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LINES OF DEMARCATION IN A TOWN CALLED FRONTERA: A REVIEW OF JOHN SAYLES' MOVIE LONE STAR

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I. INTRODUCTION

Have you ever heard it said about Tijuana or Ciudad Juarez or Matamoros that they are "border towns" and not the "real Mexico?" The comment is often made with a tone of derision towards these geographic zones, implying that their authenticity is tainted by their proximity to the United States. Perhaps the same observations are made by both Mexicans and "Americans" about San Diego or El Paso or Brownsville, their authenticity also tainted.

Border towns everywhere *are* different, incorporating the characteristics of the nation-states they link together, but nowhere are they as distinct from their respective core zones as along the U.S./Mexico border. It's been said that it's the only place where the "First World" abuts the "Third World."¹ Until recently, what this meant was that different economic worlds were contiguous to one another, but also, and more forebodingly, that different cultural worlds were colliding. The "real U.S.," traditionally constituted in its core as monolingual, monocultural, and monochromatic has historically faced a dizzying diversity on its southern border. All varieties of currency, people, information, art and artifacts, and contraband have circulated and flowed back and forth over an imaginary boundary line, acquiring new meanings, accents, flavors, and potentialities. In the past, the residents of the U.S./Mexico borderlands have been cognizant of cultural differences and thus more tolerant of them, but, for the most part, white U.S. residents retained English as their sole language and inter-married with Mexicans infrequently.²

* Associate Professor, University of New Mexico School of Law. This Article was enhanced by conversations with my husband, *y mi compa ero de cine favorito*, Charles P. Boyer. The analysis for this Article began to take shape after a phone conversation with Professor Randy Hertz of New York University School of Law, who later read a draft and offered insights and interesting connections, most of which I have included in footnotes. I am grateful to them both; to my step-mother, Alicia Montoya, who saved me from some *tonter as* with my translating; to Charles G. Boyer for a close bilingual reading; to David Theo Goldberg, Director of the School of Justice Studies at Arizona State University, for his thoughts; and to my research assistants, Isamu Inohara and, especially, Beth Gillia, for fueling my enthusiasm by re-viewing the movie with me. My thanks also to the editors of the Border Issue, Marianne Hill and Theresa Montoya for involving me in this writing venture, and to Nancy Desiderio, Editor-in-Chief, who provided provocative comments.

1. The terms, First, Second, and Third Worlds, are hopelessly imprecise as measures of development and also suggest, erroneously, that whole countries can be sorted into these broad categories. My husband tells the story of a Mexican mathematician, now dead from AIDS, who noted the irony of working on his computer while looking out the window to see a family going by, guiding a burro loaded down with firewood. Major U.S. cities now contain areas of underemployment, child mortality and morbidity, crime, and despair that rival respective areas in Mexico. U.S. and Mexican cities are complex mixtures of under- and over-development with the concomitant disparities in allocations of wealth, security, and contentment.

2. One study concluded that in 1850, for data from San Antonio, Texas, only 10% of all marriages among persons of Spanish surnames were with persons having non-Spanish surnames; a figure that increased to 20% by 1960. See Frank D. Bean & Benjamin S. Bradshaw, *Intermarriage Between Persons of Spanish and Non-Spanish Surname: Changes from the Mid-Nineteenth to the Mid-Twentieth Century*, 51 SOC. SCI. Q. 389, 393 (1970).

Today the borderlands are no longer confined to the southwestern border. Formed by streams of immigrants, un/documented workers, and domestic migrants with all their family members who settle in cities throughout the nation, the borderlands can be found in all major cities. Meanwhile, a new type of border identity is evolving, an identity that fuses together different languages, cosmovisions, histories, narratives, desires, and commitments. The performance artist Guillermo Gómez-Peña is the foremost expositor of this effort to create hybrid culture and hybrid identity using the border as the point of perspective. He writes:

I see a whole generation
 freefalling toward a borderless future
 incredible mixtures beyond science fiction:
 cholo-punks, pachuco krishnas,
 Irish concheros, butoh rappers, cyber-Aztecs,
 Gringofarians, Hopi rockers, y demás . . .
 I see them all
 wandering around
 a continent without a name
 el TJ transvestite
 translating Nuyoricán versos in Univisión
 the howling L.A. junkie
 bashing NAFTA with a bullhorn
 El Warrior for Gringostroika
 scolding the First World on MTV

 all passing through Califas
 enroute to other selves
 & other geographies³

The characters in John Sayles' film *Lone Star*⁴ represent the first type of border identity/ies. Aware of others' languages, lifestyles, attitudes, foibles, and fashions, the multi-racial and multi-cultural Texas residents and their Mexican counterparts nonetheless retain their respective cultures. The film's characters may all eat Tex-Mex and listen to *rancheras* and Country-Western, and the English speakers may know smatterings of Spanish and the Spanish speakers may mix in a few English words, but, except for Sam and Pilar in the movie's closing scene, the other characters do not exhibit hybrid identities. On the other hand, Sayles himself, I posit, does exhibit the capabilities, attitudes, and sensibilities, the dual vision and multiple voices of the hybrid identity/ies described by Gómez-Peña. As writer, editor, and director of a bilingual and multicultural movie and sound track, Sayles demonstrates the ability to move easily among the different worldviews held by his diverse characters.

3. GUILLERMO GÓMEZ-PEÑA, *Freefalling Toward A Borderless Future*, in *THE NEW WORLD BORDER* 1-2 (1996) (first alteration in original).

4. (Castle Rock Entertainment 1995) (written, edited, and directed by John Sayles).

II. ANALYTICAL METHOD

The analysis of *Lone Star* that follows attempts to describe the movie from the perspective of a viewer who is bilingual and bicultural. So my description and analysis of the movie employ both linguistic and cultural translation practices. I have transcribed and translated several of the Spanish songs from the movie's sound track because the songs add a dimension of method, meaning, and cultural depth that may not be apparent to the non-Spanish speaking viewer or those not familiar with code-switching⁵ techniques used by Sayles and by bilingual speakers generally.

