

Urban Forced Removals in Rio de Janeiro and Los Angeles: North-South Similarities in Race and City

Constance G. Anthony¹

In April of 2010, Rio de Janeiro's mayor, Eduardo Paes, announced that two in-city, poor, and largely Afro-Brazilian neighborhoods, Morro dos Prazeres and Laboriaux, would be cleared and all inhabitants would be forced to move.² Despite devastating winter storms, which had indicated again the precariousness of Rio's hillside *favelas*, this was not really new news.³ Rio's favelas have experienced a century of forced removal.⁴ The early neighborhoods were built in historically undesirable, beautiful, but steeply inaccessible parts of Rio, and today these are important pieces of Rio's real estate.⁵ For more than a century, many such *favelas* have allowed poor, working class Afro-Brazilians immediate access to the city below.⁶ While there are incredible challenges with living in neighborhoods cut off from good, or in some cases even basic, city services and infrastructure, the resources of the city at large continued to make these neighborhoods highly desirable for those who lived, and as importantly, worked there.⁷

Cities across the globe use this mandate for the forced movement of poor populations out of in-city urban neighborhoods.⁸

1. Constance G. Anthony is Associate Professor in the Department of Political Science at Seattle University. She received her PhD at the University of California, Berkeley. She has published a book on the politics of international aid and technology transfer with Columbia University Press, and articles on US science policy, refugees, and famine in Africa as well as the philosophical foundations of US interventionism. She is currently applying a comparative development analysis for understanding the African resource curse and for assessing the continuation of a distinctive Third World normative stance on justice in the global economy.

2. Tom Phillips, *Rio Slum Dwellers Face Forced Eviction After Landslides*, GUARDIAN, Apr. 11, 2010, at 26, available at <http://www.guardian.co.uk/world/2010/apr/11/rio-brazil-slum-forced-evictions>.

3. *Id.*

4. BRODWYN FISCHER, *A POVERTY OF RIGHTS: CITIZENSHIP AND INEQUALITY IN TWENTIETH CENTURY RIO DE JANEIRO* 26 (Stanford Univ. Press 2008).

5. *Id.* at 26-27.

6. *Id.* at 31-32.

7. *Id.* at 31-32.

8. *Destroying Makoko; Nigeria's Commercial Capital*, ECONOMIST, Aug. 18, 2012, at 46, available at <http://www.economist.com/node/21560615>.

There is often a precipitating crisis like the spring storms in Rio but just as often there have been repeated earlier intrusions.⁹ Because of the poverty, collapse of infrastructure, unmaintained homes, public sanitation, or other indicators of urban blight, the neighborhood from which a given population is removed has usually been assessed and studied prior to a mandate to exit. The interest of city government in the public policy goal of improving social welfare and the quality of urban life leads to a call, like that of Paes, for neighborhood residents to leave.¹⁰ The most disturbing aspect of this type of urban redevelopment is that residents are threatened with severe consequences if they do not leave voluntarily and are forcibly removed if they choose to stay.¹¹ Seemingly, it is the character of the crisis and/or the extent of neglect that make other public policy options so unattractive to public policy makers.

Forced removal occurred most dramatically for many years in South Africa, prior to the end of apartheid and the introduction of a society-wide democratic franchise.¹² Cities in South Africa stand as the starkest example of an urban vision that places poor, non-white populations on the geographic perimeter of the urban landscape, far from the resources and opportunities of urban life.¹³ The neighborhoods targeted were distinct in respect to class, culture, and race from the vision of those who governed the city and the nation.¹⁴ When forced removal is a fundamental part of the urban development of a city, the vision of exclusion is generally articu-

9. See ROBERT GAY, *POPULAR ORGANIZATION AND DEMOCRACY IN RIO DE JANEIRO* 15, 19-20 (Temple Univ. Press 1994); Simon Romero, *Slum Dwellers Are Defying Brazil's Grand Design for Olympics*, N.Y. TIMES, Mar. 5, 2012, at A1, available at <http://www.nytimes.com/2012/03/05/world/americas/brazil-faces-obstacles-in-preparations-for-rio-olympics.html?pagewanted=all>.

10. Phillips, *supra* note 2, at 26; see generally Claudia B. Haake, *Breaking the Bonds of People and Land*, in *REMOVING PEOPLES: FORCED REMOVAL IN THE MODERN WORLD* 79, 79 (Richard Bessel & Claudia B. Haake eds., 2009).

11. Phillips, *supra* note 2, at 26; *Destroying Makoko*, *supra* note 8, at 46; Romero, *supra* note 9, at A1.

12. See *AROUND THE WORLD; Report Says Pretoria Relocated 3.5 Million*, N.Y. TIMES, Feb. 9, 1984, available at <http://www.nytimes.com/1984/02/09/world/around-the-world-report-says-pretoria-relocated-3.5-million.html>; see generally Francis X. Clines, *Reagan Attacks Soviet Union and South Africa on Rights*, N.Y. TIMES, Dec. 11, 1984, at A13, available at <http://www.nytimes.com/1984/12/11/world/reagan-attacks-soviet-and-south-africa-on-rights.html>.

13. Jane Perlez, *Khorixas Journal; For Apartheid's Castaways, Heartbreak in Desert*, N.Y. TIMES, Jul. 7, 1989, available at <http://www.nytimes.com/1989/07/07/world/khorixas-journal-for-apartheid-s-castaways-heartbreak-in-desert.html>; Alan Cowell, *South Africa Orders the Removal of 10,000 Blacks to New Site*, N.Y. TIMES, Oct. 18, 1986, § 1, at 13, available at <http://www.nytimes.com/1986/10/18/world/south-africa-orders-the-removal-of-10000-blacks-to-new-site.html>.

14. Perlez, *supra* note 13.

lated early in the life of the city, when democratic practices are not yet in place.¹⁵ The effort to remove these population groups is the kind of social engineering approach to urban renewal that mirrors an authoritarian state's more general approach to development.¹⁶ This kind of state need not be attentive to elections or the need for legitimacy with a larger constituency.¹⁷ As a consequence, the state privileges some population groups over others in the urban, political imagination. Mandated, forced removal is a form of urban redevelopment that maintains or literally redraws the class and race boundaries of the city to reflect that of imagined polis.¹⁸

The politics of forced removal is not problematic for empires, totalitarian states, or for authoritarian governments with little interest in democratization.¹⁹ Such states do not offer the kind of political or civil liberties that protect citizens from the arbitrary actions of the state.²⁰ For democratically elected governments, or for states with a view to making a democratic transition, violating rule of law or universally recognized human rights is costly.²¹ These type of states need to be attentive to national or international legitimacy whatever the immediate material gains. It is striking that in semi-democratic states, in which democratic institutions represent and protect the rights of a portion of the population or in which democratic processes are unevenly developed, urban forced removal is still undertaken to maintain the privileges of class and race.²² What this analysis of Rio de Janeiro will suggest is that the expansion of democratic processes and rights does not always result in the redefinition of the local political economy of race. Without a revising of urban, democratic citizenship, clearing neighborhoods of unwanted population groups continues to be an attractive form of local and national politics.²³

15. GAY, *supra* note 9, at 15.

16. Andrea Smith, *Coerced or Free? Considering Post-Colonial Returns*, in *REMOVING PEOPLES: FORCED REMOVAL IN THE MODERN WORLD* 395, 395 (Richard Bessel & Claudia B. Haake eds., 2009).

17. MERRIAM-WEBSTER'S COLLEGIATE DICTIONARY 83 (11th ed. 2003) (definition of authoritarian).

18. Perlez, *supra* note 13.

19. Smith, *supra* note 16, at 395.

20. THEODORE M. VESTAL, *ETHIOPIA: A POST-COLD WAR AFRICAN STATE* 16-17 (1999); *see also* STEVEN LEVITSKY & LUCAS A. WAY, *COMPETITIVE AUTHORITARIANISM* 8 (2010).

