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Zero Tolerance and Central Park Rumba Cabildo Politics

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The performance of Cuban rumba in New York City's Central Park is an internationally renowned event, famous for its Afro-Latino/a configuration and the culture that sustains around it. However, in the 1990s, not everybody recognized the value of rumba in Central Park. This essay focuses on what became a weekly confrontation between rumba's public performance and the New York City police department during Mayor Rudy Giuliani's administration. Rumba offers an instructive site through which to understand the racial and class politics imbedded in the Giuliani administration's so-called "Quality-of-Life" initiative and its "Zero Tolerance" policy of deterrence. In this essay, I analyze Zero Tolerance rhetoric and police strategies by focusing on two legal discourses used to repress Central Park rumba: the city's demand for a *Special Events* permit to play in the park, and its requirement that the musicians "keep moving" to avoid having their drums confiscated. I begin by tracing the racial genealogy embedded in Zero Tolerance practices by analyzing the ideological and moral motivations that connect Zero Tolerance with the control of Afrodiasporic musical practices throughout U.S. history, particularly during the Prohibition Era. I then analyze the historico-political significance of the rumberas/os' performatic response to the threat of having their instruments confiscated. I argue that the rumberos/as struggle to *rumbear* is part of a broader genealogy of confrontation between Afrodiasporic culture and colonial/white-supremacist law in the United States and Cuba.

> In the absence of a law that makes
> one race the property of another,
> there seems to be greater need for a more elaborated
> regulation of carnival activity to sustain at least
> the symbolic supremacy of the favored group.
> (Roach 1996)

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The summer soundtrack of New York City is the bricolage and mixture of the classic police car and ambulance sirens with the diverse music emanating from public parks, outdoor performances, and private amplification systems in neighborhoods like Washington Heights, Harlem, El Barrio, and Loisaida (Lower East Side). Like Prospect Park in Brooklyn, or Lincoln Center on the upper west side, Central Park (CP) has a rich program of international performances on its "Summer Stage." But summers in CP are also distinct for the concentration of grass-roots afro-descendant music circles that informally take place there: the Brazilian *roda* of Capoeira, the pan-African *Djembe* drumming circle, the Haitian-Dominican *ra ra* circle, and—central to my focus here—the performance of Cuban *rumba*.

Every Sunday during the summer, the rumba circle is part of CP's Victorian landscape, beautifully framed by the lake as it mirrors the Manhattan building and the Pinebank Arch Bridge. The drummers sit under the shade of a large tree. The atmosphere there is casual and relaxed, as a crowd of Latino/as and Afro-Latino/as[1] circulate, some selling traditional Puerto Rican or Cuban food and beverages. Cuban participants dress in white linens, *bolchevique* style hats, gold teeth, *prendas*, and *resgualdos*—golden San Lázaros, Virgenes de la Caridad—typical *rumbero/a* outfits. Puerto Rican and Cuban flags are personal accessories, or printed on baseball caps, T-shirts, boom boxes and handkerchiefs. In CP rumba, Latinas/os of all generations gather, from those listening to *timba*, to the youngsters listening to *reggeaton*. Thus CP Rumba is a social practice, it is the celebration of getting together of a series of small groups made of friends and families that have visited the park for generations. While people congregate mostly by nationality, individuals circulate among different clusters sharing stories, newspapers, food, newly arrival national beverages, books, music CDs and DVDs, private information, photos, postcards, letters, medicine, business, even official documents arriving to the U.S. or on their way to Cuba. All this cultural capital reinforces and informs rumba's socio-cultural landscape, rumba's *ambiente*.

For the outsider, rumba's social gathering may be invisible until the music begins. In fact, rumba (the music) is the organizing principle of the day. The call to the drummers and everyone is the sound of *clave*, the rhythmic cell that serves as rumba's spinal cord played with two short, wooden sticks. Everybody gathers around the drummers, organically creating a festive and sonorous circle that transgresses national, racial, gender, generational, and political boundaries. Once the music begins, everyone, (insiders and outsiders), is welcome to participate by dancing, or by

[1] While migrants or exiles tend to identify themselves by their country of origin, for the purpose of this essay I use the Afro-Latina/o conceptual framework to categorize the existing difference yet still common history of Afro-descendants from the former Spanish colonies. However, different from other definitions of Latinidad based on a common heritage of colonialism, mestizaje, and transculturation (Constantito and Taylor 2000; Rivera 2001; Rua 2005), Afro-Latinos/as in Central Park acknowledge their African heritage as central in their discussion of culture and resistance. Indeed, rumba in Central Park becomes a foundational example for understanding an Afro-Latina/o Diaspora and its paradoxical position within Anglophone racial constructions and policies.

responding to the singer in choral unison. The music continues until dark, when drummers pack up their *tumbadora* drums with the assumption that they'll meet the next Sunday in CP, at the same time and at the same bench.

Figure 1: Rumba in the early 1980s. Facing camera: Israel Santiago, Eddy Rodriguez, Felix Sanabria, Eddie Bobe, and Mario "Yeyito" Valentin's hands! Seated: Paula Ballan, Manuel "El Llanero" Martinez Olivera, Kenneth "Skip" Burney, Alberto Serrano. Photo courtesy Felix Sanabria.

Since the mid-1960s, CP rumba has represented one of the most important sites of cultural practice for New York's Afro-Latin diaspora, acting as a significant site of multi-ethnic encounter as successive generations of immigrant communities joined its fold (Jottar 2005; Knauer 2005). Unlike in California and Miami, where rumba is mostly a Cuban practice, New York rumba was initially a Nuyorican[2] practice and has since incorporated several generations of Cuban exiles, along with denizens of the Spanish Caribbean (like Santo Domingo), continental America (Colombia, Panama, and Venezuela), and a minority of Afro-Americans, Japanese and Jewish-Americans. But CP rumbas make evident not only the process through which new minoritarian subjectivities are constantly culturally renewed by their own internal immigration, but also how they are constituted via displacement and relocation.

I heard about CP rumba in the early 1980s, in México City, via musicians who frequented the Park in the 1970s. Since 1994, I participate in the rumba by playing the

[2] A widely used term for Puerto Ricans from New York.

clave or the *cata.*[3] In 1995, my *rumbero/a* friends and I noticed that while the Mayor Rudolph Giuliani administration (1994-2001) was celebrating New York City as "Capital of the World," we were experiencing a weekly increase of plainclothes and uniformed police at the rumbas. Eventually the police told us we needed to obtain a Special Events permit to continue the rumba there.[4] On one particular Sunday, Alexis, a *marielito*[5] renowned for his *quinto*[6] skills, brought a *bombo* to the rumba. The bombo is a large drum that produces a deep, heartbeat sound and is used in carnival *comparsas*.[7] He and other drummers playfully added the bombo's timbre to the rumba, making it even more festive. When the New York City police officers arrived, they stated that they would confiscate the drums if we did not stop the music. Those who did not follow their orders would also be charged with Disorderly Conduct. This conflict became a turning point in the history and future of CP rumba.