In some places I have chosen not to translate lyrics or text.⁶ In doing so, I am mimicking Sayles' aesthetic and political purposes which I am postulating may be related to those identified by Gómez-Peña in explaining his reasons for translingual writing:

Since I don't believe in the existence of *linguas francas*, my choice not to translate (or to purposely mistranslate) the sections in Spanglish, Gringoñol, bad French, and indigenous languages is part of an aesthetic and a political strategy. I hope that this is apparent to the reader who, at times, will feel partially "excluded" from the work; but after all, partial exclusion is a quintessential contemporary experience, ¿que no?⁷

Sayles' delicate weaving of cultural, linguistic, and musical codes exposes and enacts his syncretism and contextualizes his treatment of the substantive themes of the movie, namely, his juxtaposition of law and justice, of legend and legacy, and of the past with its revisable histories and the present with its unrevisable stories.⁸

5. See Rodolfo Jacobson, *The Social Implications of Intra-Sentential Code-Switching*, in *NEW DIRECTIONS IN CHICANO SCHOLARSHIP* 227, 240-41 (Ricardo Romo and Raymund Paredes eds., 1984) (describing, as a characteristic of the speech of many Latina/o bilinguals, a type of language mixing (or code-switching) that includes phrases from two languages in the same sentence).

6. Randy Hertz tells me that the use of untranslated language as a linguistic device has a long and rich tradition. For example, Thomas Mann's classic German novel, *The Magic Mountain*, has a lengthy passage in French. See THOMAS MANN, *DER ZAUBERBERG* [The Magic Mountain] 308-315 (G.B. Fischer 1964) (1924); see also Henry Hatfield, *The Magic Mountain*, in *MODERN CRITICAL INTERPRETATIONS: THOMAS MANN'S THE MAGIC MOUNTAIN* 85, 99 (Harold Bloom ed., 1986).

Mann used the untranslated language not only to create a certain atmosphere, but also to linguistically move the characters and the reader to another world. As Mann himself wrote, the "garment of a foreign tongue" enables the character to act out of character and "to say things he could never have dared say in his own language." Thomas Mann, *The Making of "The Magic Mountain,"* THE ATL. MONTHLY, Jan. 1953, at 41, 41.

Randy adds that a pop culture example of the use of untranslated language can be found in episodes of the television series *In the Heat of the Night*, which like *Lone Star*, had a multi-cultural ensemble cast and included an interracial relationship between the white sheriff Bill Gillespie, played by Carroll O'Connor, and an African-American City Council member, Harriet DeLong, played by Denise Nicholas; in the last year of the series, Gillespie had a Latina deputy who spoke to him in Spanish, to whom he would respond in English. NBC television broadcasts, 1988-92; CBS television broadcasts, 1992-94.

7. GÓMEZ-PEÑA, *supra* note 3, at ii.

8. David Theo Goldberg adds this thought: There is a sense in which justice can be read as a place in the narrative—a private(ly told) justice, a privately held justice. Injustice is the lack of consistency or coherence in

I have not written this Article as an authoritative or definitive interpretation of a work that is as complex as *Lone Star*. I think of this Article, instead, as a conversation starter or a jumping off point for a continuing multivocal dialogue, both about the film and the issues raised by John Sayles. Consequently, I have used certain footnotes in a somewhat unorthodox manner; namely, to add comments from readers who offer perspectives and/or interpretations that vary from mine.

III. TRANSLATING *LONE STAR*

The opening scene of John Sayles' *Lone Star* begins before the movie's titles start running. The accordion music associated with tejano music plays as two Anglos walk through the southwestern desert. One is identifying plants—agave, nopal—while the other one looks for bullet shells that he will use for his art work, making elaborate sculptures. They find a decayed skeleton, a badge in the form of a star, and a Masonic ring.

The activities of the one character—identifying, naming, and categorizing plants—provide a contrast to Sayles' treatment of the characters in the movie who defy easy classifications. The movie is filled with Chicana/o, Mexicana/o, Anglo, Black, and even Indian characters, but, as we shall see, they behave in ways that defy and challenge conventional stereotypes. Classifying plants may help us "learn something about the place,"⁹ but Sayles will show us that classifying people is less neat.

From the beginning Sayles uses the camera to play with time, shots fade out only to re-focus on the same scene, but with new characters at a different time. Sayles also plays with music and language through the movie's sound track, adding additional layers of meaning through the types of music being played, as well as the lyrics being sung. Sayles' playfulness extends to his naming of people and places, using bilingual puns in several instances. This blurring of temporal, musical, and linguistic borders prefigures the blurring of other borders.

Situated along the U.S./Mexico border, Sayles calls the town, *Frontera*, Texas. *Frontera* means "border" in Spanish, and this is indeed Bordertown, where U.S. law draws bright lines of demarcation, and Sayles blurs the lines of demarcation, forcing us to compare what is legal with what is just. [If you own the soundtrack, play the #1 cut here.]

the narrative, of things not having their rightful place. In that sense, the film may be read as a meditation (an interrogation?) on/of memory—narrative's connection to individual memory and to historical and collective memory, thus tying justice and memory to one another.

9. Notes of Margaret E. Montoya taken during her viewing of *Lone Star* [hereinafter Montoya film notes].

*Mi Unico Camino*¹⁰

*Traigo una pena clavada
Como puñalada en mi pensamiento
Como carcajada que 'siera ser lamento*

Como si llorando se rieran de mí

*Es la vida pasada que siento
Reprochar el haber sido así.*

*Mi pecado y mi culpa será
conocer demasiado el dolor
y las penas y los desengaños.
Que por tantos años
me ha dado el amor.
Por si acaso quisieras volver,
olvidando tu viejo rencor
M'hallará frente d'un trago de vino
mi único camino que me dio tu amor.*

My Only Way

*I have a worry piercing
My mind like a stab wound
Like a roar of laughter that wants to be a
lament
If I were crying, others would be
laughing at me
It's my past life that I feel
Reproaches me for having been
like I am.*

*My sin and my guilt have been
to know the pain, and worry and
disillusion too well.
That for so many years
your love has given me.
But if by chance you want to return,
forgetting your old rancor
You will find me with a drink of wine
the only way that your love gave
me.*

