide range of upscale foodstuffs, from Korean tacos to artisanal ice cream to $16 lobster rolls.

The vendors staffing the trucks were seemingly all under forty years old, and mostly white; the customers were a more diverse group. Ambling flâneurs distracted by their iPhones haphazardly bumped into baby strollers or a keyed up French bulldog here and there. The ambiance was festive; customers seemed curious and excited, despite long waiting times at some of the trucks. The trucks themselves were a big part of the attraction, decked out in bold colors and branded with hip logo designs. The Frying Dutchmen truck sold gourmet pommes frites with a variety of fancy sauces from its bright red and yellow truck; the Treats Truck, in a retro silver bullet hue, sold Mexican chocolate brownies and organic soy milk; and the Mud Truck, a mammoth orange truck emblazoned with the tagline "Gourmet Street Coffee," offered mint mochaccinos, homemade iced teas and lemonades.

Figure 2: A Korilla BBQ truck, 2011

News of the rally had spread quickly across a variety of New York blogs, Twitter feeds, and of course via Facebook. This was not New York's first food truck event, but it was NYCFTA's first organized rally, which have come to be regular events since then. The group also leases space near the World Financial Center, where members rotate their trucks on a schedule as a sort of perpetual pop-up food court; similar food truck courts have been established by the group in Long Island City, on Varick Street in Lower Manhattan (in a space close to Zuccotti Park that Occupy Wall Street protesters were evicted from) and even on the 12th floor of a building on 26th Street, where the food trucks are simply loaded onto the freight elevator and hoisted up to sell their goods to hungry office workers who have few convenient restaurant options nearby. These arrangements have required a variety of collaborations with building owners and real

estate developers, and some public-private partnerships and cultural councils, where sometimes the lot is given to NYCFTA to use free of charge.

Unlike SVP and VAMOS, NYCFTA is a business association, one with a particular set of standards. While any street vendor can join SVP or VAMOS, only the owners of branded food trucks may join NYCFTA; franchises or vendors who don't own their mobile food vending unit are not eligible for membership. Presently there are only twenty-five members of the association, though several run multiple trucks and some own brick-and-mortar restaurants, or plan to open one soon. A few NYCFTA members own food truck businesses in other cities as well. Members pay monthly dues that are three times SVP's yearly dues and ten times VAMOS's. While the dues at SVP and VAMOS provide members with free service provision, NYFCTA dues help subsidize administrative costs around event planning and lobbying. The group hired a high-profile lobbying firm to work with the City Council and the Mayor's Office on reforming two aspects of the city's vending regulations that constrain the ability of food truck owners to hire staff quickly and limit where food trucks may legally park.

Like street vendor organizations, food truck associations have a wider context beyond New York, having formed across the U.S. in college towns, major urban regions, or even as state-level groups in a few instances. The largest one is located in L.A., the Southern California Mobile Food Vendors Association, where, as avid food truck followers know, the food truck craze began in the midst of the Great Recession (Roy and Rogers 2010). Food truck associations help connect food truck owners with private individuals for catering events, such as bar mitzvahs and weddings. The larger of these groups also service multinational corporations interested in renting food trucks for

promotional events, sometimes called street marketing. In New York, brands from Victoria's Secret to Air France to the History Channel have all rented trucks, giving away free food to promote new product lines. These business assocaitions tend to be led by native-born, highly educated, and often younger whites who identify not as workers or even as street vendors, but primarily as small business owners and entrepreneurs. Many are engaged in efforts to amend municipal regulations to accommodate the growing number of trucks, yet their discourse and strategies tend to frame reform in terms of bolstering free market competition rather than economic or social justice.

In striking contrast to the long-running history of contention between brick-and-mortar businesses and street vendors, food trucks were for the first time ever included in the National Restaurant Association's 2010 trade show. Not lost on industry insiders are the forecasting reports on food trucks' profitability; IBISWorld (2012) market research states that food trucks have experienced an estimated 8.4% growth from 2007 to 2012, generating around $1 billion in revenue. Ancillary industries to support food trucking have proliferated as well. Mobile Food News has become a web-based clearing house for food truck owners, where advertisers offer food truck insurance, generators, credit card processing systems, and franchise opportunities. Companies that arrange street food walking tours have also sprouted up, and several popular books about food trucks, including a food truck cookbook, have been published. New York's Thompson Hotels, an international chain of boutique hotels in located in "the world's most desirable locations," recently advertised a new food truck concierge service, which helps guests find the *best* trucks and points them to the *right* food truck locator app, of which there are almost ninety in the Apple App store.

How did street vending get so hip? Under what conditions have tens of thousands of savvy young urbanites turned to an economic practice derided as urban pathology, a disorderly survival strategy of the poor? Why are scores of U.S. cities all witnessing, and overwhelmingly celebrating, the emergence of a new urban archetype: the truckster?

The Gentrification of Street Vending

The entry of highly educated young entrepreneurs into New York's street vending industry since the Great Recession represents a new instance of commercial gentrification, one that deepens and complicates current understandings of urban change. Scholars of post-industrial urban restructuring have documented a widening class gap driven by the bifurcation of the labor market, with a rise in highly skilled professionals on the one hand and the expansion of low-wage service work and the informal economy on the other (Florida 2002, Hamnett 2000). This polarization is particularly acute and racialized in global cities like New York (Sassen 1991), with their large concentration of first-generation immigrants in the informal economy (Portes et al 1989; Sassen 1991, 1988; Kloosterman et al 1999). The gentrification of street vending in New York might seem anomalous in this context, as highly skilled and predominantly native-born entrepreneurs jump across the widening class divide and into the "low skill" realm of the informal economy.

The logic underlying for this jump, however, is connected to New York's increasingly gentrified landscape, where escalating commercial real estate rents, rendered even less accessible by the contraction of credit markets during the recession, block

aspiring entrepreneurs from setting up shop. Several researchers have studied how commercial gentrification, usually led by small-scale business owners establishing upscale storefronts that cater to more affluent neighborhood residents, drives processes of neighborhood change and displacement (Zukin and Kosta 2004; Deener 2007; Zukin et al 2009; Lloyd 2010; Sullivan and Shaw 2011; Wang 2011). This class transformation of the built environment tends to transform public space as well, often stimulating community organizing by neighborhood residents and business owners who seek to "take back" public space to suit their needs and protect their investments (Deener 2007). New policing practices are thus commonly enacted to displace "problem" populations and activities (such as the homeless and panhandling, or youth and graffiti) from city streets and parks (Mitchell 2003; Vitale 2008).

The growth of gourmet food trucks reflects these developments in a few distinctive ways. On the one hand, gourmet food trucks owners, like generations of new New Yorkers before them, turn to public space to economize on rents and build up their fledging businesses, their comparative affluence and advanced educations notwithstanding. Thus the first-order gentrification of the built environment spurs a concomitant change in urban public space, with "urban pioneers" (Smith 1996) of "the creative class" (Florida 2002) claiming streets and parks to suit their economic needs. Yet because of how street vending is regulated in New York, the entry of more affluent, and much "whiter" vendors into the industry is reproducing the displacement inherent to the gentrification process, transforming street vending from an urban problem associated with poverty into an urban opportunity for profitability.

In the effort to rebuild its economy and its image in the wake of the 1975 fiscal crisis (see Greenberg 2008), the city instituted a cap on vending ownership rights, limiting the needed permits for food vending and licenses for merchandise vending to about 4,000 combined, with exceptions for military veterans and vendors selling goods protected by the 1st amendment (art and printed materials, in the main). These caps lay the groundwork for the de facto criminalization of street vending, creating a vast underground economy most notably for food vending permits, but also forcing merchandise vendors to devise a range of informal employment relations in order to work in compliance with regulations. The waiting list for food permits has been closed since the early 1990s, almost twenty years before the gourmet street food trend emerged in New York; for those who have made it on to this list, waiting times of well over ten years to get their permit are not uncommon.

Unsurprisingly, as the gourmet food truck craze took hold in New York, many vendors have encountered a rise in the price of their permits. In 2011, *The Wall Street Journal* (Reddy 2011) reported the story of a Bangladeshi food vendor in the Bronx, whose permit landlord upped her rent from $7,000 to $14,000. In 2012, one gourmet food truck owner, Eddie Song of Korilla BBQ, a Korean barbeque truck, decided to "go public" about the inequity of the underground permit market, where he attests he paid $20,000 for a permit that, if obtained through the city, would cost $200 for a two-year term (Marritz 2012). Due to the variegated nature and inherent risks of doing business in the underground economy, where trust and relationships can sometimes be valued more than sheer profit, the rise in permit prices will likely not be linear nor equally experienced

by all. But a clear upward trend is apparent, and does not bode well for an industry still (for now) comprised of poor and working class first-generation immigrants.

Beyond the price of permits, gourmet food truck owners report far fewer problems with punitive policing (and notably no reports of arrest), despite the fact that as a social group, they are perhaps the most obviously illegal vendors operating in the New York's streets today. Thus the ramping up of policing that scholars such as Vitale (2008) have connected to gentrification processes is conspicuously absent for gourmet food truck owners, while daily struggles with police are the biggest concern of immigrant and African American street vendors in New York. Coming to the street with more capital and hiring young, native-born staff for their comparatively fancy-looking trucks, trucksters experience the cost of police-issued tickets as a problem but not a full-fledged economic disaster, and certainly not as a dehumanizing experience with racialization, as is the case for so many less affluent vendors.

Moreover, between 2011 when the NYCFTA first formed and 2012, its president David Weber attests that 40% of the group's members now own their own brick-and-mortar restaurant (Clark 2012). In contrast, staff from the Street Vendor Project attest that only a handful of their 1,300 members have made this same transition during the organization's ten year existence; for VAMOS Unidos, organized since 2007, only one vendor out of 500 has been able to leave the street and open her own restaurant.

Street vending oversight, shaped primarily by priorities concerning the governance of urban public space, not only fails to level the playing field for vendors; on the contrary, it actually intensifies stratification within the industry. *Trucksters* drive up the price of permits, experience far less criminalization, and manage to scale up to

storefronts both far more often and remarkably quickly. *Hucksters*, on the other hand, struggle with criminalization often on a daily basis, and now rising permit prices as well, with much dimmer prospects for upward mobility, especially for women vendors who tend to work in less lucrative areas of the city.

The Post-Industrial Complex

The growing division between street vendors on the one hand and gourmet food truck owners on the other sheds light on what I term the *post-industrial complex*: urban governance practices that reinforce and facilitate the city's widening structural inequality. Governance practices in post-industrial cities, as scholars such as Wacquant (2008) have argued, play a crucial yet understudied role in transforming landscapes of poverty into landscapes of profitability, often by criminalizing the livelihood strategies of economically marginalized groups while empowering upper class constituencies to refashion urban space in their own image.

Vending governance in New York conforms to these dynamics, and in so doing creates two distinct material streetscapes for vendors and gourmet food truck owners: the border and the frontier, theorized by Gloria Anzaldúa (1987) and Neil Smith (1986) respectively. Anzaldúa (1987) describes the border as an open wound, a blunt concretization of "us" versus "them." Her notion that the border "is where the Third World grates against the first and bleeds" (1987: 3) aptly describes the experience of most street vendors working in New York City today. At the same time, Anzaldúa claims the border as a terrain of uncertainty and liminality; living on or with the border can

produce a double-consciousness with emancipatory potential. In stark contrast, Smith (1996) conceptualizes the "new urban frontier" as an urban reenactment of U.S. western expansion, replete with gentrifying "pioneers" who dare to settle spaces where no one of their class and race has gone before. For both thinkers, borders and frontiers organize space to facilitate the construction of nations and markets, projects that engender violent social exclusions; nation-states lead the creation and defense of borders to protect markets, and capital creates frontiers as "new" territories are claimed to expand markets.

The border and the frontier represent two different sets of experiences with the workplace conditions of street vending in New York. For immigrant and African American street vendors, interactions with municipal officials are criminalizing and racializing experiences that threaten their economic livelihoods; arrests are quite common, and especially prevalent among the Latina members of VAMOS Unidos. Vendors thus carry out their work in borderland conditions, working on the militarized edge of the urban economy. In contrast, gourmet food truck owners have been able to work around regulations with relative impunity, and many have successfully parlayed profits from their truck into establishing brick-and-mortar restaurants; moreover, hefty fines doled out by the police tend to be perceived simply as a cost of doing business in the street, not as an affront to truck owners' autonomy or rights. Gourmet food trucks owners have "discovered" the street as a highly profitable frontier.

The inequalities of street vending governance are only one example of how the post-industrial complex recalibrates urban social relations in the neoliberal era. The connection between the restructuring of land and labor markets and the criminalization of "surplus populations" has been well established by many urban scholars, particularly with

regard to deindustrialization and mass incarceration (Wilson 1990, 1997, 2010; Wacquant and Wilson 1989; Wacquant 2001; Gilmore 2007). Other scholars have documented how gentrification instigates the eviction of the poor and working class from not only housing, but also public space (Smith 1996, Zukin 2010, Mitchell 2003, Mitchell and Staeheli 2006, Low and Smith 2006, Swanson 2007, Vitale 2008).

This research builds on these findings by analyzing first how street vendors negotiate and work to resist these processes, and then detailing the emergence of upscale food vending as a form of commercial gentrification. Of central importance to this study is what Low and Smith (2006) term the politics of public space: the ways in which public space is practiced in the everyday. Yet scholars who have examined these spatial politics have yet to fully consider the street as a site of labor, commerce, and industry. Street vending is in fact primarily defined by its spatial context, i.e. the fact that vending occurs in public space, not within private property. The central complaint against street vending does not concern the economic activity itself, which in most instances is about as capitalist as it gets, but its inappropriate location (Cross and Karides 2007). Theorizing the conditions and practices of the street as a workplace is thus a necessary point of departure.

Public Space as Workplace

The governance of public space almost always seeks to displace or evict vendors from city streets (Swanson 2007; Hunt 2009; Crossa 2009; Cross 1998; Kothari 2008; see Skinner 2010 for an important exception). These findings resonate with the contemporary

literature on public space, which has focused much attention on how top-down processes of commodification, privatization, and militarization erode access to and uses of streets, plazas, and parks (Low and Smith 2006; Davis 1992; Zukin 1995). Some scholars have gone so far as to proclaim "the end of public space" under neoliberalism (Sorkin 1992), while others (Mitchell 2003) stress that public space remains a terrain of battle for those who seek to be recognized as legitimate political actors.

At the same time, these theorizations of public space privilege the structuring roles of capital and the state. This disregard for labor's role in the politics of public space derives from a broader tendency to tell the story of capitalism through capital's eyes, in Herod's (1997) terms. For example, scholars of globalization such as Harvey (2005) and Silver (2003) have discussed capital's pursuit of a "spatial fix" for crises of profitability, wherein capital flees sites with agitating labor movements and relocates where labor is both cheaper and perceived to be more docile. Yet this relocation eventually spurs labor unrest at new sites of production, instigating the perpetual process of moving yet never solving crises of over-accumulation.

Therefore as Herod (1997:25) has suggested, labor is also an active agent in creating spatial fixes; he stresses the need to investigate "how working class people's spatial practices shape the location of economic activity and the economic geography of capitalism." Given the global expansion of urban street trade, vendors are producing a large-scale spatial fix from below, relocating economic activity and reshaping both labor and urban geographies by claiming public space as a workplace.

Considering public space as a workplace reveals a series of contradictions that comprise vendors' working conditions. Control over one's time is tempered by multiple

layers of spatial restrictions dictating where, when, and what one may vend. Higher income relative to waged work is lessened in no small part due to exorbitantly high fines for easily violated vending rules. Enjoying public interactions with a broad array of people is dampened by turf wars with fellow vendors. A feeling of independence in being one's own boss is disrupted by near-constant interactions with police and other enforcement agents.

The Liminal Class Position

These conditions make generalizations about street vendors' class position a contested issue. Debate over the extent to which street vendors can or should be considered workers derives from two opposing conceptions of vending: a survival strategy versus an entrepreneurial endeavor. This distinction aligns with the analytic weight given to either issues of structure or agency, privileging accounts of vendors as either exploited workers (Crossa 2009) or street-level entrepreneurs (Cross and Morales 2007). Advocates of the entrepreneurial definition tend to be more policy-oriented and view vending as a means for socio-economic mobility. Interestingly, studies that take into account a racial/ethnic or gendered analysis (Austin 1994; Devenish and Skinner 2004, Martinez-Novo 2003; Swanson 2007; Quiroz-Becerra forthcoming) tend to underline exploitation, often connecting the intersecting forces of stratification with the limits placed on access to public space.

The question of entrepreneurialism among vendors has been addressed by Cross (1997) who proposes a spectrum of in/dependence among vendors, where some should

indeed be viewed as entrepreneurs while others may more closely resemble what Rainbird (1991) terms disguised wage-laborers. This argument was recently echoed in Ramirez and Hondagneu-Sotelo's (2009) analysis of Mexican gardeners in Los Angeles, who engage in what they term a hybrid form of service work and entrepreneurship. DeFilippis et al (2009: 67) found in their study of unregulated work in U.S. cities that the status of "self-employment" hardly resolves the question of class position, as the unregulated self-employed often "are in a structured position of regularized dependence on an owner of capital and lack control over the conditions of their work."

Street vendors occupy a structurally liminal class position, possessing some elements of proprietorship embedded within deeply precarious day-to-day working conditions. The precarity of street vending derives in large part from its spatial context: the insecurity of working in public space. Access to full ownership rights for vendors in New York is much easier for those with greater capital to invest, yet even these vendors lack complete autonomy because their businesses are located in city streets. Vendors in New York range from owning multiple trucks and having many staff, to those who run their businesses on their own, to those who work for large food service companies that own vending rights within the Parks Department jurisdiction, which auctions permits off via an expensive bidding process. These varying relationships to the means of production create important distinctions among vendors, and yet the artificial scarcity created by the governance of vending in New York (via caps on needed authorizations and the closure of over five hundred lucrative city streets to vending altogether) subjugates the entrepreneurship of most vendors. Many therefore see themselves as workers, not as business owners, even if they are by objective measure self-employed.

While their employment status varies widely, my research reveals that the shared experience of criminalization among street vendors facilitates community building both on the street and through street vendor organizations. This is why nearly 10% of New York's vending workforce has joined a vendor worker center. Their liminal place on the street yields a hybrid demand for economic justice and immigrant rights. The constant policing of the street as a border thus produces a street labor movement against criminalization.

Street Labor and the Right to the City

Can street vendor organizing be considered an emergent component of the labor movement? A growing number of researchers have underlined the need for organized labor to support informal worker organizing, given the growth of precarious employment worldwide (Gallin 2001; Fletcher and Gapasin 2008). Gallin (2001) has discussed the movement across the Global South to create new trade unions based specifically on organizing informal workers, namely India's Self-Employed Women's Association and the affiliated StreetNet, the international alliance of vendors. Likewise, Agarwala (2013) has documented successful large-scale organizing campaigns of informal workers in India. Given that the informal economy can account for over fifty percent of a nation's workforce in some countries across the Global South (ILO 2002a), it is understandable that scholars studying the changing labor movement in these contexts are leading the way in illustrating the potential and the challenges of informal worker organizing.

Many case studies of street vendor organizing in cities of the Global South have shown that securing vendor rights and protections is innately connected to establishing their social and political legitimacy as workers and as citizens, which often entails addressing issues of gender, indigenous, and migrant equality, and sometimes involves alliances with established trade unions (Devenish and Skinner 2004; Lund and Skinner 2004; Mendiola Garcia 2008; Brown et al 2010; Bhowmik 2010; Celik 2011). As ILO data illustrate (2002a; Chant and Pedwell 2008), the informal sector is overwhelmingly constituted by women. It is therefore perhaps unsurprising that on the global scale, women's organizations are leading the street labor movement (see Chen 2001). Similarly in the U.S context, Milkman and Terriquez (2012) have noted the leading role that women, particularly Latinas, are playing in both advancing the immigrant rights movement and revitalizing the U.S. labor movement.

Labor scholars have documented the rise of worker centers in the U.S. as a new form of organizing among precarious, and often immigrant, workers, including those working in the informal sector (Fine 2006; Gordon 2005; Tait 2005; Jayaramen and Ness 2005; Milkman et al 2010). These organizations are usually small non-profit groups led by advocacy professionals, such as lawyers. According to Fine (2006), they engage in forms of "economic action organizing," focused on seeking redress from employers directly, as well as "public policy organizing," in which the goal is to secure a "voice" for workers in the policy-making process. Some worker centers have affiliated with larger trade unions, and several worker centers are organizations of other liminal worker/entrepreneur occupational groups, such as day laborers and domestic workers. Both the Street Vendor Project and VAMOS Unidos fit within the worker center

typology; members join these groups for legal services, and the organizations carry out campaigns and other advocacy efforts to increase workplace justice – which primarily involves contesting the nature and extent of how various branches of city government render city streets into a hostile work environment for street vendors.

Because the governance of urban public space is set so squarely against street vendors, vendors' organizing efforts often articulate the right to work as a right to the city. In Lefebvre's (1968) terms, the right to the city involves the right to appropriate space and to participate in decision-making not by virtue of one's market position or legal membership in the nation-state, but directly through the daily inhabitance of urban space. As Celik (2011) has demonstrated, street vendor organizing can play a bridging role between right to the city movements, such as those involving shackdwellers or the homeless, and organized labor alliances.

Much of the literature and the activism organized by the right to the city concept has focused attention on housing rights, various civic engagement issues, and some environmental justice concerns (Leavitt et al 2009; Marcuse 2009; Mayer 2009; Harvey 2008, 2012). I argue that the street labor movement represents an example of the economic justice concerns inherent to the right to the city. Street vendor organizing claims both a right to appropriate space (specifically urban public space) and a right to participate in decision-making, which for vendors includes a demand for inclusion in the municipal policymaking process. Recognizing that street labor is disproportionately comprised of the economically *and* the spatially marginalized, street vendor struggles illustrate how the right to work is an increasingly important urban issue. For the first time in history, the majority of the world's inhabitants live in some kind of urban

agglomeration, mostly in slums, as Davis (2007) documents, and this mass migration to the city is largely driven, as ever, by the search for work and possible livelihoods. The question of how cities structure industries and labor markets, both formal and informal, will therefore only grow in importance for scholars and activists alike.

From Hucksters to Trucksters and Beyond

Within this context, the gentrification of street vending takes on an importance that transcends the events unfolding in New York. With affluent constituencies now discovering street vending as a source of profitability, these upscale vendors also stake a claim to urban public space, but not on the basis of increasing social justice. Most commonly, the business associations that gourmet food truck owners form are primarily concerned with updating vending regulations to increase efficiency.

This reflects a very different relationship to the state, one that pushes municipal governance not to redress inequalities but to support "small business incubators," as the leader of NYCFTA described food trucks at a 2012 City Council hearing. This discourse works within the neoliberal ethos of urban entrepreneurialism, often making arguments about how food trucks can bolster a city's economic competitiveness. Gourmet food trucks do not embody a right to the city demand because their claim to urban public space is based quite directly on their relationship to the market: they claim space as business incubators and job creators, and they ask the state to shore up this class position. Small wonder that the Institute for Justice, the main public interest law firm of the Libertarian party, has in recent years litigated several cases against protectionist street vending

regulations and published a report entitled "Food Truck Freedom" (IJ 2012), eschewing questions of social justice in favor of advocating for free market competition – the very ideology that has steadily increased inequality since the early 1980s (Harvey 2005).

Gourmet food trucks have become a symbol of creativity and innovation, and perhaps the most explicitly urban manifestation of foodie culture (Johnston and Baumann 2010), a set of practices that validates a discerning appropriation of immigrant and working class culinary traditions for middle and upper class consumption. Upscaling street food is thus less about delivering an "authentic" experience of street culture than it is designed to provide a "premium" culinary offering, at a comparatively affordable price (the referent being restaurant food, not street food). As street vending becomes co-opted first by urban pioneers, much larger corporate interests take note of this new avenue for brand-building and revenue generation. Dozens have already gotten in on the trend. Burger King, Taco Bell, Sizzler, and Applebee's restaurant chains have all launched fleets of food trucks in various cities, employing social-media-driven marketing strategies to draw out the purchasing power of the coveted youth demographic.

Thus independent gourmet food truck owners have effectively and quite rapidly settled the street as a frontier, so successfully that much larger corporations have joined them in the streets – a chain of events that is quite consistent with most studies of commercial gentrification in the built environment. Though street vending long predates even the industrial city, its re-discovery in the post-industrial city reflects a growing need to work around the exorbitant price of commercial real estate rents even among more economically advantaged groups. In this process, municipal governments play a direct role in deciding how the "food truck revolution" will reshape public space and the people

whose livelihoods depend upon it. Urban public space remains a concrete resource from which untold millions of people earn their living. Serious consideration of its practices is of pressing importance to both building urban theory and to informing urban policy.

Methods and Data

The basic premise of this ethnography is a rejection of the "urban problem" narrative that permeates voyeuristic ethnographies of the city's poor and working class. I do not set out to expose and explain the gritty underworld of the street economy. Instead I focus my research on street vendors who are engaged in protest and reform efforts in order to observe how the politics of public space shapes these vendors' understanding of their work, their sense of belonging and rights, and how they are organizing and advocating alongside fellow vendors.

The methods employed in this research closely parallel Burawoy's (1998) notion of the "extended case method, " which positions ethnography as a reflexive science and a legitimate means through which the extension of theory may be carried out. By delineating the positivist problems of "context effects" from the reflexive issues of "power effects," Burawoy argues that reflexive science is best situated to uncover how political struggles are embedded within multiple processes, interests, and identities.

A central assumption in Burawoy's methodology is a limited notion of power as domination. The researcher must be wary of her power to dominate through silencing, objectification, and normalization of the subjects of study. To be sure, these "power effects" have an unsavory history in the intellectual development of ethnography as an

imperialist methodology that has too often been replicated in contemporary urban ethnography. Post-colonial scholars, particularly feminists (Spivak 1988; Smith 1999, Visweswaran 1994), have questioned how we might decolonize ethnography, and in so doing address what Burawoy calls its power effects. Many strands of feminist thought (hooks 2000; Janeway 1981) give attention to different conceptions and practices of power beyond domination, recognizing power as capability: the ability to define oneself, to resist domination, to construct alternatives to exploitation and oppression.

These considerations heavily influenced my choice to assemble a purposive sample of vendors and food truck owners engaged in organizing and advocacy efforts. Given the long history of street vendors being dismissed as scheming hucksters, I chose to study the viewpoints and experiences of vendors and truck owners themselves, seeking to better understand the patterns and group dynamics that shape the experience of both *being perceived* as an urban problem and *choosing to resist* the policies and practices that reinforce such perceptions.

I conducted nearly four years of ethnographic fieldwork and over seventy semi-structured interviews with street vendors, food truck owners, and their advocates. I began studying street vending in the summer of 2008, trekking out to meet a group of Latina/o food vendors at the Red Hook ball fields near the Brooklyn waterfront as a hired researcher. I observed. I ate a lot of great food. I interviewed the vendors about their experiences surviving a too-close-for-comfort brush with forced displacement the prior summer, just before Ikea was slated to arrive in the de-industrialized, gentrifying, polarized neighborhood (see Zukin 2010). I began trying to decipher the tediously overwrought and absurdly dysfunctional system of vending oversight in the city.