This essay focuses on what became a weekly confrontation between CP rumberos/as and the New York City police during Giuliani's era (1995–2000). Central to the Giuliani administration's Quality-of-Life (QL) initiative was his Zero Tolerance (ZT) politics of deterrence, based on the "Broken Windows theory" popularized in 1982 by James Wilson and George Kelling (Rosen 2004, 24). The QL and ZT campaigns aimed to eradicate signs of public disorder, believing there to be a causal relationship between physical disorder and actual crime. These initiatives were designed to prevent crime preemptively, creating criminals out of turnstile-jumpers, marijuana smokers, and minorities whose public arrest functioned discursively and theatrically as "proof" to the public of a decline of more serious crimes such as homicide (Erzen 2001; Tonry 2004).

The conflict between rumba's public performance and city ordinances offers an instructive site through which to understand the parallel genealogies of racial management via the control of afrodescendant leisure practices, particularly drumming, in the United States and Cuba. I analyze how the Giuliani administration's so-called "Quality-of-Life" campaign and its "Zero Tolerance" initiative targeted the rumba through the requirement of city permits (such as the Special Events Permit), and using the displacement techniques of Disorderly Conduct charges. I argue that Prohibition Era requirements such as Cabaret licenses, ID cards, and the implementation of zoning regulations are the legal antecedents of the prohibition of CP rumba, the characterization of rumba's sound as "unreasonable noise," the confiscation of its drums, and the rumba's need for a Special Events Permit.

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[3] The cata, also known as wawa (bus) or carrera (oxcard), is the instrument and rhythm that maintains the music's tempo. Alfredo Díaz, conversation with this author.

[4] A Special Event is defined as "a group activity including, but not limited to, a performance, meeting, assembly, contest, parade, involving more than 20 people or a group activity for which specific space is requested to be reserved." From the "Special Events Statue."

[5] Marielitos are those who came to the United States with the great Cuban Mariel exodus in 1980.

[6] A tumbadora drum traditionally designed to do most of the musical improvisation.

[7] Comparsas are traditional music ensembles that lead Cuban carnival processions.

Moreover, the prohibition of rumba performance in CP not only displaces the rumberos/as from the public and visual field of interaction by criminalizing them. For Cubans, ZT also recalls their own memory of prohibitions against drumming via the regulation of *comparsas* (a walking rumba) and *conga lines*[8] during pre- and post-colonial Cuba. In both the U.S. and Cuban contexts, the law has controlled Afro-descendant dance and music, and in both historical circumstances, these performances contested and negotiated their very regulation.

Figure 2: Leon Felipe Larrea, "Silence" protest

I argue therefore that the rumberos/as struggle to *rumbear*, and their spontaneous performance of conga lines in CP are part of a broader genealogy of confrontation between Afrodiasporic culture and colonial law. The response to ZT policies could be understood as a contemporary articulation of a diasporic Latino/a *cabildo* politics. During Spanish colonialism in Cuba, cabildos were free mutual-aid associations composed of different dominant African groups for the purpose of perpetuating their culture. Cabildos were fundamental to gaining independence from Spain, as they allied

[8] A music ensemble primarily performed with a variety of percussion instruments, including the Chinese horn. These conga lines follow the various carnival groups.

with the *criollos*[9] in the quest for independence. Before and after Cuban independence, cabildos negotiated with slaveholders for the freedom of individual slaves; after independence, they functioned as labor unions defending the rights of free blacks (Castellanos and Castellanos 1994). The Cuban carnival is the contemporary articulation of cabildo processions. Thus the performance of conga lines in CP rumba could be interpreted as a manifestation of cabildo politics in the diasporic context of a Latino/a alliance against domination. Thus, these conga lines can be understood as performative articulations of embodied memory. Judith Butler (1990) has already theorized the logic of performativity as a series of non self-referential but regulatory "constitutive acts" that naturalize gender via discourse, repetitive gestures, and the citationality of that repetition. I use performative memory as those interactions based on somatic improvisations (embodiments, gestures and dance) that inscribe and/or resist systems of regulation and prohibition. Rather than kinetic memory—a memory articulated via the muscle memory of body gestures and dance—the notion of performative memory allows us to understand how gesture, dance, and music inscribe regulatory structures that are historically informed; but it is in the process of *embodiment and improvisation*, that a critical and/or resistance space is possible. Performative memory functions within and against the QL regime and its unfolding

Figure 3: Hugo Torres dancing columbia

[9] Those born in Cuba of Spanish decent.

genealogy of racial management. Thus, rumba in CP becomes the intersection between these legal-racial genealogies and the resisting performances of Afrodiasporic expressive culture.

Rumba is a Cuban cultural practice based on the polyrhythmic combination of music, dance and song. Rumba's popular variants are the *Yambú* –a mimetic couples dance of slow cadence; the *Guaguancó* –a couple's fertility dance based on competition and seduction, and characterized by the *vacunao*, a male gesture indicating sexual possession; and the *Columbia* –a solo dance mostly performed by males based on competition and dexterity. While the popular imaginary contextualizes old rumbas as belonging to "Tiempo España" (Spanish times), most studies situate rumba's birth in the late 1800s, sometime between the abolition of slavery and independence from Spain. Indeed, rumba is the first native secular popular practice in post-colonial Cuba. However, while "rumba" refers to a party—the gathering that takes place after a day of hard labor—it is the result of the encounter and cultural synthesis of Spanish colonizers and people from the various West and Central African ethnic groups: Lucumí (Yoruba), Arará, Congolese, and Calabar. The rumba complex is based on the interplay between the singer, three drummers, dancers, and the chorus. Three musicians provide the polyrhythmic base, each one playing a different type of drum: the *tumbador* or *salidor*, the *tres-dos*, and the *quinto*. Two more percussion instruments mark the meter and tempo: the *clave*, two short, wooden sticks (clogs) that are rhythmically tapped together; and the *cata,* two wooden sticks or spoons. (*Díaz-Jottar 2004)* Improvisation is fundamental in the performance of rumba and its adaptation

Figure 3: Central Park Rumba's multicultural circle: Eddy Torres (Nuyo-Rican), Jesus "Tito" Sandoval (Nuyo-Dominican), and Sado Iwao (Japanese)

of musical instruments. Rumba always makes something out of nothing; there is no need for drums as long as there is a door, a table, a plastic container, a drawer, and a couple of spoons. *Se formó la rumba!*

Legal Genealogies

The ZT prohibition of rumba's public performance in CP recalls a complicated legal genealogy that dates to Prohibition Era regulations against jazz performance, and instruments: drums and horns. Giuliani's QL campaign was based on the maintenance and strategic re-implementation of dormant legislations such as the 1926 "cabaret laws," and subsequent zoning regulations; both notable for their application to the policing of Afro-descendant vernacular practices, especially jazz. In this section, I outline the regulation of jazz during Prohibition, following Paul Chevigny's study, *Gigs: Jazz and the Cabaret Laws in New York City* (1991) in order to understand that legislation's embedded politics of race.[10] I argue that the Prohibition's definitions of deviancy, wildness, and disorderly behavior linger today in the characterization of CP rumba as "unreasonable noise," and "unnaturally loud."

