

## Original Research Article

## Chicanx histories of the present: a praxis against gang injunctions in Orange County, California, 2008–2016

James O'Neil Spady,<sup>1,\*</sup> Alexander Scott,<sup>2</sup> Susan C. Luévano,<sup>3</sup> Gabriela Hernandez,<sup>4</sup> Carolyn Torres<sup>5</sup>

<sup>1</sup> Associate Professor of American History, Soka University of America, Aliso Viejo, 1 University Drive, Aliso Viejo, CA 92656, USA

<sup>2</sup> PhD Graduate Student (ABD), Sociology, University of California–Riverside, 900 University Avenue, Riverside, CA 92521, USA; ascot013@ucr.edu

<sup>3</sup> Librarian, Library Faculty, California State University Long Beach, 1250 Bellflower Blvd, Long Beach, CA 90840, USA; susan.luevano@csulb.edu

<sup>4</sup> Psychiatric Social Worker, Orange County, CA, USA; Gabaa\_46@yahoo.com

<sup>5</sup> Public School Educator, Anaheim Union High School District, USA; torresc@yahoo.com

\* Correspondence: jspady@soka.edu

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**Abstract**

Chicanxs Unidxs de Orange County (CU) is a community organisation in Southern California. Founded in 2006, CU is small, multigenerational and multi-ethnic. Its organising has focused predominantly on building community power by focusing on local politics, abusive policing and the gentrification of Chicanx neighbourhoods. This article presents an evidence-based narrative of several CU campaigns (primarily between 2008 and 2016). CU's tactical aggressiveness and strategic pragmatism forced significant

changes to ‘civil gang injunctions’ in California. For decades, California law enforcement has used such injunctions to suppress a generation of young people of colour as ‘gang members’. Minors and adults have been prohibited indefinitely from engaging in otherwise legal activities without due process. CU’s emphasis on the longevity of institutionalised and societal racism, rooted in the colonial conquest, resembles arguments associated with critical race theory (CRT) – though CU was not inspired by CRT. CU’s praxis resembles practices of critical pedagogy – though it was not directly modelled on it either. Rather, we argue that CU’s praxis is embedded in the members’ lived experience and study of the local history of racism, community and social movements. All five of this article’s authors were members of CU and were involved in the organising described in this article. The authors wrote this at the request of the CU membership, and it has been discussed and revised by the full membership.

**Keywords** gang injunctions; Chicane movement; movement praxis; critical pedagogy; critical race theory

## Introduction

Chicanxs Unidxs de Orange County (CU) is a community organisation in Southern California. Founded in 2006, the organisation is small, multigenerational and multi-ethnic. Its organising has focused on opposition to heavy-handed policing and gentrification of Chicane neighbourhoods. This article describes and analyses CU’s organising activities as a praxis. We define praxis along the lines of articulated by Paulo Freire in his work *Pedagogy of the Oppressed*. Praxis has three central features: (1) direct action; (2) critical reflection on action; and (3) ongoing community-based inquiry rooted in love. Freirean praxis pursues these activities through dialogue within oppressed communities and confrontation of oppressors in pursuit of a general liberation. Some CU members draw specific inspiration from Paulo Freire and bell hooks. However, we argue that CU’s praxis is also – perhaps primarily – a manifestation of how CU members are embedded in the local organising history and culture. We emphasise how CU’s praxis emerges from and reimagines historical social movements in the local community. CU embraces confrontational tactics and embeds its approach in community networks that can mobilise vital resources for court battles, media outreach, city council demonstrations and street rallies. These practices are of course not new but their rootedness in the history of local Chicane communities is important for CU’s praxis.

Some CU members have decades of experience in a wide variety of local organisations and movements, beginning as far back as the late 1960s. Other members were born in the 1980s and 2000s. Within the membership, which usually numbers about 20 or fewer people, there is what Antonio Gramsci might call an ‘organic’ local perspective on race, class and power in Greater Santa Ana. Many members were born in the region, were educated in local schools or have worked in the area’s labour movement, government or education sector for years, even decades. There is also significant training of the ‘traditional’ intellectual variety that Gramsci also described: many core members have college degrees and several hold post-graduate degrees. CU’s praxis has been embedded in these members’ lived experience of local Chicane social movements and community history. CU’s work reflects critical race theory (CRT), and its experience demonstrated that the ‘rule of law’ itself has been and remains an instrument of inequality in communities, not a neutral arbiter of justice.<sup>1</sup> CU’s mission is oriented toward the struggles Chicane, Mexicano/a Indigenous people and the working classes, seeking to participate in the mobilisation of a mass social movement of these people for liberation and land return. Though members have regularly reaffirmed this mission, CU campaigns have applied it pragmatically in defence of legal rights, neighbourhoods and the Chicane cultural landscape of Orange County.<sup>2</sup>

This article’s primary purpose is to present an evidence-based narrative about CU’s participation in a multi-movement against California law enforcement’s policy of ‘civil gang injunctions’. However, we contextualise this recent and ongoing struggle in the history of the organisation and of Chicane activism in Orange County. We therefore briefly describe several twentieth-century organisations and movements before examining CU’s work against gentrification and civil gang injunctions. Rooted in this history, CU’s

tactical aggressiveness, extensive local networks and ideological pragmatism contributed to courtroom and community victories of state-wide significance.<sup>3</sup> CU's praxis is to (1) mobilise allies within public and private institutions, such as the justice system and non-profits, while (2) maintaining an unincorporated, community-based and autonomous standpoint relative to these same institutional arenas of power. This praxis, we argue, aligns with critical approaches to race and ethnicity, such as CRT and LatCrit, which disrupt racist and xenophobic discourses and practices with the voices, stories and knowledge of people of colour.<sup>4</sup>

All five of this article's authors are members of CU and were involved in the organising described in this article. Our personal experiences are a principle source of evidence for the argument. We accomplish multiple perspectives through interviews, media reports, public records and local histories. Our methods and approaches are drawn from the traditions of cultural history, self-reflexive ethnography and critical pedagogy: this article is at once an academic study and an example of activists practising critical self-reflection on their actions.<sup>5</sup>

## Chicanx histories in Greater Santa Ana

There is no monolithic Chicanx identity today, and there was no unconflicted unity in the past, either. Chicanxs Unidxs' praxis, as we are defining it, has emerged from the diverse organising histories of Mexican origin and Chicanx people in Southern California. Various histories of domination, marginalisation and elimination have contributed to Chicanx praxis. White domination commenced with Spanish colonisation. US settler colonialism after the 1840s made the Chicanx and Indigenous struggle for land, community and dignity more sharply racialised through marginalisation and elimination. Cultural memory of these struggles forms the historical grounding of Chicanx consciousness within CU. Not every member understands this history in the same way, but most conceive of contemporary struggles as extensions of this racialised history of colonisation. The past has a presence in the present.

The origins of neighbourhood alienation – whether through gang injunctions or gentrification – lay in the displacements of Spanish settler colonisation. Spanish, Californio and Acjachemen (Indigenous Orange County) people lived and worked in proximity to Catholic missions during the Spanish colonial period and on private *ranchos* during the independent Mexican era from 1831 to 1848. After the US conquest of California (1845–8), the *ranchos* were reorganised into townships. Most Mexicans subsequently lost their land through unscrupulous legal and political manoeuvres, resulting in their political marginalisation as well as economic dispossession. By the early twentieth century Santa Ana's population was disproportionately White, and its political elite was entirely White. Mexicans migrated into California, often in response to US interest in cheap labour. People arrived as refugees of the Mexican Revolution of 1910–20.<sup>6</sup> US-born and migrant populations picked and processed agricultural produce in segregated and exploitative conditions. The Bracero Program (1942–64) deepened these labour and segregation conditions.<sup>7</sup> By 1920, the Mexican and Mexican-origin population of Orange County was among the largest in the USA, but power and self-determination did not follow. Legally Mexicans were classified as 'White', but de facto racial segregation was maintained in practice.<sup>8</sup>

Mexican-origin people living in Orange County were historically clustered in segregated neighbourhoods called *barrios*, mostly in Greater Santa Ana.<sup>9</sup> Although the *barrios* were marginalised neighbourhoods, they nonetheless also nurtured a collective Mexican and Chicanx identity in Santa Ana and became sites for affirming identity and contesting domination. Political identity in the *barrio*, however, was not uniform. Some accommodated themselves to the existing order. As one long-time Santa Ana *barrio* resident remarked, 'segregated schools became attractive backdrops for photographs', and factory whistles in the neighbourhood became a 'very good time keeper'. *Barrios* developed – over time – networks of familial relationships, religious practice and informal baseball leagues. People spoke Spanish. By these means *barrio* communities at least mitigated oppression and helped people endure poverty. However, institutions built for segregation and for survival also yielded assertions of power. Locally owned Mexican businesses formed committees to negotiate for urban amenities and mediate between civic bodies and *barrio* residents. *Barrio* residents organised *mutualistas* (mutual aid societies), Mexican American labour unions and civil rights organisations to contest formal and informal racist laws and practices.<sup>10</sup>

Over time, direct resistance to White supremacy in Orange County grew. Agricultural workers from Santa Ana to San Juan Capistrano fought Orange County growers in a series of strikes beginning in