By 2009, I had decided to focus on street vending for my dissertation research. I carried out preliminary observations and informal interviews on Fordham Road in the Bronx; Roosevelt Avenue in Queens; and Union Square in Manhattan. In talking with these vendors I learned a few basic facts. The police were the biggest day-to-day problem for vendors in each location, and the high cost of vending violations was making vendors miserable. I encountered one vendor trying to organize a union for Latina/o vendors along Roosevelt Ave in response to increasing police crackdowns there. As I learned more about SVP, and then VAMOS, it became clear to me that these organizations were a tremendous resource not only for vendors, but also for me as a researcher seeking to better understand how street vendors in New York participate in the politics of public space.

By 2010 I was volunteering for both organizations, going with members and staff to City Council hearings and street actions, helping out in the office, interviewing staff, sitting in on membership meetings, and attending fundraising events. I spent a huge amount of my volunteer time helping to process the vending violations that members regularly bring to these two organizations, and helped VAMOS set up a ticket database to analyze violations and dismissals. Working with the staff and being a visible presence in the two organizations' offices helped me establish rapports with many vendors, especially active vendor leaders in each group. I got to know many more members, eventually sitting down to interview about fifty of them, and about ten interviews with the staff of both SVP and VAMOS. I also interviewed two longtime street vendor advocates: Dan Rossi, a military veteran who supports other vendors who are veterans, and Robert Lederman, the head of the A.R.T.I.S.T. (Artists Against Illegal State Tactics) network.

The gentrification of street vending in New York accelerated dramatically during the course of my fieldwork. Initially I resisted devoting much time to trucksters in the study, as they were obviously (and still currently remain) a very small minority in the industry. It took some time before I realized the importance of what I was witnessing. I began frequenting the higher-end trucks in 2010, and started interviews with owners in 2011. Many of the fifteen gourmet food truck owners whom I interviewed were or are members of the NYCFTA, including David Weber, co-owner of Rickshaw Dumpling, who is the director of the association. Some of these interviews were carried out over the telephone, as owners were not always reachable at their trucks; I also corresponded via email with a few truck owners who were especially busy, but who took the time to answer basic questions for me.

Aside from the leaders and staff of the organizations, Rossi and Lederman who are public figures, and the owners of Patty's Tacos whose names have already appeared in the press, all the names of the street vendors in this dissertation are pseudonyms. I identify some gourmet food trucks and their owners by name when they discuss their brand, to illustrate the kinds of food trucksters sell and describe why they perceive it as innovative. But to protect their confidentiality I withhold owners' names when outlining their views of the industry and the daily issues they face.

Plan of the Dissertation

Chapter two sketches out the current system of vending oversight in New York, much of which was established by the Koch administration in the wake of the 1975 fiscal

crisis and remains largely unchanged since then. I locate the origins of vendor activism in response to the Koch's overhaul of vending regulation, which created scarcity for legal vending opportunities and thus set the groundwork for an expansion of vendor criminalization. It is in the context of rebuilding New York as a global city, which involves an increasingly militarization of public space, that vendors begin to develop a broad repertoire of struggle, from local strikes to high profile federal litigations.

Chapter three draws on interviews and participant observation with immigrant and African American street vendors, who I came to know through SVP and VAMOS Unidos. I organize the data obtained from interviews around three central themes: vendors' entry into the industry; their day-to-day experiences in terms of the benefits and the challenges of the work; and how these experiences shape their participation in street labor organizations. My analysis foregrounds the ways in which intersections of race, class, and gender shape vendors' perceptions, concerns, and aspirations, and reveals that it is primarily the on-going experience of criminalization that pushes vendors to articulate a demand for their rights, mostly as workers and sometimes as small business people as well. I connect the liminality of street vendors' class location to the spatial logic of the border.

In chapter four I discuss the Street Vendor Project and VAMOS Unidos as street labor organizations that parallel both vendor organizing efforts across the Global South while conforming to the worker center model prevalent in the U.S. Housed with a "social justice lawyering" collective, SVP relies upon an advocacy and service provision model, and faces several barriers to sustained member engagement. SVP members construct co-ethnic solidarity through a primary occupational identity as street vendors, and the

organization mainly serves to maintain voice for street vendors in city politics and the mainstream cultural sphere. VAMOS, in contrast, focuses more attention on capacity building and local police precinct work, though service provision is an important aspect of their practices. As a Latina/o organization, VAMOS members relate to each other both ethnically and occupationally, and immigrant rights work is more central to their vision of street vendor justice. I argue that these two organizations possess complementary strengths and that more systematic collaboration between the two groups and allied organizations is needed to move beyond defensive politics.

Chapter five examines the emergence of the truckster, drawing on observations and interviews with upscale food truck owners. I explore trucksters' differentiation of themselves from street vendors in terms of their products and practices, and outline the urban dimensions of foodie culture. I contest Hamnett's idea (2000) that industrial restructuring drives gentrification, and instead argue that gentrification spurs occupational transformation. Drawing on Halnon's (2002) concept of "poor chic," I discuss how gourmet food trucks commodify urban survival strategies and trace how they facilitate the corporate co-optation of the street economy by recasting the street as a frontier.

In the concluding chapter, I assess both the theoretical and the policy implications of the growing stratification within the vending industry. I argue for a renewed inclusion of labor concerns within urban theory, and outline how the street labor movement connects to the theoretical concerns of the right to the city (Lefebvre 1968) that derive from Lefebvre's concept of urban inhabitance. The relationship between immigrant vendor criminalization and state support for the gentrification of the informal sector is, I

suggest, a defining post-industrial project that portends further occupational transformations. With regard to urban policy, I discuss how questions of inequality are embedded in access to space, credit, aesthetics, and physical safety in the street economy. I question the common sense notion that the police should have a role in regulating street commerce, and discuss methods of participatory planning that recognize the concerns and expertise that vendors and food truck owners bring to urban public culture and the post-industrial urban economy.

Chapter II

Regulation and Resistance: the Rise of Street Vendor Activism

"I am not anti-peddler. Peddling is a noble profession. My grandfather was a peddler, and my father helped him"

Mayor Edward Koch, Press Conference, July 21, 1985

"This is not supposed to look like a souk."

Mayor Edward Koch, Press Conference, July 11, 1988

Tilting the Scales of Commerce

Robert Lederman does not lack for experience with street vendor activism in New York. A longtime advocate for artists selling their work in the city's streets and parks, he has been arrested nearly fifty times, and – due to his high-profile caricatures of Mayor Giuliani as "Mussolini on the Hudson" – is well known in the media. As one of the co-founders of the advocacy network ARTIST (Artists' Response to Illegal State Tactics), he estimates that he's staged 250 protests in his 18 years of advocating for street artists' rights; the longest one occurred in 1998, a continuous 65-day protest among artists outside the Metropolitan Museum of Art.

Lederman offers a compelling analysis of the many contradictions involved in street vending regulation in New York. The most common complaint against street

vendors is that they create congestion on city streets and thus compromise public safety; yet, as Lederman points out, the city is quite involved in profiting from various forms of public vending. He explains, "See, if you go to a place like Port Authority bus terminal, here's the most congested spot in New York. And yet what does the city do? They put fake vending stands in the lobby. In the most crowded part. In the part where, if you had a security concern, if there's any place where you don't want to have a vending cart, that would be it. And yet they put it there."

Indeed, several studies (Kettles 2007; Gaber 1994; Morales et al 1995) have indicated that street vendors do not compete with brick-and-mortar storefronts, but instead create a "positive synergy" (Gaber 1994) between storefronts and the street; vendors usually offer different goods at lower price points, which can encourage consumers to spend more time in a given retail district. According to Lederman, "People like to see vending stands. Why do malls, the trendiest malls, the most upscale malls, why do they have fake vending stands in the lobby? Because it actually improves business for stores. So ironically, the very people who are trying to get rid of us understand that we're an asset, even to their high-end business… Vending is really the model for retail business throughout history. And they act like it's the greatest enemy of retail business that could ever exist."

To be sure, vending stands in malls, or on city-owned property like Port Authority, are also rentable spaces. In the post-industrial city, street vending offers serious potential for municipal revenue-generation – and according to Lederman, this is precisely the city's aim. "They want to eliminate us. And they want to eliminate us not because they want empty sidewalks and parks. They want to put their own stuff in there.

They have their own merchandise. New York City, Incorporated has an entire line of tourist crap. FDNY, NYPD, coffee cups, caps, t-shirts, pens, key rings. Potentially billions of dollars a year in merchandise sales. That if they could just get them on stands – you know, right now they're in gift shops? But if they just had stands – this is your NYPD souvenir stand, your FDNY souvenirs – they would sell billions of dollars of it, and that's what they want to do. It's a reasonable plan. It violates the Constitution and whatnot, but it's certainly lucrative."

Indeed, the corporate take over of street vending has already effectively been enacted by the city's Department of Parks. Vending rights in parks are literally auctioned off to the highest bidder; for Central Park, unsurprisingly the most expensive location in the city, bids begin at over $100,000 and can reach several hundred thousand dollars. This entrepreneurial model earned the city about $110 million in 2009[1]; the money in turn does not belong to Parks, but goes into the city's general revenue fund. The vendors who work these carts day to day are usually low-paid sub-contractors of giant food service companies that win the costly bidding process. It is therefore of small wonder that Parks is trying (once again) to evict street artists from their premises. Lederman is currently litigating the recent effort to establish a medallion system for artists operating in parks. Through the discovery process, he uncovered a great deal of evidence that more city-owned vending stands are very much on the horizon. "It's a totally corrupt, vicious game that's akin to eugenics. It's about eliminating minorities, poor, anybody that's not the elite. And at the same time, in this particular case – the Park rules – I've put in a tremendous amount of evidence, from their documents, that what they plan to do is to make billions of dollars by replacing us with their own vendors… If what they meant to

[1] http://www.nycgovparks.org/opportunities/concessions, accessed April 12, 2012.

do was to get us all out of the parks, so it would be like a nature preserve, even I would support that. That ain't what they got in mind. They're going to have tackier vendors than the tackiest vendor in my group. And they're going to have 'em everywhere."

At the same time, Lederman is quite aware the municipal government is not his only problem; Business Improvements Districts[2] (BIDs) are also heavily invested in taking vending over for their own profit. **"**The BIDs want to increase vending. The Mayor wants to increase vending. The Park Commissioner, the Conservancies – the Parks Conservancies want to increase vending. They see it as a bonanza for them. So, they're utter hypocrites and liars when they clam that we're damaging all these businesses and driving people out of business, and [that] we're keeping people from visiting the parks."

Contesting Contradiction

Street vending, both as an occupation and an industry, is rife with contradictions such as these. Vending is regulated through over half a dozen municipal agencies, and yet the industry is pervasively informal from top to bottom. The city spends millions of dollars on police enforcement of vending violations, yet almost ninety percent of these violations go unpaid. The Parks Department makes huge sums of money through their bidding process for food vending permits, while street vendors must turn to the underground economy to pay up to two hundred times the actual price of food permits

[2] As Gross (2005:179) characterizes them, BIDs are "publicly authorized, legally sanctioned, privately administered institutions that provide services designed to enhance the local business environment." Property owners hold most of the voting power within BIDs, and elected officials often serve as non-voting members on the board of directors. Their funding derives from a tax that is assessed to brick-and-mortar businesses located within the BID jurisdiction; the tax is usually collected by the city and then forwarded to the BID administration.

issued by the city. Business Improvement Districts and brick-and-mortar business owners complain that vendors are not "real" businesses, serving "street meat" out of "roach coaches," and yet still assert that vendors are their competitors, and unfair ones at that. Small wonder that a diverse repertoire of activism and contestation has emerged among vendors to contest the obvious inequities of this highly dysfunctional and punitive state of affairs.

The oversight of street vending today is essentially carried out through three main channels; (1) the permit and license system; (2) spatial restrictions, including restricted streets and further rules dictating where vendors may work on open streets; (3) enforcement, mainly carried out by the NYPD and the Health Department, and (for non-criminal infractions) adjudicated by the Environmental Control Board. The basic structure of these regulations was established over thirty years ago by the Koch administration, though several important reforms were enacted under the Giuliani and Bloomberg administrations as well.

An entire urban planning dissertation (Devlin 2010) was recently written on the legal ambiguity inherent to the vending governance matrix. Even the city government itself recently issued a critique of the system. A 2010 report by the city's Independent Budget Office (IBO) detailed the extent to which street vendor regulations are both costly for the city and needlessly confusing for vendors. The IBO report found that the during the 2009 fiscal year, the city spent an estimated $7.4 million dollars on the regulation and enforcement of street vendors. The combined revenue of the city from vendor fees and fines totaled only $1.4 million for that same year. However, the total fines assessed in 2008 and 2009 combined were $15.8 million, $14.9 million of which went uncollected.

Why is regulating street vendors in New York City a six million dollar affair? For one, regulation taps the resources of seven key municipal bodies, including:

1. The City Council: establishes laws governing street vending regulations
2. Department of Consumer Affairs (DCA): issues general merchandise and military veteran vendor licenses; food vending licenses needed to work on a mobile food vending unit; and food vending permits for mobile food vending units
3. Department of Health and Mental Hygiene (DOHMH): conducts inspections of mobile food vending units; issues tickets for health-related infractions
4. Department of Parks (DoP): issues permits for food vending units within Parks Department property through a bidding system; Parks Enforcement Patrol officers may also issue tickets to vendors operating on Parks property
5. Department of Sanitation (DoS): issues tickets for sanitation-related infractions
6. The Environmental Control Board (ECB): adjudicates appeals of all non-criminal vending infractions
7. The New York City Police Department (NYPD): carries out enforcement of vending regulations, which may include tickets, confiscation of goods, and arrests

The Mayor's Office, of course, also plays a pivotal role in vending affairs, historically and in the present day. The city's Department of Finance coordinates with the New York State Department of Taxation and Finance to ensure that, before a food or general vendor's license is issued, each vendor has a Sales Tax Certificate of Authority. The DCA also receives funds from the DOHMH to issue food vending permits and licenses

on their behalf. For the most part, however, agencies work in isolation from one another.

The bulk of municipal spending on street vendor governance is devoted to enforcement activities. About $4.5 million dollars is spent annually on a designated street vending police unit operating south of 59th Street in Manhattan (IBO 2010), nicknamed the Alpha. The Alpha is comprised of thirty-eight police officers, including four sergeants and a lieutenant, who are expressly devoted to ensuring vendors' compliance with vending regulations in Midtown. In the rest of the city, and even in addition to the Alpha within Manhattan, any officers working the quality-of-life beat (or any beat for that matter) are also involved in the enforcement of vending regulations. The actual cost of enforcement is therefore inestimably higher than what is spent on the Alpha alone.

Unlike the successful modernization efforts of Mayor LaGuardia that relocated street vendors inside of enclosed and Works Progress Administration-funded public markets (Wasserman 1998; 2008), the severity of vending reform since the entrepreneurial turn in urban governance (Harvey 1989) has stimulated a wide array of street vendor activism. At least nine different vendor groups emerged since the 1980s to contest vending oversight. They range from business associations to grass-roots community based groups; accordingly, they have used a variety of tactics, from strikes and demonstrations, to city, state, and federal litigations, to negotiations with the City Council.

Why is this the case? Vendor activism in New York emerges as a response to the Business Improvement District movement and its bloated role in the governance of post-industrial urban space. Under the heavy-handed influence of multiple BIDs (Devlin 2010), the municipal government established regulations that restricted legal pathways to

street vending by placing caps on general merchandise licenses and food vending permits; establishing restricted streets that effectively enclosed public spaces across the city; and increasing enforcement to ensure quality of life. Each component of reform laid the groundwork for the criminalization of street vending.

In practice, and despite the lack of coordination among enforcement agencies, these different aspects of vending oversight are inextricably bound together. For example, a permit or license offers no protection if a vendor is selling on a restricted street, which is sufficient ground for law enforcement to arrest the vendor. The cost of vending violations is so high, and tickets are given out so regularly for even minor infractions, that many vendors lose their permit or license because they cannot afford to pay off their fines. Once dispossessed of these vending authorizations, vendors are subject to arrest anytime or anywhere they might try to vend. For reasons such as these, attempts to change even one aspect of vending oversight have direct implications for the other means by which vendors are governed, making vendors' efforts to reform or push back proposed policy changes a daunting legal and political challenge.

Moreover, regulations as they stand today create important differences in vendors' working conditions, specifically in terms of whether or not a vendor is truly self-employed or if the vendor must work for a food permit or merchandise license holder. Despite the city's intensive methods of regulating of street vending, the industry is characterized by pervasively informal ownership and employment relationships. In many respects, this informality is in fact produced by the structure of vending oversight itself.

Current Vending Oversight

Permits and Licenses

Census data is of little help in capturing the number of street vendors working in New York today, as vendors are categorized into a group including door-to-door and newspaper salespeople. Municipal data only gauges the number of vendors who possess either a license or permit; see Table 1.

Table 1: NYC Street Vending Licenses and Permits, 2009-2011[3]

- Licenses for general merchandise vendors (capped): 853
- Licenses for general merchandise vending for military veterans (uncapped): 1,900
- Permits for food vendors (capped): 3,100
    - 2,800 year-round permits
    - 100 city-wide permits for disabled & non-disabled veterans & disabled persons
    - 200 borough-specific permits outside Manhattan
- 1,000 seasonal city-wide permits (capped, valid April to October)
- 1,000 GreenCarts permits (capped, unprocessed fruits and vegetables only)
- Licenses for food vendors (uncapped): 18,968
- Parks Department Concessions: 500[4]

[3] Sources: IBO 2010; DOHMH 2011, personal correspondence; Street Vending Fact Sheet, http://www.ci.nyc.ny.us/html/sbs/nycbiz/downloads/pdf/educational/sector_guides/street_vending.pdf, Accessed May 2010; Parks Department Concessions web site, http://www.nycgovparks.org/opportunities/concessions, Accessed April 2012.

[4] These concessions include but are not limited to food vending operations.

For general merchandise vendors, only a license is required. For food vendors, a permit is required for their mobile food vending unit, and a food handler's license is required to work on the cart or truck. All mobile food vending units are further required to be stored in one of approximately ninety licensed commissaries located throughout the city.

No license or permit is required for vendors selling artwork or printed materials, a right validated by an ARTIST-led lawsuit under the protection of the 1st Amendment; there is therefore no effective way of estimating the number of these vendors, though Lederman attests there are roughly 2,000 subscribers to the ARTIST list-serve. Likewise, there is also no way of determining how many merchandise and food vendors are operating without any municipal authorization.

While military veterans can still obtain a general merchandise license, non-veteran merchandise licenses and food vending permits have been capped since the Koch administration instituted a series of public space reforms beginning in the late 1970s; since 1993, the city no longer takes names for these waiting lists. Holding a food vending license does however enable participation in a bi-annual lottery for a food vending permit; yet since 2007, only 292 year-round permits have been distributed through the lottery system (IBO 2010), indicating that very few permit holders chose to relinquish their vending ownership rights.

Military veterans have their own licensing system. This category of vendors is inscribed in New York State law, but holds certain New York City-specific restrictions. Licenses for non-disabled veterans are uncapped, but these vendors must follow all regulations pertaining to spatial restrictions. Blue and yellow licenses are available for

disabled military veterans. Yellow licenses are uncapped, and their holders may vend on any street outside of Midtown.[5] Blue licenses, of which there are only 140, allow their holders to vend anywhere including inside Midtown – but only on side streets (not avenues or major corridors) and in fact these are the only merchandise vendors allowed inside Midtown.[6] Access to these licenses is based on seniority. Further, honorably discharged veterans, or the surviving spouse or domestic partner of an honorably discharged veteran who resides in New York State are eligible to apply for a merchandise vendor license.

Merchandise vendors, military veterans, 1st Amendment vendors, and unlicensed vendors are most likely to be self-employed. In practice, veterans are often be paid by other vendors – usually immigrants – to front their merchandise operation. In this situation, the veteran remains present in the street should the police show up to verify licenses. If the police come, the veteran will attest that the merchandise is his and the immigrant is a "helper," someone who may watch the table or help load and unload goods, but who is not involved in any transactions or selling practices. In exchange, the veteran will usually be paid either a daily rate or a percentage of the daily sales revenue. The interpretation of this relationship varies depending on whom you ask; veterans can feel exploited for the use of their licenses, while "helpers" can feel exploited by the veteran's expropriation of their profits. Sometimes, both parties are content with the situation as it stands.

The caps on food vending permits, combined with the lack of caps on food vending licenses, create a different set of conditions for licensed food vendors. The vast

[5] The Midtown Box is the area bounded by 2nd and 9th Avenues, and 30th and 65th Streets.

[6] Once a blue license vendor begins working on a side street inside Midtown, 1st Amendment vendors may also set up shop there.

majority of the nearly 19,000 licensed food vendors work for the few thousand vendors who actually hold a food vending permit, which is attached to the cart or truck itself. Often, multiple vendors will work on the same cart in different shifts. These vendors will be paid either a flat daily wage and/or a percentage (usually between 30 to 40%) of the daily sales revenue. The city has therefore effectively blocked most food vendors from autonomous self-employment, forcing most to be workers on someone else's cart or truck.

Figure 3: A produce vendor, Chinatown, 2011

The food vending permit caps have also created an underground economy for the rental of permits, which can now cost upwards of $15,000 for a two-year period. Even among the growing number of gourmet food truck owners, interaction with the underground economy is unavoidable. Vending regulations therefore intensify the informal economic activity they aim to stamp out. This underground economy privileges

those who have the capital to make such an investment, and in recent years the price of permits has inched upwards (see Reddy 2011).

Mayor Bloomberg is the first mayor who has taken steps to increase the number of food vending permits since the Koch administration. In 2008, after much resistance and a contentious pubic hearing on the matter, Bloomberg implemented the GreenCarts program, a "public-private partnership" funded by the Laurie M. Tisch Illumination Fund. GreenCarts took effect with the passage of Local Law 9, and one thousand new permits were issued to sell produce in designated "high-need" areas; quite tellingly, these areas are organized by police precinct jurisdiction. Though vendor groups welcomed the program, the waiting lists have already grown so long that the estimated time to obtain a GreenCarts permit (depending on the location) is three years.

Spatial Restrictions

Beyond the limited access to legal vending ownership opportunities, there is the ever-important question of location. Spatial restrictions are even more opaque than the permit and license system. There are currently over five hundred streets closed in vending altogether; most major corridors in Midtown and the Financial District, along with major strips in Queens, the Bronx, and Brooklyn, are closed to vending. These restrictions also vary depending on what kind of vendor one is and the time of day; some streets are closed during peak hours and then open up from late at night to early in the morning. There are also myriad individual spatial regulations to contend with, from how far to be

from the curb, the crosswalk, and a storefront door to how long one's table can be and where merchandise may be stored.

Spatial regulation is far more wide-reaching than it may at first appear. As Matt Shapiro, the staff lawyer at the Street Vendor Project aptly summarizes it:

> A lot of times the regulations don't fit with the facts on the ground. Because vendors are out there, and there are hundreds of restricted streets, and so if you find a street that *is* legal, you've got to be 20 feet from a door, 10 feet from a crosswalk. There are planters and phone booths on the sidewalk. There ends up being so much more restricted space than what's actually restricted under the restricted streets list. We tell the vendors, oh look, you can vend on any street that's not restricted. It's not true.

Spatial regulations aim to protect public safety, but they also limit the scale of the vending operation and protect the branded aesthetic of BIDs. In practice, spatial regulations are dynamically interrelated and act as proxies for unstated planning priorities that are weighted against vendors. Many aesthetic regulations are influenced by questions of public health or safety; a food vendor may not place any boxes or crates of food on the ground to protect public health, while merchandise vendors may only place boxes on the ground if they are under the table itself, so as to reduce obstructions to pedestrians. Yet these restrictions also serve to restrict the size of the vending operation. Similarly, the legally restricted streets aim to preserve the aesthetics of business districts, though they are presented as being mere questions of reducing congestion along the city's most

trafficked corridors. Mediating restrictions, such as being twenty feet from a brick-and-mortar business's door, effectively serve to further reduce the amount of open space to vendors on legal streets, but also are an effort to spatially mediate conflict between business owners and vendors. Vendors are the ones who must tailor their location to the preserve the primacy of consumers' access to storefronts.

Lastly, the placement of planters, trashcans, benches and other street furniture, are in the main aesthetic "enhancements" usually put in place by Business Improvement Districts in their de facto role as architects for New York's public spaces. In reality however these objects serve to further limit vendors' access to public space, much as Mike Davis (1992) found in his analysis of how the homeless in L.A. were displaced through the new designs of benches and ledges where they could no longer sleep or congregate.

But if long-time vendors still have difficultly conforming to all of these laws and rules, how can rookie police officers possibly be able to enforce them effectively?

Enforcement

In addition to the Alpha, police officers throughout the boroughs are the primary agents of enforcement of these convoluted vending regulations. In the main, police issue tickets (also called summonses) to vendors for any and all violations pertaining to licenses, permits, and spatial restrictions. They may also ticket for health code violations, though health inspections are usually conducted by DOHMH; see Table 2. In 2009, health inspectors carried out 7,774 inspections (IBO 2010) – about 1.5 yearly inspections

per permitted food vending unit. Table 2 lists the most common restrictions that cause street vendors to accrue tickets.

Table 2: Typical Vending Violations

- Vending on sidewalks less than 12 feet wide.
- Vending within 20 feet of a store entrance
- Vending within within 5 feet of bus shelters, newsstands, public telephones or disabled access ramps
- Vending within 10 feet of a crosswalk
- Stand or goods touching or leaning against a building or display window
- Vending near fire hydrants or in safety zones
- Failure to display prices or offer receipts
- Failure to display a license
- Food not protected against contamination
- Storing potentially hazardous foods at improper temperatures
- Foods prepared or served with bare hands
- Smoking, spitting, littering
- Vending without a license or a permit

The fees for these violations operate on a multiple offense schedule (called an M.O.S.) and begin at $50, escalating to a maximum of $1000 for repeated violations accrued within a two-year period. Vendors must be found guilty of six violations inside of two years to reach the $1,000 threshold, and then all subsequent infractions continue at

$1,000 a piece. This increase is not based on repeat offenses; any offense will count toward the escalation of the fine. Some infractions, such as vending without a license or a permit, are automatically $1,000.

While police hand out the tickets, and sometimes will write in the amount due on the ticket itself, vendors usually must either go to the Environmental Control Board or go online to the city's website to find out how much the ticket costs. Vendors may appeal the tickets at ECB hearings, but if they are found guilty of the violation they must pay the fine or they will be unable to renew their license and/or permit. As the IBO (2010) report outlined, far more tickets are issued than are paid. This may indicate that informal vendors are more numerous than the city acknowledges, both because informal vendors accrue the most costly tickets, and because informal vendors have no incentive to pay for the fines since they are not operating within the confines of the permit and license system. But it may simultaneously reflect the effective contestation of vending violations, which groups like Street Vendor Project and VAMOS Unidos help to facilitate.[7]

From Regulation to Resistance

The efforts of SVP, VAMOS, and NYCFTA are only the most recent expression of vendor activism since the Koch reforms were enacted. These reforms are best contextualized within the effort described by Miriam Greenberg (2008) as "branding New York," in which streets began to be managed as vital brands for selling the city to the middle and upper classes. As Greenberg (2008: 29) describes it, branding a city

[7] There are also several for-profit legal services operations throughout the city that will assist vendors contesting administrative violations.