The legislation against jazz venues, performers, instruments, and the characterization of the informal relations and emotional exchanges among all the participants, seems to have established jazz's criminal ontology. For instance, in the mid 1920s, cabaret regulations[11] were fundamental to controlling and banning jazz. Paul Chevigny argues that in the United States, the legal definition of a cabaret was borrowed from the early 1920s Parisian cabarets operating before the First World War. Therefore, when New York City passed its cabaret legislation in 1926, it was regulating an outdated genre—the Parisian-type cabarets that no longer existed in New York due precisely to the Depression (Chevigny, 55). It is important to remember that the Cuban *son*, *rhumba*, and jazz craze flourished in these Parisian cabarets, and while music itself was the sphere where racial boundaries were being

[10] Chevigny was also one of the principal lawyers in the 1986 legal case contesting the discrimination of jazz instruments in New York City I analyze later in this essay.

[11] Based on the 1926 cabaret-licensing ordinances, the cabaret laws forbade percussion and wind instruments typical of jazz. It also restricted the number of musicians to three. Pianists were not allowed to perform in a trio with a drummer; singers were only allowed to work with a guitar or piano players. This regulation targeted the piano-base-drum combination typical of jazz. A cabaret is still defined in New York City as: Any room place or space in the city in which any musical entertainment, singing, dancing or other form of amusement is permitted in connection with the restaurant business or the business of directly or indirectly selling to the public food or drink, except eating or drinking places, which provide incidental musical entertainment, without dancing, either by mechanical devices, or by not more than three persons playing piano, organ, accordion, guitar […] or any stringed instrument or by no more than one singer accompanied by himself or a person playing piano, organ, accordion, guitar or any stringed instrument (Chevigny 1991).

challenged (Moore 1998; Gioia 1997), music was being further regulated for its "wildness."

Although cabarets were an obsolete genre in the 1920s, Chevigny points out two reasons why the administration continued to enforce cabaret laws to regulate music and dance locales: they reflected the dominant socio-cultural norms and mores of the time, and they targeted jazz clubs that tolerated racial mingling. While many of these music and dancing "joints," and/or speakeasies, were actually "as elegant as the famous cabarets," the word "jazz" itself meant "sexual intercourse," and the row of jazz clubs along 133rd Street (between Seventh and Lenox Avenues) was called "jungle Alley" (Chevigny 40). Anne Shaw Faulkner's analysis of jazz illustrates the period's prejudices, "Jazz originally was the accompaniment of the voodoo dancer, stimulating the half-crazed barbarian to the vilest deeds, the weird chant, accompanied by the syncopated rhythm of the voodoo invokers, has also been employed by other barbaric people to stimulate brutality and sensuality" (1921). Thus, this legislation originally controlled what was considered as innate and pathological of black expressive culture.

During this jazz craze, mixed and segregated clubs were considered "dissonant on the one hand and insidiously immoral on the other" (41). In 1922, the Illinois Vigilance Association attributed to jazz's immorality "the 'downfall' of one thousand women in Chicago" (57). The January 21 article "Jazz Ruining Girls, Declares Reformers" in the *New York American* states:

> Moral disaster is coming to hundreds of young American girls through the pathological, nerve-irritating, sex-exciting music of jazz orchestras, according to the Illinois Vigilance Association. In Chicago alone the association's representatives have traced the fall of 1,000 girls in the last two years to jazz music. Girls in small towns, as well as the big cities, in poor homes and rich homes, are victims of the weird, insidious, neurotic music that accompanies modern dancing. The degrading music is common not only to disorderly places, but often to high school affairs, to expensive hotels and so-call society circles. (Quoted in Tirro 1977, 156)

This citation captures the connection between "disorderly places" and race. This statement's sexualization of jazz illustrates a fear of miscegenation (the fall of virgins and civilization) embedded in the positivist logic of racialization: order vs. disorder, normalcy vs. pathology, rationality vs. irrationality, morality vs. degradation, victims vs. perpetrators. Thus, Prohibition era legislation, by defining "proper" music/dance and therefore behavior, became a moral instrument that targeted the inter-racial *relationships* established by jazz, its practitioners, and locales. Cabaret regulations became a legal apparatus that racialized and criminalized jazz.

But Latinos were not exempt from the racial politics containing jazz. The musical cross-fertilization between the U.S., Cuba and Puerto Rico created a music circuit in which Latinos also experienced jazz's racial regulation. The musical exchange between Puerto Ricans and African Americans dates to the World War I, when Puerto Ricans entered the United States military, and became central contributors in the racially segregated regimental music bands. During the 1920s, this

musical exchange developed further with the incorporation of Puerto Rican musicians in jazz and swing bands, they were on demand given their music reading skills and their training in several instruments. While the Depression marginalized black (U.S., Cuban and Puerto Rican) musicians and destroyed the Harlem Renaissance, light skin Puerto Ricans and Cubans continued to perform in important cabarets with other white big bands as relief bands. Simultaneously, the uptown Latin music scene was evolving with Puertorican music *trios* and *cuartetos* (Glasser 1995; Storm Roberts 1999).

Up until October 1939, when Benny Goodman integrated his band, jazz bands were either "white" or "black." But by 1940, prominent Cuban composers and musicians had established careers in the United States.[12] If during the 1920s Prohibition era, the implementation of an outdated cabaret regulation functioned as a legal, racialized prohibition that criminalized jazz clubs while conveying, sustaining, and justifying national sentiments against jazz, during the 1940s and the *Cubop* movement, other post-Prohibitionist strategies evolved to control jazz and its practitioners: the requirement of the infamous Cabaret ID card, and the regulation of jazz instruments.

The 1940s post-Prohibitionist strategies to control jazz and its practitioners were: the requirement of the infamous Cabaret ID card, and the regulation of jazz instruments. The Cabaret ID card was a two-year renewable photo and fingerprinted identification, but it was unavailable to those guilty of the slightest legal infraction—from a parking violation to the consumption of drugs like marijuana. The ID was highly controversial because musicians believed the police used it to harass African American jazz musicians (Gourse 1997), because of the corruption often involved to obtain it, and because of the severe penalties involved for those who could not obtain it or had lost it. However, the ID card enjoyed popular support. The *New York Times* published an editorial praising the ID: "A system of surveillance that keeps the underworld from getting into the nightclub business is a protection to the public and to the decent people who prevail in the dining-with-entertainment industry" (as quoted in Chevigny, 65).

Meanwhile, jazz continued to be defined as "low" and "dirty" (by syndicated columnist Westbrook Pegler) and as "degenerate" (Chevigny, 46); and the economic and "moral" requirements for obtaining the denigrating ID proved the requirements' selectivity precisely via its enactment. The legitimate enforcement of the outdated cabaret ordinance and ID requirements shows by virtue of its survival, a genealogy of race-related regulations based on white supremacy. Legislation based on a prohibitionistic ideology (which I will refer to as the Law with a capital "L") used to

[12] Mario Bauzá had worked permanently in New York since 1930, Miguelito Valdés and Anselmo Sacasas (composer of "Babalú") had been working in U.S. jazz bands periodically since 1937, José Curbelo became a major band leader in 1939, and Machito and His Afrocubans (with Bauzá as music arranger) instituted the Latin big-band signature sound in 1941. In 1947, the Cuban rumbero Luciano Pozo "Chano Pozo," a successful composer, dancer and drummer, began his collaboration with Gillespie.

manage minoritarian subjectivities and specifically to control aesthetic practices fundamental to the African Diaspora. The Law becomes a criminalizing apparatus in the name of "order," and what is considered to be "proper," and "reason-able" behavior.

