

2019-01-01

Skirting The Law: Women In Vice During U.S. Prohibition In South Texas, 1900-1933

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SKIRTING THE LAW: WOMEN IN VICE DURING U.S. PROHIBITION
IN SOUTH TEXAS, 1900-1933

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2019

Dedication

This dissertation is dedicated to my son, Pablo Monsivais-Yañez. May this continue to inspire your love of history.

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IN SOUTH TEXAS, 1900-1933

by

CAROLINA MONSIVAIS, M.A., M.F.A.

DISSERTATION

Presented to the Faculty of the Graduate School of

The University of Texas at El Paso

in Partial Fulfillment

of the Requirements

for the Degree of

DOCTOR OF PHILOSOPHY

Department of History

THE UNIVERSITY OF TEXAS AT EL PASO

December 2019

Acknowledgements

I am not sure that this dissertation would have been completed without Dr. Sam Brunk's support, guidance, patience, and knowledge. In 2015 my family suffered a tremendous loss from which we are still recovering. Dr. Brunk allowed me the time I needed to find a way to work through it, while still prodding me to continue.

I would also like to thank my committee Dr. Jeffrey Shepherd, Dr. Yolanda Leyva, and Dr. Cynthia Bejarano. I benefited greatly from the guidance, mentorship, and encouragement of many professors who made this poet believe she could also be a historian. Thank you, Dr. Cheryl Martin, Dr. Sandy McGee Deutsch, and Dr. Charles Ambler. I also greatly appreciate my cohort and my peers for providing a supportive community. I am especially grateful to Dr. Joanna Camacho Escobar and Dr. Aaron Waggoner for their continued encouragement.

I am also tremendously grateful to the community of poets and scholars that welcomed me when I moved to the Rio Grande Valley. Their support and encouragement also inspired me to continue writing. I would like to extend a special thank you to Emmy Pérez, Cesar de Leon, and Celina Gomez, my compañeras/os in Poets Against Walls for providing the space where I can be poet-historian-activist. I am most grateful to George T. Díaz for his support, encouragement, and assistance. He never let me lose sight of goal and for that I am most appreciative.

Finally, I want to thank my family. Thank you to my extended family for their encouragement of the years. Thank you to my sister. And to my mother, who demanded that I finish, thank you.

Abstract

This dissertation explores both women's participation in the vice industry north of the U.S.-Mexico border in South Texas and the ways in which women were policed. The dissertation analyzes the interactions that occurred between law enforcement agents and the women they arrested, primarily ethnic Mexican women. This analysis illuminates law enforcement tactics that were honed during this era through the interactions that agents had with women who worked in vice industries. I also argue that women in this industry demonstrated knowledge, agency, and resistance. In addition, it created avenues of work for women, particularly in South Texas. However, studies examining this era have primarily focused on the men who smuggled or had violent interactions with law enforcement agents. This work writes women into the historiography on Prohibition by emphasizing women's experiences and occupations, with a focus on the ways in which they impacted and benefited from the industry.

The first three chapters of the dissertation examine the interactions that occurred between law enforcement and women working in the illicit alcohol industry. I outline the tactics that agents adopted when they arrested women in these cases. In addition to examining their tactics, I also considered the ways in which their notions of morality often played a role in how agents handled their cases. These chapters also center on the roles women chose in the industry, which included smuggling, selling, or harboring alcohol. By adopting these occupations, women were able to maintain their own households, which often included children and extended family members. In these cases, women worked on their own, with other women, or their male partners. Overall, in order to analyze these cases, I shift the focus toward women's homes, which are spaces that are traditionally female and historically overlooked.

The final two chapters focus on interactions between law enforcement and women who worked in other vice industries such as those related to sex work and narcotics. While some women were charged under laws that predated Prohibition, the same law enforcement agents who handled Prohibition cases also arrested women who either worked in the sex industry or behaved in a manner that agents deemed questionable and at times immoral. While laws intended to restrict the usage of narcotics slightly predate Prohibition, agents who honed their skills in alcohol related cases used that knowledge to arrest women on narcotics charges. The final chapter also illuminates how law enforcement agents handled cases that involved women who were charged under the Immigration Law of 1929. In these cases, agents enforced the law according to how they perceived women's behavior. These cases provide a view into women's lives, one that has long been omitted, and are therefore crucial to understanding the ways in which women demonstrated knowledge, agency, and resistance. Ultimately, this study contributes to a greater understanding of gender and ethnic relations on the U.S.-Mexico border. It challenges previous studies on Prohibition that have either overlooked women's participation or have not fully focused on the long-term repercussions of the era.

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Introduction

Around nine in the morning on February 15, 1928, just before the cool air yielded to the valley's warmth, Border Patrol Inspectors H.H. Schildt and J.R. Mansfield hid in the thick brush surrounding the Rio Grande on the edge of Hidalgo County, Texas. They watched, possibly due to an informant's tip, as a car approached, and a man and a woman exited the vehicle and made their way toward an area known as the Alacranis crossing. Then the inspectors waited.¹

The pair returned to their vehicle an hour and a half later, likely after meeting up with a boatman, or resorting to the use of a "huilote" in the shallow part of the river, carrying several sacks on their backs.² The inspectors recognized the woman, Louisa Cantu Alanis, a known smuggler and approached them as the man, Federico Saenz, cranked the car. Under initial questioning, Alanis admitted that they were carrying "booze."³ Well-versed in the phrases commonly used at the time, she indicated that the 60 quarts and 69 pints of mescal were for her own personal consumption.⁴ Her previous arrest, however, which included being deported for prostitution, made Schildt suspicious enough to turn them both over to U.S. Custom authorities, who charged the couple with violating the Volstead Act, which fell under National Prohibition and outlined specific charges under which a person could be arrested. The Eighteenth Amendment, or National Prohibition, prohibited the "manufacture, sale, or transportation of intoxicating liquors" within its states and territories. The amendment also sought to end the exportation and importation

¹ United States v. Louisa Cantu Alanis and Federico Saenz, 4625 (United States District Court Southern District of Texas Brownsville Division 1929) National Archives and Records Administration, Fort Worth, Texas [Hereafter - NARA-Fort Worth, TX], RG 21.

² The huilote was a small boat tied together with willow. It could be navigated across the river if the water was shallow enough. See William James Sheeran, "The Enforcement of Prohibition in South Texas 1919-1933" (MA Thesis, Texas A&I University, 1970), 34.

³ Throughout the dissertation, the last names consistently appear as they are in the official documents, either without accents or misspelled.

⁴ United States v. Louisa Cantu Alanis, 4625.

of liquor. However, the amendment was vague on how precisely this form of prohibition would be enforced. The Volstead Act, which was passed by Congress soon after in order to bolster the Eighteenth Amendment, outlined how it would be enforced. Andrew John Volstead, who primarily drafted the sixty-seven sections of the act, defined and placed limits on “intoxicating” liquors. While the act remained vague on drinking and buying alcohol, it placed restrictions on the transportation of alcohol from a foreign country into the U.S. Finally, the act made allowances for medical practitioners and religious purposes.⁵

Alanis, who was a part of a thriving informal economy, was likely about to make her way to any number of small towns or cities that comprise the Rio Grande Valley. This Texas border region demarcated by the Rio Grande at the end of the U.S. war with Mexico, attracted Anglo capitalist settlers, mainly during the late nineteenth century through the early twentieth century, to develop large agricultural ranches. The task was mainly accomplished through their dependence on and exploitation of ethnic Mexican labor that was partly made up of an existing population that had begun arriving in the late eighteenth century and helped establish the cities of Reynosa and Matamoros in addition to the ranches and settlements that would become U.S. towns such as Rio Grande City and San Diego.⁶ The rest of their labor was derived from newer Mexican migrants searching for work during the late nineteenth century and, later, fleeing the war in revolutionary Mexico.⁷ Some growers established towns around their agricultural empires. J. T. Hooks, for instance, arrived in 1900, and within a few years brought his family and helped establish La Blanca Agricultural Company. The company purchased large swaths of land extending north from the Rio

⁵ Daniel Okrent, *Last Call: The Rise and Fall of Prohibition* (New York: Scribner, 2010), 109-111.

⁶ Milo Kearney and Anthony Knopp, *Border Cuates: A History of the U.S.-Mexican Twin Cities* (Austin: Eakin Press, 1995), 15-17.

⁷ John Weber, *From South Texas to the Nation: The Exploitation of Mexican Labor in the Twentieth Century* (Chapel Hill: The University of North Carolina Press, 2015), 5.

Grande between present day Alamo and Weslaco. A portion was granted to his daughter, Donna Hook Fletcher, who was at the time a 21-year old divorcee. She went on to establish Almeda Grove ranch and is credited with the founding of the town that bears her first name. The town of Mercedes was founded in 1907 by Benjamin Yoakum, with the intent of creating an agricultural hub. Yoakum purchased lands for the American Rio Grande Land Irrigation Company (ARGLIC), a company he organized from the “heirs of the original Llano Grande La Feria Land grants,” which derived from “Spanish Royal Grants dating back to the eighteenth century.”⁸ His company undertook the monumental task of creating canals that would lead to the assured irrigation of fields in the area largely with the use of Mexican labor. As one of the founders of the St. Louis Brownsville and Mexico Railway, Yoakum selected for his own lands an area where the train already passed through.

In a practice that became common in the Rio Grande Valley, Yoakum’s company worked to draw potential growers by describing Mercedes as a fertile paradise in its brochures. Boosters also noted the town of Donna’s grapefruit orchards to lure growers to the region. The brochures also echoed practices of Southern planters in promising cheap, docile labor that would be provided by ethnic Mexicans. In order to accomplish the colonization process, Anglo growers stripped ethnic Mexicans of their land and worked to subdue them. They instituted “Juan Crow” laws of segregation and established a “new code of social relations, which in turn initiated a new racial hierarchy.”⁹

⁸ Timothy Paul Bowman, *Blood Oranges: Colonization and Agriculture in the South Texas Borderlands* (College Station: Texas A&M University, 2016), 37.

⁹ Monica Muñoz Martinez, *The Injustice Never Leaves You: Anti-Mexican Violence in Texas* (Cambridge: Harvard University Press, 2018), 17.

Their ability to subdue ethnic Mexicans and establish their new order was greatly aided by the extralegal violence unleashed by the Texas Rangers. Starting in the late nineteenth century, the Texas Rangers battled with Mexican landowners and indigenous nations to ensure Anglo settlers successfully colonized the region.¹⁰ By the early nineteenth century, the Rangers established the brutal practice referred to as “la ley de fuga,” which entailed releasing prisoners, ordering them to run away, and finally shooting them in flight. During the Mexican Revolution, Anglo Texans requested an expansion in the Ranger force due to the increasing numbers of Mexicans entering the U.S. in order to flee the violence. The Ranger’s forces increased from about a mere twenty-six men to approximately 1,350 around the time, 1915, that the Plan de San Diego calling for the end of Anglo economic and political power surfaced.¹¹ The plan called for and led to some acts of rebellion and the destruction of infrastructure. In response, the Rangers unleashed a wave of violence targeted at ethnic Mexicans, primarily men, regardless of whether or not they were involved. It was the attorney J.T. Canales that finally forced the state to diminish the number of Rangers again. While it is not known where all of the Rangers ended up, some moved into customs and others became border patrol inspectors. The violence disrupted mainly ethnic Mexican families, and that and the new racial and class hierarchy led some communities, such as those located in Edinburg, Mercedes, and Brownsville, to turn to or rely on illicit vice related economies.

By the time the Prohibition of alcohol in the U.S. was enacted, vice in the form of alcohol consumption and smuggling, sex work, and narcotics were already fueling informal economies along the U.S.-Mexico Border, mainly in Mexican cities. The development of these economies was partly built upon the business of smuggling other goods that had long existed in this region

¹⁰ See Martinez, *The Injustice Never Leaves You*. According to Martinez, the Texas Rangers also captured enslaved people attempting to escape into Mexico, 17.

¹¹ Muñoz Martinez, *The Injustice Never Leaves You*, 20.

and in others located along the border.¹² During Prohibition, smuggling fueled vice economies when ethnic Mexicans began transporting alcohol and other forms of vice to various locations in the U.S. In addition, these vice economies also boomed due to consumers who crossed from the U.S. into Mexico in order to drink or visit brothels. The effect that Prohibition had on each of the Mexican border cities depended on factors such as location and preexisting or lack of existing industries. For instance, in cities like Juárez, Tijuana, and Mexicali, local Mexican businessmen and politicians took advantage of Prohibition to establish a variety of cantinas and casinos for potentially thirsty and adventure- seeking Americans. Tijuana in particular can trace its growth to the lucrative vice related industries that drew customers from the U.S. and workers from various parts of Mexico.¹³ Other smaller towns along the border also perceived an economic opportunity and attempted to profit from Prohibition. For instance, in 1921, when Las Palomas, Chihuahua, just across from Columbus, New Mexico, became an official port of entry, the Mexican government made it into a casino-and-bar-border town.¹⁴ While similar establishments were attempted in cities like Reynosa and Matamoros, they did not quite have the same success as their counterparts further west along the border. Development in Tijuana and Mexicali was directed by “strong men” like the now infamous Colonel Esteban Cantú Jiménez, who ruled Baja California Norte between 1915-1920. During his reign he established casinos and other similar establishments that offered alcohol, narcotics, and sex workers.¹⁵ The industries gained traction once he was

¹² See George Diaz, *Border Contraband: A History of Smuggling Across the Rio Grande* (Austin: University of Texas Press, 2015).

¹³ See Eric Schantz, “From the *Mexicali Rose* to the Tijuana Brass: Vice Tours of the United States-Mexico Border, 1910-1965 (PhD diss., University of California Los Angeles, 2001).

¹⁴ Daniel D. Arreola and James R. Curtis, *The Mexican Border Cities: Landscape Anatomy and Place Personality* (Tucson: University of Arizona Press, 1993), 21.

¹⁵ See James A. Sandos, “Northern Separatism during the Mexican Revolution: An Inquiry into the Role of Trafficking, 1910-1920,” *The Americas* 41, No. 2 (Oct. 1984).

ousted and replaced by Abelardo Rodriguez. Rodriguez, who would become governor of Baja California Norte and, later, president of Mexico, not only enriched himself, but also built up the region's infrastructure in great part with the taxes he imposed on his vice industries.