1933 and culminating in the widespread 1936 pickers' strike.<sup>11</sup> And they resisted the forced, illegal deportation of hundreds of thousands of Mexican-origin people – including US citizens – to Mexico during the 1930s. At least two current or former CU members had part of their families deported in this forced mass deportation. Some of these family members had served in the US Army during the First World War.<sup>12</sup> These events were recent history when barrio parents challenged school segregation in Orange County in the mid-1940s, leading to the 1947 *Mendez et al. v. Westminster* decision barring school segregation. The Santa Ana Unified School district was a co-defendant in that case. Most CU members know this history.<sup>13</sup>

Within CU, first-person memory of the local history of political organising often begins with acquaintances connected to the legal battle against school segregation in the 1940s. Some members have met some of the 1947 plaintiff families. However, some of CU founding members were directly involved in the Chicano Movement of the 1960s and 1970s as high school or college students. Locally, the movement deployed techniques quite familiar to some older activists: direct street action, legal manoeuvring and mobilisation of social networks. There were mass demonstrations and school walk-outs in Greater Santa Ana. The Chicano Movement renewed 1930s- and 1940s-era confrontational direct action for a new generation. Even tactics such as school walk-outs might be understood as having antecedents in the strikes and boycotts of the early farm labour movement.<sup>14</sup> Chicano ideology's militant anti-colonialism sometimes offended older Mexican American activists in organisations such as LULAC and the American GI Forum. But more broadly, many of the Second World War generation in the barrios of Greater Santa Ana would have recognised Chicano Movement techniques and the official responses.<sup>15</sup> Local people knew from experience how such struggles progressed – and how they were won and lost.<sup>16</sup>

In the 1970s, seven neighbourhood organisations from Santa Ana barrios and other multi-ethnic low-income communities united as the Santa Ana Neighborhood Organization (SANO). Though focused on city-wide reform rather than decolonial revolution, SANO organisers trained the city's working classes in confrontational political techniques drawn directly from Saul Alinsky's *Rules for Radicals*, according to a lead organiser and former barrio resident. These tactics included canvassing, community meetings, accountability sessions with politicians and street demonstrations – all of which have also been tactics of Chicanxs Unidxs since 2006 (see Figure 1). Activists practised confronting the race and class hostility and bias of city officials. In the 1970s and 1980s, SANO regularly inundated city council meetings to advocate for neighbourhood control and improvements rather than gentrification. In one action, someone brought live cockroaches to a city council meeting (where persons unknown released them) in order to dramatise difficult housing conditions.<sup>17</sup> SANO built a powerful political consciousness. As one activist described it, SANO asked people if they 'were tired of losing' and proposed that, if they were, then they should learn to confront power rather than obey it. The renewed resistance helped stop a freeway onramp that would have ploughed through a large section of the historic Logan barrio. Eventually, their work helped secure federal funds for local improvements and services. Between 1976 and 1987 tens of thousands of people participated in a multi-ethnic, neighbourhood-based grassroots community movement and defeated parts of a 'revitalization' plan in downtown Santa Ana that would have demolished the three historic barrios.<sup>18</sup>

White flight from Santa Ana and predominantly Mexican and Mexican American in-migration into Santa Ana produced a brown majority in the city after the 1970s.<sup>19</sup> However, the once monolithic Mexican American community gave way to mass migration from Mexico and Central American countries in the 1970s and 1980s. As a result of language preference, immigration status, housing and labour force issues, distinct ethnic social and political formations emerged. Mexican Americans with generational history in barrios became the minority, while the urban migrant experience predominated in brown neighbourhoods, which expanded rapidly beyond historical Mexican American neighbourhoods to include most of the city south of 17th Street. In 1985 500 recently arrived Mexican migrants staged a multi-year rent strike organised by *Hermanidad Mexicana*. *Hermanidad Mexicana*'s focus on the exploitation of migrants changed the political landscape of the city. Thereafter, immigrant rights were the fulcrum of grassroots organising.<sup>20</sup>

Notably, Chicanx activists were not involved in the rent strike, nor did they lead immigrant rights struggles. Instead, Chicanx and Mexican American activists focused on transforming city government from White-dominated to Latinx-led, an arena where migrants were involved but less impactful due to immigration status, voting rights, economic and language barriers. Gradually a majority Latinx city council and mayor prevailed between the late 1980s and the mid-2000s. However, the majority Latinx city council and mayor did not produce government and law enforcement more responsive to Latinx

people, despite growing social engagement and political solidarity among Santa Ana’s majority brown community, including but not limited to the creation of Santa Ana Merged Society of Neighborhoods (SAMSON), opposition to state-wide anti-immigrant propositions of the 1990s (Propositions 187 and 227) and the emergence of El Centro Cultural de México.<sup>21</sup>

**Figure 1.** Santa Ana Neighborhoods Association (SANO) flyer, 6 September 1980. SANO drew support from broad sections of the community. Members of CU were active with SANO (Source: courtesy Susan Luévano).



By 2000 the city of Santa Ana was 76 per cent Latinx. The proportion of the population living below the federal poverty level was 16.1 per cent. In 2004, a Rockefeller Foundation report ranked Santa Ana as having the highest level of ‘urban hardship’ of all mid-sized cities in the USA. The city also had the nation’s highest density of Spanish speakers, and the youngest median age (27 years old).<sup>22</sup>

## CU praxis: organising against civil gang injunctions

One of the co-founders of Chicaxs Unidxs in 2006 had been a core member of SANO during the late 1970s and 1980s. Several more were also connected to SANO. In the 1980s, other future members of Chicaxs Unidxs were involved at local college campuses in Movimiento Estudiantil Chicax de Aztlán (MeChA). During the 1990s some collaborated in creating a local chapter of a national organisation called Chicano Moratorium. The praxis these seasoned local activists brought to CU in 2006 reinterpreted ideas and practices of the Chicax organising in which they had participated. Gender equity was a major tenet from Chicaxs Unidxs’ origin, a lesson learned from the difficult and iniquitous gender and sexuality dynamics that sometimes affected the Chicano Movement of the 1960s and 1970s. Chicaxs Unidxs also reinterprets the 1970s Chicano Movement’s vision of liberation from colonisation, which is sometimes articulated as *Aztlán* – an ideology of recovering the Indigenous homeland. The *Aztlán* ideology had local resonance in the past, producing notable local art (see Figure 2). By 2006 it no longer held that kind of resonance with activists. However, for CU, its traces appear now as efforts to insure the integrity of neighbourhoods, and the dignity and livelihood of Chicax people. *Aztlán*, however, is not specifically

the vision of Chicanxs Unidxs. Instead, as CU members put it during a discussion session on a draft of this article, Aztlán is a 'dated concept' and 'too limited' in its cultural politics. According to one member, 'we want the whole continent back, not just Aztlán'. Although Chicanx indigeneity is controversial for some reservation-based and tribally identified native people, the Chicanx vision of regaining land still resonates for some Chicanx-identified people within and outside Chicanxs Unidxs. This continuing vision evidences the historical, decolonisation consciousness underlying the creation of Chicanxs Unidxs. Reworked into a set of practical – some might say limited – decolonisation goals, recovering a right to belong to the land undergirds CU organising in the defence of neighbourhoods.<sup>23</sup>

**Figure 2.** Emigdio Vasquez's 1979 mural *El Proletariado de Aztlán* is at the heart of the Orange Varrío Cypress (OVC) gang injunction zone. The Orange Police Department branded this a 'gang mural', citing a detail of Che Guevara (see detail). CU honoured Vasquez's life and achievement as a muralist in 2010 (Source: James O'Neil Spady, 2017).



Between 2007 and 2010 CU helped launch an anti-gentrification coalition with some former SANO organisers and other community activists.<sup>24</sup> Meeting in the heart of Logan barrio, the community coalition slowed and reshaped gentrification through a years-long fight with the city that produced some concessions, such as a new community centre, affordable housing guidelines for extremely low-income families, funding for historical markers, interim housing for displaced residents, a joint-use agreement to use a neighbouring elementary school's park and subsidies for a limited number of homebuyers.<sup>25</sup> For CU, the gentrification fight built power by enhancing its reputation and recruiting new members. Yvonne Elizondo, a community activist with a long history with the American Civil Liberties Union (ACLU) and non-profits, became a core CU member and spearheaded much of its first gang injunction campaign. CU met her and learned of her work at the Logan Barrio reunion during the anti-gentrification campaign. Carolyn Torres also joined CU through the anti-gentrification organising. Torres later described seeing CU confront city planning officials:

the guys and women from Chican@s Unid@s, when they were speaking, they were just so passionate, and not following the rules and they didn't care. They were going to sit there and speak their two minutes and they were just going to call it out and I was like, 'Yes!' I love that.<sup>26</sup>

For Torres, not just the boldness but the 'relationship building and community building' that she valued in the best grassroots organising seemed exemplified in CU. CU possessed an autonomy that arose from its volunteer commitment. Unlike non-profits, CU members did not have to worry about funders' opinions on controversial issues. 'We don't have to pretend that gentrification doesn't have a lot to do with racist issues', Torres says. This stance is a contemporary adaptation of the older local practice of community action in which Orange County Chicanx and Mexican-origin people represented themselves uncompromisingly and on the basis of community-sourced resources.<sup>27</sup>

The tactics CU and its coalition partners employed combined media, direct action and governmental negotiations. CU and coalition members spoke at city council meetings and began direct negotiations with the city council. Public demonstrations were held for media attention (Figure 3). Members also worked to inform and mobilise the community, doing a door-to-door survey of neighbourhood opinion and needs and holding meetings with residents. Neighbourhood women – some of whom could only speak Spanish – became co-leaders in the effort. It was a grassroots strategy from the outside in which organisers helped the residents discover the pending danger and practise their voice. These same techniques would be a feature of the anti-gang injunction campaigns too. They amounted to an approach that relied on existing neighbourhood social networks and community building.<sup>28</sup>