Indeed, many Jazz instruments were illegal during and after the Prohibition era. The definition of cabaret did not change from 1926 until the 1961 introduction of the "incidental musical entertainment" amendment known as the "three-musicians" legislation I discuss below. With this new regulation, coffeehouses and bars did not need to own a cabaret license as long as they presented a music trio. However, this rule only authorized the used of keyboard and string instruments while excluding the authorization of drums and wind instruments—key instruments in jazz music.

Jazz and rumba in New York City have much in common due to the role of race in the conception, definition, implementation, and enactment of the legislation that controls them; particularly the requirement of ID cards, permits, and the "Disorderly Conduct" statute. The legislative racialization that resulted in the prohibition, marginalization, and criminalization of jazz performers, their places of interaction, and their instruments during the 1920s and 1940s has in large measure been resuscitated in the regulation of rumba during the 1990s.

Zoning Regulations and the Content of the Crime

…y otra vez, el tolete y la policía…"[13]
(…and again, the nightstick and the police…)

The police returned to CP rumba every weekend with different arguments. In one instance they warned that the drummers had to stop or they would be arrested and charged for "Disorderly Conduct" and "Unreasonable Noise." At the time, one of the officers told me:

> The criteria is that any assembly in the park that is likely to bring in twenty or more people, and include music, amplified music, which is likely to be considered unnaturally loud, and unreasonably loud, especially next to a quiet zone in the park, which Sheep Meadow is, requires a Special Event Permit. It also includes any musical instruments which are unreasonably loud or noisy, which drums are, in a sense.[14]

The officer was actually paraphrasing a Parks Department Regulation Section 1-05(d), subdivision (1) on "Noise; Musical Instruments; Sound Reproduction Devices." The definition of noise is as follows: "No person shall make, or cause or allow to be made, unreasonable noise in any park so as to cause public inconvenience,

[13] This was Arturo Cuenca's joke in response to the presence of police officers in CP's rumba. *Tolete* also means phallus.

[14] Interview by author and Recka Perchinski in the video "Conficto Rumba: The Persistence of Memory" (Jottar 2002).

annoyance or harm. Unreasonable noise means any excessive or unusually loud sound that disturbs the peace, comfort or repose of a reasonable person of normal sensitivity or injures or endangers the health or safety of a reasonable person of normal sensitivity, or which causes injury to plant or animal life, or damage to property or business" (32). Moreover subdivision (3) states: "No person shall play or operate any musical instrument or drum, radio, tape recorder…" (33). The most obvious connection between this contemporary law and those regulations from the Prohibition Era is the definition of who is a "reasonable person of normal sensitivity." If it is true that different instruments express different sociocultural identities, and notions of social interaction (Quintero-Rivera 2003), the most striking racialization embedded in this law is the exclusion of drums from the category of musical instruments. Because of their "unreasonable" "noise," they have the potential to injure and damage not only "reasonable persons" but also plants and animals. Indeed, the percussion of drums becomes a dehumanized practice; but more important, drums' "primitivism" converts them into dangerous artifacts, a threat to rationalism, and human harmony. Indeed, the contemporary prohibition of drums re-states the regulation of jazz instruments during and after the Prohibition era. But more important, the legal prohibition of drums performs a national psychology, and a historical fear that cast drums as weapons of slave revolt.

However, during the Giuliani era, another line of legislation regulated Afrodiasporic music on the basis of the particular type of instruments being played, what Paul Chevigny has conceptualized as "content." In the 1990s, drumming in public places was a regulated activity by the N.Y.C licensing system, based on the 1955 'folk-singer exception' that bans the use of percussion and wind instruments in public contexts such as bars and restaurants. These particular instruments were allowed only in licensed cabarets within established business/entertaining *zones*.

The first legal case contesting the discrimination of jazz instruments on the basis of "content," began in 1986. City Council Representative Ruth Messinger and Local 802 of the American Federation of Musicians filed suit against New York City music regulations and their embedded discrimination against jazz instruments. Their lawsuit was in response to the 1984 revival of 1926 Prohibition-era cabaret ordinances by the Department of Consumer Affairs (anonymous 1986, 13). From 1986 to 1990, Local 802 and Messinger's goal was to eliminate the discriminatory nature of the 1926 cabaret laws and their subsequent unfolding into the 1955 Incidental Music regulation banning wind, brass, and percussion instruments in locales without a cabaret license. Local 802 argued that the law impeded the employment of musicians and their artistic expression.

The union proposed a bill that eliminated the existing discrimination against percussion and wind instruments in the above "incidental music" or "three musicians" regulation.[15] They designed a counter-regulation that focused on the

[15] The 1961 amendment of this law lifted the restriction on traditional jazz instruments such as wind, brass and percussion. On the other hand, it maintains the three-musicians limit, vocal or

"noise" the instruments produced, rather than on the instruments themselves. To draft this bill, Messinger hired an expert on noise levels to establish what would be "legally audible outside an establishment with amplified music" (Chevigny, 88). Essentially, because the rise of amplification technology, they argued that guitars, or any other string instruments, could be as loud – or even louder – than percussion and wind instruments. As the *New York Times* noted, the "incidental" music regulation overlooked amplification:

> Today, we can amplify a single guitar to decibel levels far exceeding those of the swing era's big bands. A couple of musicians can effortlessly and legally produce more than twice the volume of the entire Glenn Miller Orchestra at its swinging best. (anonymous 1987, 26)

This case became a crusade for musicians' liberty based on the relationship between the Freedom of Expression amendment and musical (not dance) nonverbal expression (Chevigny, 112).[16] Chevigny, one of the principal lawyers trying this case, explains how they argued that these exceptions "discriminated on the basis of content through its requirement that any live music in unlicensed clubs be 'background music' rather than music played in the way the musicians chose to play it" (111). In other words, the "voicings and peculiarities of varied combinations of instruments" is what produces jazz *content*:

> Music, of course, does not usually set forth 'point of view' or 'opinions' in the same sense. The content-discrimination is rather with respect to the style and instrumentation of the music, but it is nevertheless just as surely a discrimination against the special musical ideas which plaintiffs want to express through their instruments, as well as against the range of expression that is available through the sounds, voicings and peculiarities of varied combinations of instruments (112).

This concept of musical ideas expressed through particular instruments was groundbreaking, and still is. The "content" argument demonstrated that the

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instrumental. For a discussion against this regulation see "New York City's Cabaret Law Is Pulling the Plug on Jazz." The *New York Times*, April 3, 1987. Section A; Page 31, Column 2: Editorial Desk; and "The Cabaret Law, Out of Tune," The *New York Times*, May 2, 1987. Saturday, Late City Final Edition, Section 1; Page 26, Column 1: Editorial Desk.