21. VESTAL, *supra* note 20, at 16-17; LEVITSKY & WAY, *supra* note 20, at 17-18.

22. Perlez, *supra* note 13.

23. Romero, *supra* note 9, at A1.

In her most recent book on Brazilian *favelas*, Janice Perlman maintains that

every 'first-world' city has with it a 'third world' city of high infant mortality, malnutrition, unemployment, homelessness, and contagious diseases; and every third-world city has within it a first-world city of high finance, high technology, high fashion, and high culture.²⁴

While this statement might be considered commonplace, it is rare to see direct north-south comparisons of social, political, or economic development.²⁵ In order to emphasize the persistence of traditions of forced removal during transitions from authoritarian state building into democratic polities, this discussion will include a consideration of aspects of forced removal in Los Angeles. The Los Angeles pattern of population removal that will be examined here concerns the removal of Mexican and Mexican-American (Chicano) populations. It is a sporadic but consistent policy beginning in the mid-nineteenth century with the arrival of American settlement and continuing today.²⁶ It is important to take note that the politics of forced removal in Los Angeles took place entirely within the confines of a democratic political form, in a region of the country that was not a part of the regional tradition of explicit and legislated racial exclusion.²⁷

I. FOUNDATIONAL URBAN VISION

The city leaders and elites in Rio at the turn of the last century, and for many decades after that, embraced the twin themes of civilization and modernization.²⁸ This was not unique to Rio but an approach to the articulation of an urban vision that was shared in many parts of Latin America.²⁹ In Rio de Janeiro, one striking, or special, piece of this was how the elite's commitment to Europe-

24. JANICE PERLMAN, *FAVELA: FOUR DECADES OF LIVING ON THE EDGE IN RIO DE JANEIRO* 9 (Oxford Univ. Press 2010).

25. Janet Abu-Lughod, *Disappearing Dichotomies: First World-Third World; Traditional-Modern*, 3.2 TRADITIONAL DWELLINGS & SETTLEMENT REV. 7, 8 (1992).

26. Steven W. Bender, *Knocked Down Again: An East L.A. Story on the Geography of Color and Colors*, 12 HARV. LATINO L. REV. 109, 112 (2009).

27. *Id.* at 113-14.

28. Thomas E. Skidmore, *Racial Ideas and Social Policy in Brazil, 1870-1940*, in *THE IDEA OF RACE IN LATIN AMERICA, 1870-1940*, (Aline Helg et al. eds., 1990) 7; TERESA A. MEADE, 'CIVILIZING' RIO: REFORM AND RESISTANCE IN A BRAZILIAN CITY, 1889-1930 5 (Penn. State Univ. Press 1997).

29. Lisa M. Edwards, *Paths to Progress in Modern Latin America*, 7.3 WORLD HIST. CONNECTED (2010), available at <http://worldhistoryconnected.press.illinois.edu/7.3/edwards.html>; MEADE, *supra* note 28 at 28-29.

anization of the city was given support by pushing poor, Afro-Brazilians into *favelas*.³⁰ Rio in the nineteenth century, like Bahia in the twentieth century, had been a primarily African city.³¹ The strong identification with modernization, the attachment of this attribute to the idea of European civilization, and finally, the effort to marginalize Afro-Brazilian roots and peoples would set the foundational urban vision for the city for much of the twentieth century.³² Despite this, in respect to urban neighborhoods, there was a cultural dialectic between the Rio that looked towards Europe and that which incorporated African, Afro-European and Afro-Indigenous peoples.³³ While in cultural terms this was a creative and rich dialectic, in respect to political economy, it disenfranchised the children of Africa.³⁴

The initial steps to reform Rio were taken by Brazil's president, Rodrigues Alves, after it became clear that the character of the city was impeding the access to foreign capital.³⁵ It was also done to build on the popular notice that Rio was beginning to receive in England, France, and Germany.³⁶ Beautification and modernization, or becoming civilized, included addressing public health, tenement housing, and dilapidated infrastructure.³⁷ Aesthetically, Paris was the model for Rio's new mayor, Pereira Passos, who initiated comprehensive urban redevelopment.³⁸ To address infectious diseases like yellow fever that plagued the city, unsanitary tenements were destroyed. At the turn of the century, the city had a reputation as a "pesthole."³⁹ Yellow fever and small pox threatened the health of wealthy as well as the poor households, and because of "fear of contagion, some ship captains stopped calling at the port."⁴⁰ The most direct route to improved sanitation was seen to be the destruction of low rent housing in

30. Ney dos Santos Oliveira, *Favelas and Ghettos: Race and Class in Rio de Janeiro and New York City*, 23 *LATIN AM. PERSPECTIVES* 71, 75 (1996).

31. *Id.* at 74.

32. MEADE, *supra* note 28, at 19.

33. *Id.* at 29-31.

34. *Id.* at 32.

35. Christopher G. Boone, *Streetcars and Politics in Rio de Janeiro: Private Enterprise versus Municipal Government in the Provision of Mass Transit, 1903-1920*, 27 *J. LATIN AM. STUD.* 343, 347 (1995).

36. MEADE, *supra* note 28, at 33.

37. *Id.* at 4; Boone, *supra* note 35, at 343.

38. MEADE, *supra* note 28, at 4; Boone, *supra* note 35, at 348.

39. Jeffrey D. Needell, *Rio de Janeiro and Buenos Aires: Public Space and Public Consciousness in Fin-De Siecle Latin America*, 40 *COMP. STUD. SOC'Y & HIST.* 519, 530 (1995).

40. Boone, *supra* note 35, at 346.

342 INTER-AMERICAN LAW REVIEW [Vol. 44:2]

the city center and a complete redesign of public buildings and main boulevards.⁴¹ About 14,000 people were displaced as buildings were condemned as unlivable, another 3,842 lost their homes as the new commercial center was created, and demolition claimed many more structures.⁴² This process of getting rid of existing housing in order to set the foundation for Rio's rebirth "far outpaced the construction of replacement units."⁴³ One direct public health effort, mandatory vaccination, triggered extensive and popular riots in 1904, which was probably more about economic misery than vaccination.⁴⁴

The urban vision of Rio as a European city was linked to the city's interest in greater investment but also greater immigration and focus on the European roots of the city.⁴⁵ The ending of slavery in 1888 resulted in extensive migration of former slaves into Rio.⁴⁶ It was not because of any vigorous economic pull, but rather because of the push of rural poverty and underemployment.⁴⁷ The perception by many who came was that "people can earn money and the living is good."⁴⁸ In 1890, the Brazilian national government banned Asian and black immigration.⁴⁹ Despite this, the immigration from Bahia continued to add ex-slaves and *libertos* to Rio's Afro-Brazilian neighborhoods well into the twentieth century.⁵⁰ Local elites obsessed "with transcending what they perceived as laziness and colonial backwardness, mixed with racial and class tension."⁵¹ This concern reflected national as well as local biases.⁵² The foreign minister in the Alves administration formed his diplomatic service by picking men "for their European, aristocratic appearance, style, and cultivation."⁵³ Even sympa-

41. *Id.* at 348.

42. *Id.* at 348-50.

43. *Id.* at 347.

44. MEADE, *supra* note 28, at 1-3.

45. *Id.* at 31.

46. Kit McPhee, "Immigrants with Money Are No Use To Us" *Race and Ethnicity in the Zona Portuária of Rio de Janeiro, 1903-1912*, 62 *THE AMERICAS* 623, 636 (2006).

47. MEADE, *supra* note 28, at 19.

48. McPhee, *supra* note 46, at 636.

49. MEADE, *supra* note 28, at 31.

50. Patricia Acerbi, *Slave Legacies, Ambivalent Modernity: Street Commerce and the Transition to Free Labor in Rio de Janeiro, 1850-1925*, at 252 (2010) (Abstract of unpublished Ph.D. dissertation, Univ. of Maryland) (On file with Digital Repository at the University of Maryland).

51. See generally Boone, *supra* note 35, at 347; Jeffrey D. Needell, *The Domestic Civilizing Mission: The Cultural Role of the State in Brazil, 1808-1930*, 36 *LUSO-BRAZILLIAN REV.* 1, 7 (1999).