**Figure 3.** Elizondo (with megaphone), 25 April 2009 (Source: Keith May, courtesy of *OC Weekly*).



A gang injunction is a lawsuit filed by a district attorney in a civil court, alleging that a gang has occupied a specific area within a city in a manner that constitutes a 'public nuisance'. The injunctions have been among the most controversial of law enforcement's 'community' methods. The injunction prohibits people identified as gang members from a variety of activities that are otherwise legal, such as being in public in certain places, hanging out together, wearing certain colours or even riding a bike. These first amendment rights of expression and assembly have generally been abridged without a trial. And the abridgement has been, in effect, permanent. Until the winter of 2017, almost no person included in an injunction had ever got off an enforcement list – even after decades.<sup>29</sup>

Law enforcement officials and spokespeople have often claimed that gang injunctions effectively reduce crime. Yet research does not support this conclusion.<sup>30</sup> Regardless of effects on crime, no study contests that the injunctions curtail ordinary freedoms of the people of colour they target. For Chicanxs Unidxs, this continuation of the long, historic assault on working class Chicanx people's communities is the central objection. It is one of the latest tactics in the ongoing spatial alienation of a people that commenced with colonial conquest (see Figure 2).<sup>31</sup> Civil liberties lawyers contacted by CU during its campaigns against gang injunctions have argued that these lawsuits unconstitutionally restrict due process and that a federal level challenge is needed.<sup>32</sup> Scholars such as Ana Muñiz and Gary Stewart

argue that gang injunctions reflect historic structural racism and reify racist stereotypes. Gang injunctions are disproportionately located in poor Black and Latinx neighbourhoods. As speculative real estate interest in cities has grown in recent decades, local law enforcement has been tasked with managing the movements and visibility of working-class people of colour, who are stereotyped as a nuisance if not always an outright threat. Gang injunctions have served as a tool for this; they often appear in areas adjacent to neighbourhoods that are either more affluent or undergoing gentrification – a phenomenon termed ‘privileged adjacency’.<sup>33</sup>

CU’s campaign against such policies began with the OVC injunction. The Orange County District Attorney (OCDA) filed the OVC gang injunction in early 2009, targeting the historic Chicanx Cypress barrio. The filing asserted that the OVC gang existed (though this was not proved in court). It asserted that OVC was responsible for serious property crimes and violent crimes in the area, but did not prove in court either that the gang existed as an entity (not just a name) or that it was responsible for the crimes. The injunction filing named people allegedly associated with the gang without proving membership in court. The injunction zone encompassed an area of nearly four square miles. It named 115 people in the tiny Cypress barrio. It would have barred these people from the city’s central historic and commercial district, the public library, a hospital and even city hall. If any of the 115 individuals had violated the terms of the injunction, they could be criminally charged merely for violating the order.

The OCDA had decided to use gang injunctions to name gang members because it made prosecution easier for his office. The prosecutor’s office ‘believed if they were named, when it came to enforcement, it would be real easy because we had already done it’. The OCDA thought they could simply identify people as gang members based on police accusations and then proclaim restrictions on civil liberties and punish as criminal any violations of those restrictions – all without a trial for the defendants. Evidence of this attitude emerged when someone (possibly from the police) distributed a flyer arguing that those being added to the injunction were all active gang members and criminals, when in fact the OCDA had specifically chosen not to attempt to prove either of those things in court (see Figure 4). Making it ‘easy’ to punish people without proving their infractions alarmed some legal commentators and activists. Yvonne Elizondo, speaking to a reporter, said that she knew the youth named in the injunction: in her view they were too busy with jobs, education and family to be participants with the alleged OVC gang. So she ‘decided we had to have a community meeting to explain’ what was going on. She arranged for activists from the ‘We Are San Juan’ organisation, who had unsuccessfully fought an injunction in nearby San Juan Capistrano in 2008, to visit the community in Orange. We Are San Juan members told ‘everyone exactly what was going on in their neighborhoods’ in San Juan Capistrano because of the injunction. The stories, Elizondo remembered, were all ‘nightmares’. Subsequently she reached out in a number of directions for help in fighting the injunction. Elizondo and CU then organised a coalition of community organisations and volunteer legal counsel.<sup>34</sup>

Calling the coalition Orange County Youth Injunction Defense Committee, in its name the new effort refused the ‘gang’ label, which presumes criminality. ‘Youth’ is more accurate. The campaign the coalition mounted featured all of the elements of Chicanx organising in Orange County’s history. The coalition balanced the legal challenges with extensive street actions as a mobilisation and public education tactic (see Figure 3). Ultimately, the coalition enlisted volunteer legal counsel. More than half of the 115 people accused in the injunction filed to fight their inclusion in court, while neighbourhood residents attended court hearings to display their disapproval of the injunction. Such courtroom action rarely happens in California in opposition to injunctions. When the OCDA later withdrew the charges it marked the first time in which accused gang members successfully resisted a district attorney’s office on their inclusion in a gang injunction.<sup>35</sup>

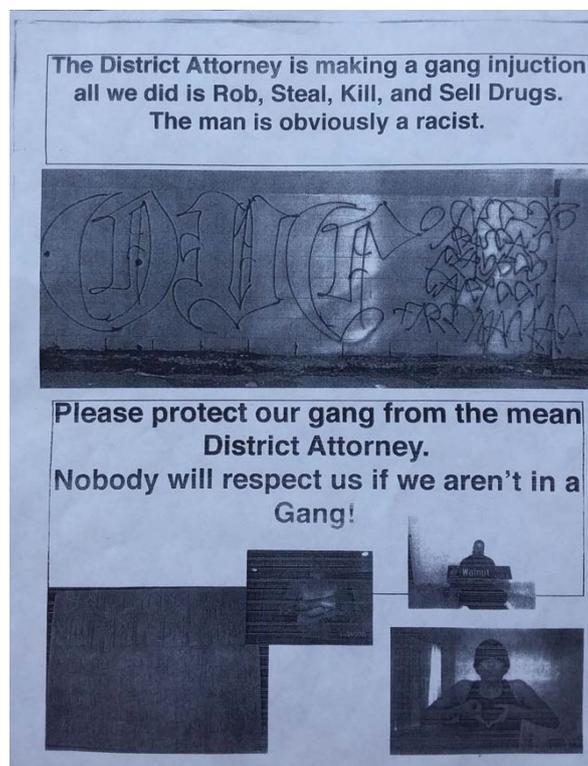
People in the Orange Varrío Cypress neighbourhood were already experiencing the heavy-handed tactics of aggressive policing under the injunction. ‘Gil’ was one of the people named on the OVC gang injunction. He discovered he had been included in the gang injunction when the police burst into his home one night: Gil says, ‘they went to every person’s house that was on the list ...they came [in] here ...with the OCDA and a bunch of police officers. I thought I was being raided’. The basis for complaints, Gil argued, were minor, like public drinking, and he declared that ‘many innocent people’ he knew ‘were on that list ...[and] were not gang members in any way’. For Gil, and many in the community, including Chicanxs Unidxs members, such practices resonate with the community-experienced history of discrimination going all the way back to the era of segregation. As Gil puts it rhetorically, ‘when you see that, when this is supposed to be a gang injunction, and you see innocent names on there, what does that tell you?’ The result for Gil was that he ‘felt like a prisoner in my own home’, unable to go to

the store, 'stay on my porch' or 'take his kids to the park'. In short, he says, 'I couldn't live my life.' As a person on the injunction list, he could be and was stopped frequently. 'They've gotten to the point where out in public they make me take my shirt off and take pictures of me.' And Gil tells stories of others, arrested merely for being out in public:

I know a lot of youth here, when they see police officers, they feel the opposite of safety. Police officers pull people for nothing, they are constantly patrolling, constantly pulling people over. And these are youth, regular kids in a group hanging out in a group but the police *will* walk over to them. They first start with the youth, harassing them, the parents start catching on, so the whole neighborhood is backing away from the police officers.<sup>36</sup>

The demonstrations and the initial legal manoeuvring attracted the support of the ACLU. Tony Rackaukas, the OCDA, faced with opposition that included well-funded lawyers, media messaging and large public demonstrations, withdrew the injunction in mid-2009.<sup>37</sup>

**Figure 4.** Anonymous flyer distributed to homes in the City of Orange during the fight against the OVC injunction. CU believed it was distributed by police because of its apparent use of police evidence photos produced in the field (Source: James O'Neil Spady).



Rackaukas, however, soon resubmitted the injunction and court battle ensued. In 2010 a judge ruled that the Rackaukas' office was violating the due process rights of affected individuals.<sup>38</sup> Individuals had not had an adequate chance to defend themselves in court. This decision was ultimately upheld on appeal in *Vasquez v. Rackaukas* (2013) in the California Superior Court in Santa Ana. The decision was widely reported.<sup>39</sup> The injunction technically was allowed to stand, but it could not be enforced against anyone. Though the OCDA vowed to continue to file injunctions, the \$4 million reported cost and the new due-process precedent represented a public and legal defeat for the DA.<sup>40</sup> In contrast, the OVC fight had the opposite effect on CU and other activists, who felt emboldened to contest the policy on a wide variety of fronts around the state.