"entails the commercial 'theming' of urban space, as well as increased planning of and control over circulation within the space, so as to maximize consumption and prevent loitering, graffiti, and other 'quality of life' offenses." Branding New York as a global city, hospitable to capital investment and tourism, legitimated the city's militarization of public space from the late 1970s forward.

The effort to "clean up" New York's public spaces was one of several policy responses to the 1975 fiscal crisis that aimed to scale back the rights won by New York's poor and working class (see Freeman 2000). The federal government's fiscal abandonment of the city, paired with soaring unemployment and drastic cutbacks to social services, created the conditions for a moral panic about the state of public space in New York. Graffiti artists, predominately youth of color, were viewed as problematic to the re-establishment of the city's spatial "order." As was the case during the Great Depression, street vendors once more became a crisis for the city and attempts to manage the "problem" of vending took on higher political priority for elites and municipal officials.

Thus in 1977, Local Law 77 banned merchandise vendors from most of Midtown. The law also separated the oversight of merchandise and food vendors, with the Department of Consumer Affairs responsible for the former and the Department of Health responsible for the latter. A cap on vending ownership rights was issued in 1979 with Local Law 50, which set a cap for merchandise vendors at 853.

With the clamp down on general merchandise vending, food vending operations soared from an estimated 4,000 to 9,000 vendors (Devlin 2010). This shift therefore elicited a food vending crackdown by the city in 1983 with Local Law 17, which

included the imposition of street restrictions and a permit cap of 3,000. Crucially, Local Law 17 imbued the Department of Consumer Affairs with the power to further impose street restrictions, thereby alleviating the City Council of mitigating vendor-business elites conflict.

Yet when two food vendor business associations, Big Apple Food Vendors and Manhattan Food Vendors, mounted an organized response to the first round of DCA-imposed street restrictions in 1984, Mayor Koch publically called for the police not to enforce the new restrictions, despite the fact that the two associations' joint lawsuit against city was unsuccessful.

These two groups were headed by native-born, multiple permit holders who had effectively established mini vending empires; Dan Rossi, a military veteran and the head of Big Apple, possessed 499 permits at the time. Between the leaders of both organizations, they possessed nearly 1,000 of the 3,000 food vending permits. But according to Rossi, the Manhattan Food Vendors' Association was not a legitimate group. "It was something that was made up to work with the Fifth Avenue Association," a Midtown BID. "Their whole group was about three or four people."

The following year, Koch introduced another bill to the City Council that would legally secure the rules established by the DCA, along with a number of additional street restrictions. The bill was passed by the City Council in an emergency meeting several days before its scheduled hearing. This caused a fury among the Big Apple and Manhattan Food groups, whose position was validated by press accounts of the bill's passage as both unusual and unfair. Koch responded by vetoing his own bill, publically stating, "I am not anti-peddler. Peddling is a noble profession. My grandfather was a

peddler, and my father helped him" (*The New York Times*: July 28, 1985).

Yet under pressure from the BIDs, in 1987 Koch again introduced a bill to formalize the DCA street closures, this time with an important caveat: open streets in Midtown would restrict vending to two food carts per block in designated spaces, under the jurisdiction of the Department of Health which would run a lottery for the open spots. While this proposed reform aimed to reduce congestion in Midtown, the city's image was of utmost importance as well. As Koch publically stated at a press conference in 1988, "This is not supposed to look like a souk" (Marriott 1988).

The City Council held off discussion of the bill through the summer of 1988, hoping to earn the support of Big Apple and Manhattan Food Vendors. On July 11, the Koch administration imposed a ban on Midtown food vendors, who responded the next day by leaving their carts to stage a march of roughly 1,000 vendors on City Hall. Press reports highlighted office workers' negative reaction to the vendors' absence. By August, the bill had been dropped.

In addition to the collective efforts of the two vendor groups, individual litigation offered another means by which vendors sought to change the crushing impact of the Koch caps. The first such effort was led by Joseph Kaswan, a disabled World War II veteran whose case reached the New York State Supreme Court in 1990. Using a clause in the State General Business Law that exempted all disabled veterans from local street vending laws, Kaswan's case was upheld despite multiple appeals and vociferous protests from Midtown business owners. In 1991, Governor Cuomo signed off on amendment to Section 35 of the General Business Law, which both required veterans to comply with current vending laws while instituting the blue and yellow license system for disabled

veterans.

Vending trade groups would soon be effectively stripped of their power under the Giuliani administration, which prohibited street vendors from owning multiple permits. An important and telling exception, however, applied to the Parks Department, which was allowed to implement the bidding system for multiple permits to be issued to vendors operating on Parks Department property. So while street vendors were barred from accumulating multiple permits, regulation were altered to enable more powerful corporations to purchase and run multiple food vending operations; the bidding system also ensured a new revenue stream for the municipal government.

Broken Windows, Closed Doors

In the summer of 1994, a hot dog vendor named Mohamed El-Sayed staged a three-day hunger strike to protest the city's towing of his cart from 50th Street and 6th Avenue. That same year, Giuliani and his police commissioner William Bratton issued "Police Strategy No. 5: Reclaiming the Public Spaces of New York" (NYPD 1994). Heavily influenced by Wilson and Kelling's (1982) "broken windows" theory of crime prevention, Strategy No. 5 presented a policy of zero-tolerance enforcement to restore the city's quality of life by directing the NYPD to target "disorderly conditions and low-grade criminal activity that increase public fear, especially in public spaces" (NYPD 1994: 3).

Along with a concerted struggle with artists selling their work in SoHo, Giuliani moved quickly to evict street vendors on 125th Street in Harlem, home to a thriving

African American and West African street vending scene (Stoller 2002; Foner 2001). The year prior, the 125th Street BID had also formed. On October 17, 1994, Giuliani declared a crack down on these "illegal" vendors, mainly merchandise vendors, followed the next day by a large-scale police sweep of the street that resulted in 22 arrests. The head of the 125th Street Vendors Association, Morris Powell, was arrested for using a bull horn to rally the approximately 150 vendors protesting the sweep. In a dramatic mismatch of power, police officers numbered around 500 according to some estimates (Hicks 1994). As Stoller (2002) found, some vendors relocated to a market at 116th and Lenox Avenue; however this market could accommodate only a fraction of the 125th Street vendors.

Emboldened by his success in Harlem, Giuliani further innovated vending regulation in December of that year through the creation of the Street Vendor Review Panel (SVRP), a board comprised of the Commissioners of the Departments of Business Services and Transportation, the Director of City Planning, and a mayoral appointee from the City Council. Much as the Koch administration succeeded in outsourcing the management of "the street vendor problem" to the DCA, Giuliani's creation of the SVRP sought to remove the City Council from the regulation of vendors, reflecting the mayor's "closed door" governance style. The bill stated that the SVRP would be a deliberative group managing requests to either close or re-open streets to vending; any actions to be taken by the group would first be subject to vetting via a public hearing on the proposal in question.

In practice, however, the SVRP essentially became judge and jury for requests to close streets, which were almost always put forward by BIDs. Intro 496 passed with relative ease, despite skepticism from Council Member Anthony Weiner who noted "a

record of the Mayor acting without consulting this Council on enforcement of regulations that [have] laid dormant for about ten years" (Devlin 2010). By February of 1995 the group became officially active, and as early as spring of that year they released their first ruling regarding street closures.

Big Apple Food Vendors sued the city on the grounds that Panel's rulings were not based on objective (or transparent) criteria. The mayoral administration appealed the ruling after the group won a preliminary injunction, with the city ultimately winning the appeal in 1997. As Devlin (2010) documents, requests for additional street closures dramatically increased during the SVRP's tenure, coming in from Midtown and Financial District BIDs. Requests from vendor groups to re-open streets to vending were also received, yet after two public hearings on the matter the Panel moved to endorse every street closure proposed while denying any street re-openings. In May 1998, 144 additional blocks were therefore off-limits, including the majority of streets in the Financial District.

Through a combination of vendor militancy and strong support from both the public and the City Council, the May 1998 street closures were hotly contested. Vendors staged marches in May and June, and local press accounts underlined the support these vendors had from "secretaries and stockbrokers alike" (Allen 1998). According to Lederman, the demonstrations were a collaborative effort between Big Apple and ARTIST. "We cooperated at the time… We had some conflict at the protest, where we had this huge banner, 'We Want Work.' Which was like a fake union, and they're not in a union, first of all. That was one of the things I was trying to tell people. What union? They work for Dan Rossi. They're not in a union. So there was a lot of conflict about

whether we let him have that sign in front of it, because it made us all look like hot dog vendors."

At the same time, Lederman acknowledged the impact of the joint street action. "You know, that protest was covered all over the world. I have front-page articles from everywhere. And it was virtually half and half, depicted as an artist protest, and as a hot dog vendor protest. And we had every street artist in the city there, maybe close to a thousand. And he probably had every, well not every, but he had a lot of food vendors, no question. He had 500 carts, so he had a lot of guys working for him… We had a huge turn out, and that was a very successful protest."

It is important to stress that the SVRP's street closures aimed to restrict food vending specifically, the very vendors who provided quick and low cost lunches to the city's nine-to-five working population. Council Members Weiner and DiBrienza attended the June march, and made the connection between vendors' rights and the rights of working class New Yorkers to affordable meals. Weiner stated that vending regulations were simultaneously "anti-working class and anti-New York," while DiBrienza noted, "the rich can still go to their indoor restaurants and the people on a budget should be able to go to their vendors" (Devlin 2010).

These public contestations proved effective, causing Giuliani to announce that the SVRP would review additional evidence to reconsider the May street closures. Lederman recounts, "We did another protest, maybe a year or so after that, at the SVRP in 1999, where we literally closed down lower Manhattan, we had so many people there. And they were going to do another huge [street] restriction, and they backed down. They never met again, that Street Vendor Review Panel. So that was certainly a victory, politically. And

in the ensuing years, my group defeated every single bill that was aimed at getting rid of street artists." By January 1999, the Panel overturned about half of the proposed closures, and the Panel's final ruling in January 2000 closed less than 25% of the requested streets that came before them.

The First Amendment Prevails

Perhaps the most heated standoff between Giuliani and the street vendor community involved the vending artists. The scene of the struggle was not Midtown, but SoHo, the area south of Houston Street that was once home to small-scale factories but well gentrified in the 1980s (Zukin 1989). The neighborhood's gentrification was culturally cemented by a high concentration of art galleries there, thus prompting street artists to seek out the streets of SoHo as an area in which they could profitably sell their more affordable works.

Under pressure from SoHo business owners, Giuliani increased the enforcement of the 1979 laws; though written materials were protected from regulation under the right to free speech (established by three court rulings in the early part of the 20th century), art was not. During the early 1990s, according to Lederman, thousands of artists were arrested or had their artwork confiscated by the police. During this time, the battle between Lederman and Giuliani captured much media attention. Lederman began to use his artwork to take personal shots at Giuliani, painting portraits of the mayor as either Hitler or "Mussolini on the Hudson." Giuliani took the send-ups personally, and publically decried Lederman as an environmental terrorist.

The landmark court case led by Bery and Lederman reached the U.S. Court of Appeals for the Second Circuit in 1996, where it was won: the city would either have to lift the caps on general merchandise vendors to prevent the censorship of artists' right to freedom of expression, or exempt artists from the licensing system. The city opted for the latter, and so artists became subject only to those spatial restrictions governing written-matter vendors. ARTIST members would go on to win two additional lawsuits in 2001, eliminating the artists' permit requirement established by the Parks Department. According to Lederman, "Our message is that we're not part of the system. We really are not part of the system. You know, we're not in galleries. We're not sponsored by Chase Bank, like all the public art that the Mayor puts in the parks. We are the alternative to it. And it's a necessary one."

However, a crucial legacy of the Giuliani administration's vending policy is the one-person, one-permit cap on the number of food vending permits that an individual or company can possess, a move vociferously protested by the two main vending business associations. While Giuliani claimed that his goal was to restore the trade's promise for small business ownership, his reforms fundamentally broke the power of the business associations, who had achieved notable success in rallying vendors to protest vending street restrictions.

The Rise of Street Labor Advocacy

Near the end of Giuliani's tenure, the first street vendor worker center, the Street Vendor Project, was established. This was a notably different kind of vendor organization

than had existed before in New York. Unlike the ARTIST network, SVP began with a small but nonetheless bureaucratic structure. As a nonprofit legal project housed with a larger social justice lawyering collective, SVP would provide both the needed legal assistance in contesting tickets or filing suits for wrongful arrest and the like, but also build out a space for vendor engagement in advocacy efforts – quite different than the possibly conflicts of interests between the leaders of Big Apple and Manhattan Food and the vendors who worked for them.

Esperanza del Barrio, also a nonprofit organization, was composed of six hundred Latina vendors and operated for several years in the mid-2000s in East Harlem. Founded in February 2003 by five female Mexican street vendors, Esperanza ran an economic justice campaign that resulted in legislation removing the request for documentation in order to apply for a permit or license. They also provided legal and other services to their members. But the organization would not last long due to internal divisions among staff and members. VAMOS thus in many ways succeeded Esperanza's mandate, being founded by former Esperanza members along with a former Esperanza organizer.

These three immigrant-led nonprofits that formed in the 2000s inherited a vending policy landscape already dominated by the powerful BIDs. For advocates such as Rossi and Lederman, who witnessed the BID movement's ascent first hand, the swell of anti-vendor policy in the 1980s and 1990s made very clear who the real enemies were to the vending community.

For Lederman, attempts to lobby the City Council, which each nonprofit vendor organization formed in the 2000s has done with limited success to date, are futile. "Now, the rest of the vendors in the city, they never got the fight off the ground. They never

even began a fight. They were routed before they even knew that anything was going on. They still think going to City Council members and asking them to help them is going to produce some kind of result. These people are employees of the BIDs, every one of them. That's where they get their political contributions from: the BIDs, and the BID members, the key corporations that run each BID. Do you really think they're going to make a law to help you? All they do, every law they make – if it's honest, it's just outright anti-vendor. And if it's subversive, it's all kinds of legal tricks and definitions that even a lawyer might have trouble getting – and none of these vendors have a clue…You've got to start with attacking the source. You've got to fight the BIDs, if you want to succeed."

Moreover, public-private partnerships openly express their disdain for street vendors. He explains, "The BIDs, who have been complaining since they were invented about vendors, their #1 enemy, in every BID – just read their annual reports: it's vending, vending, vending; homelessness, theft; vending, vending, vending. This is what they're interested in." But as he points out, BIDs are reaping the benefits of street vending already. "They do more vending than we do! Between their street fairs, and their special events – and now they've got these pedestrian malls with their own stands in them. You know, they want to have all that food vending action. It's very lucrative."

As Rossi describes it, the influence of BIDs has only expanded since Mayor Bloomberg took office. "BIDs, they control everything. Listen, when Giuliani left, he was in a position where he had to be top dog. BIDs couldn't outshine him. But when Bloomberg came in, he moved them right in. [Our veteran group] went up to the Department of Business Services, where we would have our meetings. They said 'Don't even waste your time anymore. Don't waste your time coming here because they own the

place now. We work for them.' This is the city people telling us we don't even have a voice! So Bloomberg moved these guys in and that was it." It was a devastating realization. "We were dead. We didn't know where to go. You gotta understand. Now I'm pretty mature in this world. But at the time I was just a sheet-metal worker trying to save my business. So we went to these people looking for help and were walking into the enemy. We didn't know it."

Indeed, both Lederman and Rossi remain vocal and active street vendor advocates, though each retain a narrow focus on artists' and military veterans' vending rights respectively. Their first-hand encounters with the rise of the post-industrial complex and its direct assault on street vendors' rights underscore how the city government's wholesale capitulation to BIDs has facilitated New York's gentrification in no small part by reshaping vending into an increasingly criminalized profession. The hidden history of vendor activism since the fiscal crisis-era reforms reveals that the most effective forms of resistance have come from large-scale vendor street actions and high-level litigations that overruled the municipal laws and policies which BIDSs so strongly influenced.

Vending regulations as they are presently configured are thus highly inefficient and costly to the city, and deeply detrimental to the livelihoods of most street vendors. Why do such problematic contradictions persist? Devlin (2010) argues that the lack of meaningful vending reform largely and only benefits the BIDs, offering a concrete case study in the perils of privatized urban governance. In another view, the state's role in supporting gentrifying factions while criminalizing the urban precariat is a defining feature of post-industrial governance *and* growth strategies. Auctioning off vending

rights to the highest bidder, as the Parks Department does, aims primarily to generate revenue for the city, reflecting urban entrepreneurialism in action. In this regard the municipal government goes beyond simply facilitating gentrification to directly obstructing vendors from accessing some of the most lucrative locations in the city. Vendors and their organizations are acutely aware of these injustices, and thus resistance has accelerated and become more organized as the BID movement has become more brazen and the entrepreneurial governance of public space concentrates more resources into fewer hands.

Chapter III

Crowded Intersections: Making a Living on the Border

"Let me tell you that for me, there isn't any job in this country that's better than being a street vendor because you are your own boss. You organize your work. You keep what you earn. Working in a company, at a restaurant – I never liked anyone abusing me or yelling at me. As human beings we are not made for that. If you go to work, you don't deserve to be mistreated. We have a right to work."

Esperanza, new grandmother and longtime Bronx food vendor

How does it feel to be an urban problem? Ask Juana, a street vendor and mother of three. Shortly after she arrived from Mexico thirteen years ago, Juana began street vending in the Bronx, on the edges of the Fordham Road shopping district, a retail corridor with a mixture of discount mom-and-pop stores and a growing number of mass-market chains like the Gap and Foot Locker. Vending was not her first job in New York. Initially, Juana worked for a cleaning company, working over ten hour shifts, six days a week, for about $350 in take home pay. With children to care for, her work schedule was impossible to maintain. She knew several women from her neighborhood who were street vendors, and decided to give it a shot.

Juana started by selling sliced mangos from a small shopping cart. Operating without any municipal authorization, she quickly encountered problems with the police.

"All day I would be out there walking and selling, but even if you are walking with everything covered up the police know what you're doing. So they would give tickets. One day I got four tickets at a time." Tickets were the least of Juana's problems. Vending without a license in New York can get you arrested, which happened to Juana on multiple occasions. "They arrested me several times like a criminal, someone up to no good, selling drugs or something. But I was really just trying to make a living."

She sought out the assistance of VAMOS Unidos, who were able to help Juana contest tickets and secure a food vending license. Though a permit is also needed for the sale of food, they are essentially unobtainable due to the caps established over thirty years ago and the closure of the permit waiting list. But with a license at least, police ticketing, and more importantly arrest and/or confiscation of goods, are reduced. "Now I still get tickets sometimes, but at least I do not get arrested anymore. You know, even with the license, there is still racism sometimes. You can still get harassed. But that's our life here in New York."

Despite these conditions, vending is far preferable to Juana than the waged work she initially found in New York. "Look, I want to keep vending because, though it's difficult, it's a job. I'm making an honest dollar here. I don't have to cut each penny in half and give it to some boss." Joining VAMOS helped her get some needed protection by obtaining the vending license, but participating in the organization also provides a sense and source of mutual aid. "In this group, we are united, we can support each other. If we can join together, then there is strength. Because immigration, it's too difficult now."

A Last Resort, a New Beginning

Juana's experiences would be familiar to many New York street vendors. At the same time, New York's street vending sector is a massively diverse and increasingly stratified industry. During my participant observation with SVP and VAMOS, I met street vendors from Afghanistan, Bangladesh, Bolivia, China, Ecuador, El Salvador, Egypt, Iraq, Mexico, Nepal, and Senegal, along with a handful of vendors from the U.S., almost all African American military veterans. Ethnic and gendered networks and niches are both resources for vendors and sources of stratification. Men tend to dominate street vending in Manhattan, where profits are likely to be higher and steadier. But within the vending districts in the outer boroughs, which are less lucrative than the city center and in some instances more dangerous, you're likely to see more women, often Latinas.

This chapter offers an analysis of fifty interviews carried out with members of SVP and VAMOS Unidos. I conducted these interviews after I had been volunteering with each organization for about a year. During that time I met many vendors at various SVP events and in the office, as they were running an intensive campaign to lower the cost of vending violations and I attended many street actions and public hearings with the group. I only met a few VAMOS vendors prior to interviewing them, at a couple events and in a political education class I attended in Brooklyn; it's not that convenient for many VAMOS vendors to swing by the office, where I worked with staff mostly on setting up a ticket database, a basic Excel document to track what kinds of violations members were receiving, how much they were being charged, and how often the organization could help the vendor get the ticket dismissed. I recruited roughly the same number of respondents

from each group at their monthly membership meetings, and compensated them $25 for their time. While I could conduct interviews in Spanish with VAMOS members, I carried out all of my interviews with SVP members in English (except for one interview in Spanish with a Latina), given that I cannot speak any of the other eight or nine languages most SVP members speak. This unquestionably biased my data towards more established vendors within SVP who had a better command of English.

My questions focused on their entry into vending; their day to day challenges and the benefits of their work; and the reasons for which they joined a vendor organization as well as whether or not their participation helped them personally or professionally. As with most interviews, discussion often veered off into many related topics, and interview duration varied, from half an hour to an hour or more.

What I noticed quite quickly was that most VAMOS members, unlike their counterparts at SVP who are predominantly men, contextualize their turn towards the street within broader narratives about both their personal and occupational struggles as immigrants in New York. This is perhaps because VAMOS is a space in which vendors' rights are always discussed as immigrant rights; but it's also a possible gender effect. While VAMOS members recount all the same issues in street vending that SVP members do, they were very forthcoming about additional challenges, such as robbery, frequent racial and nativist insults from police, health problems, more frequent arrests and longer detentions. It's possible that these women felt more comfortable disclosing these conditions to me, and/or that they are in fact experiencing more daunting hardships than their SVP counterparts. The latter interpretation would certainly conform to much of the literature on women working within the informal economy (Beneria 2003; Chant and

Pedwell 2008; Chen 2001; Gallin 2001; ILO 2002b; Roy 2010), which has documented women's disproportionate representation within the least lucrative and most precarious segments of the sector.

Entry into Vending

While some of the vendors I spoke with began street vending as their first job upon their arrival in New York, the vast majority, like Juana, had some experience with low-wage work in New York prior to street vending. Difficulty negotiating formal waged labor can derive from language barriers, discrimination, or simply fact of the low wages not sustaining household expenses. As Mohammed, a former teacher in his home country, puts it:

> We cannot get regular jobs because of the language. We have a choice to drive a cab, work in a restaurant, or vend in the street. These are really the options. I hope I can look for another job but this is what's available…Vending is one of the only jobs that new immigrants can work. If they can't be teachers or lawyers, they can be vendors.

Moreover, vending is a comparatively easy occupation to enter into. As Mohammed describes it, "When we come here as immigrants, even if we are really educated in our countries, they're like… Personally, I used to work as a teacher in Egypt and in Kuwait. When we come here, this is a fast business to start. I didn't have to evaluate my

Bachelor's degree or spend a lot of time to get a career, or get the [vending] license. So that is what motivates us, it's very easy to start."

Others felt more forced into the streets, like Iqbal, an art vendor from Iraq, who arrived in the U.S. after attending art school in Italy. "You can't work in the United States if they are having a war with another country, your country. The people here… you can't work in an office or something. So I felt a little discrimination, it was racist or something. So I decided to go it on my own. I went to the street, working there, and I started building my small, I would say small business."

Rick, an African-American military veteran, was rejected from several job opportunities when he came back from the war in Vietnam. "It was bad when I came out of Vietnam… I went to every place in New York City: JC Penney, Coca Cola, Con Edison, the telephone people, trying to get a job. I just asked for work in the mailroom. Or being a porter. One person told me I was overachieved for that job." Rick then learned that as a veteran, he could access a vending license, and so he made his own work in the street.

Another African-American veteran, Bernie, began vending as a side job he undertook with a fellow co-worker from his primary job, who showed him the ropes; eventually he started vending when he realized he could make more money doing that than working in customer service. "I tried to vend after work, you know, for awhile at first. And then when I saw the money coming in, I said 'Well if I can do this part time and make this type of money, imagine what I could do full time!'" Another veteran, Jessie, also learned from a friend that as a veteran he had a right to a veteran license. "I had a job but it wasn't covering everything, so vending and the job together helped make

ends meet."

Latina vendors from VAMOS Unidos underscored that upholding familial obligations while holding down a waged job was too difficult to sustain. Esperanza came to the Bronx in 1998 from Mexico, and it was difficult to find work in the city. Because her children were depending on her in Mexico, the need to work was immediate and pressing. "I had to move to New Jersey and work in the fields, tomatoes, celery, lettuce and other things. The chemicals were damaging, and I couldn't stand the heat." She was diagnosed with cancer, which she assumes derives from the unhealthy conditions in which she was working long hours for very little pay. She moved back to the Bronx, and started selling flowers in restaurants.

For recent immigrants, co-ethnic networking helps to facilitate their entry into vending. Altaf, a Bangladeshi food vendor, began working for a fellow Bangladeshi who showed him the ropes, where to buy food wholesale and how to sell effectively to customers on the street. According to Jia, a Chinese art vendor who sells in Times Square: "This was an opportunity from my best friend, she used to be vending, and then I took over from her. She said, 'If you want to lean more about New York City, learn the culture, then you have to work. If you want, I can bring you to the street.' And she trained me for like a month, a few months maybe, and then I started vending for myself."

The Upsides of Street Vending

Participating in public culture and working with autonomy are the two most commonly cited benefits of being a street vendor. According to Mohammed, a hot dog

vendor who works by Grand Central Station, “The best part is that I’m working outside. And not to have a boss in front of you all the time, this is something good too. Dealing with different people, you know, all the day long, is something nice.” Asma, a food vendor from Bangladesh, agrees: “You get to know lots of people from lots and lots of nationalities, what they’re doing in their countries, how they came here. There’s a lot of this.” Jia echoed the same sentiment. “I do like conversation with people from all over the world, you know? Different cultures, different experiences, it’s exciting. I like it. I like to talk, you know? That’s why this is the best job.” Eloisa, a food vendor in the Bronx points out, “I have lots of friends – Maria, Carmen, Lydia and so on. And there is a brunette who doesn’t speak Spanish, and I don’t speak English, but we try to speak, we laugh together and have a good time.”

Figure 4: A food vendor on 35th Street, Manhattan, 2012

For Iqbal, vendors can also act as "eyes on the street," similar to what Duneier (1999) found in his study of magazine vendors in Greenwich Village. "When people come and smoke marijuana or they drink too much or something, we can say "Don't stay here, because this is our area.' If we have good organization, then we don't need the police, because we control the street, the right things to do. We can actually help the police." As Rocio, a food vendor in the Bronx who is well into her seventies describes it, "If something happens, we are the first to see it. That's what happens; we are the eyes and ears of the police. So we should have more protection, definitely." But as her daughter Teresa points out, police do not view vendors as allies; "There is a lot of discrimination towards street vendors, because I've noticed that cops have this idea that vendors are dirty, they create problems. They're in the way, they look bad in the community."