52. Needell, *supra* note 51, at 7.

53. *Id.* at 6.

thetic Brazilian chroniclers of the poor neighborhoods of Rio at the turn of the century like Joao do Rio, while impressed with their culture and the romance of the streets, could not see these populations as equal to that of European Rio.⁵⁴ The planner who wrote the urban plan of 1930 called the *favelas* “plagues.”⁵⁵

Early in the twentieth century the Portuguese migration allowed the city to stride past its African and indigenous history.⁵⁶ The impact of the “whitening” of the Brazilian population through greater European immigration meant that there was now in Rio “a serious oversupply of labor in occupations long monopolized by the Afro-Brazilian population.”⁵⁷ By 1920, 20.7% of Rio’s population and 37% of employed males were first generation immigrants.⁵⁸ This included blue-collar jobs, manual labor, part time or temporary employment, and small business.⁵⁹ There was fierce competition in the case of the latter and resentment across lines of race and community as a consequence.⁶⁰ For some analysts, the support given to immigration, along with protective tariffs for new industry, are the strongest indications that the State was taking a lead in making economic development happen.⁶¹ In its recruitment of European immigrants, “there emerged not only a semi-skilled working class but also numerous pioneering entrepreneurs.”⁶² The unwillingness of the Brazilian state in the nineteenth century to protect its own market was more attentive to *laissez faire* than even the United States, which moved to lessen its dependence on Europe.⁶³ This can also be seen as the kind of Europeanized *comprador* class much of the dependence literature has identified as a major impediment to national development.⁶⁴

Favelas were almost immediately part of the urban redevelopment of the early twentieth century.⁶⁵ Displaced residents were pushed into them, and they increasingly became the neighbor-

54. See generally Boone, *supra* note 35, at 343.

55. FISCHER, *supra* note 4, at 43.

56. Rosana Barbosa Nunes, *Portuguese Migration to Rio de Janeiro, 1822-1850*, 57 *AMS*, 37, 37-61 (2000).

57. McPhee, *supra* note 46, at 643.

58. FISCHER, *supra* note 4, at 31.

59. McPhee, *supra* note 46, at 644-45.

60. *Id.* at 644.

61. ATUL KOHLI, STATE-DIRECTED DEVELOPMENT: POLITICAL POWER AND INDUSTRIALIZATION IN THE GLOBAL PERIPHERY, 139 (2004).

62. *Id.* at 128.

63. *Id.* at 134.

64. *Id.* at 134-35.

65. FISCHER, *supra* note 4, at 33-36.

hoods of city neglect and underemployment.⁶⁶ The first *favela* is often identified as Morro de Providencia, founded in 1897 on a hill close to the city center.⁶⁷ This movement of the poor classes into the high hills continued for decades, reversing the earliest settlement pattern of the city in which the city's hills were settled by the rich, and the diseased, swampy low lands by the poor.⁶⁸ In fact, some historical sources maintain that the first *favela* was created here.⁶⁹ The neighborhood of Valongo, like the majority of *favelas* today, was on the outskirts of the most urban part of the city.⁷⁰ This neighborhood in a swampy, inhospitable area was set aside for slaves in transit in order to hide "the atrocities of the slave trade" and offer less offense to the sensibilities of the 1770s European elite.⁷¹ Because the slaves of this neighborhood were "not always passive or submissive," whites feared them and the neighborhood.⁷² In this way, Valongo is a historical foreshadowing of the insider-outsider pattern of settlement of the city to come.⁷³

Morro de Providencia was established by soldiers who had helped the state defeat a rural commune movement that was supported by the landless, former slaves and the indigenous.⁷⁴ Despairing after not receiving the public housing that had been promised, they settled a hill near the downtown area, and because "a rotting overcrowded tenement. . . was razed. . . 1,000 displaced persons came to join the veterans."⁷⁵ The destruction of inner city tenements occurred, in some cases, in front of local economic and political elites while residents pleaded "fruitlessly for the chance to remove their belongings."⁷⁶ Thirty-seven thousand people lost their homes in these early forced removals.⁷⁷ Some sources assert that it was the media's early portrayal of this first *favela* settlement as a place of chaos and danger that established the *favela* as not part of the real Rio.⁷⁸ However, as Rio's economy grew, a seri-

66. *Id.* at 33.

67. Greg O'Hare & Michael Barke, *The Favelas of Rio de Janeiro: A Temporal and Spatial Analysis*, 56 *GEOJOURNAL*. 225, 232 (2002).

68. FISCHER, *supra* note 4, at 26.

69. David Underwood, 'Civilizing' Rio de Janeiro: Four Centuries of Conquest through Architecture, 51 *ART J*. 48, 51 (1992).

70. *Id.*

71. *Id.*

72. *Id.* at 56.

73. *Id.*

74. O'Hare & Barke, *supra* note 67, at 232.

75. PERLMAN, *supra* note 24, at 25.

76. FISCHER, *supra* note 4, at 43.

77. *Id.*

78. Nicole Maria Turcheti e Melo, Public Policy for the Favelas in Rio de Janeiro 7

ous housing crisis drove the expansion of such informal settlements.⁷⁹ Because the use of wood was outlawed for construction within the city, public policy itself drove the poor into the surrounding hills to build homes.⁸⁰

If there was any doubt about the city's vision for itself, the growth of *favelas* on the hillsides of Rio and then into the Zona Norte concretized the reality of a dual political economy based upon a racial and cultural divide.⁸¹ As the city modernized and grasped the carousel ring of civilization and international investment, the *favelas* were the place where the European population hid its own deeply African and indigenous history. The policies of forced removal, which cleared out the city center at the turn of the century in order to create the new Paris in the tropics, would return to continue the job in the surrounding *favelas*.⁸² *Favelas* became the scar that needed to be erased from the city's new face of civilization and modernity.⁸³

II. REORGANIZATION IN AN AUTHORITARIAN AND SEMI-DEMOCRATIC CITY

Following turn-of-the century reforms and the creation of a modern Rio, was a period of democracy for the few, followed by military government.⁸⁴ Massive rural migration into the city continued, the consequent housing crisis was aggravated, and *favelas* grew.⁸⁵ This led to more forced removal at the same time that the new political context led community organizations and *favela* leaders to attempt to establish communication and patron-client linkages with local political and civic actors. During the years of President Getúlio Vargas, the idea of caring for the impoverished was given considerable public support. Despite this, in the twenties and thirties official Rio tried to push its poorest residents out of poor, close, in-city neighborhoods with new laws, building codes, public evictions, use of military and police force, and unexplained night violence and fires.⁸⁶ In 1937, a building code was passed

(November, 2010) (unpublished research paper for M.A., International Institute of Social Studies) (on file with the Institute of Social Studies).

79. *Id.*

80. *Id.*

81. *Id.*

82. *Id.*

83. *Id.*

84. PERLMAN, *supra* note 24, at 201.

85. *Id.* at 26.

86. *Id.*

which strictly forbid the building of new *favelas* and from improving any aspect of established buildings.⁸⁷ The view was that *favelas* were a problem for the city in every way, and in the 1940s, Rio first experienced the wholesale razing of *favelas*.⁸⁸ In theory these residents were to occupy new public housing. An early experiment in public housing was the *Parques Proletarios*.⁸⁹ Four such communities were built in the early forties and ultimately housed 7,500 people.⁹⁰ The best units, however, went to public employees and those with influence.⁹¹ There were entry gates, ID cards, and an evening loud speaker that broadcast lectures on moral behavior.⁹² Thus, while seemingly an attempt to meet the housing needs of the poor, they included significant patronage and were “designed not only to accommodate but also to isolate and control.”⁹³

The *Parques Proletarios* did not result in a more vibrant community, less poverty, and did not solve the low-income housing crisis in Rio,⁹⁴ despite the fact that in 1947 the Commission for the Eradication of the *Favelas* was established.⁹⁵ The failure of this effort to solve the problems of poverty, underemployment, and housing for *favela* residents raised the consciousness of many in Rio who had seen the *favelas* as primarily a problem of policing.⁹⁶ In 1945, Vargas was removed and there followed almost two decades of democratic politics.⁹⁷ With democracy came more attention to social welfare and the deceleration of *favela* eradication.⁹⁸ The development of a new politics of clientelism followed the creation of public agencies to improve conditions in *favelas* and to create more public housing.⁹⁹ The Church also became explicitly involved in providing resources and advocating for greater attention to the needs of *favela* populations.¹⁰⁰ Despite this, city government did not really operate in the public interest overall because

87. *Id.*

88. FISCHER, *supra* note 4.

89. GAY, *supra* note 9, at 16.

90. FISCHER, *supra* note 4.

91. *Id.*

92. GAY, *supra* note 9, at 16.

93. *Id.*

94. *Id.*

95. JANICE PERLMAN, *THE MYTH OF MARGINALITY: URBAN POVERTY AND POLITICS IN RIO DE JANEIRO 200* (Univ. of California 1976).

96. FISCHER, *supra* note 4, at 75.

97. GAY, *supra* note 9, at 16.

98. *Id.* at 16-17.

99. *Id.* at 110.