CU began holding public workshops throughout Orange County as a way to disseminate information about the dangers of gang injunctions and how to identify when a gang injunction was being planned for a neighbourhood.<sup>41</sup> Throughout the spring and summer of 2013 these public workshops

brought necessary public attention to the issue of gang injunctions in Orange County and established CU as a resource for information on gang injunctions.<sup>42</sup> CU developed a wider grassroots network, even co-organising and presenting at a state-wide gang injunctions conference in Oxnard. Held on 27 April 2013, the conference theme was police brutality and abuse. Gang injunctions were a small part of it. *Todo Poder El Pueblo* in Oxnard issued the call for participants and CU joined, as did representatives from Oakland (the Oscar Grant family) and Los Angeles (Union del Barrio). The Oxnard conference initiated a new coordination on the issue of gang injunctions between CU and these groups and more. At the time, CU members were helping to train and support Santa Barbara organisers in methods and tactics of organising against gang injunctions used against the OVC injunction. CU helped to establish PODER, the community organisation in Santa Barbara that directed and led the organising against the city's gang injunction proposal. In fighting an injunction in Santa Barbara, PODER organisers pursued a dual strategy of street actions and courtroom challenges. CU member Gabriela Hernandez, a native of Santa Barbara, was a central activist in establishing PODER and building a campaign modelled on CU's fight against the OVC gang injunction. In addition to Hernandez's involvement, during the legal battle CU members appeared in court and at city council meetings.<sup>43</sup>

In short, the OVC victory helped catalyse a broader state-wide network of activists with relevant experience, skills and resources.<sup>44</sup> A judge struck down the proposed Santa Barbara gang injunction in July of 2014. This second victory marked the first time a community movement successfully stopped the creation of a gang injunction since 1992 (in an early but isolated Orange County case). As put by Hernandez, 'we built community and people were left with this sense of empowerment because it was the first time ever in history that an injunction was taken down'.<sup>45</sup> Empowerment was a material fact embodied in the local and state-wide social networks activists built. When information was leaked of a possible new gang injunction for the Townsend Street neighbourhood in the city of Santa Ana, a broad coalition of lawyers, journalists, street activists and neighbourhood organisations were fully prepared.<sup>46</sup>

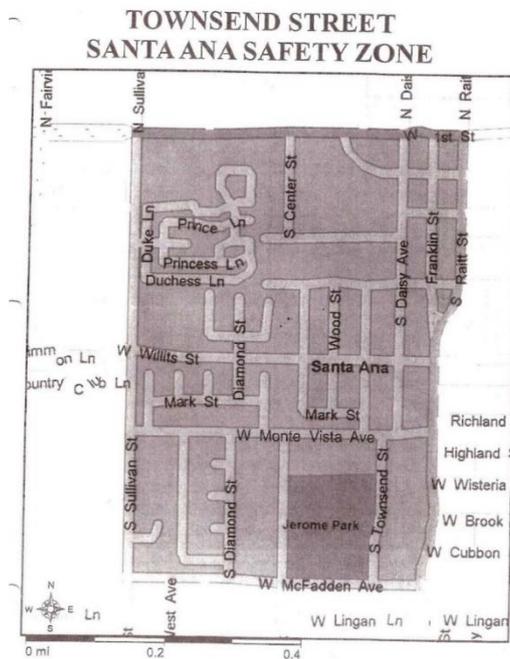
In September of 2013, officers from the Santa Ana Police Department gave a public presentation at the KidWorks non-profit organisation in Santa Ana where officers from the city's gang unit presented on crime and gangs.<sup>47</sup> While discussing law enforcement methods to combat gang activity, officers showed a slide depicting a gang injunction 'safety zone' over the Townsend Raitt neighbourhood (Townsend), a well-known Latinx barrio in Santa Ana. Members of CopWatch and Santa Ana Boys and Men of Color (BMO) were at the meeting and knew that the DA had not announced an injunction.<sup>48</sup> CopWatch alerted CU members of the gang injunction map (Figure 5), a move that mobilised the broader network of activists.<sup>49</sup>

Many Townsend residents were unfamiliar with gang injunctions. 'For the most part I think they [Townsend residents] were really open to talking to us and learning about what a gang injunction was. There were a lot of people in Townsend who hadn't heard of a gang injunction before, and were curious about why we thought this was a big deal'.<sup>50</sup> Some residents also expressed their desire to see crime and violence in the neighbourhood addressed, but most agreed a gang injunction would not address the needs of the neighbourhood and could have consequences for residents.<sup>51</sup>

CU members and residents attended city council meetings to oppose a Townsend gang injunction. Carolyn Torres recalled that activists wanted to bring 'it up publicly, so it was on the public record, but they denied it or said they didn't know what was happening'.<sup>52</sup> For weeks, the city and law enforcement denied a gang injunction was planned.<sup>53</sup>

The majority of residents in the Townsend neighbourhood had little or no familiarity with Chicane/xs and Unid/xs when the public education campaign against the injunction began. Court hearings, city council meetings and street demonstrations, as well as social media and print campaigns, became part of the effort to inform and mobilise community members. Gatherings at private homes within the Townsend neighbourhood for discussion and socialising were held on a regular basis. CU supported toy drives, open-air movie nights, and other activities for youth and families in Townsend. One organiser notes that Townsend has a big 'police presence' and people 'are subject to a lot of abuse from police'. As a result, 'a lot of high school students and the younger parents in the neighborhood were really excited because it was an opportunity for them to challenge the police'.<sup>54</sup> CU ran clinics in the neighbourhood to document stories of police abuse in Townsend. The clinics were part of a research effort.

**Figure 5.** Santa Ana Police map of Townsend. Townsend does not have the highest crime rate in its section of the city, but it is adjacent to neighbourhoods the city wants to redevelop (Source: photo from a Powerpoint projection at a public forum, September 2013).



CU and other community organisations collaborated with Human Impact Partners, an independent research group, in conducting a triangulated study on the health impacts of the Townsend Street gang injunction on the residents of Santa Ana. The evidence-based research found that while gang injunctions divided opinion citywide, the most vulnerable communities feared the increased police presence in the neighbourhood. In keeping with other studies, the primary study finding was that there is insufficient evidence that the gang injunction would reduce violent crime, gang activity or gang membership, or that it will improve community–police relations.<sup>55</sup> In addition, the study suggested that gang injunctions and other suppression-based policing practices should be weighed against alternative strategies and approaches that are more likely to reduce crime and that pose fewer risks to public health and community well-being.<sup>56</sup>

Community organisation networks that had been activating around the gang injunction and other issues in recent years became central to mobilisation. Santa Ana Boys and Men of Color (BMOC) made space available to CU organisers in the Townsend neighbourhood.<sup>57</sup> Some non-profits, however, refused to encourage residents to organise against the gang injunction. KidWorks created a programme for residents in support of the gang injunction, which attracted ‘a handful of parents’. The non-profit pushed a false image that this handful was a unified voice of the community speaking in support of police assertions that the injunction would bring down crime.<sup>58</sup>

When the Orange County district attorney filed a gang injunction against the ‘Townsend Street Criminal Street Gang’ on 12 June 2014, a new prosecutorial strategy came into view. And it was a response to court defeats and public controversy. The Townsend zone would be just 0.39 square miles, a tiny fraction of the much-criticised multi-square-mile size of the OVC and Santa Barbara zones. But the OCDA also sought to sidestep the due process rights established by the *Vasquez* decision (2013) that closed the OVC case. The DA intended to keep a separate ‘enforcement list’ and avoid naming the enforcement targets as defendants.<sup>59</sup> Individuals in Townsend began being ‘served’.<sup>60</sup> CU assembled a pro-bono legal team for individuals named on the injunction ‘enforcement list’.<sup>61</sup>

A dizzying sequence of court proceedings and city council meetings commenced as CU attempted to repeat the strategy of mobilisation, education and litigation that occurred in the OVC case. On 29 June 2014 CU issued a media advisory statement opposing the injunction.<sup>62</sup> Townsend residents, CU members, and members of other community organisations attended city council meetings giving hours

of emotionally charged testimony regarding the injunction. Many pointed to a lack of resources available to the community and criticised the city council and police for failing to collaborate with residents on developing solutions that focus on gang prevention and intervention.<sup>63</sup>

A public court hearing was held in Santa Ana for the individuals included under the injunction, which was attended by three-dozen Townsend residents.<sup>64</sup> Fourteen of the 29 placed under the injunction challenged the DA in court, with the benefit of pro bono lawyers. Behind the scenes, CU commenced a role it would play throughout: reporting about the court proceedings to the community and allies as well as getting lifts for individuals to court and mobilising the community and allies to show up for support. Often there was a visible, small contingent of community supporters in court when defendants had their hearings. CU also kept Townsend residents informed. At first, Judge Franz E. Miller acknowledged the right of the defendants to due process and delayed enforcement until each defendant could have an opportunity for a formal hearing.<sup>65</sup> Days later, however, the judge reversed his stance and granted the OCDA the ability to enforce a preliminary gang injunction against 10 of the 29 individuals served. This was a turning point in the campaign, as CU increasingly became enmeshed in mobilising for legal proceedings considerably more than for public messaging. However, public demonstrations did occur in the city centre (see Figure 6) and in Townsend (see Figure 7).