Beyond enjoying the culture of street life in New York, flexibility in one's schedule is another central benefit for street vendors. As Jia describes it, "One [reason] is conversation, the other is time – you can control. That's the best. Nobody saying, 'Oh Jia, you have to come in at 5 a.m. in the morning…'" A self-proclaimed night owl, Jia starts vending at 11 p.m. in Times Square, but comes 2 hours in advance to stake our her space on the busy avenue. Control over one's hours, as well as one's time off, strongly contrasts with the conditions that many vendors had to navigate in waged jobs. As Moustafa, a Senegalese merchandise vendor explains, "When I had a job, it would pay like $10/hour or $15/hour. Those kinds of jobs won't support my family, bringing them here from Africa… I work for a year at that job, but I wanna go see my wife and my children. They give me like two weeks vacation. When I bought the ticket, it cost me like $1,300. It's

too expensive. But f I sell this merchandise, I can stay there one month, two months, three months."

For these reasons, nearly every vendor I interviewed attests that vending has become their preferred occupation. As Juana put it:

> I go out every day, even if it's raining, I'm going to sell. To pay the rent, pay for electricity, send a little to Mexico. Because right now with a [waged] job, they give you nothing. I used to work cleaning and that paid $350 a week, 6 days of work, sleeping there. Sunrise to sunset, 7am to 9pm. And what's more, I have kids. Now my daughter is still working there cleaning, she says it's just a pittance they give her… She would be better off selling *elotes*. You could make $40 or $50, but you wouldn't have to spend your whole day doing it.

Control over one's schedule, being free of supervision by a boss, and independence come up again and again in vendors' accounts of why they became vendors and why they prefer vending to waged work. For them, vending constitutes a form of resistance to the degraded conditions of formal employment (see Itzigsohn 1994). Due to her continuing health problems, Esperanza is currently working a cleaning job now at nights, hoping that she can get back to vending by the summer months. "Let me tell you that for me, there isn't any job in this country that's better than being a street vendor because you are your own boss. You organize your work. You keep what you earn. Working in a company, at a restaurant – I never liked anyone abusing me or yelling at me. As human beings we are

not made for that. If you go to work, you don't deserve to be mistreated. We have a right to work."

Challenges: Criminalization

Yet for all the control that vendors have over their time, they have little control over the spaces in which they can vend. An African American veteran, Bernie, recounts that when he began vending, working for African merchandise vendors, he was often encouraged to seek out the most lucrative locations from which to sell their wares. "But the thing is, when you do that, you're taking risks… Those lucrative areas, they were restricted. So they didn't want you on 34th Street. So we had to branch out and find other spots. Even Times Square, at a certain time at night, they didn't want you there, so you run the risk of being ticketed." In fact, Bernie accrued so many tickets that he could not renew his veteran's license. He now uses a state-issued hawker's license for veterans, but this does not enable him to work in Midtown. "They accept it in the outer boroughs, but they don't accept it in Midtown at all. If you try to use his in Midtown, they'll act as if you have nothing. They'll arrest you, and take your stuff. But they'll take it up here in Harlem, in the Bronx, in Jamaica, certain parts of Queens."

Yet working in these areas is, of course, less lucrative – and not simply by virtue of the fact that such neighborhoods have less foot traffic. While working along 125th Street in Harlem, Bernie recounted how the arrival of bus tours in the area did little to increase his profits. He spoke with a fellow vendor, Gina, about why the tourists were not purchasing anything from the vendors, though they often perused the merchandise.

Several tourists told Gina that the tour guides instructed them not to buy from the vendors. Bernie was stunned. “This is like, the most blatant form of racism I could imagine… So I’m like, what is kind of shit is this, you know? That’s the type of shit we deal with on a daily basis.” The vendors on 125th met to discuss mounting an effort to reach out to the bus tours, such as developing brochures to be placed alongside all the other tourist materials at city transportation hubs, encouraging tourists to patronize vendors.

The criminalization of vending disproportionately impacts people of color. To be sure, this criminalization is primarily experienced as racism, underscoring Stuart Hall’s (1978) contention that race is the modality in which class is lived. In the lived experience of SVP members, there is an inextricable connection between class and race as mutually reinforcing bases for criminalization.

Though every vendor I spoke with described frequent ticketing as the most difficult aspect of street vending, arrests and confiscation of goods were also quite commonly reported, especially by VAMOS members such as Claudia and her husband Marcellino. They work on a corner a few blocks down from VAMOS’s Bronx office, where they run their fruit and vegetable cart. The couple is one of the relatively few VAMOS members who were able to obtain a GreenCart permit. Claudia is sitting down in a folding chair, eight months into her preganancy, while the couple’s son plays on the sidewalk next to her. Marcellino stands against the cart, helping the occasional customer who stops by during our interview.

The couple had been vending without authorization when they first joined VAMOS; they endured frequent arrests, as Claudia recounts: “Once I was taken prisoner

by the police because they knew I was selling flowers. I had a license, but just the food license, you know? They asked for my ID so I showed them the license, but they grabbed me and took me away, handcuffed me. It was humiliating, taking my fingerprints and everything, taking my picture, turn left, turn right, turn front… I think it's racism. I wasn't doing anything wrong, I was just working to eat. I think vending isn't a crime, do you? You have to make a living, if only a humble living. It's humble but it's honest." They both feel that they have experienced racism in their interactions with police. As Marcellino puts it, "I think the police are racist, you know? Because the truth is sometimes there are people shooting drugs, selling drugs, and then the police turn their head and pretend not to see. But we are here working, do our jobs, and they persecute us."

Like several VAMOS members I interviewed, Elena explained that in addition to frequent ticketing by the police and Health department, robbery is a regular occupational hazard. "The police tell us to get up early, not to be in the street too late because they steal things. Bad stuff happens when it's late out, and then they police take no responsibility if something happens to us. Being in the street is risky. Sometimes people can steal all your money. It's not easy."

Most SVP members had been arrested at least once as well. A Senegalese merchandise vendor, Moustafa, explained a recent experience with arrest after nearly a decade of street vending. "Just this year, some officer came to me, saying today I'm not coming to give you a ticket, today I'm coming to arrest you." Moustafa asked why, and even thought the officer was joking. "It was no joke. He grabbed my hand and put me in handcuffs. I said, ok you can arrest me, but tell me why you arrest me for? He said, 'You

sell counterfeit.' I said, how do you know I sell counterfeit? My stuff is closed, you did not open it yet, and you say it is counterfeit. Look at any of my stuff on the table – you see any counterfeit please let me know before we go to prison."

Moustafa asked to see the officer's superior, who also deemed the handbags on the table to be counterfeit. "I started laughing… Then I said ok, then we go to prison. Then they fingerprint me. They take a picture of me. I said, listen officer, how do you know it's counterfeit? There's no logo, no name, no nothing. Please tell me how it is counterfeit… He said, 'I just know it's counterfeit.'" Moustafa would appeal the violation, and it took four different appearances at court before his case was dismissed. "The funny thing is, every two or three weeks, the officer comes back to me and asks 'How's the case going?' I say, listen, don't ask me about the case no more, the judge don't understand, nobody understand that you say it's counterfeit… Most tickets would be dismissed because there is no right for that ticket, whether they just use that to keep busy like they're doing something… The truth is they're doing nothing."

According to Matt, the staff lawyer at Street Vendor Project, "The seizure of goods, there are certain violations that can enable them to do that. Like if you are vending on a restricted street, they can take your stuff. Arresting is different. You have to violate a criminal law to get arrested. A lot of the time police will charge you with disorderly conduct, or obstruction of governmental administration… So in theory they can't arrest you unless you do something criminal, but practically, they have handcuffs and they can arrest you."

Other vendors see enforcement as just the tip of the iceberg. As Mohammed describes it, "The problem is not with the police themselves. The problem is with the

rules. I mean, it's very easy to have a violation. Comes up to a thousand dollars. That's horrible. So the way they adjust the law for us is crazy… I know that [the police], sometimes they don't understand the rules, and they treat us badly. I understand that. But personally, I can handle it, because I speak some English so I can tell them, 'no, this is my right.' But for the others, no."

For Andy, an SVP member who runs a food truck in both New Jersey and the city, navigating the regulations is the most difficult part of the job. "It's like specifically designed to be as complicated and aggravating as possible. It's like somebody literally sat down and was like, 'How can we make this simple thing be like a 50-step nightmare?'… It sucks. I don't really have much of an appetite for dealing with that. I'd rather deal with the police than deal with that crap." One of the few native-born members of SVP, Andy underscores how much more difficult negotiating city bureaucracy is for recent immigrants:

> 90% of the vendors out there are just in even more compromised positions than I am. I mean, this whole stuff is really a struggle for us, and we speak English, we know our rights. It's got to be mind-bogglingly difficult for someone who doesn't know the rules and doesn't have anyone to come to. So together we can fight to make it easier to those people – I mean, myself included – but for people who are really in a disadvantage that they shouldn't be forced to, you know, go to the black market to get their permit and deal with all of these ways this process is sort of criminalized.

As a former SVP organizer, Darya, noted, vending regulations in New York embody a rationalized and institutionalized form of criminalization. In the Global South, she explains, "there are just [police] raids at all once, people are running and like, 'Let's get the hell out of here!' But [in New York], there's this more systematic, slow exercise of power. It's the exact same purpose of a raid, but it's done over time and it's a much more subtle way of creating the conditions of impossibility for street vending."

Subjugating Street Entrepreneurs

The story of Patty's Tacos, a family-run business that was displaced from the Upper East Side, is a case study in how the criminalization of vending results in what I term subjugated entrepreneurialism. The criminalization of street vending derives from a scalar politics (Smith 1994) in which businesses are legitimated simply by virtue of their location inside the realm of private property, which requires a higher scale of capital investment. The state response to street-based businesses reflects what Harvey (2005) called the "paradoxical interventionism" of neoliberalism. While the neoliberal state is defined in part by the receding regulation of capital, the state intensively and restrictively intervenes in the street-based economy, subjugating the entrepreneurial aspirations of poor and working class immigrants trying to make their way in the city.

Alberto, a young Mexican man who came to the U.S. as a child, launched his food trucking business with his mother. "My mother and I, we used to work in restaurants. We worked in like three or four restaurants together and we had a dream about our own place." He came from a background of street vending in Mexico; "I remember my

grandfather used to grow avocado and he used to send my grandmother to the city to sell the avocados." They decided on opening up a truck like the *loncheros* in LA, and even went to LA to purchase the truck. He and his mother run the truck and have five employees. They slowly got the business going by 2008.

In November of 2010, all of this would change. "The cops started showing up. They said, "You guys can't park here, the community is making too many complaints, some of the restaurant owners, and also there are Council Members that lives around the area and they don't want you here. They don't want you here and there's no way you can win," you know? And I was like, what I'm trying to do is survive – you know, it's a family business. My mother and I work here and then my sister and brother. They didn't care. It was like, 'Oh, you gotta move, you gotta move.'" But the family did not feel compelled to leave. "We decided not to do it. We're here legally, we got the permit and we got the licenses, and this was not a restricted street."

But the police did not relent. "Two officers showed up, November 8th, and they said, 'Well listen dude, my sergeant and my precinct, they've been talking about you guys and they've been receiving so many complaints.' So it was like, 'Tomorrow – don't show up. Don't come with your truck because we're going to bring a tow truck and we're going to move your truck. You're going to lose everything.' At first I thought it was a joke, a very bad joke. Are you serious? How can you say that? Everything is legal. It's not like we're doing something illegal, we're selling food only."

Figure 5: Alberto cooking in his family truck, Manhattan, 2011

The police were, however, serious. “I asked for the code they were citing, on what law are you going to charge us? And they we’re like, ‘Well that’s it.” I asked if the police ever answered his reasonable question. “No. They never told me at first. So I was like, well, I’ll be here tomorrow.” True to their word, the next day the same two officers returned with a tow truck. Speaking with his mother, Alberto decided to try calling the Mexican Consulate for help; they sent a lawyer to help, but one that was not familiar with vending laws. “[The police] took everything and they left.” Alberto and his family would get the truck back, and tried moving from metered parking spot to next, for about three weeks. “On November 30th, they came. They showed me a code, there was no selling merchandise from metered parking… And I said, well my lawyer advised me that I am not selling merchandise, I’m selling food and this is a business.” The officers approached

his mother and tried talking with her, but given her limited English, she did not understand what they were saying.

"So with their own hands, they closed the windows and they said that's it, we're towing it," Alberto recounts. "The officer came in the back [of the truck], and he was like, 'Everybody out! Everybody is getting arrested today.' And I was like, why am I being arrested, what did I do? He just said, 'No, you are getting arrested.' They handcuffed me and took me with them." His mother panicked, and was taken to the hospital as her son was taken off to jail.

Though the police are required to do an inventory of confiscated goods and provide vouchers for all valuable goods and cash inside, Alberto and his family received no such vouchers, and lost everything inside, an estimated $5,000 worth of goods and cash. "I didn't get anything back. They're supposed to voucher everything but they didn't, though I requested it. And I said alright, and that's when I contacted the Street Vendor Project."

Sean and Matt underscored that within vending regulations, merchandise is viewed to be distinct from food; the metered parking rule therefore did not apply. SVP went with Alberto and his family two times to stage a demonstration, to no avail. According to the organizer at the time, Darya, "Their location as [for us] very strategic – it was on the border of two City Council distinctions whose representatives were really hostile to street vending, but whose customer base was very strong. It involved two people, Patricia and Alberto, who happened to be very charismatic, very ready to act and ready to be disobedient."

With the demonstrations having little effect, SVP thus turned towards legal

channels of contestation. As Alberto recounts, "We presented the case because it was our philosophy and thinking that if they would do this to us, they would do it to other people and everybody was going to be affected by this. So we decided to make a move and fight not only for our rights but for other people's rights, take it all the way." Unfortunately, SVP did not win the case. "The judge was a clown… He was making jokes and not being like a serious judge. He decided to look in a dictionary and decided that merchandise was sodas, it was food and goods, and that was his decision. The judge just decided this and our hope went way down, like we no longer believe in the law, no longer believe in judges. All of it to me was awful." As Matt describes it:

> We lost the preliminary injunction because the judge did not think that food and merchandise were different. The judge had no idea about the vending laws. He's never studied the vending laws, he doesn't know that there are two distinct categories of vendors… A dictionary doesn't help in this context because the vending laws are so elaborate. There's a whole system of regulation and enforcement that distinguished between food and merchandise vendors… So, we're trying to appeal the case now.

When asked why he thinks vending laws are so complex, Matt explained how regulations are in effect an incoherent palimpsest of stipulations. "Instead of doing a comprehensive reform, [the City Council] has just kept adding and adding and adding to the regulations, without any thought about how they work together. Sometimes it helps. Sometimes we are able to get cases dismissed because the law is contradictory. There's one law that

applies here, and another law that applies there… if there were just one central agency that regulated vending it would be so much easier."

In the meantime, Alberto had to go about getting back the truck and getting the business operational again. "We went and picked up the truck from the impound, and there was like nothing left, the truck was empty. Like it was brand new! I was like, what are we going to do? How can we start again?" They had to get a loan from Alberto's aunt in Mexico, $5,000 to get the truck running and restocked again. They relocated to 118th and Broadway, near Columbia University. But since it was winter break for the school, there were few patrons in the streets. Next they tried 86th and Broadway. "We were trying on Broadway," Alberto explains, "but even there they said 'You got to go, you got to go and we're going to tow you every time you come.' So I was thinking they were the racist type, you know? And that was it, it's awful." The constant criminalization of their work caused the family a massive amount of stress. As Alberto recounts, "Every time I see a cop, I would feel this thing in my guts, like a bad feeling, scared, panicked… I still get scared by the police sometimes, you know?" Patty's Tacos has since relocated to downtown, currently parking at the intersection of 14th Street and 3rd Avenues, where they have encountered less problems with the police to date; the court case, whose outcome will affect all food trucks in the city, is still pending appeal.

Liminality

These constant experiences with criminalization, even among the more privileged street vendors I spoke with, result in street vendors occupying what I see as a liminal

class position, or the possession of certain elements of proprietorship embedded within deeply precarious day-to-day working conditions. Even for vendors who identify themselves as small business owners, they nonetheless require services – notably, assistance with contesting tickets – that are akin to instigating a grievance process. The vast range of employment statuses and working arrangements among vendors means that some are closer to being small business owners, while others are self-employed, and still others sub-contract or work directly for food permit of merchandise license holders. Yet the occupational position of street vendor in New York entails a regular challenge to autonomy because vendors work in public space, and are thus subject to surveillance and discipline.

Some vendors – particularly licensed merchandise vendors – can view themselves as small business owners. Bernie explains: "I see myself as a business owner, like an entrepreneur. I really do. Because that's what I am. You know, I have to do inventory. I have to get the merchandise. I have to keep records. I have to pay taxed on the stuff that I'm doing. Just like a real business, you know? Everything is under my control. Whether I even open up on a certain day, whatever – it's up to me." Likewise for Moustafa, autonomy is what defines his status as a business owner. "I'm a business owner, I feel. I try to do things for myself. By myself. The machine is mine." According to Jessie, "I see myself as a small business owner/entrepreneur. To me, I think that all vendors are small business entrepreneurs. We are the backbone of the free enterprise system. We embody the American dream."

Yet interestingly, very few food vendors whom I spoke with shared this view. In fact, most commonly, these members identify as workers, in ways that do not conform to

the analytic criteria we might use (such as relationship to the means of production, for example) to establish strict delineations between owners and workers. As Mohammed testified at a City Council oversight hearing on Immigrant Entrepreneurs:

> If we have a cart, we're not working alone. We are four persons and everyone has a family. Not everyone has their own cart and can work on their own. It's not easy for everyone. Even if I own the pushcart, I am not working alone, I have a schedule for the week that we share with others. It's not reality that this is my own business that I can control.

At the same time, Mohammed attests that his own working conditions are comparatively better than most vendors he knows. "My position is better than other vendors. I have a partner; we buy the permit together, the cart together. But I think the most common thing is to work for somebody." He explains that since the recession, working for a permit holder is essentially the equivalent, if not better, than being a self-employed vendor. "I mean now, working for somebody is better than having a cart yourself. Because when I work for somebody, I take 35% of the sales. So I'm good. But if I am going to pay $15,000 for the permit, how much profit do I need to make that money back? So it doesn't make a difference – if you are working for somebody or for yourself, it's equal."

Interestingly, though Mohammed rents the permit, he identifies as a worker. "I used to be a business owner, but now I'm a worker, yeah. Because you're a business owner when you can make some of the profits of the business while you yourself are not working. But I'm working because I have to work, because I have to cover the permit. If I

don't have to work by myself and I can make some money, then yes I am running a business. But now I'm a worker, I still always have to work."

For Asma, identification as a worker derives directly from the high costs of running one's own business: "I can't afford to buy a cart myself. And the prices of the permit. There's not too many permits in the city… my parents, they work as peanut vendors, because we had a good [street vending] business of our own before, but now they work for somebody else because they can't afford anymore the permit." When the family could afford the permit, Asma stepped in as the oldest sibling to help her parents out with the business, and thus became a food vendor herself. But permit prices became too high for the family to maintain their own operation. As she explains, "Permits buy and sell, like, $15,000 to $16,000, then you have to buy the cart. So if you buy a regular cart that's going to be like $4,000 - $5,000. So it's almost $20,000… people cannot afford that, if you have family members, you have kids, you have family members coming up to tell you that you have, like, people behind you, waiting for you to help them out." Working for somebody else thus replaces running one's own street business. As Anima put it, "Certain times there are things that you have to let go of."

In Anima's experience, working for someone else can mean a dramatic decrease in income. She explains, "When you work under somebody else, say you sell $100 in a day, you know, some [permit owners], they give like 30 to 35%, maybe 40% to the worker, and they keep 60%. It's very unfair, because sometimes you don't make any money at all. If you only selling maybe $50 or $60, you're not going to even make $20 [a day] from that. This kind of thing is very difficult for people. People have family members so they give their relative, like, rent, gas, phone bill, electricity. Then people

have family back home." For all these reasons, Anima works a part time job at a Dunkin Donuts in Queens; she wakes three to four hours before her shift to take three different buses to arrive at her job on time.

A few vendors identify as both workers and business owners. As Jia describes it:

> This is money – cash – and time that I can control. And if I like to sell to you, I sell. If I don't – you know, there are some customers, very picky, very complicated. I just say "Ok, you can go. That's your choice. That's my price. That's it." I like it, you know? If you're working for a store, you can't do that! This is much easier, I like it much better.

For Zahir, a Bangladeshi food vendor who works in Midtown, "I want to feel like I'm the boss and I'm the worker. I'm all in all. That's why I like the job, I enjoy it." For Teresa, "I'd say we're both, because you're the head of your own business but also the employee of your own business. Because I can have the cart and the product, but if I don't go out to work, there is no production." Juan, a GreenCart vendor in the Bronx, identifies as both but underlines that he cannot scale up his business due to vending oversight. "Right now I consider myself more of a worker, but with more responsibilities because I have a small business. I don't feel like a full business owner though. I'd like to be a bigger businessman, so I can help people, create jobs for other people so they can work too. But I have the police and the Health Department to worry about as well." For Eloisa, a hot dog vendor who won a food vending permit through the lottery, "I work for myself, the

business is mine. For me to survive. I'm an owner and a worker at the same time." Eloisa also collects cans and bottles sometimes in the evening, to supplement her earnings from vending.

Many other VAMOS members indicate that they feel like workers, despite the fact that – unlike the food vendors working in Manhattan who subcontract their permits – they are self-employed proprietors of their own micro-businesses. Vending regulations, and their steady enforcement, are perceived as central constraints to their status as business owners. As Graciela, who vends food in Brooklyn, put it, "I am more of a worker than a business owner, because the city manages everything that I can do. Yes, I am my own boss, thankfully. I can manage my own schedule. But the police are constantly watching me, tickets all the time. They can cost $1,000 a piece. What is left after that? Not much. So yeah, I think I see myself as more of a worker."

Juana echoed this sentiment; "I'm a worker, because everything is work, preparing everything for the day. Chopping the fruit to sell, it's a job. If I were a business owner, can you imagine? The police wouldn't bother me then." State surveillance and criminalization thus heavily circumscribe these vendors' sense of autonomy, reflecting a similarly subjugated entrepreneurialism found among SVP members. As Claudia wryly surmised, "I think that we are workers, cause the way it is, it's like working for the government. We have to pay our taxes, quarterly and annual. Then there are all the tickets, even if we sell like $100 or $80 a day we're only taking home maybe $40, cause we have to pay these tickets for $1,000. And we can't do anything else. It's practically like we're working for the government."

The liminal class position is somewhat akin to what Cross (1997) identified as a

range of independence among the informally employed. Depending on how independent a vendor is, they may indeed be entrepreneurial business owners. Yet if, as is the case for so many food vendors, dependence characterizes the terms of their employment, vendors can indeed be what Rainbird (1991) calls disguised wage-laborers. For SVP and VAMOS members, what is clear is that they turn to these organizations because they cannot bear the cost of tickets, loss of goods, and arrests that they so frequently encounter. Thus it is not only their market position or relation to the means of production that shapes their sense of class location, but more immediately their relationship to the state.

Border Logic: Joining Street Labor Organizations

Though several notable New York businesses got their start as humble street vending operations (such as Bloomingdale's department stores and D'Agostinos supermarkets), these prospects of upward mobility have markedly faded for the majority of the city's vendors. Altaf is the only SVP member I interviewed who was able to parlay profits from vending (and a brief but quite lucrative stint as a taxi driver) into starting up his own brick-and-mortar restaurant, which started up as a joint venture with another investor. SVP staff estimate that they know of perhaps a small handful of other vendors who have made the street-to-storefront transition during the organization's ten years working with street vendors. At VAMOS Unidos, one food vendor recently opened her own small restaurant in the Bronx. But out of a combined membership of nearly 2,000 vendors, these are the only vendors I encountered that made the move from the street to a storefront – quite divergent from the experiences of gourmet food truck owners, as

Chapter Five will detail. This is why so many vendors, despite their varying employment statuses, come to join street labor organizations. A border logic is at work: betwixt and between, vendors may be in control of their time (hence are not workers) yet they lack almost all control over space (hence are not fully owners). The liminality of the border that Anzaldúa (1987) identified is replicated in vendors' liminal class position.

Some members liken SVP to a family, while others view it as a source of mutual aid, or a needed union for street vendors. Moustafa, the first official member of SVP, says "I joined [SVP] because we work like family, but we also go on by the law: under the law, to learn the law and fight if there's something wrong and do something right. That's exactly why I joined it. First time, my friend gave me the number. I call, then come here, talking about how we work, talked about a lot of things… They helped me for tickets. To go to court together. We hold rallies, we talk to people. We're trying to change the law. But we're still fighting."

Jia joined to help fellow Chinese vendors. "A lot of Chinese people, they don't speak English, or they do but they are very shy. They don't like to speak. They focus on the job, but they have many problems… it's very hard. But they trust me. Any problem, I call Jia, and I listen and I translate." Similarly, Iqbal joined SVP in order to help out fellow immigrants. "Well, it's important to help people, to help immigrants, you know," he explained. "When they come here, they don't know we do what we do, and they don't speak English very well. They need help. Like often times, a vendor will get a ticket, but they don't understand why. So I explain it to him. And in that, there is unity, friends helping each other."

Jia further points out that the community of vendors at SVP has been a source of

mutual aid as well as a conduit for achieving justice. “I don’t have family here… But the union, they know the law. They know the rules. They know how you can prepare yourself. They know you have rights – you have to know your rights. And they teach you many things of the law, especially of the street. That’s why the union is like my family. Any problem? Call the office. You feel very safe [with] somebody behind you.” Fellow members are, for her, a source of mutual aid: “If you have a problem, then let’s, you know, talk together. You say, ‘oh this happened to me…’ and ten people give you different ideas. And you say, ‘Oh, ok, I have 10 ways to go, for figuring out this problem.’ If you do it on your own, you don’t know. Experience does it – it helps you a lot.”

Despite viewing himself as a small business owner – and seeing vendors as the “backbone of the free enterprise system,” Jessie also views SVP as a union that every vendor in the city should be required to join. Jessie accrued 14 tickets in the past year, all of which SVP helped him to contest. “You go [to the ECB] with Sean or Matt, and you feel better… A lot of times, in those hearings, [Sean and Matt] will ask the judges questions. A lot of times [the judges] don’t want you to do too much talking. So you need a mouthpiece.”

VAMOS members describe coming to the organization for help with vending, and getting more involved as they come to see the street vendor struggle as a question of immigrants’ rights – and also as a feminist issue. Elena joined VAMOS in its very early days. “I heard that VAMOS made things easier for vendors, so I joined. And it’s true; they helped me get a license. If not for that then I don’t know what I would have done. They helped me a lot.” Participating in the organization is not simply about obtaining

services, but can also facilitate feelings of empowerment. “I feel proud, being here. I feel like I am somebody.” Indeed, for Elena as for many VAMOS members I interviewed, the organization helps navigate not simply the difficulties of street vending, but challenges as women. “There can be domestic abuse, a lot of things can happen to women. That’s why we have to fight, we have to move forward.” Juana’s understanding of vendor solidarity is remarkably similar: “For us, it’s very difficult street vending. We have to fight, we women. What can we do? We have to move forward, there is no other work. We come here to work, and then they say we are taking their jobs. But it’s not true.”