100. *Id.* at 17.

individual office holders “exploited the lack of basic urban services in *favelas* and the ever present threat of removal as a cheap source of votes.”¹⁰¹ In Rocinha, the establishment of such patron-client relationships followed the paving of a main road in 1938.¹⁰² New soccer fields, clinics, water and power lines, *asfalto*, and schools were built in some neighborhoods, but property rights were withheld and sporadic evictions continued. The view that *favela* residents were “stone age” people and “backward by virtue of heredity” was not just a private view held by the few but publically presented in city studies and reports.¹⁰³

The arrival of military government in 1964 ran parallel with Rio’s new policy direction, which returned to *favela* eradication. Initiated by Lacerda’s new state administration, “government policies took a radical approach by viewing *favelas* as a malaise that should be removed from cities.”¹⁰⁴ Thus, new public policy took Rio back to extensive forced removal.¹⁰⁵ It was a more complex experience and a more cynical policy because it was now in a context in which the number of *favelas*, the level of income, the settled and working class character of *favela* society, the community organization, and the leadership made *favelas* important partners in city politics. Between 1960 and 1970, the population living in *favelas* increased to 500,000 people. There were 162 officially recognized communities and now 13% of Rio’s population lived in *favelas*.¹⁰⁶ Even with the housing crisis, poverty, and lack of services there was little radical politics in *favelas* and people “identified very strongly” with the middle class.¹⁰⁷ Despite this, or perhaps because of it, slum clearance took on added momentum.¹⁰⁸ The rise in property values drove a city already famous for forced removal to increase the intensity of this policy.¹⁰⁹ Of the *favelas* that were destroyed, the majority were “occupying attractive sites near

101. *Id.* at 18.

102. Daniela Fabricius, *Resisting Representation: The Informal Geographies of Rio de Janeiro*, 28 HARV. DESIGN MAG. (2008).

103. FISCHER, *supra* note 4, at 77.

104. CRISTIANE ROSE DUARTE & FERNANDA MAGALHÃES, CONTEMPORARY URBANISM IN BRAZIL: BEYOND BRASÍLIA 266, 268 (Vicente del Rio & William Siembieda eds., Univ. Press of Fla. 2009).

105. *Id.*

106. Helia Nacif Xavier & Fernanda Magalhaes, *Case Study of Rio de Janeiro*, in THE CHALLENGE OF SLUMS: GLOBAL REPORT ON HUMAN SETTLEMENTS 3 (2003).

107. PERLMAN, *supra* note 95, at 195.

108. *Id.*

109. MIKE DAVIS, PLANET OF SLUMS 99 (Verso 2006); Xavier & Magalhaes, *supra* note 106, at 16.

coastline and in middle class neighborhoods.”¹¹⁰ During the 1960s “some of the largest and most brutal *favela* razings in Rio’s history” were undertaken.¹¹¹ Citing dangers of Marxist guerrillas, the military government supported compulsory removal “with the aid of the public security forces.”¹¹² In 1968 the state and city government made a commitment to creating institutions that would rid the city of *favelas* by 1976.¹¹³ This included the National Housing Bank created in 1964, CHISAM, and SERFHA. Between 1965 and 1974, 134,000 people were removed from eighty *favela* residences.¹¹⁴ By 1973, sixty-two *favelas* or sections of *favelas* had been eradicated and 175,785 people had been removed primarily to the Zona Norte, located on the margins of the city and far away from jobs and city amenities. The large-scale public housing in the north that was created was similar to the Parque Prolitarios but even less attentive to the needs of its residents for community and urban amenities.

As resistance was organized to this government policy, police were marshaled to make sure residents followed the city’s dictates when they were ordered to leave. Initially, if people resisted, random shooting into crowds or selective beating occurred. According to Robert Gay, “popular resistance to the removal process was quickly and often brutally repressed.”¹¹⁵ When neighborhood associations banded together to stop the arrival of trucks and city officials, the city arrested and threatened the leadership until the organizations were disbanded.¹¹⁶ Some people did not resist. As one older woman in Catacumba explained: “If we try to defend ourselves they will say we are Communists I know . . . that they will kill me and my children if they think we are that.”¹¹⁷ The financial costs for poor families in Rio were considerable. Most removals left people at a greater distance from the city and jobs. Thus, the costs included that of transportation, loss of jobs, loss of investment in the home, and if they went to public housing, rent.¹¹⁸ There was also loss of community and an increase in crime due to anomie. Janice Perlman’s study of urban poverty in Rio de

110. DUARTE & MAGALHÃES, *supra* note 104.

111. FISCHER, *supra* note 4.

112. DAVIS, *supra* note 109, at 108.

113. PERLMAN, *supra* note 95, at 202.

114. DAVIS, *supra* note 109, at 102, 108.

115. GAY, *supra* note 9, at 20.

116. PERLMAN, *supra* note 95, at 206.

117. PERLMAN, *supra* note 24, at 78.

118. PERLMAN, *supra* note 95, at 214-15, 223-33.

Janeiro in the 1970s found that the government policies of removal created exactly the kind of social marginality they were attempting to prevent. During that decade, the failure of forced removal began to be acknowledged. This paralleled the growth of a social movement that was the foundation for *favela* community organizations in the 1980s that worked to reestablish patron-client relationships with local political institutions. It was this community-based politics that effectively prevented forced removal in the late 1970s in *favelas* like Vidigal, and was the foundation for the new *favela* politics of the democratic state.¹¹⁹

III. URBAN RENEWAL WITH DEMOCRATIC RIGHTS

In 1985 Tancredo Neves became the first elected, non-military president in 21 years. This began a new era of democratization in Brazil ushered in by many years of popular protest and the formation of social movements. Rio saw large-scale protests in the late seventies and early eighties calling for democratic rights and the ending of military government.¹²⁰ But in the twenty-first century, Rio's *favela* population is less interested in its democratic rights and more interested in security and dignity.¹²¹ Donna M. Goldstein has found that Rio's poor have a survival strategy of laughing in the face of death. It can be misunderstood as insensitivity, but it grows from the extensiveness of violence and material insecurity.¹²²

The fate of the *favela* in the most recent democratic era in Brazil remains one of a deeply schizophrenic character.¹²³ At the same time, it is perceived as the iconic informal settlement, a problematic cite of crime, disorder, poverty, and violence and "the core of the *carioca* culture," a font of samba, soccer, and other deeply important parts of Rio de Janeiro's identity.¹²⁴ *Favelas* continue to grow in response to the rural to urban migration that drives the growth of many Third World cities. While rural poverty and illiteracy are in decline in Brazil, national wealth is still highly inequitable. The opportunities that Rio presents for employment still outstrip those in any rural region. Thus, Rio de

119. GAY, *supra* note 9, at 61.

120. *Id.* at 7.

121. See generally Joanna S. Wheeler, *New Forms of Citizenship: Democracy, Family and Community in Rio de Janeiro, Brazil*, 11 GENDER & DEV. 36 (2003).

122. DONNA M. GOLDSTEIN, LAUGHTER OUT OF PLACE: RACE, CLASS, VIOLENCE, AND SEXUALITY IN A RIO SHANTYTOWN 120-22 (Univ. of Cal. Press 2003).

123. Turcheti e Melo, *supra* note 78, at 1.

124. *Id.*

350 INTER-AMERICAN LAW REVIEW [Vol. 44:2]

Janeiro now has 518,752 or more *favelas* residents depending on how they are defined.¹²⁵ Some sources consider only what *favelas* lack, such as legal property ownership, but others include social and cultural factors. Numbers are disputed and cited in different ways, but Rio probably has more than six hundred *favelas*. *Favelas* are illegal but, unlike many shantytowns or illegal urban settlements, most *favelas* are permanent with longstanding businesses, some services, and residences solidly built.

Drug trafficking and violence began to be significant in the mid-1980s, almost simultaneous with the end of military government and the return to democracy.¹²⁶ The change in type of regime, however, did not result in the immediate availability of the kinds of economic resources that were so needed, and at the same time, “the majority of *favelas* are also unpoliced.”¹²⁷ Drug gangs were able to grow in power within *favelas* for these two reasons.¹²⁸ They walked into a political vacuum created by the long-term neglect of the city, taking over or exerting significant influence “over the dwellers associations, promoting the election of candidates that are engaged with their interests and expelling or even killing the ones that are not willing to cooperate.”¹²⁹ Some gangs mediate family disputes, prevent or avenge sexual assault, and work for the safety of residents.¹³⁰ Gang leaders make a huge difference in whether a neighborhood is relatively safe and stable or unpredictably violent.¹³¹ Cooperation between drug gangs and the police can actually victimize *favela* communities. Or in some cases the *traficantes* from one *favela* attack those in another as a consequence of drug gang turf wars such as the attack from a Vidigal based gang in Rocinha in 2004. As one resident remarked after recounting a day’s violence, “before the war, Rocinha was the *favela* where everyone wanted to live.”¹³² In 2008, “military police entered *favelas* with tanks and automatic weapons, occupying them for weeks and effectively turning daily life into war.”¹³³

125. *Id.* at 4.

