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Recommended Citation

Steven W. Bender, Will the Wolf Survive?: Latino/a Pop Music in the Cultural Mainstream, 78 *DENV. U. L. REV.* 719 (2001).

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WILL THE WOLF SURVIVE?:* LATINO/A POP MUSIC IN THE CULTURAL MAINSTREAM

STEVEN W. BENDER**

The American¹ news media dubbed 1999 as the year of the Latino² based almost entirely on the runaway sales success³ and appeal⁴ of La-

*. Titled after track number 11 of the same name from Los Lobos' debut album in 1984 *How Will the Wolf Survive?* LOS LOBOS, *HOW WILL THE WOLF SURVIVE* (Wea/Warner Bros. 1984). That track is an anthem of hope for cultural and spiritual survival in a challenging and changing America, as is the less hopeful Los Lobos tune *One Time, One Night [In America]* from 1987. LOS LOBOS, *One Time, One Night, on BY THE LIGHT OF THE MOON* (Wea/Warner Bros. 1987).

** Associate Professor of Law, University of Oregon School of Law. Thanks to the participants at LatCrit V where I presented this paper as part of the plenary Multi/Cultural Artistic Re/Presentations in Mass Media: Capitalism, Power, Privilege and Cultural Production. Thanks especially to our moderator Pedro Malavet for his suggestions and comments, and to Keith Aoki, Kevin Johnson, and my research assistants Steve Tamayo and Misti Johnson.

1. Employing the same narrow reference as the mass media, this article refers to the United States as America and the term America does not encompass Central or South America.

2. See generally David E. Thigpen, *Spicing the Mix: Latin Pop Prepares to Take on America*, TIME, Mar. 15, 1999, at 80; Leila Cobo, *How Ricky Martin Conquered America, Singer Crosses Over to Big-Time Success*, MIAMI HERALD, May 23, 1999, at E1.

This gender-specific reference to Latinos is intentional here, as with few exceptions the media when referring to both Latino and Latina pop singers uses the reference Latino or Hispanic. Elsewhere, I generally use the reference Latino/a.

3. As of July, 2000, Ricky Martin's self-titled album had been certified for sales in the United States of 7 million, Christina Aguilera's debut for 6 million, Jennifer Lopez for 3 million, Marc Anthony's self-titled English album for 2 million, the English language debut of Enrique Iglesias for one million, and Santana's *Supernatural* for 13 million units. See, e.g., Ricky Martin's home page at <http://www.rickymartin.com/index2.html>. Ricky Martin's sale of 661,000 units in the first week of release of his English language debut was easily the best ever by a Latino/a artist on the American pop charts. Alisa Valdes-Rodriguez and Geoff Boucher, *Martin's Music Catapults Latin Crossover Success*, TIMES UNION, May 21, 1999, at D5. Latino/a artists chalked up the four longest-running number one pop singles of 1999, an astounding feat—Ricky Martin's *Livin' La Vida Loca*, Santana's *Smooth*, Christina Aguilera's *Genie in a Bottle*, and Jennifer Lopez's *If You Had My Love*. Leila Cobo, *Here to Stay?*, MIAMI HERALD, Feb. 20, 2000, at 1M.

4. At the 42nd annual Grammy Award ceremony in 2000, Latino/as won in the major mainstream categories of Album of the Year (Santana's *Supernatural*), Record of the Year (Santana's *Smooth*), and New Artist (Christina Aguilera). In the Super Bowl held January 2000, Christina Aguilera and Enrique Iglesias performed together in the halftime festivities. See Superbowl news at <http://www.infoplease.com/ipa/Ao872658.html> (last visited Feb. 28, 2001); see also Christina

tino/a singers to a mainstream pop music⁵ audience.⁶ While in 1998 the media spotlight, when directed at Latino/as, shone on a lone Chihuahua hawking tacos for corporate America, in 1999 Ricky Martin replaced a small dog as the media ambassador for Latino/as.

For years, White artists have dominated American pop music. With the notable exception of Black vocalists,⁷ non-White artists have rarely experienced sustained and substantial success in this market.⁸ Although Latino/a artists have made modest inroads into the pop music mainstream in the past,⁹ the current success of Latino/a singers is unprecedented for

Aguilera's home page <http://www.Christina-a.com/awards.html>. In the 2000 Republican National Convention, Ricky Martin's *La Copa de Vida* (The Cup of Life), was employed as the theme song, supposedly to proclaim racial inclusiveness. Later Ricky Martin performed the song at George Bush's inauguration.

5. By "pop" music, I am referring to pop(ular) music, which is best defined by reference to commercial success than by critical appreciation. DEANNA CAMPBELL ROBINSON ET AL., *MUSIC AT THE MARGINS: POPULAR MUSIC AND GLOBAL CULTURAL DIVERSITY* 10 (1991) (defining popular music).

6. In addition to the major success of Christina Aguilera, Marc Anthony, Enrique Iglesias, Jennifer Lopez, Ricky Martin, and Santana, those Latino/a artists charting minor pop singles or albums in 1999 and 2000 include Elvis Crespo (Puerto Rican), Cuban Link, Gloria Estefan, Julio Iglesias Jr., Los Kumbia Kings and A.B. Quintanilla III, Mana, Nu Flavor, the Chris Perez Band, Jon Secada, Son by Four, and Angela Vía. In late 2001, Shakira (Colombian mother, Lebanese father) scored a platinum album with her English language recording *Laundry Service*. Puerto Rican rapper Fat Joe also enjoyed mainstream success in late 2001, as did the Latino Christian rock group P.O.D.

7. Billboard's listing of the top pop singles artists (based on sales and airplay) from 1955 to 1995 includes seven Black artists in the top 20 (Stevie Wonder, Michael Jackson, Aretha Franklin, the Supremes, Marvin Gaye, the Temptations, and Prince) and eleven Black artists in the top 30 (adding James Brown, Janet Jackson, Fats Domino, and Whitney Houston). JOEL WHITBURN, *THE BILLBOARD BOOK OF TOP 40 HITS* 805 (6th ed. 1996). There are no Latino/a, Native American, or Asian American artists in this top 30. *Id.*

8. As reflected in Billboard's statistics, of the Top 100 best-selling pop singles artists from 1955 to 1995, the only Latino/as are Mariah Carey (#31, she is of Irish and Black-Venezuelan parentage and is not identified by the media as Latina); Linda Ronstadt (#66), Gloria Estefan/Miami Sound Machine (#83), and Herb Alpert/Tijuana Brass (#93). *Id.* at 805-806. Few Asian or Native American artists have successfully reached the American pop charts. Asian artists include Yoko Ono (who charted with her husband John Lennon), the disco duo Pink Lady, and Kyu Sakamoto (only charting song went to number one, *Sukiyaki*). *Id.*; see also Peter Kafka, *Hot CoCo*, FORBES, Mar. 20, 2000, at 206 (describing efforts of Sony Music to break Asian pop vocalist CoCo Lee into the American market). In early 2000, Don Ho's daughter Hoku found crossover chart success. Redbone was a Native American "swamp rock" group popular in the early 1970s. *But see* GEORGE LIPSITZ, *DANGEROUS CROSSROADS: POPULAR MUSIC, POSTMODERNISM AND THE POETICS OF PLACE*, 65-66 (1994) (documenting how the core of this band, two Mexican Americans, came to represent Native Americans). Other charting Native American artists include such little known acts as Link Wray and R.B. Greaves.

9. In the early 1900s, Latin musicians sparked a tango craze, led by Spaniard Xavier Cugat. Later came the rumba and mambo styles, the latter popularized among Anglo audiences most successfully by Perez Prado and the former best represented again by Cugat. *See generally* JOHN STORM ROBERTS, *THE LATIN TINGE: THE IMPACT OF LATIN AMERICAN MUSIC ON THE UNITED STATES* (2d ed. 1999) (detailing this rich musical history with great detail and precision, enabling me to focus my attention on more recent crossover artists). Latino artists reaching the top 40 pop singles chart during the rock music era (1955 forward) with instrumental hits include Herb Alpert & The Tijuana Brass, Ray Barretto, Deodato (Brazilian), Stan Getz and Astrud Gilberto, Los Indios Taba-

its sales figures, its domination of pop radio, the diversity of backgrounds of the Latino/a artists riding the same wave,¹⁰ and the degree of American media attention focused on this “phenomenon.”¹¹

In addition to the financial rewards enjoyed by artists (and their record companies) who succeed in the pop music market, the music industry, with its linkages to mass media and its public visibility, launches these

jaras (Brazilian Indians), Chuck Mangione, Perez Prado (Cuban band leader), and Mongo Santamaria (Cuban born). Chicano rock artists of the 1960s and 70s charting on Billboard's top 40 pop singles chart include Cannibal and the Headhunters, El Chicano, Malo, ? (Question Mark) and the Mysterians (featuring a Mexican American lead singer and charting with *96 Tears*), Santana, and Tierra (charting 1980). Latino/a dance/house artists charting in the 1980s and early 1990s include Paula Abdul (Brazilian and French Canadian), Corina, Gloria Estefan and the Miami Sound Machine, Exposé, Jellybean (John Benitez), Linear, Lisa Lisa and Cult Jam, Denise Lopez, Sa-Fire, and Sheila E. Latino disco artists in the 1970s reaching the Billboard top 40 pop singles chart include Disco Tex and the Sex-o-lettes (lead vocalist was a Mexican American); Foxy (four of five members were Cuban); Patrick Hernandez (father from Spain), Santa Esmeralda (Spanish disco group), and Silvette (from Argentina). Latino rap artists charting on Billboard's top 40 pop singles chart in the 1990s include AZ (Anthony Cruz), Big Pun (from Puerto Rico), Cypress Hill (featuring a Mexican/Cuban and Afro-Cuban rappers), Gerardo (“Rico Suave” fame) from Ecuador, Lighter Shade of Brown (Mexican American rappers), Mellow Man Ace (from Cuba), Noreaga (Victor Santiago), and N2Deep (featuring a Mexican American rapper). Billboard Music's home page at <http://www.billboard.com> (includes chart reviews for the previous 10 years) Other Latino/a artists charting Top 40 singles in the rock music era include Morris Albert (Brazilian), Angelica, Joan Baez, the Blackout Allstars (including Tito Puente, Sheila E., and Ray Barretto), Vikki Carr (Florencia Martinez Cardona), Cheech & Chong, Desmond Child (Cuban mother), Dawn (featuring Tony Orlando), Jose Feliciano, Freddy Fender (Baldemar Huerta), Eydie Gorme, Julio Iglesias, Trini Lopez, Los Bravos (Spain), Los Del Rio (of Macarena fame), Los Lobos, Martika (Cuban born), Sergio Mendes & Brasil '66, Mocedades (Spain), Chris Montez, Michael Morales, the Premiers, Rene & Rene (Mexican American duo), Linda Ronstadt, Sam the Sham and the Pharoahs, Santo & Johnny, Seal (Nigerian and Brazilian), Jon Secada (Cuban born as Juan Secada), Selena, Sunny & The Sunglows, the Triplets, Usher (Panamanian), and Ritchie Valens. Popular vocal groups with one or more Latino/a members include the Backstreet Boys (Puerto Rican/Irish member), Color Me Badd, the Cover Girls, 4 P.M. (For Positive Music), the 1950s vocal group Frankie Lyman and the Teenagers (two Puerto Rican vocalists), and O-Town. The late Jerry Garcia, of Spanish heritage, was the most prominent member of the Grateful Dead. Latino artists charting on Billboard's top 40 album chart during the rock music era and not listed above include Laurindo Almeida (Brazilian), Eddie Cano, Billy Cobham (Panama born), Placido Domingo (Spain), Mandrill, and Edmundo Ros (Venezuelan born bandleader). My uncle, David Troncoso, played bass with Eddie Cano from 1965 to 1968, as well as other prominent Anglo and Latino artists such as Donovan, Willie Bobo, and Peter Nero (1970-1973). Another uncle, Fernando Troncoso, also played bass with several notables such as Martin Denny; the late Tito Puente once sat in with my uncle's band at the club Panchitos.

Many of the above Latino/a artists were so-called one-hit wonders and few are recognizable to the average Anglo American. Yet, overall, these artists and others not achieving such mainstream chart success have made a substantial impact on American pop music. See generally JUAN GONZALEZ, *HISTORY OF EMPIRE: A HARVEST OF LATINOS IN AMERICA* 220 (2000) (“It is hard to overstate the immense influence Latin American music has had—from the mid-nineteenth century to the present—on the various forms of popular music in the United States, whether among whites or among blacks.”).

10. See text *infra* accompanying notes 39-51.

11. See generally COBO, *supra* note 3, at 1M (suggesting that while the Latin pop music “craze” hardly matches the intensity of the so-called British Invasion of the 1960s, it is nonetheless extraordinary considering the prior invisibility of Latino/a artists on the charts).

artists into the mainstream of American culture and consciousness.¹² For most Americans today, unlike just a few years ago, the dominant image of Latino/as is delivered and shaped by the pop music industry.¹³ For this reason, it is important to examine the current re/presentation of the Latino/a pop music (what I call LatPop) ambassadors. In what language do they speak to the American public? What images of Latino/a culture do they convey? What stereotypes do they further? Which do they dispel? In what ways are Latino/as, as a people, the beneficiaries of this unprecedented mainstream exposure? In what ways has Latino/a culture paid a price for this commercial success?

I. THE LANGUAGE OF COMMERCIAL SUCCESS

With few exceptions, the only language for commercial success in American pop music has been English.¹⁴ Although songs recorded in languages other than English or those mixing English with another language (e.g., Spanish, known as Spanglish) are sometimes popular, the scarcity of these examples leads these songs to be viewed and characterized best as novelties.¹⁵

12. Pedro A. Malavet, *Literature and the Arts as Antisubordination Praxis: LatCrit Theory and Cultural Production: The Confessions of an Accidental Crit*, 33 U.C. DAVIS L. REV. 1293, 1303 (2000) (opining that music has a much wider impact than literature in popular culture because of its accessibility); Elizabeth Llorente, *Suddenly, It Seems, Latino Culture is Everywhere*, N. N. J. REC., Oct. 31, 1999, at A1 ("Food and music are the best breakthrough channels through which Latinos can connect with the mainstream. They're non-threatening approaches to making contact with the general community and finding acceptance," remarks of director of Hispanic Information Center in New Jersey).