During this era, Mexican cities in the Rio Grande Valley did not hold the same vice appeal and focused on developing a tourist industry that also catered to more culturally or leisure related activities. Unlike the U.S. brochures that offered tantalizing activities in Tijuana, the promotional materials emerging from the Rio Grande Valley mainly advertised to potential growers and investors a magical, fertile land that would yield a variety of crops. The brochures were replete, too, with advertisements touting what lay just across the border, not vice, but the modern hotels, bars, restaurants, and curio shops available in Matamoros and Reynosa, and even as far away as Monterrey. The idea was to fortify the connection between the border cities and use Mexican industries as part of the draw. Growers were meant to be enticed to work in the area and spend leisure time in a Mexico that was portrayed as a trip into the past. The inclusion of women in the ads, both as workers and, in a sense, as props holding up produce, promoted women's labor and objectification.¹⁶

Unlike other Mexican cities along the U.S.-Mexico border, vice industries in places such as Reynosa and Matamoros were not necessarily limited to or located in specific areas like red-light districts, nor were they organized around one "strong man." Instead, the industries were loosely organized in ways that led to informal economic opportunities for borderlanders residing in the region. One way in which these economies developed was through the act of smuggling. By

¹⁶ *American Rio Grande Land and Irrigation Company: Irrigated Lands in the Lower Rio Grande Valley, Mercedes, Texas* (Mercedes, Texas: American Rio Grande Land Irrigation Company, ca. 1923), pamphlet, folder 42, box 2, Publications, JHSP-UTRGV. For a more extended analysis on promotional materials, see Bowman, *Blood Oranges*, 66-82.

the time U.S. Prohibition was enacted, followed by the Volstead Act, residents, including women, in the Rio Grande Valley were already accustomed to smuggling various types of goods, such as drawn work or hand sewn cloth, corn, beans, and mescal.¹⁷ Once these types of items entered the U.S. ethnic Mexicans often sold their contraband to other members of their community, which led to the development of informal economies. Early forms of smuggling stemmed from peoples' attempts to circumvent costly tariffs and trade regulations established by both the U.S. and Mexico in their attempts to regulate the border.¹⁸

During this era borderlanders crossed into Mexico both to partake in vices they could consume there and to smuggle vice back into the U.S. The vice that made its way into and through the region included alcohol, narcotics, and sex workers. The focus of this dissertation is on the way that this vice manifested itself north of the border, and the way it was policed, during the Prohibition era. The interactions that resulted between law enforcement and women suspected of participating in vice related industries are at the crux of this dissertation. The regulation of vice along the border opened avenues of scrutiny over women's bodies and behavior, as Prohibition related laws granted law enforcement agencies the ability to deepen their surveillance from the official border into communities to the north of it. Through these law enforcement interactions that extend from earlier Texas Ranger activities aimed at controlling certain populations, I am able to view women's lives during this era and argue that they actively participated in vice related industries during an era in history where they have been largely ignored. The interactions become a lens through which women expressed agency, knowledge, and forms of resistance. Women in these cases demonstrated resistance by defending their homes and participating in an industry that

¹⁷ United States v. Bernadina Reyes, 1884 (United States District Court Southern District of Texas Brownsville Division. 1907). NARA Fort Worth, TX.

¹⁸ Diaz, 2-3

not only helped them make a living, but also, to a certain extent, to undermine the system. In addition, it becomes clear that their participation in vice industries along the U.S.-Mexico border impacted laws and trends that developed throughout this era.

This dissertation explores the history of vice in the Rio Grande Valley from 1919, at the start of Prohibition, through the end of the period in 1933. It primarily considers the roles women played within vice industries as smugglers, sellers, users, and sex workers. In addition, I examine the extension of police powers. Prohibition professionalized and legitimized the tasks required of law enforcement. For this reason, during Prohibition agents generated hundreds of case files documenting arrests for smuggling, selling, or consuming alcohol. Those case files, now located at the National Archive and Records Administration in Fort Worth, Texas, serve as the main archival material for this work. This dissertation is built around a careful examination of cases that involved women, and especially ethnic Mexican women, which detail how law enforcement agents became aware of women's activities as well as their perceptions regarding their behavior.

While the documents in question most directly express the viewpoint of the government agents, I argue that a close reading of the cases offers glimpses into the lives of the women who were targeted by law enforcement agents, women who have often been overlooked and might be considered "marginal" in a number of overlapping ways. By reading these documents against the grain and searching for women's testimony, interviews, or even passing phrases, this dissertation seeks to build a sense of personal stories and to explore their agency. They were frequently knowledgeable regarding the law and of the perceptions that agents, mainly male, held regarding women. They often used these forms of knowledge to their advantage.

My thinking about these legal interactions because I am primarily using these forms of primary sources is shaped by Laura Shelton's *For Tranquility and Order*. In this study, Shelton

uses court records from Sonora generated between 1800-1850 to contend that “social and legal relationships with roots in the colonial period shaped options and outcomes in the new, republican context.”¹⁹ While some customs in the region could be attributed to colonial rule, the region was attempting to establish a new social order while simultaneously dealing with violence, to address which they sought to establish a legal framework. This framework shaped the social order, reshaped gender relations, and defined the role of the family in the developing regime.²⁰ The result was a patriarchal order in which male leaders, in particular, worked to subordinate family members and workers in order to organize and stabilize their society in the face of growing indigenous resistance. Shelton draws these conclusions by scrutinizing court cases where community members were either charged for disrupting the social order or attempted to hold other community members accountable for not meeting societal expectations. Shelton’s careful examination of court cases is useful in considering the ways in which a period of legal transformation can impact a developing community. Shelton also considers cases where women challenged the courts to protect their property, particularly when they found themselves on their own. Shelton notes that the social order granted women a strong public presence while still scrutinizing their sexual and moral conduct.²¹

To better understand how the Prohibition era impacted social and legal changes in the Rio Grande Valley, I also turned to Pablo Mitchell’s *West of Sex*. In this study, Mitchell examines appeals cases filed in higher courts in the Western U.S. between 1900-1930. He considers how ethnic Mexicans still appeared to approach the legal system as a right, “one to be both regularly

¹⁹ Laura M. Shelton, *For Tranquility and Order: Family and Community on Mexico’s Northern Frontier, 1800-1850* (Tucson, University of Arizona Press, 2010), 5.

²⁰ Shelton, 5-6.

²¹ Shelton, 9.

exercised and heartily protected, and in doing so, carved out from the law space of potential inclusion and acceptance.”²² Mitchell’s focus on criminal cases involving Mexicans convicted of sex crimes illuminates the ways in which ethnic Mexicans used the courts as a way to oppose any negative depictions of their homes or their behaviors. He asserts that when read carefully, the documents offer compelling evidence that under the law, Mexicans believed they had the right to “defend their homes, their families, their work habits, their sexual desires, and even their innocence in the American courtroom.”²³ In viewing the trials as public events, and the testimony as public speaking, he offers an example of a public venue where ethnic Mexicans could assert themselves and be heard as a form of agency. Overall, I build on the arguments set forth by these two studies by carefully considering how the cases I explore are also a public way for women to defend their families, their homes, and even their own choices.

HISTORIOGRAPHY

The works of Holly Karibo and Elaine Carey are among the few to adopt a gender and vice approach to the Borderlands. In *Sin City North*, Karibo uses vice as a lens to examine the development of illicit economies in the Detroit-Windsor border region during the 1940s and 1950s.²⁴ Her focus includes the social spaces where women and men grappled with, defined, produced, and undermined the border on a daily basis. Karibo argues that attention to illicit economies, namely prostitution and trade in heroin, provides insight into the “effects of the major social and economic changes that reshaped urban centers after the war and the competing ways”

²² Pablo Mitchell, *West of Sex: Making Mexican America, 1900-1930* (Chicago: University of Chicago Press, 2012), 6.

²³ Mitchell, 7.

²⁴ Holly M. Karibo, *Sin City North: Sex, Drugs, and Citizenship in the Detroit-Windsor Borderland* (Chapel Hill: University of North Carolina Press, 2015).

borderlanders negotiated those changes.²⁵ In *Women Drug Traffickers*, Carey focuses on the history of women's roles in drug trafficking in North America. She contends that women's participation in the drug trade has often been either overlooked, sensationalized, or distorted. Carey examines women's participation in the trade since the early 1900s in order to argue for a new understanding of the "intersection between gender and the transnational concepts of crime, nation, political economy, modernity, and globalization."²⁶ While her study takes on a more transnational scope than this dissertation, it remains extremely useful to this dissertation because it exclusively examines women's roles in the drug trade along with its connection to the U.S.-Mexico border.

There are other works that survey smuggling and vice industries along the U.S.-Mexico border. In *Border Contraband*, George Díaz examines U.S. government efforts to regulate and prohibit trade on the border. Additionally, he considers the ways in which borderland residents subverted state and federal laws through smuggling, primarily along the Rio Grande.²⁷ Díaz focuses on illicit smuggling in order to argue that border people did not merely accept laws, but rather, negotiated them with their own ideas of what was acceptable or not acceptable regarding transnational trade.²⁸ His work considers what people categorized as acceptable items to smuggle depending on where they fit within the "moral economy." While Díaz's study proves essential to this work due to the focus on smuggling and vice, he does not fully consider the complexity of women's roles within the industry.

In "Regulating Sexuality on the Mexican Border," Marlene Medrano exclusively examines female sex workers who were important to the development of Ciudad Juárez between 1900-1960.

²⁵ Karibo, 7.

²⁶ Elaine Carey, *Women Drug Traffickers: Mules, Bosses, & Organized Crime* (Albuquerque: University of New Mexico Press, 2014) 6-7.

²⁷ Díaz, *Border Contraband*, 1.

²⁸ Díaz, 7.

Her effort to write women into the history of vice tourism on the U.S.-Mexico border allows her to argue that sex workers actively shaped and negotiated the industry, a major contribution to understanding gender and class relations on the border.²⁹ Medrano also considers the ways in which both the U.S. and Mexico shaped and constrained sexual commerce through enforcement and morality campaigns. Both Díaz and Medrano have helped me consider how state efforts to regulate or prohibit vice related industries and consumption created economic avenues for women along the U.S.-Mexico border.

Works that center on South Texas have also been extremely useful. William Sheeran's "The Enforcement of Prohibition in South Texas 1919 to 1933" focuses on how Prohibition developed in Texas. More importantly, however, Sheeran's thesis examines the ways in which law enforcement agencies attempted to enforce Prohibition. This focus was essential to helping me understand the role each agency played in the region and the connection agents had to each other and the community, which played a role in their ability and reasoning regarding policing. His work also directed me to John Peavey's memoir, *Echoes from the Rio Grande*. The memoir recounts his years in law enforcement in the Rio Grande Valley and provides great insight into how agents saw themselves as not only worthy of enforcing the law but also of enforcing morality. Peavey's work remains as an example of the romanticized version of law enforcement that many in the valley indulge in, particularly the families whose ranches thrived during the early twentieth century.

Timothy Bowman's study *Blood Oranges* was helpful in understanding this thinking and its connection to the Anglo colonization. Bowman argues that Anglo Americans who colonized South Texas after 1848 were primarily growers who relegated ethnic Mexicans to menial labor-

²⁹ Marlene Medrano, "Regulating Sexuality on the Mexican Border: Ciudad Juárez, 1900-1960" (PhD diss., Indiana University, 2009), 4-5.

intensive roles. Ethnic Mexicans faced increasing marginalization and discrimination, in great part due to the actions of local law enforcement.³⁰ While Monica Muñoz Martinez's study, *The Injustice Never Leaves You*, is not exclusively set in South Texas, it aided in my understanding of the impact of violence in the region. This violence, mainly in the form of extra-legal force employed by Texas Rangers, mobs, and the military, was primarily directed at ethnic Mexicans between 1848 and 1928. Martinez's objective is to counter the narrative that the border region was tamed through the valiant efforts of law enforcement and the progress delivered by growers with the memories of witnesses and survivors of the violence. Her book also illuminates how the violence exceeded even the Anglo growers' needs by threatening the existence of the population on whose labor they depended. This violence was another factor that shaped lives and economic opportunities in the Rio Grande Valley in significant ways. Both the violence and the displacement led to ethnic Mexican families' search for additional ways to maintain their households. The development of underground economies during Prohibition serves as an example. Also, it is possible that the violence reduced the number of male headed households since it was most often directed at ethnic Mexican men. The strong presence of women in the cases also suggests that the shadow cast by this era motivated women to intervene in various ways in order to reduce that level of potential violence. These two factors potentially led women into vice related occupations.

Robin Robinson's comparative study of vice and tourism along the U.S.-Mexico border is also valuable. Set during Prohibition, it centers on Tijuana/Southern California; Juárez/El Paso; and Matamoros/Brownsville and the greater Lower Rio Grande Valley. Robinson's examination

³⁰ Timothy Paul Bowman, *Blood Oranges: Colonialism and Agriculture in South Texas* (College Station: Texas A&M Press, 2016).

considers how Prohibition impacted society, politics, and the economy.³¹ He contends that the individuals, such as government officials and community members, who were involved in the vice tourism industry, whether they profited from, controlled, participated in it, or opposed it, in one way or another impacted this aspect of the border's development economically and politically. The inclusion of Matamoros proved particularly helpful to the present work. Robinson contends that Matamoros did not share the same success that Tijuana and Juárez experienced in the vice tourism industry. While Matamoros and Reynosa were successful in drawing in large crowds during special events, they were not able to build up establishments such as bars and brothels in a manner comparable to the other border cities he considers. Robinson argues that the valley was dominated by the "religiously minded hard working farming culture of Midwest America," and that members of that culture were not interested in seeking vice. In addition, "citizens in Matamoros possessed no interest in providing it."³² While the vice tourist industry was not successful in this region on the same scale as the other cities he studies, a vice industry did in fact exist. Robinson limits his study to Matamoros and the impact the industry had on that portion of the Rio Grande Valley rather than the many towns that comprise the region. By examining the entire region, it becomes clear that the vice industry was not centrally located or organized, but rather existed in multiple locations.

Lisa McGirr's study *The War on Alcohol* was also extremely useful. She notes that scholars have accepted that this era spurred the development of organized crime but have neglected its impact on the American state.³³ McGirr argues that policing in the U.S. was honed during

³¹ Robin Robinson, "Vice and Tourism on the U.S.-Mexico Border: A Comparison of Three Communities in the Era of U.S. Prohibition" (PhD diss., Arizona State University, 2002).

³² Robinson, "Vice and Tourism," 323.

³³ Lisa McGirr, *The War on Alcohol: Prohibition and the Rise of the American State* (New York: Norton, 2016).

Prohibition through its flagrant violation of the law and streamlined federal record keeping.³⁴ Additionally, the state professionalized prison administration and expanded the prison system along with federal policing. This was in part accomplished by creating a sense of panic over the rise of crime related to alcohol. When the general public's support of Prohibition began to wane, concern over narcotics was gaining in strength. McGirr notes that Prohibition tactics sharpened enforcement of crimes related to narcotics. Other works focusing on Prohibition were also important in understanding the era. For example, Daniel Okrent's study *Last Call* examines the political movement that led up to Prohibition in addition to its impact on U.S. society and politics.

While the dissertation mainly centers on the smuggling and selling of alcohol, the sex work industry remained a concern to law enforcement. In this regard it was helpful to turn to Grace Peña Delgado's article "Border Control and Sexual Policing." Her article, set between 1903-1910, focuses on early U.S. immigration controls set on excluding women that either practiced or procured women for prostitution. She argues that it was the convergence of immigration laws and "moral purity" movements that constructed the border as a site of gender and sexual exclusions.³⁵ As Delgado notes, women managed to enter and practice their trade in the region, but the immigration apparatus extended beyond the border and was used to enter people's homes if their relationships were deemed immoral. My understanding of policies regarding the military and prostitution was also aided by James Sandos's article, "Prostitution and Drugs." Sandos examines an experiment conducted by John J. Pershing during the American expedition into Mexico in pursuit of Pancho Villa. Pershing noticed the increasing number of U.S. soldiers contracting sexually transmitted illnesses and attempted to regulate and monitor the makeshift brothels that

³⁴ McGirr, xxi

³⁵ Grace Peña Delgado, "Border Control and Sexual Policing: White Slavery and Prostitution Along the U.S.-Mexico Borderlands, 1903-1910," 43, no.2 (2012): 158-160.

continued to set up near their camps. While he managed to reduce the number of cases among soldiers, he was not able to impact U.S. policies pertaining to prostitution. Instead U.S. morality campaigns shaped policy to shift toward prohibition of prostitution and other vices rather than regulation.³⁶ In *The Trials of Nina McCall*, Scott Stern closely examines the U.S. morality campaigns aimed at diminishing prostitution and by extension STIs in the military through a campaign known as the “American Plan,” which was enacted after WWI and extended past WWII. While it was intended to focus on aiding the military, it was expanded across U.S. communities, including communities located near the U.S.-Mexico border, in order to monitor all women who seemed questionable or potentially immoral.³⁷

Works that focus on gender and sexuality in Latin America after 1810, meanwhile, have helped me understand the factors that shaped the lives of female sex workers and how they might be impacted by campaigns of moralization. These studies consider the ways in which reformers, seeing themselves as agents of modernity, targeted women, specifically marginal women, such as prostitutes, with the intent of instilling moral and civic values. These studies analyze education, public health campaigns, and media in order to consider how nations, under the guise of emancipating women, attempted to subordinate the family under the patriarchy and minimize gender equity in the interest of nation-building and development.³⁸ Donna Guy’s *Sex and Danger in Buenos Aires*, for instance, highlights the connection between female sexual commerce and the development of family, class, and nation. Katherine Bliss’s study, *Compromised Positions*, was

³⁶ James A. Sandos, “Prostitution and Drugs: The United States Army on the Mexican-American Border, 1916-1917,” 49, no. 4 (October 1984).

