



El Norte (1983): Immigration Mythology as Crossover Dream

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If you were to ask most persons to name a "Latino" film, chances are that they would name *La Bamba* or *El Norte*, if they could dredge up one at all. This is understandable, given how few genuinely Latino film projects ever made it to the screen to be seen by any filmgoers. *El Norte*, made in 1983 by Gregory Nava, is the quintessential Latino film in several respects. First, it is a Latino film, that is, one directed by a Latino, with Latino and Latina performers, on an identifiably Latino theme. It is filmed in Spanish and Mayan, with English subtitles. Second, its theme is "Latino," inescapably. Immigration and deportation, that is, entrance and exit to and from the United States (*El Norte*, "the North"), are a Latino trope, as ethnically and historically central to the U.S. Latino experience as slavery is to the African American experience or as genocide is to Native Americans or as the Holocaust is to Jews worldwide. Third, the provenance and history of the making of *El Norte* are, perhaps uniquely, checkered and unusual. These features, as well as the overall excellence of the film and its tragic undertow, qualify *El Norte* as one of the most important and interesting Latino films ever made. Although Latino films have a modest gene pool, this is certainly among the best of the genre, and for this volume, likely the best Latino film on a legal theme. It certainly marks a departure from D.W. Griffiths' early "greaser films," where brown hordes mass at the border to debauch our women and reclaim the Southwestern United States.¹ And in two of the few Hollywood attempts with Latino legal themes, Paul Muni plays a flawed Mexican American lawyer in *Bordertown* (1935)

while Charlton Heston plays the Mexican lawman in *Touch of Evil* (1958).

In the former genre, Mexicans are typecast as the bandidos or gangsters, usually out to steal from virtuous Anglos. One scholar has characterized the early century "Greaser" series ("The Greaser's Gauntlet," "Guns and Greasers," and "Tony, the Greaser") as the prevailing characterization of early Mexican-origin screen figures:

To appreciate fully the brown-white moral dichotomy established in [the greaser films], one would probably have to be able to view them with a [1920's] audience. *Moving Pictures World*, the leading trade journal of the first two decades of the [20th] century, reported that audiences viewing *Across the Mexican Line* applauded every move made by the good Americans, while the actions of Castro, the bandido, met with loud hisses.²

Another scholar of this period's cinema notes the formulaic nature of the greaser genre:

Some greasers meet their fate because they are greasers. Others are on the wrong side of the law. Others violate Saxon moral codes. All of them rob, assault, kidnap, and murder with the same wild abandon as their dime-novel counterparts. . . . Greed plays a primary role in the early movie greaser's misconduct. Occasionally, as in *The Mexican*, a covetous Mexican landlord demands too much rent from the heroine and gets his "yellow cheeks" slapped by the girl's fiance. More often, the greaser attempts to steal horses or gold The greaser of the early films is as lustful as he is greedy. In *The Pony Express* a bandido abducts the Saxon heroine. The hero summons a posse and in one of the first of many cinematic chases, pursues the bandido and his henchmen, shooting them down one by one without sustaining casualties. In the final showdown the greaser leader tries to stab the hero several times but is overcome by a knockout blow.³

By 1935, Paul Muni played a Mexican American lawyer in Warner Bros.' *Bordertown*, a melodrama trial picture that has two breakdown scenes, one by Muni that leads to his being disbarred after his first courtroom appearance, and one by Bette Davis in a bizarre courtroom scene. In his review of early legal-themed movies, Rennard Strickland says of the film: "As early as *Bordertown*, the Hispanic lawyer came to the screen but hardly in a flattering profile."⁴

El Norte, to jump several decades forward, is a more realistic depiction of the Latino experience, but one in which virtually every

Mexican American acts treacherously to the Guatemalan brother/sister protagonists. Enrique and Rosita start out happily in the film, in a lush, beautiful Guatemalan village, San Pedro (actually filmed in Mexico). The family lives a poor but peaceful existence, with the mother being a housewife and the father hauling crops. They may be poor, but neighbors exchange food and watch over each other's children.