Well, buckle your seat belts because this film's subplots make for a bumpy ride. First there's the murder of the notorious Sheriff Charley Wade, feared and loathed by most. It is Charley Wade's skeleton, badge, and ring that are found out in the desert, and the odds point to the current sheriff's father, Buddy Deeds, as the likely perp. But this is no garden variety son-of-a-gun who has been murdered. Through flashbacks we get to know Charley Wade and we come to loath him, too. His sins, seen through the lens of today, seem so much more egregious than they were back then, which is why he is easy to hate: his sins/crimes are so black and white, his criminality embedded in racism. Charley Wade was an outright bigot towards Blacks and Mexicans ("wets" he calls them/us/me). He also was openly corrupt: demanding and getting bribes from every business, legal and otherwise, in town. Hollis, now the town's mayor, but back then a deputy, explains: "Charley was one of your old bribe-or-bullets kind of sheriffs, he took a healthy bite out of whatever went through this county."¹¹

"Era muy cabrón, that Charley Wade,"¹² we hear later on, and no one disagrees. Hollis watches (with us) while Charley investigates a truck stopped by the side of the road. The truck has been brought across the border by Eladio Cruz and is carrying undocumented Mexicans hidden under a load of watermelons. Chucho Montoya, one of Eladio's "passengers," is out of view, urinating into a ravine, more brash than others willing to withstand full bladders and other indignities. Charley Wade orders Eladio to get the shotgun from the truck's cab.

10. CONJUNTO BERNAL, *Mi Unico Camino*, on LONE STAR (Daring Records 1996) (Spanish lyrics and English translation provided by Margaret E. Montoya).

11. Screenplay text from compact disk liner notes, LONE STAR, quote #2, (Daring Records 1996) (liner quotes numbered sequentially by Margaret E. Montoya) [hereinafter Liner notes].

12. Montoya film notes, *supra* note 9.

As Eladio reaches over for the gun, Charley shoots him in the back of the head, thereby concocting an uncontestable legal defense for his murderous act.

Young Hollis: You killed him—

Wade: You got a talent for the obvious, son. *Muchachos! Venga afuera! Brazos arribas!*¹³

Then there's the legendary Buddy Deeds about to have the local courthouse renamed in his honor. Sam, Buddy Deeds' son and the present sheriff, compares poorly to his father in the eyes of his father's contemporaries, "all hat and no cattle,"¹⁴ we're told. Buddy came to be sheriff after a fight with Charley Wade in which Buddy refused to pick up the monthly pay-off, due "just like the rent"¹⁵ from Jimmy Herrera. Herrera owned the local restaurant with a "kitchen filled with wetbacks, breed[ing] like chickens."¹⁶ Wade went missing that night, along with \$10,000, and Buddy Deeds became sheriff. But Buddy replaced Charley's outright extortion with subtler forms of coerced protection and political patronage. Buddy's deputy friends, Hollis and Fenton, explain that "[Buddy] come to an accommodation. Money doesn't always need to change hands to keep the wheels turning."¹⁷ Hollis says to Sam: "Look, I know you had some problems with your father. And he and Muriel—well—."¹⁸ Fenton adds: "Your mother was a saint."¹⁹ "[B]ut," Hollis tells Sam, "Buddy Deeds was my salvation."²⁰

There is a convention in the West of calling the local sheriff, "the Law." The usage evolved from "law man" to "the Law," this personification both embedding and eliding the gendered nature of this equation and thereby blurring the operation of legal structures and collapsing legal happenings, legal decision-making, and legal processes and outcomes into the personality and practices of those who do the policing. Sayles is exposing the elisions and sorting out the conflations. Frontera prepares to overlook, to forget, to erase Buddy's lawlessness as it honors him by naming the courthouse after him, the very building in which the Law is argued, interpreted, applied, and enforced. Are Buddy's deeds and misdeeds separable from the Law? Is frontier (read: border) law equivalent to frontier justice or does the Law absent itself when it is used unlawfully?

Lone Star is both a murder mystery and, given the rift between Buddy and Sam, a father-son psychodrama. The movie causes us to ponder which of the two is the town's lone star, but then again, perhaps "lone star" is only an allusion to the Texas flag. The father-son rivalry also is played out in the relationships

13. Liner notes, *supra* note 11, quote #11.

14. Montoya film notes, *supra* note 9.

15. *Id.*

16. *Id.*

17. Liner notes, *supra* note 11, quote #3.

18. *Id.*

19. *Id.*

20. *Id.*

among the Payne family, the principal Black characters. Colonel Delmore Payne (who thinks he has been "dealt more pain" because of his father's abandonment of his mother and himself) returns to his childhood home of Frontera to carry out the closing of the local Army base. His father Otis Payne ("Oh, 'tis pain") runs the local Black bar, is known as the "Mayor of Darktown,"²¹ and has lived for eight years with Carolyn, a woman not easily racially classifiable. Delmore's son Chet squirms under his father's tutelage and grooming for his eventual admission to West Point.

Chet's first contact with his grandfather happens one evening when he goes to the bar and almost immediately there is a shooting. Otis comes over to him, instructs him that he's to say he's never been to the bar, and tells him to leave by the back door.

Chet later discovers that Otis maintains a collection of pictures and other mementos of the Black Seminoles. Otis explains that some freed Blacks escaped into Florida where they took up with Indians. After learning to become expert trackers, some went south into Mexico where they fought with Santa Ana's army against the Texans. But they then later worked with the Texas Rangers rounding up Mexicans—and Indians. Black Seminoles, we're made to understand, or asked to believe, were equal opportunity border crossers and border guards. Mixed blood makes for unexpected relations and blurred loyalties.

Chet: So, I'm part Indian?

Otis: By blood you are. But blood only means what you let it.

Chet: My father says the day you're born you start from scratch, no breaks and no excuses. You've got to pull yourself up on your own.

Otis: Well, he's living proof of that, son. Living proof.²²

Borders get crossed and re-crossed. Sayles tantalizes us with the notion that sanguinal, and thus racial, borders don't function as barriers: "[B]lood only means what you let it."²³ Even though racial barriers may be permeable, this notion of identity being "only" an issue of self-definition is highly contested and contestable. Blood and how it defines one and creates family and racial groups is one of the central issues in the movie. Blood and how its shedding defines one and creates trust and affiliative groups is the other core theme.