³⁷ Scott W. Stern, *The Trials of Nina McCall: Sex, Surveillance, and the Decades-Long Government Plan to Imprison ‘Promiscuous’ Women* (Boston: Beacon Press, 2018).

³⁸ Sueann Caulfield, “The History of Gender in the Historiography of Latin America,” *Hispanic American Historical Review* Vol.8.3/4 (Aug/Nov 2001): 449.

also helpful. Bliss examines the “cultural politics of prostitution, sexual morality, and gender,” in order to consider how the moral reformism in revolutionary Mexico City was shaped and compromised by all participants.³⁹ During this era avenues became available by which to discuss or debate revolutionary ideals, one of which included an individual’s right to public health. This concept also included the notion that an individual did not have the right to endanger the health of an entire community. This led to a particular focus on sex workers. Their goal became to treat and reform sex workers and guide them towards other occupations. However, reformers had to contend with revolutionary elements that held on to older ideas regarding class and gender that further reinforced concepts perpetuated by the Reglamento, which was intended to regulate prostitution. In this instance, Bliss highlights the ways in which the revolution, through a system that rewarded warfare, reinforced notions of masculinity and promiscuity. She notes military officials who invested in businesses such as brothels and cabarets as a form of payment for having defended the nation. Ultimately, reformers unsuccessful in their attempts to reform the system, managed to abolish the Reglamento, which left sex workers to the perils of their occupation. In the U.S. law makers were also concerned with how sex workers disrupted the formation of families, and thus the construction of the nation, due to sexually transmitted illnesses. Internationally, it seems that the general attitude was to punish sex workers, but not alter the patriarchal system that perpetuated the demand for them. In the Rio Grande Valley, the ethnic Mexican women who arrived from different parts of Mexico either when the Mexican Revolution was underway or just ending were likely propelled by these trends to enter the trade or continue their occupation as sex workers in the U.S.

³⁹ Katherine Bliss, *Compromised Positions: Prostitution Public Health, and Gender Politics in Revolutionary Mexico City* (University Park: Pennsylvania State University Press, 2001), 7.

In order to fully grasp the narcotic trade, Carey and Karibo were essential. Additionally, I turned to works such as *Dark Paradise*, by David Courtwright. In this study, Courtwright examines the history of opiate addiction from 1895 to 1914 in order to argue that opiate addiction increased during the late nineteenth century and then began a steady decline. He attributes the rise to doctors who regularly prescribed opium and morphine, mainly to female patients who subsequently became addicted.⁴⁰ Courtwright illuminates the ways in which this early trend that mainly involved white middle class women impacted not only early drug laws, but also the general attitudes surrounding drugs. The early laws such as the Harrison Narcotic Act led to a decrease in usage among white middle class women and shifted it toward lower-class urban males. This shift led to stricter drug laws and a hardening attitude toward drug users. In order to better understand how this might have impacted the U.S.-Mexico border, particularly during Prohibition, I turned to *A Narco History* by Carmen Boullosa and Mike Wallace. Their book provides a history of how the prohibition of alcohol and then drugs played a key role in the smuggling of narcotics from Mexico into the U.S.

Obviously, this dissertation seeks to be in conversation with the broader historiography on the U.S.-Mexico Border, and it was *Negotiating Conquest* that first led me to consider how first the Spanish and then the U.S. conquest of California impacted women's roles. In this study, Miroslava Chávez-García explores these eras of conquest and provides examples of how women learned to negotiate systems of power, especially legal ones, with the intent of either providing for themselves or their families. Of importance is her focus on how U.S. rule led to transformations of cultural, legal, social and even intimate aspects of personal life, which included gender relations,

⁴⁰ David T. Courtwright, *Dark Paradise: A History of Opiate Addiction in America* (Cambridge: Harvard University Press, 2001), 2.

marriage, and the family.⁴¹ While California also experienced a wave of violence at the hands of Anglo law enforcement agents and mobs, it was the migration of Mexican men to other parts of Mexico and the U.S. that resulted in the increase of female headed households. These households led to an increase in illegitimate children, extra-marital relationships and common law marriages. She notes that women seemed to develop unconventional strategies to preserve their families, their homes, and communities, while still maintaining self-respect in this hostile world. She also stresses that this form of colonization placed ethnic Mexican women on the lowest economic rung. Despite this placement, ethnic Mexican women explored ways to use the legal system to their benefit. In the Rio Grande Valley this process occurred in a similar fashion, but I contend that violence, and the growers' vision to transform the region in emulation of southern plantations, contributed to ethnic Mexicans' and working-class women's subordination. This dissertation demonstrates that the unconventional strategies women employed were shaped by the ways in which the U.S. attempted to prohibit vice related industries. Law enforcement agents who worked to enforce U.S. Prohibition sharpened and professionalized their tactics during this era in ways that would have consequences in the years that followed. The consequences of their policing will shape the region into what scholars refer to as a "constitution free zone."⁴²

STRUCTURE OF THE DISSERTATION

Chapter one, "Law Enforcement Agents, Tactics, and Interactions" provides an overview of the laws and regulations that granted law enforcement agents the power to extend their surveillance over ethnic Mexican communities in the Rio Grande Valley. This chapter also

⁴¹ Miroslava Chávez-García, *Negotiating Conquest: Gender and Power in California, 1770s-1880s* (Tucson: University of Arizona Press, 2004), 175.

⁴² See Margaret E. Dorsey and Miguel Díaz-Barriga, "The Constitution Free Zone in the United States: Law and Life in a State of Carcelment," *Political and Legal Anthropology Review* 38, no.2 (2015): 204-220.

includes a breakdown of each of the law enforcement agencies that were actively working in conjunction with one another. Additionally, I examine the tactics, both official and unofficial, that agents adopted case by case. The tactics tended to vary depending on the agent and the women who they were attempting to arrest. For this reason, I also examined memoirs written by law enforcement agents in order to understand some of the ways in which they behaved towards the women. While this chapter mainly examines the interactions between law enforcement agents and women from the agents' and in some instances, the judges' point of view, they do begin to illuminate examples of women's agency. This then leads into the next chapter. Chapter Two "X Marks her Name: Women, Agency, and Homes" carefully reads women's actions and verbal responses in the cases against the grain. The objective here is to illuminate the ways in which women's actions served as examples of the ways in which women attempted to exert agency. In this chapter I argue that Prohibition created avenues of commerce for women, which resulted in women either smuggling or selling alcohol. When they sold alcohol, which was more common, they often used their homes as makeshift cantinas. In doing so, they exercised some forms of control over their homes following an era during which ethnic Mexicans were violently displaced from their homes and even sometimes killed as a form of social control. While most of the chapter focuses on alcohol related cases, it also includes instances when women attempted to smuggle narcotics across the U.S.-Mexico border. Regardless of the vice they were selling or smuggling, these cases provide an understanding of women's knowledge about laws and even how agents perceived gendered expectations. That particular knowledge aided women's ability to skirt the law or minimize punishments.

While most of the dissertation's focus is on women working on their own or with other women, Chapter Three, "Vile Women: Partnership and the Illicit," examines cases involving

women and men together. When historians and even law enforcement agents reflected on this era, they tended to overlook the importance of women. Law enforcement agents, in particular, romanticized Prohibition in an almost “wild west” manner, filled with banditry and shootouts. This chapter’s objective is to complicate that by examining the different roles women played in the industry. This included direct partnerships and defense of their homes in order to minimize any potential violence that threatened their male partners. Women also, at times, helped law enforcement agents make their cases against suspected male smugglers. For women, the presence of males could complicate matters. Law enforcement agents perceived themselves as moral enforcers, which imbued them with the ability to judge and legally punish women they deemed immoral.

Chapter Four, “It is One’s Will that Makes you Marry: Prostitution, Consensual Unions, and Illicit Relationships,” delves more deeply into the issue of perceived morality and the way it was policed. Here I examine cases that focus on female sex workers residing in the Rio Grande Valley. The chapter considers women who worked near Fort Brown and the ways in which their treatment varied according to agent and their racial, ethnic, or legal background. Additionally, some women entered in consensual unions with men who were consequently charged with keeping women in a state of concubinage. The testimonies in these situations illuminate aspects of these women’s lives, such as the situations that shaped their choices and perceptions regarding relationships. Finally, the chapter examines consensual relationships between women and men that were deemed illicit and illegal by the state. This occurred in situations when women or men left Mexico still legally married to someone else and chose to reside in the U.S. with a different partner. Law enforcement agents tended to prosecute the women in these cases as they would a female sex worker.

The final chapter “‘Not more than a Mere Girl:’ From Narcotics to Unlawful Entry,” examines cases narcotic related cases in addition to cases that charged women under the Immigration law of 1929. Law enforcement agents built on their policing tactics honed through the enforcement of Prohibition to arrest and surveil women involved in various capacities in the early drug trade and women who were deported for a wide range of activities, including prostitution. In addition to tactics, which were largely honed during Prohibition, the agents involved in these cases were also deciding on outcomes or how to handle cases according to their moral judgement. While women in these cases were clearly attempting to practice some control over their lives, the federal laws aimed at curtailing narcotics and immigrants with criminal pasts ultimately left them with fewer choices.

Chapter One: Law Enforcement Agents, Tactics, and Interactions

In a 1920 expose entitled “Rio Grande Border Still Wet,” the *Boston Globe* focused on the ease with which Mexican men smuggled mescal and tequila into the U.S. and sold it cheaply to the citizens of the nation. The article indicated that the Mexican smugglers’ entry led to confrontations, with law enforcement agents being vastly outnumbered.⁴³ Also, without providing any verification, the article claimed that nine out of ten smugglers made it across the U.S.-Mexico border and into the Rio Grande Valley without being arrested. Just one year later, the *Brownwood Bulletin* offered its own grim cautionary tale. The article emphasized how the production of tequila and mescal was becoming a burgeoning industry due to increased tequila sales to Anglos in the U.S. The article was careful to note that mescal was sold more to “Mexican Colonies,” which likely meant the areas where ethnic Mexicans resided in Texas.⁴⁴ Like the article in *The Boston Globe*, this one charged smugglers, which the reporter only identified as male, with being most responsible for the violent confrontations with law enforcement agents tasked with the noble cause of protecting the nation from the contraband they carried. This position was intended to cast fear into the rest of the nation regarding perceived dangers brewing along the border. The reporter emphasized the porous nature of the border that required more protection and echoed the danger associated with Mexican liquors.⁴⁵

Though smuggling and selling alcohol is often associated with male rumrunners and bootleggers, women, who were not mentioned in either article, also attempted to profit off the

⁴³ “Rio Grande Border Still Wet: Smugglers from Mexico Have Regular and Profitable Trade Along the Border,” *The Boston Globe*, April 18, 1920, <http://newspaperarchive.com> [Accessed August 30, 2019].

⁴⁴ Louis P. Kirby, “Supplying U.S. with Booze Fast Becoming Big Mexican Industry: ‘John Barleycorn’ Furnishes Great Portion of Country’s Income,” *The Brownwood Bulletin*, September 15, 1921, <http://newspaperarchive.com> [Accessed August 30, 2019].

⁴⁵ “Blame Mexican Hot Stuff: Pepper and Fiery Liquors May Have Something to do With the Troubles Down There,” *The Brownwood Bulletin*, June 24, 1920, <http://newspaperarchive.com>[Accessed August 30, 2019].

illicit trade that developed during U.S. Prohibition. Their illicit activities, in turn, brought women into contact with the law on a regular basis, and women found themselves having to negotiate a new policing regime in the borderlands. This chapter examines the interactions between law enforcement and women who harbored, smuggled, and sold alcohol in the Rio Grande Valley between 1919 and 1933. These interactions illuminate the tactics agents adopted in order to enforce these particular laws when the cases centered on women. Additionally, the chapter explores how particular gender and racial codes shaped how U.S. federal and local law enforcement agents policed women's illegal activities. This exploration includes the historical factors and connections, which included familial and communal links among law enforcement agents that impacted the ways in which they handled each case. Among these factors were which agency they worked for and how they perceived what their role entailed.

To better understand law enforcements' motivation, I employ the concept of "settler colonialism." As Kelly Lytle Hernandez contends, settler colonial projects seek land where they envision "building a new permanent, reproductive, and racially exclusive society."⁴⁶ Even though this vision, in this case one dominated by the Anglo growers, was highly dependent on ethnic Mexican labor, they employed methods to limit Mexican participation in community life, such as deportation or criminalization.⁴⁷ In this particular region and during this era, law enforcement agents served as the legal apparatus by which growers and other settlers attempted to accomplish this task. I will argue that Prohibition provided a legal basis upon which to expand policing and justify incarceration.

⁴⁶ Kelly Lytle Hernandez, *City of Inmates: Conquest, Rebellion, and the Rise of Human Caging in Los Angeles 1771-1965* (Chapel Hill: University of North Carolina Press, 2017), 7.

⁴⁷ Hernandez, 8.

Since these cases centered around women and their roles in vice industries, law enforcement added another layer of policing. As historians Elaine Carey and Holly Karibo have argued, the enforcement of vice codes is about much more than enforcing the law.⁴⁸ It also provided the state another way to define appropriate behavior and occupations for women. Examining these cases reveals that law enforcement officers determined whether or not to arrest female suspects based on women's perceived roles in the home. In particular, policing agents attempted to assess whether a woman's arrest would disrupt internal family dynamics and, by extension, those of their communities and the nation as a whole. Women's presence in suspected liquor violation cases thus influenced how federal and local police forces behaved while attempting to enforce laws.

LONG SKIRTS: WOMEN AS PILLARS AND SUSPECTS

In his 1963 memoir that recounts his tales of adventure as a "frontier lawman," John Peavey, a U.S. Border Patrol Agent, included an anecdote about a woman that agents referred to as "old Lupe."⁴⁹ Peavey described her as a habitual crosser between Matamoros, Tamaulipas and Brownsville, Texas. In narrating a particular incident, Peavey described Lupe's fashion choices, which included a black loose-fitting dress that dragged behind her, topped with a faded black shawl, customary attire, he noted, for older Mexican women. U.S. Customs Inspector R.L. Campbell, who was also connected to the onion industry, was on watch with him. He noticed that her shape seemed odd and ordered her brought into the Customs office, where a "lady customs

⁴⁸ Elaine Carey, *Women Drug Traffickers: Mules, Bosses, & Organized Crime* (Albuquerque: University of New Mexico Press, 2014) and Holly M. Karibo, *Sin City North: Sex, Drugs, and Citizenship in the Detroit-Windsor Borderland* (Chapel Hill: University of North Carolina Press, 2015).