13. Cf. Richard Delgado & Jean Stefancic, *Images of the Outsider in American Law and Culture: Can Free Expression Remedy Systemic Social Ills?*, 77 CORNELL L. REV. 1258, 1273 (1992) (suggesting that because most Americans have few interpersonal contacts with Mexican-Americans, the stereotypical images of Mexican-Americans in American cinema become their reality).

14. Deborah Pacini Hernández, *A Tale of Two Cities: A Comparative Analysis of Los Angeles Chicano and Nuyorican Engagement with Rock and Roll*, 11 J. CENTER FOR P.R. STUDIES 71, 72 (2000) (observing that popular music, while diverse in origin, content, and style, has always been English-only). Because it often employs Black English lyrics that are not recognizable to many Anglos, rap music might be viewed as one exception. Nevertheless, rap music has grown to a billion-dollar industry. Ironically, although performing in the King's English, many rock music artists obfuscate their lyrics through screams, screeches, and wails. Timothy Finn, *Rock en Español Rolls Right Along*, AUSTIN HIGH-TECH NEWS, Feb. 23, 1999 (reporting Latin music record executive's suggestion that "[i]f you can figure out what Alanis Morissette or Green Day is singing, I'll eat my hat.").

Another exception of sorts is instrumental music that speaks to listeners in an international language understood universally. In the early 1900s through the 1950s, tango, rumba, and mambo band leaders were wildly popular in part because of the absence of language barriers with this largely instrumental music. ROBERTS, *supra* note 9. In the 1960s, artists such as Herb Alpert & The Tijuana Brass scored several Latin-influenced instrumental hits, and many Latino/a artists have found popularity in the jazz genre with instrumental performances. E.g., Gato Barbieri, Chick Corea, Chuck Mangione, and Cal Tjader. *Id.* at 169, 176, 183.

15. Those few non-English singles to reach number one on the Billboard pop singles chart

Indeed, the current mainstream success of LatPop artists is achieved predominantly through English language recordings,¹⁶ as it generally has been for Latino/a artists in the past.¹⁷ For example, although Ricky Martin, Marc Anthony, and Enrique Iglesias had prior sales success with Spanish-language records marketed to Latino/a record buyers, their recent pop chart dominance resulted from single releases either entirely or predominantly in English,¹⁸ and from albums reflecting the same predilection toward the English language. Selena, who achieved posthumous pop success with English language recordings she had been preparing for release to American pop audiences, had enjoyed similar pre-crossover popularity among Latino/as for her Spanish language recordings. With no history of prior recordings in Spanish, Jennifer Lopez and Christina Aguilera recorded their debut singles and albums predominantly in English.¹⁹ (Carlos) Santana, as a *sui generis* musical institution, stands alone for his history of success with both Latino/a and Anglo pop audiences for

during the rock era include *La Bamba* (Los Lobos), *Eres Tu* (Touch the Wind) (Mocedades), *Nel Blu Dipinto Di Blu* (Volare) (Domenico Modugno), *Sukiyaki* (Kyu Sakamoto), and *Dominique* (Singing Nun). Non-English language chart hits tend to fall into two categories: (1) so-called one hit wonders that include *Eres Tu* (Touch the Wind) by Mocedades (from Spain) and (2) charting hits by artists whose other hits were recorded in English, such as Ritchie Valens's *La Bamba* and Santana that charted with the Spanish language song *Oye Como Va*. Similarly, songs that prominently mix English with Spanish or other languages often end up as the only charting hit for the artist: such as Mellow Man Ace's certified gold Spanglish rap single *Mentiroso* in 1990, Malo's 1972 hit *Suavecito*, and Los Del Rio's Spanglish version of *Macarena*. See generally WHITBURN, *supra* note 7.

16. Paula Span, *Switch to English and Hold the Salsa*, PORTLAND OREGONIAN, Oct. 9, 1999, at C7 (reporting remarks of Billboard's Latin Notas column writer, John Lannert, that "This is not a country that's ever going to embrace hit singles that aren't in English. . . . The music can have Latin elements, but all these artists [e.g., Martin] are making their mark with English-language recordings.").

17. A good example is the 1960s Bossa Nova group Sergio Mendes and Brasil '66. All of their top 40 pop hits were English recordings (*The Look of Love*, *The Fool on the Hill*, and *Scarborough Fair*) although much of their album material was recorded in Portuguese. Scoring a string of Latin-tinged instrumental successes with his Tijuana Brass, Herb Alpert reached number one with his only vocal recording, the English language *This Guy's in Love With You*. Linda Ronstadt's twenty charting solo hits were all in English (e.g., *Blue Bayou*, *When Will I Be Loved*). Another prominent example is Gloria Estefan/Miami Sound Machine—although she has made several recordings in Spanish, all her top 40 hit singles are in English, launched by the Latin-flavored Conga. WHITBURN, *supra* note 7, at 805.

18. Ricky Martin spices his English hits with a pinch of Spanish—"She's livin' la vida loca" (*Livin' La Vida Loca*) and "Hola amiga" (*Shake Your Bon-Bon*). RICKY MARTIN, *Livin' La Vida Loca*, on RICKY MARTIN (Sony/Columbia 1999); RICKY MARTIN, *Shake Your Bon Bon*, on RICKY MARTIN (Sony/Columbia 1999). Enrique Iglesias follows the same formula—"Bailamos, let the rhythm take you over" (*Bailamos*) and "Viva la musica, say you'll be mine" (*Rhythm Divine*). See Enrique Iglesias's home page at <http://www.enriqueiglesias.com/English/enriqueB.html> (last visited April 10, 2001).

19. Christina Aguilera's debut album contains no Spanish; Jennifer Lopez's debut release includes a few songs sung completely or partly in Spanish. Aguilera released an all-Spanish second album, *Mi Reflejo*, in September 2000. Sales were modest compared with her English language debut. Christina Aguilera home page at <http://www.Christina-a.com/songs.html>; Jennifer Lopez's home page at www.jenniferlopez.com.

recordings in English,²⁰ Spanish,²¹ and Spanglish²² that have spanned several musical generations. The most successful mainstream artist recording solely in Spanish is the Buena Vista Social Club's musical project that is likely viewed by Anglo music buyers as a novelty.²³

This phenomenon of Latino/a singers achieving commercial success in English-Only reflects the unwillingness of the American public to accept Spanish as a legitimate language of mainstream communication. What is in some cases a fear of Spanish and in others an outright disdain for Spanish translates into the unmistakable message that American pop success requires the use of English. The termination of a Latino disc jockey from a popular Southern California radio station in the 1980s, later upheld by the Ninth Circuit, evidences these unwelcoming public attitudes toward the presence of Spanish in the mainstream.²⁴ Valentine Jurado claimed to have been fired because he refused to comply with the new station director's order to stop mixing Spanish into his radio broadcasts.²⁵ Although the station's former director had encouraged the use of some Spanish in order to attract Latino/a listeners, the station's policy changed when a consultant found that the bilingual format hurt ratings among its Anglo audience by "confusing" them about the station's programming.²⁶

Anglo audiences expressed more pointed objections when Linda Ronstadt toured in support of her Spanish language album *Canciones de Mi Padre* released in 1987. At a Massachusetts show, hecklers chanted

20. Santana's charting singles in English have included *Evil Ways* and *Black Magic Woman*. WHITBURN, *supra* note 7; Santana's home page at <http://www.santana.com/music/search.asp>; SANTANA, *Evil Ways*, on BEST OF SANTANA (Columbia/Legacy 1998); SANTANA, *Black Magic Woman*, on BEST OF SANTANA (Columbia/Legacy 1998).

21. *Oye Como Va*, written by the late Tito Puente. WHITBURN, *supra* note 7; SANTANA, *Oye Como Va*, on BEST OF SANTANA (Columbia/Legacy 1998).

22. *No One to Depend On* ("I ain't got nobody that I can depend on . . . no tengo nadie"). SANTANA, *No One to Depend On*, on BEST OF SANTANA (Columbia/Legacy 1998).

23. See *infra* part VII. "The Buena Vista Social Club's album has sold about a million copies in the United States." Eugene Robinson, *Cuba's Sounds of Sweet Success; Buena Vista Made Something New of Something Old*, WASH. POST, June 10, 2000, at C1.

24. *Jurado v. Eleven-Fifty Corp.*, 813 F.2d 1406 (9th Cir. 1987).

25. *Jurado*, 813 F.2d at 1408.

26. *Id.* at 1408, 1411 (upholding summary judgment against radio DJ who failed to produce sufficient evidence that English-Only policy was racially motivated or that he was discharged on the basis of discriminatory employment criteria). See generally Bill Piatt, *Linguistic Diversity on the Airwaves: Spanish-Language Broadcasting and the FCC*, 1 LA RAZA L.J. 101 (1984) (decriing the lack of federal guidelines as to what extent the Latino/a community has a right to Spanish-language broadcast stations); see also Steven W. Bender, *Direct Democracy and Distrust: The Relationship Between Language Law Rhetoric and the Language Vigilantism Experience*, 2 HARV. LATINO L. REV. 145, 155 (1997) (detailing efforts of the English-Only movement to limit the number of Spanish-language radio stations in Texas). French language law extends to mass media and requires use of French language on all radio and television programs. See Leila S. Wexler, *Official English, Nationalism and Linguistic Terror: A French Lesson*, 71 WASH. L. REV. 285, 374 (1996).

“English, English.”²⁷ At a New York concert attended by a Latino journalist, a disgruntled concertgoer “grumpily stomped down an aisle [toward the exit] and shouted to no one in particular, ‘Remember the Alamo, Mex!’”²⁸ Perhaps because Linda Ronstadt began her career singing country, and then rock n’ roll, and was not widely known to be a Latina, fans were surprised when she embraced her Mexican heritage and culture so prominently. Perhaps also, Ronstadt was viewed as swimming against the current of the mainstream (“crossing back” rather than over) toward Spanish as a form of reverse assimilation in what was and is today a swift assimilative current.²⁹

Clearly, then, the language of success (and acceptance) in the American pop music world is English. In the same vein, English is understood among Latino/as to be the language for financial success in America.³⁰ Indeed, as LatCrit scholars and others have said, the Spanish language poses no threat to the unofficial status of English as the dominant language in American discourse—fear of Spanish is not rational in theory or in fact. The popularity of LatPop artists lends strength to this argument. Not only have these artists learned English as a primary or as a second language,³¹ they were successful in the mainstream only when

27. Joseph Rodriguez, *World Will Leave English-Only Folks Behind*, PHOENIX GAZETTE, Aug. 31, 1988, at A19.

28. *Id.* (stating that many Americans are uncomfortable hearing Spanish in mainstream settings such as the Ronstadt concert). See also Chris Macias, *The Beat Goes On: The Year’s Hottest Sound is Latin, But There’s A History Behind the Craze*, SACRAMENTO BEE, Aug. 15, 1999, at EN18 (discussing how a Latino rock band touring with the Anglo alternative rock group Offspring was booed and pelted with trash by audiences that didn’t appreciate cumbia rhythms and Spanish lyrics). Anglo rocker Ted Nugent sparked Latino/a protests in 2000 when he attacked Mexican immigrants during his concerts in Texas by declaring on stage that “If you’re not gonna speak English, get the fuck out of America.” Mark Davis, *Nugent Makes Noise, and LULAC Makes More*, FORT WORTH STAR-TELEGRAM, Apr. 19, 2000, at 13.

29. See HIMILCE NOVAS, EVERYTHING YOU NEED TO KNOW ABOUT LATINO HISTORY 285 (1994) (stating that fans thought of Ronstadt as Anglo until she crossed back to her Mexican roots and recorded in Spanish); see generally George A. Martínez, *Latinos, Assimilation and the Law: A Philosophical Perspective*, 20 CHICANO-LATINO L. REV. 1 (1999) (examining assimilative pressures on Latino/as).

Over the years, Latino/a artists have frequently been the object of ridicule in the media and elsewhere. For example, shortly after Selena’s murder, Howard Stern declared on his radio show that “Alvin and the Chipmunks have more soul . . . Spanish [note that Selena and most of her fans were Mexican American] people have the worst taste in music. They have no depth.” *Shock Jock Apologizes: Stern Says He Meant No Harm In Making Fun of Slain Singer*, GRAND FORKS HERALD, Apr. 7, 1995, at C4. Ricky Martin has been parodied on Saturday Night Live and several Internet websites ridicule Christina Aguilera.

30. Steven W. Bender, *Our Laws Should Encourage, Not Bar, Multilingualism*, THE REGISTER-GUARD, Apr. 4, 1996, at 13A

31. Even Christina Aguilera, the former Mouseketeer whose portrayal in the media often belies her Latina heritage, grew up in a household where her parents spoke Spanish. Alisa Valdes-Rodriguez, *Diminutive Girl With a Great Big Voice*, BEACON JOURNAL, Aug. 18, 1999, at B12. Christina’s second album released in September 2000 was recorded entirely in Spanish; Christina received lessons to improve her Spanish fluency while recording the album. Selena also learned

they adopted English as their means of crossover communication. In this sense, the experience of the LatPop artists might help to dispel, or at least serve as ammunition against, the contention of the English-Only movement that Spanish-speakers have no incentive to learn English and are reluctant to do so unless forcefully silenced and coerced by government means.³²

In one respect, the popularity of LatPop artists who identify with the Spanish language either through their lyrics, their media interviews, their concerts,³³ their album liner notes, or otherwise,³⁴ may unleash a centrifugal (de-centralizing) force³⁵ in opposition to the centripetal forces of the English-Only movement. Increased public interest in Latino/a music and culture may lead to increasing interest in the acquisition of Spanish language fluency by Anglo native English speakers in the same manner that the LatPop music “explosion” has prompted interest among Anglos in salsa dancing and other slices of Latino/a culture.³⁶ Should this force emerge, the demonizing of Spanish by the centralizing forces of the English-Only movement could be offset and overcome.³⁷

II. THE CULTURE AND ACCULTURATION OF CROSSOVER

A. *Re/representing Latino/a Identity*

Rap artists often claim with a swagger in their recordings to “represent” geographic locations within the United States—as broad as East Coast or West Coast, and as narrow as cities (e.g., Compton) and boroughs (e.g., Brooklyn). Although not expressly purporting to “represent”

English as her primary language; the motion picture *Selena* details similar Spanish language coaching of Selena by her father.