Marcellino and Claudia attest that VAMOS services greatly improved their economic situation, as the organization helped the couple obtain a GreenCarts permit. They frame their struggle in defensive terms. As Claudia recounts, “We realize this talking with other members, that there’s no respect for anyone working in the street. Between the other vendors we talk a lot about immigration too; we learn from each other how to protect ourselves from the police, from the Department of Health – just how to defend ourselves. I don’t think I could do it without the other members; on the contrary, it’s really thanks to them that I am here.” While VAMOS staff help members negotiate municipal bureaucracies, Claudia’s account suggests that members view one another as a source of mutual aid as well.

A consummate survivor, Esperanza offered the most impassioned explanation of VAMOS’s purpose and her desire to contribute to it. “As long as I can stand, I’m not going to leave. I will continue to help my people in the street as much as I can, when I have time and when I can walk. I go out, talk to [vendors] in the street; if I see people having problems I tell them to come [to VAMOS]. We can help. If the cancer didn’t stop

me, I'm not going to stop doing this. I will always go forward." When I ask her why she thinks women predominate in VAMOS's membership, she explains: "When a woman lifts her head and learns to defend herself, it's not easy bend it back down again… There are problems in the street, but we can take the challenges."

According to Rocio, who is well into her seventies, participating in marches is one of the most essential activities of the organization. "It's so necessary because we often see that with all these anti-immigrant laws being passed in many states, they are violating the human rights of many people. And the militarization of the border is tremendous." Rocio lost her son crossing the border, but sees deeper roots to her personal tragedy: "[Militarization], that's not the root of the problem; it's all the policies that are being developed that create all this mass migration, not only from Mexico or Central America or South America, but the world… The marches and events for our community, it helps us know who we are so we can demand our rights."

The members of SVP and VAMOS illustrate how the violence enacted on the border can give rise to a labor movement against criminalization, a liminal fusion of demands for economic justice and immigrant rights. Vendors in New York are regularly dispossessed of the pretense of autonomy in their work, yet nearly all attest that vending beats the other options available to them. Thus despite the challenges of vending, this occupation of last resort becomes an opportunity worth fighting for. In order to do this work, vendors must claim a right to the city; they are in direct confrontation with the state over what urban citizenship means on the street (Holston and Appadurai 1996; Holston 1998). Their emergent street labor movement therefore primarily targets the municipal government, as do so many informal workers organizations across the Global South.

Chapter IV

Towards Vendor Power: Street Labor Organizing

"If it was up to me, I would go in front of the City Council, I would make it a requirement for every street vendor of New York, when they renew their licenses, they must also join the Street Vendor Project… It's an urban union. I mean, all workers need a union representation."

Jessie, military veteran, Harlem merchandise vendor,
self-described entrepreneur, and SVP board member

Big Apple, Small Pushcarts

The Street Vendor Project and VAMOS Unidos both work to bring together spatially dispersed street vendors toward the shared goals of economic justice and immigrant rights. These two organizations both conform to the worker center typology developed by Janice Fine (2006), yet their approaches to organizing and advocacy diverge in important ways, reflecting different constituencies within New York's street vendor sector. SVP members tend to be immigrant men working in Manhattan, while VAMOS's members are mostly women, all Latinas, working in the city's outer boroughs. SVP spends more of their resources on high-profile advocacy and public relations, whereas VAMOS directs more attention to local negotiations with police, solidarity work with other immigrant rights groups, and assisting their members with obtaining the necessary municipal authorizations that are available to them.

Taken together, these two groups are developing the New York chapter of what is a global street labor movement, and as organizations they possess complementary strengths. As street labor organizations, they respond to the liminal class position of vendors as informal workers and small business people. As New York worker centers, they are two groups focused on organizing recent immigrants to achieve their right to the city. SVP carries this out mainly by building public awareness and voice, while VAMOS's strengths reside in strong member engagement and frequent mobilizations. In what follows, I detail how these two organizations respond to the issue of street vendor criminalization in New York, illustrating how the street labor movement carries with it the kinds of economic justice demands that Lefebvre's (1968) call for a right to the city implies.

March for Immigrant Dignity

It's early October, though you couldn't tell by the weather. Under sunny skies and unseasonably warm winds, a few hundred people are assembling at the intersection of Westchester and Third Avenues in the South Bronx. Not too far off, fans are gathering for a Sunday afternoon baseball game at Yankee Stadium. But here a different sort of pilgrimage is underway. It's the first annual March for Immigrant Dignity, organized by several clergy and immigrants rights groups, and led by New York State Senator Reverend Ruben Diaz. At the very front of the gathering march, there are about seventy Latina/o immigrants clad in bright red shirts. Most of them are women, with small children and infants in strollers dotting the crowd. They represent the street vendor

organization VAMOS Unidos: Vendadoras Ambulantes Movilizando y Organizando en Solidaridad (Street Vendors Mobilizing and Organizing in Solidarity).

Figure 6: VAMOS marchers, the Bronx

Two women with clipboards make their way through the group, taking down names of those in attendance, chatting and laughing, and handing out an extra shirt here or there as needed. They are quite familiar faces to me: Virginia and Teresa, two of VAMOS's vendor leaders for whom I've been volunteering in the organization's main office a bit further north, just off Fordham Road. Virginia walks up and shakes my hand, smiling at the volunteer donning the group's signature red. "How you doin' Kathleen? Did you bring your camera?" Predictably enough I had, so I took Virginia's cue and got out in front of the group to snap a few shots of many faces united behind the banner.

After the rousing introductions and proclamations of several clergy members, the march gets going, slowing winding its way toward the Bronx Supreme Court. With

Teresa leading on the left and Virginia on the right, the VAMOS contingent moves from one protest chant to the next: *Obama, escucha, estamos en la lucha!, El pueblo, unido, jamas sera vencido!*[8] Raised hands and homemade signs protesting immigrant discrimination dot the moving skyline of the march. Folks occasionally hop out of line and into a bodega to buy bottles of water for the marchers. Bystanders are few and far between in the street, but residents wave from their windows with easy smiles. By the time we reach the Supreme Court, a major crowd has assembled by its steps listening to a range of speakers discussing the political imperative to not only increase immigrants' rights, but to assure their dignity as human beings.

This is a cause that is close to VAMOS's heart. VAMOS situates itself as a community-based social justice organization that seeks to win greater economic security for low-income Latina/o street vendors, the majority of whom are women. The organization holds frequent meetings and mobilizations, and has developed a strong education program that fuels member engagement and leadership development. Although many of their activities are local, VAMOS has adopted a multi-scalar strategy. At the neighborhood level, they work on issues of police accountability; at the municipal level, they help vendors comply with regulations and campaign to expand access to vending authorizations; at the national and international levels, they work in solidarity with immigrant rights groups and street vendors networks to advance social and economic rights.

VAMOS was founded by a handful of former members of the Harlem group Esperanza del Barrio, a women-led vendor group, along with Rafael Samanez, who was a

[8] *Listen up, Obama! We are in the struggle! The people, united, will never be defeated!*

former Esperanza organizer. The staff is comprised of two full-time employees: Samanez, the executive director, and Jennifer Arieta, the development manager and head organizer. The group also has one full-time and one part-time vendor leaders who work as volunteers, as well as a larger group of active members who contribute to strategic planning, fundraising and development efforts, as well as political education and service provision. The staff and core volunteers are all Latina/os under the age of 35, most of them women. Their annual operating budget is under $300,000.

Though the organization is small and only about five years old, VAMOS is able to mobilize their membership with relative ease. Most VAMOS members vend close to where they live, concentrated in neighborhoods in Queens, the Bronx, Brooklyn, and Upper Manhattan. For this reason, VAMOS holds monthly meetings not only in the church just behind their headquarters in the Bronx, but also at locations in Queens (in the offices of an allied organization) and in Brooklyn as well (in the basement of a member's residence). While a few members do commute to vend in Manhattan, this trek is either undesirable or impractical for most. Vending close to home enables VAMOS members to both care for their children and to communicate more easily with customers within ethnic enclaves. Staff estimate that some VAMOS members can earn as little as $2.00 per hour and can work up to 14 hour long shifts. Like most street vendors, their daily income varies dramatically; on a lucky day a VAMOS member can earn up to $100, but some days vendors earn as little as $10, due to bad weather and/or vending violations. Yearly dues are thus only $30, for which members receive a host of free services, the most utilized of which are contesting tickets and filing quarterly sales taxes.

VAMOS is a worker center, but one that is primarily committed to movement building. Its immigrant rights and solidarity work is the primary end towards which their members mobilize, such as the Dignity March. VAMOS provides services but education is central to its mission and everyday practices, moving beyond vendors' rights to immigrant rights and the history and present day context of globalization. Membership requirements include mandatory participation in monthly meetings and street actions, and strategic decisions about the organization's structure, services, and initiatives are made collectively in the monthly meetings, or *juntas*.

The strength of VAMOS as an organization derives from the shared ties among its membership. Though the staff does not collect any demographic data, they estimate that most members are Mexican women, a significant percentage of whom are single mothers. For many, street vending is a family business; for example, Teresa's mother Rocio, well into her seventies, also vends, and Virginia grew up vending with her parents. Moreover, most VAMOS members are food vendors who have a food handling license (which VAMOS helps its members to prepare for and obtain) but who cannot afford to purchase a $15,000 permit in the underground economy. A few dozen members have been able to secure a GreenCarts permit, which VAMOS helped facilitate. But given the vast diversity of street vendors in New York, VAMOS is a relatively cohesive and united group.

Under the Bridge

VAMOS's unity comes into sharper relief in contrast to the multiple national origins and employment statuses that are present within the Street Vendor Project's

members. In early 2011 I found myself talking with Steve, a young Chinese produce vendor who's been working for a couple years on Forsyth Street in Chinatown, in the shadow of the Manhattan Bridge, along with about twenty-five other mostly Chinese and Bangladeshi fruit and vegetable vendors. Recently, amidst rumors of city plans to develop a plaza where the marketplace stands, the Forsyth Street vendors have experienced a dramatic escalation in ticketing from the police, Health, and Sanitation departments. According to Steve, in addition to increasing tickets, the Health department recently closed down his produce cart for over a week, for reasons he still does not understand. He needs $400 to get the cart back, and every day he cannot come up with the money another $20 is added.

Figure 7: Police barricades blocking the Forsyth Street market, 2011

Then came an unprecedented and even deadlier blow: police set up barricades, posting "no standing" signs along Forsyth where vendors park their trucks. So Steve started paying for nearby parking off Delancey Street, cutting into daily earnings. With his toddler in a stroller and a very pregnant wife standing next to him, Steve speaks with palpable anxiety about trying to comply with all the relevant regulations, only to find a stream of seemingly endless ways in which his income will be rendered less predictable.

Several of the Forsyth Street vendors have been and are still members of SVP, mainly using the legal services of the group to appeal tickets issued by one city agency or another. From 2009 to 2011, SVP handled almost five hundred of the over nine hundred tickets issued to the vendors on Forsyth Street. Hearing of the rising conflict there, SVP came to the marketplace to organize a meeting with the vendors to brainstorm what can be done.

Sean Basinski, a lawyer and the director of SVP since its founding ten years ago, leads the group through a brainstorming session of what can be done about the barricades. While many are reticent at first, a few vendors begin to talk about what has happened to them, mainly at the hands of the police. Ibrahim details how his truck was towed, which had thousands of dollars of now worthless produce inside. While the vendors nod their heads and cross their arms as Ibrahim speaks, Sean eagerly pushes the group to identify the most pressing problem, which they agree is definitely the barricades.

When Sean asks for some ideas about what could be done, the group falls silent and looks to the lawyer. Sean however holds off on giving his opinion, until a few antagonistic remarks volley back and forth between a pair of vendors, and accusations of blame against "a few bad apples" emerge. Sean points out that blaming each other will

not solve the problem at hand. The question is: should we do something or nothing? Sean thinks the barricades are illegal, and that the group has every right to move them and/or go to the police to demand why they have been placed there. "But it's your market. It's your business. The group has to decide what is best. What could be worse than it is now?" Ultimately, the group decides to wait out the weekend, and if nothing changes go to the precinct on Monday. Sean underscores that no matter what the police say, the group must keep demanding why the barricades are there. "They will say there is too much garbage; that's fine – but why are the barricades there? They'll say some of you don't have permits. Ok, that may be true, but why are the barricades there?"

The police have wide latitude to ticket vendors for all sorts of infractions. But parking rules must go through a lengthy municipal process involving the Community Board and the Department of Transportation before they can be enacted. Given the make-shift "no standing today" signs taped up on the regular street signs and lampposts that dot the sidelines of the marketplace stands, Sean suspects that the police have acted preemptively, without needed due process. While the vendors will go to the precinct to contest the moral injustice of the barricades, it will take people who know the intricacies of municipal policymaking to challenge their legality.

After the weekend, the barricades are indeed still in place, so a handful of vendors head over to the police precinct with a couple SVP staff and wait to meet with the Community Affairs (CA) liaison. As we waited, several officers walked by, puzzled by the large group waiting in the hallway. One officer looked us up and down, bemused, asking, "Is this a sit-in?" Sean works to keep vendors on message about the barricades, warning against throwing tickets and other problems at the police. The CA liaison

eventually arrives and welcomes us into a back room that smells like it has been freshly scrubbed cleaned with ammonia. The officer reveals that many complaints have come in to both the Sanitation and Health departments about the trash on Forsyth, and suggests the vendors hire their own private sanitation company to deal with the garbage.

The complaints helped to explain why ticketing had increased, but did not explain why barricades had been placed along the sidewalk. When asked again why the barricades had been erected, she further explains that "it's dirty there, and you can't park your trucks there with stored food overnight." When complaints came into the local Community Board, the CB passed along the information to the police, who further consulted with Sanitation. At no point, however, did any agencies consult with the vendors themselves – that is, unless one can consider an increase in tickets a form of consultation.

Steve jumps into the conversation, asking "Why are you taking our trucks? We have families and workers. I will have to fire them. Where are they gonna go? We're selling vegetables, not drugs." He further asks for the police to consult with them before they take such drastic measures, adding, "If you say no parking there then we will move the trucks." He speaks with an earnest desire to comply with the law. Without directly answering Steve's question, the CA encourages the group to raise the issue at the Wednesday night precinct meeting, the first of several punts the group would encounter in trying to take part in the governance process. A smaller number of vendors attend the subsequent precinct meeting, where the issue gets punted again, and vendors are advised to attend the next Community Board meeting.

A few days later, I stop by the SVP office to check in about their plans. Sean is

visibly beleaguered, pointing out that vendors always end up getting defined out of "the community." Indeed, vendors in much of Manhattan are often neither neighborhood residents nor are they included under the rubric of the business community. City officials tend to justify this exclusion because of the presence of unpermitted vendors, and extend this by criminalizing the group overall. Meanwhile, those without permits are less likely to get involved in pressing for police accountability. In his ten years of leading SVP, Sean has encountered the same dynamics time and again. "How much time can we spend getting them to overcome the fear?"

Sean decides the best plan of action is to produce a report about the city's handling of the situation on Forsyth, effectively shifting from a local to a citywide strategy for improving the conditions on Forsyth. By early the following month, SVP had produced a report entitled "Spoiled! How relentless enforcement and $1,000 tickets are ruining Chinatown's largest fruit and vegetable market." The report compares how the very similar practices between the Forsyth Street market and the Union Square Greenmarket, a far more expensive place to buy produce, end up being policed quite differently.

Like VAMOS, SVP is a small organization on a lean budget (around $250,000 a year). Encouraged by a program at his law school that asked students to devise their own dream job, Sean founded SVP to provide for an unmet legal need. He knew of very few worker centers at the time, though he did spend time with the Taxi Worker's Alliance and the DC Employment Justice Center. He went to a variety of nonprofits trying to start the group before he found a home at the Urban Justice Center (UJC), The group has only three full time staff: Sean, the director; Matt Shapiro, the staff attorney; and Sasha Ahuja,

the group's organizer. Sasha is mainly focused on the Reduce the Fines (RTF) campaign, spending time tracking down meetings with City Council members and/or their staff; preparing for weekly campaign committee meetings; and organizing street actions to enlist public support. Matt handles assistance for members contesting tickets, and also leads most the group's appeals of improper arrest and/or confiscation of goods at the state and federal court levels. Sean is largely involved in public relations and supervision of staff, but still assists with the organization's "bread and butter" operations: contesting tickets and educating vendors about the structural causes of their difficult working conditions.

Yet SVP faces a very different set of challenges from VAMOS Unidos, and takes a decidedly different route toward building "vendor power" – the mantra that members chant in about five different languages at the end of each monthly meeting. SVP's roughly 1,300 members are street vendors from every municipally established category; Sean estimates that the group has a 40/40/20 split between food, merchandise, and art vendors. There is thus a very wide range of employment statuses with the group, from larger scale vendors who have employees to sub-contractors on other vendors' permitted carts to the self-employed but unlicensed food vendor. Members tend to live in the outer boroughs and commute to work in Manhattan, and men predominate among the turn out for the group's monthly meetings. Staff estimate the following breakdown of membership: 25% Bangladeshi; 20% Senegalese; 20% Latin American (mostly from Mexico); 15% from North Africa and the Middle East; 10% Chinese; and 10% military veterans (mostly African-American men).

SVP must negotiate a range of sometimes conflicting needs and interests,

nationalities and language capabilities within its membership. The staff often say to prospective members that SVP is a "vendors' union," though at the same time the organization often draws on a discourse of vendors as entrepreneurs – an undoubtedly strategic narrative within the "entrepreneurial city" (Harvey 1989), yet one that also speaks to vendors' liminal class position. Some vendors might come to SVP looking for a permit, or looking to hire a worker for their stand, cart or truck; occasionally vendors come looking for assistance with turf war issues with other vendors, which the organization will not intervene in for the most part. In general, vendors come to SVP because they need help contesting a ticket, and then SVP staff tell them about the group's larger mission and encourage the vendor to join (and pay annual dues of $100) and attend the monthly meetings. But the group does not have any membership requirements beyond dues.

The monthly meetings involve vendors (usually women) volunteering to translate from English into Arabic, Spanish, Mandarin, Bangla, and sometimes Wolof; vendors thus tend to sit together accordingly, and this slows down the meetings substantially, which can frustrate some members who don't require the translation. One staff member estimates that in reality, the meeting should be run in nine languages to truly reach everyone who attends. Of course in the office day to day, such translation is not consistently available; so for the new potential members who arrive looking for help, the staff has an introductory video in most of the needed languages to orient vendors to the organization's mission and services.

SVP is housed within the Urban Justice Center (UJC), an umbrella nonprofit group that houses multiple initiatives targeting homelessness, sex worker rights, domestic

violence, youth and community development to name a few. Part of the social justice lawyering movement, UJC's mantra of "individual rights, social change" expresses a rights-based orientation toward reducing urban inequalities. While the various "projects" housed under UJC are each responsible for fundraising to cover their own operating budgets, UJC provides space, administrative support and a shared P.R. company.

As a lawyer himself, Sean founded SVP to provide for an unmet legal need, and this focus on law and litigation is central to SVP's identity and activities. Many vendors think that SVP is a law firm when they arrive, and even among longtime and very active members SVP's legal services are viewed as the central purpose of the group. In the main, SVP focuses on vendor advocacy, relying heavily on staff and fifteen or so vendors who are annually elected to the vendor leadership board; they are compensated $200 a month in exchange for one day of service per month and attendance at the monthly board and general membership meetings. Interns and volunteers, many of them law students (and some graduate students like me), come and go throughout the year. During my time at SVP, the group was waging its first intensive campaign: Reduce the Fines (RTF), which introduced two pieces of legislation to the City Council to reconfigure the fine structure for vending violations. The organizational learning curve was steep, and SVP went through three different organizers since I first contacted them; the campaign is still on going, as the speaker of the City Council has yet to call a vote on the bills.

Public relations are a significant component of SVP's advocacy work. Sean is the mouthpiece of the group, and nearly every press account of street vendor issues in New York (which come out pretty regularly) contains a quote from him. In addition, the major source of SVP's funding is the annual Vendy Awards, a highly successful festival and

cooking competition with celebrity judges that celebrates the most beloved of the city's food vendors; the event regularly sells out, indicating some serious public interest in and support for street vendors in the city.

Though both are worker centers, SVP and VAMOS are comprised of different constituencies and guided by different philosophies. While SVP takes up cases of vendor harassment and displacement and turns them into symbols of unjust persecution through their public relations and advocacy work, VAMOS's approach is more centered at the local level, especially through their police accountability work. Though the group receives a fair amount of coverage in the Spanish language media, they are less engaged in public relations advocacy and more focused on direct member engagement and mobilization. This reflects both VAMOS's underlying roots and commitment to movement-building, but also responds to the fact that their members, compared to SVP's, are more easily unified given their shared ethnic bonds and language – both of which remain major challenges for a multi-ethnic group like SVP.

Street Labor as a Right to the City

Though a worker center for street vendors may seem like a New York anomaly, SVP and VAMOS are by no means unique. Since the 1980s, street vendors in cities across the Global South have increasingly been organizing to contest criminalization and displacement in a variety of ways (Celik 2011; Mendiola Garcia 2008; Devenish and Skinner 2004; Gallin 2001; Chen 2001). What I call a *street labor movement* continues to take shape not only in the South, but in cities from Chicago to Madrid as well. Street

labor consists of informal micro-economic activity located in public space, typically involving economically marginal groups, often immigrant or indigenous, and by all accounts disproportionately comprised of women (Chant and Pedwell 2008; Gallin 2001; Chen 2001).

Street labor's global expansion since the 1980s is one aspect of the larger macro-economic trend of informalization (Slavnic 2009; ILO 2002a; 2002b; Sassen 1991). Indeed, according to a 2009 OECD policy brief, nearly two-thirds of the world's workers (including agricultural workers) now operate within the informal sector. As Gallin (2001) has documented, informal workers' organizations typically take the form of either trade unions, such as India's 700,000-strong Self Employed Women's Association, or as community-based organizations like VAMOS or SVP.

To be sure, street laborers are not workers in the traditional sense, and their workplace – public space – is governed quite differently than a factory floor. Although celebrated by some commentators as entrepreneurial (Cross and Morales 2007), street labor, like other types of informal self-employment, is embedded in structured relationships of dependency (see DeFilipis et al 2009). Street vendors' primary dependence is on access to public space itself, which is precisely what makes them subject to such intensive and punitive state regulation. It is thus of small wonder that their organizing forms tend to derive from labor's repertoire.

Several scholars have noted that labor, as a category of both analysis and praxis, is expanding to accommodate the changing conditions and concerns of marginalized economic actors. Fletcher and Gapasin (2008: 174) best summarize the necessary conceptual expansion of labor in face of its transformation:

> The term *labor* should denote forms of organization with roots in the working class and with agendas that explicitly advance the class demands of the working class. In that sense, a community-based organization rooted in the working class (such as a worker's center) that addresses class-specific issues is a labor organization in the same way that a trade union is.

Street vendors certainly advance a working class-based demand, not for concessions from employers but for the right to work itself. The turn towards the street is not simply a last resort, but also an opportunity to work with autonomy and per chance to be truly economically self-sufficient – which may be rightfully construed as entrepreneurial, but which nonetheless remains embedded within class-based constraints to its achievement. Moreover, as street laborers tend to belong to both socially and economically disadvantaged groups, it should come as no surprise that they organize to advance both their social and economic rights. Indeed this is a well-noted characteristic of both informal worker organizing (Agarwala 2013, Chen 2001; Celik 2011) and the worker center movement (Fine 2006; Gordon 2005; Tait 2005; Milkman et al 2010; Jayaramen and Ness 2005).

The street labor movement is thus not simply a labor movement; it is also a right to the city movement. Lefebvre (1968) defines the right to the city as a right to *access* urban life, a right to both participate in and appropriate space based not on one's relationship to the state or to the market, but on the daily inhabitance of urban space. His

conception of inhabitance (or dwelling) strategically disrupts the work/home spatial divide that industrial capitalism helped to cement. Street vendors are consummately urban actors; they inhabit city streets often because other (more directly privatized) methods of income generation have become untenable or insufficient. The right to appropriate urban public space in order to earn a living, and in so doing participate in urban public culture, is as fundamental an expression of the right to the city as affordable housing, dependable transit, and quality education.

While capital has a rather naked influence on the eviction of street vendors from city streets, it is the municipal government that is carries out vendor displacement. Thus just as many informal workers' struggles target the state (see Agarwala 2013), street labor targets municipal governments, demanding political inclusion and a right to participate in urban politics, evidenced in both SVP's and VAMOS's advocacy efforts. Given the by now well-documented preponderance of immigrants within the global city's informal economy, street labor organizing in New York is simultaneously an immigrant rights struggle, one that contests the criminalization of immigrants and rejects the state-imposed border ideology at work in the governance of urban public space.

Though VAMOS and SVP bring together different constituencies and espouse differing organizational philosophies, each group plays a complementary role in developing the street labor movement within New York. SVP effectively maintains voice for vendors in the mainstream political and cultural spheres, while VAMOS directs much of its resources towards building political capacity among vendors within their organization. Greater integration of these two approaches could help to unite vendors across the real disparities that exist within the industry and ultimately aid in moving

beyond the defensive posture that both groups currently occupy.

Membership, Services, and Initiatives

Because SVP members come from every municipally established category and are massively diverse in national origin and languages spoke, SVP works to cultivate a strong occupational identity among its vendors. Indeed, the diversity of ethnic representation on the vendor leadership board helps to facilitate outreach. As Sean puts it, "with our board members, we can speak to almost every vendor in the city, pretty much."

Moreover, vendors' liminal class position is utilized by SVP to shift the narrative of vendors' struggles for justice depending on the audience. As Sean explains,

> If there's a particular time that we can use the exploited workers' rap, and use some workers' rights language when speaking to folks who speak that language, then I try to jump and speak that language. And if you want to talk about the American Dream, and idolize these vendors as entrepreneurs and small business owners, I think that's usually a little more effective, in terms of the narrative… The barriers are the things that are preventing them from having their own businesses, having their own permits, and being able to just work without the government on their back. I don't hear vendors clamoring for government help, I hear them clamoring to get off our back and just let us work… So that seems to me more consistent with the sort of entrepreneur narrative. But I think we need to be able to play either one.

Many permit holders are members of SVP, though most staff and vendors I interviewed think the most common situation for food vendors is to possess a license but not a permit. Still, uniting vendors on the basis of occupational rather than the finer gradations within that is important to bolstering unity. According to Sean, when there are conflicts between vendors, "who's the big bad boss? It's probably just another vendor, who, half the time, is a member of our organization."

For VAMOS, membership is far more unified ethnically and occupationally, which helps center the group's work much more strongly on immigrant rights and not simply street vendor rights. Many members have expressed the desire to broaden the group beyond its current occupational focus to include more potential members impacted by and interested in the immigrant rights movement. As Arieta explains, "Our members have talked about expanding our organization to include members who aren't street vendors. Because we do a significant amount of work in our immigrants' rights campaign. They have neighbors or family who aren't vendors but they are directly affected by issues of immigration. So we're looking in the future to have a membership that includes community allies, people who aren't vendors."

Voicing opposition to Arizona's SB1070, VAMOS took the lead in organizing a march of over 2,000 across the Brooklyn Bridge in 2010 which united several human rights organizations across New York and helped galvanized support from prominent politicians, churches, and other immigrant rights supporters. The group leveraged their ties to local and national immigrant rights networks, reflecting both the importance of

their multi-scalar approach and the close connections between street labor and immigrant rights in practice.