⁴⁹ John R. Peavey, *Echoes on the Rio Grande* (Brownsville: Springman-King, 1963), 172.

clerk” searched her.⁵⁰ Instead of a bustle, officers discovered a horse collar hidden under her long black skirts. During questioning, Old Lupe admitted that she had smuggled many horse collars, usually multiple, and that it was the single horse collar that threw off her gait. Smuggling a horse collar was not necessarily a violation of any U.S. Customs laws (Lupe presumably hid the collar to avoid paying potential tariffs), but Campbell continued his interrogation. She finally confessed to smuggling a little bit of mescal on occasion, because it was the “only way she could support herself and the children of a widowed daughter.”⁵¹ The agents warned Lupe not to attempt to smuggle again, then released her without charges.⁵²

On the surface, this case seems unremarkable and certainly does not hint of the dangers highlighted in the *Boston Globe*. The moment is included as comedic relief in an account otherwise focused on a dangerous and violent occupation. Peavey’s memoir, written decades after his years policing, includes vignettes detailing his encounters with male smugglers, “bandits,” and other criminals, which often concluded with violence or tongue in cheek descriptions of interrogation tactics that hinted at violence. His memoir also highlights the different occupations he held from 1906 through Prohibition, which include his time as a U.S. Scout for the military, which entailed patrolling the U.S.-Mexico border during WWI and serving as a Border Patrol agent with immigration services. As a Border Patrol agent, he joined other inspectors and agents, including both of his brothers-in-law, Jack Cottingham and Jim Cottingham, who were themselves nearly inseparable, in searching homes for contraband. Indeed, throughout Prohibition it was common

⁵⁰ Díaz notes that female Customs Inspectors were often tasked with searching women under suspicion of smuggling across the border. It is important to note, however, that in these cases only male agents searched the homes. George T. Díaz, *Border Contraband: A History of Smuggling across the Rio Grande* (Austin: University of Texas Press, 2015), 68. According to the *Brownsville Herald*, Campbell who was originally from San Antonio, was part of the onion industry located just outside of Laredo, which was also part of his district. “New Collector of Customs on Visit Here,” *The Brownsville Herald*, July 5, 1921, <http://newspaper.com> [accessed March 15, 2019].

⁵¹ John R. Peavey, *Echoes on the Rio Grande* (Brownsville: Springman-King, 1963), 172-173.

⁵² Peavey, 172-173.

for agents to move through different law enforcement agencies and work with agents to whom they were related, through either blood or marriage.

National Prohibition and the Volstead Act that followed created or extended policing powers across the nation. In the Rio Grande Valley, some funds were distributed to U.S. Customs with the aim of increasing the number of inspectors, but funding was not sufficient also to hire new agents there. Instead, the Prohibition Unit of the Treasury Department, later to become the Prohibition Unit, extended the power to enforce national prohibition laws to Border Patrol agents, the Texas Rangers, and local law enforcement.⁵³ While their tactics shared similarities, each agency was technically imbued with different legal powers and tasks. For instance, in the late nineteenth century, the Customs service, which principally focused on the assessment and collection of import duties, was assigned the additional task of protecting the nation's moral character. This addition stemmed from the U.S.'s passing of the Chinese Exclusion Act as anxieties regarding immigration led to xenophobic fears that immigrants would alter the "national character."⁵⁴ There was also a growing concern that vice, alcohol, drugs, and pornography that was believed most often to come from abroad, negatively impacted the U.S.'s moral character. Due to these concerns, U.S. Customs became responsible for enforcing morality, but the enforcement of this mandate varied depending on the inspector and the case. Regarding the Prohibition of alcohol, Customs inspectors were mainly to concern themselves with anyone they suspected was smuggling contraband at the ports of entry. Additionally, their duties included building potential cases and pursuing them within "a reasonable distance" from the U.S.-Mexico

⁵³ McGirr, *The War on Alcohol*, 69-71. Sheeran, "The Enforcement of Prohibition in South Texas 1919 to 1933," 49.

⁵⁴ Carol E. Prince, and Mollie Keller, *The U.S. Customs Service: A Bicentennial History* (Washington: Department of the Treasury U.S. Custom Service, 1989), 195.

border. Because they were limited by the number of inspectors and the actual physical distance, however, they coordinated their efforts with other law enforcement agencies.

One agency that worked directly with the U.S. Customs Inspectors was the mounted patrol that in 1924 officially became Border Patrol Inspectors. While during the Border Patrol's inception, their purpose was vaguely and broadly defined, the inspectors garnered experience first as mounted guards through the Chinese Exclusion Act and then Prohibition. Initially, the Border Patrol's primary focus was to "interrogate, detain, or arrest any person they believed to be engaged in the act of illegal entry," which meant from the moment a person entered the U.S. until they reached their destination. Their secondary focus was to search for any contraband a person might be smuggling.⁵⁵

The Texas Rangers and local law enforcement, such as sheriffs, rounded out the agencies that were involved in enforcing Prohibition. While the number of Texas Rangers declined during this era, they were, according to Sheeran, granted the power to protect the frontier, suppress lawlessness and crime, and "aid in the enforcement of the laws of the state" including during Prohibition.⁵⁶ He contended that the state was to recruit men of good moral standing and character and this perception shaped the decisions they made in the cases to follow. In South Texas, law enforcement agencies already had some experience enforcing smuggling due to earlier laws passed in Texas. In addition to enforcing the eighteenth amendment, Texas also made bootlegging a felony and passed the Dean Law, which prohibited the manufacture of alcoholic beverages for any purposes.⁵⁷

⁵⁵ Kelly Lytle Hernández, *Migra: A History of the U.S. Border Patrol* (Berkeley: University of California Press, 2010), 35.

⁵⁶ Sheeran, 52.

⁵⁷ Sheeran, 24.

While Peavey's memoir hints at the extension of policing powers, it also describes the pride Peavey and other law enforcement agents felt in reining in criminals and policing morality. Peavey details his attire and states that, like other agents, he took time with his appearance, starting with the clothes he selected, which emphasized his masculinity, and which he thought necessary to the job. Neither he nor other agents, such as Customs inspectors, initially had a standard official uniform. But in general policing agents chose to dress similarly, in clothing suitable for horseback riding and patrolling.⁵⁸ Peavey considered himself a member of the community he believed his actions protected, reflecting the preference of these agencies for primarily drawing directly from the Anglo public, favoring men with wives, families, and local knowledge.⁵⁹

As indicated earlier, it was through the male agent's gaze that "Old Lupe" was scrutinized, and her walk revealed her possible crime. While her background is not clearly stated, she was dressed in a modest, long black dress that indicated that she was a widow. As a person who chose this occupation to support a family in which men may have been entirely absent, Lupe fit within an accepted realm and was, at least in that encounter, not deemed a threat to the nation. Lupe's choice of attire hints at both her attempt to skirt the law and her knowledge of agents' notions of proper female behavior. While they did not arrest her this time, it is possible that Campbell and Peavey planned to continue their surveillance of Lupe once she returned to the confines of her community. In fact, this was a common practice.

At the onset of Prohibition, law enforcement agents coordinated their efforts in order to enter residential areas and places of business if they received information that someone was selling contraband in the general area. These coordinated efforts were organized by law enforcement

⁵⁸ Sheeran, 63.

⁵⁹ Sheeran, 63-65. See also Peavey, *Echoes on the Rio Grande*.

agents who tended to be familiar with one another. Additionally, agents tended to “scout” communities for potential bootleggers.⁶⁰ For instance, in 1920 T.C. Gill and R.D. Brown, who was a mounted state Texas Ranger at the time, patrolled the city of San Juan late at night. Brown eventually found a place where there appeared to be a “Mexican dance.” He stood and waited until a man by the name of Santa Ana Longoria happened to walk by, carrying a one-quart bottle of tequila. According to Brown, he merely searched Longoria. It is important to note that between 1919 and 1921, Brown switched between different law enforcement roles. He became a deputy sheriff, briefly returned to be a Texas Ranger, and finally a Customs Inspector. Through his multiple roles, Brown likely became both a familiar threatening figure and familiar with the communities. This tactic also illuminates the ways in which law enforcement agents tended to occupy space within communities.⁶¹ Prohibition then granted him another pretext to stop and search someone he suspected of violating the law.

Finally, early cases also indicate agents tended to be inconsistent in how they approached cases. This was likely due to the transition between extra-legal methods of enforcement marked by their previous violent tactics to a more legitimate professionalized form of policing.⁶² In 1919, for instance, R.D. Brown, who was the deputy sheriff in Mission at the time, enlisted mounted inspectors of Customs agents Charles H. Wright and T.C Gill, along with Texas Ranger Jesse Perez to search Florentina González’s home. Brown had received information that González sold an alcohol “called mescal” to several parties.⁶³ Over the next decade, agents refined their approach

⁶⁰ United States v. Santa Anna Longoria, 2869 (United States District Court Southern District of Texas Brownsville Division 1920) Criminal Case Files for Brownsville, Texas, NARA Fort Worth, TX.

⁶¹ United States v. Santa Anna Longoria, 2869.

⁶² See Monica Muñoz Martinez, *The Injustice Never Leaves You: Anti-Mexican Violence in Texas*.

⁶³ United States v. Florentina González, 2571 (United States District Court Southern District of Texas Brownsville Division 1919) Criminal Case Files for Brownsville, Texas, NARA Fort Worth, TX.

and streamlined their documents and made paperwork more efficient by standardizing them. Aside from the testimony, which required a description of the encounter, agents merely had to fill in the blanks. However, in this early case, they were not entirely prepared to investigate women. In the documents, agents scratched out all of the references to males in order to indicate that the defendant was female. Despite the lack of preparedness, however, this particular instance hints at the importance of connection and collaboration between agencies as a tactic. Since each agent was legally bound by their agency, they each handled a different aspect of the case. Additionally, they each had to trust that all of the agents involved would corroborate their version of how the case was handled. The connections forged across agencies among the men are particularly striking. Brown and Wright, for instance, prior to this case, had both been Texas Rangers. Wright, who was related to former Rangers, was a regular Ranger, which meant he was paid by the state of Texas and had powers similar to that of a Sheriff until he served in WWI. This connection proved useful as a tactic, especially when cases might raise questions regarding how agents handled the case.

In this case, agents did not appear to have a warrant of any kind, nor did they allow González to make a statement. Instead, it seems as if agents made their way through her property to find three bottles of cognac near her bed and empty bottles of mescal behind her home. Despite the small amount of alcohol, González was arrested and charged with both smuggling and harboring alcohol. More importantly, Wright's testimony hinted at the moralizing aspect of their search. He noted with some disdain that the bottles had only recently been emptied. Perhaps the issue was that González was a single woman both selling alcohol and likely entertaining patrons in her home.

The following year, again merely relying on information received, T.C. Gill brought Brown and William Peterson, another Texas Ranger, to Maria Martínez's home in Pharr. While originally

from Texas, Peterson had worked in law enforcement, including as a Ranger, in Arizona. He also held familial connections with the Wright family. According to Gill, the three men went to the area to search some houses. It is unclear in their testimony whether or not they had specifically arrived at Pharr in order to search Martínez's home. In his testimony, Peterson stated that when they arrived at her home, Brown approached from the front and Peterson went around to the back door. Once there he noticed "a girl" carrying a sack in her arms.⁶⁴ He searched it and found straw wrappers he claimed normally held bottles of alcohol. They proceeded to search the home and found ten bottles of tequila underneath the floor of the house. Their contradictory testimony makes the case questionable. Gill's and Peterson's testimonies, for instance, did not exactly match. Gill stated that they went to Pharr to search houses, but Peterson's testimony claimed they had information that Martínez was selling alcohol. At some point during the investigation, Gill separated from the two men in order to continue patrolling the neighborhood, which seemed to indicate that they did not enter the community looking for someone specific but rather anyone who might potentially be suspect. Also, Peterson's testimony did not identify "the girl" in the case. It is unclear at which point the two Rangers actually spoke to Martínez. They did, however, use the sack the girl was carrying to justify searching her house and then arresting her under the National Prohibition Act.

The tactics agents applied in the case against Carmel Viuda de Sanchez and Juan Gormea are equally questionable. For instance, the testimony the agents provided did not make the relationship between Sanchez and Gormea entirely clear. It is possible they were not entirely certain, and questions about the nature of their relationship might have been one issue that drew

⁶⁴ United States v. Maria Martinez, 2837 (United States District Court Southern District of Texas Brownsville Division 1920) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

Brown and Customs Inspector O.L. Bell to their home. They searched the home without a warrant and found fifteen bottles of alcohol underneath the floorboards. The agents claimed they came upon a loose floorboard underneath a trunk, which alerted them to the hiding space. Sanchez responded to the discovery by stating that she was holding it for an American she identified merely as G.W.D. She claimed in her testimony that this American showed up while agents were conducting their search, but that they chose not to arrest him because they did not know him. This statement suggests that the agents knew both Sanchez and Gormea and used prior knowledge about their activities as a pretext to search their home, which justified their arrest.⁶⁵

Over time agents would learn, out of legal necessity, to attain warrants and refine other tactics. For instance, in August 1921, the U.S. House passed and had signed into law the Willis-Campbell Amendment, which in addition to allowing for home-made brew, with some restrictions, also stipulated that agents were legally required to have warrants before entering homes to search for liquor. It also provided that no “warrants shall be issued for search of a home, unless there is some reason to believe such a dwelling is used as a place in which liquor is manufactured or sold.”⁶⁶ A few months later, in a response that seemed intended to clarify confusion and quell any contestation, Campbell released a statement regarding the use of warrants. He contended that warrants were only needed when law enforcement agents were going to search a home. Customs Inspectors, he added, were not violating Prohibition laws nor the fourth amendment when they searched vehicles or persons after they crossed the border. Their main purpose was to search for any suspected smuggling of contraband, and the seizure of alcohol was merely incidental to their

⁶⁵ United States v. Juan Gormea and Carmel Viuda de Sanchez, 2871 (United States District Court Southern District of Texas Brownsville Division 1920) Criminal Case Files for Brownsville, Texas, NARA Fort Worth, TX.