The father, however, leads a small group of village men who want to arm themselves and claim the land back from the ricos, whose possession of the land is secured by soldiers. Betrayed by one of the workers, the small group is killed by the soldiers, one of whom dies at the hand of Enrique's father, who, in turn, is killed. The soldiers round up the usual suspects, including their mother, who are driven off to sure death.

It is clear the soldiers will return to kill Enrique and Rosita, whose father had killed a soldier, so both decide to head for el norte, the United States, where even "poor people have bathrooms that flush."⁵ They have what they consider to be a lot of money, given them by Rosita's godmother, but which turns out to be a mere \$20. A friend suggests a contact in Mexico who can smuggle them across the border into the United States, so, armed only with his name and the \$20, they head north.

The scene shifts from the lush tropical jungle of Guatemala to the more barren landscape of Mexico, where they take a bus to Tijuana, on the U.S.-Mexico border. They are befriended by another treacherous Latino, who leads them into the desert only to rob them. Enrique resists, killing or nearly killing the would-be robber. Just after this, they are arrested by the U.S. Border Patrol.⁶

What follows is a very funny scene, one that I often retell in my own Immigration Law course. The Immigration and Naturalization service (INS), called "la migra" by most Latinos, has a policy of returning undocumented aliens who are apprehended inside the U.S. and approximate to the border to their country of origin.⁷ Knowing this tactic, Enrique's friend in San Pedro had briefed him with helpful advice: if apprehended, he should tell people he is from Oaxaca, Mexico (a state with a relatively higher Mexican Indian population) and that he should "curse like a Mexican." Fearful they might be repatriated to Guatemala, Enrique starts cursing (predominantly versions of "chingar," to fuck). When he does so, much to the amusement of the audience, the Border Patrol officer says, "He sounds like a Mexican to me!" This ruse works, and he and Rosita are merely returned to Mexico, rather than to their

more remote home country. Thereafter, Enrique tells everyone who asks that he is "from Oaxaca, Mexico."

Once they are returned to Mexico, they find the person who had been recommended to help them cross over. He helps them get across by their crawling through a corrugated drainpipe. In a longish and horrifying scene, they are attacked by the rats in the pipe. Repeatedly bitten by the rats, they stumble through, into the U.S.. Their coyote (guide) takes them to a rundown hotel outside Los Angeles, where he arranges rent for them with Montezuma ("El Monte"), a Mexican American labor contractor who runs the hotel as a labor recruiting site. Such sites are common in large Southwestern cities; the men, mostly undocumented Mexicans, line up while contractors and persons hiring workers drive by to hire day laborers. Enrique is selected as a day laborer for several jobs, but his best is as a busboy in a posh L.A. restaurant, where his industriousness and improving English skills enable him to move up the ladder to become a waiter's assistant.

Rosita's way to a job is paid by the coyote, who uncharacteristically befriends the two youths and not only charges them nothing, but advances them their rent and the job referral. When Rosita reports to work at the laundry, run by an Asian crew leader, she is befriended by Nacha, a Mexican woman who breaks her into her ironing position, where she collects \$.30 for each batch of ironing.

Once again, the INS appears in Rosita's life, as a factory raid occurs where she and Nacha are the only two who escape capture. Nacha breezily notes to the terrified Rosita that she never takes a job unless there is a clear exit. Nacha takes Rosita under her wing, dressing her in more modern clothes, and taking her with her to clean houses.

Another humorous situation occurs when Rosita cannot operate the computerized washing machine or dryer in the wealthy Angla's home, whereupon she washes the family's clothes in a sink, setting them out to dry on the lawn, as she had on the riverbank in San Pedro. The liberal Angla is mortified to see this, and says she does not want Rosita to work so hard. The seriocomic scenes here are designed to show both the culture clash and the social distance between the homeowner and her hired help.