Contesting vending violations is the primary service both organizations offer, but they differ in their approaches. Since it began maintaining records on ticket violations in 2005, SVP has handled over 5,500 tickets for its members, with about 70% of these being ultimately dismissed. This work can be viewed as the equivalent of a grievance process for street vendors. Matt processes most tickets, but anyone in the office can assist a vendor requesting help. The major advantage of having an in-house lawyer is that Matt can take multiple tickets before an ECB judge, up to fifty at a time usually. This saves vendors time away from work, and because of Matt's repertoire of legal knowledge, it can help vendors get tickets dismissed that they themselves may not be able to achieve. Tickets are often given out for unclear reasons; also, the issuing officer is required to cite the basis for the violation on the ticket itself, but this is often indecipherable on the pink carbon copy handed over to vendors.

As Matt explains it, "If somebody can't renew their license because they have too many tickets, then how are they going to continue to work?... My job is to make sure these people are able to work. And if they're able to work, they're able to become part of this organization, and they can join us to help achieve these broader goals." Moreover, services can be a way to empower vendors; as former organizer Ali points out: "[Service provision] has aspects of empowerment; being knowledgeable about the process and thinking about how that can be used as ammunitions in campaigns." Counseling vendors to taking pictures of police interventions can serve to put police, not vendors, on the defensive, forcing greater police accountability. Ali continues: "I mean, if the cops see

that vendors are going to take a picture all the time, or maybe videotape them, then that may really change how they act. Which would be kind of a grassroots victory."

VAMOS initially provided legal representation for its members through a partnership developed in conjunction with Common Law. When they appealed tickets at Environmental Control Board (ECB) hearings, VAMOS staff and Common Law attorneys would accompany vendors to the hearings to conduct translation, and help vendors prepare evidence and documentation of the violation, taking photographs and obtaining testimony from bystanders or vendors' friends or family members. VAMOS recently decided to change its legal representation program; instead of finding pro bono lawyers to represent vendors, they will train vendors to represent themselves at ticket appeals hearings.

According to Virginia, "You don't really learn anything if somebody does the work for you. So the way we are moving right now is towards Common Law not being lawyers but being advisors, meaning that when a vendor gets a ticket, we'll train them on the actual laws." The most common tickets VAMOS members receive are for display-related infractions (such as having protruding boxes or goods that exceed legal cart dimensions). Operating without a permit or a license is the next most common – and far more expensive – violation. Through its legal representation program, VAMOS and Common Law have contested around 300 tickets since 2008, with almost half being ultimately dismissed. This saved VAMOS members about $50,000 and enabled 45 members to renew their licenses.

Figure 8: A GreenCarts vendor in the Bronx, 2011

Most VAMOS members cannot afford to sublease a permitted cart or to buy a permit in the underground economy. But VAMOS has helped the vast majority of their members obtain food handlers' licenses. This greatly reduces the risk of arrest as well as the fines vendors are likely to incur. Members attest that assistance with obtaining this license, along with assistance with quarterly and annual sales tax filings, are the most vital service that VAMOS provides. Having a food handlers' license not only increases vendors' income security, but also reduces the likelihood of arrests. Guillermina, a middle-aged mother, was detained for three days before VAMOS helped her to secure her food license; "Thankfully here with this organization we can fix things, because before we couldn't get the license…Now we can defend ourselves a little more." VAMOS staff

also have been able to help members access the city's GreenCarts program, which provides permits for fruit and vegetable vending in the very neighborhoods in which most VAMOS members live and work. While only eight of VAMOS' members were able to secure permits through the food permit lottery in a recent two-year period, approximately thirty members were able to secure a GreenCarts permit.

Initiatives: Public Advocacy and Grassroots Education

SVP files lawsuits as needed on behalf of vendors, as they did in the case of the illegal towing of the Patty's Tacos truck, but to date their success rate is low. The group's biggest legal success was achieved in 2004, when they succeeded in winning a class action settlement of $1.8 million dollars for street vendors who were ticketed under an illegal fine increase. The city was found to have not complied with its Administrative Procedure Act (CAPA), which stipulates that proposed changes to municipal rules must be published in the City Record; vetted via a public hearing; and given notice of to the City Council, the media, and the Community Boards – none of which had been done. The Environmental Control Board (ECB) that adjudicates vending violations simply increased maximum fines from $250 to $1,000. In the decision, the judge declared, "the Court will not put a stamp of approval on backroom governance."[9]

The Bloomberg administration persevered and succeeded in increasing the fines up to a maximum of $1,000 in 2006, which is precisely what SVP's on-going campaign, Reduce the Fines, has been contesting since 2010. RTF is an effort to introduce two bills, Intros 434 and 435, to reduce the current administrative fine schedule back to its pre-

[9] http://law.justia.com/cases/new-york/other-courts/2005/2005-50634.html. Accessed April 5, 2012.

2006 rates, from the current maximum fine of $1,000 down to $250 and to restructure the escalating "multiple offense schedule," such that vendors would only be issued fines of greater cost for repeating the same violation (currently, each additional fine escalates in price regardless of the violation incurred). The primary sponsor of the legislation is Member Stephen Levin, of Brooklyn; currently 31 Members are signed onto 434, and 37 are signed onto 435.

Figure 9: SVP members, staff and City Council members Melissa Mark-Viverito (2nd from left) and Stephen Levin (3rd from left), press conference for SVP's Reduce the Fines Campaign, 2012

According to Ali, the board decided on this because it would impact all vendors, but also because other goals, such as opening more streets to vending or increasing the caps on permits and licenses, were more "controversial." RTF only focuses on administrative vending violations, not health violations – which doesn't help those who

are self-employed informal food vendors who can still get fined for not having a permit. Yet as Ali explains, "If we get one legislative victory, then we should be in a position to enlarge our demands and our constituency."

Because RTF is currently being run by its second organizer, Sasha, the campaign has shifted course since its inception. Darya pursued meetings with City Council Members and their staff, along with a postcard campaign among key Members' constituencies, and would accompany vendors to City Council oversight hearings on topics such as Immigrant Entrepreneurs and Veterans' Affairs. Sasha has continued this work, but amplified it by reaching out to new actors such as Chambers of Commerce. According to Sasha, SVP has to both change how people think about vendors, in terms of both that vendors are constituents and, just as crucially, that they are contributing to the economy.

In preparing for the public hearing on SVP's two bills, Sasha explains, "It's very clear that we need the right voices to really push it… The key people in the key positions need to be on our side, which is sort of why there's this internal piece of like who are the key players who make decisions in the city of New York? That's been an on-going discussion at the [campaign] committee meetings. But at the same time, that sort of method of doing the work don the inside doesn't feel, sort of, as enriching or – you know, it doesn't feel like organizing. It feels like lobbying. So that's a trade-off that I'm still sort of struggling with." The staff can do a lot of this work, she recounts: "We're sort of doing the legwork, because [vendors] are working all the time, every single day; and because people might not be on their computers all the time, or might not know how to use a computer, necessarily. [Staff] can do that piece of work, but [vendors] are the voice. It's a

balancing act."

As Jessie, a new board member in 2011 points out, being listened to is a welcome novelty. "I meet a lot of pretty interesting people, Manhattan Chamber of Commerce, several Council Members, a lot of politicians. And they actually listen to what I have to say. Because when I tried to talk to the police, they don't hear. But the politicians are the ones who make the laws, not the police."

Yet beyond those members on the campaign committee and those on the leadership board (a fair number of which are one in the same), almost none of the rank-and-file are engaged in the campaign. At a rally for RTF in February 2012, SVP partnered with VAMOS and several Council Members to demonstrate support for the two bills on the steps of City Hall, ending with a march to Zuccotti Park, where Occupy Wall Street[10] was born. The goal of the rally was to turn out 1,000 street vendors against $1,000 fines. However, SVP managed a turn out of less than fifty vendors, while VAMOS brought out one hundred and thirty. Given that SVP has only one organizer, whose primary job is essentially lobbying, not organizing, the outcome was perhaps not surprising.

The low turn out may also be viewed as due in some part to the fact that beyond yearly dues, SVP members have no membership requirements, and SVP directs relatively few resources towards member engagement or institutionalized leadership development. Darya recounts, "in a lot of decisions, the board is engaged, certainly. But there is a lot of work being done behind the scenes by staff. And the staff exert a tremendous amount of influence and power over the group. Even by selecting options, and the way that staff

[10] SVP partnered with Occupy when the vendors at Zuccotti Park experienced a decrease in sales as the movement received donations of free food. SVP set up an online donation center to purchase food from the Zuccotti Park vendors for several weeks in the fall and winter of 2011.

articulate and present certain options, can completely swing a vote or a discussion within the board, and within the membership too." Sean acknowledged this limitation to SVP, saying "There are a million decisions we make every day that the board is not a part of, because they're not here, and because we can't possibly put everything before them." Moreover, Sean identified that there are tensions for an organizer within a place that is run by a lawyer. "I'm a little bit skeptical about a lot of the lingo of community organizing, and I'm also skeptical about the theory." He explains, "my model just kind of recognizes that, for example, I started the organization… but that is not a narrative that is an organizing narrative, because the group is just supposed to be started by the people, as if organically it just happens… I wish this wasn't the case, but [organizations] require a sort of crossover person like me, like the heads of these various organizations. And then hopefully they'll be able to be truly run by vendors, as they should."

The Vendy Awards are perhaps SVP's most notable initiative. They are an annual award ceremony where attendees buy tickets to an all-day tasting festival featuring around a dozen trucks and carts that have received the most "best of" nominations in a number of categories. Started in 2004, the Vendys have now been reproduced, with the help of SVP, in both LA and Philadelphia; in New York, the event is both SVP's biggest fundraiser and a means for building community awareness about the challenges of vending in the city. This is advantageous for SVP beyond its fundraising dimension, as Sean explains: "It gets our organization out there to an amazing number of people who have heard about us through the Vendy Awards. It has a huge footprint in the media and the public consciousness." Though only a small number of food vendors become Vendy

finalists, the awards bring food vendors in the city, according to Sean, “more recognition and more respect.”

Figure 9: Rafael and Reina Soler, Vendy Cup winners, 2011

The Vendys celebrates New York’s street food culture and is widely reported on in the local press, especially “foodie” blogs, and was anointed by celebrity chef Mario Batali as “the Oscars of food for the real New York” (Hoffman 2011). Awards are given out in several categories: Rookie of the Year, People’s Taste Award, Best Dessert, the newly created Best of Jersey category, and the Vendy Cup, the grand winner for best street food in New York. Finalists are determined by popular vote, while a panel of notable judges, usually a combination of food enthusiasts and a token celebrity or two, selects the Vendy Cup winner. In 2011, corporate sponsors included Kind nutrition bars

and Maker's Mark whiskey; in past years, other corporate sponsors have included MasterCard and Grey Poupon mustard. For the past two years, the event has been held on Governor's Island, creating a fair ground atmosphere in which thousands of street food enthusiasts pay a starting entry fee of $95 to taste samples of all the finalists' food.

The event brings together both long-time immigrant street food vendors as well as the new wave of gourmet food trucks. As the event producer described it:

> Past winners and nominees have gotten incredible press from participating and seen tremendous increases in their businesses. Once you're a Vendy nominee, it's a different world for the vendors – you get written up in many places and the traffic follows. Finalists are nominated by their fans on our website, which helps us connect with vendors from two directions: people nominate their favorite vendors, and vendors ask their fans for their support. There is NOTHING better than getting to make the phone calls or cart/truck visits to tell a vendor they are a Vendy finalist. Last year, I'm pretty sure two finalists were in tears as I broke the news over the phone. We are also blessed with a multi-lingual team of volunteers and friends, which helps tremendously as the street food vendor community hails from… everywhere.[11]

The scale of the event, compared to the size of SVP as an organization, is massive; the group now recruits nearly 200 volunteers to assist with the day's activities.

Yet while the event is unquestionably successful in terms of fundraising and

[11] http://blog.eventbrite.com/the-vendy-awards-showcase-new-yorks-top-street-vendors/. Accessed April 5, 2012.

media coverage – and can seriously elevate the profile and profits of award winners – the question of how its "community awareness"-raising translates into strengthening SVP's advocacy efforts is open. Press coverage of the Vendys tends to focus not on the day-to-day realities of food vending in the city, but is rather more celebratory of the food itself. Nonetheless, the event certainly raises SVP's profile as the advocacy group for street vendors in New York, and in 2011 SVP showcased RTF to educate attendees about the campaign. Indeed, the role of public support for street vendors has, in the past, helped vendor groups to force reversals on proposed street closures. Whether or not the Vendys will help SVP enlist public support for RTF remains to be seen.

In contrast to SVP's quite public and publicized advocacy work, most of VAMOS's work goes unadvertised, is more locally-based, and more grassroots. They for some time ran an Economic Justice campaign, which sought to lift the caps on food vending permits; yet during my time at VAMOS this campaign was essentially inactive. The organization was more involved in the police accountability work. I briefly helped staff to group vendors directly into precinct groups based on their home address, so the organization could train vendors to go to the police on their own to resolve local disputes.

Staff schedule regular meetings with local police precincts around the city regarding ticketing and harassment. For example, as Arieta recounted, "This summer we met with the inspector of the precinct, because children of vendors were being arrested while they were protecting their parents' carts or waiting for their parents to go to the bathroom. Children or family members were being arrested, or fined, just for being there and not having a permit. So that was an issue we were able to address." This sort of work requires street-by-street, day-to-day interventions and negotiations with specific police

officers responsible for the enforcement of vending policy. To date VAMOS has worked with seven precincts in Brooklyn, Queens and the Bronx; members attest that these negotiations have greatly reduced harassment and ticketing; as Eloisa explains, "It's paid off because the police don't bother us like they did before."

Education and leadership development are central to VAMOS's operations. Leadership development is a regular feature of the meetings, which strongly emphasize rank-and-file participation. "We try to have it be very participatory, so we focus a lot on capacity building within our meetings," Arieta explained. "All of our campaign decisions, and even things like deciding the difference between active and inactive membership, all those organizational decisions are made in our *juntas*, our general membership meetings." This regular capacity-building work helps to explain why members are so ready and willing to participate in frequent street actions. Members like Julia, a founding VAMOS vendor, view active participation as central to being a member of the organization. "The most important thing is to attend the meetings and the marches," she declared. "If we don't join together there is no power. … Because with one or two or three who can do anything?"

VAMOS' educational programs bolster leadership development among the members, whose life experiences provide the starting point for this work. At a political education class I attended in Brooklyn, for example, members spoke at length about the political and economic factors that had spurred their own migration trajectories, and discussed their personal situation in relation to the history of Mexico-U.S. relations. . According to staff, the working class and *campesino* backgrounds of members provide an invaluable starting point for the leadership development process. As Samanez

commented, “To make $10,000 a year and be able to take care of a family of three or more takes a lot of good leadership skills.” Claudia, like many members of VAMOS, describes the organization as a school: “We learn so much, who are Senators are, who is supporting us and who is not. There’s a lot we need to know, and in VAMOS we are learning.” Both staff and member leaders organize educational programs for the monthly meetings and also additional workshops. Topics include Latin American history, civic participation, globalization and migration. VAMOS has also partnered with Project Enterprise, which provides financial literacy classes as well as micro-loans to members, and with Teachers Unite to offer English classes.

Vendor leaders who volunteer or get deeply involved in organizing are often self-selected. For example, Teresa began by helping to facilitate monthly meetings and assist with office administration, her eight-year-old daughter often by her side. After taking part in the political education classes, Teresa gradually became more involved in the day-to-day work of the organization, helping to recruit new members and organizing street actions. Later she began to lead political education classes herself; she enrolled in a course on Latin American history at a nearby college along with another VAMOS volunteer.

Virginia’s leadership role in the organization derived from her desire to start a youth program; a teenager herself within Esperanza de Barrio, she recognized the need to engage youth:

> When VAMOS started I was already 18, and I was very aware that we didn’t have a youth group. When I first started with Esperanza I felt left out. Now that we

> started with VAMOS, the [vendors' children] are probably feeling the same way I did. So we started speaking with Rafael, and my sister, and we were like, "We need something for the kids, the young adults". So he said, "If you think it can happen then we should go for it." We started speaking to some of the kids, and they were like "Yeah, that would be a good idea." So I could say I was one of the founders of the youth group. It was good to see the kids understand the problems that their parents are going through and be aware that though they're young, and they can't do anything like physically about it, raising their voice is two times louder than throwing a punch in a way. But I also have grown, I've outgrown the youth. But the [leadership] skills I have, I acquired through being a part of the membership since I was younger.

The youth program also educates the vendors' children about community organizing. According to the volunteer currently running the program, "We immerse youth in what it is to be a community organizer so they can see that it's a career option; you know, there's this other job besides doctor, teacher, lawyer." In addition, because of the large number of single mothers and families among their membership, VAMOS provides free childcare at required monthly member meetings.

From Contestation to Participation

VAMOS and SVP have a limited history of collaboration, but they did cooperate in an effort to block a 2008 initiative by City Council Member Daniel Squadron to

fingerprint vendors who incurred fines for vending violations. Because of their advocacy and education on the issue, Squadron changed his position and subsequently came to support vendor rights. VAMOS and SVP also collaborate on the current Reduce the Fines Campaign.

Both SVP and VAMOS primarily engage in a defensive politics, a common strategy for the most disempowered of social groups (see Janeway 1981). The defensive posture of street vending organizations is however not limited to SVP; as Ali describes it, "The problem with vending anywhere is that it's always on the defensive – like, just let us do this. But a deeper change could be – so what's the positive vision? What are you championing? And there's an element of this neighborhood thing, but that goes much deeper in other places like Latin America, where vending is like a different way of thinking about exchange and economic relations…. How could it be solution to some of these economic crises in some ways?"

Because street vendors are a relatively small occupational group in New York, the two groups could benefit from building coalitional power in support of vendors' rights. A past organizer identified connections between the homeless, sex workers, and street vendors – which are all connected by struggles over quality of life, public space, and which social groups are adversely affected by the governance of public space. Organizations that work to advance these groups' rights are all effectively engaged in demanding a redistribution of public space. Yet all three organizers attested that building relationships with other New York community-based organizations is crucial, but that SVP isn't there yet; according to Darya, "when you look at other groups where those sort of deep, lasting ties develop, the leaders know one another, and the staff have a high level

of trust where they're like, putting on joint events and actions and so on – that's not happening."

Lastly but perhaps most crucially, while SVP and VAMOS are by and large successful in making the moral argument about street vendor injustices (see Frazier 2011), they still need to make an economic one. At present, SVP is seeking the support of allied groups and policy think tanks, such as the Fiscal Policy Institute, to gather statistical data on the size of scope of the industry. VAMOS and SVP will almost certainly need to work in together to combine member power and devise a strategy for taking on the over 30-year-long stalemate over comprehensive vending reform.

Despite their very different organizational cultures and strategies, SVP and VAMOS both approach the City Council in fairly accomodationist terms, which to date have yielded several defeats for both groups. Within the history of vendor activism in New York, wins have largely been achieved either through large-scale strikes that rally public support or, as was the case with artists, trumping city policy through federal litigation. Rather than trying to negotiate with the city for adjustments to the permit and license system behind closed doors, VAMOS would likely be better served by a more public approach – and this would only be feasible through a closer alliance with the larger, more visible, and broader-based SVP. Together these groups could wage a more offensive campaign to affect structural change in the power relations between street-based commercial actors and the private property interests that continue to sway the City Council away from comprehensive and just reforms in the governance of public space.

In many respects, developing the street labor movement within a global city such as New York is an improbable proposition. Compared to street labor in cities across the

developing world, street vendors in New York are a relatively small group that is massively diverse in terms of national origin and, increasingly as the next chapter will show, in terms of socio-economic background as well; moreover, they are dispersed across the entire city. The privatized governance of public space that is aligned against street vendors, notably including the ascent into power of a growing number of Business Improvement Districts, is, state sanctioned, robustly funded, and only growing in scope.

Cross's (1998) research on street vendor organizing in Mexico City shows that in that context, vendor organizing essentially involved negotiating with the state for the protection of economic interests. In contrast, the VAMOS case reveals that street vendor organizing can also involve struggles for social justice that seek to expand both labor and immigrant rights. Given the rate at which the informal sector has expanded in recent decades, those employed within it are far from "atypical" workers (see Fletcher and Gapasin 2008). Likewise, as Herod (1997, 2003) suggests, workers' organizing efforts cannot be cast as apart from or irrelevant to the production of space.

With city streets becoming an ever-more populous workplace, the street labor movement is unmasking technocratic questions about circulation and congestion to reveal an on-going, if not escalating, political struggle over the right to the city. Moreover, that women are leading this movement reflects their long-running concentration within the informal sector and represents an important basis from which solidarities are constructed. As Teresa explains, "Unfortunately, even in these times there is still so much discrimination against women. It's almost double because, imagine, if you [are] a person of color and also a woman, then unfortunately I think you are more repressed. Often there are many women who have come here and have experienced domestic violence. And then

street vending can be a way of escaping that, because the economy plays an important role in people's lives. And sometimes people don't have the tools they need. But here like I said, it's one big family. Women realize they can succeed and that they can fight for their families, their children, interacting with other women."

As groups like VAMOS and SVP bring this movement to the global city, they are working both within and against its socio-spatial stratifications, its exclusionary privatization of public space, and its surveillance and criminalization of street labor itself. Despite these precarious conditions, New York's public spaces remain a vital resource to recent immigrants. Their willingness and ability to organize a collective claim to city streets portends a struggle not soon shrinking from view.

Chapter V

Fusion on the Frontier: Gourmet Food Trucking

"We're making this transition from an industry run by peddlers to an industry run by businesses."

David Weber, MBA and founder, New York City Food Truck Association

A Class Apart

During the course of my participant observation with SVP and VAMOS, a noticeably different kind of food vending started to materialize in the streets of New York. Fashionably branded food trucks selling fusion-inspired items such as Korean kimchi tacos and upscale versions of comfort food like gourmet grilled cheese sandwiches began to attract a great deal of media attention, first from the city's many food blogs and subsequently from more established news outlets such as *New York Magazine* and *The New York Times*. Indeed, gourmet food trucks' ascent in foodie culture had pushed Zagat and Fodor's to begin rating street food in their esteemed pages. These gourmet vendors appeared to bear little demographic resemblance to the members of SVP and VAMOS Unidos, tending in the main to be young, native-born, and highly educated graduates of business schools and culinary institutes. Nonetheless, in the spring of 2011 these vendors also decided to form their own nonprofit organization: the New York City

Food Truck Association (NYCFTA), a business association of self-described "premium" food truck owners.

While VAMOS and SVP operate as worker centers, underscoring both the need for legal services among immigrant street vendors and their demands for political reform to increase economic and racial justice, the formation of the NYCFTA as a trade association attests to a very different set of conditions and concerns among this new social group within the vending industry. At this writing, the NYCFTA is comprised of twenty-five members who are proprietors of food truck businesses; they pay monthly dues of $200, which pays for the services of a noted governmental lobbying group, Capalino & Co., to advance two primary policy goals: reducing the six-week time frame it takes to obtain a street food handler's license, and enabling food trucks to vend from metered parking spaces. Beyond this, NYCFTA serves as a resource to its members by developing and marketing gourmet food truck events across the city, which they call food truck rallies. NYCFTA adopts a collegial, insider stance to vending policy reform; members tend to view the advocacy tactics of SVP as adversarial at best and damaging to their own efforts at worst; most are unaware that VAMOS even exists.

What I realized in learning more about NYCFTA was that, much like SVP and VAMOS, it is far from a New York anomaly. Indeed, food truck associations have proliferated in cities across the U.S.; the president of NYFCTA, David Weber, told me that he consulted with the largest of these associations, the Southern California Mobile Food Association, as he began to organize the New York version. In perusing the web sites of these dozens of food truck associations, I noticed a strong discourse around gourmet food trucks as both an emergent industry and a movement, one composed of

small business entrepreneurs. Moreover, I learned that gourmet food trucks had attracted larger commercial interests eager to capitalize on food vending as a cost-effective and trendy advertising strategy. Megabrands from American Express to the Gap sponsor food truck events usually by renting food trucks from trucksters and wrapping them with their own logos as an entrée into street marketing, while several national restaurant chains have launched their own food truck fleets, sometimes in multiple cities.

The rise of gourmet food trucks forces a perplexing question: how has a much-maligned urban practice been transformed into both a celebrated culinary trend and an innovative use of city streets – one that House Minority Leader Nancy Pelosi recently anointed as "a model for small business innovation" (Schwartz 2012)? Why *gourmet* street vending, and why *now*?

Figure 11: The Souvlaki GR truck at the 2011 Vendy Awards

As their followers have noted (Roy and Rodgers 2010), the turn towards gourmet

food trucking occurs as a short-term response to the recession. Trucksters tap into public space as a far less capital-intensive alternative to establishing brick-and-mortar restaurants. This contrasts with the strategies of VAMOS and SVP street vendors, who undertake street vending as a long-term solution to problematic labor market conditions.

At the same time, rendering street food gourmet involves the appropriation of immigrant and working class culinary traditions that is common to foodie cultural ideals (Johnston and Baumann 2010). From Mexican tacos to Chinese dumplings to comfort foods such as pizza and cupcakes, trucksters upscale street food by marrying foodies' valorization of artisanal production with the use of social media to develop their clientele and a reliance on upscale branding as a tactic of distinction-making.

In New York, the upscale branding of gourmet food trucks serves as both sign and structure of a current process of gentrification unfolding within the city's broader street vending industry. Indeed, NYFCTA members view themselves as a different industry altogether, and thus have organized as a class apart; gourmet food truck owners tend to differentiate themselves from "regular" street vendors on the grounds that they are "real" businesses. Barriers to joining NYCFTA are high; one must be a "branded" food truck company, using "best practices" and selling only "premium" street food. The exact meaning of these criteria are not spelled out with much specificity, though some members stated that food truck franchises would not be allowed to join, nor would street vendors who don't own their own business.

As graduates of MBA programs and culinary schools, and often with prior work and management experience in the restaurant industry, many NYCFTA members come to food vending with business plans in hand, and several run multiple trucks and/or also run

brick-and-mortar restaurants. Their social location thus differs quite starkly from the situations of most VAMOS and SVP members, who likely would not be able to join the elite business association because they are not perceived to be businesses; they tend to run carts, not more expensive trucks; they sell "generic," "mass-produced" food; they are not "branded," or at least, not branded in an upscale fashion; and perhaps most obviously, it is highly improbable that SVP or VAMOS members could afford the group's $200 monthly dues.

There are thus two distinct movements afoot within street vending in New York: a street labor movement comprised of poor and working class immigrant street vendors, and a gourmet food trucking movement comprised of more affluent and mostly native-born food truck owners. As SVP and VAMOS seek to advance street vendors' *rights* as a question of social justice, the NYCFTA instead seeks to promote gourmet food trucks owners' *interests* in strengthening their market position. As their web site states, the NYCFTA aims to "reinvent food truck vending," to assure that food trucks operate as "good citizens," and to "advocate on behalf of food trucks with local and state government for fair laws that reflect the changing realities of street vending."[12] As the president of NYCFTA, David Weber, explains, "We're making this transition from an industry run by peddlers to an industry run by businesses." These food truck owners thus organize to promote and protect only their niche of the industry, lobbying the municipal government to reform vending oversight in a way that will benefit business owners, not "peddlers."