32. See generally BENDER, *supra* note 26, at 159-161 (discussing rationales of the English language movement).

33. Professor Pedro Malavet has pointed out to me that Marc Anthony’s HBO cable concert special was authentically Puerto Rican in character, with many songs in Spanish.

34. For example, the names of artists such as Enrique Iglesias are Spanish surnames. See discussion *infra* note 123 of the forces in the music and entertainment industries that compel Latino/a artists to Anglo-cize their Spanish names for mainstream acceptance.

35. See generally Margaret E. Montoya, *Silence and Silencing: Their Centripetal and Centrifugal Forces in Legal Communication, Pedagogy and Discourse*, 5 MICH. J. RACE & L. 847 (2000) (employing the model of centripetal and centrifugal forces in discussing the irrelevance of Latino/as in legal discourse).

36. See generally Nancy Ehrenreich, *Confessions of a White Salsa Dancer: Issues of Appropriation, Appreciation, and Identity in the “Latin Music Craze,”* 78 U. DENV. L. REV. 795 (2001). Some participants at the LatCrit conference suggested that Anglos are inclined to live their generally bland mix of culture by exposure to (what they perceive as) exotic, “spicy” influences, such as salsa dancing, the Spanish language, and Mexican and other Latino/a food.

37. Cf. Angel R. Oquendo, *Re-Imagining the Latino/a Race*, 12 HARV. BLACKLETTER L.J. 93, 126 (1995) (suggesting that the spilling over of Spanish into non-Latino/a communities in the United States might make U.S. society less hegemonic and more tolerant).

anything of this sort in their recordings,³⁸ LatPop artists, through the media focus on their identity, surely represent the diversity of that identity. Latino/as, often linked by the Spanish language and by historical backgrounds of colonialization and subordination, have diverse roots in Mexico, Cuba, Puerto Rico, and elsewhere. The primary artists of the LatPop explosion claim roots in Puerto Rico (Marc Anthony, Jennifer Lopez, and Ricky Martin),³⁹ Cuba (Buena Vista Social Club, along with Gloria Estefan and Jon Secada), Ecuador (Christina Aguilera),⁴⁰ Spain (Enrique Iglesias) and Mexico (Carlos Santana).⁴¹ With the exception of Ricky Martin and the Cuban members of the Buena Vista Social Club, they were born⁴² or raised⁴³ in the mainland United States. Apart from Carlos Santana,⁴⁴ an artist whose introduction to the American music scene predates the birth of most of these LatPop artists, none were born or raised in Mexico or claim Mexican heritage. By contrast, Mexicans and Mexican Americans are by far the most populous of the groups that comprise Latino/as in the United States.

It is difficult to establish blame for this discrepancy on any particular animus the star-making music industry or the American public harbors toward Mexicans or Mexican Americans in relation to Latino/as from other backgrounds. The industry and public might respond that the numbers of those Latino/a artists who have managed to “cross-over” into the mainstream are too small to warrant such a conclusion. Yet, particularly in the entertainment industry, there may be something more “exotic” and sexy about a Caribbean-based commodification than one centered in Mexico or among Mexican Americans. Much of LatPop emanates from Miami (such as the Emilio Estefan produced acts of Ricky Martin and Colombian Shakira who emerged as a mainstream pop star in

38. An exception was the late rapper Big Pun (Christopher Ríos) who is credited with popularizing the term of reference to a Puerto Rican as a boricua. *Big Pun Dead at 28*, HISPANIC, Apr. 2000, at 12. Ironically, Latino/as may have more substantial geographical bases for division than African Americans, given the dominant Latino/a population on the West Coast as Mexican American and the East Coast as Puerto Rican and Cuban American.

39. The late Puerto Rican rapper Big Pun was one of the top-selling American rap artists. ABC News at abcnews.go.com/sections/us/dailynews/bigpun000208.html (record sold platinum). His mentor, Puerto Rican rapper Fat Joe, found commercial success in late 2001.

40. Christina Aguilera grew up in suburban Pittsburgh, Pennsylvania and is half Irish and half Ecuadorian. Christina Aguilera's home page at <http://www.Christina-a.com/bio.html>.

41. Carlos Santana was born in the remote Mexican town of Autlán de Navarro. See Chris Heath, *Carlos Santana*, ROLLING STONE, Mar. 16, 2000, at 38.

42. Aguilera, Anthony, and Lopez were born in the mainland United States. See generally, www.rollingstone.com/artists/bio (website contains biographies of most artists).

43. Estefan, Iglesias, and Secada came to Miami as children; Santana as a teen to California. *Id.*

44. The late Selena was also of Mexican heritage; her brother and bandmate A.B Quintanilla had a minor pop chart hit in 2000 with his new group the Kumbia Kings. Kumbia King's website at <http://www.kumbiakings.com>.

2001). Miami is perhaps seen as a youthful and vibrant source of pop artists.

In addition to the possibility that Mexicans and Mexican Americans do not share this “exotic” mystique, their immigration history may position them as more of a national threat—one to be repelled rather than commodified.⁴⁵ The possibility of a hierarchy among Latino/as in the entertainment industry is also suggested by cinema’s practice of casting Puerto Ricans in Mexican/Mexican American roles (such as Jennifer Lopez’s portrayal of Selena and Benecio Del Toro’s award-winning role as a Mexican police officer in *Traffic*).⁴⁶ Latino/as should be watchful for additional evidence of such a hierarchy in the recording industry and beyond.

Although there is little question that artists with roots in Puerto Rico, Cuba, or Mexico fall within the designation of Latino/Latina, the national origin of Enrique Iglesias in Spain⁴⁷ raises the issue of his identity association with Latino/as. Clearly, the media treats Enrique as a Latino for purposes of the LatPop explosion. What is the basis for his inclusion? Is it his Spanish language ability? His prior recordings in Spanish? The peppering of Spanglish in his English language recordings? His surname? The Latin “flavor” of his music? His association with the Miami Latino/a music scene? His sharing of some of the same stereotypes as other Latino/as, particularly the Latin lover image? His darker-than-Anglo skin? Reflecting the totality of these elements, is it an image of foreignness that compels his classification by the media as some type of Outsider? Was it the marketing design of his record company seeking to hitch Iglesias to the then rising star of Latino Ricky Martin? Looking at these potential grounds for racializing and identifying Enrique Iglesias as a Latino, one ground often identified by LatCrits as an identity linkage is missing—a shared history of colonialization and oppression.⁴⁸ Surely the media does not have this in mind when labeling

45. By contrast to the preferences of mainstream record buyers, regional Mexican music (e.g., Tejano, norteño) comprises 51 percent of the American Latin music market. James Sullivan, *Myriad Sounds of Latin Music*, S.F. CHRON. Sept. 16, 2001, at datebook 59.

46. SELENA (Warner Studios 1997); TRAFFIC (Usa Films 2001).

47. Enrique was born in Spain; his famous father Julio is himself the son of a wealthy Madrid family, Enrique’s mother is Filipina. ELINA & LEAH FURMAN, ENRIQUE IGLESIAS (2000) p. 2-3, 16. Enrique came to Miami to live with his father at age nine. *Id.* at 35.

48. See generally Oquendo, *supra* note 37, at 93-94 (suggesting that what really unites Latino/as is their shared history of oppression and common language). When in high school, I fell victim to the tendency among some Latino/as to emphasize their Spanish roots. In contrast to my grandmother’s more indigenous history in Mexico, my grandfather’s roots extend beyond Mexico to the Dominican Republic and to Spain. As a young student schooled in the romanticism of Spanish conquest and sailing the high seas, being from Spain sounded noble and adventurous. Based on my perception of Spain as ranking higher than Mexico in the pecking order of identity so seemingly important at that age, I would respond proudly when asked about origins that “I’m from Spain.” Being half German and Irish, on my father’s side, I might have responded that I was German, which

Enrique as a Latino, thereby conjoining the colonizer and the colonized.⁴⁹ Assuming that the general public follows the media's lead in identifying those with pure Spanish roots as Latino/as,⁵⁰ is this contrary to the identity markers and politics of LatCrits?⁵¹ At minimum, the LatCrit effort needs to reexamine identity in light of media presentation; moreover, while not surrendering ownership of identity, we must keep watch on the media's ongoing articulation of Latino/a identity in shaping our own understanding of Latino/a-ness.⁵²

B. *Making Beautiful Music Together: Pan-Latino/a Identity*

"If I see another article with a jalapeno pepper next to my name or a set of maracas or a sombrero or the words *muy caliente* . . . you know what I'm saying."⁵³

In publicizing the LatPop stars, the media and the record industry tend to lump and blur them together into one (pan)-Latino/a identity.⁵⁴ From a LatCrit perspective, this approach has both advantages and downsides. The obvious downside is that this propensity of the media in

coincides with my surname. Most of my peers, however, knew my widowed mother's last name (then Irene Acevedo) and her brother's name (Jose Troncoso) and his occupation as a Spanish instructor, and would not have bought this story. See generally Francisco Valdes, *Race, Ethnicity, and Hispanismo In a Triangular Perspective: The "Essential Latino/a" and LatCrit Theory*, 48 UCLA L. REV. 305, 322-23 (2000) (suggesting an identity hierarchy that prompts some Latino/as to position themselves as European and White by links to Spain).

49. Are the numbers of Spaniards in the United States too small to warrant serious discussion of this issue, as one LatCrit suggested to me? Does size matter for purposes of constructing identity? It might not. For example, if we fail to include Spaniards within our concept of Latino/a-ism, that may carry the significant conclusion that we are identifying Latino/as primarily on the basis of some shared history that does not encompass Spaniards.

50. As noted previously, however, although Enrique's father is Spanish, his mother is Filipina. See FURMAN, *supra* note 47, at 16. One of the biggest selling new artists of 2001, Nelly Furtado (Portuguese-Canadian), raises similar issues in constructing Latino/a identity.

51. LatCrits have looked to shared histories and even to politics in constructing the Latino/a race, and less to physical appearance and language. Identity constructions of Latino/as based on physical appearance or language are problematic given the variety of indigenous languages spoken by some Latino/as, and the monolingual English status of many later-generation Latino/as in the United States. Moreover, LatPop artists such as Christina Aguilera, with her blonde hair, blue eyes and light skin, point out the difficulties in constructing a Latino/a identity based on appearance.

52. I am somewhat hesitant to spend too much time discussing identity-inclusion, having viewed that as somewhat like rearranging deck chairs on a Titanic of race relations. Cf. Berta Esperanza Hernández-Truyol, *Building Bridges—Latinas and Latinos at the Crossroads: Realities, Rhetoric and Replacement*, 25 COLUM. HUM. RTS. L. REV. 369, 411 (1994) ("Significantly, the majority does not care one bit if you are Cuban, first wave or not, or Mexican or Puerto Rican or anything else. The funny name, the accent, the different culture, and the brown skin are enough—you are an "outsider."").

53. Fred Shuster & Bob Strauss, *Making His Marc*, L.A. DAILY NEWS, Sept. 28, 1999, at L3 (interviewing Marc Anthony).

54. The subject of pan-Latino/a ethnicity was addressed at LatCrit I. See 2 HARV. LATINO L. REV. 175 (1997).

commodifying and selling Latino/a (and other) culture(s) to the masses tends to ignore the subtleties and the not-so-subtleties of that culture. For example, Marc Anthony has complained that while he is often represented in the media as a “hot jalapeño,” as a Puerto Rican he has never tasted one.⁵⁵ Ricky Martin is labeled a “hot tamale” although tamales are not part of the Puerto Rican cuisine.⁵⁶ Another concern is whether the push for a united marketing identity of LatPop stars will inhibit their cultural individuality in their recordings. For example, would it cause a record company to discourage a particular artist from highlighting her geographically-specific roots?

LatPop music holds the potential to help unite or to divide Latino/as. Consider the example set by rap/hip-hop music. As much as rap music has done to create Black visibility, it has nonetheless incited violence and dealt Blacks a setback by creating or mimicking Black identity-divides on geographic (“East” v. “West Coast”), gender/power (“Pimps” and “Hoes”) and other (“Playas” and “Playa Haters”) lines. Thus far, LatPop music has not resorted to identity-bashing.⁵⁷ Indeed, the media’s tendency to blur cultural distinctions might help to establish new linkages and grounds for coalition among Latino/as—a shared pride and ownership of the LatPop stars and the Latino/a music stylings that weave through their music.⁵⁸ At minimum, these linkages might help to overcome the tired excuse of the entertainment industry for its contribution to the invisibility of Latino/as—the difficulty of marketing product to this diverse audience. For example, the industry points out that marketing to Cuban Americans in Miami is a different world from marketing to Mexican Americans in Los Angeles,⁵⁹ that among Latino/as there are varying degrees of fluency and comfort with the Spanish language,⁶⁰ and that the

55. Monica Rhor, *Latinos in the Limelight in Every Field, Latinos Have Made their Mark and the Rest of America is Catching On*, PHILA. INQUIRER, Aug. 26, 1999, at D1.

56. See Alisa Valdes-Rodriguez, *Crossover into Ignorance*, BALTIMORE SUN, June 23, 1999, at 1E (citing Billboard magazine reference to Martin as a hot tamale).