At his restaurant job, Enrique, now called "Ricky" by his supervisors, is doing so well that he is promoted. However, another treacherous Latino betrays him by reporting him to the INS for working without authorization. When Enrique sees two INS agents enter the restaurant, he flees with a friend, who tells him it was the pocho who

turned him in; the audience has earlier seen the man making the call.⁸ El Monte, the owner of the hotel where Rosita and Enrique live, is a cynical Chicano agent who runs a nasty little enterprise, providing substandard housing (in an ironic turn, Rosita and Enrique clean up their room and transform it into a bright and cheery home) and exploitive labor arrangements. He arranges for Enrique to be offered a supervisory position in Chicago, but one that will not enable him to take Rosita with him. The hard-edged Angla who is recruiting says taking families gets "too complicated."

Nonetheless, given his ambition and promise of economic security (she offers him a raise and a chance to get a green card while El Monte promises Enrique that he "can be legal"),⁹ he agrees to move to Chicago and to take the job, even if it means leaving Rosita behind. What he does not know is that Rosita had been taken to the hospital, having collapsed while working with Nacha at a home. In the hospital, it turns out that she is dying, likely from the rat bites she received while crawling through the border drainpipe. In the final scenes of the movie, Enrique is contacted and rushes to the hospital, only to have her die that evening. (She dies to the "Adagio for Strings" by Samuel Barber.) The plane returns to Chicago without him, and now he is left alone, all his family dead. The journey to the U.S. killed Rosita, and the oppression in Guatemala killed his parents. Enrique is the sole family survivor in *El Norte*, the land of crossover dreams.

The making of *El Norte* was as harrowing as its storyline. The director, Gregory Nava, and his wife, producer Anna Thomas, co-wrote the film and then took nearly two years shopping it to find funding. They received financial backing from PBS' "American Playhouse," for half the \$850,000 project, with additional funding by the UK's Channel Four Films and private investors. The film, which had over 60 speaking roles (in English, Spanish, and Mayan) and 100 filming locations, was made in Mexico (in Chiapas, Morelos, and Mexicali) and Los Angeles.

In Mexico, just as the Latin-American scenes were being completed, armed gunmen robbed the set, taking the finished film and production manger at gunpoint. After frantic negotiations, both the kidnapped film and production manager were ransomed for 1.3 million pesos (approximately \$17,000 in 1982 dollars). The film was finished several weeks later, and was released to acclaim.¹⁰ Nava has since made several films, including *A Time of Destiny* (1988), *My Family/Mi Familia* (1995), and *Why Do Fools Fall in Love?* (1998). His record of commercial filmmaking makes Nava one of the handful of successful

Latino movie directors,¹¹ while *El Norte* remains of the best known and successful Latino films.

NOTES

1. For background on the greaser films made by Griffiths and others, see Gary D. Keller, "The Image of the Chicano in Mexican, United States", and "Chicano Cinema: An Overview," In Gary D. Keller, ed. *Chicago Cinema: Research, Reviews, and Resources* (1985), 27–30; see generally, Arthur G. Pettit, "Images of the Mexican American in Fiction and Film" (1980), 130; Chon Noreiga, ed. *Chicanos and Film, Essays on Chicano Representation and Resistance* (1992); Blaine P. Lamb, "The Convenient Villain: The Early Cinema Views the Mexican-American," *14 J. of the West* 95 (1975).
2. Lamb, *supra* note 1 at 78.
3. Pettit, *supra* note 1 at 133.
4. Rennard Strickland, "The Cinematic Lawyer: The Magic Mirror and the Silver Screen," *22 Okla. C. U. L. Rev.* 13, 20 (1997). Interestingly, Paul Muni also played the Hollywood cinematic version of the Mexican President Benito Juarez, *Juarez* (Warner Bros., 1939). See George Hadley-Garcia, *Hispanic Hollywood, the Latins [sic] in Motion Pictures* (1990), 70–76.
5. Their mother formed her fantasy about the United States from reading *Good Housekeeping* in its Spanish language edition (Buenhogar, "Good Hearth" or "Home"), which she got third hand from a friend who kept house for a rich family. When they do arrive in the United States, they find a filthy room, where they are dazzled by the dangling electric light bulb and the toilet, filthy but flushable.
6. There is a growing literature on the phenomenon of U.S.–Mexico border deaths. See, as one example, Karl Eschbach, Jacqueline Hagan, Nestor Rodriguez, Ruben Hernandez-Leon, and Stanley Bailey, "Death at the Border," *33 Immig. & Migration Rev.* 430 (1999). There were approximately 294 deaths of undocumented aliens between 1993 and 1997, in the San Diego crossing area. *Id.*, at Table 2. See also Leo Chavez, *Shadowed Lives: Undocumented Immigrants in American Society* (1992) and T. J. Dunn, *The Militarization of the U.S.–Mexico Border, 1978–1992* (1996).