**Figure 6.** Downtown Santa Ana, 13 September 2014 (Source: Alexandra Scott).



A series of complex and arcane court hearings, to which CU mobilised residents, ended with the judge allowing enforcement and allowing four defendants to 'litigate the validity and constitutionality of a permanent injunction'.<sup>66</sup> He also required the DA to prove active participation in the gang for nine other defendants.<sup>67</sup> But the judge nonetheless granted a permanent gang injunction against the remaining individuals who had failed to appear in court. And according to activists and residents in Townsend, police began serving some of the targeted individuals within days.<sup>68</sup>

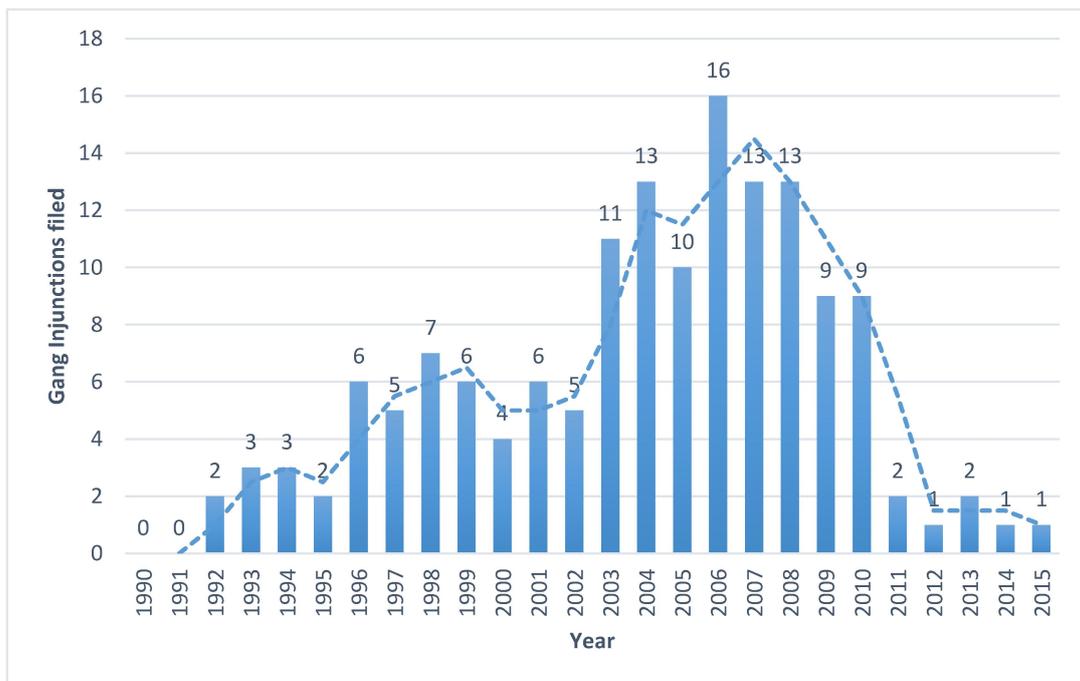
The organising contributed to weakening the gang injunction policy and practice. California localities had pursued gang injunctions with generally increasing aggressiveness until 2006, despite years of declining crime rates and the lack of conclusive evidence that injunctions work.<sup>69</sup> The increasing number of injunctions seemed to be associated with the housing bubble during the first half of the 2000s. The housing bubble spurred speculative gentrification in cities such as Santa Ana, as was discussed earlier in this article. The peak new filings in Southern California occurred at the peak of the bubble.<sup>70</sup> Although the OCDA was late in joining the state-wide gang injunction wave, he began aggressively filing injunctions just as peak housing bubble prices were happening. However, the OCDA continued filing injunctions even after the bubble had burst (see Figure 8). Though the rate slowed in OC and state-wide, the filings never ceased – just as interest in urban gentrification and real-estate speculation slowed but

also did not cease.<sup>71</sup> Rather, the recent slump is more closely associated with activist resistance. The initial court defeat in 2011 was followed by the first year without new filings since 1995. Anecdotally, the OCDA won its 2010 Jeffrey Street Gang injunction virtually unopposed in the same year that it had to temporarily withdraw its 2009 OVC filing because of the community's resistance.<sup>72</sup>

**Figure 7.** Gang injunction protest in Townsend, 4 August 2015 (Source: James O'Neil Spady).



**Figure 8.** Civil gang injunctions in California (1990–2015): active, dismissed and overruled injunctions (Source: James O'Neil Spady, courtesy of Scott, 'What the community wants').

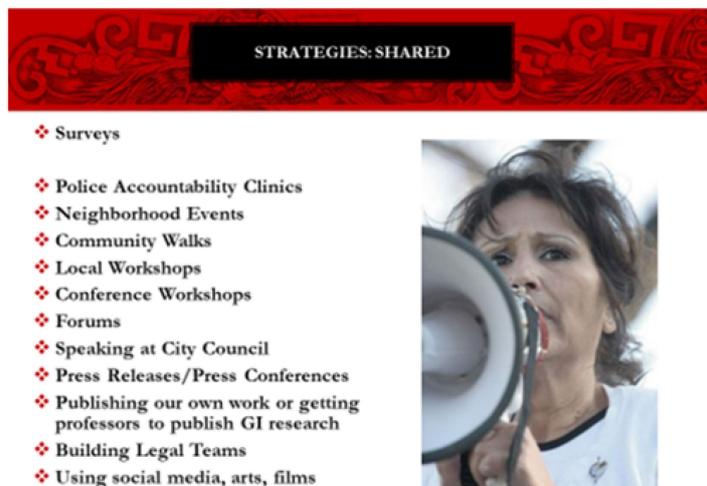


The struggle over the Townsend injunction has continued during the years this article has been under development. And that struggle has built community and movement ties, alliances and power. This

is a finding that is consistent with the long history of Chicanx activism in Orange County. Though the legal battle is ongoing at the time of writing in 2021, the Townsend gang injunction has been enforced all that time against a small number of people. As long as at least one defendant has continued fighting inclusion on the injunction enforcement list, a constitutional challenge striking down the specific Townsend injunction, gang injunctions county-wide or the policy as a whole in the state has remained possible and under consideration. CU has helped youth challenge their inclusion on the list, and its legal clinic helps older men go through the process of getting off enforcement lists. CU has helped others get their gang injunction cases dismissed by the court (as recently as March 2021).

CU’s ongoing organising has always created – and still creates – a context in which to build power through community relationships and alliances. One of the UC-Irvine law students who worked in close coordination with CU during the early part of the Townsend campaign has graduated and co-founded a law firm that has won the removal of thousands of people from gang injunction enforcement lists in Los Angeles. He continues to advocate for people in Orange County. Such community building for power continues to happen at public protests, accountability sessions with politicians, courtroom struggles and an annual Christmas food and toy giveaway event in Townsend at the home of a woman whose son CU helped get off the injunction. Others have become neighbourhood leaders, facilitating communication between CU and other residents about the injunction. The campaign also created or deepened relationships among local volunteers in a variety of organisations. The coalition’s core group of organisations included El Centro Cultural de Mexico (in Santa Ana), Youth Justice Coalition (in Los Angeles), We Are San Juan (San Juan Capistrano), CopWatch Santa Ana, Our Realities (Anaheim), residents of the Townsend neighbourhood, the ACLU, the UCI Law School, Soka University and independent pro bono lawyers. Moreover, the pressure on the gang injunction policy continued to spread regionally as the Townsend fight went on. CU gives talks to organisers detailing tactics (see Figures 9 and 10). The praxis is a public pedagogy that has continued to educate people, sometimes participating in mobilising people whom CU has never met. Partly as a result, when the OCDA has attempted other gang injunctions in the county in recent years, CU has either been contacted directly or has been informed early enough to reach out and offer training, support and legal contacts to communities. When the OCDA attempted an injunction in the city of Placentia, the people had already learned about the dangers and damage caused by these lawsuits. CU supported and helped train Placentia activists, and they won the withdrawal of the proposed injunction – presumably because the OCDA did not want to face another possible expensive and years-long battle in court. As of 2021, CU is still highlighting such victories, as well as its proposals for solutions, during meetings with communities and organisations.<sup>73</sup>

**Figure 9.** Slide #27 from Gabriela Hernandez’s PowerPoint ‘The Fight against Gang Injunctions’ (2021), an evolving document that has been presented many times as an organising tool.



**Figure 10.** Slide #3 from Gabriela Hernandez’s PowerPoint for public presentations on the gang injunction campaigns.



GI INVOLVEMENT		
❖ Orange Varrio Cypress (OVC)	Orange	2009-2012
❖ Santa Barbara Eastside/Westside	SB	2012-2014
❖ Townsend	Santa Ana	2013-2018
❖ La Jolla/Plas	Placentia	2015-2018
❖ Tokers Town	Fullerton	2017-2018
❖ Townsend	Santa Ana	2020-?