⁶⁶ “Home Brew Made Legal in New Bill: Proposed Amendment to Wills-Campbell Makes the Brew Lawful.” *The Brownsville Herald*, August 17, 1921 <http://newspaperarchive.com> [Accessed March 22, 2019].

job. Both types of searches, vehicle and home, were contested in the courts. Ultimately, the courts upheld Campbell's position: stops and seizures of vehicles and persons traveling could occur anywhere without a warrant, but the same was not true for homes.⁶⁷ While law enforcement agents' interactions with the women they encountered varied depending on who was present at the time and how the women responded to them, the method to attain a warrant, once they conceded the need for one, was similar in all cases. The process entailed information that someone was in some way violating Prohibition, usually from an informant, and then requesting a warrant from a judge

In 1922, William Neale, a Customs Inspector, accompanied Brown, then also a Customs Inspector, to Harlingen to sell some seized horses. While in Harlingen they were informed by the constable, R.W. Johnson, that he had information that a Francisca Rocha was selling smuggled liquor from her home. The agents managed to attain a search warrant soon after from the justice of the peace and proceeded to search her home. In a hole just underneath her home's floor, they found nine pints of tequila for which she claimed responsibility. While on the surface the case exemplifies the ways in which agents would handle the cases over time, this instance demonstrates that agents were not entirely prepared for how they would handle these cases, particularly when they involved women. For example, while they acquired a warrant, albeit with mere rumor, but which was necessary to conduct the search, her file had to be corrected multiple times. For instance, in their testimony agents clearly identified a woman, but in the forms her gender pronoun had to be corrected multiple times. This could indicate that they, along with the courts, were more prepared for male smugglers. The agents likely sought out confrontations with male smugglers and sellers. Brown, for instance, was featured in an article the year before because he had defeated

⁶⁷ "Baggage May be Searched, says Campbell: Says Customs Inspectors Not Required to Provide a Search Warrant," *The Brownsville Herald*, October 6, 1921, <http://newspaperarchive.com> [Accessed March 22, 2019].

a male smuggler with his fists.⁶⁸ On one level, the agents, in their role as moral enforcers, were attempting to rein Rocha in due to the fact that she was on her own and selling alcohol from her home. The warrant does not include even a hint of an address, which might mean either that it was attained after the search or under questionable circumstances. In Rocha's case, for instance, agents did not have any tangible evidence that she was selling alcohol. They attained the warrant simply because the constable notified the agents of her possible activities. It also seemed to reflect that they were attempting to resort to earlier tactics of policing, which allowed law enforcement to conduct acts with impunity, while still at least on the surface seeming to adhere to legal requirements. Rocha's case was among hundreds that mainly involved men selling or smuggling alcohol, which might also explain the multiple typos. It also reflects law enforcement's extended surveillance and continued presence in ethnic Mexican communities. Over the years, agents honed their tactics and while they never quite remained consistent in how they presented their cases, they did grow more accustomed to encountering women.⁶⁹

In 1926, for instance, U.S. Customs Inspector D.L. Pullin attained a warrant to search Marcaria Corpus's home located in East Donna, which agents referred to as the "Mexican" side of town.⁷⁰ The warrant was granted due to information Pullin received that Corpus was "handling contraband liquor from her home."⁷¹ Law enforcement continued to resort to relying on informants to either reinforce their suspicions or to uncover homes where alcohol was sold. Law enforcement frequently relied on local informants to attain search warrants. According to James Sheeran,

⁶⁸ "This Man Willing to Fight for His: Customs Inspector Brown Has a Tough Customer," *The Brownsville Herald*, July 25, 1921, <http://newspaperarchive.com> [Accessed March 21, 2019].

⁶⁹ United States v. Francisca Rocha, 3162 (United States District Court Southern District of Texas Brownsville Division 1922) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

⁷⁰ United States v. Marcaria Corpus, 3843 (United States District Court Southern District of Texas Brownsville Division 1926) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

⁷¹ United States v. Marcaria Corpus, 3843.

officers struggled to enforce Prohibition without using informants. Informants in turn were paid one-fourth of all fines and penalties that resulted from an arrest.⁷² In some cases, agents also used informants to set up traps. For instance, in a case involving a Dora Castillo, agents sent in Mrs. Marcela Morris to buy alcohol from Castillo twice in order to justify her arrest.⁷³

The warrant in Corpus's case, which was by then typical of the time, did not have an exact address, but rather a description to search "the first house immediately north adjoining the Catholic church building now used as a school in the village."⁷⁴ Such vague descriptions may have granted law enforcement the ability to search houses in a broad area, thus expanding their policing web. Law enforcement agents continued to gather in groups from different agencies before entering a person's home. Each case was led by one agent, who detailed a narrative of the search while the other agents provided supporting statements that corroborated the main narrative.

As the agents approached Corpus's house, they spotted her running from the back door, throwing a bottle of mescal in mid stride. Pullin noted that some mescal spilled from the bottle and wet the ground where it landed. Inside, the other agents encountered Corpus's son stuffing a bottle under his shirt. In her backyard, they found a gallon jug full of mescal buried underneath some pumpkin vines. When the agents questioned her, she stated that the alcohol was for her and her son because "they enjoyed drinking it."⁷⁵ Despite her contention that the mescal was for their own personal consumption and the limited quantity of it, she was arrested and charged with smuggling alcohol in violation of the Volstead Act. The women in these cases were generally charged with

⁷² Sheeran, p. 44. Peavey also mentions his reliance on embedded community members for information.

⁷³ United States v. Dora Castillo, 5357 ((1926) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX. 1929) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

⁷⁴ United States v. Marcaria Corpus, 3843. (1926)

⁷⁵ United States v. Marcaria Corpus,3843. (1926)

both selling and smuggling alcohol if it was present and deemed foreign, despite the lack of clear (or any) evidence that they smuggled it themselves.

Pullin referred to Corpus as an “old lady.”⁷⁶ While the agents encountered her son, presumably a young adult, they mentioned no other male, indicating a female-led household. In this case Pullin perceived Corpus, unlike “Old Lupe,” as the kind of threat to the community and the nation that Prohibition was meant to control. Officers’ testimony suggests that Corpus not only sold alcohol from her home, she did not seem to be a good role model for her son, since it appeared that he also took part in selling and consuming alcohol.⁷⁷ Additionally, Corpus’s response suggested that she had knowledge of Prohibition laws, another possible strike against her. Corpus first attempted to flee the agents and then in this instance chose to respond to questioning with selected responses. Her actions and confrontation of the officers—a direct challenge to their authority—led them to charge her. Importantly, though, the officers’ focus on the mother also directed law enforcement’s focus away from her son, which reduced chances for any potential violence or his arrest.

In 1926, Border Patrol Inspectors Clifton Brown and John Henley, charged with the authority to rein in liquor violators, attained a warrant to search Rafela Apersiado’s home in the hamlet of Alamo because an informant shared that she “was handling a good deal of contraband alcohol.”⁷⁸ Clifton and Brown went out early on a Friday morning since it was common for agents to choose an unexpected time of day to catch potential criminals by surprise. In their testimony, the inspectors claimed they encountered Apersiado walking home, hauling a sack filled with

⁷⁶ United States v. Marcaria Corpus, 3843.

⁷⁷ United States v. Marcaria Corpus, 3843

⁷⁸ United States v. Marcaria Corpus, 3843. See William James Sheeran, “The Enforcement of Prohibition in South Texas 1919 to 1933, 44.

bottles. Upon being questioned, Apersiado stated, “well you have caught me, it is booze.”⁷⁹ She admitted to carrying five quarts of tequila and one of mescal. At this point, Henley demanded that she relinquish any bottles hidden in her home, and the agents claimed she agreed to let them into her home. It is interesting to note that even in the cases when law enforcement attained warrants, they often claimed in their testimony that they asked to be allowed to enter the premises. It seems likely that they included this claim in order to avoid any potential arguments from defendants that they forced their way into their homes. They walked with Apersiado to her home, where she gave them a half full bottle of mescal. Henley asked Apersaido what she was doing with the bottle, and officers reported she replied, “selling it by the drink.”⁸⁰

Many of the documents do not indicate which language the women involved spoke, nor do the agents note their nationality. Somewhat suspiciously, the women’s statements as law enforcement presented them conformed to the familiar phrases adopted at the time, such as “I was handling liquor,” which would tend to support Prohibition related cases. Since law enforcement agencies tended to draw from the community, it seemed possible that many of the exchanges were occurring in Spanish though most agents were Anglos. However, since agents were conscious of formulating cases that would result in incarceration, they relied on phrases that unquestionably related to the selling and smuggling of alcohol and which may have been their own, preferential translations. As noted, due to this goal of incarcerating ethnic Mexicans, law enforcement agents focused on entering homes and finding contraband, which in turn allowed them to tack on smuggling charges.

⁷⁹ United States v. Marcaria Corpus, 3843.

⁸⁰ United States v. Rafela Apersiado, 4062 (United States District Court Southern District of Texas Brownsville Division 1927) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

When young children were present in those homes, that presence cultivated varied responses. In Apersiado's case, even though she operated a makeshift underground cantina, when agents encountered her "family of children" they chose to charge but not detain her.⁸¹ In addition to noting the children as a reason, which they indicated would make it less likely that she would flee her residence, the inspectors were also aware that her husband, Catarino Alvarez, had been apprehended under similar circumstances.⁸² Not wanting to leave children without parental supervision, these two factors prompted officers to show some leniency.

Three days later, however, Customs Inspector Pullin, who seized the contraband liquor from Apersiado's home, returned with Border Patrol Inspectors J.P. Cottingham and J.H. Cottingham, and this time they acted more harshly. This time Pullin questioned Alvarez—who was now back at home—at the door. In his testimony, Pullin claimed he told Alvarez that he attained information that he and his wife persisted in selling contraband alcohol. Alvarez denied it and, according to Pullin, invited Pullin in to look around. Pullin was careful to note that they did not enter until they were given permission. On entering the house, the inspector found a bottle between the mattress and its frame. Alvarez stated that he had just been lying there and was drinking from the bottle that he had for his own personal consumption. They also found a quart bottle of mescal in the baby cradle. Apersiado claimed the bottle was hers and added that four days prior she had purchased two cases of liquor (24 bottles) and sold each bottle for \$2.00. The bottle they found she had kept for herself, she claimed. This time the couple was charged and detained. Apersiado was released soon after; her husband served three months in jail. While the case resulted

⁸¹ United States v. Rafela Apersiado, 4062.

⁸² United States v. Rafela Apersiado, 4062.

United States v. Catarino Alvarez and Rafela Apersiado, 4063 (United States District Court Southern District of Texas Brownsville Division 1927) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

in Alvarez serving time, it is important to note the ways in which Apersiado asserted her presence. Perhaps conscious of the danger that law enforcement posed to her husband, she claimed responsibility for the alcohol and claimed part of it for herself. And despite this claim of responsibility, Apersiado was released quickly so that she could return to what the state saw as her primary role: mother to her children. While Apersiado's choice might seem risky, it is possible that she perceived that more harm might come to her husband than to herself. In addition to the physical danger the agents posed to her husband, he would likely have served more time in jail, or worse, be sent to a federal prison.

As the above cases demonstrates, prohibition provided law enforcement agents justification for extending patrols beyond the borderline and into ethnic Mexican neighborhoods. Indeed, if suspected liquor violations enabled lawmen to enter homes, by doing so they provided the pretext to police a wide range of cultural codes. On Saturday, March 19, 1927, Federal Patrol Inspector J.P. Murphy, accompanied by Federal Patrol Officer H.H. Schildt, drove by Maria Librada Lopez's house and noticed a man's feet sticking out over the end of a cot located in her yard. A half bottle of tequila rested next to him. Murphy and Schildt stopped and approached the man to ask him where he attained the bottle. The man, C.M. Clew, pointed to Lopez's home and stated, "from the Mexican woman who lives there."⁸³ Already intoxicated, he added that he was presently drinking from the second bottle he had purchased from Lopez. According to Murphy's testimony, he walked around Lopez's house until he found an open door. He looked inside and saw Lopez standing beside a bed, and just inside to the right of the door he noticed two sacks of tequila, 22 quarts, which he categorized as "foreign distilled intoxicating liquor."⁸⁴ Murphy

⁸³ United States v. Maria Librada Lopez, 3972 (United States District Court Southern District of Texas Brownsville Division 1927) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

⁸⁴ United States v. Maria Librada Lopez, 3972.

questioned Lopez regarding the liquor and she contended that “her boy” found it by the brush and brought it inside. Since her statement is filtered through Murphy’s testimony, it is unclear what she meant by her boy, precisely. Presumably Murphy translated literally, and she referred to her son, of an unknown age, indicating that Lopez was a mother. Since there did not seem to be a male partner present, Lopez likely lived on her own.

Officer Schildt’s testimony added yet another layer to the case. After Lopez denied selling alcohol, Schildt again questioned Clew, who again accused Lopez. At this point, Lopez admitted to selling tequila and asked to be released, promising “not to mix up with anymore tequila.”⁸⁵ Her plea suggests that she was attempting to solicit sympathy, which she was probably aware would be extended to a woman much more likely than to a male suspect. As the officers left with Lopez, her oldest son approached them and asked what was happening. Schildt noted that her son, recently shot, appeared to be in “bad health.” Schildt shared with Lopez’s son that she sold alcohol to Clew and warned him that if he had any alcohol in his own home he needed to relinquish it. He threatened to wait all night until he received a warrant to enter his home. Lopez’s daughter-in-law then opened the door to their home, pointed to the 13 bottles of tequila they were harboring and stated, “there it is, take it.” While Schildt confiscated the bottles, he was careful to note that the 13 bottles found in Lopez’s son’s home were not to be included in the charges against Lopez. He merely wanted to record what “the whole family were doing.”⁸⁶ The officers chose not to arrest Lopez’s son due to his poor health and because he had small children, leaving her son’s family intact. The officers,

⁸⁵ United States v. Maria Librada Lopez, 3972.

⁸⁶ United States v. Maria Librada Lopez, 3972.

however, arrested Lopez because it seemed from both her son's actions and statement that from his point of view, she was disrupting the family dynamic by being a poor role model.⁸⁷

Here the conflicting definitions of motherhood become apparent. While officers were often reluctant to separate mothers from their children, they also sometimes punished women precisely for being the wrong type of mother, one that might expose her children to lawlessness, vice, and crime. In these cases, agents acted as moral enforcers and arrested women when they felt it reified the idea that women should serve as better role models. More often than not, law enforcement varied their approaches to investigating and apprehending women, leaving them less likely to use violence as a means of enforcing the law. Women, as the above cases show, were aware of this inconsistency and attempted to shape the outcome.

If officers were willing to show some leniency toward mothers, there was another category for women who not only sold alcohol as a form of family income but who also, according to law enforcement, disrupted the community by acting as a public nuisance. Nuisance charges granted law enforcement officers another form of policing over women and their homes. Agents targeted women who, from their point of view, stepped beyond accepted social boundaries, by either failing to meet familial expectations or inadvertently disrupting the family dynamics of others by selling alcohol to men. Indeed, many implications can be drawn from such a vague term. One reason for this is that the term, rooted in the black codes and enacted in the southern U.S. during Reconstruction, was created to criminalize the behavior of African Americans.⁸⁸ When it was

⁸⁷ That two widows posted bail on Lopez's behalf, Rosa Scroggins and Librada Garza de Gonzalez, \$200 each by using lots they owned, indicates the degree to which women could appeal to community networks for support. *United States v. Maria Librada Lopez*, 3972.

⁸⁸ McGil, 91

tacked on to Prohibition cases, the phrase stigmatized ethnic and working-class neighborhoods throughout the U.S. and particularly in the border region.

In 1926, law enforcement agents acting on this concern took deliberate steps to establish Maria Mancillas's business and adjoining home in the city of McAllen, which she shared with her husband and daughter, as a "place of public nuisance."⁸⁹ In May, Deputy Sheriff Lorenzo Garcia arrested two groups of "Mexican" men, one group in the morning and one in the evening, leaving her restaurant drunk and carrying alcohol. The men were fined for being drunk and disorderly. The incident occurred just a few months after a search of Mancillas's residence, when law enforcement agents found 32 bottles, which they confiscated and promptly destroyed. On that occasion, the judge presiding over her case gave Mancillas a warning.