[16] During this litigation, their exclusion of dance rights eventually backfired against those same clubs because this not only isolated jazz into a listening form of entertainment but also dancing remained illegal. Thus, the Giuliani administration's multi-agency Nightclub Enforcement Task Force was responsible for fining, padlocking, and shutting down clubs and bars that do not fulfill the 1926 cabaret laws. In other words, while there are "over 5,000 liquor licenses in the five boroughs you can only dance in 296 places" (Brochure from conference "N.Y.C.: No Dancing Allowed" August 9, 2001 produced by Mishpucha at Makor, N.Y.C.). This exclusion remains a problem for small businesses as they face the risk of closure if people dance to a jukebox or a DJ because dance is legally defined as the simultaneous movement of more than three people together. *No Dancing Allowed* "Corelly" and "Berg" (2001).

"incidental music" regulation, targeting the *offense* of drums and wind instruments within non-cabaret licensed locales, clearly sanctioned jazz's fundamental instruments and those of other Afro-American music traditions. I would argue that the rumba performers in CP could make the same case based on content. By targeting the use of drums in the rumba circle, the law is halting this Afro-Latin community's freedom of expression based on the content of their voicing, those of the Afrocuban drum.

This case produced ambiguous results. First, the City Planning Department's chief engineer filed an affidavit explaining that the purpose of that bill was to prevent unlicensed clubs from offering anything other than "background music" (the legal term) because the music attracted more pedestrian and automotive traffic that could result "in a diminution of the quality-of-life in the area" (Chevigny, 115). More important, he omitted the question of noise in his statement; therefore, noise, as a legal argument, was thrown out of court (115). His statement shifted the legal discussion. He meant that the city's objection was based on the accumulation of outsiders in the neighborhood rather than instruments, music, and sound in itself. By 1985, the three-musician restriction was no longer covered by an anti-noise ordinance but controlled by a *zoning* regulation.[17] In fact, Chevigny learned that the constant failure of previous amendments to legalize horns and drums was based on the lack of synchronicity between *zoning* and *licensing ordinances* (89), the strength of the "incidental music" regulation was its function *within* the zoning regulation.

In fact, *zoning* regulations and *musical content* are the regulations used against CP rumba's instrumentation and practice. Unless rumba became a licensed Special Event, it could not be performed because the rumba area is *near* Sheep Meadow, a quiet zone in the Park. In fact, many of us organized to obtain the Special Events Permit but were unable to obtain it because we would have to be a non-profit organization, request the permit three months in advance, and the location for the rumba would not be the same each time. In other words, the Special Events Permit is inapplicable to CP rumba tradition—a spontaneous cultural event based on drumming. Indeed, the ZT regime trapped us between our impossibility of becoming a Special Event (a zoning regulation) and the criminalization of drumming (based on content) legislated as Disorderly Conduct and Unreasonable Noise. However, the question remains, if rumba became a Special Event, would the sound of the drum become music rather than noise? Would it become reasonable?

Chevigny traces how the 1961 zoning resolution "embodied social ideas about land use from the forties and fifties." Zoning was increasingly defined in relationship to a controlled community that sanctioned public life and still perceived jazz as "dirty and immoral" (95). Zoning, by definition, restricts use of public space. The example of CP rumba suggests that regulation of leisure activities in public space is, however, applied differentially in regards to race. For instance, next to the rumba area was an

[17] Indeed, the three-musicians-incidental music regulation began to shape the type of music performed in town. Musicians would change their instrumentation and musical arrangements in order to find jobs (82).

Anglo-Saxon musician playing an electric guitar and singing with a portable microphone, a large group of people lay down on the grass area to listen to his music. He was never harassed and continued playing his music even after the rumba was entirely evicted for two consecutive years. Thus the question of race arises in the city officials' prevalent conception of particular sounds as inappropriate or "unreasonable." Another assumption behind the prohibition of CP rumba is that the musicians can always go back to "their" neighborhoods where zoning either tolerates "their" community practices (such as corner jam sessions) or zones them out from the "proper" national imaginary. However, the 1990s gentrification of *Loisaida* (Lower East side), *El Barrio* (Spanish Harlem), and Washington Heights contests this assumption. Indeed, Regina Austin argues in her essay about government constraints of black leisure, that the enforcement of "reasonable behavior standards" must be "consistent with democratic access to public leisure spaces as opposed to attempts to exclude blacks from meaningful participation in the nation's public life" (Austin 1998, 669). The question of black leisure becomes fundamentally an issue of rights, and the prohibition of rumba in CP is a contemporary example of the exclusivist nature of QL regulations. The confiscation of rumba drums (*tumbadoras*) follows the same logic that allowed the confiscation of jazz instruments: the prohibition of drums (content) based on zoning regulations (Special Events Permit).

The Confiscation of the Drums: A History Between New York and Havana

The police threats to confiscate the tumbadora drums did halt a few rumbas, until one Sunday the *rumberos* Jesús Guerra "El Congo" and Roberto Pedrales decided to ignore the warnings and continued to play. That day, the police called for reinforcements and the familiar patrol truck arrived to imprison Jesús's *tumbadoras* and Roberto's percussion. Roberto's instrument was a therapeutic walker rigged with assorted cowbells popularly called *gangarrias*. This walker was not to assist the disabled; its function was to walk the entire rumba via the sound of its march-like *cata* tempo. Symbolically, this reconstructed walker supported the rumba's movement through time and place, from CP to Havana and back from its historical matrix to its present articulation. Prior to its captivity, the walker had been the rumba's magic skeleton emblematic of the *inventar* (to invent, to solve, to improvise), an everyday creative practice known by Cubans in Havana and New York City. The walker produced a diasporic sound that emanated from a distant place, but that Sunday in CP, its "unreasonable" sound obliged both musicians to walk to the nearest precinct. Both were doubly fined: one ticket for playing music without a permit and a $60.00 fine for Disorderly Conduct. They had to pay on the spot if they wanted to retrieve their

instruments. Indeed, those four tickets were part of the QL campaign's increasing trend towards punishing minor offenses.[18]

Figure 4: NYC undercover officer confiscating Roberto's percussive walker

Under ZT, the confiscation of African and Afro-Cuban drums can be read as a symbolic extension of the criminalization of the racialized body. This legal act—the confiscation of drums and percussion instruments—has historical and racial significance. In the United States, the use of African drums retrieves a memory of revolt against white supremacy. Recall the well-organized slave revolt during carnival time in 1811, when freedom fighters entered New Orleans with "flags unfurled and drums beating" (Roach, 253). The use of African drums was eradicated in the United States during colonial times, and their popular use, as mentioned earlier, was not revived until the Afrocubanismo movement entered the United States with big bands that introduced bongos and tumbadora drums. While U.S. jazz established the drum kit (King 1997); the Cuban *son* introduced the Afrocuban *bongos* and tumbadora drums to the U.S. by 1930. On December 30, 1937, Desi Arnaz "Mr. Babalú" made the

[18] During the QL initiative, police officers from various agencies were pressured to detain citizens as proof and requirement of their competence. According to ZT rules, officers had to proactively persecute potential criminals rather than react to crime after the fact. In 1997 alone there were 7,400 QL related summonses falling under three main categories: public urination, drinking in public, and noise (Erzen, 26).