57. For example, Santana’s *Maria Maria* fuses West and East Coast identities by its references to a bi-coastal Latina who grew up in “Spanish Harlem” but “fell in love in East L.A.” CARLOS SANTANA, *Maria Maria*, on SUPERNATURAL (Arista 1999).

58. In order to retain the Latino/a following of LatPop artists such as Ricky Martin and Marc Anthony, their English language debuts included Spanish translations of some of the songs slated for release as singles. See Larry Flick, *Latino Singer Finds Market for English*, ARIZ. REP., Apr. 21, 1999, at D1 (reporting that in order to retain his Latino/a following Martin planned to reaffirm his ties to that community in promoting his album). So as not to alarm Anglo recordbuyers, these Spanish translations tend to be placed at the end of the disc, locating Spanish at the back of the bus in Anglo culture.

59. Sharon Waxman, *Missing From the Pictures, Hollywood Hasn’t Caught Up With a Fast-Growing Latino Population*, WASH. POST, July 8, 1999, at C1 (identifying diversity of the Latino/a population as one cause of the lack of movies and television programs aimed at Latino/as).

60. See Howard LaFranchi, *Will Bilingual Trend Make Us ‘Habla Espanol,’?* CHRISTIAN SCI. MONITOR, June 30, 1999, at 1 (discussing that about half of Latino/as in the U.S. are bilingual, one

younger Latino/a generation may be more assimilated (thanks in part to this same industry) than older Latino/as.⁶¹

C. *Re/representing Latino/a Culture*

Anecdotally, I can report my sense of how the American public perceives the LatPop artists and their music. Generally, these artists are presented and received as bilingual, young, attractive (“eye candy”), light-skinned, middle to upper class,⁶² and heterosexual.⁶³ Rather than

quarter are monolingual in Spanish, and one quarter are monolingual in English).

61. Cf. Kevin R. Johnson, *Immigration and Latino Identity*, 19 CHICANO-LATINO L. REV. 197, 203 (1998) (noting the language and cultural differences among young Mexican immigrants and young non-immigrant Mexican Americans in the same city); see also Deborah Pacini Hernandez, *Ricky Martin and the Perils of Pop Authenticity*, NEWSDAY, Sept. 12, 1999, at B6 (suggesting that Ricky Martin and LatPop speak to millions of young, urban Latino/as who move freely and comfortably between two cultural idioms and that previously the media assumed this group thronged only to Spanish-language media and culture).

62. Images of the “good life” are relatively common in LatPop lyrics. Enrique Iglesias evokes the theme of a Visa commercial (present everywhere one wants to be) in his emphatic travelogue imagery:

From the coast of Ipanema
To the island of Capri
All the way to Kuala Lumpur
I will follow you wherever you may be

ENRIQUE IGLESIAS, *Rhythm Divine*, on ENRIQUE (Interscope Records 1999).

Ricky Martin expresses his infatuation in living the crazy and no doubt expensive life with a lady who “makes you order French champagne.” RICKY MARTIN, *Livin’ La Vida Loca*, on RICKY MARTIN (Sony/Columbia 1999). Indeed, the only images of poverty in LatPop are those that grace the lyrics of Selena and Santana. Santana’s lyrical imagery of world politics reminds one:

See as the rich is getting richer
The poor are getting poorer

CARLOS SANTANA, *Maria Maria*, on SUPERNATURAL (Arista 1999).

Money will make people deal like they don’t have to feel
But now, it ain’t real, it ain’t real

CARLOS SANTANA, *Do You Like the Way*, on SUPERNATURAL (Arista 1999).

Selena sang:

Although I’m poor
All of this that I give to you
Is worth more than money
Because it is truly love (English translation from liner notes)

SELENA, *Amor Prohibido*, on AMOR PROHIBIDO (EMI Latin 1994).

Rap music by Black artists often paradoxically glorifies the lifestyle of “champagne wishes and caviar dreams.” E.g., WARREN G, *I Want it All*, on I WANT IT ALL (Restless 1999) (“I want it all, money, fast cars, diamond rings, gold chains and champagne, shit, every damn thing.”).

63. Both Latino and Latina artists depict and reinforce their heterosexuality in their music. Although Ricky Martin is dogged by the media about his sexuality, his (songwriters’) lyrics are heterosexual in orientation:

She’s my lover, she’s my friend . . .
She’s all, she’s all I ever had

RICKY MARTIN, *She’s All I Ever Had*, on RICKY MARTIN (Sony/Columbia Records 1999).

focusing on their intellect, the music industry and the media emphasize their looks—the swivel of hips, the lure of cleavage,⁶⁴ the shaking of “bon-bons.”⁶⁵

Listeners and the media will tend to describe LatPop music as exotic and foreign, as if it were an imported delicacy. Apart from an occasional punctuation of horns, and a passing reference to Spanish (“Bailemos” implores Enrique Iglesias), most critics would agree that the current iteration of Latin(o/a) “crossover” music is more American “pop” than Latin(o/a).⁶⁶ Moreover, the geographical imagery of LatPop generally is more local and American than “foreign.” Consider *Livin’ La Vida Loca* (“Woke up in New York City, In a funky cheap hotel”) and Santana’s description of the “Smooth” lady from “Spanish Harlem” or the lady (“Maria, Maria”) who “fell in love in East L.A.”⁶⁷ Presumably, then, the exotic and foreign “location” of LatPop music derives from the ethnicity of the artists or from their occasional use of Spanish. Record stores further the displacement of this music by stocking even English language recordings in international, Latin, or world music bins in the back of the

Marc Anthony admits:

Girl I’m exactly where I want to be
The only thing’s I need you here with me

MARC ANTHONY, *I Need To Know*, on MARC ANTHONY (Columbia 1999).

Enrique Iglesias suggests:

You’re the kinda girl I dream about
Electric eyes and a big mouth

ENRIQUE IGLESIAS, *Oyeme*, on ENRIQUE (Interscope Records 1999).

Christina Aguilera declares that:

A girl needs somebody sensitive but tough
Somebody there when the goin’ gets rough
Every night he’ll be giving his love
To just one girl

CHRISTINA AGUILERA, *What a Girl Wants*, on CHRISTINA AGUILERA (RCA Records 1999).

Jennifer Lopez sings:

I wanna be where he wants me to be . . . When he wants me

JENNIFER LOPEZ, *Open Off My Love*, on ON THE 6 (Work Group 1999).

Although many Anglo entertainers have come “out” and not suffered significant declines in their commercial success, homophobia in the Latino/a community would make it particularly difficult and risky for a LatPop artist to do so.

64. Jennifer Lopez’s now famous Versace dress worn at the 2000 Grammy Awards ceremony is known as The Dress. See *Transparency Abounds*, HISPANIC, Apr. 2000, at 20.

65. Ricky Martin’s Shake Your Bon-Bon was his third top 40 pop single. See Valdes-Rodriguez, *supra* note 56, at 1E (noticing the similarity of media focus on LatPop artist bodies to the attitude of European settlers toward indigenous people seen as wild, sexual and in need of taming).

66. See discussion *infra* Part IV.

67. See Chris Hawley, *Latin Stars Draw Criticism at Home*, PHILA. INQUIRER, July 19, 1999, at E5 (revealing that the title of Jennifer Lopez’s album *On the 6* refers to the train that she used to ride from the Bronx to Manhattan to take singing and dancing lessons).

store.⁶⁸ This foreignness is reinforced by media imagery proclaiming (warning?) that these LatPop artists have “crossed over” into the “mainstream,” as if they were “illegal aliens” crossing a border (as *mojados*) into the United States.⁶⁹ This image of a physical border crossing is invoked when the press declares a Latin music “invasion,”⁷⁰ using the same metaphor for war or enemies that is often used to describe undocumented immigration.⁷¹ In fact, with the exception of the Cuban members of the Buena Vista Social Club, all the current mainstream LatPop artists are U.S. citizens. Regardless of their actual status, it will surprise no one in the LatCrit community that the public and media locate them geographically elsewhere.⁷²

At the same time, however, the LatPop artists convey images of assimilation. They sing mostly in English and they are bilingual. Ricky Martin, for example, speaks without an accent. Generally these artists are light-skinned and European in appearance. This is the dilemma well known to Latino/as, who often find themselves viewed and treated as foreigners despite their assimilation.⁷³

68. Thigpen, *supra* note 2, at 80 (previewing the English language debut of Marc Anthony and reporting Anthony’s lament that when he asks for his Spanish language albums in Times Square record stores, they direct him to the international section in the back of the store: “I recorded it on 47th Street! How can you get more local than that?”); *see also* Hernandez, *supra* note 61, at B6 (disclosing that the music industry promotes Spanish language recordings through their international divisions even where the music is by, for, and about those in the United States). This displacement carries over to Latino/a nonfiction in American bookstores. *See* Juan F. Perea, *Los Olvidados: On the Making of Invisible People*, 70 N.Y.U. L. REV. 965, 970-971 (1995) (describing the scattered location in bookstores of Latino/a nonfiction; often placed in the Latin American Studies section which symbolically displaces Latino/as outside U.S. boundaries).

69. Shuster & Strauss, *supra* note 53, at L3 (quoting Marc Anthony as saying, “I don’t know what we’re crossing over from or to. We’ve been here all along”). Some have explained the label of crossover as referring to those artists who previously recorded in Spanish and appealed only to Spanish-speaking fans. J.D. Considine, *Latin Pop is Spicing Up American Charts*, ST. PETERSBURG TIMES, Oct. 22, 1999, at 24. However, this does not explain media’s use of the crossover tag for artists such as Jennifer Lopez and Christina Aguilera who do not have such history.

70. *E.g.*, *Latin Singer Laments Crossover Hype*, ARIZ. REP., Oct. 9, 1999, at D3 (conveying uneasiness of singer Marc Anthony with media hype of a “Latin crossover invasion”).

71. *E.g.*, Timothy Christenfeld, *Wretched Refuse Is Just the Start*, N.Y. TIMES, Mar. 10, 1996, § 4, at 4. (detailing metaphors for immigration including those of water and military references). The media’s reference to the LatPop stars as conquering American radio and recordbuyers bolsters this image of foreignness, and ironically seems to portray conquest in a favorable light. *E.g.*, Cobo, *supra* note 3, at E1. *Cf.* FURMAN, *supra* note 47, at 129 (describing the theme for Enrique’s 1999 concert tour as “Coming to America” although he had lived in Miami since age nine).

72. *See* Valdes-Rodriguez, *supra* note 56, at 1E (suggesting that story in USA Today calling Ricky Martin’s music south-of-the-border was displacing this otherwise U.S. citizen).

73. *See* Valdes-Rodriguez & Boucher, *supra* note 3, at D5 (reporting that an MTV vee jay had marveled at Martin’s ability to speak “perfect English”). *Cf.* Stephanie M. Wildman, *Reflections on Whiteness and Latina/o Critical Theory*, 2 HARV. LATINO L. REV. 307, 313 (1997) (adding a Latino/a dimension to a commentator’s conditions for White privilege, suggesting that one of the societal conditions that an Anglo can count on is that “People who see me [the Anglo] and hear my name will assume that my children and I speak fluent English. People will not be surprised if I speak English well.”).

Separate from the public perception of the LatPop artists, consider how these artists claim to represent themselves as Latino/as. Thus far, both lyrically⁷⁴ and visually, the Latino singers (or, more likely, their record companies) generally have exploited the stereotypical image of a Latin lover. Ricky Martin implores:

I wanna be your lover⁷⁵
Your only Latin lover⁷⁵

Ricky manages to draw on the equally stereotypical view of Latinos as bandidos,⁷⁶ perhaps to add a hint of danger to his allure:

I'm a desperado
Underneath your window⁷⁷

In his first two hit pop singles, Enrique Iglesias seduces his female⁷⁸ victim with his infectious rhythm and voice, as well as his occasional use of Spanish to add something "exotic" to his pitch:

All I need is a Rhythm Divine
Viva la musica, say you'll be mine⁷⁹

Bailamos, let the rhythm take you over⁸⁰
Bailamos, te quiero, amor mio⁸⁰

Related to the Latin lover styling of most of the Latino artists, most Latina artists are marketed sexually through scantily clad images⁸¹ and lyrics promoting sex:

When you put your hands on me
I feel ready

74. As discussed *infra* at text accompanying notes 92-100, many of these artists do not write their own lyrics.

75. RICKY MARTIN, *Shake Your Bon Bon*, on RICKY MARTIN (Sony/Columbia 1999).

76. See generally Delgado & Stefancic, *supra* note 13 at 1273-1275 (describing the stock visual images of Mexican-Americans in American cinema history to include the conniving, treacherous bandido).

77. RICKY MARTIN, *Shake Your Bon Bon*, on RICKY MARTIN (Sony/Columbia 1999). See generally NOVAS, *supra* note 29, at 93-95 (describing origins and examples of the use of "desperados").

78. See *supra* note 63 for discussion of heterosexual images in LatPop.

79. ENRIQUE IGLESIAS, *Rhythm Divine*, on ENRIQUE (Interscope Records 1999).

80. ENRIQUE IGLESIAS, *Bailamos*, on ENRIQUE (Interscope Records 1999).

81. The motion picture *Selena* depicts her strict father's reaction to the late Selena's revealing stage wardrobe. SELENA (Warner Bros. 1997).

And I lose my self-control⁸²

These sexually charged images conjure the stereotype of the fertility of Latinas. Indeed, media descriptions of the Latin pop music “explosion”⁸³ bring to mind the population “explosion” by which the media describes the Latino/a birthrate.

Latina artists generally paint a vividly subordinate role to men in suggesting that they live for their man. For example, Jennifer Lopez confesses:

I have spent all of my life
Waiting for tonight, oh
When you would be here in my arms⁸⁴

Christina Aguilera suggests that a woman needs a man to feel complete:

Hey there did ya happen to know
Wherever you go I'll follow . . .
You make me feel the way a woman is supposed to feel⁸⁵

Selena too conveyed her subordination to her man:

No doubt about it
I'll go where he goes⁸⁶

82. CHRISTINA AGUILERA, *When You Put Your Hands on Me*, on CHRISTINA AGUILERA (RCA Records 1999). Consider other songs performed by Aguilera:

But then it feels so good, I knew it would
You know the way to make me crazy
I want to give it to you

CHRISTINA AGUILERA, *So Emotional*, on CHRISTINA AGUILERA (RCA Records 1999).