Sayles, as director, manipulates the temporal, musical, and linguistical aspects of the movie, adroitly switching back and forth from present to past, from tejano to boogie to Country-Western and back again to Spanish classical guitars

21. Montoya film notes, *supra* note 9.

22. Liner notes, *supra* note 11, quote #12.

23. *Id.*

accompanying Lydia Mendoza.²⁴ His movie's script also penetrates and mixes generational, geographical, and racial boundaries, and, ultimately, legal ones.

The Law defines some of these lines of demarcation. The border between the U.S. and Mexico is drawn by the Law, as are the walls between racial categories. Such categories are in numerous ways erected, pierced, and then resolidified by the Law. Whether we consider the anti-miscegenation laws of the past or the current definitions used for civil rights statutes, the Law describes and inscribes racial borders onto all of us. The lines between criminal and non-criminal killings are also drawn by the Law.

Cody: —but I gotta say I think there's something to this cold climate business. I mean, you go to the beach—what do you do? Drink a few beers, wait for a fish to flop up on the sand. Can't build no civilization that way. You got a hard winter coming, though, you got to plan ahead, and that gives your cerebral cortex a workout.

Sam: Good deal you were born down here, then.

Cody: You joke about it, Sam, but we are in a state of crisis. The lines of demarcation has gotten fuzzy—to run a successful civilization you got to have lines of demarcation between right and wrong, between this one and that one—your Daddy understood that. He was like the whatchacallit—the referee for this damn menudo we got down here. He understood how most people don't want their sugar and salt in the same jar.

Sam: You mixed drinks bad as you mix metaphors, you be out of a job.²⁵

Sayles makes it clear that he is using border crossings as a metaphor for il/legal behavior as well as for cross-racial relations. So into this already complicated picture let us introduce Pilar, a pillar of rectitude in this community. She is a high school teacher trying to give her students—Mexican, Anglo, Black, and Kickapoo kids, in Pilar's words—some understanding of the complexity of Texas history, of "cultures coming together in good ways and in bad."²⁶ She explains, that "after Texas seceded from Mexico, Anglo settlers were encouraged to migrate into the territory until they outnumbered the Mexicans four to one . . . Texas entered the Union as a slave state in 1845, . . . there were range wars and race wars."²⁷

24. Lydia Mendoza, an early (1930s) tejana singer who won fame in both the U.S. and Mexican musical markets, sings the song *Júrame* on LONE STAR's sound track. See *infra* note 33.

25. Liner notes, *supra* note 11, quote #6. ("Menudo" is a common Mexican stew made from tripe, hominy, and red chile. It is widely used as a cure for hangovers.).

26. Montoya film notes, *supra* note 9.

27. *Id.*

A meeting of the school textbook committee explores the deep divisions among the community and the way histories are remembered differently depending on one's viewpoint.

Anglo Father: And the men who founded this state have a right to have their story—

Danny Padilla: The men who founded this state broke from Mexico because they needed slavery to be legal to make a fortune in the cotton business!

Pilar Cruz: I think that's a bit of an oversimplification—

Anglo Father: Are you reporting this meeting or runnin' it, Danny?

Danny Padilla: Just adding a little historical perspective—

Anglo Father: You may call it history, but I call it propaganda. I'm sure they got their own account of the Alamo on the other side, but . . . we're not about to have it taught in our schools!²⁸

Pilar's husband 'Nando was killed years before, leaving her to care for her son and daughter. Her son Amado (literally, "the loved one") is called a "a *pachuco* wannabee"²⁹ by his sister, and, early in the movie he is caught by the Law wiring a stolen car radio. This verbal exchange between brother and sister is not mere bickering, the insult is encoded with class and In/Outsiderness. In a middle-class Chicano family, accusations of *pachuquismo*—of gang activity, of deviance, and of delinquency—insinuate a betrayal to the family and to the community, a sliding back into lower class behavior and aspirations. Even within the family and through the patois of the particular racial/ethnic group (in this case, Chicanos as opposed to Mexicanos), borders are drawn and identities are policed.

We learn that Pilar and Sam have known each other in the distant past. In the same exchange between Amado and his sister, she calls him "pathetic"³⁰ chiding him that he "can't be desperately in love at fourteen."³¹ Pilar, her voice thick with the emotions of memory, contradicts her daughter—"Of course, you can."³²

28. Liner notes, *supra* note 11, quote #4.

29. Montoya film notes, *supra* note 9.

30. *Id.*

31. *Id.*

32. *Id.*

[Play cut #9 here.]

*Júrame*³³

*Todos dicen qu'es mentira
que te quiero
Porque nunca me hablan visto
enamorada.
Yo te juro que yo misma
no comprendo
El porque me fascina tu mirada.
Cuando estoy cerca de ti estoy
contenta.
No quisiera que de nadie te
acordaras.
Tengo celos hasta del pensamiento
Que pueda recordarte a otra
ilusión amada.*

*Júrame, qu'aunque pase mucho tiempo,
n'olvidarás el momento en que yo te
conocí.*

*Mírame, pues no hay nada más profundo
y más grande en este mundo, qu'el
cariño que te di.*

*Bésame con un beso enamorado como
nadie me ha besado desde el día
en que nací.*

*Quiéreme, quiéreme hasta con locura.
A que abras la amargura qu'estoy
sufriendo por ti.*

Swear to Me

*They all say that it's a lie
that I love you
Because they've never seen me in
love.
I swear to you that even I don't
understand
Why your look fascinates me.
When I am close to you, I am
happy.
I don't want you to think of anyone else.*

*I am jealous even of the thought
That could remind you of
another illusory love.*

*Swear to me that even if much time
passes, you will never forget the
moment I met you.*

*Look at me, there is nothing more
profound, or greater, than the love
I gave you.*

*Kiss me with a love-filled kiss like no one
has kissed me since the day
I was born.*

*Love me, love me even with madness
To lance the bitterness that I am
suffering for you.*

Pilar's mother is Mercedes Cruz, the widow of Eladio Cruz, Charley Wade's victim in the watermelon truck incident. She has never remarried. "Why do I need some *cholo* with grease under his nails?"³⁴ she tells Pilar, who remembers her mother using just those words to describe her now dead husband. So, make *Lone Star* a mother-daughter psychodrama.