## Discussion: histories of the present

CU’s praxis is a form of public, critical pedagogy: mobilisation, public controversy, research, self-reflection and legal action amount to political education in the neighbourhoods. CU members feel that they themselves have developed a more thorough and critical understanding of the injunctions. That critical understanding is similar to central premises of critical perspectives on race and law in the United States. At the heart of CU’s praxis are ideas consistent with ideas espoused in CRT and LatCrit. Within CU’s praxis is the knowledge that law itself has been historically – and remains – an instrument of inequality, not a neutral arbiter of justice. CU praxis is a close approximation of such theory, put into practice in working-class communities of colour. CU interrupts the official story of people of colour as a criminal nuisance with a counter-story of community dignity in Greater Santa Ana. This narrative is one of pride of history and an entitlement to take up space on the land – a right to culture and livelihood. This too is a principle of CRT, whose scholars have argued that the stories and perspectives of the oppressed are central to challenging racism.<sup>74</sup>

But in the case of Greater Santa Ana, the story is complicated by the social distance between parts of the Chicanx and migrant communities. Yvonne Elizondo claimed in media reports during the OVC campaign that Varrio Cypress is home to a Mexican-descended community generations deep, well-networked with the larger Chicanx community and aware of its formal constitutional rights. Implicitly, she drew a distinction with migrant communities. Gil was more explicit, saying that Varrio Cypress was ‘able to fight’ the injunction ‘because there was people who grew up in this neighborhood who have professions that became involved in politics’. However, Gil continued, on the east side of the City of Orange, where an injunction has long been in place, ‘the majority’ of residents ‘are fresh immigrants [who] don’t know their rights’. For Gil and for Elizondo, the power to resist is partly dependent on the depth of Chicanx community history and residency.<sup>75</sup>

Gil’s and Elizondo’s observations about resistance prospects in immigrant and Chicanx neighbourhoods could be recast as a point about the structure of power and access to social capital. Certainly, during the Townsend campaign, CU organisers cited difficulty in mobilising Townsend residents to join in organising. There was also some difficulty in promoting direct community leadership of the movement. As a result, the majority of the organising and research was led and directed by CU members, or other members of the anti-injunction coalition. One Townsend resident, Vanessa Cerda, became a leader within the coalition and a member of CU. But it is hard to avoid the conclusion, voiced by some activist critics allied to and participating in the campaign, that CU did not do enough to mobilise more of the community and develop organic neighbourhood leaders. It is certainly not true, of course, that migrants necessarily cannot overcome social capital barriers. The 1980s rent strike in Santa Ana was led by migrants and CU’s own effort against the gentrification of the Lacy neighbourhood from 2007 to 2010 featured substantial leadership by migrant women. If the Lacy movement was a ‘grass tips’ effort and not ‘grassroots’, one could say that in the Townsend campaign the ‘tips’ were shorter.<sup>76</sup>

Greater levels of organic, direct leadership from neighbourhood residents might have helped the campaign rebut challenges. Non-profits contesting CU’s activities posed special challenges. Throughout

the Townsend campaign CU members were criticised by non-profits for teaching against the injunction without addressing neighbourhood fear of gangs. Some portrayed CU's organising as an imposition of an outside view that obstructed residents' ability to reach their own conclusions. Although CU members acknowledge there were residents who wanted to see action taken to address the perception and experience of violence and crime, they maintain that the failure of the non-profits to engage residents in a critical discussion of the gang injunction served as an endorsement of it.<sup>77</sup> CU members argue that critics fail to account for social capital factors that obstructed residents' opportunities to even hear a non-law enforcement perspective of the issue. These arguments could have been made with greater community credibility if they were made more often by neighbourhood residents.<sup>78</sup>

CU attempted quite late in the struggle to introduce a clear alternative to GIs that would address crime and alienation directly. CU developed a 'solutions proposal'. The proposal was intended to push city council members and mobilise Townsend Street residents by providing research and information on alternatives to the gang injunction. However, CU members and their critics also acknowledge that the effort needed to go beyond writing the proposal. There was not enough attention to promoting programmes that could replace the gang injunction and address residents' fears. Doing so might have drawn people away from the non-profits' police-allied messages and offered a political as well as a crime alternative. Instead, the proposal remained a sidelight as greater organising resources were directed to the high-stakes legal battle in court. Some CU members now agree that this was a critical error. The difficulty reflects critiques of public pedagogy and 'consciousness raising' approaches to community organising in academic studies of social movements. Scholars argue an approach such as CU's in Townsend can have the unintended effect of sidelining important pragmatic issues like developing programmes and recruiting local community leaders.<sup>79</sup>

Some of this difficulty was due to the strategic and tactical decisions of the DA. It was the DA who sought to frustrate the proceedings and cajole defendants into plea deals. Often, the DA delayed and stalled. Court proceedings were repeatedly postponed or cancelled for bafflingly arcane procedural reasons. In the flow of the campaign, CU's own desire to elevate the stories and voices of neighbourhood people was overwritten by the narrative of the courtroom.

The danger of letting the courtroom narrative marginalise neighbourhood organising and education becomes clearer when considering Townsend. The defeat of the gang injunctions and perhaps the ultimate defeat of the policy seems possibly to rely on the synthesis of community mobilisation and litigation. In the OVC, CU engaged in community mobilisation before and during the courtroom battle. To accomplish the parallel mobilisation and courtroom fight in Townsend, CU probably would have needed more organisers organically linked to the migrant and Spanish-speaking neighbourhood. The difficulty of such work for a small group such as CU cannot easily be overstated. Many core CU members do not speak Spanish – none speak Indigenous American languages.

## Conclusion

Chicanxs Unidxs's praxis is marked by a desire to remain, as members describe it, 'accountable' to the community in which members live. CU raises and manages funds through community networks and social gatherings, rather than through incorporation as a non-profit (see Figure 11). The purpose is to avoid debts to funders and boards of non-profits, who generally have fewer roots with local working class people of colour.<sup>80</sup> Autonomy, members say, maintains CU's ability to pursue working-class interests using confrontational tactics that members believe local history has demonstrated are better for defeating racist and classist policy.

Chicanxs Unidxs's praxis is self-consciously rooted in community histories in Greater Santa Ana. Unapologetic protest in the media, public confrontation of leaders and law enforcement and collaborative research in the community interest has a long history in the Chicanx and migrant neighbourhoods of Greater Santa Ana. These are the strategies through which local people have long fought alienation and exploitation. CUs praxis commemorates and reinitiates tactics seen locally in the 1936 pickers' strike, *Mendez v. Westminster* (1947), the Chicano Movement of the 1960s and 1970s, the *Hermanidad Mexicana* rent strike of the 1980s, the Alinsky-style tactics of SANO and many other campaigns and actions in the distant and recent past. CU members have deliberately sought to preserve contact with that history as a source of strength and authority. Such historicism is one reason why CU

presented Vasquez, the muralist who painted *El Proletariado de Aztlán*, with an award honouring his contributions to Chicanx history, culture and class struggle.

**Figure 11.** CU annual fundraiser, 22 August 2015. CU is not incorporated and does not pursue grants. Instead, all fundraising has been done within the community through events (Source: James O’Neil Spady).



CU members view gang injunctions as an aggressively racist tactic in a gentrification strategy. As such, it is a strategy with roots in the historic colonisation of California and the Americas by Spain and the United States. Together with CU’s consciousness of the historicity of its organising praxis, this is what is meant by the title ‘Chicanx histories of the present’. The past is present in both community memory of resistance and the racial structure of society. ‘Ghosts’ of the conquest present themselves in the gang injunctions and gentrification of Greater Santa Ana. CU views these policies as techniques of criminalising communities of colour and reproducing racist social structures despite the fact that policymakers eschew the rhetoric of racial superiority. Regardless of their colour-blind rhetoric, both policies hold communities in contempt and reproduce racial domination and marginalisation. Therefore, we might conceive of the policies’ rhetoric of neighbourhood revival and public nuisance abatement as part of a second wave of ‘The New Jim Crow’, advancing it into new areas of the lives of people of colour.<sup>81</sup>

Gang injunctions expand the confinement techniques of the New Jim Crow so that entire neighbourhoods become prisons without walls. Like mass incarceration, they threaten whole neighbourhoods of adolescents with immanent criminalisation and permanent stigmatisation. Like mass incarceration, they dramatically diminish the prospects of youth of colour, and may also be thought of as part of the repertoire of policies known as ‘broken windows policing’. Heavy-handedness is the hallmark of this method of policing, and it has produced new social movements, such as #BlackLivesMatter. The powerful street rebellions against police shootings of unarmed young men of colour in Anaheim (Orange County, California) in 2012 and in Ferguson (Missouri) in 2015 are emblematic of such movements.<sup>82</sup>

In Orange County, the aggressive effort to expand gang injunctions that the OCDA had been pursuing in the 2000s was crippled by the resistance during the 2010s described in this article. State-wide, gang injunctions on the books are still enforced but Vasquez (2013), which was the result of the CU-led fight against the OVC injunction, has made it easier for community organisations to run up the costs to DAs who might choose to file a gang injunction: CU and other organisations have been quick to use the Vasquez precedent. The OCDA does not pursue new injunctions and the rate of new injunction filings state-wide seemed to collapse in the mid-2010s. Under such pressure, the OCDA withdrew one of the few new injunctions it has filed in recent years, such as Placentia in 2018. Nonetheless, similar state suppressive tactics will likely continue to threaten working-class communities of colour for the foreseeable future. Such control is a global neoliberal reality: reduce public sector services and increase policing. Confronting this reality with democratic power is more effective when grounded in local knowledge and the existing networks. From outside both private institutions and the state, CU was able to activate organisational alliances and personal connections that

had history. Long-term, deep social networks helped support courtroom confrontation and community mobilisations. CU's experience suggests that historicity and locality, rooted in face-to-face collaboration with neighbourhoods, continues to be a potent resource for working-class people of colour to wield power in the twenty-first century.

## Notes

<sup>1</sup>Delgado and Stefancic, *Critical Race Theory*, 3; Crosby, 'Trauma-informed approaches to juvenile justice': 7; and Christian, 'A global critical race and racism framework', 1–17.