Now when mum and dad has gone . . .
We will party 'til the dawn . . .
Come over here baby . . .
You better cross the line
I'm gonna love you right

CHRISTINA AGUILERA, *Come on Over (All I Want is You)*, on CHRISTINA AGUILERA (RCA Records 1999).

83. E.g., Kenn Rodriguez, *Explosion Tag Has Singer Hot*, ALBUQUERQUE JOURNAL, June 16, 2000, at E15 (conveying dissatisfaction of singer Marc Anthony with the media's proclamation of a “Latin music explosion” to describe what Anthony views as American pop music).

84. JENNIFER LOPEZ, *Waiting for Tonight*, on ON THE 6 (Epic 1999). *Talk About Us* embodies a similar theme:

You see all my life I've waited
Waited all my life
Just to be with someone like you

JENNIFER LOPEZ, *Talk About Us*, on ON THE 6 (Epic 1999).

85. CHRISTINA AGUILERA, *Love For All Seasons*, on CHRISTINA AGUILERA (RCA Records 1999).

Lyrics of the LatPop artists on occasion invoke the stereotype in which Latino/as spend their days and nights in fervent fiesta and frequent siesta. Ricky Martin in particular evokes this partying parody with his over the top celebration of the crazy life in *Living on My Own*.⁸⁷ One of Selena's Spanish language hits manages to portray (her audience of) Mexicans and Mexican Americans as lazy, drunken, tortilla eaters:

If y'all come to dance . . . well, let's go enjoy ourselves
 If y'all come to sleep, get out of here!
 Because this song is not for any lazy one . . .
 Look at Juan, he can't
 Even move
 Well his shoes weigh a lot
 He must have mud on them
 Look at Maria
 She's moving from her chair
 That's what always happens to you
 If you eat a lot of tortillas
 Look at José because he's only sitting
 He drank a lot of beer and
 Now he's walking sideways⁸⁸

86. SELENA, *Captive Heart*, on *DREAMING OF YOU* (EMI Latin 1995) (song title translation).

87. RICKY MARTIN, *Shake Your Bon Bon*, on RICKY MARTIN (Sony/Columbia Records 1999). Of course, one should view the lyrical content of LatPop in part against the backdrop of American pop music's dominant themes that include partying and sexual bravado. In other words, is a Latino/a who lives *La Vida Loca* much different from an Anglo who wants to "Rock and Roll All Night, and Party Every Day?" KISS, *Rock and Roll All Nite*, on *DRESSED TO KILL* (Mercury 1975) (a defining hit for the Anglo rock band Kiss in 1975).

88. SELENA, *Techno Cumbia*, on *AMOR PROHIBIDO* (EMI Latin 1994) (English translation from liner notes). A 1962 top ten novelty smash by Anglo crooner Pat Boone, *Speedy Gonzales*, was even more direct in exploiting the stereotypical image of Mexicans as boozing and indolent:

Stop alla your a-drinkin'
 With that floozie named Flo
 Come on home to your adobe
 And slap some mud on the wall
 The roof is leakin' like a strainer
 There's loads of roaches in the hall . . .
 No enchiladas in the icebox
 And the television's broke . . .
 Hey, Rosita, come queek-down at
 The cantina they givin' green stamps
 With tequila!!

Pat Boone, *Speedy Gonzales*, on *April Love: The Best of Pat Boone* (Laserlight 1974).

Earlier, Peggy Lee and Dave Barbour covered similar ground with their hit *Mañana (Is Soon Enough For Me)*:

The faucet she is dripping and The fence she's falling down . . .
 My brother isn't working and My sister doesn't care . . .
 My mother think's I'm lazy and maybe she is right

Despite the propagation of stereotypes in some LatPop, more subtle positive themes do emerge that are indeed reflective of Latino/a culture—the celebration of life and love, spiritual influences, and the importance of family.⁸⁹ Although sometimes at the expense of perpetuating the Latin lover stereotype, LatPop music by Latinos glorifies women and never suggests violence against them.⁹⁰ Moreover, in comparison to the reckless glorification of money (the “paper chase”) and rampant misogyny (“Bitches ain’t shit but hoes and tricks”)⁹¹ in much of rap music, the negative LatPop images are relatively mild.

D. *Whose Vida is Loca?: LatPop Storytelling*

“Indeed, the ‘means of communication’ have become as central to the structure of power/lessness in our postmodern, hyperlinked, globalized, mass media society as the ‘means of production’ were central to the class struggles of modernizing industrialism.”⁹²

In discussing the representation of culture by LatPop artists, one overarching question must be asked: whose “stories” are being told? Are they the stories of the artists themselves? Latino/as in the United States? Mejjicano/as? Puertorriqueño/as? Cubano/as? The American record buying public? The general public? The American music industry—its executives, writers, and producers? Thus far, the latter seems dominant. This is most evident in the recordings of Christina Aguilera, who did not write any of the songs on her debut album. None of her writers or producers appears to be Latino/a; few are female.⁹³ Indeed, the use of multiple writers outside the creative control of the LatPop artists sometimes

I'll go to work mañana but I gotta sleep tonight
Mañana is soon enough for me

PEGGY LEE, *Mañana (Is Soon Enough For Me)*, on MISS PEGGY LEE (EMI-Capitol Entertainment 1998). See generally George Archuleta, *Racial Slurs in Music Didn't Start with Gansta' Rap*, DENVER POST, Dec. 18, 1997, at B7 (supplying most of the above lyrics) (explaining that music heard in America “blatantly relegates people of color to inferior status”).

89. E.g., A.B. Quintanilla y Los Kumbia Kings, *Amor, Familia y Respeto* (EMI Latin 1999).

90. In his crossover smash *Still Not a Player*, however, deceased rapper Big Pun (aka Big Punisher) boasts that he “got ya [his lover] screaming punish me,” although his sexual masochism did not rise to the level of some non-Latino rappers. BIG PUNISHER, *Still Not a Player*, on CAPITAL PUNISHMENT (Loud Records 1998). In one of the biggest selling records of 2001, Black rapper Ja Rule declared in his duet with Jennifer Lopez:

Bring pain to pussy
Niggaz and pussy
Holes they one in the same

JENNIFER LOPEZ, *I'm Real (Murder Remix featuring Ja Rule)*, on J.LO (Epic 2001).

91. Untitled track number 16 on rapper-producer Dr. Dre's multi-platinum album *The Chronic* (1992). DR. DRE, *THE CHRONIC* (Interscope Records 1992).

92. Elizabeth M. Iglesias, *Identity, Democracy, Communicative Power, Inter/National Labor Rights and the Evolution of LatCrit Theory and Community*, 53 U. MIAMI L. REV. 575, 647 (1999).

93. See CHRISTINA AGUILERA, *CHRISTINA AGUILERA* (RCA Records 1999).

leads to schizophrenic results. For example, on the topic of sexual self-restraint, Christina variously preaches self control (“My body’s sayin’ let’s go, but my heart is sayin’ no”)⁹⁴ and abandon (“When you put your hands on me I feel ready And I lose my self-control”).⁹⁵ Before her murder, Selena had recorded five new English language songs for her “crossover” album, none of which she wrote,⁹⁶ although one was written by her Latino band member brother. Ricky Martin did not write any songs on his English debut, but many of his songwriters are Latino, including Jon Secada and Desmond Child of Cuban heritage, and many of his producers are Latino, including Gloria Estefan’s husband Emilio.⁹⁷ Marc Anthony, Enrique Iglesias, Jennifer Lopez,⁹⁸ and Carlos Santana co-wrote most or several of their current songs.⁹⁹ Interestingly, the most authentic storytelling comes from the Buena Vista Social Club—these are not producer Ry Cooder’s stories.¹⁰⁰

The orchestrative role of the music industry also is apparent in the crush of hype that has become the LatPop explosion. It has been clearly documented that the music industry chose 1999 as the year of the Latino/a artist out of profit-minded motivations.¹⁰¹ Not surprisingly, other American “integration events,” such as the integration of Black athletes into professional baseball, were driven by similar corporate profit-seeking designs.¹⁰² The “crossover” of Latino/a artists into the pop music mainstream is just the latest such event.

The LatPop explosion coincides with a time of relative economic prosperity in the United States, as well as a perceived labor shortage in some labor-driven industries such as agriculture.¹⁰³ Not surprisingly, the

94. CHRISTINA AGUILERA, *Genie in a Bottle*, on CHRISTINA AGUILERA (RCA Records 1999) (writers: Steve Kipner, David Frank, and Pam Sheyne).

95. CHRISTINA AGUILERA, *When You Put Your Hands on Me*, on CHRISTINA AGUILERA (RCA Records 1999) (writers: Robin Thicke, J. Gass).

96. Selena co-wrote *Bidi Bidi Bom Bom*, one of her biggest Spanish language hits. SELENA, *Bidi Bidi Bom Bom*, on AMOR PROHIBIDO (EMI Latin 1994).

97. RICKY MARTIN, RICKY MARTIN (Sony/Columbia 1999).

98. One of the co-writers on Jennifer Lopez’s debut album is Gloria Estefan (*Let’s Get Loud*). JENNIFER LOPEZ, *Let’s Get Loud*, on ON THE 6 (Epic 1999).

99. But the lyrics of the song Smooth that propelled Santana’s album Supernatural to mainstream success were written solely by Rob Thomas, an Anglo artist fronting the alternative band Matchbox 20. CARLOS SANTANA, *Smooth*, on SUPERNATURAL (Arista Records 1999).

100. See discussion *infra* part VII.

101. See, e.g., Diana A. Terry-Azíos, *Can the Explosion Last?*, HISPANIC, Mar. 2000, at 22, 26 (describing the industry force put behind Latino/a artists once Ricky Martin’s now famous performance of *La Copa de Vida* at the 1999 Grammy Awards convinced executives that LatPop could be the “Next Big Thing”).

102. See Paul Butler, *Jackie Robinson: Breaking the Barrier*, DALLAS MORNING NEWS, Apr. 6, 1997, at 1J, excerpted in JUAN F. PEREA, ET AL., RACE AND RACES: CASES AND RESOURCES FOR A DIVERSE AMERICA 1002 (2000).

103. Moreover, the LatPop explosion has occurred at a time when Latino/a groups, particularly Cuban Americans in Miami and Puerto Ricans and Cuban Americans in New York, have begun to

years 1999 and 2000 have seen a softening in anti-immigrant rhetoric as well as the uneasy embrace of Latino/as by Republican politicians in the 2000 Presidential campaign. The music industry's seizing of this inclusive moment is not unlike that of Hollywood during the "Good Neighbor" policy practiced in the 1940s and 50s.¹⁰⁴

The timing of LatPop success raises concerns for its longevity. Yet to be seen is whether Latino/a artists will remain vital or whether they will return to the American subculture should there be an extended economic downturn and should fingers again point at Latino/as, particularly immigrants, as responsible for our economic woes. In the wake of the terrorist attacks and recession in 2001, resurgent anti-Latino/a rhetoric challenges the recent gains. In order to avoid the cycle of what Dennis Greene described as a "periodic injection and presence" of Latino/as in the American cultural flow,¹⁰⁵ Latino/as must ensure continuity and visibility, as well as authenticity in their presentation, by acquiring ownership of the means of production/communication—the record companies and points of distribution.

III. WHAT DOES THE LATPOP EXPLOSION MEAN FOR LATINO/AS?

The dizzying commercial success of LatPop music in recent months can be intoxicating to those Latino/as in America starved for acceptance in their own country. Expressing this sentiment of being an Outsider for too long, one Latina in New Jersey proclaimed to a journalist "'We're in! We're finally hot!'"¹⁰⁶ This unbridled optimism reminds me of a segment from the cult classic comedy *Animal House* where the White fraternity brothers thought they had bonded with a fictional rhythm and blues band (known as Otis Day and the Knights) that played (think "Shout!") the wildest toga party on film. Walking into a Black roadhouse tavern with their reluctant dates in tow, one of the frat boys yells out to the band "Otis, My Man!," yet he is met with icy silence from Otis, the band, and the other patrons.¹⁰⁷ The benefits of supremacy are not readily relinquished nor are the wounds it causes easily forgotten.

Public attention directed at the LatPop music "conquest" belies the continuing struggle of Latino/a artists to "cross-over" to reach mainstream rock n' roll,¹⁰⁸ country,¹⁰⁹ and even soul radio and record buying

wield influence in circles from politics to product purchasing and advertising.

104. See GONZALEZ, *supra* note 9, at 216 (describing the pressure under this national policy for Hollywood to portray Latino/as more sympathetically than in past roles).

105. Remarks of Dennis Greene at the plenary Multi/Cultural Artistic Re/Presentations in Mass Media: Capitalism, Power, Privilege and Cultural Production at LatCrit V (May 2000).

106. Llorente, *supra* note 12, at A1 (quoting Miriam Gonzalez, a city hall employee).

107. ANIMAL HOUSE (Universal Studios 1978).

108. Finn, *supra* note 14 (lamenting that Latino rock cannot be heard on mainstream radio).

audiences.¹¹⁰ Moreover, the current success of LatPop in reaching the mainstream exposes the relative absence of Latino/as (at least where portrayed positively) from the cultural mainstream of other media such as television, cinema, and literature.¹¹¹ Further, America at the start of the new millennium still is marked by the relative absence of Latino/as from most every important sector of American life from politics to business management to education. Realistically, does the LatPop explosion hold anything for overcoming these discrepancies and barriers?¹¹² In the same way, what has the media exposure of Black athletes, Black musicians,

One Latino band that crossed over into mainstream alternative (an oxymoron?) radio in 1999 was the Chris Perez Band, led by Selena's former husband and guitar player. His band won the Grammy in 2000 for best Latin Rock/Alternative Performance (for "Resurrection"). Grammy Awards home page at <http://www.grammy.com/awards> (last visited April 30, 2001). In 2001, the Latino Christian rock band P.O.D. became an MTV sensation with lyrics and video images that downplay the Latino origins and Christian sensibilities of this alternative rock band. P.O.D., *SATELLITE* (Atlantic 2001).