Mercedes is now a city councilor and owner of the town's most popular restaurant. Mercedes enforces an English-only rule in her establishment, the Law of the land be damned.³⁵ She berates her Mexican employees in heavily accented

33. LYDIA MENDOZA, *Júrame*, on *LONE STAR* (Daring Records 1996) (Spanish lyrics and English translation provided by Margaret E. Montoya).

34. Montoya film notes, *supra* note 9. (*Cholo* has much the same meaning and class resonances as the word *pachuco*.)

35. The Equal Employment Opportunity Commission (EEOC) presumes that a workplace English-only rule is a burdensome term and condition of employment and, therefore, violative of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-2 (1994). See 8 Fair Empl. Prac. Man. (BNA) § 421, at 655 (April 1996); 29 C.F.R. § 1606.7 (1991). But see *Garcia v. Spun Steak Co.*, 998 F.2d 1480 (9th Cir. 1993) (rejecting that English-only policies are presumptively discriminatory under Title VII and deciding that such policies are not a burdensome term and condition of employment), *cert. denied*, 114 U.S. 2726 (1994).

English, accusing them of stealing from her and yelling at them to "spik Engleesh. This is América."³⁶ Another policing of borders, this time linguistic, that codes identities. Able to quick-dial her home phone to reach the Immigration and Naturalization Service (INS), *la Migra*, Mercedes sits alone on the deck of her immense, but desolate, house, reminiscing of long ago loves. [Play cut #8 here.]

*Sabor A Mi*³⁷

*Tanto tiempo disfrutamos este amor
Nuestras almas s'acercaron tanto así.
'ue yo guardo tu sabor,
Pero tu llevas también sabor a mí.
Si negaras mi presencia en tu vivir,*

Bastaría con abrazarte y conversar.

*Tanta vida yo te di
Que por fuerza tiene ya
Sabor a mí.*

*No pretendo ser tu dueño
No soy nada
Yo no tengo vanidad
De mi vida doy lo bueno
Soy tan pobre, qu'otra cosa puedo
dar?*

Pasarán hasta mil años, muchos más

Yo no sé si teng'amor l'eternidad

*Pero allá, tal como aquí
En la boca llevarás sabor a mí.*

My Taste

*For so long we've enjoyed this love
Our souls became so close
That I can savor your taste
But you also carry my taste on you.
If you deny me a presence in your
life*

*It'd be enough to hug you and talk
with you*

*I have given you so much life
That by force it must have
My taste.*

*I don't pretend to be your owner
I am nothing
I have no vanity
From my life I offer the best part
I am so poor, what more could I give?*

*A thousand years will pass, maybe
more*

*I don't know if eternity knows of
love*

*But there, just like here
In your mouth you will carry my taste.*

Pilar and Sam had been in love as teenagers, but they were mercilessly followed and kept apart by Buddy. Pilar finally gets sent off to Catholic school by Mercedes for her last two years of high school. Sam has returned to Frontera, and taken the position as Sheriff, because Pilar is there. They meet and go to Mercedes' restaurant where the records on the jukebox haven't been changed since they were kids.

Fade to Sam's apartment where Sam and Pilar are making love. Shown kissing passionately, they are literally devouring one another/*saboreando uno a otro*.

We hear Freddie Fender, a Chicano Country-Western star, singing "Desde Que Conosco"³⁸ [cut #12]. The original English version, "Since I Met You Baby,"³⁹ had been sung earlier in the film by Ivory Joe Hunter [cut #7] when Chet was talking with Otis about the Black Seminoles. This juxtaposition of the English version with its Spanish translation, coupled with the fact that the lyrics

36. Montoya film notes, *supra* note 9.

37. ISIDORO LOPEZ, *Sabor A Mi*, on LONE STAR (Daring Records 1996) (Spanish lyrics and English translation provided by Margaret E. Montoya).

38. FREDDIE FENDER, *Desde Que Conosco*, on LONE STAR (Daring Records 1996).

39. IVORY JOE HUNTER, *Since I Met You Baby*, on LONE STAR (Daring Records 1996).

in the two versions have quite different meanings, provides a contrast between the carnal and sexual love between Sam and Pilar and the familial love between Otis and his grandson.

*Desde Que Conosco*⁴⁰

*Desde que conosco
que tu amor es fiel,
Desde que conosco
que tu amor es fiel,
Mi vida está cambiada
porque eres tú mi ser.*

*Ya no necesito
a nadie más qu'a ti
Ya no necesito
a nadie más qu'a ti
Porque tú'res mi cielo,
Porqu'eres para mí.*

*Desde qu'eres mía
no sé lo que es sufrir.
Desde qu'eres mía
no sé lo que es sufrir.
Y estando yo contigo
que más pueda pedir.*

*Since I Met You Baby*⁴¹

*Since I met you baby
my whole life has changed.
Since I met you baby
my whole life has changed.
And everybody tells me
that I am not the same.*

*I don't need nobody
to tell my troubles to.
I don't need nobody
to tell my troubles to.
Since I met you baby
all I need is you.*

*Since I met you baby
I'm a happy man.
Since I met you baby
I'm a happy man
I'm gonna try to please you
in every way I can.*

Deputy Ray Hernández tells Sam that he has been asked to stand for sheriff. Ambivalent at best about being sheriff, seeming to tolerate the job rather than relishing it, Sam wishes him well and thanks Hernández for clearing it with him. Sam had been told that he would be the last Anglo sheriff in Frontera, and with his passing out of the job, the race/ethnicity of the Law is also changing.

Meanwhile Sam continues accumulating information implicating Buddy in the death of Charley Wade. He tells Hernández that he's going over to the other side. "Republicans?"⁴² asks Hernández incredulously. "No, Mexico,"⁴³ explains Sam. "Going over to the other side" is clear only where there aren't multiple borders.