<sup>2</sup>The CU strategic plan, updated annually, declares the vision to be 'to achieve self-determination in Orange County, by engaging our communities in promoting Chicanx Mexican Indigenous pride through community empowerment. Key to our vision is maintaining a gender balanced and working peoples' perspective in interpreting and documenting our history, developing sustained responses to injustice by advocating proactive solutions, maintaining organizational independence, and establishing autonomous control of Chican@ spaces and land in Orange County.' Chicanxs Unidxs de Orange County, 'The Strategic Plan', 1.

<sup>3</sup>Santos and Bickel. 'Apartheid justice'.

<sup>4</sup>Several discussions of CRT inform our interpretation: Delgado and Stefancic, *Critical Race Theory*, 3; Crosby, 'Trauma-informed approaches to juvenile justice', 7. See also Christian, 'A global critical race and racism framework', 1–17 and Yosso, 'Whose culture has capital?', 69–91; CRT is a critical theoretical framework that examines how laws tend to reinforce racial domination or White supremacy as well as how the law can be used to contest those power relations. CRT considers many of the same issues as conventional civil rights and ethnic studies discourses, but places these issues in a broader perspective that includes economics, history, context, group- and self-interest and even feelings and the unconscious. Central to this theoretical outlook is an understanding that: (1) racism is ordinary; (2) convergence with the interests of Whites is regularly present in movements seeking to challenge or 'eradicate racism'; and (3) race and races are historically and socially constructed around material relations of power (see Delgado and Stefancic, *Critical Race Theory*, 3). In addition to CRT, the experience of CU resonates with insights from Latinx critical theory – or 'LatCrit' – to account for deficiencies of CRT for addressing Latinx, Chicanx and migrant communities in the US: López, *White by Law*; Johnson, *How Did You Get to Mexican?*; Baca Zinn and Mirandé, 'Latino/a sociology'; Sanchez and Romero, 'Critical race theory'; and García, 'Bridging critical race theory'. Critics have argued that much of CRT scholarship is defined by a binary conversation between African/Black Americans and Whites, and has ignored the experiences of other subordinated racial and ethnic groups in the United States (see Baca Zinn and Mirandé, 'Latino/a sociology'; and Yosso, 'Whose culture has capital?'). Latinx critical theory or 'LatCrit' emerged in the late 1990s and 2000s as a theoretical analysis of how racism, sexism, and classism are intimately connected with other forms of marginalisation based on phenotype, culture, sexuality, surname, linguistic accents and immigration status (López, *White by Law*; and Johnson, *How Did You Get to Mexican?*). LatCrit scholars have discussed how immigrants of colour and their descendants face processes of racialisation that put them at more risk for discrimination and racism. Challenging prevalent assimilationist assumptions that immigrant ethnicities and experiences are race-neutral, LatCrit scholars have examined how race is always present in the experiences of migrants, immigration legislation and law enforcement (Sanchez and Romero, 'Critical race theory'). Central to this analysis is an understanding that the United States immigration system historically excluded and restricted the rights of certain racial groups who were once considered 'undesirables' (García, 'Bridging critical race theory', 2). This process of racialisation and legal exclusion has been directed at migrants from Mexico and countries in Latin America, influencing law enforcement agencies to continuously treat migrants from Latin America as suspects on the basis of what is constructed as their perceived 'foreignness' to the dominant White, Anglo-Saxon population and culture. This practice has severely impacted the lives of Latinx migrants, as well as Mexican Americans/Chicanxs and Latinx Americans who are American citizens, but whose citizenship and daily activities are questioned on the basis of their physical appearance, transforming them into second-class citizens who are not afforded the same rights as White citizens.

<sup>5</sup>Gaby Hernandez and Carolyn Torres led the organising and were especially closely involved in the day-to-day activities. They led dozens of meetings with community people and lawyers and spoke to the press frequently. Susan Luévano, James Spady and Alex Scott attended organising meetings, rallies,

courtroom hearings, meetings with lawyers and a variety of other events as well. Unless otherwise stated, quotations and campaign details are from our own notes and memories and collections of organisational papers as well as interviews with three core CU members and four community members. We base our method on a wide variety of critical approaches to power, class and race: Freire, *Pedagogy of the Oppressed*; Gramsci, *Selections from the Prison Notebooks of Antonio Gramsci*; Torres and Darder, *After Race*; and Yosso, *Critical Race Counter Stories*. We have chosen to use the non-binary, gender-inclusive term 'Chicanx'. For debates about the meaning of such terminology and how it has been contested, see Castillo, *Massacre of the Dreamers*; García, *Chicanismo*; and Rosales, *Chicano!*.

<sup>6</sup>Sanchez, *Becoming Mexican American*; Torres, 'Grassroots in Santa Ana'; González, *Labor and Community*; and Haas, *Conquests and Historical Identities in California*.

<sup>7</sup>Massey, *Beyond Smoke and Mirrors*.

<sup>8</sup>Martinez, *Mexican-Origin People in the United States*; Haas, *Conquests and Historical Identities in California*; and González, *Chicano Education*.

<sup>9</sup>González, *Chicano Education*.

<sup>10</sup>Torres, 'Grassroots in Santa Ana'; García and Ball, *Santa Ana's Logan Barrio*; and Hernández, *Mutual Aid for Survival*.

<sup>11</sup>Haas, *Conquests and Historical Identities in California*, 206–8.

<sup>12</sup>González, *Labor and Community*; and Balderrama and Rodriguez, *Decade of Betrayal*.

<sup>13</sup>Some scholars argue that the California court's decision contributed to the *Brown v Board* decision in 1954, which ended legal racial segregation in all public schools in the United States. González, *Chicano Education*. On the Lemon Grove and Mendez cases and community and parental roles in mobilising resources to fight segregation see: Aguirre, 'Mendez v. Westminster School District'; Valencia, 'The Mexican American Struggle'; and Wallace, 'Mendez et al v. Westminster et al's Impact'. Balderrama and Rodriguez, *Decade of Betrayal*.

<sup>14</sup>García, 'The development of Chicanx feminist discourse'; Gómez-Quiñones, *Mexican Students Por La Raza*; Muñoz, *Youth, Identity, Power*; and Blackwell, *Chicana Power!*.

<sup>15</sup>Chávez, 'Mi raza primero!'; and Castro, *Chicano Power*.

<sup>16</sup>Arredondo, *Chicana Feminisms*; Miner, *Creating Aztlán*; Anaya, Lomelí and Lamadrid, *Aztlán*.

<sup>17</sup>Romero, oral history interview; González, *Latino City*.

<sup>18</sup>Romero, oral history interview; Reyes, 'A quiet rebel'.

<sup>19</sup>González et al., 'The grassroots and new urbanism'.

<sup>20</sup>Haas, 'Grass-roots protest and the politics of planning'.

<sup>21</sup>Haas, 'Grass-roots protest and the politics of planning'.

<sup>22</sup>Montiel, Nathan and Wright, *An Update on Urban Hardship*, 4, 45; US Census Bureau, "California 2000: Summary Population and Housing Characteristics" (Washington D.C., 2002), 20, 88.

<sup>23</sup>Chicanxs Unidxs de Orange County, 'The Strategic Plan'; García, 'Bridging critical race theory'; Miner, *Creating Aztlán*; and Anaya, Lomelí and Lamadrid, *Aztlán*.

<sup>24</sup>González et al., 'The grassroots and new urbanism'.

<sup>25</sup>On 'place-making' and anti-gentrification in Santa Ana, see: González, *Latino City*, 91–106. See also González and Lejano, 'New urbanism and the barrio'; González et al., 'The grassroots and new urbanism'; Sarmiento and Revel Sims, 'Façades of equitable development'; and Beard and Sarmiento, 'Planning, public participation, and money politics in Santa Ana'.

<sup>26</sup>Torres, oral history interview.

<sup>27</sup>Torres, oral history interview; Castillo, interview; Cepedas interviewed by Alex Scott.

<sup>28</sup>González et al., 'The grassroots and new urbanism'.

<sup>29</sup>Queally, 'Thousands freed from L.A. gang injunctions'.

<sup>30</sup>Ramirez, 'City as borderland'; and Scott, 'What the community wants', 26–31.

<sup>31</sup>González, *Latino City*, 7. On spatial alienation González cites Wacquant, *Urban Outcasts*. For law enforcement claims about crime reduction, see Coker, 'Townsend Gang Injunction in Santa Ana'.

<sup>32</sup>For an example of legal opinion, published locally, see Chemerinsky, 'Erwin Chemerinsky'. The OCDA essentially tried to ignore the Superior Court decision in *Vasquez vs. Rackauckus* (2013) when it proceeded with the Townsend injunction, see: Esquivel, 'Gang injunction in Santa Ana'.

<sup>33</sup>Stewart, 'Black codes and broken windows', 2250–1; Arnold, 'Oakland gang injunctions', 73; Muñoz, *Police, Power, and the Production of Racial Boundaries*; Camp and Heatherton, *Policing the Planet*; Scott, 'What the community wants'; Talen, *New Urbanism*; and Davis, *Magical Urbanism*.

<sup>34</sup>Altan, 'Anti-gang-injunction activist'; 'Orange's Barrio Cypress residents'.

<sup>35</sup>Hernandez et al., 'Negative impacts of gang injunctions'.

<sup>36</sup>All quotations from 'Gil' are as quoted in Hernandez et al., 'Negative impacts of gang injunctions'. Gil was interviewed by Sepulveda.

<sup>37</sup>Altan, 'Orange's Barrio Cypress residents'; and Rodriguez, *Always Running: La Vida Loca*.