Santana has long been the exception to this rule as a mainstay band on classic rock and now alternative radio. Evidencing his crossover appeal to rock audiences, in 2000 Santana won rock category Grammys for both Rock Performance by a Duo or Group With Vocal (*Put Your Lights On*, by Santana featuring Everlast), and Rock Instrumental Performance (*The Calling*, featuring Eric Clapton). CARLOS SANTANA, *SUPERNATURAL* (Arista Records 1999); www.grammy.com/awards.

109. A few Latino/a artists have had success on county radio, such as Linda Ronstadt, Johnny Rodriguez, Freddy Fender, and in 1995, Rick Treviño.

110. There are no Latino/a artists represented in the Top 200 artists on the Billboard rhythm and blues chart from 1942-1988. JOEL WHITBURN'S TOP R & B SINGLES 1942-1988, 580-581 (1988). In the last few years, however, Latino rap artists have made inroads on the R & B charts, with the late Puerto Rican rapper Big Pun scoring a number one single in 1998 with "Still Not a Player" and receiving a Grammy nomination for Best Rap Album. Big Pun was referred to in the Black hip-hop community as a "big nigger," which suggests inclusion, at least of African Latino/as and darker-skinned Latino/as, within a Black American identity. Riggs Morales and Kim Osorio, *Larger Than Life*, *THE SOURCE*, May 2000, at 180, 183. The n-word is common in the recordings of both Big Pun and his mentor, Puerto Rican rapper Fat Joe. But Jennifer Lopez sparked a controversy in the Black community in 2001 when she referred to "niggaz" in her smash rap/pop single I'm Real. I'M REAL (Murder Remix featuring Ja Rule), on *J.Lo* (Epic 2001) ("Now people screamin' 'what's the deal with you and so and so.' I tell 'em niggaz mind their biz but they don't hear me though"). *J-Lo's N-Word*, *WASH. TIMES*, July 23, 2001, at A2.

In 1999 and 2000, several Black R & B artists incorporated Spanish (Spanglish) into their lyrics. E.g., SISQO, *Thong Song*, on *UNLEASH THE DRAGON* (Def Jam 1999) ("She was livin' the vida loca"); MONTELL JORDAN, *Once Upon a Time*, on *GET IT ON TONITE* (Def Soul 1999). Moreover, several Latino rappers, such as Cuban Link, had successful singles on the rap charts.

111. See Waxman, *supra* note 59, at C1 (suggesting that the latest craze establishing Latino/a pop idols hardly makes up for the overall absence of Latino/as in the entertainment universe). See also MARCO PORTALES, *CROWDING OUT LATINOS: MEXICAN AMERICANS IN THE PUBLIC CONSCIOUSNESS* 12-13 (2000) (predicting that most Americans would be hard-pressed to name a single Chicano author). In April 2000 I conducted an informal visual study of a chain grocery store's modest book department looking for Latino/a titles, themes, and authors in both fiction and non-fiction. I found one offering—an account of the alleged Texas railroad serial killer with a picture of the Mexican suspect on the cover.

112. Ana Veciana-Suarez, *Hispanics Gain Popularity Again*, *LAS VEGAS REVIEW-JOURNAL*, Aug. 9, 1999, at 1E (pointing out that problems in the Latino/a community such as dismal student drop-out rates will hold back Latino/as despite Ricky Martin's cover-boy status); Llorente, *supra* note 14, at A1 (suggesting too that serious problems of drop-out rates, discrimination, alcoholism and poverty are hardly eased by the LatPop artist exposure).

and Black film stars done for the average Black American? Are we any closer to a Black President just because a Black actor has portrayed one in the movies?¹¹³ Will the doors that open for Ricky Martin close behind him? Will other Latino/as get through? Those with darker-skin?¹¹⁴ Those who speak English with an accent? Those who speak only Spanish?

Surely there are long struggles left for Latino/as and for other facets of Latino/a culture in reaching the mainstream.¹¹⁵ What awaits Latino/as in this mainstream—culturally, politically and otherwise? Is it worth striving for? Will it be financially fulfilling? Spiritually enriching? Will there be many other Latino/as there? What will they look like? Will any speak Spanish? Will there be tortillas and menudo to eat (or just “gorditas”)? Will the Latino/a influences that reach the mainstream reshape and make the mainstream a different (better?) place to be? Are we there yet?

IV. LATPOP COLONIALIZATION: THE RICKY MARTINIZATION OF LATIN MUSIC

“We are ascending culturally, but we are in a constant struggle against cultural erasure of the Ricky Martin form.”¹¹⁶

One of the emerging themes of this discussion of the LatPop music explosion is the sacrifice of culture in the pursuit of commercial success.¹¹⁷ LatPop is assailed by many critics as watered down, homogenized, barely-recognizable-as-Latin-influenced music.¹¹⁸ Indeed, some of

113. For example, Morgan Freeman in *Deep Impact*. *DEEP IMPACT* (Paramount Pictures 1998). Cf. 2PAC, *Changes*, on *GREATEST HITS* (Interscope Records 1998) a posthumous release from rapper 2-Pac (“We ain’t ready to see a Black President.”).

114. See Guy Garcia, *Welcome to the Club; Latino Pop Performers Shatter Barriers as They Reach the Top*, L.A. DAILY NEWS, June 29, 1999, at L3 (noting that some commentators “worry that by popularizing [the] highly commercial style of urban Latin pop, superstars like [Ricky] Martin . . . might actually make it harder for more traditional-sounding and ethnic-looking” Latino/as to break into the mainstream). See generally Laura E. Gómez, *Constructing Latina/o Identities*, 19 CHICANO-LATINO L. REV. 187, 190 n.12 (1998) (citing studies that concluded lighter-skinned, less Indian-looking Latino/as experience less discrimination); Anthony Paul Farley, *All Flesh Shall See it Together*, 19 CHICANO-LATINO L. REV. 163, 164 (1998) (noticing the “spectral presence” of light-skinned (White) Mexicans who appeared to command everything in Mexico); Michael A. Fletcher, *The Blonde, Blue-Eyed Face of Spanish TV*, WASH. POST, Aug. 3, 2000, at A1 (decrying discrimination against Black and indigenous Latino/as on Spanish language television in the United States).

115. This holds true even for food. Despite the mainstream popularity of the Taco Bell restaurant chain, many young Americans know of menudo only as the Latino vocal group that helped launch Ricky Martin to stardom.

116. Mario Tarradell, *Pop Go the Latin Acts; Do Artists Leave Heritage Behind for Crossover Success?*, DALLAS MORNING NEWS, June 13, 1999, at 1C (remarks of Latino professor of anthropology commenting on the struggle against the power of the non-Latino/a dominated record industry).

117. See ROBINSON ET AL., *supra* note 5, at 52 (detailing the music industry’s classic strategy to produce “new” sounding music that is innovative enough to be different but still similar enough to what the recordbuying public purchased the month before).

118. Consider these comments: Judy Cantor, *La Raza Rocks On*, MIAMI NEW TIMES, July 29, 1999 (“[Ricky Martin and Jennifer Lopez] are Latin America ‘lite,’ like presenting a pasteurized version of a culture,” remarks of Mexican rock group member); Glenn Gamboa, *Shakin’ His Bon-*

the recordings of the current LatPop artists fall completely within other music genres such as dance/house and rhythm and blues.¹¹⁹ Almost all their singles are predominately in English.¹²⁰ Often they depict a lifestyle ranging from middle to upper class despite the disproportionate poverty of Latino/as in the United States.¹²¹

Rather than serving as rebellious, confrontational, antistatist praxis,¹²² as does some rap music, most LatPop songs are harmless odes

Bon, Hispanic Heartthrob Knows How to Deal with Success, BEACON JOURNAL, Dec. 2, 1999, at E14 (“Martin—along with Jennifer Lopez and Marc Anthony—is providing a diluted, Americanized version of Latin music for the pop mainstream. The bulk of Ricky Martin[’s album] . . . is essentially a pop album with a few Latin touches—like flamenco guitars and short horn parts.”); Kevin C. Johnson, *Latin Musicians Are En Fuego (That’s ‘On Fire,’ Amigo)*, ST. LOUIS POST-DISPATCH, Aug. 22, 1999, at C3 (“It’s not hard to accuse these [LatPop] artists of whitewashing their Latin roots, bleaching them into something more acceptable to mainstream audiences.”). Compare Deepthi Hajela, *Salsa Sensation*, GRAND RAPIDS PRESS, Feb. 15, 2000, at C8 (interviewing Marc Anthony who declares that he is not part of any Latin music explosion; rather, his music and that of the other LatPop stars is American pop—“Why can’t a Latino put out a pop album, especially if they were born and raised in the U.S. and they understand the culture?”).

Nonetheless, there are indications that the music industry has made progress in its view toward (mild) Latin influences in mainstream music. Cf. Steve Morse, *Ricky Martin’s Livin’ La Vida Loca in Latin Resurgence*, TIMES UNION, June 1, 1999, at D5 (describing the efforts of Emilio Estefan to record the Miami Sound Machine’s 1985 hit Conga as “I was almost thrown out of Sony Records. They said, Take the congas out and the trumpets out of the song.”). I realize, however, that this was not due to any cultural epiphany in the music industry; obviously it was the result of emerging demographics and marketplace studies. The general recordbuying public, at least, was ready for a mild case of La Vida Loca.

119. Particularly the debut recordings of Christina Aguilera and Jennifer Lopez.

120. See discussion *supra* part I. Note the stereotypical Latin lover image in the following Time magazine letter to the editor:

Ricky Martin is right to say he “didn’t have to go English to make it.” The new English-language album seriously lacks the intense flavor and zest of his four previous Spanish releases. The watered-down American pop doesn’t show half of what he is capable of doing. Hey, Ricky, those of us who see you in our dreams want you whispering those sweet nothings in Spanish.

Letters: Latin Music Goes Pop!, TIME, June 14, 1999.

121. See *supra* note 62.

122. On the antistatist potential of music, see Sharon K. Hom, *Lexicon Dreams and Chinese Rock and Roll: Thoughts on Culture, Language, and Translation as Strategies of Resistance and Reconstruction*, 53 U. MIAMI L. REV. 1003, 1016 (1999) (acknowledging the subversive capacity of mass cultural forms such as rock music to undermine and evade state mechanisms of political control over thought, language, and the imagination); see also Nicholas A. Gunia, *Half the Story Has Never Been Told: Popular Jamaican Music as Antistatist Praxis*, 33 U.C. DAVIS L. REV. 1333 (2000); Malavet, *supra* note 12, at 1303-04. Query how well LatPop represents and expresses the sentiments of Latino/as to the mainstream American audience. One 55 year-old Chicano activist explained his confrontational attitude as:

I grew up in a time when signs in restaurants read ‘No dogs or Mexicans allowed.’ It’s hard for me and people of my generation to forget that. I’m still an angry Chicano. Before I can tone it down, we need to have our say in the mainstream media.

Christine Granados, *Born Again Latinos*, HISPANIC, May 1, 2000, at 34, 36 (remarks of El Paso columnist Joe Olvera). Surely, the frothy music of Ricky Martin and Christina Aguilera does little to satiate these wounded feelings.

to the opposite sex and a vibrant nightlife.¹²³ Even the names of some of these LatPop stars (Enrique Martin Morales—Ricky Martin and Marco Antonio Muñiz—Marc Anthony), as with their Latino/a artist predecessors, have been changed to de-emphasize their Latino/a heritage and apparently make them less threatening.¹²⁴ This commodification¹²⁵ of Latino/a culture by the recording industry works much like the process of assimilation.¹²⁶ Thus, the journey to the mainstream of pop music success resembles the assimilative process by which the “American” culture is acquired and ethnicity pushed aside.¹²⁷ This process, like the making of sausage and legislation, may best be left unwatched.

123. In contrast to most LatPop, Santana’s album *Supernatural* does tackle broader subjects of injustice and global poverty. CARLOS SANTANA, *SUPERNATURAL* (Arista 1999). Lesser known Latino/a artists also have made rebellious music, such as Los Mocosos’ 1999 college-radio hit *Brown and Proud*. See generally JUAN FLORES, *FROM BOMBA TO HIP-HOP: PUERTO RICAN CULTURE AND LATINO IDENTITY* 136-37 (2000) (discussing how Puerto Rican artists are using rap as a vehicle for cultural affirmation).

124. Other Latino/as who recorded under Anglo-cized names include Baldemar Huerta (Freddy Fender) and Florencia Martinez Cardona (Vikki Carr). Jon Secada legally changed his first name from Juan to Jon in 1990. History of rock artists at http://www.rockonthenet.com/artists-s/jonsecada_main.htm. Jennifer López loses the surname accent in her debut album and promotions. The movie *La Bamba* portrays the transformation of Richard Valenzuela to Ritchie Valens as orchestrated by his manager to appeal to Anglo recordbuyers. *LA BAMBAM* (Columbia Pictures Corp. 1987). Selling the name change to a reluctant Valenzuela, his manager explains Richard’s apparent lack of choice: “Look, it could have been worse, you could have been Ricky Zuela.” The movie industry has a similar history of prompting name changes to gain mainstream acceptance; for example, Ramon Estevez (Martin Sheen); as does television—Desiderio Alberto Arnaz y de Acha (Desi Arnaz).