126. GAY, *supra* note 9, at 12.

127. *Id.*

128. *Id.*

129. Turcheti e Melo, *supra* note 78, at 9.

130. Enrique Desmond Arias & Corinne Davis Rodrigues, *The Myth of Personal Security: Criminal Gangs, Dispute Resolution, and Identity in Rio de Janeiro’s Favelas*, 48 *LATIN AM. POL. & SOC’Y* 53 (2006).

131. DONNA M. GOLDSTEIN, *supra* note 122, at 176-77.

132. PATRICK NEAT & DAMIAN PLATT, *CULTURE IS OUR WEAPON: MAKING MUSIC AND CHANGING LIVES IN RIO DE JANEIRO* 6 (Penguin Books 2006).

133. Fabricius, *supra* note 102.

Rio is both a rich and a very poor city. In 2000, the richest one percent of Rio's population earned twelve percent of overall income; the poorest fifty percent, thirteen percent of overall income. Twenty percent of the poor are either unemployed or underemployed.¹³⁴ The jobs many of the poor hold include those which meet the expectations of the middle and upper classes in Rio, who fully expect to have domestic help for household tasks, including the daily preparation of food. Goldstein sees this as an ingrained state of mind and a kind of "cultivated incompetence" which is a direct extension of slavery.¹³⁵ But despite this almost familial link between the working and wealthy classes, local authorities again began calling for more *favela* removal in 2004 and 2005, prior to several destructive storms. Especially endangered were those on the hills close to the city, which also have the longest history, and, in many cases, the most well established communities. While in theory, forced removal is no longer an active public policy, the policy legacy is actively referenced when land speculation gets hot. In 2005, the city's Public Prosecutor's office wanted to see fourteen *favelas* removed, all of which were proximate to middle class neighborhoods.¹³⁶ The environment is given as a pretext. As Mike Davis points out, when there is vulnerable land in wealthy neighborhoods, there is public infrastructure and investment to protect it.¹³⁷ For example, in the case of steep, fragile soil there are geo-textile nets, rock bolts, terracing, regarding, gunnite, and other measures that might be taken.¹³⁸

Instead, in Rio, the kind of big bucks public investment that is made in *favelas* is undertaken to ensure the residents and structures in *favela* neighborhoods remain as invisible as possible to the larger city.¹³⁹ In 2009, Mayor Paes began a program to build concrete walls around the *favelas* that, as the mayor explained, were important to the protection of the natural environment in the city.¹⁴⁰ The walls are called "ecolimits," and despite a formal UN critique, the state will spend about \$24 million on the program.¹⁴¹ Many local residents see this as part of a plan to block *favelas* from the view of those visiting for the 2016 Summer Olym-

134. Xavier & Magalhaes, *supra* note 106, at 15.

135. GOLDSTEIN, *supra* note 122, at 66-68.

136. NEAT & PLATT, *supra* note 132, at 80.

137. DAVIS, *supra* note 109, at 114.

138. *See generally id.* at 124.

139. PERLMAN, *supra* note 24, at 28.

140. Turcheti e Melo, *supra* note 78, at 23-24.

141. *Id.* at 22.

pics.¹⁴² Rio is one of the Brazilian cities that will host the 2014 FIFA World Cup in 2014, and it will be the sole host of the Olympics.¹⁴³ The erection of these walls is not popular with *favela* residents; in Rocinha, 1,056 people voted against it, 50 voted for it.¹⁴⁴ Because these walls will be built along highways as well, there is a similarity with what took place in Cape Town before the 2010 FIFA World Cup along highways proximate to townships. The formal policy is addressed to the issue of *favela* growth, but the most telling aspect of the program is that it is taking place in *favelas* that are proximate to the city, close to wealthier neighborhoods, and generally in Zona Sul. These are not the *favelas* that might be said to see rapid growth rates, pushing homes into neighboring forest, open, or natural areas. These walls also block the natural environment from view for those within the *favela*.

IV. LOOKING AT LOS ANGELES THROUGH THE LENS OF RIO

Like Rio de Janeiro, Los Angeles was born a global city.¹⁴⁵ According to one analyst, “Americans did not introduce California to the world. When they arrived, they found the world already there.”¹⁴⁶ In a formal respect, Los Angeles was founded as a consequence of Spanish imperial extension in the 1700s after many decades of exploration through the state. While members of the Spanish empire, the city’s founders were born in Mexico, a mix of African, indigenous, and European ethnicities.¹⁴⁷ They were the first Californios and the first Los Angelinos. While still a *pueblo*, Los Angeles traded with the world: 40% with Mexico and Latin America; 35% with France, Russia, and Hawaii; and, 25% with the eastern United States.¹⁴⁸

The Treaty of Guadalupe Hidalgo guaranteed Californios citizenship and “enjoyment of liberty and property.”¹⁴⁹ At the same time, Texas Rangers arrived in Los Angeles following the war and carried out vigilante justice for Mexicans that included lynch-

142. PERLMAN, *supra* note 24, at 28.

143. *Id.*

144. Turcheti e Melo, *supra* note 78, at 23.

145. Louis Pubols, *Born Global: From Pueblo to Statehood*, in *A COMPANION TO LOS ANGELES* 20-39, 20 (William Deverell & Greg Hise eds., Wiley Blackwell 2010).

146. *Id.* at 33.

147. *Id.* at 24.

148. *Id.* at 33.

149. RICHARD WHITE, “IT’S YOUR MISFORTUNE AND NONE OF MY OWN:” A HISTORY OF THE AMERICAN WEST 237 (1st ed. 1991).

ing.¹⁵⁰ As a consequence of a complicated legal process instituted following the institution of California as a state, Californios had to defend or establish their legal right to property. In most cases, Californios lost their land due to the high cost of legal defense and property taxes.¹⁵¹ This system was widespread throughout the American Southwest.¹⁵² According to Richard White, even if the formal legal process secured his land, “a *ranchero* often found his herds and orchards destroyed and himself deeply in debt for the cost of defending his land.”¹⁵³ A devastating drought was the final straw for most Los Angeles *rancheros*.¹⁵⁴ They were quickly replaced by American east coast and midwesterners as economic and political leaders, eager to make the formal link with the United States more elaborate in respect to identity, the economy, and political development. Pio Pico, governor of California in the 1840s, was prescient when he said that the consequence of “Yankee” migration to the territory would result in the populations becoming “strangers in [their] own land.”¹⁵⁵

As the foundational vision of the city was established, the early Mexican presence was romanticized as Spanish, while the local population of Mexicans and Chicanos was disparaged. Drawing on this image of a city that was culturally and ecologically Mediterranean, city promoters promised “an easier, more varied, less complicated, and well rewarded life.”¹⁵⁶ Los Angeles worked hard to attract Midwestern migrants, in the same way that Rio worked hard to lure the Portuguese and other European populations to settle. Downtown business exclusively hired men who looked Nordic and whose lineage was Anglo-Saxon.¹⁵⁷ In 1924, the Los Angeles Chamber of Commerce stated, “for centuries the Anglo-Saxon race has been marching Westward . . . the apex of its movement is Los Angeles County.”¹⁵⁸ In 1929, a former member of

150. Eric Avila, *Social Flashpoints*, in *A COMPANION TO LOS ANGELES* 95, 98 (William Deverell & Greg Hise eds., Wiley-Blackwell 2010).

151. JOHN D. WEAVER, *EL PUEBLO GRANDE, A NON-FICTION BOOK ABOUT LOS ANGELES* 20 (Ward Ritchie Press 1973).

152. EVELYN NAKANO GLENN, *UNEQUAL FREEDOM: HOW RACE AND GENDER SHAPED AMERICAN CITIZENSHIP AND LABOR* 147 (Harvard Univ. Press 2002).