Sam heads into Mexico crossing over the bridge. Mexico looks different, the colors are more vibrant, there's more life on the streets, more noise in the air. A sound truck announces, "*El Rey de las llantas*."⁴⁴ Chucho Montoya, known to us before as the human contraband in Eladio Cruz's watermelon truck and as the witness to Eladio's murder, is now king of tires and wheels. Montoya (he and I) does some theorizing about nation-state boundaries, invisible borders, and friends who accommodate border crossers.

40. FENDER, *supra* note 38 (Spanish lyrics provided by Margaret E. Montoya).

41. HUNTER, *supra* note 39 (English lyrics provided by Margaret E. Montoya).

42. Montoya film notes, *supra* note 9.

43. *Id.*

44. *Id.*

Chucho: Bird flying south—you think he sees that line? Rattlesnake, javelina—whatever you got—halfway across that line they don't start thinking different. So why should a man?

Sam: Your government always been pretty happy to have that line. The question's just been where to draw it—

Chucho: My government can go fuck itself, and so can yours. I'm talking about people here—men. Mi amigo Eladio Cruz is giving some friends of his a lift in his *camión* one day—but because he's on one side of this invisible line and not the other, they got to hide in the back like criminals. And because over there he's just another Mex bracero, any man with a badge is his *jefe*—⁴⁵

In his quest to solve the Charley Wade murder, Sam goes out to visit with an Indian who had known Buddy back when. The Indian, who goes unnamed, has left the reservation, “couldn't take the politics,”⁴⁶ and now has a business along the U.S. highway selling curios, snake skins, and other touristy knick-knacks.⁴⁷ Sam asks, “You think Buddy killed anyone in Korea?”⁴⁸ “They don't give those medals in cereal boxes,”⁴⁹ the Indian replies and then adds that Buddy had another woman on the side. “Half the damn county knew, but no one blamed her [Muriel] for staying.”⁵⁰ He feigns that he can't remember the other woman's name: “At my age, you learn one name, you have to forget another.”⁵¹

Needing to locate his father's papers, Sam visits his ex-wife, Bunny, who is, in her words, high strung and tightly wound. We learn that her psychosis (and, at a deeper level, maybe our social psychosis) is made manageable through her/our fixation on the minutiae of professional sports. Her world is the Dallas Cowboys football team, the only “cowboys” in a movie replete with Western stereotypes. It is a funny-sad scene with Bunny represented as fragilely poised between sanity and near-insanity. Yet another blurred border.

Sam is veering dangerously close to clues that point to his father, Buddy Deeds, as Charley Wade's killer, as well as to clues about other aspects of Buddy's life. Sam finds letters addressed to “Dearest Buddy” that describe the birth of a beautiful daughter.

45. Liner notes, *supra* note 11, quote #10.

46. Montoya film notes, *supra* note 9.

47. Randy Hertz adds that in this movie we have all of the stock characters of the old Westerns: the sheriff, the schoolmarm, the army in its fort, and the Indian. Yet each of the stock characters is [re]presented in a disorienting form that graphically signals that the myths are no longer grounded in reality—if they ever really were. Sam is at best an ambivalent sheriff; the lone Indian has left his reservation to sell kitsch souvenirs of the West to tourists; the schoolmarm, who fits the classic script as the sheriff's love interest, breaks the set by virtue of her race, her age, her previous marriage, and her almost-grown kids; and the army base is a fading institution, about to disappear from the scene.

48. Montoya film notes, *supra* note 9.

49. *Id.*

50. *Id.*

51. *Id.*

But I haven't told you more about Delmore and Otis, or about the cross-racial, cross-generational, and cross-class interactions among the Army folks. One particularly arresting scene shows Cliff, the Anglo bullet casing artist, talking with Mikey, the plant identifier, about Priscilla, Cliff's Black fiancée. They are discussing Cliff's future in-laws and his tentative plans to marry:

Cliff: Priscilla says they think any woman over thirty who isn't married must be a lesbian. She figures they'll be so relieved I'm a man—

Mikey: Always heartwarming to see a prejudice defeated by a deeper prejudice.⁵²

I also haven't described Mercedes Cruz being faced with an undocumented couple who seek her help after the young girl has hurt her foot in the trek across the river. In a flashback, we learn that Mercedes had crossed the river one dark night, helped across by Eladio Cruz, her future husband. "Mercedes Cruz" is another of Sayles' bilingual puns. "*Mercedes*" literally means "with thanks or grace" and "*Cruz*" means "cross." When combined, they can be read as "a cross with thanks" or, more poignantly, "across (that is, on the other side) with thanks."

[Those readers who have not seen the film and intend to should *stop* reading here because I disclose how the film ends.]

Armed with what he thinks he knows about his father, Sam sets out to learn the truth, beginning with Otis. He finds Hollis and Otis sitting at the bar.

Hollis: Your father had the finest sense of justice of any man I ever met—

Sam: Yeah, and my mother was a saint. For fifteen years the whole damn town knew he had another woman on the side. Stole ten thousand dollars to set her up in business. But hell, what's that? You got a problem? Buddy'll fix it. Facing some time in jail? Buddy'll knock half of it off—if you do what he says, when he says. You got some business that's not exactly legal? Talk to Buddy—

Hollis: Buddy Deeds—

Sam: Buddy Deeds was a murderer.⁵³

Fade to the back room of the only bar in Darktown where a young Otis is in a poker game. Charley Wade and a young Hollis can be seen approaching. Charley Wade is backlit. Music plays. Charley Wade can be seen talking, but no words are heard. He punches and viciously kicks Otis and, then holding a gun to his head, walks him to the bar for the month's payment. Like the encounter with Eladio Cruz, Charley orders Otis to get the gun that is kept behind the

52. Liner notes, *supra* note 11, quote #8.

53. Liner notes, *supra* note 11, quote #15.

counter. The action slows. Charley is shown holding the gun to the back of Otis' head. Buddy comes into view, breaking the deafening silence with a piercing scream "Charley Wade!" At the same moment Hollis shoots Wade, killing him.

"The three of us put him down under,"⁵⁴ Otis explains. "Mercedes was barely getting by," adds Hollis, "so Buddy took the county's money to make it look like [Charley] Wade had stolen it and gave it to Mercedes."⁵⁵ Now we understand why Buddy Deeds had been Hollis' salvation.⁵⁶ Buddy's silence purchases his friend a secure future, eventually as mayor.