125. The burgeoning work on the subject of commodification includes STEWART EWEN, *ALL CONSUMING IMAGES: THE POLITICS OF STYLE IN CONTEMPORARY CULTURE* (1988); ROBERT KUTNER, *EVERYTHING FOR SALE: THE VIRTUE AND LIMITS OF MARKETS* (1996); MARGARET JANE RADIN, *CONTESTED COMMODITIES: THE TROUBLE WITH TRADE IN SEX, CHILDREN, BODY PARTS, AND OTHER THINGS* (1996); JOAN WILLIAMS, ADRIENNE DAVIS AND MARTHA ERTMAN, *COMMODIFICATIONS FUTURES* (Forthcoming 2002).

126. Cf. Bob Wing, “*Educate to Liberate!*”: *Multiculturalism and the Struggle for Ethnic Studies*, *COLORLINES*, Summer 1999, noting the potential for this media and cultural homogenization to creep into university Ethnic Studies programs through corporate affiliations:

“The corporations began to seize upon elements of African-American and Latino popular culture, stripping them of their most militant and creative elements and repackaging them for a mass consumer market.” [remarks of Columbia’s Manning Marable] At its worst, Ethnic Studies is the intellectual reflection of corporate multiculturalism in the university setting.

Most of the LatPop stars have aligned themselves with major corporate sponsors to promote their concert tours, or for product endorsements. For example, Ricky Martin endorses for Pepsico, and Ford Motors sponsored Martin’s fall 1999 tour. See generally Cynthia Corzo, *Livin’ La Vida, An Easy Sell: As Latin Culture Goes Pop, Advertisers Catch on Quickly*, *MIAMI HERALD*, Sept. 25, 1999, at 1C.

127. Hawley, *supra* note 67, at E5 (“In the mainstream, the more ‘race-less’ you can be, the better. Martin is almost being disengaged from the Latino image. I’m not sure how much of a cultural ambassador he is,” remarks of a professor of Puerto Rican Studies).

V. ACCENTUATING THE POSITIVE: CULTURAL RESONANCE AND THE UNMAKING OF AN INVISIBLE PEOPLE

"This is our Motown. Thirty years from now we will see Latinos having a long-lasting effect on the music and the country."¹²⁸

In identifying positive attributes of the LatPop explosion, what stands out is the status of these Latino/as as role models, particularly for youth. Given the invisibility of Latino/as in America, these artists have also emerged as a source of cultural pride for Puertorriqueño/as and other Latino/as.¹²⁹ Ricky Martin, for example, is far removed from the negative West Side Storyian image of Puerto Ricans in his appearance and demeanor.¹³⁰ When compared to the predominance of negative portrayals of Latino/as as criminals and domestic servants on television and film, the images of LatPop artists give some positive balance. Moreover, the English fluency of LatPop artists helps to dispel the impression that Latino/as are unwilling or unable to learn English.¹³¹

What creates this positive link between LatPop artists and Latino/as as role models and otherwise? Is it the geographical roots of these artists in Puerto Rico, Mexico, Cuba, and elsewhere? More generally, is it the media's identification of these artists as Latino/as? Is it the Latin flavoring ("spicing") of their music? Is it their physical appearance and features?¹³² For me, it is their use of Spanish in their recordings. Indeed, I've wondered whether hearing Elton John sing in Spanish would resonate the same for me culturally as hearing Ricky Martin sing entirely in English.¹³³

128. Terry-Azíos, *supra* note 101, at 26 (remarks of Latino/a music magazine co-publisher).

129. *But see* Hawley, *supra* note 67, at D3 ("We're proud of them [Ricky et al.], but it's not like they're bringing our music to the world. They're not representing it," remarks of musician in Puerto Rico); *supra* note 122 (questioning how well LatPop music and artists represent a Chicano/a activist viewpoint). My research assistant Steve Tamayo suggested that the attitudes of some Latino/as, particularly some activist Chicano/as, would be, bluntly, "fuck the mainstream."

130. Chris Hawley, *Puerto Rico Proud of New Heroes*, DAYTON DAILY NEWS, Nov. 14, 1999, at A21 ("In a few months, they [Martin et al.] have done much to undo the decades of damage done by West Side Story [which portrayed Puerto Ricans as street gangsters]," remarks of Puerto Rican politician); Miriam Longino, *Viva Ricky! Latin Heartthrob Raises Libidos*, ATLANTA CONSTITUTION, Oct. 25, 1999, at D1 ("He lets people know we are not a stereotype. We're not all poor, living in the Bronx on welfare. We are intelligent. . . . He represents that," remarks of mainland Puerto Rican).

131. *See supra* notes 30-32 and accompanying text.

132. As discussed previously, *supra* note 51 and 114, the LatPop artists generally are light-skinned. Christina Aguilera, for example, is blonde, blue-eyed and fair-skinned. Ironically, this is the same image favored by Spanish language television programming in the United States. Fletcher, *supra* note 113, at A1.

133. Professor Nancy Ehrenreich asks the question whether it is appropriate for a Latino/a who

VI. ACCENTUATING THE POSITIVE: MOVING POP MUSIC BEYOND THE
BLACK-WHITE PARADIGM

"I had something to say to my Latinos that African American artists weren't. It's like James Brown sayin', 'I'm Black and I'm proud,' but I had to say it to my peoples: 'I'm Chicano and proud.'"¹³⁴

The black-white paradigm,¹³⁵ evident in race relations, is similarly apparent in American pop music. Anglo artists addressing the subject of race have tended to focus on the dichotomy of Black and White America. For example, the Stories' number one single from 1973, *Brother Louie*, tackled the subject of interracial dating as:

She was black as the night
Louie was whiter than white
There's a danger when you taste brown sugar¹³⁶
Louie fell in love overnight¹³⁷

Three Dog Night's number one single from 1972, *Black and White*, addressed racial unity and harmony as:

The world is black
The world is white
It turns by day and then by night
The child is black
The child is white
The whole world looks upon the sight
The beautiful sight¹³⁸

does not dance and is not fluent in Spanish to feel possessive about Latin dance or the Spanish language. See Ehrenreich, *supra* note 36, at 809 (answering both questions affirmatively). As someone who is less than fluent in the Spanish language, I agree with Nancy's conclusion. I do not, however, feel possessive about Anglo artists' use of the Spanish language in their recordings. Rather, I view that use, even if coached, as an expression of authentic regard for the Latino/a culture. Further, I believe that someone choosing to speak in Spanish would be less likely to view other aspects of Latino/a culture and Latino/as as subordinate and sub-human. On the other hand, I view Anglos playing Latino/a characters in Hollywood cinema in different terms. That role appropriation tells me the industry did not believe any Latino/a actor was competent to play the role, or that it feels the public would be uncomfortable watching or unable to relate to a Latino/a actor. Finally, I'm not sure whether I have the same regard for politicians who adopt the Spanish language to deliver messages of inclusion.

134. *Latin Lingo*, THE SOURCE, May 2000, at 71 (remarks of Latino rapper Frost best known for his recording *La Raza*).

135. See generally Juan F. Perea, *The Black/White Binary Paradigm of Race: The "Normal Science" of American Racial Thought*, 85 CAL. L. REV. 1213 (1997) (discussing racial paradigms).

136. A demeaning reference to African American women popularized in 1971 in the Rolling Stone's number one single *Brown Sugar*. ROLLING STONES, *Brown Sugar*, on *STICKY FINGERS* (MCA 1971); THE STORIES, *Brother Louie*, on *ABOUT US* (Kama Sutra 1973).

137. THE STORIES, *Brother Louie*, on *ABOUT US* (Kama Sutra 1973).

138. THREE DOG NIGHT, *Black and White*, on *SEVEN SEPARATE FOOLS* (ABC-Dunhill/MCA

Covering the same territory is Paul McCartney's 1982 pairing with Stevie Wonder, *Ebony and Ivory*:

Ebony and Ivory
Live together in perfect harmony¹³⁹

When Anglo artists sought the publicity, novelty, and synergy of a musical pairing along racial lines (akin to "world music" artistry), they typically chose Black artists.¹⁴⁰ Admittedly, given the isolated pop success of Latino/a artists, there have been few name worthy Latino/a artists available for such a venture.¹⁴¹ One of the delightful positive developments from the current LatPop success is the potential, already realized, for new pairings: Ricky Martin and Madonna, Gloria Estefan and 'N Sync, and Santana with everyone from Eric Clapton to Rob Thomas to Dave Matthews.¹⁴²

VII. CULTURAL APPROPRIATION AND EXOTIC DISCOVERIES

"You'll have to excuse my cynicism. It's a result of having been discovered before and seeing little come of it."¹⁴³

From rock n' roll¹⁴⁴ to blue-eyed soul,¹⁴⁵ American pop music is well

Records 1972).

139. PAUL MCCARTNEY, *Ebony and Ivory (With Stevie Wonder)*, on TUG OF WAR (Capitol/EMI Records 1982); Michael Jackson scored a major chart hit in 1991 with a similar theme in *Black or White*. MICHAEL JACKSON, *Black or White*, on DANGEROUS (Epic 1991).

140. Those Anglo/Black artist duos charting number one singles include Aretha Franklin and George Michael; Michael Jackson and Paul McCartney; R. Kelly and Celine Dion; Patti LaBelle and Michael McDonald; Donna Summer and Barbara Streisand; and Dionne Warwick, Gladys Knight, Stevie Wonder, and Elton John. See ARETHA FRANKLIN WITH GEORGE MICHAEL, *I Knew You Were Waiting for Me*, on ARETHA (BMG/Arista 1980); MICHAEL JACKSON WITH PAUL MCCARTNEY, *The Girl is Mine*, on THRILLER (Sony/Columbia 1982); R. KELLY WITH CELINE DION, *I'm Your Angel*, on R. (BMG/Jive 1998); PATTI LABELLE, *On My Own*, on BEST OF PATTI LABELLE (Uni/MCA 1999); DONNA SUMMER WITH BARBARA STREISAND, *No More Tears*, on DONNA SUMMER—ON THE RADIO GREATEST HITS VOLUME 1 & 2 (Casablanca/Polygram 1979).

141. Two of the few charting Anglo/Latino/a pairings were the 1984 duet of Julio Iglesias and Willie Nelson, *To All the Girls I've Loved Before*, JULIO IGLESIAS, *To All The Girls I've Loved Before (with Willie Nelson)* on 1100 BEL AIR PLACE (Columbia Records 1984); and the 1960s charting duo of Steve Lawrence and Eydie (Gorme). See STEVE & EYDIE, *STEVE & EYDIE SING THE GOLDEN HITS* (MCA 1960).

142. In 2001, Christina Aguilera joined Black artists Lil'Kim and Mya, and White artist Pink on the remake of *Lady Marmalade*. LADY MARMALADE (Interscope 2001).

143. Veciana-Suarez, *supra* note 112, at 1E (reacting to the media hype over the trendiness of LatPop music and the Latino/a culture).

144. Often called the first rock n' roll hit song, Bill Haley and His Comet's *Shake, Rattle & Roll* had previously been a number one charting rhythm and blues song for Joe Turner in 1952. See Rock Hall of Fame at <http://www.rockhall.com/hof/inductee.asp?id=201> (last visited Nov. 28, 2001).

145. Examples of these Anglo soul-pop artists include Daryl Hall & John Oates, George Michael, the Rascals, and the Righteous Brothers.

known for rewarding the appropriation of musical stylings. Through the years, Latino/a music has influenced many non-Latino/a artists.¹⁴⁶ Indeed, at least one artist has been so closely associated with Latino/a music beats and themes that the public might assume it to be Latino/a.¹⁴⁷ Not surprisingly, the current LatPop “explosion” has prompted many non-Latino/a artists to appropriate¹⁴⁸ the Latino/a music “feel” whether through use of Spanglish,¹⁴⁹ releasing English hits in Spanish language versions,¹⁵⁰ sampling of Latino/a music,¹⁵¹ or reworkings of Latino/a music genres.¹⁵² Of course, it may be equally valid to suggest that LatPop

146. Examples of Anglo hit pop songs with Latino/a lyrical or thematic influences include *Eso Beso* (That Kiss!) PAUL ANKA, *Eso Beso*, on REMEMBER DIANA (RCA Records 1975); *Twist Senora*, GARY U.S. BONDS, *Twist, Twist Senora*, on QUARTER TO THREE/TWIST UP CALYPSO (Ace); *Speedy Gonzales*, PAT BOONE, *Speedy Gonzales*, on LOVE LETTERS (Dominion); *Margaritaville*, JIMMY BUFFETT, *Margaritaville*, on BOATS, BEACHES, BARS, AND BALLADS (Margaritaville Records 1992); *Tequila THE CHAMPS*, *Tequila*, on TEQUILA (Ace); The Astronaut (Jose Jimenez, comic character created by Bill Dana); *Corazon*, CAROLE KING, *Corazon*, on REALLY ROSIE/HER GREATIST HITS (Legacy Records 1971); *La Isla Bonita*, MADONNA, *La Isla Bonita*, on TRUE BLUE (Sire Records 1986); *Copacabana* (At the Copa), BARRY MANILOW, *Copacabana* (at the Copa), on EVEN NOW (Arista Records 1978); *Bossa Nova Baby*, ELVIS PRESLEY, *Bossa Nova Baby*, on IT HAPPENED AT THE WORLD'S FAIR/FUN IN ACAPULCO (RCA Records 1963); *The Cha-Cha-Cha*, BOBBY RYDELL, *The Cha Cha Cha* (Cameo 1962); *Little Latin Lupe Lu*, MITCH RYDER AND THE DETROIT WHEELS, *Little Latin Lupe Lu*, on ALL HITS (1967); *Guantanamera*, THE SANDPIPERS, *Guantanamera*, on BEST OF SANDPIPERS (A&M Records 1998); *Cecilia*, SIMON & GARFUNKEL, *Cecilia*, on BRIDGE OVER TROUBLED WATER (Columbia Records 1970); and *El Condor Pasa*, SIMON & GARFUNKEL, *El Condor Pasa*, on BRIDGE OVER TROUBLED WATER (Columbia Records 1970). Examples of Black artists with hit pop songs influenced by Latin music include *Come Closer to Me* (Acerate Mas), NAT “KING” COLE; *Spanish Harlem*, ARETHA FRANKLIN, *Spanish Harlem*, on ARETHA'S GREATEST HITS (Rhino Records 1971); *I Like It Like That*, CHRIS KENNER, *I Like It Like That*; and *The Wah Watusi*, ORLONS, *The Wah Watusi*. Some of these songs invoke stereotypical images of Latino/as as lazy and dirty (e.g., *Speedy Gonzales*, see *supra* note 88), as outlaws and desperados (e.g., *War's Cisco Kid*), as passionate and violent (e.g., *Copacabana*), and as awash in booze (e.g., *Margaritaville*).