Cuban tumbadora popular by forming in Miami the longest *conga* line known in U.S. history.[19] Subsequently, the rumbero Chano Pozo popularized the tumbadora drum during the be-bop era with his arrival to the U.S. jazz scene.[20]

The modern-day confiscation of the rumberos' drums recalls yet another legal genealogy of racial management. This event reminds us of the history of drum confiscation by Cuban police during the late 19th and early 20th centuries (Ibarra, 2001, 5). Rumba had been legally forbidden in Cuba during the 1880's if performed with wooden boxes (Rumbas de cajon); the 1900 legislation banned the performance of any African instrument, and the 1913 laws made illegal street performances by organizations such as Coros de Clave and Coros de Guaguancó. Presidential decrees banned Afrocuban music and dance in 1922 and 1925; and in 1933 it was still a crime to perform in public comparsas, a law strictly enforced by Dr. Desidero Arnaz, mayor of Santiago de Cuba in the mid-1920s, and father of Mr. Conga-man, Desi Arnaz Jr. (Moore 1998; Sublette 2004). Moreover, in his infamous book *Los Negros Brujos,* Fernando Ortiz's scientific discourse advocates for the need to cure Afrocubans of their "bad lifestyle," their "irrational cultural deficiencies," and the dissimulated pure criminality intrinsic to their religious fetishism, including their immoral and intoxicating behavior and their illicit use of drums (Ortiz, 1906, 3). In a prescriptive tone against the above social "diseases" and "deviancies," Ortiz concluded that it was necessary to legally control and penalize the secular congregations where African dance and music took place (Ortiz, 1973, 252).[21]

In Cuba, drums have historically signaled the presence and therefore unlawful congregation and practices of African people (Rogelio Martinez Furé in Sublette 2004). Ironically, those criminalized drums became part of Havana's contemporary display of Cuban instruments in the "captive drums" section of the Museum of Music (Ibarra, 5). Ethnographer Fernando Ortiz rescued them from various abandoned or

[19]The story goes like this: Calloway, Arnaz's band leader, sent second-rate musicians to perform with him on New Year's Eve. Desperate, Arnaz came up with the idea of doing a conga line with the incompetent musicians by directing them to perform "one, two, three…KICK". Leading with a tumbadora drum—which Arnaz did not know how to play—he had to retrieve his childhood memories of Santiago Cuba's carnivals (Sublette 2004, 452). Ironically, these memories came from the same conga lines his father, Dr. Desidero Arnaz, mayor of Santiago in the mid 1920's, forbade five years before while working as the right hand of Cuba's dictator, Gerardo Machado. These memories and congas made Arnaz's Jr. a star and initiated the conga craze in the U.S. (454). Paradoxically, it seems that the U.S. conga craze is what eventually made necessary the legalization of *comparsas* back in Cuba in order to please tourists looking for the conga line (Moore 72).

[20] By 1914, jazz orchestras in Cuba already performed with the same instruments (saxophone, cornet, and the drum set) than U.S. jazzbands (Férnandez 2003).

[21] For an excellent analysis of Ortiz's role in the management of Afrocubans see George Yúdice "La ansiedad ante la hibridez racial y la genealogía de la transculturacion " in *Cruce(s) de Cultura: Mestizaje y Transculturación en America Latina.* Ed. Silvia Spita and Javier Lasarte. Caracas, Monte Abila. 2001.

functioning police precincts in the first half of the 1900s. A related anecdote is that of the *cajón raspadura*, a pyramidal wood box percussion used by the creators of the *guarapachangueo* rumba style. This cajón is the invention of a family known as the *chinitos* from San Miguel de Padrón, and was popularized during the late 1970s. Adalberto López, one of the eldest in the family, explains that one day, during one of their popular home rumbas, the police came to their house and confiscated the instruments for lack of the *Comité de Cuadra* permit. They recuperated their tumbadora drums, but never the raspadura. They eventually did find their missing cajón—in the museum of Guanabacoa, Regla. The confiscation and exhibition of drums shows a systemic prejudice that ironically supports the prohibition as well as the "preservation" of afrodescendant aesthetic practices via the museification of Afrocuban culture. In the museum, the drum becomes a kind of docile object—stripped of its ability to be an accomplice to whatever "crime" is associated with playing it.

The confiscation of the rumberos' drums materialized memory, history, and their future. Jesús and Roberto's performative gesture of resistance in CP reaffirmed the importance of the drum in its various historical, material, and symbolic domains. This scenario encapsulated the rumberos/as' contemporary tribulations in the United States as well as a larger historical resistance articulated in the United States and Cuba. In CP rumba, crossing the border from memory to the materialization of history, figured importantly in what became the rumberos/as' exilic condition, their physical dislocation from CP, their foreignness (although many rumberos/as are citizens or residents) and their non-existence (as cultural practice and community) within the U.S. legal imaginary.

The Sunday after the confiscation of their instruments in CP, Jesús and Roberto returned to the rumba; the unwelcome police did too, but with a different strategy. An officer told the musicians they could continue the rumba as long as they "kept moving." Andrea McArdle discusses the question of enforced mobility in relationship to the Quality of Life campaign and the displacement of homeless people, street vendors, and young people of color, exposing the city's management and total control of public space as "a way of banishing ill-fitting people from the city's public space" (McArdle 2001, 8). McArdle analyzes the above as the "regression of vagrancy laws" that targeted "poor people, nonconformists, dissenters, idlers . . . based on the unsubstantiated suspicion of criminal conduct" (7).

Tanya Erzen has further analyzed how the homeless were criminalized within the QL campaign. Because the Broken Window theory assumes a causal logic between petty offenses and more serious crime, the city used homeless people in the subway as an example to demonstrate New York City's quality-of-life "crisis" (Erzen 2001, 25). William Bratton, then head of the New York City Transit Authority, translated the issue of homelessness (understood here as a socio-political problem) into a problem of conduct, describing homelessness as "disorderly behavior" (25). From the Broken Window point of view, disorder "fosters social withdrawal, sparks concern about neighborhood safety, and plays an important role in urban decline" (20). ZT, then,

posed the same threat to rumberos/as and homeless alike: it was now a crime to stay in one place, whether in a park or the subway. Zoning functioned to keep out those presumably "wild others" and potential "criminal trespassers."

"Operation Enforcement" was the pilot program of the formal 1994 QL campaign. In 1989 city officials began this operation, which entailed "cleaning" homeless people out of the subway system by issuing summonses. Operation Enforcement eventually moved into the streets to persecute "squeegeers." QL initially took effect in the West Village and the campaign was considered a success because it generated the largest quantity of Quality-of-Life-related summonses in the entire borough (Erzen, 26). In 1995 the campaign was established citywide, and the new Plainclothes Anticrime Unit became responsible for removing street peddlers and, of course, rumberos/as from CP. Simultaneously, the Anti-Graffiti Unit and the Homeless Task Force began patrolling the streets. Thus homeless and rumberos/as alike were forced to keep moving in order to avoid being summoned for literally body-parking in any given place.