153. WHITE, *supra* note 149, at 238.

154. *Id.*

155. WEAVER, *supra* note 151, at 20.

156. ROBERT M. FOGELSON, *THE FRAGMENTED METROPOLIS: LOS ANGELES, 1850-1930* 72 (Univ. of Cal. Press 1993) (1967).

157. Mike Davis, *Sunshine and the Open Shop: Ford and Darwin in 1920s Los Angeles*, in *Metropolis in the Making: Los Angeles in the 1920s* 96, 116 (Tom Sitton & William Deverell eds., Univ. of Cal. Press 2001).

158. Clark Davis, *The View from Spring Street: White-Collar Men in the City of*

the Ku Klux Klan was elected mayor of Los Angeles.¹⁵⁹ However, by 1930, twenty percent of all Los Angelinos were Mexican or Mexican-American. This was not featured in any of city's public relations efforts, but market demands for manual and domestic labor, similar to those in Rio, pressed local businesses to support and recruit non-white workers.¹⁶⁰ When the Mexican Revolution slowed migration, agents for the railroads went directly into central Mexico to find laborers, paying interested men the cost of their transport to the border.

In the 1920s, the Los Angeles Chamber of Commerce fought to retain legislation and regulation that supported the import of Mexican workers. Appealing to ideas about local race hierarchy, the Chamber maintained in one civic setting that "much of California's agricultural labor requirements consist of those tasks to which the oriental and Mexican due to their crouching and bending habits are fully adapted."¹⁶¹ The building of the interurban lines in Los Angeles along with other pieces of local economic infrastructure created thousands of jobs for Mexicans and Chicanos.¹⁶² On this basis, the city expanded economically, became the most important western port, and grew to the most dynamic western state economy, overtaking San Francisco in the 1930s. In the 1930s and 1940s, as city reformers made demands for greater inclusion, class was addressed, and race was not. As issues of equity were taken up by the city, there were only very limited efforts to include the interests of non-white populations.¹⁶³

To simultaneously maintain the urban vision and accommodate the economy's need for cheap labor, Los Angeles pursued a policy of racial segregation.¹⁶⁴ This policy included urban petty apartheid, which embraced many public facilities like pools, playgrounds, and beaches, but until the early 1930s, it also included

Angels, in *Metropolis in the Making: Los Angeles in the 1920s* 179, 183 (Tom Sitton & William Deverell eds., Univ. of Cal. Press 2001) (quoting Clarence Matson, *The Los Angeles of Tomorrow*, 3 S. CAL. BUS., 37 (1924)).

159. Tom Sitton, *Did the Ruling Class Rule at City Hall in 1920s Los Angeles?*, in *Metropolis in the Making: Los Angeles in the 1920s* 302, 314 (Tom Sitton & William Deverell eds., Univ. of Cal. Press 2001)

160. RICARDO ROMO, *EAST LOS ANGELES: HISTORY OF A BARRIO* 11 (Univ. of Texas 1983).

161. DOUGLAS CAZAUX SACKMAN, *ORANGE EMPIRE: CALIFORNIA AND THE FRUITS OF EDEN* 130 (Univ. of Cal. Press 2005).

162. ROMO, *supra* note 160.

163. George J. Sanchez, *Disposable People, Expendable Neighborhoods*, in *A COMPANION TO LOS ANGELES* 129, 131 (William Deverell & Greg Hise eds., 2010).

164. FOGELSON, *supra* note 156, at 200.

civil service job lists and schools.¹⁶⁵ Retailers, restaurants, hotels, and theaters continued racial discrimination, at times by simply denying entry. Large business and manufacturing enterprises separated workforce facilities. However, the most extensive form of race segregation was done through the marginalization and manipulation of neighborhood development. At the beginning of the twentieth century, a nationally pioneering city zoning ordinance was written to protect the westside of Los Angeles from all industrial development.¹⁶⁶ Restrictive covenants were adopted in Los Angeles to create neighborhoods that were legally segregated by race. The first appeared in reference to the western and southern areas of the city in 1917.¹⁶⁷ These ordinances were consistently upheld by California courts. Then in 1948, the Supreme Court outlawed these covenants as a consequence of a court case brought by an African-American couple who had been imprisoned for violating the local covenant.¹⁶⁸ While overt segregation was thus outlawed, there were social and economic pressures which maintained it in coming decades in East Los Angeles as well as African-American areas of the city.¹⁶⁹ The FHA refused mortgage guarantees in neighborhoods near industry, and the more informal networks of real estate agents and local banking continued to maintain that segregation for many decades following. It is not until the Open Housing Act of 1968 that these practices were discontinued.¹⁷⁰

Boyle Heights was the first eastside neighborhood, settled in the late nineteenth century, to include Mexican immigrants.¹⁷¹ It included other non-Anglo-Saxon groups as well—Jews, Italians, Russians, Japanese, Poles, and the Irish—and initially it was an attractive residential option for the middle as well as working class.¹⁷² With the establishment of racial zoning prior to the First World War, Boyle Heights became the earliest section of what would become East Los Angeles.¹⁷³ Progressives, bohemians and

165. *Id.* at 201.

166. Spalding, *The Myth of the Classic Slum: Contradictory Perceptions of Boyle Heights Flats, 1900-1991*, 45 *J. ARCHITECTURAL EDUC.* 107, 107 (1992).

167. Roger Waldinger & Mehdi Bozorgmehr, *The Making of a Multicultural Metropolis*, in *ETHNIC LOS ANGELES* 45 (Roger Waldinger & Mehdi Bozorgmehr eds., 1996).

168. *Id.* at 56.

169. *Id.*

170. *Id.*

171. *Id.* at 52.

172. *Id.*

173. *Id.*

radicals added leftist politics to the ethnic diversity of the neighborhood in the 1920s, but the poorer, Mexican parts of the area were defining for city officials.¹⁷⁴ Early in the 1900s, these parts of Boyle Heights were defined as a slum.¹⁷⁵ As in the case of Rio de Janerio, the city first identified the neighborhood as a problem with the arrival of disease, in this case, bubonic plague.¹⁷⁶ One area of multiple dwellings, housing predominantly single, male immigrant workers, was judged by the Los Angeles Housing Commission at the time to be “overcrowded and unsanitary, lacking sufficient water supply, toilet facilities, and drainage.”¹⁷⁷ New city ordinances were passed to address this, but some housing that was so distinctively informal was destroyed.¹⁷⁸ During the Depression, impoverished, informal neighborhoods were identified with family breakdown, delinquency, and crime.¹⁷⁹ Given the use of threats and government harassment at the time to force Mexicans to leave the area and the country, this public agency perception is almost humorous. Nonetheless city reformers worked with such stereotypes to affect change in popular support for public housing. What was repressed was that the flats of Boyle Heights had vibrant culture with a “surprising harmonious ecology of ethnicities.”

In 1941, Ramona Gardens was the first public housing to open as a consequence of reformist government activism. This was progressive politics of the day. It was built on thirty-two acres of land cleared as a consequence of successful repatriation policies carried out during the depression.¹⁸⁰ The creation of Aliso Village in 1946 required the bulldozing of the homes of established residents. To lay the groundwork for this in some areas of Boyle Heights, there was a block to block appraisal in order to determine which areas would be razed. Since the city was also planning for the building of new highways through the same neighborhood, this was a period of considerable upheaval. Boyle Heights, between 1940-42, received half, five out of ten, of all new public housing projects. Some residents had already sold their homes, but those who remained would be forced to sell for a much-dimin-

174. ROBERT GOTTLIEB, ET AL., *THE NEXT LOS ANGELES: THE STRUGGLE FOR A LIVABLE CITY* 17 (Univ. of Cal. Press 2005).

175. Spalding, *supra* note 166, at 107.

176. *Id.*

177. *Id.* at 108.

178. *Id.* at 107.

179. *Id.* at 112.

180. Sanchez, *supra* note 163, at 137.

ished price or take what the city was able to offer.¹⁸¹ In theory, the new public housing to be constructed was for neighborhood people. In fact, done under the egis of urban redevelopment, public housing was made available to defense workers and veterans as well those who were a part of the in-migration from the dust bowl, Okies.¹⁸²

Chavez Ravine was also identified as a neighborhood which would be improved with the building of public housing, but it was a case where the planners were forced to acknowledge that “the Ravine was ‘charming,’ that its people seemed happy and well-adjusted and had a rather intense feeling of pride in, and identity with their community.”¹⁸³ As in the case of many *favelas*, the positive nature of culture and community were evident to external analysts. No one at the time thought that seriously about alternatives to slum clearance, such as improving the infrastructure or giving residents the resources to improve their homes. By the 1950s there was a community-based, political battle over the city’s plans for redevelopment for both Chavez Ravine and Bunker Hill. The plan for Chavez Ravine included business plazas and office buildings as well as the building of Dodger Stadium.¹⁸⁴ The planning for the Stadium was done in order to entice the Brooklyn team to Los Angeles. Bunker Hill housing was razed in order to build the LA Music Center.