Sam walks out of the bar. Buddy's memory will be allowed to bear the weight of the murder of Charley Wade. "Buddy's a goddamn legend,"⁵⁷ rationalizes Sam, "[h]e can handle it."⁵⁸ Earlier we were told by Hollis that Buddy had the finest sense of "justice" of any man.⁵⁹ Now, it is Sam's silence that purchases Hollis his secure retirement.

"The Law" plays fast and loose with the Law in Frontera—Charley Wade extorts, assaults, murders. Buddy Deeds steals, conceals evidence, suborns perjury. Sam Deeds seemed to be different. But, in the end, exercising his personal sense of justice by acting as prosecutor, judge, and jury, he eschews charging Hollis with Charley Wade's murder. Conspiring with Otis and Hollis, he accedes to the concealment of evidence to protect Hollis from the Law's process.

Sayles seems to be suggesting that justice is best served by not bringing up old crimes. What's to be served by indicting Hollis, now an old man, Sayles seems to be asking? But, isn't an important aspect of the privilege available only to Insiders getting away without "the Law" sifting through evidence, asking questions, subpoenaing private papers, having to wait anxiously to be acquitted? Doesn't Hollis get a pass because he is an Insider, someone whose story is recognizable to "the Law?" So is Sayles saying that Hollis gets a pass from "the Law," or, in other words, the Sheriff as surrogate, but not from the Law as institution?⁶⁰ Are we to believe that Sam's decision not to prosecute Hollis is individualized mismanaged criminal process, rather than institutionalized criminal injustice? Or isn't this brand of justice, of turning a blind eye, reserved almost exclusively for good ol' boys with connections to power?⁶¹

54. Montoya film notes, *supra* note 9. As Randy Hertz notes, the three are, or have become, "law men" each in his own way—Buddy as sheriff; Hollis as Mayor; and Otis as the "Mayor of Darktown."

55. *Id.*

56. *See supra* note 20 and accompanying text.

57. Liner notes, *supra* note 11, quote #16.

58. *Id.*

59. *See supra* note 53 and accompanying text.

60. Charles G. Boyer suggests that perhaps Buddy, Hollis, and Sam cross a boundary that Charley Wade never did—by concealing the murder of a powerful white man. The Law allowed Charley to get away with what he did, while the others must surreptitiously avoid its watchful eye.

61. Beth Gillia suggests the following alternative reading: Hollis gets a pass because he is an Insider, but also because there is some perceived risk to the community in revealing the truth. Buddy the Legend can handle the fiction of his being the murderer of Charley the Corrupt. But why maintain the fiction? If it is because the community can't handle the truth, what is at risk? Who is at risk?

The Law's borders sometimes coincide with those drawn by conscience, by taboo, and by justice. Murder—the unlawful shedding of another's blood—is one such line. It lies at the heart of our understanding of what's il/legal and un/just. Where are we when the line is blurred between murders we can live with, so to speak, and murders we can't abide? Where are we when justice and conscience place us on the side of the killers, rather than on the side of the killed? In Charley Wade, we have someone who is not only brutal and corrupt, but also blatantly bigoted, and his death, especially because it seems to save Otis' life, strikes us as just. But why? Is it Sayles' coupling of Charley Wade's murders, extortions, assaults, and other crimes with his racism and xenophobia that place us on the side of his killers? The fact that Charley is loathsome seems to make the issues surrounding his death easily resolvable, at least for Sayles. But should they be so easy for us? Is it not incumbent upon us to search for a way in which Charley's death, which strikes us as just, is also legal—particularly because Wade's death implicates Buddy, and later Sam, the persons charged with implementing and enforcing the law.

There are scenarios in which Charley's death would not have been ruled a criminal homicide, and Buddy Deeds, therefore, should have allowed the legal process to determine whether Hollis was justified in killing Wade. It is possible, maybe likely, that Hollis would not have been indicted by the grand jury or acquitted upon being tried. There is, admittedly, some risk in allowing Hollis' fate to be decided by the criminal justice system. Hollis' behavior could, after all, be reframed from the perspective of an aggressive D.A. charged with prosecuting Hollis who characterizes Hollis' defense of Otis Payne as a defense of a gun-toting, gambling, bartending Negro. The good people of Frontera may have sided against Hollis. It is, however, only when the Law applies equally to all—to Hollis and to Otis, to Charley and to Amado, to the powerful and to the lowly, that the Law treats everyone fairly.

The risk involving Hollis' fate should have been taken. Perhaps the light of public scrutiny shining on the circumstances of Wade's death may have prevented the crimes that subsequently transpired. Once Buddy Deeds decided that the Law would not operate in the "usual" (meaning lawful) manner with respect to Hollis, the circumstances then allowed for greater criminality. That is, in order to conceal what Hollis has done, Buddy, Hollis, and Otis hide Charley's body, and Buddy embezzles the \$10,000 which he later gives to Mercedes.

The decision to conceal Charley's "murder" has at least two other effects. First, Charley's criminal behavior is not brought to public light (e.g., Hollis may have been the only person, besides Chucho Montoya and the other "passengers," to know of Charley's "murder" of Eladio Cruz). A second related effect is the silencing of the public discussion of certain of Charley's criminal acts, hidden ones and those openly carried out, as racist. Consequently, any possibility of collective healing through venting or dialogue about the past is lost. Differing memories and contested histories are shoved into the ground with Charley's body.

Another reason why Charley Wade's death seems just is the anachronistic nature of his racism—so naked and bold in its expressions. Charley does not hesitate with his epithets or with his racialized assaults. For many of us, this type of racism seems from a bygone era. But *Lone Star* also has many examples of

more contemporary manifestations of racism and bigotry—with their subtler nuances. Much of the current bigotry is also more complex, having both intragroup and intergroup aspects. It is Amado being chided as *pachuco* by his sister; Mercedes yelling at her Mexican employees to speak English. It is in the complicated racial relations at the Army base. It is in the revisionisms of the school textbook committee. So what does the Law offer us as a solution for contemporary racial fissures? Sayles seems sanguine in one conclusion: murdering the Charley Wades of the society does not eradicate racism and intolerance.