That both the homeless and the rumberas/os were subject to the legal requirement to *keep moving* from public places is no coincidence. Austin argues that legal restraints on black leisure "may operate not on a leisure activity itself, but on the mobility required to engage in the activity" (Austin 1998, 669). Routing patterns of urban transportation, for instance, makes it "difficult [for] the central-city residents (who are often minorities) to get to outlying leisure venues like shopping malls and beaches" (699). This echoes Manuel "El Llanero" Martínez' problem with the number 6 subway train. He told me several times that catching the train to get to the rumba at el Vasilón, CBGB's, or any other Lower East Side place was very difficult. While the service going uptown was quite good, even at night, the downtown commute, even in the early evening, was tremendously slow and inefficient. He remarked, "It seemed as if the city wanted people to stay away from downtown and remain in the Bronx." His observation is not unfounded. Austin also exposes the city's role in the privatization and racialization of public space by manipulating transportation. For example, she documents how Robert Moses, New York City's "master public works builder," refused to allow the Long Island Railroad to construct a branch spur to Jones Beach to discourage "black's utilization of Jones Beach" (Austin, 697). Therefore, by regulating movement, the authorities prevent "visual disorder" by rerouting unwelcome visual and aural others. Rumberos/as were not summonsed as long as they kept disappearing from sight. The "homelessness" of the rumbero/as, in turn, re-staged the rumberos/as' exilic condition as outsiders to the U.S legal system.

Second Response: The Return of the Conga Line

Just as CP rumba became the intersection of two legal genealogies of prohibition and racial management, the rumberos' response recalled another genealogy of resistance via performance. If the officer thought that by ordering rumberos/as to *keep moving* the rumba would perish upon displacement, the rumberos' spontaneous response was

to commence a walking rumba, a *conga line* like those that follow the ensembles that perform in Cuban carnival processions. In his performance of memory as embodied improvisation, Alexis grabbed his bombo drum and walked towards CP West Avenue; everybody picked up their instruments and followed him. The therapeutic walker marched again. The police could not arrest anybody as everybody was, in fact, following their orders. The police even seemed amused, and as they followed us, they incidentally became part of the conga line as their patrol lights served as background to what had become a walking festivity. Even some police on motorcycles added tooting horns to the drumbeats. The conga absorbed the police units until its arrival at CP West. CP rumba's transformation into a conga was a carnivalesque defiance of ZT, its historical antecedents, and its underlying ideology. Thus, rumberos/as used their traditional Cuban conga line to negotiate their contemporary racialization. The combative potential of CP's rumba *on the move* can only be measured against the 200 years of rumba history, and to the degree that civil society endorses these laws.

Figure 5: A conga line formed after the police dissolved the rumba circle during the Puertorican Day Parade, 2000.

More significantly, Alexis' improvisational performance of memory against the Law, his conga line, was a symbolic return to his Cuban antecedents, the *cabildos*' processions during Spanish rule. Cabildos were mutual-aid associations composed by and for specific African ethnic groups. They represented different African nations and were institutions primarily organized by free blacks concerned precisely with maintaining social cohesion within and between the members of the same nation. The first mention of African cabildos dates to 1568 (Fernández, 2003, 57). Although cabildos are the result of colonial archetypes and ordinances based on the logic of "divide and rule" (Matibag, 1996, 23), paradoxically they sustained and promoted African culture through secular and religious manifestations. In fact, during the mid-19th century, they were the only legal institution—indeed the only institution

composed of Africans—permitted to perform street processions during their anniversaries, Christmas celebrations, the Día de Reyes (Three Kings Day), or the Feast of the Epiphany, the most important holidays of that era. For their January 6th processions, Havana's municipality had laws that authorized the cabildos to use public space from 9 a.m. until sunset. They played their drums and exhibited their nation's attributes.[22] Cabildos were the primary structures that created a context and practice for the future establishment of a post-independence Afro-Cuban civil society.

After the end of slavery, the nature and function of cabildos changed. Cabildos in their original form were forbidden, while carnival's public, secular parades were allowed. After Independence, the government began a campaign—born of the positivist cultural politics of *emblanquecimiento* (whitening)—against African religious practices, resulting in the persecution of religious activities or any form of gathering that used African drums. Drumming was no longer allowed in carnival.[23] The subsequent secularization of cabildo processions led to the contemporary Cuban carnival processions; these, in turn, informed rumba in CP, where rumba's paradoxical, exilic condition was eventually articulated as a conga line procession.

The power of Alexis' conga line was in its capacity to improvise, or *resolver*, a defense against the timelessness and permanence of the Law and its white supremacist and colonial referent. Alexis' conga line could also be understood as a space of improvisation that exhibited the historical and cultural self, just as the Cuban cabildos offered an alternative sphere in colonial Cuba. Through *improvisation* as performative memory, this walking rumba retrieved Cuba's distinct cabildos' resistance and emancipation politics against New York City's racist Law. CP rumba thus became a cabildo, but in its contemporary U.S. articulation: a Pan-Latino/a space in which various nations and ethnic groups gathered to celebrate not only their own specific culture but also rumba as their common denominator, an Afrodiasporic counter-performance against New York's so-called QL campaign. Rumba, in its movement, made visible the Afrodescendant element of a resistant Latino/a imaginary.

Essentially, in its goal to eradicate crime via pro-active policing, the QL campaign affected members of New York City's Afro-Latino/a diaspora. The campaign has also resulted in the criminalization of African American aesthetic practices in general. Members of this minority were also charged with Disorderly Conduct and Unreasonable Noise misdemeanors for rapping in public places and holding African and Afrodescendant drumming circles in CP. As ZT targeted rumba on the basis of content, it posed the same threat to rumberos/as and homeless alike: it was now a crime to stay in one place, whether in a park or the subway. Zoning functioned to keep out those potential "criminals" from the visual field of interaction. The police's

[22] The last registered celebration of Día de Reyes dates to 1880, before the end of slavery in 1886 and independence from Spain in 1889 (Matibag citing Reyna, 48).

[23] Both Knauer (2000) and Moore (1997) cite a 1922 government resolution prohibiting African dances, particularly those related to *bembes*.

threat to confiscate the rumberos' instruments shows how "reasonable" uses of the park are defined in legal opposition to the rumberos/as' practices. The city argues that rumba necessitates a Special Event permit because it is a congregation of more than twenty people. However, I have argued here that the prohibition of rumba is actually based on a history of race-based criminalization based on *content*: rumba's cultural practice and its instruments. The QL initiative demonstrates the city's reluctance to completely eradicate prohibitionary restrictions on Afrodescendant percussion instruments. In defining taste and what is "proper" and "reasonable" for neighborhoods, and thereby excluding "outsiders," zoning became not only a racist legislation but, in fact, institutionalized racism. The Law then not only stages its historical relation to race management, but becomes performative—it materializes in data (percentage of fines) regardless of real correlation to actual crime. In other words, crime control data is an expressive proof of no proof, no real criminals. However, the Law does spur material consequences: it becomes real as it materializes into policing techniques and political modes that produce "real" criminals.[24]

Because the rumberos were unable to obtain the Special Events permit, rumba was not performed in CP from 1999–2001. Nevertheless, the rumba community did not give up its historical location. A core group continued to return to CP with boom boxes, food, photographs and paintings of the scene; we performed rumbas a capella. On the first "Summer Sunday" of Mayor Michael Bloomberg's administration, with no common planning or arrangement, rumberos/as returned to CP with their drums. In 2009, the rumba continues.