Deputy Sheriff Garcia notified Peavey and Pullin of the May arrests, which provided justification for another warrant to search Mancillas's premises. When they returned the second time to her residence, the law enforcement agents searched areas where bottles were previously hidden, such as in the yard between her home and store. There they came across a tub planted with flowers that hid a bottle of tequila. During this search, they also found three freshly emptied bottles of tequila tossed in the yard. Additionally, they encountered a tub, over a recently excavated hole two-feet deep, inside a small enclosure, with freshly planted flowers, near the front of her house. In his testimony, J.P. Cottingham compared it to holes found in "bootlegging" joints used for concealing alcohol from law enforcement. Cottingham also noted that the mounds of dirt that

⁸⁹ United States v. Maria Mancillas, 3829 (United States District Court Southern District of Texas Brownsville Division 1926) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

should have accumulated due to the size of the hole dug out were conspicuously missing. Ultimately, they found one bottle of tequila and a small amount of mescal.⁹⁰

The women in these cases rarely chose to answer questions. Mancillas, however, participated in the interrogation. Throughout her questioning, Mancillas contended that she did not sell alcohol and added that the local sheriff and deputy sheriff often came around to check on her despite knowing she did not handle contraband liquor. The questioning also focused on the holes dug out beneath the tubs of flower beds. J.P. Cottingham was eager to have Mancillas explain the purpose of each hole. According to Mancillas, the tubs served as flowerbeds and the holes were intended to catch rainwater.

When they questioned Mancillas about the group of men arrested, she clarified that it was not two groups but rather two men, who her husband ushered from her store because they were intoxicated. They reminded her that she had been previously charged and warned that she was not to have any alcohol on her premises. She argued that the small amount of mescal they found, which she did not think would be a problem, was given to her by one of the men taken from the store to rub on her head because she suffered often from headaches. The tequila bottle, she added, was thrown there by the local police because, as she stated, likely regarding members of her own community, “the Mexicans here are sore at me because the judge did not fine me.”⁹¹ The officers reiterated that her yard was enclosed and that, despite her argument, it did not seem possible that someone would be able to hide a bottle in her tubs of flowers. Throughout the interrogation,

⁹⁰ The cases often include agents’ forensic abilities to justify their entrance into their homes. This included comparing homes where alcohol was sold to bootlegging joints or their ability to “track” smugglers paths into homes. See Alexandra Minna Stern, “Nationalism on the Line: Masculinity, Race, and the Creation of the U.S. Border Patrol, 1910-1940,” in *Continental Crossroads: Remapping U.S.-Mexico Borderlands History*, eds. Samuel Truett and Elliott Young (Durham: Duke University Press, 2004), 299-323.

⁹¹ United States v. Maria Mancillas, 3829.

Mancillas maintained her innocence, and argued that despite the judge's condition she only owned a small amount of mescal for her headaches. She added that she was sleep-deprived due to working long hours and this caused her to forget the judge's warning. For the judge presiding over a case involving her for the second time, the evidence was strong enough to sentence Mancillas to serve 60 days in the Cameron County Jail and to declare her home a place of a public nuisance.⁹² In Mancillas's case, agents took steps to build a case against her in part with the help of local community members, an issue that will be addressed in chapter three. Under the charge of "public nuisance," Mancillas was not only guilty of breaking the law, she was also punished for cavorting with intoxicated men who were not her husband and for helping other members of the community down their path towards deviancy.

Despite law enforcements' connection to local communities and their reliance on informants, they also turned to other methods to enter homes. In addition to declaring a residence a place of public nuisance, law enforcement agents often adopted the strategy of adding the phrase "Christian Surname Unknown" to their warrants. In 1929, for instance, Customs Inspector C.H. White attained a warrant to search Josefa González's home because an informant claimed she was selling alcohol, especially on Sundays. For her warrant, law enforcement agents applied the phrase "Christian Surname Unknown," because, as White explained, it was otherwise impossible to enter a neighborhood and make useful inquiries. This was the case because community members often gave false names or warned neighbors that law enforcement agents were in the process of attaining a warrant to search their homes. Additionally, law enforcement agents were frustrated by ethnic Mexican women's usage of both their married and maiden names. The phrase worked in

⁹² United States v. Maria Mancillas, 3829.

conjunction with vague descriptions of homes, allowing officers to creatively broaden their searches depending upon what they found on the ground.⁹³

In this case, White, accompanied by U.S. Customs Inspector Paul Wright, searched González's home, which was located in an area they noted as "Tule Town" in Edinburg, with a warrant using "Christian Surname Unknown."⁹⁴ The inspectors in this case did not find any "foreign distilled liquor," but rather home brewed beer and the materials to brew beer. In her home's backyard they also found empty mescal bottles in a tub, while in the kitchen there were 52 bottles of beer on ice sitting in another tub. Next to that one was another tub with an additional 15-16 bottles of beer, both empty and full, "pelted" with water from the ice melting around them. Additionally, the inspectors found five gallons of "crook," which was used to make beer and a capping machine they presumed capped the bottles once filled.

Since the alcohol had clearly not been imported, the inspectors charged González with being in possession of alcohol without the proper documentation, but not for smuggling. Unlike the case involving Maria Librada López, the inspectors did not have definite proof that González sold alcohol. She claimed that the beer was for her and her husband's personal consumption. The large quantity of alcohol, however, granted law enforcement agents the ability to charge González with possessing and manufacturing intoxicating liquor in addition to declaring her home a place of public nuisance. The way in which the case was ultimately handled, however, depended on the perception of the judge who presided over the case. During González's hearing, the judge was reluctant to detain her because, as the court testimony indicated, she was a woman, and this made

⁹³ United States v Josefa Gonzalez, 4657. (United States District Court Southern District of Texas Brownsville Division 1929) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX

⁹⁴ United States v Josefa Gonzalez,4657.

the judge feel “loathe” to fix a bond.⁹⁵ This was particularly the case because she came to court with her two small children, one of which was a “baby in her arms,” which added presumably to the judge’s discomfort. González ultimately agreed to return to her court date of her own volition.⁹⁶ This treatment was a national trend: judges proved hesitant to immediately jail women who clearly tried to maintain households or had small children. Moreover, despite the high number of women arrested and incarcerated during Prohibition, judges, and to a certain extent the public at large, treated the cases involving women as anomalies.⁹⁷ But even though gender played a role in how cases were perceived and in how they were decided, in South Texas these cases presented an opportunity to jail women, particularly ethnic Mexican women, as way to both control women’s behavior and minimize their presence in the community.

Finally, a careful examination of the cases reveals another tactic law enforcement agents employed during this era: intimidation. While more difficult to identify, the ways in which women responded or behaved in reaction to questions and searches indicated that intimidation played a key role. The narratives contained within the cases are riddled with statements claiming law enforcement was granted immediate access to homes where the alcohol often lay out in the open. This kind of surrender, if true, is perhaps understandable given the violence unleashed on ethnic Mexican communities by American law enforcement during the previous decade.⁹⁸ This decade led to the creation of a culture of violence that also included “intimidation and sexual threats

⁹⁵ United States v Josefa Gonzalez, 4657.

⁹⁶ United States v Josefa Gonzalez, 4657.

⁹⁷ McGirr, *The War on Alcohol*, 97.

⁹⁸ From 1915-1919 hundreds, possibly thousands of ethnic Mexicans were killed in South Texas during an era known as “La Matanza,” primarily by the Texas Rangers. See Trinidad Gonzales, “The Mexican Revolution, *Revolución de Texas*, and *Matanza de 1915*” in *War Along the Border: The Mexican Revolution and Tejano Communities*, ed. Arnoldo De León (College Station: Texas A&M University Press, 2012).

against men, women, and children alike.”⁹⁹ Moreover, the women managing cantinas from their homes knew how officers sometimes killed the male liquor smugglers who supplied them.¹⁰⁰

While that specific level of violence was associated with the Texas Rangers, or “rinches” as the community referred to them, many of the agents had at one time been Texas Rangers. While the Border Patrol was in the process of changing and refining their appearance, during Prohibition agents lacked official uniforms, which likely made them difficult to distinguish. Additionally, BP inspectors such as Jack Cottingham and Jim Cottingham contributed to this projection of fear and intimidation. For example, when Jim was critically wounded by a Mexican liquor smuggler, Jack responded by heading to the border to take vengeance for his brother. Jack returned to the area of the incident and proceeded to shoot every person coming in from Mexico.¹⁰¹ This underlying thread of threat, which police documents silence, may easily explain why, for instance, when agents returned to Rafela Apersiado’s home, she readily admitted to selling alcohol.

Such intimidation seemed evident, in 1928, when USCI W.B. Hopkins attained a warrant to search Rosa Morales’s home in Rio Grande City. A few days prior to his arrival, he received “reliable information” that Morales handled liquor from her home. He requested that Border Patrol Agents Jesse Perez Jr. and Bland C. Durham accompany him. As a son of a Texas Ranger and former WWI soldier, Perez approached Morales’s home with a history of violence behind him.¹⁰² Known “as a legend within the Border Patrol,” Perez married “one of the founding families in Rio Grande City,” where he was stationed for his entire tenure. Additionally, Perez’s father in law was

⁹⁹ Muñoz Martinez, *The Injustice Never Leaves You*, 80.

¹⁰⁰ Díaz, *Border Contraband*, 99-101.

¹⁰¹ Peavey, 267-269 and Lytle Hernández, 57-58.

¹⁰² Jesse Perez Sr. details his son’s time in as a soldier in WWI. Additionally, Perez Sr. was directly linked to the era of violence in the Rio Grande Valley. Jesse Perez, “The Memoirs of Jesse Perez, 1870-1927” (unpublished typed manuscript, Center for American History, University of Texas at Austin).

a Texas Ranger, a sheriff, and U.S. marshal. Over the course of his career, Perez and his father, a Ranger associated with the era of La Matanza, worked for several years alongside each other.¹⁰³

The group traveled down a dirt road off the main highway to a home described as a frame construction with shingles, gables, and roof, painted white with green trimming. In their search, the agents found two one-gallon bottles of mescal, one quart of mescal, six quarts of aguardiente, and six quarts of tequila hidden in various parts of the home. This type of alcohol was generally sold to local residents, which likely meant that Morales had male visitors. This would have placed her home on the radar of the officers. They promptly charged Morales for being in possession and for transporting alcohol, and the court placed her bail at \$200, which was rather high at the time. Interestingly, her bail was paid by two men, which hints at a communal network.

During the proceedings, Morales surprisingly admitted that her mother and children had implored her to stop selling alcohol, but that she “would not quit.”¹⁰⁴ This type of admission was rare. The women in these cases generally adopted phrases commonly used at the time, which exploited the loopholes in Prohibition laws, such as that the alcohol was for medicinal purposes or for their own personal consumption in order to contest any possible charges. The choice USCI Hopkins made to include the border patrol, and specifically Perez, points to the possibility that he wanted to intimidate Morales. Technically, the border patrol would focus first on her immigration status and then on the alcohol, but her immigration status was not discussed, which indicates that the agents were primarily focused the alcohol related charges that would guarantee an arrest. We might imagine that due to the inclusion of someone like Perez that she was intimidated into the confession. The inspectors do not reveal anything else that Morales might have stated, which might

¹⁰³ Lytle Hernández, 42.

¹⁰⁴ United States v Rosa Morales, 4461 (United States District Court Southern District of Texas Brownsville Division 1928) Criminal Case files for Brownsville, Texas NARA-Fort Worth, Texas.

explain why she chose this trade. Instead, her response hints at a personal turmoil that prompted her to continue working in an illicit occupation, not just out of necessity, but also by choice.

CONCLUSION

As noted in the opening, Prohibition era narratives were dominated by depictions of male “bandidos” facing off against law enforcement agents. While these confrontations certainly occurred, and law enforcement agents who often employed violence were the legal apparatus by which Anglo growers sought to control the region, this era also brought law enforcement agents in direct contact with the women who smuggled, sold, and harbored alcohol, and with whom they interacted in somewhat different ways. Prohibition granted U.S. federal, state, and local police forces greater power to monitor and regulate Americans’ behavior. They accomplished this task in great part by coordinating their efforts, often relying on their familial and social connections. Prohibition allowed law enforcement agents a way to extend their surveillance of ethnic Mexican communities in South Texas, bringing them into the most intimate space, the family home.

Conscious of their intrusion into women’s domestic sphere, officers enforcing Prohibition took a gendered approach to policing that shaped their interactions with ethnic Mexican women suspected of smuggling or selling alcohol. How officers perceived particular women and their roles in the local community had a direct impact on how they chose to enforce liquor policies. Enforcement officers used the categories of mother and breadwinner as lenses to assess what type of punishment individual female smugglers and liquor-sellers should receive. On the one hand, when officers perceived a woman as the primary caregiver to her children or breadwinner in the family, they tended to mete out warnings or seek milder punishments. Reinforcing the notion of women as the “weaker sex,” they took a paternalistic approach in which individual officers seemed to view their role as protectors of individual families. Yet mothers and wives who failed to meet

officers' standards of proper female behavior were also often labeled a "public nuisance" and faced harsher penalties. Due to their perceived gender transgressions, framed as a threat to the local community and, as stated in the documents, the nation as a whole, such women often faced harsh scrutiny, surveillance, and longer sentences. Ultimately, these cases also illuminate women's efforts to exercise agency over their homes in the face of police intrusion and the threat of state violence, which is the focus of the next chapter.

Chapter Two: “X Marks Her Name:” The Agency and Homes of Bootlegging Women

For one dollar a day, ethnic Mexican workers took on the arduous task of cutting through the thick sharp brush that covered the Rio Grande Valley’s terrain in order to clear the land to lay railroad tracks.¹⁰⁵ In 1904 workers completed the St. Louis, Brownsville, and Mexico Railway, connecting Brownsville to the Corpus Christi terminal of the Missouri-Pacific railroad system.¹⁰⁶ The railway preceded the region’s economic growth and increase in population. In particular, it ushered in Anglo growers’ economic success that swept aside much of what was in its path. Maria Velarde’s home stood in defiance near a freight depot, just on the other side of the Missouri-Pacific railroad tracks. Her home edged the banks of the *estero resaca*, a lush waterway etched by the Rio Grande in Brownsville.¹⁰⁷ A palm tree marked the entrance to her yard. Velarde’s first documented encounter with law enforcement occurred in 1921, when U.S. Customs Inspector Robert Dueroc Brown, aided by a search warrant, entered her home. During his search, Brown found two quarts of tequila under Velarde’s bed and one quart of vermouth hidden behind a picture in the wall. When questioned, Velarde stated that the vermouth was for her own personal consumption, but the tequila she contended belonged to another woman who placed the bottles under her bed.¹⁰⁸ In October, Velarde faced U.S. Commissioner H.K. Goodrich, who charged her with harboring contraband with the intent of selling it. She submitted her \$100 bond and was released and scheduled to appear in December 1921. Over the next

¹⁰⁵ Timothy Paul Bowman, *Blood Oranges: Colonialism and Agriculture in the South Texas Borderlands* (College Station: Texas A&M Press, 2016), 42.

¹⁰⁶ Bowman, 28.

¹⁰⁷ Ben Johnson, *Revolution in Texas: How a Forgotten Rebellion and Its Bloody Suppression Turned Mexicans into Americans* (New Haven: Yale University Press, 2003), pp. 276-277.

¹⁰⁸ *United States v. Maria Velarde*, 3078 (United States District Court Southern District of Texas Brownsville Division 1921) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

decade, Velarde made the choice to continue harboring and possibly selling alcohol from her home despite the risk of encountering law enforcement agents.

The previous chapter demonstrated that women's participation in liquor related industries during Prohibition brought them in direct contact with the expanding policing regime in the borderlands. While agents habitually adopted violent tactics when only ethnic Mexican men were involved, their perception of women as "the weaker sex" often shifted their approaches to female smugglers. In these cases, women not only benefited from their chosen occupation, but were also able to negotiate with law enforcement in a manner that deescalated potential violence. This chapter will focus on the various ways in which women such as Velarde participated in alcohol related industries throughout prohibition in addition to some tactics, they wielded in order to circumvent the system. While the interactions between women and law enforcement agents often led to negative consequences for women, since many were arrested, and a few were sent to prisons located outside of the Rio Grande Valley, a close examination of the documents illuminates moments of agency, knowledge, and even resistance. To a lesser extent this chapter will also examine how women's participation in this industry expanded opportunities for other women.