At the point they were arrested, Rosita and Enrique could have applied for asylum in the United States, which, in 1982, might very well have been granted, which would have enabled them to become permanent residents and then citizens; they certainly would have been allowed work authorization while they pleaded their cases, which could have

taken years, during which time they could have legally remained and worked in the United States. For example, their attorney could have pleaded that asylum was warranted due to persecution on account of membership in a "particular social group"—children whose parents had been killed by soldiers who believed the parents to be fomenting a rebellion.

Under Ninth Circuit law at the time, which would have controlled a California asylum case, *Sanchez-Trujillo v. I.N.S.*, 801 F. 2d 1571 (9th Cir. 1986) spelled out a "special circumstances" test, *id.* at 1574-75, which might have applied to their circumstance, if they pleaded carefully. A counterweight was *I.N.S. v. Elias-Zacharias*, 502 U.S. 478 (1982), which made it more difficult to plead asylum cases where the persecution was on account of "political opinion." See Stanley Mailman, *Immigration Law and Procedure: Desk Edition* (1999), 29:8-29:12 (reviewing law of asylum). Although we do not know how old Enrique and Rosita are, their likely being minors subjected them to additional roadblocks in the asylum process. See Michael A. Olivas, "Unaccompanied Refugee Children in the United States: Detention, Due Process, and Disgrace," 2 *Stan L. Pol. Rev.* 159 (1990) (critical review of children's rights in asylum cases).

7. In the rules in use at the time of the movie, they had "entered" the U.S., requiring the government to prove they were deportable. Since then, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, which has severely limited asylum-seeking. Publ. L. 104-208, 110 Stat. 3009-586 (1996), 8 U.S.C. A. § xxx. See, e.g., Lenni Benson, "The New World of Judicial Review of Removal Orders," 12 *Geo. Imm. L. Rev.* 233 (1998) (critical analysis of post-IRIRA reduced judicial review and discretion).

8. Pocho is a derogatory slang term used by Mexicans to refer to Mexican Americans, especially those who, like the Chicano in the movie, "look Mexican" but do not speak Spanish. In *El Norte*, one Mexican defines them to Enrique (who is continuing to refer to himself as being "from Oaxaca, Mexico") as "a U.S. citizen from a Mexican family—that's why they have to do the same scutwork as we do." For a review of pocho identity issues, see David R. Maciel, *Pochos and Other Extremes in Mexican Cinema: Or, El Cine Mexicano se va de Bracero, 1922-1963*, in Noriega, *supra* note 1, at 105-126. It is interesting, and controversial, that Nava used the only two Mexican American characters (Chicanos) as exploitive (El Monte) and treacherous (the busboy who informs to the INS). Nestor Rodriguez could have been thinking of *El Norte's* Chicano-Latino resentments when he wrote:

Immigration commonly creates community distinctions between established residents and new immigrants within the

same ethnic origin group. The large-scale Latino influx of the 1980s was no exception . . . Other less politically heated intragroup divisions among Latinos arise from social stereotypes and language difference between Latino established residents and new immigrants. Some Latino established residents resent new Latino immigrants because they view these newcomers as hindering the social mobility of Latinos in the United States. The characteristics among many new immigrants of low educational and skill levels, Spanish-language use, and lower working-class or bohemian lifestyles are seen by some Latino established residents as harmful to U.S. Latino communities. On the other hand, when new Latino skilled immigrants are selected over Latino established residents for jobs or promotion, the latter sometimes see the former as usurpers. This competition also creates a sentiment among Latino established residents that skilled new Latino immigrants let themselves be used by Anglos to subordinate native Latinos.

The presence of large numbers of Spanish-speaking immigrants pressures some U.S.-born Latinos in several ways. Some native Latinos feel that the increase of Spanish usage makes all Latinos appear resistant to assimilation and unpatriotic in front of Anglos' eyes. Some U.S.-born Latinos who are monolingual English-speakers also see the increased demand for Spanish-speaking skills in job markets as a troublesome requirement. Finally, some native Latinos view bilingual education and commercial uses of Spanish, spurred by immigration, as throwbacks to days when Latinos occupied a much lower and segregated position in U.S. society. Many new immigrants, on the other hand, view the weak Spanish-language skills of many U.S.-born Latinos as a sign of cultural disloyalty, that is, that U.S. Latinos prefer to identify linguistically with Anglos rather than with their immigrant cultural kin.

Nestor P. Rodriguez, "Globalization, Autonomy, and Transnational Migration: Impacts on U.S. Intergroup Relations," 6 *Res. In Pol. And* 65 (1999). See also Nestor P. Rodriguez, "U.S. Immigration Intergroup Relations in the 20th Century: African Americans Latinos," 23 *Soc. Justice* 111 (1996) (analysis of black/Latino conflict).

9. A person who is eligible for employment-based immigration may be eligible for permanent residence. U.S.C.A. § 1153(b). See gene Jacqueline Hagan, *Deciding to Become Legal: A Maya Community in Houston* (1994) *HOUSTON* (1994)

10. For the gory details of the making of *El Norte*, I rely upon David Rosen, *Crossout: Hispanic Specialty Films in the U.S. Movie Marketplace*, Noriega, ed., *supra* at note 1, 276–278.
11. Gary D. Keller has the following to say about Latino filmmakers' careers, and Nava's in particular:

Another element of inaccuracy in film biographies and film research reflects the posture of the writer. Let me cite some relevant examples. In a few recent articles that have focused on the director Gregory Nava and his success with *My Family/Mi Familia*, which in turn has opened the door to Nava for new projects, it has been highlighted that a full twelve years transpired between this director's independently produced *El Norte* (1983) and *My Family*. The implication is that despite his great success with the independently produced film, this unfortunate director had to "wait" all this time in order to get a chance to make a "Hollywood" film. This portrait of the deserving but unrecognized Latino director may serve to reinforce Latino notions of discrimination but entirely obscures the truth that Nava did get his chance after *El Norte* and proceeded to produce *A Time of Destiny* (Columbia 1988), which was a stupendous bomb despite its starring such major talents as William Hurt, Timothy Hutton, and Francisco Rabal. I have singled out this one example, but film writing, both popular and academic, is rife with such misrepresentations. The comforting homily of the Latino talent oppressed by racist Hollywood gnomes is perpetuated at the expense of the facts and a deeper understanding of how films are made and how Latinos participate in their making. Unfortunately, there is sufficient discrimination in Hollywood already and no need to fabricate more than exists.

Gary D. Keller, *A Biographical Handbook of Hispanics and United States Film* (1997), viii–ix. For a review of Latino cultural issues, see generally Ruben Blades, "The Politics Behind the Latino's Legacy," *N.Y. Times*, April 19, 1992, at 30H–31H; Enrique Fernandez, "Spitfires, Latino Lovers, Mambo Kings," *N.Y. Times*, April 19, 1992, at 1H, 30H.