Works Cited

Anonymous. "City Forces Clubs to Restrict Jazz." *New York Times* 1986, Late City Final Edition, ed., sec. Section C, Column 1; Cultural Desk: 13.

–. "New York City's Cabaret Law Is Pulling the Plug on Jazz." *The New York Times* April 3 1987, Editorial Desk ed., sec. A: 31 Column 2.

–. "The Cabaret Law, out of Tune." *The New York Times* May 2 1987, Final ed., sec. Late City: 26.

–. "Drums That Beat out the Sounds of Home." *The New York Times* August 31 1996, sec. Metro: 26.

Austin, Regina. "'Not Just for the Fun of It!' Governmental Restraints on Black Leisure, Social Inequality, and the Privatization of Public Space." *California Law Review* 71:4 (1998): 667-714.

Butler, Judith. "Performative Acts and Gender Constitution: An Essay in Phenomenology and Feminist Theory." *Performing Feminisms: Feminist Critical Theory and Theatre*. Ed. Sue-Ellen Case. Johns Hopkins University Press, (1990): 270-282.

Castellanos, Isabel and Castellanos, Jorge. *Cultura Afro-Cubana Letras, Musica, Arte. 4*. Miami, Florida: Ediciones Universal, 1994.

[24] For a discussion on Zero Tolerance as legal simulacrum see (Jottar 2005).

Cedar Miller, Sara. *Central Park, an American Masterpiece*. New York: Harry N. Abrams, Inc., 2003.

Chevigny, Paul. *Gigs : Jazz and the Cabaret Laws in New York City*. New York: Routledge, 1991.

Díaz Román, Berta Jottar. "Rumba." *Encyclopedia of Latino Popular Culture*. Vol. 2, Eds. Cordelia Chávez Candelaria, Peter J. García, and Arturo J. Aldama. Westport, CT: Greenwood Publishing Group (2004): 712-725.

Erzen, Tanya. "Forward." *Zero Tolerance: Quality of Life and the New York Brutality in the New York City*. Ed. Andrea McArdle and Tanya Erzen. New York and London: New York University Press, 2001.

–. "Turnstile Jumpers and Broken Windows: Policing Disorder in New York City." *Zero Tolerance: Quality of Life and the New Police Brutality in New York*. Ed. Andrea McArdle and Tanya Erzen. New York and London: New York University Press (2001): 19-49.

Fernández, Robaina Tomás. "Cuba." *African Caribbeans: A Reference Guide*. Ed. Alan West-Durán. Westport, CT: Greenwood Press, (2003): 55-71.

Fernández, Raúl. "Si No Tiene Swing No Vaya' a La Rumba." In *Jazz Planet*, edited by Taylor Atkins. Mississippi: University Press of Mississippi, 2003.

Fraser, Nancy. "Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy." In *Habermas and the Public Sphere*, edited by Craig Calhoun. Cambridge, Massachussets: MIT Press, (1992): 109-142.

Glasser, Ruth. *My Music Is My Flag: Puerto Rican Musicians and Their New York Communities, 1917-1940*. Berkeley: University of California Press, 1995.

Gioia, Ted. *The History of Jazz*. New York: Oxford University Press, 1997.

Gourse, Leslie. *Straight, No Chaser: The Life and Genius of Thelonious Monk*. New York: Schirmer Books: Prentice Hall International, 1997.

Ibarra Ortiz, Osmany. "Orígenes De Una Colección." *Sala Fernando Ortiz Instrumentos Musicales Afrocubanos*. La Habana: Museo Nacional de la Música, 2001.

Jottar, Berta. *Rumba In Exile: Irrational Noise, Zero Tolerance & The Poetics of Resistance in Central Park*. New York: New York University, unpublished PhD thesis 2005.

–. *Conflicto Rumba: The Persistence of Memory*. Video, 38 minutes. 2002.

King, Jonny. *What Jazz Is: An Insider's Guide to Understanding and Listening to Jazz*. Ontario: Thomas Allen & Son Canada, 1997.

Knauer, Lisa Maya. "Ethnographic Dualism, Racial Ambivalence and Global Santería." Paper delivered at "Cuban Counterpoints: The Fernando Ortiz Symposium on Cuban Culture and History," City University of New York, March 20-22, 2000.

–. *Translocal and Multicultural Counterpublics: Rumba and La Regla de Ocha in New York and Havana*. New York: New York University, unpublished PhD thesis 2005.

Matibag, Eugenio. *Afro-Cuban Religious Experience: Cultural Reflections in Narrative*. Gainsville, Florida: University Press of Florida, 1996.

McArdle, Andrea. "Introduction." *Zero Tolerance: Quality of Life and the New Police Brutality in New York*. Ed. Andrea McArdle and Tanya Erzen. New York and London: New York University Press, (2001): 1-18.

Moore, Robin. *Nationalizing Blackness: Afrocubanismo and Artistic Revolution in Havana, 1920-1940*. Pittsburgh: University of Pittsburgh Press, 1998.

Quintero-Rivera, Angel. "Migration and Worldview in Salsa Music." In *Latin American Music Review*, University of Texas Press, Volume 24, Number 2, Fall/Winter (2003): 210-232.

Rivera, Raquel Z. "Hip Hop and New York Puerto Ricans." In *Latino/a Popular Culture*, edited by Michelle Habell-Pallán, Mary Romero, 127-43. New York: New York University Press, 2001.

Roach, Joseph R. *Cities of the Dead: Circum-Atlantic Performance*. The Social Foundations of Aesthetic Forms; Variation: Social Foundations of Aesthetic Forms Series. New York: Columbia University Press, 1996.

–. "Carnival and the Law." *Theater and Drama Review* 37.3 (T139) Fall (1993): 42-75.

Rosen, Jeffrey. *The Naked Crowd Reclaiming Security and Freedom in an Anxious Age*. New York: Random House, 2004.

Rúa, Mérida M. "Latinidades." In Oxford Encyclopedia of Latinos and Latinas in the United States, edited by Deena J. González and Suzanne Oboler, 505-07. New York: Oxford University Press, 2005.

Shaw Faulkner, Anne. "Does Jazz Put the Sin in Syncopation," *The Ladies' Home Journal,* August (1921): 16, 34.

Storm, Roberts John. *Latin Jazz: The First of the Fusions, 1880s to Today*. New York: Schirmer Books, 1999.

–. *The Latin Tinge the Impact of Latin American Music on the United States*. Second ed. New York Oxford: Oxford University Press, 1999.

Sublette, Ned. *Cuba and Its Music from the First Drums to the Mambo*. Chicago: Chicago Review Press Incorporated, 2004.

Tirro, Frank. *Jazz: A History*. New York; London: Yale University; W. W. Norton & Company, 1977.

Tonry, Michael. *Thinking About Crime: Sense and Sensibility in American Penal Culture*. Oxford University Press , 2004.