Central to trucksters' discourse around building up their niche of the street

[12] See web site http://www.nycfoodtrucks.org/, accessed May 2011.

vending industry is an understanding of the street as a frontier. Indeed, frontier ideology permeates both the foodie culture from which gourmet food trucking emerges as well as the gentrification narrative that Smith (1996) documented. For food truck owners, the street represents less risk than a storefront venture, because they are not locked into their business concept should the venture fail; this obviously contrasts with the experiences of SVP and VAMOS members, whose workplace precarity is often a daily struggle. Food truck owners see themselves bringing interesting and innovative products to the street, signaling a failure to recognize or perhaps a lack of appreciation for the diverse foodstuffs sold by immigrant vendors.

At the same time, gourmet food truck owners are quite aware of, and sometimes troubled by, the status of immigrant vendors as an urban problem. Their decision to organize as a class apart, an association comprised of only "premium" food truck owners, is an affirmation of shared experiences and goals and also involves significant social distancing from immigrant street vendors. For these young entrepreneurs, street vending is a novel and experimental form of business development. They share an understanding that they are pursuing a road less travelled by their peers, one that is extremely difficult to navigate; hence as so many street vendors do, they band together to survive the hardscrabble conditions of the industry. Yet in distinguishing themselves from street vendors by asserting that they are legitimate business owners, gourmet food truck owners deploy their comparative class and race privileges as a means of rapprochement with a city government that has historically restricted immigrant-driven street commerce. Moreover, most food truck owners position themselves as a sort of vending vanguard, innovators who represent the rightful future of street-based commerce.

Unlike SVP and VAMOS vendors who express a liminal class location, trucksters uniformly identify as small business owners, an identification that is strengthened by their relational view of immigrant vendors as workers or franchise subcontractors. Though gourmet food truck owners have encountered difficulties with the police, specifically in reference to the ban on vending from metered parking spaces, as a group they are far less negatively impacted by the criminalization of street vending. Because they can afford to buy permits in the underground economy, they are much less exposed to arrest and/or confiscation of their goods and more capable of absorbing the cost of vending violations when they are assessed. Moreover, as the literature on commercial gentrification suggests (Deener 2007; Zukin et al 2009; Lloyd 2010), these small-scale, independent producers pioneer a "new" site of profitability not only for themselves, but also for much larger corporate interests eager to come along for the ride.

Young Entrepreneurs Curbing Costs

The gentrification of food vending is a deliberate strategy of restauranteurs (or would-be restauranteurs) navigating the Great Recession, epitomized in the Culinary Institute of America's 2009 International Worlds of Flavor conference, "Frontiers of Flavors: World Street Food, World Comfort Food, Discovering the Fast Casual, Slow Savory, and 'Big Value' Culinary Traditions of Asia, the Mediterranean, and Latin America."[13] The program promised to "represent an all-senses immersion into how we as Americans now want to eat." As the conference program describes it:

[13] See web site at http://www.ciaprochef.com/wof2009/, accessed May 2011.

> 2009 is shaping up to be a year of daunting challenges for American chefs and foodservice operators, but also one of enormous opportunities in terms of short- and long-term trends. Certainly the big news will continue to be the slumping global economy and its fall-out for the American restaurant industry. Budgets and margins are under pressure as customers rein in their spending while food and other costs remain high and consumer confidence wanes.
>
> At the same time, the aspirational food culture that has driven the growth of foodservice in recent years shows no real sign of slowing. If luxury products, high-ticket menu items, and high-flying experimentalism are now in retreat, Americans are still interested in quality, culinary adventure, and world flavors – but at a price they can afford. Further, the recession will likely accelerate two mega-trends that have been playing out for years: the "casualization" of fine dining culture, and the widening of flavor concepts in fast food, fast casual, and volume foodservice.

For restauranteurs, street food represents both a "frontier of flavor" and a "big value" opportunity to remain profitable during the recession. That restauranteurs pursue these "outposts" within the culinary traditions of the Global South reflects both a cultural imperialism and a frontier ideology often associated with processes of gentrification (Smith 1996).

As Halnon (2002) found in her study of "Poor Chic," the "cultural upgrading" of poor and working class practices (such as the transformation of tattoos into "body art") obscures the material realities that give rise to them. Street vending for most is a preferable though still deeply precarious response to degraded labor market conditions. Gourmet food trucking, in contrast, embodies a trend born of recession chic – comparatively more affluent entrepreneurs forced to cut costs in the midst of contracting credit markets, reduced consumer spending, and prohibitively high commercial real estate rents for small business owners. In this context, the turn towards the street as a site of profitability is a shared strategy that is nonetheless undertaken due to markedly different structural constraints.

Trucksters in New York attest that they got into food trucking as a cost-cutting measure in response to the recession. For some, food vending was undertaken as an alternative to white collar careers. For others, vending is an experiment of scale: can restaurant business models contract while remaining profitable? Nonetheless, for most, food trucking is conceived of as a short-term endeavor, due to its myriad difficulties. This sharply contrasts with how immigrant food vendors speak about their experience with street vending, which is described as a long-term occupation.

Many trucksters indicate that the cost of opening brick-and-mortar restaurants, paired with a desire to pursue a more self-directed career, motivated them to pursue mobile options. Eddie, co-owner of Korilla BBQ, noted, "I graduated at the height of the recession in 2008 and decided to take a career I am passionate about instead of the run-of-the-mill investment banking job. I got into the mobile food vending business because no one would loan me $500,000 to open a brick-and-mortar restaurant, on top of my

student loans." With a flashy and instantly identifiable tiger-striped truck, Korilla has operated for less than two years but has expanded to three trucks that staff just over twenty people.

Food trucking for some thus represents a viable exit from white-collar work, reflecting the growing allure of cultural production among the gentrifying classes (Florida 2002; Lloyd 2010). According to Weber, who in addition to being the president of NYCFTA is also a co-owner of the Rickshaw Dumpling truck, "People have seen that this works, people are generating a decent living doing it, and it's become an alternative to working in an office. You know Bob, he was a trader before; John was a consultant. These are white collar workers who wanted a different lifestyle, and found this works."

Trucksters however can afford to make this lifestyle choice based upon their ability to raise enough start up capital to buy a truck (which run upwards of $50,000, compared to carts which cost in the $5,000 range), and possibly experiment with different food concepts should their initial idea not prove profitable. Weber explains: "The economics are so much more favorable: there's lower capital costs, there's so much flexibility, you're not tied in. You make a mistake and you don't make any money one day and you move it the next day. And if the entire concept is a bust you take $10,000 and wrap a new logo around your truck and you're out the next day… So it really mitigates a huge amount of risk." The mitigation of risk lowers the barrier to entry into business ownership, yet having $10,000 on hand to revamp the truck should the initial concept fail clearly reflects a level of economic capital that most food vendors do not possess.

Cutting down on the cost of rent is a key factor in the decision to go mobile. According to Weber:

> When people want to pay [only] $8 for lunch, something has to give to make those economics work. You know, I want organically sourced, yummy things that are totally healthy, and I want to eat in a super friendly and clean, nice environment, and I want my staff to speak perfect English and be extremely cordial and responsive – all the desires that people have translate into a price. If I'm going to get all those things all of a sudden the sandwich is like, $15. But you want it for $8, you know? So what gives? People want it right at the base of their office building, but the rent right there is $250 per square foot. The real estate question is a crucial part of the entire calculation… All things being equal, if the rent were cheaper, I'd rather open a store.

While a brick-and-mortar storefront would be preferable, rent is one factor of production that can be foregone while maintaining a commitment to foodie restaurant standards: healthy organic ingredients and a welcoming environment in which the staff speak "perfect" English (and tend to be native-born).

Trucksters economize on capital investment towards a variety of ends. Some use the truck as a first step toward building a brick-and-mortar restaurant; others already run brick-and-mortar restaurants and use food trucking to build their brand. As one truckster explained, "I tell everybody that we're not selling tacos here. We're selling our brand."

Some use trucks to tap into seasonal profits. For example, one gourmet ice cream company owns three storefronts throughout the city and can operate up to eleven food trucks during the on-season. Others run only one truck and change their offerings dependent on the season, and/or turn towards private catering in addition to street vending.

Obstacles to Longevity

Despite these differences, trucksters share a view that street vending may well be a short-term endeavor. According to Kimchi Taco Truck owner Philip Lee, " In terms of strategy, I would have to say, the truck is not going to grow to more than one. It's just, it's more of a PR thing. I'm from a restaurant background, I feel more comfortable in restaurants." Natasha, the co-owner of an ice cream sandwich truck called Coolhaus echoed this sentiment. "I think [the food truck business] will always have a longer-term lifespan, it just might not be so much street vending as it is private catering. The truck is a great way to get a mobile kitchen set up to a wedding, and serve at a wedding, and it looks really cool." Frites-n-Meats truck co-owner Hiassam points out that he would like to keep vending long-term, but views the future in uncertain terms, due to challenges including "parking, weather, constant tickets and threats, occasional mechanical issues, limited offerings to customers, both in product and services (i.e. no seating), amongst others."

Hiassam was one of the few truck owners who mentioned the adverse impact of police enforcement. By and large, many owners did not speak extensively about the

police. According to one, "We haven't had that many problems with the police. We've only had, like, one run in. The only thing we could complain about is the Health Department." Another owner explained, "I think the police only come if the – the local merchants or whoever calls to report you. And you know, you try to be on their good side, and you never try to park in front of restaurants, and be respectful. And I think if you follow all those things, I think you'll be successful… I probably have the least amount of police run-ins than anyone I know, you know?"

When trucksters did talk about the police, they were often characterized as being inefficient, not unjust. As Weber explains:

> We're happy to follow a broad set of laws, and we do. But there's so much oversight of the industry. And we work really hard to be sensitive and comply with as much as we can. [Customers] are asking us to come, and then the NYPD is asking us to leave. So we're just trying to educate everybody about what's going on, and then come up with a broad set of agreements that everyone can agree on. So we can satisfy the needs of New Yorkers, satisfy the administration, and maybe free up some of these police officers to focus on things that are *really* important.

This view diverges remarkably from those expressed by most street vendors I spoke with, underscoring that truck owners feel they are in a position to educate the administration and the police about how to allocate their resources more efficiently. In keeping with the experience of the street as a frontier, food truck owners as a class are doing the work of

"settling" the street, and expect that the state can and should soon catch up to their pioneering innovation of the industry.

Foodie Culture Hits the Streets

In many respects, the upscaling of street food follows the characteristics that Johnston and Baumann (2010) have identified in the construction of American "foodie" culture. The authors illustrate how the appropriation of a widening array of ethnic foods – particularly those common among immigrant communities – as well as "comfort food" associated with working class culture --has become central to the development of a selectively "omnivorous" gourmet palate. Notably, gourmet food writers validate legitimately omnivorous foods based on criteria of authenticity (including geographic specificity, "simplicity," and roots within a given ethno-cultural tradition) and exoticism (unusual, foreign, and norm-breaking qualities). Indeed, the perception of street food's authenticity often turns upon an exoticism that derives from the ethnic and class differences between its purveyors and consumers, with native-born foodie "pioneers" seeking out an authentic street food experience from working class immigrant vendors (see Zukin, 2010).

Rendering street food gourmet, however, revolves less around the provision of an "authentic" street food experience than by a "premium" one. Gourmet food trucks' appropriation of immigrant and working class tastes is celebrated as an innovation largely because they upscale the food's quality and presentation. Specifically, trucksters conform to foodie ideals of artisanal production; embrace upscale branding as a tactic of

distinction-making; and use social media to develop clientele – practices that dialectically contrast with the mass-produced food, down-market presentation, and place-based customer development strategies of most food vendors. Thus "ordinary" hot dog and halal food carts stand fast on their hard-won street corner as "Turkish taco" and organic juice purveyors Tweet their changing locations, searching for scare parking spots in both commercial and residential neighborhoods.

Some trucksters do recount that ethnic and working class predecessors served as sources of inspiration for their own operations. Weber explained: "We got a big hint by going back to Chinatown again and looking at all these dumpling shops, and they were just so small. No one had a fast casual concept like we did where there was seating for forty or fifty people; it was just a little hole in the wall where people grabbed food and then ran away." Rickshaw menu items include dumplings made with Hudson Valley duck, and a chocolate Shanghai soup dumpling. Coolhaus ice cream truck co-owner Natasha recounts: "I thought it has a nice nostalgic nod, where you're sort of calling on the Good Humor Man at the top, and you know, giving it a modern twist, coming out with something that's a little edgy and intellectual, about our connection to the product." Coolhaus offerings include ginger cookie and wasabi-flavored ice cream sandwiches.

Figure 12: A Coolhaus truck, Manhattan 2011

Many trucksters base distinction on ideals of quality. As one truckster noted, "What differentiates us is the quality of the product." As another explained, "It's not something like hamburgers or hot dogs, that's you know, out there. You try to like hold up to the standards. There are no standards. We create the bar for this, this menu, because this is something that is brand new." Though the Bistro Truck, owned by one of the few immigrant trucksters, does sell burgers, they emphasize that they operate as "a street side restaurant serving real-deal roasted lamb over couscous, grass-fed bistro burgers and more."[14]

What makes street food "gourmet" is also what makes it "new," notably an artisanal production process that stresses original conceptualization, hand-crafted, locally-sourced, and healthier alternatives to immigrant street fare. The Kimchi Taco Truck offers fresh kimchi burrito bowls, rendered healthier without the burrito casing. As

[14] See web site at http://www.bistrotruck.com/, accessed October 2011.

announced on their web site, Mexican barbeque truck Mexicue proclaims that it is "big on using local food sources and changing our menu according to what is fresh and available;" Mexicue recently developed a "bullet" burrito, "a burrito that is smaller than the mammoth monstrosities that you get at a typical Mexican joint." [15] The Frying Dutchmen, that serves gourmet French fries, features sauces and fries "made from scratch of the highest quality, all natural ingredients."[16] Upscaling a long-standing street food staple, Andy's Italian Ices serves "only the finest ingredients and real fruits in our handmade Italian ices."[17]

Mexicue and the Kimchi Taco Truck, both fusion-inspired concepts, reveal an upscaling of immigrant cuisine, infused with healthier ingredients and formats that "improve" upon the traditions that gave rise to their food "concepts". Even the ultimate in unhealthy eating – French fries – are reframed and legitimated as high-end due to the quality of ingredients and a hand-crafted production. Johnston and Bauman's (2010) selectively omnivorous foodie consumer therefore partakes in a seeming democratization of taste while still engaging in status displays that reflect their position within the socio-economic hierarchy.

The re-conceptualization of street fare is also paramount to the distinction process. Coolhaus named itself such as a triple entendre – indebted to the Bauhaus movement, celebrity architect Rem Koolhaas, and more literally the idea of a cool house; as they ask on their web site[18], "isn't that what you're eating, an ice cream sandwich deconstructed into a cookie roof and floor slab with ice cream walls?" Driven to produce

[15] See web site at http://mexicue.com/, accessed November 2011.
[16] See web site at http://www.fryingdutchmen.com/, accessed October 2011.
[17] See web site at http://andysitalianices.com/, accessed October 2011.
[18] See web site at http://www.eatcoolhaus.com/, accessed November 2011.

"unique ice cream flavors that you can't get anywhere else," they offer sandwiches such as one made with ginger cookies and wasabi ice cream. As outlined on their web site, Coolhaus promises an ice cream sandwich that is:

> all-natural, handmade and organic whenever possible. Our dairy is sustainably produced and artificial growth hormone free. We use local and seasonal farmer's market fresh ingredients. Plus, every ice cream sandwich is wrapped in a customizable, edible wrapper that is all-natural and calorie-free. Talk about being Green! Instead of throwing away your wrapper, you get to eat it! The wrapper can also be printed with edible ink, which means it can sport your company logo, birthday mugshot, or a message to friends.

The emphasis on an intellectualized brand identity, premium ingredients, green packaging, and even the branding potential of the product itself combine to distinguish their sandwiches from the mass-marketed and mass-produced kinds sold by the Good Humor truck franchise. The company has met with great success; though it began in Los Angeles, Coolhaus has expanded to New York, Austin, and most recently Miami, with a staff of about thirty employees.

Figure 13: Social media information on a Korilla BBQ truck, 2011 Vendy Awards

Unlike most immigrant food vendors, trucksters rely heavily upon a web presence and the use of social media that builds upon the "blogger revolution" in foodie culture (Zukin, 2010). Yet interestingly, despite their use of internet-based customer outreach, trucksters attest that establishing habitual vending locations, as pushcart vendors do, is a more effective strategy for generating a steady profit. According to Weber: "So there's an idea that you drive someplace, Twitter where you're going to be, and then everybody comes. And that's not the way it works at all. If you drive someplace and Twitter, a few people might come. But basically it's about being in the same spot habitually that builds up traffic and knowledge… No one reads [Twitter] to go there. People use it as a tool to give

feedback to us.“ Twitter can be useful for unforeseen changes or problems, such as a truck breaking down to not being able to find parking in one’s habitual spot. As the Kimchi Taco truck sees it, “Twitter only comes in handy if you have to make a last-minute change… Really what gets people is the regulars, that we come every Tuesday, they know we’re going to be there. That’s more important, in my opinion, than Twitter and so forth.”

Moreover, though they boast many Twitter followers, trucksters also follow their targeted demographic between work environments during the week to residential neighborhoods on the weekends. According to Weber: “One of the sub-segments that we focus on from time to time is like, creative – the ad agencies. They move out to neighborhoods that are sort of in transition more, cause they’re cool and they’re hip and whatever. So all of a sudden they’ll move out to a neighborhood and there’s not food there to support it yet; so that ends up being a great environment for us… And then on the weekend, we tend to vend where the office workers live. So the Upper East Side, the Upper West Side, Park Slope, Cobble Hill, SoHo – we follow that demographic.” The key advantage in being mobile is that trucksters can relocate between commercial and residential districts where their customer base works and lives. Many trucksters pursue locations that have already been or are being gentrified. In this sense trucksters embody a form of commercial gentrification that precedes the arrival of upscale brick-and-mortar storefronts.

In fact, their targeted customer base often consists of those who would not normally purchase “regular” street food. As one truckster notes, “No one had really branded street food before in a way that was clean and made it approachable to sort of

like, lessen the barrier for someone who would never eat off a halal cart… I think that as things got branded, it made that hurdle less." Branding street food tames the street as a frontier destination for foodie consumers, assuring a safely exotic foray into street food culture; branding is thus central to trucksters' business models, and also a chief means by which trucksters distinguish their offerings.

Trucks themselves are widely acknowledged as great branding vehicles; as Coolhaus points out, "They're great marketing tools. They're really unique." A former doctoral student recounts that in developing their food truck concept, branding was a mechanism for ensuring effective customer service: "How to provide a good customer experience is something I think we kind of just intuitively knew, because we already are consumers, and we know what we like. And that's just something that we had thought about going into the whole thing. We spent a lot of time on the brand and the look of the truck and the feel of the truck." Catering to their own consumer preferences, trucksters use branding to signal their innovation of regular street fare.

As one truckster describes it: "I think what we're trying to do is innovate in this space. I'm not saying that other vendors aren't trying to innovate, but a lot of the time it's kind of been the same fare for decades. And it's kind of more of a, it's like a way for, it's mostly immigrants who come here and they can do this and make money. So it's kind of like, it's not really innovative, I would say. It's more kind of a staple. And also we brand our trucks, our products are specific to us and unique to us, whereas the coffee guy, he's selling the same coffee as the other guy. They're all getting it from the same places." Branding thus assures customers that street food is gourmet, innovative, and unique. The process of distinction is employed not only to expand street food offerings, but to create

market differentiation and cultivate a small but growing niche component of the food vending industry.

In New York, building up a gourmet segment within street food vending involves trucksters distancing their practices from those associated with the historically maligned image of the street vending "huckster" (Wasserman 1998, 2008; Bluestone 1991). This distancing derives from and reinforces stark differences in economic and cultural capital between trucksters and immigrant food vendors. For one, trucksters come to vending with far more money to invest; though many work on their trucks themselves, most also have staff and several run multiple trucks. Trucksters therefore often view food vending predecessors not as innovative entrepreneurs, but as immigrant workers offering generic fare.

The perceived cultural differences between immigrant food vendors and trucksters extend beyond questions of taste. Describing NYCFTA's goal of building a new commissary suited to the needs of their members, one truckster explains: "The people who run the commissaries are for those hot dog and shish kebab carts. Culturally, they're more for those guys. And the new wave of gourmet food trucks – more of an Americanized version for the, you know – I don't think they've caught up to that. And I think it's something we want to build, and have up to our own standards, in terms of health and cleanliness, and space." What is gourmet is thus viewed as Americanized, reflecting a food vending hierarchy based on national origin. That cleanliness and health standards are associated with the higher end trucks, however, reinforces the divide between the (immigrant-run) "roach coaches" and the new class of gourmet trucksters.

Another truckster views the bifurcated market in terms of the difference between workers and entrepreneurs:

> Street carts are completely different from what we do. First of all, they have a lot more room to vend. They can go anywhere, on the sidewalk. We're much more limited where we can vend. They're not offering a variety of foods. They complain about us, that we're taking all their business. My advice is – why don't you change your menu? Get creative. Those guys are minimum wage workers for four of five people that hold all the licenses. They're not entrepreneurs. Maybe a couple of them. They're franchises. They're buying their food from the same five people. We're entrepreneurs. We market our business. They don't market their business. This guy on the hot dog corner, what is he doing for his customers that's making him any different that the six other hot dog guys there?

Indeed, the question of whether street vendors constitute marginalized workers or "street entrepreneurs" (Cross and Morales 2007) remains a central debate within the street vending literature. Though vendors' turn towards the street may indeed be entrepreneurial, in New York it is mostly native-born food truck owners who have been able to parlay profits from vending into opening brick-and-mortar restaurants. Such upward mobility is a far less common outcome for SVP and VAMOS members; I met only one vendor in each organization who was able to achieve such a transition.

Organizing as an Industry

Many trucksters view the gourmet industry as quite apart from traditional street vending. According to one: "It's a pretty different industry, I'd say. It's a different working demographic. It's a different product. It's a different price point. It's a different timeline of existence. You know, we do share certain laws of the street, certain ethical codes, or non-ethical codes. But I would say it's really pretty bifurcated."

The development of NYCFTA represents a growing coordination among trucksters that aims to informally regulate competition while building up the gourmet industry collectively. Banding together into vending association dates back to the 1980s, when the city's first vendor trade association, Big Apple Food Vendors, was established – also by native-born food permit holders. Yet as the industry was restructured by regulations, notably by Mayor Giuliani's one vendor-one permit law, trade associations gave way to the immigrant worker center model of SVP and VAMOS. The recent establishment of an elite trade association, limited to only branded food trucks with "best practices," heralds a new class of native-born owners has emerged within the industry.

To join NYCFTA, one must be the owner of a branded food truck. "It's got to be branded," according to one member. "And not, like, fleets. Like the people from Yogo asked… But you know, Yogo is just Mr. Softee in prettier clothes. They don't have the best practices. One of the things about being a member of the Food Truck Association is we expect you to have best practices, in terms of how you cater to people on the street. In terms of the food. In terms of how you treat your employees." Members acknowledge that participation yields important benefits: "I think it has definitely helped the business, helped me get some events. Helped me get exposure." Another adds: "They create events.

They market events. They let us know when things are going on. 'Hey, any truck want to participate in this? It sounds really cool.' So that's definitely a part of it. And you know, just knowing the rules and regulations through the association, that helps you navigate the streets, which in New York are particularly tough. So that's all definitely led to better business, I'd say."

Beyond creating events, the organizing form and advocacy tactics that NYCFTA employs differs starkly from the rights-based approach of the two street labor organizations. In describing the advantages of using a trade association as an advocating body, Weber points out that with the NYFCTA, "there's an opportunity to have a fresh start. We can tell a story about economics to a mayor that is a businessman. It just made for a clean dialogue in a way we thought would mitigate risk." Relying on Capalino & Co. to carry out insider politics with the City Council is viewed as far more advantageous than SVP's approach to vendor advocacy, which some NYCFTA members view as adversarial.

The case of Patty's Tacos, which SVP litigated in order to challenge the ticketing and towing of food trucks for vending from metered parking, was of crucial importance to the members of NYCFTA. Because SVP didn't win the preliminary injunction they sought, NYCFTA was assured that their insider approach would prove more productive. As one truckster recounts:

> So [SVP] tried to litigate it, and then the judge upheld the ruling, which increases the hurdle for us to change it, you know what I mean? So our approach has more been to go to the city and say, look, the rules aren't really up to date and don't

> work, right? We want to work with you to come up with something that makes sense for everybody. A less hostile approach I guess. And that – we don't view the city as the enemy. I can't say that [SVP] does. I can't really speak for them, I've never been to their meetings. But for us we're trying to get a constructive relationship with the city. And the police and the Health Dept and so on.

Building a "constructive relationship" with city government in contrast to the "hostile" approach of SVP reflects the way in which NYCFTA members view themselves as potential insiders to policy-making circles. Indeed as Weber characterizes it, NYFCTA can speak to the city government "as one group of entrepreneurs to another."

Moreover, one NYCFTA member commented that SVP represents an outdated mode of vendor advocacy, not quite yet up to speed with the "new breed" of gourmet food trucks:

> I'm not totally familiar with what [SVP is] doing, but one general sense I get is that they represent vendors, food vendors, from illegal ones to legal ones. So even the lady in the subway who's selling those churros, she doesn't have a permit but she's represented by the Project. What's specific about us is that we're gourmet food trucks, we're kind of like a new breed, and we're trying to raise the standard in a legal way. That's sort of our focus, is to bring the regulations up to date with the higher quality food that's already going out there.

The idea of "the lady in the subway who's selling churros" as an extreme counterpoint to gourmet food trucks came up in more than one interview carried out among trucksters. Yet it is important to stress that food vending permits have been capped for over thirty years, and indeed the waiting list for such permits has been closed since almost a decade before the gourmet food truck movement took hold in New York. As permits are non-transferable, one can reasonably infer that trucksters are operating in the same grey zone of informality that other food vendors renting their permits are. Their goal of "raising standards in a legal way" belies the fact that at present, the artificial scarcity created by the caps on food vending permits forces most food vendors to operate with some degree of informality.

Big Capital Infiltrates Street Food Nation

In addition to advocacy and creating events for their members, NYCFTA has emerged as the go-to resource for corporations seeking to rent food trucks for promotional purposes. According to one NYCFTA member, corporations approach the trade association "all the time." Describing NYCFTA as a "one-stop shop," she explained: "Food trucking is really, really difficult. And people don't understand the laws, they don't understand how difficult it is… What [corporations] generally do is look for an existing truck, and wrap the truck." For example, in the spring of 2011, Air France served free samples of their food made by their Michelin-starred chef Joel Robuchon. Similarly, the History Channel used a food truck to advertise their show "Swamp People," handing out a free "Taste of the Bayou" to passers-by in Union Square. Other

times, corporate-sponsored events recruit trucksters to attend product launches, where the larger corporate brand builds off the buzz of the trend in a way that is advantageous to trucksters' own businesses: "We just did one [event] with MasterCard, where all the trucks went by yesterday. I definitely reaped the benefits of it."