This chapter attempts to shift the ways in which we view these interactions by reading women's actions and verbal responses against the grain. Understanding their full range of activities and actions is challenged by the fact that women's participation was largely only recorded in federal documents, which were intended to build cases against them. However, since the women who participated in the industry rarely left records of their own, I must, as Emma Pérez contends in *The Decolonial Imaginary*, interpret voices that have been relegated to

silences, to gaps, or “interstitial spaces.”¹⁰⁹ It is also helpful to consider how Miroslava Chávez-García enacted this particular approach when confronted with a similar challenge. In *Negotiating Conquest*, she attempts to interpret and give meaning to women’s actions, which entailed suggesting and hypothesizing about possible motivations.¹¹⁰ She accomplishes this partly by analyzing the measures taken against women for transgressing the legal system, such as having children out of wedlock. Through gender-specific questions, Chávez-García attempts to understand both the world women inhabited and the ways in which it shaped their choices. In order to better understand women’s actions and choices that seem almost mundane and easily overlooked, I also borrow from James C. Scott, who contends that subordinate groups do express resistance, but often in a disguised manner. Scott refers to this form of expression as a “hidden transcript,” and suggests that scholars interpret rumors, folktales, and gestures, for instance, as “vehicles by which, among other things, they [subordinate groups] insinuate a critique of power.”¹¹¹ In addition to being critiques of power, “hidden transcripts” also illuminate the actions people take to thwart the ability of those in power to completely appropriate their labor, production, and property. In order to understand how women were attempting to thwart those in power, I analyze gestures, actions, and language, especially the specific ways in which women phrased words in their own defense. Finally, this chapter begins to consider the importance of homes to the women who were controlling their own households while agents attempted to control a community.

¹⁰⁹ Emma Pérez, *The Decolonial Imaginary: Writing Chicanas into History* (Bloomington: Indiana University Press, 1999), xvi.

¹¹⁰ Miroslava Chávez-García, *Negotiating Conquest: Gender and Power in California 1770s to 1880s* (Tucson: University of Arizona Press, 2004), xvii.

¹¹¹ James C. Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven: Yale University Press, 1990), xiii.

Maria Velarde's case provides a window onto women's lives in addition to the ways in which their choice to participate in this industry both exemplified agency and challenged law enforcement. Velarde's home, edging the railroad on one side, the resaca on the other, bore witness to the law enforcement tactics of the agents who scuffed across her property. In 1923, as customs inspectors approached her home, Velarde attempted to evade arrest by running away. USCI Agents W.M. Shears, Campbell, and V.C. Crixell had managed to attain another warrant to search Velarde's home.¹¹² According to Crixell's testimony, he somehow stopped Velarde, searched her body and found she was concealing three quarts of tequila beneath her clothes. When he asked if she had hidden any more alcohol, she said no. The inspectors, however, continued their search. They came across a house on her property that served as a kitchen, and there behind some boxes the inspectors found one quart of mescal. While she declined to make a statement, Velarde did plead guilty. On May 23, 1924, she was tried among numerous other cases involving liquor violations and was given the standard 30 days in jail.¹¹³

This era experienced an increase of women in court throughout the state.¹¹⁴ The *Brownsville Herald*, for instance, drew attention to this trend with the headline "Ten Women Guilty of 'Legging'." While the story was set in Texarkana, it emphasized that "feminine" bootleggers, including a bride of six months, were all facing criminal charges. The article also featured their rebuttals. For instance, O.K. Cox, a 73-year-old man, and three of his daughters, pled guilty. According to his testimony, he and his daughters turned to bootlegging in order to make a living. He explained that one of his daughters was abandoned by her husband, two were

¹¹² United States v Maria Velarde, 3478 (United States District Court Southern District of Texas Brownsville Division 1923) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

¹¹³ "Ten Women Guilty of 'Legging'," *The Brownsville Herald* May 13, 1924, www.newspaperarchive.com [Accessed May 24, 2018].

¹¹⁴ See McGirr, *The War on Alcohol*.

widowed, and one was crippled for life. Perhaps the judge perceived him as burdened by his daughters; in any event, they postponed his sentencing. Similarly, the article went on to explain that Velma Brown, a widowed mother of three, was placed on probation. However, an Eva Smith, who was identified as “negro,” was sentenced to ninety days, which suggests that women of color might often serve harsher sentences.¹¹⁵

In Velarde’s case, law enforcement’s rather aggressive presence, in addition to the thirty days in jail, was meant to curtail her activities, but Velarde remained in the industry. Later that year, USCI Stubblefield arrested Velarde once again. This time she was accompanied by Margarito Cortez, who was in her home as Customs Inspectors Campbell and Shears, already familiar with her home, searched and discovered nine pints of mescal and eight quarts of tequila. According to Stubblefield, the three inspectors had placed Velarde’s home under surveillance. The night prior to her arrest, they witnessed Cortez enter her home with a gunny sack. He noted that they also saw Velarde up and walking around her home late into the night. Early the following morning the inspectors attained a warrant and entered Velarde’s home. When they initiated their search, Velarde was in one room ironing. The sack full of alcohol was propped up in the same room. They also made sure to note that they found Cortez in bed, nude. Perhaps their intention was to sway the jury into viewing Velarde’s behavior as questionable. Neither she nor they clarified her relationship to Cortez. Despite this, Cortez ultimately claimed sole responsibility for both

¹¹⁵ “Court Lined with Female Rum Sellers” *The Brownsville Herald*, November 19, 1929, www.newspaperarchive.com [Accessed May 24, 2018].

smuggling and selling the alcohol.¹¹⁶ In this instance, his testimony became enough to find Velarde not guilty. She was released, while Cortez was fined \$250.¹¹⁷

For the next four years, Velarde managed to remain beyond law enforcement's scope. In August 1928, however, USCI Campbell and Shears returned to her home with USCI Champion. This time, they found nine pints of mescal and one quart of whiskey on her wardrobe, which she claimed as her own. In a small house also located on her property, they found 53 pints of mescal, which she contended did not belong to her, but to a "negro" named John Fitch, who left four weeks prior to their arrival without paying her the rent. The liquor, she stated, must have belonged to him, because "she had nothing to do with it." It seems likely that agents had continued their surveillance of Velarde. She was a single woman who not only continued to sell alcohol, but also allowed men to stay in her home. This time Velarde was sentenced to two years in a reformatory located in Frankfort, Kentucky, where she very likely received instruction on how to be a productive citizen.¹¹⁸

Velarde's choices were conditioned by the era, previously discussed, that came to be known as La Matanza, and which violently altered ethnic Mexican communities. In *The Injustice Never Leaves You*, Monica Muñoz Martinez examines both the violence Mexican communities endured during the era, as well as its aftermath. In the aftermath of those events, Martinez contends the surviving family members displayed acts of resistance and defiance, by burying the men who were murdered and left as warnings, and by mourning and remembering them. She also includes

¹¹⁶ United States v. Margarito Cortez and Maria Velarde, 3542 (United States District Court Southern District of Texas Brownsville Division 1924) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

¹¹⁷ "Man and Woman Face Liquor Charges," *The Brownsville Herald*, 4 October 1924, www.newspaperarchive.com [Accessed May 24, 2018].

¹¹⁸ United States v Maria Velarde, 4436 (United States District Court Southern District of Texas Brownsville Division 1928) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

the widows who remained and retained their property, noting that this could also be interpreted as a sign of resistance. They managed to survive, she indicates, by selling baked goods and leasing out portions of their property, but women who sold and harbored alcohol lived within the same communities. In addition to survival, the women who did so gained an income and were often able to remain independent. Even though these women chose a much riskier occupation, it is likely they all understood that since the “ranches” were not held accountable, they would need to support and help themselves. While Velarde does not directly state her reasons for participating in the industry, women took on a variety of roles in it, such as working as lookouts, couriers, or assistants. In other cases, they simply housed the alcohol for others or cleaned bottles that were used in speakeasies. The more lucrative roles included directly smuggling and selling alcohol.¹¹⁹

In *Border Contraband*, George Díaz studies the ways in which smuggling became an established practice. He contends that it was motivated by the notion that if certain restrictions seemed unjust, then it fit within residents’ moral economy to attain goods despite laws and tariffs.¹²⁰ Starting in the late nineteenth century, when the U.S. and Mexico began imposing trade restrictions, borderlanders embraced that proposition when they smuggled contraband goods such as drawn work (cloth), corn, beans, and mescal.¹²¹ Early forms of smuggling stemmed from peoples’ attempts to circumvent costly tariffs and trade regulations established by both the U.S.

¹¹⁹ Elaine Carey, *Women Drug Traffickers*, 59.

¹²⁰ See George T. Díaz, *Border Contraband: A History of Smuggling Across the Rio Grande* (Austin: University of Texas, 2015).

¹²¹ *United States v. Maria Garza and Manuela Garza*, 1857 (United States District Court Southern District of Texas Brownsville Division 1923) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX. (1906) Criminal Case files for Brownsville, Texas, NARA Fort Worth, TX. They resided in Matamoros and attempted to smuggle into the U.S. fourteen pieces of Mexican drawnwork, meaning cloth that could be used to make clothing.

and Mexico in their attempt to regulate the border. Building on these earlier tendencies, there were early cases of women smuggling alcohol even before Prohibition.¹²²

Women who smuggled found creative ways to bring items across the border. They tucked bottles, and even animal bladders and intestines, close to their bodies, underneath layers of clothing.¹²³ Women were attempting to thwart the law by using their gender to avoid suspicion. In addition to hiding items, it seemed that women played up the notion of the “weaker sex,” of someone who needed protection, or someone who was coerced into an act she would not commit again. In 1926 the *San Antonio Light* published an expose on how women played up their feminine wiles to accomplish this very task in a detailed account of a woman by the name of Marguerite, who was arrested for bootlegging in Denver. According to her story, she was recruited to attend “bootleggers college” in Chicago. At this college, women and men were taught how to smuggle alcohol from one U.S. city to another and within city limits. For women, this training included tactics such as acting refined in order to avoid suspicion. This included lessons on how to dress by a bootlegger’s wife and how to improve their speech by a professor of English who had recently been dismissed from a women’s college. Marguerite also revealed that the “college” instructed women that taking children along or simply a baby carriage might lead to their being overlooked. Finally, the article highlighted the various methods or contraptions women used underneath their clothing. This included specially made garters or camisoles with pockets.¹²⁴

¹²³ United States v. Inez Garcia de Gonzalez, 2798. (United States District Court Southern District of Texas Brownsville Division 1920) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX. Gonzalez attempted to enter from Brownsville when she was stopped by a custom agent. She was turned over to Mrs. Annie Putegnat the Inspectress, who found intestines filled with mescal wrapped around Gonzalez’s body.

¹²⁴ “What Marguerite learned at the Bootlegger’s College.” *The San Antonio Light* September 26, 1926, newspaperarchive.com [Accessed March 31, 2019].

By 1930, these contraptions seemed to have made their way to the valley and helped some women use them as a tactic that might allow them to avoid detection. On February 28 of that year, Guadalupe Tamez, Natalia Covos, and Josefina Cavazos enlisted the help of Jesus Covos, who happened to be Natalia Covos's brother and a known bootlegger, to help them attain alcohol. Jesus Covos transported the group to a Jose Leal's home in La Paloma, near the Rio Grande. Leal, a farmer, who was married and had seven children, had agreed to harbor and sell alcohol on behalf of a José Díaz in order to supplement his income. When the group arrived, Leal's wife, Mariana García conducted the transaction then helped the women conceal the alcohol. As the group attempted to drive away, they were stopped by USCI Collins. An informant notified Collins of the transaction mainly because of Jesus Covos, who had only recently been released from Leavenworth after serving two years.

Once the group exited the vehicle Collins searched it but did not find anything. At this point he instructed the women to hand over any alcohol they were harboring on their persons. The women refused and contended that they were not hiding anything.¹²⁵ At this point Collins threatened the women by stating that he would force them to go to Brownsville and have an inspectress, which meant a female inspector, to search them. It seems likely that the women had planned for the encounter with an agent because they stood their ground and refused to either concede with handing Collins the alcohol or agree to an inspection in Brownsville. They were all aware that a male agent would not search them and likely thought stalling the agent might lead to a warning. It is also possible that they were considering discarding the alcohol on the way to Brownsville. Whatever the women were planning by stalling the agent, however, did not come to

¹²⁵ United States v. Jesus Covos, Guadalupe Tamez, Natalia Covos, Josefina Cavazos, Mariana García, and José Leal, 6118 (United States District Court Southern District of Texas Brownsville Division 1930) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

fruition because Jesus Covos stepped in and stated that they would hand over the alcohol provided that Collins would give him “any consideration on the matter.”¹²⁶ After the men came to an agreement, Jesus Covos convinced the women to hand over the alcohol. The women hid behind the vehicle and removed 32 pints of mescal that they had hidden underneath their clothes in what Collins described as “specially constructed garments containing 12 pockets.”¹²⁷

While on the surface it seemed that Jesus Covos was running this operation, it was also likely that Natalia Covos was in charge. In this instance, the women were arrested and stood trial, but were ultimately found not guilty. Natalia Covos, however, was arrested two more times in 1930 and 1931. In each case, she enlisted the help of men to carry or transport alcohol on her behalf.¹²⁸ Covos admitted after her second arrest that she and her husband were not living together and that she and her mother were the providers for the family, which included three children. Despite her claim, it seemed a possibility that she remained under surveillance because Deputy Constable Dan Hinojosa and Border Patrol Inspector Wayne Brady were waiting for her to leave her home with alcohol in order to arrest Jesus.¹²⁹ Overall, Covos’s cases demonstrate knowledge regarding the alcohol related industry in addition to the adoption of different tactics that might aid in her ability to thwart the law. Along the U.S.-Mexico border, customs inspectors already knew, long before Prohibition, that certain household and contraband items were making their way

¹²⁶ United States v. Jesus Covos, Guadalupe Tamez, Natalia Covos, Josefina Cavazos, Mariana García, and José Leal, 6118.

¹²⁷ United States v. Jesus Covos, Guadalupe Tamez, Natalia Covos, Josefina Cavazos, Mariana García, and José Leal, 6118.

¹²⁸ United States v. Juan Gutierrez, Marcos de Leon, and Natalia Covos, 6572 (United States District Court Southern District of Texas Brownsville Division 1930) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

¹²⁹ United States v. Natalia Covos and Refugio González, 8086 (United States District Court Southern District of Texas Brownsville Division 1931) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

illegally into local communities due to information they received from their informants.¹³⁰ For this reason, male agents began to inspect women's bodies for certain goods. In time, however, possibly to avoid scandal, women were hired for such tasks. As Diaz notes, female inspectors or custom "inspectresses," as they were called to differentiate their gender, were responsible for inspecting women's bodies when they were under suspicion.¹³¹ This was one way in which the industry opened other avenues for women's work.