As this story of LA public housing indicates, after the Second World War, Los Angeles defined an approach to the removal of population and the redefinition of East Los Angeles through the building of large public infrastructure: public housing, freeways, and sports stadiums. George Sanchez argues that the consequence of these policies amounted to “ethnic cleansing of local geographies to solidify the claims of white Los Angeles residents to the benefits of citizenship.”¹⁸⁵ The introduction of a massive freeway presence in East Los Angeles began when the city was forced to acknowledge that traffic coming downtown from the eastside was creating congestion. In the 1920s, improvements were first made in the scale and accessibility of Whittier Boulevard. Multiple economic interests were considered, but “the working-class eastsiders who use the park, playground and schoolyards were not heard in

181. *Id.* at 136.

182. Spalding, *supra* note 166, at 115.

183. *Id.* at 118.

184. Waldinger & Bozorgmehr, *supra* note 167, at 58.

185. Sanchez, *supra* note 163, at 130.

the deliberations nor were they asked whether an improved highway was worth the sacrifice of their recreational areas.”¹⁸⁶ It marked the neighborhood, very early in the history of the new American Los Angeles, as a place where the city was willing to sacrifice residential quality of life to support commerce and the local economy.

This paved the way, both literally and figuratively, for the elevated highway construction in the 1940s just north of Whittier Boulevard that became the Santa Ana Freeway.¹⁸⁷ The elevation meant that now travelers could drive through East Los Angeles and not see it.¹⁸⁸ The contract between the State and the City identified an area in Boyle Heights, which would a decade later become a massive freeway interchange. But confronting the fact that two freeways were to cross in the midst of this Chicano community was delayed.¹⁸⁹ One analyst calls this “a social ellipsis, a deliberate tactic to avoid calling attention to its effects.”¹⁹⁰ Others have pointed out how freeways in Los Angeles disproportionately impacted non-white neighborhoods.¹⁹¹ In the late 1950s, thousands of residents from Boyle Heights, Lincoln Heights, City Terrace, and surrounding East LA neighborhoods were forced to leave so that freeways might be built.¹⁹² By 1960, four different freeways had been built through the neighborhood, taking up fifteen percent of neighborhood geography.¹⁹³ This was a record for Los Angeles and made East LA the hub of the LA freeway system. The Mexican-American community was reorganized “without consideration for residents’ loyalties to churches, schools, businesses, or family.”¹⁹⁴ The Boyle Heights flats by the early nineties was “a neglected urban island, cut off from the north, south, and east by freeways and to the west by railway tracks and the Los Angeles River flood channel.”¹⁹⁵ The public housing built to replace slum conditions was considered troubled and had not been given continued public support.¹⁹⁶ The policy of building necessary city infra-

186. Matthew W. Roth, *Whittier Boulevard, Sixth Street Bridge, and the Origins of Transportation Exploitation in East Los Angeles*, 30 J. URB. HIST. 729, 740 (2004).

187. *Id.* at 742.

188. *Id.* at 744.

189. *Id.* at 742-43.

190. Roth, *supra* note 186, at 743.

191. Waldinger & Bozorgmehr, *supra* note 167, at 58.

192. ROMO, *supra* note 160, at 170.

193. Sanchez, *supra* note 163, at 136.

194. ROMO, *supra* note 160, at 170.

195. Spalding, *supra* note 166, at 117.

196. *Id.* at 118.

structure concentrated in one poor, non-white neighborhood is an indirect, even hidden, democratically sanctioned, forced removal.¹⁹⁷

During the Depression, an official strategy of forcing Mexicans and Chicanos out of their neighborhoods was embedded in the efforts to repatriate as many people as possible back to Mexico. The Depression was already in full swing with ten percent of Los Angelinos unemployed. In the midst of a job crisis, there was a local campaign to make sure all new jobs went to Anglos.¹⁹⁸ Mexicans on local relief rolls were challenged, and there was popular support for a public policy approach according to which only citizens should receive relief. The impact of the economic downturn was especially hard in poorer neighborhoods. The city was turning off power and gas as bills that remained unpaid in many homes in East LA.¹⁹⁹ These more passive forms of removal were soon backed with a call for formal repatriation. Boyle Heights was targeted.²⁰⁰ By 1930, 150,000 Mexicans had left Los Angeles voluntarily or involuntarily.²⁰¹ Some were either directly asked or organized by government agents to leave; others were so frightened by what they witnessed that they left on their own.²⁰² According to Richard White, “[m]any of the repatriated believed that if they did not return to Mexico voluntarily, the federal government would expel them.”²⁰³ Following this, as Los Angeles more vigorously industrialized in the 1930s and 1940s, it was native, white, working class men who took the jobs that had originally been held by residents of the Mexican-American neighborhoods.²⁰⁴

As the most vigorous effort to repatriate Mexicans was developed and initiated by country officials and some businessmen, the Los Angeles Chamber of Commerce again asked political officials to secure “calm in the Mexican community.”²⁰⁵ Los Angeles was still both a farming and an industrial city.²⁰⁶ There was agricul-

197. *Id.*

198. *Id.* at 191.

199. Sanchez, *supra* note 163, at 209.

200. *Id.* at 133-34.

201. *Id.* at 129.

202. CAREY McWILLIAMS, *Factories in the Field: The Story of Migratory Farm Labor in California* 129 (Univ. of Cal. 2000).

203. WHITE, *supra* note 149, at 471.

204. Waldinger & Bozorgmehr, *supra* note 167, at 54.

205. Sanchez, *supra* note 163, at 215.

206. Anthea Hartig, *A Most Advantageous Spot on the Map: Promotion and Popular Culture, in A Companion to Los Angeles* 289, 300 (William Deverell & Greg Hise eds., 2010).

tural land interspersed with urban life, and the surrounding rural areas were also highly dependent on labor from Mexico.²⁰⁷ So while no one wanted to pay for relief for Mexicans or Mexican-Americans, and while there was a concerted effort to hire only white, native workers in the city, there was continued interest in Mexican labor in agriculture. According to McWilliams, some agricultural workers were repatriated several times, after being recruited more than once to come back to work in the Californian fields.²⁰⁸ This kind of flip-flop pattern of immigration and repatriation continued throughout the early thirties, but as the decade ended, white agricultural workers had replaced their Mexican counterparts, and in many cases they were urban refugees who had been dropped from LA's relief rolls and forced to work in the fields or face prosecution.²⁰⁹ While the immediate, inconsistent labor policy was ended in the mid-1930s, by the beginning of the 1940s, a new program of Mexican labor recruitment began with the initiation of the Bracero Program.²¹⁰ A hypocritical schizophrenia seemed embedded in the American public policy psyche on the issue of Mexican workers and the economy. This might be epitomized by the leadership of someone like Herbert Hoover, who during the Depression identified Mexicans as the cause of economic difficulties, while during the First World War, he worked to recruit them in larger numbers in order to maintain wartime production.²¹¹

During World War II, there were rightist groups in the city, which carried out racist fear campaigns.²¹² It was not uncommon for the press to echo such perspective, with the local Hearts press attacking "Los Angeles Mexican American residents as 'greasers,' 'puchucos,' and 'zoot suiters,' using blatant racist stereotypes."²¹³ In January of 1943, following a murder investigation and trial, seventeen Mexican-American young men were convicted of a range of violent crime, from assault to first degree murder.²¹⁴ The prosecution in the presentation of its case characterized the

207. McWILLIAMS, *supra* note 202, at 128.

208. *Id.* at 129.

209. *Id.* at 287-88.