The corporate co-optation of food vending is national in scale. The lifestyle blog Sugarfly put it this way, in a post entitled "The food truck marketing trend: Luxury brands take it to the streets":

> What are luxury brands doing these days to cut through the clutter? This year we've seen high end brands flock to street promotions involving branded food trucks and Twitter. We're not talking about any trucks, but high end trucks with fully operating kitchens or mobile bakeries. From New York to Los Angeles, Chicago, Philadelphia, Portland and other major cities there has been a revolution in street marketing that appears to be thriving. In New York, you can find trucks for just about anything from espresso drinks and cupcakes to tacos, dumplings, crepes and pizza. Note: I'm not talking about street vendors! These are high end trucks. [19]

The blog identifies one food truck, Sweetery NYC, as having carried out promotions for Food Network MaZahirne, Scharffen Berger chocolate, SeamlessWeb, Real Simple MaZahirne, Saks Fifth Ave, American Express, Gilt Groupe, Sur La Table, Lacoste, Lexus, and UGG Australia, among others. Likewise, the SXSW music festival in Austin,

[19] See web site at http://mindyjoyce.com/2010/12/12/the-food-truck-marketing-phenomenon-luxury-brands-take-it-to-the-streets/, accessed December 2011.

Texas has called in 2012 for corporations to sponsor a food truck in order to build their brand in the heart of downtown Austin; the 2012 Super Bowl hosted dozens of food trucks nearby the stadium in Indianapolis; and the Sizzler and Burger King restaurant chains both aim to launch a fleet of food trucks to reinvigorate their brand for a younger, hipper demographic.

Figure 14: A food truck advertising the History Channel television series *Swamp People*, Union Square, Manhattan, 2011

In New York, NYCFTA functions as a quasi-institutional means by which large corporations build their brands in public space. This resonates with Lloyd's (2010) research on "neo-bohemias." He argues that as young aspirants in the culture industry claim spaces in which to develop their craft, these spaces can become attractive to larger corporate interests seeking to capitalize on emergent trends. Lloyd therefore argues that neo-bohemias can play a quasi-institutional role in facilitating corporate co-optation of cultural production. As producers of the foodie culture industry, gourmet food trucks appear to be ripe for the corporate picking.

Truckster business associations like NYCFTA have proliferated across the U.S. as well. They have formed as both municipally-based groups – in cities including Boston, Washington D.C., St. Louis, Nashville, Philadelphia, San Diego, and in smaller cities such as Wilmington and Charlotte, North Carolina. Others have formed as regional organizations – such as the Southern California Mobile Food Vendors Association, the West New York Food Truck Association, and Central Ohio Mobile Food Vendors Association, to state-wide organizations in Michigan, Florida, and Louisiana. Whether these associations play a similar role in facilitating vending's co-optation bears further investigation. While it is clear that the rise in street marketing is advantageous to trucksters, it is less clear what impact such corporate interventions yield for immigrant vendors.

BIDs Weigh In

Given BIDs' historically quite successful ability to influence the City Council into evicting street vendors from the city's most lucrative central business districts, a recent statement by Daniel Biederman, a leader of three Manhattan BIDs, elicited vociferous protest from SVP. Biederman publicly announced a new campaign in February of 2012 to rid Midtown of "unsightly" vendors, in which he denounced food vendors' aesthetics as evidence of their shortcomings as citizens: "The problem is really simple. The food vendors, *with about five exceptions*, are the ugliest collection of miserable-looking vehicles we've ever seen…They are unsightly, and *not particularly good citizens,*" especially with regard to littering (Katz 2012; italics my own).

In addition to asking the Bloomberg administration to be "a little more discriminatory" in which vendors it allows to operate in Midtown, Biederman recommends that vendors "beautify" their carts, citing NYCFTA member Wafles & Dinges, a Belgian-inspired food truck company owned by Belgian native and former IBM consultant Thomas DeGeest, as an ideal. In contrast to the ubiquitous Sabrett hot dog carts run by the immigrant food vendors that Biederman views as terrible citizens, Wafles & Dinges (the creation of a more affluent immigrant entrepreneur) is one of the most celebrated food truck businesses in the city. The company has appeared on numerous local and national television shows, including The Today Show, and has launched its own artisanal brand of *spekuloos* biscuits and spreads, Belgian pearl sugar, and their signature Liège-style *wafles*, sold from their mobile units and also through an online gift shop. Wafles & Dinges is instantly identifiable by its cosmopolitan brand presentation; in homage to the Belgian flag, its truck and four ancillary carts are distinctively adorned with a bright yellow and touches of red and black.

SVP staged a demonstration against Biederman in the days following his public statement, protesting his elitism and racism. But what is perhaps most alarming about the Biederman statement is his strategic use of a more affluent constituency within food vending as a justification for displacing less affluent ones. What Biederman's statement reveals is that the upscale branding of food vending does much to assuage BIDs' unrelenting anti-vendor politics.

Gentrifying the Informal Economy

The Cooking Channel created a one-hour special on the truckster phenomenon, while the Food Network runs a reality television show chronicling their escapades in cities across the U.S. But a trend has truly reached its tipping point when the police procedurals get in on the story. A 2011 episode of the television series *CSI: New York* did just that, in a particularly sensational dramatic register.

A noted gourmet food truck is blown up, killing the white male owner, Derby Chasin, inside. Chasin's truck, named World on Wheels and branded as "Your Passport to Flavor," sells upscale cuisine, in stark contrast to the generic hot dogs sold by rival vendor Odellin Gonzales. Gonzales is a Latino street vendor who's lodged multiple complaints against Chasin for operating illegally, to which the city has made no response.

While Gonzales is the first suspect pursued by police, the plot twists evoke suspicion in both Chasin's former boss, a noted gourmet chef, as well as his partner in the vending business, who is found to be using the truck to front a prostitution ring. In her interrogation, a prostitute connected to World on Wheels' Number 3 Special – the password for ordering up a sex worker – points out that she liked the work, as the truck's clientele was "younger and cooler" than regular her johns.

Toward the end of the episode, the real culprit turns out to be the son of the Latino vendor, Odellin Gonzales Jr., who indeed has a prior criminal record. His reason for blowing up the gourmet truck? Vigilante justice. Upon his discovery of the truck's link to a prostitution ring, Junior feels justified in taking murderous action against his father's upscale competitor. "I did what I had to do," Gonzales Jr. explains. "My father couldn't see the future staring him in his face."

Likely ripped from the headlines when a propane tank explosion seriously injured

a gourmet food truck owner, CSI's dramatization of a racialized class warfare turns on the idea that gourmet food trucks represent a future of increasing economic insecurity for the city's immigrant food vendors. Yet is the future of street vending in New York one in which working class immigrants will eventually be displaced from the landscape, replaced by a new class of "legitimate" entrepreneurs?

This is clearly not the goal of the emergent gourmet food truck industry. In fact, their business development strategies largely aim to broaden street vending's consumer demographics, albeit in a segmented fashion. Further, on closer inspection, trucksters and immigrant vendors actually share many practices. As is common among immigrant food vendors, many gourmet food trucks are co-owned; and some immigrant food vendors characterize their own creations as artisanal (Zukin 2010). There are also many immigrant-run food trucks, replete with their own staff and the ability to move between different locations throughout the city. Though trucksters have bragging rights to hundreds of thousands of Twitter followers, they admit that social media is less effective than occupying a regular location as most pushcart vendors do. Lastly, NYCFTA members are subject to the same regulations that street vendors are, and thus operate just as informally as most immigrant food vendors do. These similarities make trucksters' process of "cultural upgrading" (Halnon 2002) even more vital to carving out a customer base and legitimating their place on the street.

The rising cost of permits in the underground economy will invariably increase vendor displacement, which the city government could act to prevent if they confronted the issue of vending reform. The concentration of immigrants in the informal economy has been recognized as an enduring structural feature of global cities like New York

(Sassen 1991). Yet as more "legitimate" entrepreneurs seek out the street as a shelter from economic constraints, they play a quasi-institutional role in facilitating street marketing for large corporate brands.

Hamnett's (2000) argument that industrial restructuring drives gentrification is thus contradicted by these findings on trucksters. In fact, many trucksters turned to the street because they could not afford the cost of rent in the gentrified locations where their business concepts would thrive. In a truck, they can still reach the same customer base while capitalizing on their rental savings. While gourmet truck owners turn to the street because of gentrification, they nonetheless end up participating in it: their growing demand for food vending permits has already increased the cost of permits in the underground economy, putting such protections further out of reach for less affluent vendors. In addition, these more affluent constituencies will undoubtedly bring greater resources to bear on the municipal policymaking process that governs planning priorities for public space.

Some cities, such as Portland, Oregon, have already adopted more inclusive planning policy to accommodate the trend. In cities like New York and Los Angeles however, trucksters struggle against regulations set to deter the practice of vending – not coincidentally two cities in which immigrant vendors predominate (Kettles 2007; Devlin 2010). Though NYCFTA has hired a high-profile lobbying group to represent their demands with the city government, some members are not enthusiastic about the outcomes of the group's advocacy goals to date; according to one, "There has been zero impact because we have accomplished zero of our set goals… we are facing a real-life David versus Goliath and there is no magic stone that will defeat Goliath. The best we

can hope for is a means to survive and by no means to flourish." Trekking to this new "frontier of flavor," trucksters nonetheless encounter myriad municipal regulations put in place to mitigate street hucksterism. Their "discovery" of non-elite culinary traditions and livelihood strategies is thus complicated by their encounters with the politics of public space.

As Mitchell and Staeheli (2006: 144) have pointed out, "public space has become a key battleground – a battleground over the homeless and the poor and over the rights of developers, corporations, and those who seek to make over the city in an image attractive to tourists, middle- and upper-class residents, and suburbanites." While trucksters contribute to the upscaling of public space and its practices, it is unclear if the trend will continue to flourish when economic conditions improve. Moreover, trucksters and their targeted customers tend to be young; observers will have to wait and see if the trend and its followers will stick it out for the long haul. The taste for premium street food may wither; many trucksters may abandon their trucks once they have raised enough capital to enter into the brick-and-mortar market.

Catering to foodie enthusiasts constrained by the recession but eager to remain at the culinary frontier, trucksters have negotiated the distinction process in a way that both embraces diverse ethno-cultural traditions and yet obscures the precarity of most immigrant food vendors. Organizing as a trade association apart from the city's two vendor worker centers further cements the native-born/immigrant divide within the industry. Perhaps most tellingly, though the leaders of SVP and NYCFTA are friendly (and indeed Weber was a member of SVP and acknowledged that the group was a resource to him in his early days of vending), the two groups do not collaborate much;

Weber has expressed support for SVP's Reduce the Fines campaign, but NYCFTA has yet to write an official letter of support, perhaps because $1,000 fines are less ruinous to their members, but also likely because of the outsider stance that SVP adopts to the city's power establishment.

The gourmet food trucking movement does not share the same concerns as those engaged with the street labor movement; there is no discussion of rights or justice in how trucksters describe their challenges or their advocacy goals. While VAMOS and SVP members describe frequent experiences with racialization and criminalization, NYCFTA members did not speak at length about their interactions with the police, though of course many mentioned that tickets and the rule against vending in metered parking were problems. Their pursuit of insider negotiations with municipal agencies thus derives in some measure from the fact that they do not perceive themselves to be in opposition to New York's entrepreneurial governance of public space. Time will tell if they can succeed in becoming part of it.

The rapid success of gourmet food trucks, both in New York and in so many cities across the U.S., must be assessed in relation to the slow and steady criminalization of less affluent vendors who turn to the street for different structural reasons and with a different set of resources. The increasing stratification within New York's vending industry reveals how the governance practices of the post-industrial complex valorize and largely exonerate the illegality of street commerce when enacted by "the creative class" (Florida 2002). The hyper-active criminalization of SVP and VAMOS members is thus contrasted by a markedly passive acceptance of upscale vendors despite the fairly obvious likelihood

that trucksters bought their permits with wads of cash stuffed in a brown paper bag just as most food vendors do.

At the same time, many trucksters take up vending because as small-scale entrepreneurs they cannot access the commercial real estate market, particularly in the gentrified locations where their customer base lives and works. Yet as they open up the street food market to new clientele, trucksters have both been able to benefit from their role as intermediaries between the corporate sector and the street while also raising the price of food permits in the underground economy. The growing corporatization of vending as a brand-building tool, in turn, will quite possibly create greater pressure for access to the street economy from above, risking the displacement of not only poor and working class vendors but also those independent foodie truck owners that launched the current trend.

The gentrification of the informal economy complicates current understandings of post-industrial restructuring. The notion that post-industrial cities are characterized by a bifurcated labor market, widening income inequality, and increasingly polarized settlement patterns suggests that those inhabiting the upper echelons of the city are worlds away from those at work in low-wage service jobs and the informal economy. Moreover, the informal economy has been studied, even fetishized, as the exclusive domain of the urban poor. Yet the entry of highly skilled professionals into the street vending sector reveals how informalization as a tactic of capital accumulation (Slavnic 2009) is shared across class lines, as is the entrepreneurial imperative of post-industrial economic survival. These shared practices bring the uneven policing of informality into even sharper relief.

Chapter VI

Inhabiting the Streets

The important and ever-expanding labor of making and sustaining urban life is increasingly done by insecure, part-time and often disorganized low-paid labor. The so-called "precariat" has replaced the traditional "proletariat."... How such disparate groups may become self-organized into a revolutionary force is the big political problem. And part of the task is to understand the origins and the nature of their cries and demands.

Harvey 2012: xiv

World Class Streets

In title alone, the 2008 report "World Class Streets: Remaking New York City's Public Realm," announces a global city directive from the NYC Department of Transportation (NYCDOT). In line with Mayor Bloomberg's sustainable development strategy and drawing on a host of "successful" plans from cities around the Western world, "World Class Streets" aims to make the city greener, less congested, and more people-oriented. But oriented to which people? Street vendors are referenced only under the section dealing with "Obstacles on Sidewalks" (2008: 23), technocratically swept aside as one of many challenges to account for in the planning of the world-class street:

> The types of stationary activities found in New York's streets are very different from those found in other world cities. A majority of stationary activities found on Flushing's Main Street are commercial activities associated with street vendors. The majority of stationary activities recorded along Swanston Street in Melbourne, by contrast, are associated with people window shopping or relaxing in public benches, café chairs, and/or secondary seating. (p. 28)

The implication appears to be that New York is not different from Melbourne in a better way, and that we should look to other "world cities" (ones that perhaps don't have so many street vendors) as to rethink and ameliorate our world-class streets. Such remarks build upon a modernist Western narrative of urban life that privileges the street as a site of middle-class consumerism and leisure activities (Harvey 2003), relegating the commerce of street vendors to the urbanism associated with what Roy (2011) has termed "slumdog cities."

Private planning documents in New York reveal a similar, if not more virulent, treatment of "the street vendor problem." In the Bronx, the Fordham Road Streetscape Master Plan was developed in 2008 by the Fordham Road Business Improvement District, in conjunction with RBA group, a private urban design organization. The master plan identifies vendors, like NYCDOT's report, as an obstacle to a successful completion of the plan. Alongside streetlights, mailboxes, and trashcans, street vendors are categorized as a primary "encroachment" on the streetscape, where "the relocation and/or removal of these encroachments should be reviewed with regards to the NYCDOT and ADA requirements" (2008: 15). Moreover, the slated arrival of GreenCarts, the produce

carts meant to provide fresh and healthy options in the city's food deserts, is described as a "threat" to the proposed project area of the plan (2008: 25).

These dehumanizing categorizations of street vendors by the New York's planning elite are not at all surprising, but they are increasingly out of sync with most urban policymaking in U.S. cities that is feverishly looking for ways to bring more commerce into the streetscape. In the vast majority of cities where trucksters have rolled up, municipal governments are finding ways to accommodate them. In cities with longer histories of street vending as an immigrant gateway occupation (notably New York and Los Angeles, and to a lesser extent Chicago and Washington D.C.) vending governance remains stubbornly repressive. Yet in each of these cities, immigrant street vendors (mostly Latinas/os) are organizing – as are gourmet food truck owners.

The outcomes of vending reform in each of these cities will reveal much about the contemporary politics of urban public space. Which constituencies will see their needs met through such reforms? For example, policies that allow only food trucks, as opposed to carts, tables, and other less cost-intensive vending units, necessarily empower a higher strata of vendor with the ability to invest tens of thousands of dollars in start-up costs. The governance of street vending may thus replicate, or as is the case in New York intensify, the widening structural inequality of post-industrial cities.

World Class Inequality

This research reveals a growing stratification within New York's street vending industry, which has immediate implications for street vending and food trucking policy –

most pressingly, that the class, race, and gender disparities between hucksters and trucksters result in two entirely different municipal responses to their presence in the street. There is no group within the industry that is more obviously working around food permit regulations than trucksters; this is unquestionably recognized by anyone familiar with vending governance. Yet none of the gourmet food truck owners I spoke with had ever been arrested, and only a few even mentioned the police as a day-to-day problem. Criminalization remains almost entirely limited to vendors who are poor and working class people of color, and upward mobility from the street to the storefront is almost entirely dominated by the more affluent, predominantly white and native-born gourmet food truck owners.

What unites these different segments of vendors is the broad scope yet uneven consequences of informality. Members of all three organizations operate with some degree of informality, yet the likelihood of its repercussions varies dramatically between SVP and VAMOS on the one hand and NYCFTA on the other. Because gourmet food truck owners have the means to purchase exorbitantly priced underground permits, they are less likely to accrue the $1,000 fines for vending without a permit. Indeed, appealing tickets is a core service of both SVP and VAMOS, while for NYCFTA such services are not needed or offered. The costs of informality are therefore borne quite differently along the lines of class, race, and gender.

Every city can therefore learn from New York how not to regulate street vending. Enforcement alone costs the city nearly five times what it collects from the fines imposed on vendors, and the severity of enforcement exacts an enormous toll on vendors in the process. Oversight does not work for any of the parties involved, except for the BIDs

who have so successfully enclosed the city's public spaces from vendors, and the Parks Department that generates a handsome revenue stream for the city from auctioning off the vending concession rights on their property to the highest corporate bidders. The question is, will the city address its dysfunctional system head-on, or will the municipal government sit back and let trucksters displace immigrant vendors via rising permit prices in the underground economy?

The answer is clearly not more evenly distributed criminalization, nor is it state support for gentrification. Rather the municipal government could begin to restore democracy to city governance by pursuing a participatory planning approach to vending reform, much as several City Council members have advanced participatory budgeting in recent years. This would of course involve a re-orientation toward street vendors, firstly by acknowledging they are city inhabitants and not inanimate "encroachments;" by recognizing that there are several different constituencies within street vending that are already organized and more than willing to participate in reform; and that, especially given the new segments of the public that gourmet food trucks have attracted, there is widening public support for the street-based economy.

The centrality of the police department in New York's vending governance apparatus has undeniably become part of the "problem" it is trying to solve, just as intensive regulation of vending results in systemic informality across all the strata involved in the industry. The vast majority of police-issued tickets are dismissed or go unpaid, and the residue of their interactions with vendors is an unjustifiable social cost. Much of my volunteer work within VAMOS and SVP involved processing tickets that vendors had brought to the organizations; I must have read through several hundreds of

them. At least ninety percent of these tickets were issued by the police, not by the Health or Sanitation Departments, though it is very common for police to issue tickets on health-related grounds. The pink slips handed to vendors (the symbolism was not lost on me) are usually illegible, and when you can decipher them, regularly reference the incorrect vending code for the cited violation. It is unreasonable to ask police to have a full command of vending laws and codes from across seven different agencies, ground rules that more than occasionally contradict one another and that even seasoned lawyers who specialize in vending laws find legally obtuse. Police involvement in the enforcement of vending regulation is entirely inefficient as anything other than a technique of surveillance and punishment.

Public Space, Race, and Criminalization

Street vendors in New York most commonly experience these conditions through the prism of race, specifically through police enforcement and to a lesser extent through interactions with health and sanitation employees, feeling unjustly targeted as immigrants and/or as people of color in public space. Criminalization was the defining occupational hazard for every SVP and VAMOS member I came to know. No obstacle to income security was discussed more frequently than the police. The vast majority of vendors I spoke with had been arrested, many of them on multiple occasions; more than a few Latinas working in the outer boroughs had been held in jail for several days. Some people spoke about these experiences with a degree of detachment, or resignation; for others, trauma was closer to the surface. Yet in nearly every account of these experiences,

vendors questioned the role of race in shaping how vending regulations are constructed and enforced.

Just as Wasserman (1998) argues that the LaGuardia administration's efforts to "modernize" New York in the first part of the twentieth century entailed "de-ethnicizing" the city's public spaces, interventions into vending oversight since the 1975 fiscal crisis have also targeted populations of color. From Mayor Koch's complaint against the "souk" ambiance of street vendors in the 1980s to Mayor Giuliani's eviction of African and African-American vendors from 125th Street in Harlem in the 1990s, vending reforms in New York have been racial projects integral to the class transformation of public space. Within this context, the uneven criminalization of street vendors and gourmet food truck owners is a chief means through which racialization is carried out in New York's public spaces.

The post-industrial complex produces oppositional spatial practices, creating borders for less affluent vendors of color and opening up the street as a frontier for more upscale, native-born, and whiter food truck owners. The public spaces produced by post-industrial capitalism are as polarizing as the widening social divides endemic of this round of economic restructuring. Indeed, 2011 Census data reveals that New York City is now the most unequal city in the most unequal state in the most unequal advanced economy in the world (FPI 2012). In this regard, the growing stratification within the city's street vending industry is not arbitrary. Yet the data reveals that the city's spatial governance practices actively reinforce and facilitate this widening social divide.

Nonetheless, vendors overwhelmingly attest that working in the street is far preferable to the usually low-wage service work they attempted to access prior to

vending. This quest for autonomy and dignity in one's work carries its own right to the city within it. The rapid urbanization of the planet has been sustained because people increasingly *must* move to cities to find enough work to survive. Finding work in the street when formal employment can't cover the bills is so severely policed because it is an *inappropriate appropriation* of space (see Cross and Karides 2007): the grassroots "spatial fix" (Harvey 2001) of surplus labor. Gourmet food trucks, on the other hand, have been allowed to carry out the very same practices and appropriate the very same spaces thanks to what can only be seen as a policy of inaction.

The border and the frontier help to express why this is the case, from above and from below. As material boundaries produced by capital and the state, borders and frontiers facilitate and regulate growth: of markets, of nation-states, and increasingly, of cities as well. This is carried out by divergent processes of militarization; border patrol agents carry weapons of one kind (the state's monopoly on violence), and urban pioneers carry another (the market culture of profitability). Frontiers are spaces of on-going colonization (foodie culture discovering and innovating street food), and borders are spaces that defend the victories of imperialism. Anzaldúa's declaration that the border is "*una herida abierta* [an open wound] where the Third World grates against the First and bleeds" (1987: 3) could not describe street vendor conflict in New York with any greater accuity.

From below, in the realm of everyday urban inhabitance, borders and frontiers organize how people make sense of their own social location in the city. Gentrification transforms the class character of space as much as it takes ownership of the land. Frontier narratives characterize many trucksters' view of the street as a space in need of

innovation (much as dilapidated warehouses need to be renovated for "higher and better use"). The "natives" of the street are viewed as a lingering relic of the past, with fancier food trucks that are legitimate businesses representing the vending vanguard.

The experience of living on the border, however is, entails an experience with both violent racialization (as the uneven criminalization of hucksters and trucksters confirms) but also situations of liminality, where competitors build communities for both mutual aid and political action, and agents of free enterprise join "urban unions" for economic justice and immigrant rights. The struggle for self-definition is the starting point of the street labor movement precisely because living (which includes working) in the space where "we" confront "them" is its own distinct social location.

Street Labor as Urban Movement: Towards Urban Inhabitance

The entrepreneurial turn in urban governance redefined the politics of public space. Public-private partnerships, focused on increasing the city's economic competitiveness for global capital, effectively criminalized the use of city streets as a workplace. Yet as the Business Improvement District movement organized from above to successfully claim and govern public space, street vendors and their advocates responded from below through a diverse repertoire of collective action to claim their right to the city. Street vendor organizing efforts are growing precisely because vending is usually an occupation of last resort.

Moreover, they are taking the form of a labor movement, from millions-strong trade unions in the Global South to small community-based worker centers like SVP and

VAMOS in the West. Though local contexts vary dramatically, the movement is increasingly coordinated by transnational networks and carries within it a common call for the right to the city. This is a street labor movement. Though they don't call it such, scholars following struggles for public space in cities of the Global South have provided ample evidence of it (Gallin 2001; Celik 2011; Mendiola Garcia 2008; Horn 2005, Cross 1998, Chen 2001).

To be sure, the concept of street labor challenges the standard Marxist criteria for determining class position. Street vendors can employ other vendors; they can work co-operatively in partnership with each other; they can be self-employed; or they can work as a sub-contractor or employee. All of these arrangements can be found among and between SVP and VAMOS members because, regardless of their relationship to the means of production, the governance of urban public space subordinates street vendors as a class – a liminal class, in fact: neither legitimate small business owners nor traditional workers, whose class conflicts largely occur within the realm of private property. Vendor solidarities are thus constructed through shared experiences with criminalization as they occur in public space.

The centrality of public space in street vendor struggles ties economic and social justice goals together in a distinctive way. Street vendor organizations link organizing models from the traditional labor movement with urban movement demands for greater access to land and more involvement in shaping the spaces of the city, not in the name of collective consumption, as Castells' (1977) first conceived of urban social movements, but more in the vein of Lefebvre's call (1968) for the right to the city: the right to

appropriate space and participate in decision-making by virtue of one's status as an urban inhabitant.

In *The Urban Revolution*, Lefebvre (2003: 96) argues that society has become totally urbanized, which is to say that space is now produced in an urban mode that is centered on encounters with difference, in distinction to rural and industrial spaces of homogeneity: "…the urban can be defined as a place where differences know one another and, through their mutual recognition, test one another, and in this way are strengthened or weakened." Lefebvre's notion of urban inhabitance, the basis for his right to the city manifesto (see Purcell 2002), grounds the critique of everyday life in an analysis of spatial practice. Within the post-industrial complex, the ways in which we access and use spaces correspond to yet concretize social differences.

The research reveals that urban public space is a space of labor, commerce, and industry, and increasingly, a site of struggle over who may access the street for this use. While the street in New York has historically always been an immigrant workplace, the gentrification of street vending may challenge its ability to remain so. Nonetheless, the workplace conditions of street vendors are far more precarious than those of gourmet food truck owners, in no small part because of the governance practices of the post-industrial complex.

To develop an urban politics of the inhabitant, in Purcell's (2002) terms, we might further investigate the ways in which urban governance impacts the spatialities of labor and industry. Based on my data, I have argued that the street labor movement responds to the entrepreneurial shift in urban governance and represents a demand for economic justice as a right to the city. At the same time, the on-going gentrification of street

vending is facilitated by governance practices that spare more affluent food truck owners from the criminalization meted out upon most immigrant vendors. Greater attention to how urban governance shapes people's working lives, which is one of the most fundamental ways in which we inhabit the city, is a necessary next step both for building coalitions for urban justice and producing research and theory that can contribute to these projects.

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