But let's finish the movie. Sam and Pilar are in an empty drive-in, the scene of their first "crime/sin," committed as kids. Sam explains that Eladio Cruz died a year and a half before Pilar was born. Buddy bought the cafe for Mercedes and paid the hospital bill when Pilar was born. Mercedes' letters to Buddy are proof.

The reality slowly sinks in. Sam and Pilar are siblings, Buddy Deeds is father to both. Before our eyes Pilar is transformed, re/presented. Formerly the pillar of rectitude, we hear her offer reasons why the forbidden relationship might just be alright: "I can't have kids anymore anyway."⁶²

Pilar is transformed in other ways: no longer just lover to Sam, she's now a sister. Formerly Chicana, now she is mixed race. Bodily borders have also blurred. With Sam and Pilar's lovemaking and passionate kissing, their tastes and sensations merged willingly. The lyrics from *Sabor A Mi*⁶³ come back with haunting vividness and with new meanings:

*Yo no sé si teng'amor la eternidad
Pero allá, tal como aquí
En la boca llevarás sabor a mí.*

*I don't know if eternity knows of love
But there, just like here
In your mouth you will carry my
taste.*⁶⁴

According to the song, tastes and sensations don't separate, even in eternity. Things and people don't easily go back across the borders from where they started. When they do, Sayles suggests, they're permanently changed.

The Law, however, draws yet another border, prohibiting sexual relations between family members.⁶⁵ Blood again is defining.⁶⁶ Like murder, incest is not only illegal, it is also taboo.⁶⁷

But if Law and taboo line up like constellations, on which side of the border do justice and conscience lie? What about a lifetime of longing denied and of

62. Montoya film notes, *supra* note 9.

63. LOPEZ, *supra* note 37.

64. *Id.* (Spanish lyrics and English translation provided by Margaret E. Montoya).

65. Currently, incest is a third-degree felony in Texas. See TEX. PENAL CODE ANN. § 25.02 (West 1994).

66. Nancy Desiderio observes that Sayles has told us through Otis Payne that "blood only means what you let it." See *supra* note 22 and accompanying text. Sam and Pilar, brother and sister and incestuous lovers, blur several borders—racial, familial, erotic—thereby creating a Gómez-Peña type of identity, an identity that is "freefalling toward a borderless future." See *supra* note 3 and accompanying text.

67. Charles G. Boyer makes a different point. Sayles suggests the possibility of a hybrid identity in which borders (geographic, ethnic, linguistic) are and should be crossed. Why should legal borders be any different? Is the legal definition of murder an absolute? Weren't Hollis and Buddy making up for the deficiencies in the Law that allowed Wade to get away with murder over and over?

love postponed?⁶⁸ Can ignorance of blood relations be a defense for past "sins/crimes?" On the other hand, the "sin/crime" having been committed once, why prohibit it in the future? Listen to Pilar:

Pilar: We start from scratch?⁶⁹

Sam: Yeah—

Pilar: Everything that went before, all that stuff, that history—the hell with it, right? . . . Forget the Alamo.⁷⁰

Can histories be forgotten? Is there any evidence that anyone has forgotten the Alamo, even Pilar herself? Hasn't Pilar's professional life as a teacher been a recapturing and reframing of the past? Isn't it her past that predicts that there is no conjoined future possible for Sam and Pilar? Perhaps not, if the answer is in the movie's final song, *I Want To Be A Cowboy's Sweetheart*.⁷¹

On the other hand, isn't Pilar doomed/blessed to live a future life consistent with her past?⁷² Isn't another answer to be found in the title of *Mi Unico Camino*,⁷³ the movie's opening song, which translates as "My Only Way," an answer that is reiterated by the song's lyrics?

*Es la vida pasada que siento
Reprochar el haber sido así.*

*It's my past life that I feel
reproaches me for having been like I am.*⁷⁴

68. David Theo Goldberg observes that "blood" relations bring into stark relief the relation or the displacement between "blood" relations and family love, indeed of the notion of family itself—who belongs and who does not, who is tied together and who not, and how so tied—through memory and narration, one might say, and so too by longing and desire.

69. Charles G. Boyer offers an interpretation of "starting from scratch," understanding Pilar's question as a signal to let go of the pain and suffering of the past, the "let's just get along" flavor/*sabor* of the film's ending. There seems to be an underlying effort not to let the past overdetermine the present. For a contrasting view, see *infra* note 72.

70. Liner notes, *supra* note 11, quote #17 (footnote added).

71. PATSY MONTANA AND THE PRAIRIE RAMBLERS, *I Want To Be A Cowboy's Sweetheart*, on LONE STAR (Daring Records 1996).

72. Randy Hertz adds these thoughts about the movie's theme of reinventing history and reinventing oneself. The plot that drives the movie—the discovery of the badge and uncovering of the truth of Charley's killing—is all about piercing the elaborate revisionist history and legend that Buddy, Hollis, and Otis created to hide the killing (they told the story once "and people liked it so much, we just kept on telling the story"). Mercedes has reinvented herself as a loyalist American. After his disastrous marriage to Bunny and employment by her father, Sam has tried to reinvent himself as sheriff, but the role doesn't fit. The textbook committee gets into a heated wrangle about Texas history. And finally, we have Pilar trying to "[f]orget the Alamo." Yet, as Sayles reminds us throughout the movie, one can't forget the past—or reinvent history—or reinvent oneself because the past will resurface just as a skeleton and an old badge will eventually be dredged up. The lie that Hollis, Buddy, and Otis told will eventually be discovered; Mercedes discovers she can't wholly forget the person she once was; Sam and Pilar find that their romance of the present is impeded by the barrier of incest, caused by Buddy's affair and the lies he told to conceal it. The movie takes us from legend to legacy: we start with the heroic encounter in the distant past between Buddy and Charley, as told by Hollis, and we end with the tragic encounter in the stark present between Sam and Pilar, with its legacy of incest left by Buddy.

73. BERNAL, *supra* note 10.

74. *Id.* (Spanish lyrics and English translation provided by Margaret E. Montoya).