210. Waldinger & Bozorgmehr, *supra* note 167, at 3, 10.

211. WHITE, *supra* note 149, at 470-72.

212. ROBERT GOTTLIEB ET AL., *supra* note 174, at 25.

213. *Id.*

214. Scott Kurashige, *Between "White Spot" and "World City": Racial Integration and the Roots of Multiculturalism*, in A COMPANION TO LOS ANGELES 56, 63 (William Deverell and Greg Hise eds., 2010).

defendants as men of “savage racial essence.”²¹⁵ The LAPD’s report to the Grand Jury had itself referred to Mexicans as “inherently criminal and biologically prone to violence.”²¹⁶ The evidence against the defendants was weak enough that the decision to convict was eventually overturned by a court of appeals. But five months following the trial, there was spontaneous, massive mob violence against the Mexican-American community.²¹⁷ It was led by off-duty military men, who initially targeted Mexican-American zoot-suiters, who were seen as draft dodgers.²¹⁸ The attacks soon included civilians on both sides.²¹⁹ It started downtown, but angry groups went into East Los Angeles and beat up people on the street.²²⁰ Civil and military authorities looked the other way.²²¹ At Mexican insistence, the State Department became involved to end the violence “since it appeared that Los Angeles officials would not.”²²²

In 1970, there were only 211,500 Mexicans in a city population of 7 million. By the end of the nineties, “the immigration of the last twenty-five years has reconnected contemporary Los Angeles with its origins.”²²³ In the twenty-first century, East Los Angeles, which was home to some of this population flow, along with the South Central neighborhood, was still one of the poorest neighborhoods in Los Angeles. In LA County, 40% of the population could trace familial origins to Mexico, and the region as a whole contained the largest urban population outside of Mexico City.

V. NORTH MIRRORS SOUTH, SOUTH MIRRORS NORTH

Both Rio de Janeiro and Los Angeles are cities of global reach, and they have been for many decades, even centuries. The urban vision of each has been shaped fundamentally by the fact that both were part of settler societies and states. They are both the consequence of early exploration in Africa and the Americas in the 16th and 17th centuries by Spain and Portugal.²²⁴ Rio de Janeiro’s

215. *Id.*

216. GEORGE J. SANCHEZ, *BECOMING MEXICAN AMERICAN: ETHNICITY, CULTURE, AND IDENTITY IN CHICANO LOS ANGELES, 1900-1945* 266 (Oxford Univ. Press 1993).

217. Kurashige, *supra* note 214, at 63.

218. *Id.*

219. *Id.*

220. ROMO, *supra* note 160, at 167.

221. WEAVER, *supra* note 151, at 104-05.

222. ROMO, *supra* note 160, at 167.

223. Waldinger & Bozorgmehr, *supra* note 167, at 247.

224. Waldinger & Bozorgmehr, *supra* note 167, at 3-4.

origins are also rooted in the Atlantic slave trade, and that of Los Angeles in the U.S. acquisition of Mexican territories.²²⁵ These were cities of racial hierarchy in which new settler populations acquired land as a result of conquest, articulating an urban vision that excluded the conquered.²²⁶ In a historical era of unapologetic empire, perhaps this is unsurprising, but it nevertheless set a foundation for a vision that was highly exclusive in its political spirit. In these cities, race was a widely accepted social marker of the dangerousness of class.

The overlap of race and class, and the diversity within that overlap, leads some in Brazil to see the idea of race as very different than that in the United States. American analysts see the attempt, for example, to romanticize the racial mixture in Brazil as dishonest. For example, in a contemporary respect, women who are white or mixed race can be considered beautiful, but those with predominantly African bodies and features will not be.²²⁷ While to a certain degree this discussion has taken identity as a given, some students of urban society and politics maintain that the construction of neighborhood racial identity through the legislation on housing and finance are the institutional avenues which create and/or maintain important political distinctions in racial identity.²²⁸ The preceding section argued that, while there are differences in ideological justification and in institutional implementation between Rio and LA, in respect to categorizing peoples and neighborhoods in a way which integrated race and class, there are great similarities. Further, the discussion of Los Angeles suggests that despite democratic ideology, the social contours of democratic politics in such a social context can act like authoritarian politics and create one class of people with rights and another without. In this context we learn that democracy can be as, or nearly as, repressive, intolerant, and discriminatory as authoritarian systems in respect to the freedom to choose ones neighborhood and ones residence and thus to own property, claim community, and to hold full urban citizenship.²²⁹

The question arises as to what defines an illegal citizen—and thus what defines a legal citizen. The vast majority of residents of Rio's favelas live in homes which they improve and maintain, but

225. McWILLIAMS, *supra* note 202, at 12-13.

226. *Id.*

227. GOLDSTEIN, *supra* note 122, at 120-22.

228. Clarissa Rile Hayward, *The Difference States Make: Democracy, Identity, and the American City*, 97 AM. POL. SCI. REV. 501, 506 (2003).

229. ROMO, *supra* note 160, at 4.

to which they have no legal right.²³⁰ Increasingly, they have acquired other rights which were still denied to them deep into the twentieth century: right to vote, right to work, right to social security, right to sue in a court of law, and the like. The legal status of many residents of East Los Angeles has also been in flux for much of this neighborhood's history and remains so today. The juxtaposition of the tenuous and legally unprotected state of *favela* residents and Mexican-Americans in many part of contemporary Los Angeles makes clear that the economies of both cities on premised on a requirement that those who perform necessary manual or menial labor, for which the economy has considerable demand, be constricted in their access to democratic freedoms.²³¹

The city governments of both Los Angeles and Rio de Janeiro have from time to time over the last century made life miserable and insecure for the working class populations in marginal neighborhoods who drive trucks, clean houses, build roads, harvest crops, establish small scale businesses, wait tables, and the like. Even when such neighborhoods have established meaningful community and vibrant culture, the city intervenes to forcibly remove them into alienating and alienated residential configurations. In all respects, it is the rise of social movements that have challenged this pattern, called for access to political rights and resources, and blocked city projects that would have continued previous patterns.²³² Los Angeles was never a union friendly town, but the earliest Chicano civil rights movement grew out of 1930s labor organizing, sometimes in cooperation with other racial groups, for better wages and improved working conditions.²³³ This grew to a broader set of political demands emanating from East Los Angeles, where an early leader was elected to the city council.²³⁴ Similarly in Rio, the social movement politics of the late seventies and early eighties integrated *favelas* into modern democratic politics in Brazil. Current groups like AfroReggae, which create cultural community centers in the midst of internal war, and which claim *favela* space in a variety of ways, also mediates the most serious conflicts between drug gangs in *favelas* where they work.²³⁵

There have been also been serious political attempts to

230. PERLMAN, *supra* note 95, at 30.

231. ROMO, *supra* note 160, at 129.

232. Kurashige, *supra* note 214, at 63-64.

233. ROBERT GOTTLIEB, ET AL., *supra* note 174, at 21-22.

234. *Id.*

235. NEAT & PLATT, *supra* note 132, at 98-105.

address directly the issue of illegal occupation or residence.²³⁶ There are experiments in Rio with the extension of legal, urban, land tenure, which legitimate the presence of *favelas* and their residents.²³⁷ In respect to East Los Angeles, there have been national efforts to offer reform and address the lack of legal citizenship status, which vexes many in LA.²³⁸ But in the main, the specter of illegal land ownership or illegal political rights continues to create a huge contradiction between the needs of the market, which demands the presence of a working class of very low wages, and those of the local and/or national polis which continues to exclude them. In studying political and economic change in the developing world, academics in industrialized countries rarely compare developed to developing countries, North to South.

Michel Foucault playfully, yet seriously, challenges social scientists to consider the categories they create to order the world in his discussion of Borges on an early Chinese encyclopedia.²³⁹ The encyclopedia, in establishing distinctions among types of animals, includes categories like innumerable, fabulous, and having just broken the water pitcher.²⁴⁰ When we first read through this, it seems very fanciful, even associative.²⁴¹ Foucault is proposing that how we order the world embraces different types or levels of order, and suggests that we be attentive to that which permeates both cultural-normative and scientific assumptions.²⁴² The persistence of threat of forced removal to populations in very different city, cultural, and political contexts but which are nevertheless always populations very necessary to the local economy, seems to be a part of what Foucault calls “the pure experience of order.”²⁴³ Though it may be that it is more simply a part of the Chinese encyclopedia as presented by Borges.²⁴⁴ Perhaps in respect to both Rio and LA, these populations ‘belong to the Emperor.’²⁴⁵

236. PERLMAN, *supra* note 95, at 249.

237. *Id.* at 30.

238. *See generally* ROMO, *supra* note 160, at 129-62.

239. MICHEL FOUCAULT, *THE ORDER OF THINGS: AN ARCHAEOLOGY OF THE HUMAN SCIENCES* xv (Random House 1970).

240. *Id.*

241. *Id.*

242. *Id.*

243. *Id.* at xxi.

244. *Id.* at xv.

245. *Id.*