147. Although comprised of African Americans and Anglos, the band War scored several pop hits with Latino/a themes (e.g., WAR, *Low Rider*, on WHY CAN'T WE BE FRIENDS (RHI 1975); WAR, *The Cisco Kid*, on WORLD IS A GHETTO (RHI 1972) and one with Spanish lyrics (WAR, *Ballerito*, on WAR LIVE (RHI 1973)).

148. Employing the model of appropriation versus appreciation may not be the best way to describe the influence of Latino/a music on mainstream culture. See Ehrenreich, *supra* note 36, at 797 (cautioning that viewing Anglo interest in Latino/a culture as appropriative constructs the mainstream culture as entirely Anglo and diminishes the contributions and cross-fertilization of Latino/a and other non-dominant cultures in shaping today's popular culture).

149. Consider the alternative band Offspring's 1999 hit *Pretty Fly for a White Guy* (with lyrics “uno dos tres cuatro cinco cinco seis”), Will Smith's *Miami* (with lyrics “Welcome to Miami, Bienvenido a Miami”), and the former Spice Girl Geri Halliwell's inclusion on her 1999 debut album of a song titled *Mi Chico Latino*. OFFSPRING, *Pretty Fly (for a white guy)*, on AMERICANA (Sony/Columbia 1998); WILL SMITH, *Miami*, on BIG WILLIE STYLE (Sony/Columbia 1997); GERRI HALLIWELL, *Mi Chico Latino*, on SCHIZOPHONIC (Emo/Capital 1999).

150. Leila Cobo, *Pandering, In Any Language, Is Phony*, MIAMI HERALD, Sept. 3, 1999, at 24G (criticizing the release of rapper Puff Daddy's English single in a Spanish version).

151. E.g., Vitamin C, a female singer, sampled Santana's 1972 hit *No One To Depend On* in her solo single “Me, Myself & I.” VITAMIN C, *Me Myself And I*, on BUY ME (1999).

152. One of the most recent examples of genre “appropriation” was the smash *Mambo No. 5*,

artists are appropriating American pop styles¹⁵³ when they record in English with American lyrical themes using the beats and instruments of American bubblegum pop, house, or mainstream R & B,¹⁵⁴ and on occasion combining in duets with American pop icons.¹⁵⁵ At the same time, since most of the LatPop stars are Americans who were raised here, what makes them any less entitled to record American pop music than Anglo artists?¹⁵⁶

The commercial success of the Buena Vista Social Club ("BVSC") project draws attention to one of the most controversial recipes in the debate over cultural appropriation—the "pairing" of an Anglo American artist with "foreign" musicians to produce "world music."¹⁵⁷ The BVSC represents an assemblage of Cuban musicians by Anglo guitarist and producer Ry Cooder who reprise the son and bolero music popular in Cuba's 1950s. Although the BVSC album caught fire among older (35 to 55) Anglo American record buyers, it is less known in the Latino/a community, where Latino/a pop, salsa, merengue, norteño, banda, Tejano, and other styles dominate sales.¹⁵⁸ Perhaps this is because the son

an updated take on Perez Prado's mambo hit, by Lou Bega, whose father is Ugandan and mother Sicilian. MAMBO NO. 5, MAMBO NO. 5 (Khaeon 2001).

153. Another level of appropriation is the African influence in Latino/a music and LatPop. Carlos Santana has candidly acknowledged the African influences in his "Latin" rock music. Chuy Varela, *Santana: In the Open*, HISPANIC, May 2000, at 82; Macias, *supra* note 28, at EN18 (conveying remarks of Carlos Santana that what is known as Latin music—salsa, cumbia, merengue, and so forth, is rhythms and textures that originated in African music); Considine, *supra* note 69, at 24 (tracing the roots of African influence in tropical Latin music).

154. Thigpen, *supra* note 2, at 80 (reporting Jennifer Lopez's assessment of the stylings of her debut album as "It's a mix of urban and Latin influences, stuff that makes me dance."). Conversely, some Latino/a artists have set Anglo pop hit lyrics to Latino/a-influenced beats for commercial success. For example, the three Top 40 charting singles of Sergio Mendes & Brasil '66 were Bossa Nova remakes of songs by the Beatles, Dusty Springfield, and Simon & Garfunkel. SERGIO MENDES & BRASIL, GREATEST HITS OF BRASIL '66 (UNI/A&M 1987).

155. The following combinations have emerged: Ricky Martin and Madonna on *Be Careful (Cuidado Con Mi Corazón)*; Enrique Iglesias and Whitney Houston (*Could I Have This Kiss Forever*); Selena and David Byrne (*God's Child (Baila Conmigo)*); and Santana with Eric Clapton, Dave Matthews, Rob Thomas and others. RICKY MARTIN, *Cuidado Con Mi Corazón (with Madonna)*, on RICKY MARTIN (Sony/Columbia 1999); ENRIQUE IGLESIAS, *Could I Have This Kiss Forever*, on ENRIQUE (Uni/Interscope 1999); SELENA, *God's Child*, on DREAMING OF YOU (Emd/Emi Latin 1995); SANTANA, *SUPERNATURAL* (Arista 1999). Santana's recent associations raise the appropriation question most directly—was his crossover to young recordbuyers and pop radio accomplished only by his association with one of the most popular young Anglo artists on the radio, Rob Thomas of the band Matchbox 20?

156. Hajela, *supra* note 118, at 112 (interviewing Marc Anthony who states that he is not part of any Latin music explosion; rather, his music and that of the other LatPop stars is American pop—"Why can't a Latino put out a pop album, especially if they were born and raised in the U.S. and they understand the culture?").

157. BUENA VISTA SOCIAL CLUB, BUENA VISTA SOCIAL CLUB (Wea/Atlantic/Nonesuch 1997).

158. See generally Alisa Valdes-Rodriguez, *Who's Buying Cuban Phenom? It's Not Latinos Responsible for Buena Vista Social Club's New Rise*, L.A. TIMES, Aug. 14, 1999, at F1. In this sense, the BVSC album harkens back to the appeal of tango music in the 1920s and 1930s to what

style has been out of date in Cuba for decades.¹⁵⁹ Others suggest that the marketing approach for the BVSC project targets Anglos, and would backfire among Latino/as. That approach emphasizes the exotic and mysterious nature of the music, suggesting that producer Ry Cooder literally discovered a forgotten music from a strange faraway place.¹⁶⁰

There are other well known examples of world music pairings involving Anglos and Latino/as—notably the works of Paul Simon and David Byrne.¹⁶¹ Paul Simon, however, is better known for his work with South African musicians and vocalists on the Grammy-winning album *Graceland* that aptly frames the debate over cultural appropriation in these Anglo world music projects. The *Graceland* project was criticized for its representation of the power dominance of an Anglo artist over the subordinate Third World culture—despite paying the artists fees exceeding the industry standard, and in some cases sharing writing credit,¹⁶² control and ownership of the *Graceland* project is clearly established as Simon's and as Anglo, American.¹⁶³ In addition to the dominant use of English in this and other Simon world music offerings, *Graceland* juxtaposes Third World rhythms with American lyrical images of New York

Professor Malavet labels “sophisticated” Americans and Europeans. Malavet, *supra* note 12. By contrast, the Anglo audience for other LatPop is predominately young, but extends to all ages and to all classes.

159. Valdes-Rodriguez, *supra* note 158, at F1.

160. *Id.* (reporting a Latino/a record label executive's suggestion that the American media may have lost credibility with Latino/as by suggesting that Cooder had rediscovered a forgotten music from an exotic land); WIM AND DONATA WENDERS, BUENA VISTA SOCIAL CLUB, THE COMPANION BOOK TO THE FILM 117 (2000) (interviewing Ry Cooder with questions such as “How do you deal with strange, nearly forgotten musical cultures that you want to document on records?”).

161. Paul Simon and former Talking Heads leader David Byrne issued the Brazilian influenced albums *The Rhythm of the Saints* (1990) and *Rei Momo* (1989) respectively. PAUL SIMON, *RHYTHM OF THE SAINTS* (Wea/Warner Bros. 1990); DAVID BYRNE, *REI MOMO* (Wea/Warner Bros. 1989). In 1997, Paul Simon released the album *Songs From the Capeman*, his short-lived Broadway production (featuring Marc Anthony and Ruben Blades) dramatizing the life of a Puerto Rican gang member convicted of double-murder in New York City in 1959. Among other criticisms, the *Capeman* musical propagated the negative stereotypes of West Side Story in its portrayal of Puerto Rican gang members. PAUL SIMON, *Songs from the Capeman, on 1997 CONCEPT CAST ALBUM* (Wea/Warner Bros. 1997).

162. The Latino roots rock band Los Lobos collaborated with Simon on the music and vocals of one of the songs on *Graceland*, *All Around the World or the Myth of Fingerprints*, but was denied songwriting credit by Simon. PAUL SIMON, *All Around the World or the Myth of Fingerprints, on GRACELAND* (Wea/Warner Bros. 1997); see Steven Feld, *Notes on Word Beat*, PUBLIC CULTURE BULLETIN, vol. 1, no. 1, Fall 1988, at 34-35.

163. *E.g.*, DEANNE CAMPBELL ROBINSON ET AL., *supra* note 5, at 273; LIPSITZ, *supra* note 8, at 56-63:

Simon's supervision of the project, copyright for the finished work, and superimposition of lyrics about cosmopolitan postmodern angst over songs previously situated within the lives and struggles of aggrieved Black communities revealed the superior power he brought to the project and the disproportionate capital he exercised over it as a white American artist with ample access to capital, technology, and marketing resources.

Id. at 57.

and elsewhere: "I'm going to Graceland, Graceland, In Memphis Tennessee."¹⁶⁴ In contrast to Simon's *Graceland*, the BVSC album is recorded entirely in Spanish and is prompted lyrically by Cuban life and culture. Moreover, Ry Cooder as the producer did not use his name prominently on the project, instead adopting a Cuban-based title for the group. Finally, Cooder did not write the songs, although undoubtedly he had some influence in their selection.

The troubling appropriative aspect of the BVSC project is the apparent marketing strategy highlighting the discovery of exotic music, which reminds Latino/as of the centuries-old "discovery" by Columbus of America. Moreover, this theme is apparent in much of the media hoopla over *LatPop*. It is as if the record companies in their executive genius went out and discovered Latino/a music and, more broadly, the Latino/a culture. Surely, any Latino/a artist would tell them "I've been struggling to get you to listen to my music for years," and any Latino/a would tell them, "We've been here, invisible to you, all along."

CONCLUSION: "HEY! MACARENA!"

The American media is famous for awarding its subjects their fifteen minutes of fame and moving on. Similarly, the American record buying public and the record industry have a well documented history of hype and then abandonment of artists (so-called one hit wonders) and genres. Latino/a artists have not been immune from the rollercoaster of the American attention span—what have we heard since from Gerardo ("Rico S-u-a-v-e") or the purveyors of the Macarena (indeed, who remembers the artist that popularized this song and dance number in the mid-1990s)?¹⁶⁵ Will the demographics of the expanding Latino/a popula-

164. PAUL SIMON, *Graceland*, on *GRACELAND* (Warner Bros. 1997). One can imagine Simon's response to such criticism as asking what harm is done by borrowing and fusing Third World influences to tell American stories? The same question can be asked with regard to Simon's Broadway Capeman production—what is wrong with an Anglo telling a legitimate and factual slice of Puerto Rican life in New York City? The answer perhaps derives from the insignificance and illegitimacy of Latino/a stories in the culture of American mass media. Anglo borrowing of Latino/a influences and Anglo telling of Latino/a stories would be more tolerable and even welcome if only it occurred against a backdrop of Latino/a relevance and positive visibility. Against such a backdrop, *West Side Story* would not be the only media representation of Puerto Ricans, and thus their portrayal as a murderous, but perhaps misunderstood, thug in Capeman could be viewed more properly as one man's misdirected life than as a cultural blueprint for Puerto Ricans and other Latino/as. Cf. Leti Volpp, *Blaming Culture for Bad Behavior*, 12 *YALE J. OF LAW & THE HUMANITIES* 89 (2000) (suggesting that undesirable behavior when undertaken by a White person is viewed as an individual bad act but, when engaged in by a person of color, is reflective of a racialized culture).

165. Spending 14 weeks at number one on the Billboard pop single charts in 1996 and ending up as one of the biggest-selling singles in pop music history, the most successful version of *Macarena* was a remix by the Miami-based Bayside Boys of a 1993 release by the duo from Sevilla, Spain called Los del Rio. *LOS DEL RIO, Macarena*, on *MACARENA NON STOP* (BMG/U.S. Latin 1996). A second version by Spanish singer Los del Mar also charted. *LOS DEL MAR, Macarena*, on

tion ensure LatPop's survival in the cultural mainstream? Does LatPop's acceptance signal success for music with more substantial Latino/a influences, and for other aspects of Latino/a culture? What will emerge from the mainstream's orgiastic feast on the Latino/a culture—will the mainstream become a little more Latino/a from the experience? Will Latino/as preserve their sense of self, familial, and community worth and culture? When intoxicating rhythms fill the night air, feet take the dance floor, hips begin to sway, trumpets punctuate like rapid heartbeats, and Ricky Martin pays homage to *La Vida Loca* with lyrics laced with a touch of Spanish, these questions momentarily may lose their significance.