<sup>38</sup>Williams, 'Judge says gang injunction subjects are owed due process'; Irving, 'ACLU wins "major victory" over gang injunctions'; and Hernandez et al., 'Negative impacts of gang injunctions'.

<sup>39</sup>Flores, 'Federal appeals court'; Fremon, '9th circuit slams OC DA's unconstitutional use of gang injunction'; and Broder, 'Judges slap down overreach of Orange County's anti-gang injunction'.

<sup>40</sup>Chemerinsky, 'Erwin Chemerinsky'; San Roman, '9th circuit court rules OC DA's gang injunction'; and Hull, 'Orange County gang injunction can't stand'.

<sup>41</sup>Torres, oral history interview.

<sup>42</sup>Torres, oral history interview.

<sup>43</sup>Hernandez, interview in 2016.

<sup>44</sup>Fastman, 'Reactions to gang injunction'; 'Gang injunction, what's your function?'; Welsh, 'Judge strikes down gang injunction'; 'Both sides score points in gang injunction trial'; 'Gang injunction trial finally underway'; 'Realtors oppose gang injunction'; 'ACLU opposes gang injunction'; 'Council hears tsunami of criticism'; 'Trial date set for gang injunction'; 'Gang injunction clears hurdle'; 'Heated debate over gang injunction'; 'S.B. Dems oppose gang injunction'; Meagher, 'Gangbuster or gangbanger?'; 'Gang injunction further moth-balled'; 'Gang injunction trial delayed until October 1'; 'Injunction goes to juvie'; 'Is the past fair game?'; 'Gang injunction marshals on'.

<sup>45</sup>Gaby Hernandez has also said that she learned about gang injunctions from Kim McGill, lead organiser, Youth Justice Coalition in South Los Angeles. Gaby Hernandez interview (2016). Welsh, 'Judge strikes down gang injunction'; 'Both sides score points in gang injunction trial'; 'Gang injunction trial finally underway'; 'Realtors oppose gang injunction'; 'ACLU opposes gang injunction'; 'Council hears tsunami of criticism'; Magnoli, 'Judge denies Santa Barbara gang injunction petition'; Brugger, 'Second slander claim filed against city and cops'.

<sup>46</sup>Quote from Carolyn Torres interview in 2016: 'the only reason we heard about Townsend was because people had been attending our OVC or Gang injunction workshops. ...Because of those workshops, in Orange County at least, we became the authority on gang injunctions, at least in the grassroots spaces, so because we were presenting on stuff we became associated with gang injunction fights.'

<sup>47</sup>Gonzales, 'Potential for Santa Ana anti-gang injunction raises concerns'.

<sup>48</sup>Gonzales, 'Potential for Santa Ana anti-gang injunction raises concerns'.

<sup>49</sup>Torres, interview in 2016; Gonzales, 'Potential for Santa Ana anti-gang injunction raises concerns'.

<sup>50</sup>Hernandez interview in 2016; Cabrera, 'Santa Ana residents vent anger over gang injunction'; 'Judge OKs DA's plan'; 'Two sides ready for battle'; 'Judge delays ruling on Santa Ana gang injunction'; 'Residents, activists protest DA's request for gang injunction'; Emery, 'Those challenging being on Santa Ana gang injunction list'; 'Judge considering gang injunction in Santa Ana'.

<sup>51</sup>Torres, oral history interview; Esquivel, 'Gang injunction in Santa Ana'; Gerda, 'Attorneys seek to question Santa Ana police chief under oath'; 'New gang injunction up for first court date after approval'; 'Judge to decide on new Santa Ana gang injunction'; Molina, 'Santa Ana residents say gang injunction will criminalize youth'; 'Boys and men of color'; San Roman, '9th circuit court rules OC DA's gang injunction'; Vargas, 'Injunction bans suspected gang members from OC neighborhood'; and Washburn, 'Santa Ana gang injunction hearing will be open to public'.

<sup>52</sup>Torres, oral history interview in 2011.

<sup>53</sup>Gonzales, 'Potential for Santa Ana anti-gang injunction raises concerns'.

<sup>54</sup>Hernandez, interview in 2015.

<sup>55</sup>Maciel and Simon-Ortiz, *Dignified & Just Policing*; Barajas, 'An invading army'; and Santos and Bickel, 'Apartheid justice'.

<sup>56</sup>Maciel and Simon-Ortiz, *Dignified & Just Policing*; Caldwell, 'Criminalizing day-to-day life'; Hennigan and Sloane, 'Improving civil gang injunctions'; Swan and Bates, 'Loosening the ties that bind'; and Muñoz, 'Maintaining racial boundaries'.

<sup>57</sup>Torres, interview in 2016.

<sup>58</sup>Hernandez, interview in 2016.

<sup>59</sup>Cabrera, 'Santa Ana residents vent anger over gang injunction'; 'Judge OKs DA's plan'; 'Two sides ready for battle'; 'Judge delays ruling on Santa Ana gang injunction'; 'Residents, activists protest DA's request for gang injunction'.

<sup>60</sup>Torres, interview in 2016.

<sup>61</sup>Hernandez, interview in 2016.

<sup>62</sup>Chicanxs Unidxs, 'Media advisory, 29 June 2014'; 'Townsend community and Chicanxs Unidxs solutions proposals'.

<sup>63</sup>Cabrera, 'Santa Ana residents vent anger over gang injunction'; 'Judge OKs DA's plan'; 'Two sides ready for battle'; 'Judge delays ruling on Santa Ana gang injunction'; 'Residents, activists protest DA's request for gang injunction'.

<sup>64</sup>Cabrera, 'Santa Ana residents vent anger over gang injunction'; 'Judge OKs DA's plan'; 'Two sides ready for battle'; 'Judge delays ruling on Santa Ana gang injunction'; 'Residents, activists protest DA's request for gang injunction'.

<sup>65</sup>Cabrera, 'Santa Ana residents vent anger over gang injunction'; 'Judge OKs DA's plan'; 'Two sides ready for battle'; 'Judge delays ruling on Santa Ana gang injunction'; 'Residents, activists protest DA's request for gang injunction'.

<sup>66</sup>Cabrera, 'Judge denies DA request to widen net in Santa Ana gang injunction'; 'Judge gives DA go ahead in Townsend gang case'.

<sup>67</sup>Cabrera, 'Judge denies DA request to widen net in Santa Ana gang injunction'; 'Judge gives DA go ahead in Townsend gang case'.

<sup>68</sup>Cabrera, 'Judge denies DA request to widen net in Santa Ana gang injunction'; 'Judge gives DA go ahead in Townsend gang case'.

<sup>69</sup>Muñiz, 'Maintaining racial boundaries; Camp and Heatherton, *Policing the Planet*; Scott, 'What the community wants'.

<sup>70</sup>O'Deane, *Gang Injunctions and Abatement*; and Muñiz, 'Maintaining racial boundaries', 83.

<sup>71</sup>Muñiz, 'Maintaining racial boundaries', 81.

<sup>72</sup>Galvin, 'A street gang with no street'.

<sup>73</sup>Hernandez, interview in 2016; Chicanxs Unidxs, 'Media advisory, 29 June 2014'; 'Townsend community and Chicanxs Unidxs solutions proposals'.

<sup>74</sup>Alexander, *The New Jim Crow*; Crenshaw et al., *Critical Race Theory*; and Santos and Bickel. 'Apartheid justice'.

<sup>75</sup>'Gil', quoted in Hernandez et al., 'Negative impacts of gang injunctions'.

<sup>76</sup>See González et al., 'The grassroots and new urbanism'. Racism and racialisation in US immigration policy has at times produced tension and conflict between Latin American migrants and Mexican Americans/Chicanxs, as sustained migration from Latin America has been perceived by some Mexican Americans/Chicanxs as complicating their status in the dominant culture and institutions. Scholars have documented how tensions between Mexican American /Chicanxs and migrant communities were reflected in a number of political organisations and social movement efforts throughout the twentieth century. This being said, mutual experiences with White racism and repression have also served to reinforce the realisation among Mexican American/Chicanx and migrant communities that while they are heterogeneous, they are inextricably linked and may be subjected to similar practices of racism and exclusion. Such realisations have played a central role in the emergence of collaborative, multi-ethnic Mexican American and Latinx social movements and coalitions throughout the twentieth and twenty-first centuries including labour strikes, the Chicano Movement and Chicano Moratorium, immigrant rights movements and various community campaigns; see Gutiérrez, *Walls and Mirrors*; Ochoa, *Becoming Neighbors*; and Pardo, *Mexican American Women Activists*.

<sup>77</sup>Torres, interview in 2016.

<sup>78</sup>Putnam, *Bowling Alone*; and Ramakrishnan, *Democracy in Immigrant America*.

<sup>79</sup>Chun, 'Building political agency', 3–4, 379–95.

<sup>80</sup>Relampago de Cielo, El Centro Cultural de Mexico and Building Healthy Communities represent three non-profits with roots in the working-class community of colour.

<sup>81</sup>Alexander, *The New Jim Crow*; Madrigal-Garcia and Acevedo-Gil, 'The New Juan Crow'; and Camp and Heatherton, *Policing the Planet*.

<sup>82</sup>Maciel and Simon-Ortiz, *Dignified & Just Policing*; Lennard, 'Disneyland under siege'; 'Activists in Anaheim rally against police brutality'; and Fernandez, 'Amid days of riots'.

## Declarations and conflict of interests

The authors declare no conflicts of interest with this work.

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