In 1920, for instance, Miss Mabel Wright, who happened to be related to men formerly in the Texas Rangers, stopped Regina Gutierrez as she crossed the border. Gutierrez attempted to stall Wright when she directed her to the office for a search. When it seemed that Wright was not going to relent, Gutierrez tried to return to Mexico, at which point she was surrounded by male inspectors, who ordered her into Wright's office. During her inspection, Wright found two bottles of mescal hidden beneath Gutierrez's shirt-waist. Interestingly, Wright testified that she had stopped someone by the name of Maria Rodriguez. The inspectors do not explain the discrepancy, but merely scratch out Rodriguez's name and write in Gutierrez's.¹³² For Wright, this occupation ended up being short lived. In 1921, a year later, she was replaced by Mrs. Yznaga de la Portilla, who was described in the *Brownsville Herald* as a prominent member of Brownsville society, after Wright married a Dr. Spikes.¹³³

¹³⁰ Early cases included women who smuggled "Mexican drawnwork," meaning hand sworn shirts and other items of clothing. See *United States v. Maria Garza and Manuela Garza*, 1857. Also, Diaz notes in *Border Contraband* that women smuggled items like sugar.

¹³¹ Diaz, *Border Contraband*, 68.

¹³² *United States v. Regina Gutierrez*, 2795 (United States District Court Southern District of Texas Brownsville Division 1920) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

¹³³ "Named Custom Inspectress" *The Brownsville Herald*, June 30, 1921, <http://newspaperarchive.com> [Accessed August 30, 2019].

While the number of cases that included women smuggling remained low, they continued to attempt to bring alcohol across the border throughout Prohibition and after. In 1931, for instance, Tomasa Cardenas was stopped while in her vehicle as she crossed from Matamoros back into the U.S. along with her youngest children. In this case, Customs Inspector Jeffereds searched Cardenas's vehicle, which had compartments where he found 114 pints of mescal.¹³⁴ Interestingly, Cardenas agreed to be questioned. She readily admitted that she had purchased the mescal from a liquor store because she intended to sell it herself. Jeffereds attempted to push Cardenas into implicating her husband, but she stated that she purchased the mescal with money she made from houses she rented and that the vehicle was hers. Finally, she declared that she needed the money badly since she still owed money on the car. She also added that she and her husband had six children to feed. As with the cases previously examined, it seems possible that Cardenas crossed with her children as a tactic to avert attention and claimed responsibility in order to protect her family. It is also possible, as will be examined in the cases to follow, that she was in fact running the entire operation.¹³⁵

Most cases involving women, however, took place within their respective homes. Prior to the inception of Prohibition, drinking occurred in public spaces such as bars, brothels, and cantinas. These spaces where men gathered, discussed politics, and made decisions traditionally excluded women.¹³⁶ After Prohibition began, the dispensation and consumption of alcohol moved into private locations and homes. This provided women the opportunity to assert themselves within this underground economy. It was not unusual for ethnic or working-class women around the U.S.

¹³⁴ During this era, automobiles were modified with extra panels both inside and outside of the car in order to import alcohol. See Carmen Boullosa and Mike Wallace, *A Narco History: How the United States and Mexico Jointly Created the "Mexican Drug War"* (New York, OR Books, 2016), 15.

¹³⁵ United States v. Tomasa Cardenas (1931) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

¹³⁶ See Christine Sismondo, *America Walks into a Bar* (Oxford, Oxford University Press, 2011).

to set up sites for selling and producing alcohol from their kitchen tables. Often referred to as “blind pigs,” these operations were often run by women as a way to supplement the family income, if the husband worked, or a way to support themselves. The basic idea behind the “blind pig” was modeled after the nineteenth-century “ruse of charging customers a fee to view and serving ‘complimentary’ alcoholic beverages.”¹³⁷ In the Rio Grande Valley, some cases exemplify this trend.¹³⁸

The women who participated presumably felt empowered by using their homes as both places of economic production and sites of resistance. Maria Mancillas asserted herself in her testimony and attempted to reclaim control of her own domestic and work space. Prior to her arrest, which was examined in the previous chapter, she thwarted law enforcement’s first attempt to control her behavior. During her first encounter with law enforcement, agents found twenty-nine bottles of tequila and three bottles with mescal that she hid in her home, including in “machine drawers” and wall spaces. As noted in the previous chapter, the judge presiding over her case only gave her a warning. While the judge did not see her as a danger, it seems likely that law enforcement agents perceived Mancillas as a potential threat, which led to her continued surveillance.

The continued surveillance might have been due to the amount of alcohol they found, which would have brought a great sum of money in her store, but also due to her subtle moments of assertion. For instance, Pullin, the customs inspector in charge, stated that Mancillas claimed her name was spelled Macias. It was likely that Pullin, in his attempt to assert his dominance and authority, refused to correct it based upon her information. Instead he claimed that he was spelling

¹³⁷ MicGirr, 52-53

¹³⁸ McGirr, 52-53.

it correctly and that, either way, the name was pronounced exactly the same.¹³⁹ As in the majority of the cases, Mancillas merely signed an X over her name, which suggested she was either not able to read and write in English, or was not given full access to the documents, which may often have been the case given the desire on the part of agents of the state to fit Mancillas and others into their narrative frame. Despite this, when read against the grain, they illuminate the ways women asserted themselves and made their mark during an era where their participation was historically overlooked. While the gesture might seem subtle, Mancillas in this small act was challenging Pullin's knowledge regarding her community and perhaps even challenging his authority.

Other women, like Mancillas, used their domestic private spaces to make their living. This often entailed converting their homes into cantinas that required women to create spaces within to conceal contraband. In 1924, for instance, Manuela Morales was caught concealing 51 quarts of tequila in her home. In this case, R.J. Rapp, McAllen's city marshal, attained a warrant to search her home because he believed that Morales was one of the biggest bootleggers in McAllen but had managed not to get caught with the evidence.¹⁴⁰ The statement suggests that Morales had far exceeded what was deemed acceptable and was under surveillance, not just by law enforcement, but also by members of the community who informed law enforcement agents of her activities. Interestingly, the term "bootlegger" was not commonly used in reference to women. Instead, it appeared in the documents only to refer to women that agents perceived as particularly troubling, especially when they were difficult to catch. Awaiting his opportunity to finally ensnare Morales,

¹³⁹ United States v. Maria Mancillas, 3755 (United States District Court Southern District of Texas Brownsville Division 1926) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

¹⁴⁰ United States v Manuela Morales, 3523 (United States District Court Southern District of Texas Brownsville Division 1924) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

Rapp brought Peavey and J.P. Cottingham with him. Peavey and Cottingham, experts in feeling their way through women's homes, located the mescal in a hollow space within the chimney.

In other cases, either to supplement or conceal contraband, women sold alcohol along with other items. One example was Petra Monroy, who like Morales repeatedly risked encountering law enforcement agents. For instance, in 1925, customs inspector Blackwell arrived with border patrol agents Hines and Harrell to search Monroy's home for a second time. While Blackwell's testimony does not give an exact date, he stated that Hines had previously arrested Monroy. In that instance, she only held one gallon of mescal and had promised Hines that she would not sell anymore. He added that "in view that she was a woman," Hines opted to release her and subsequently dropped the charges.¹⁴¹ It seems possible that Hines might have been uncomfortable with arresting a woman and was convinced that a mere warning would correct her behavior. Monroy likely saw the moment as an opportunity to use her gender as a way to avert the law.

When the agents returned to her home, Blackwell noted that Monroy attempted to run out her back door with a gallon of mescal when she saw them approaching. The agents apprehended her and proceeded to search her home. They found nine one gallon bottles and twenty pint bottles of mescal concealed in various locations in her home and backyard. The agents also noted that Monroy had just been on her porch selling ice-cream from her home. Next to the ice-cream the agents found a hamper that held one gallon of mescal. The pairing of the two items hints at how she may have used the ice cream to conceal the mescal or was attempting to reach a wider clientele within her community. It was also possible that the ice cream indicated that children may have participated in the industry by passing it along to thirsty customers.

¹⁴¹ United States v Petra Monroy, 3695 (United States District Court Southern District of Texas Brownsville Division 1925) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

There is no evidence of whether Monroy was married or lived in a male-headed household. She did, however, have a baby, which seems a likely reason to continue selling alcohol while also using it as a method to conceal her activities at the of risk encountering agents again. A second encounter with law enforcement could and often did lead to harsher treatment or extended surveillance, as was the case with Natalia Gomez, who was initially arrested after her home was raided and agents found alcohol in her a baby's high chair. Gomez was released that time with a warning but was given sixty days in jail when they arrested her the second time.¹⁴² In Monroy's case, however, while the agents did not officially include the previous charge, it was continually mentioned as if it were an official charge. Interestingly, Monroy pled guilty to the charges and paid her own bail, which meant she was likely supporting herself. When she returned to court for her trial, she decided, likely on purpose, to bring her baby with her. The judge noted that the baby was ill and opted to release Monroy for the time being so she could care for her child. When her baby was well enough Monroy returned to court, but none of the agents appeared to testify against her. The final document in her case was a letter from H.F. Bishop, the U.S. commissioner for the Southern District of Brownsville, which stated that the state would be "filing" the case until further notice. The judge then allowed Monroy to return home.¹⁴³

While Monroy did not make any direct verbal statements to the court, her choice to bring her baby can be interpreted as a conscious attempt to undermine the system. Her actions seemed to suggest that she understood the ways in which being a woman might work to her advantage,

¹⁴² "Second Liquor Count in Week Against Woman." *The Brownsville Herald* January 29, 1928, <http://newspaperarchive.com> [Accessed August 14, 2018] and United States v Natalia Gomez and Josefina Robledo, 4273 (United States District Court Southern District of Texas Brownsville Division 1928) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX. (After Gomez was arrested the first time, she stored the alcohol in Robledo's home. Robledo readily implicated Gomez when agents arrived to her house with a warrant.

¹⁴³ United States v Petra Monroy, 3701 (United States District Court Southern District of Texas Brownsville Division 1925) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

especially if she could exploit the ways in which law enforcement and even judges tended to vary their responses when young children were present. In other cases, women asserted themselves in more vocal ways. During the same year, Nat B. Malone, a customs inspector, received an unsigned letter that claimed a Benita Quienta was selling tequila and wine from her home in San Juan. Malone gathered a group of five additional men that included Cottingham and Peavey to search her home. Interestingly, in this instance, West also included Felipe Peña, deputy city marshal of San Juan, in the search. Quienta stood by calmly and quietly while the inspectors conducted their search. Within her immediate home, the agents found a few bottles of wine and tequila in common places, such as under the floorboards of the house. West and the rest of the group found the most alcohol in another home located on the same property. In their testimony, however, Malone claimed that “in a side room on her premises” they found 32 bottles of tequila and five bottles of Operto wine.¹⁴⁴ Until the customs inspectors and border patrol agents found the larger stash, Quienta had remained silent. Perhaps she had not been particularly concerned with the few bottles they initially found. When they found the larger stash, however, Quienta began to “bawl out” Peña.¹⁴⁵ At this point she blamed Peña and “began to do quite a bit of talking,” which led West to handcuff Quienta. Peña does not specify what she said exactly, but it seemed she implicated herself in that moment. Peña also noted that the agents attempted to remove the handcuffs, but she refused, and it was at this point that she was taken to jail. While he does not explain why the agents offered to remove the handcuffs, it seems possible that they were going to give her a warning. The warrant they were granted did not extend to the second house, which could explain why there was a discrepancy between the testimony of Peña, who noted that issue, and West, which attempted to

¹⁴⁴ United States v. Benita Quienta, 3614 (United States District Court Southern District of Texas Brownsville Division 1925) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

¹⁴⁵ United States v. Benita Quienta, 3614.

claim it was all one property. Quienta's response toward Peña seemed to suggest she felt betrayed by her community. When the inspectors found the larger stash, she directed her anger at Peña, which indicated that she was either fearful of doing so to the inspectors or blamed him, as a member of the community, for aiding outsiders with their search. The amount of alcohol, in addition to the type, the wine, which stayed in production in the United States due to a clergy-related loophole, suggests a diverse clientele.

A similarly suggestive case was that of Clara Arthur, who ran a lunch stand called the Dew Drop In, which was located in Pharr. She sold food and cold drinks during the day and contraband alcohol after midnight. Her choice of nightly activities drew the community's attention, including that of the mayor, because as it turned out the town's boys were the main consumers. Arthur had her first encounter with law enforcement during the month of April 1928. Ingram, the City Marshall, approached Arthur and had a "heart to heart," which was meant to warn her against continuing her questionable behavior. Arthur likely responded according to his gendered expectations and promised to "do better."¹⁴⁶ Despite the warning, she continued to sell alcohol, presumably because it was more lucrative than food. When customs inspectors Wright and White arrived, like Quienta, Arthur did not concede quietly. She began to break bottles in order to destroy their evidence. The inspectors present had to physically restrain her from completing the task. They managed to attain one bottle of mescal along with one small whiskey glass, from which they deduced she was selling individual drinks. Behind her business they found numerous empty bottles of mescal and tequila, all donning Mexican labels. Arthur chose not to say anything directly. Instead, she paid her \$300 bail, which was rather high, and then fled to Corpus Christi after her

¹⁴⁶ United States v. Clara Arthur, 4339 (United States District Court Southern District of Texas Brownsville Division 1928) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

court date was set. It is not clear whether or not she attended her hearing. Her case, however, included a *capias* warrant, which are usually issued when a person fails to appear in a criminal hearing. In this instance, it granted U.S. Deputy Marshal Seffel permission to travel to Corpus Christi in order to apprehend Arthur.

Fermina López's case also demonstrates commerce and to a lesser extent a form of defiance. López converted her home into a make shift cantina that contained 13 quarts of tequila, five gallons of mescal, and 900 pints of home brew when it was raided by law enforcement agents. The large quantities and various types of alcohol suggested, again, a variety of clientele. Additionally, the home brew indicated that her house may have also been a site of production. The variety and quantity presumably drew large enough groups to place her home on law enforcement's radar. In October 1926, Doyle Perkins and Pete Garcia, both City Marshals in Mercedes, attained a warrant to search her home. They gathered a rather large group that consisted of border patrol inspectors and customs inspectors. The inspectors separated the alcohol between what was deemed foreign and domestic. For instance, the tequila and mescal were turned over to the customs inspector, which led to a smuggling charge. The home brewed beer, in addition to the packages of malt, led to several additional charges regarding the manufacturing and production of alcohol for the intended purpose of selling it to the community. Finally, agents deemed her home a place of nuisance.¹⁴⁷

The large group of law enforcement and the multiple charges they attached to López's case were likely intended not only to temporarily remove her from the community, but also to correct her behavior. However, like many other women, she defied law enforcement agents by continuing

¹⁴⁷ United States v. Fermina Lopez, 3882 (United States District Court Southern District of Texas Brownsville Division 1926) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

to sell or harbor alcohol despite the risk and her thirty days of jail time. One year after her initial encounter, inspectors targeted López once again. Customs inspectors Roy and Ed Harrell returned to her community along with customs inspector Hines. In this instance, Hines had information that López stored her alcohol in Joe Cardenas's home. When they arrived at Cardenas's home, they encountered his wife, who claimed that Cardenas did not have any alcohol in the home, but that López did, and she pointed out two trunks. They managed to open one trunk, which contained tequila and mescal. When they discovered that the other trunk was locked, Roy Harrell and Hines went out in search of Cardenas, who they found out "on the street."¹⁴⁸ At this point the inspectors questioned Cardenas regarding the second trunk and if he could provide the key. Cardenas indicated that the trunks belonged to "old lady López" and that she had the key. Cardenas then proceeded to enter their vehicle and accompanied the inspectors to López's home. Once there, López provided the inspectors with the key and contended that the alcohol belonged to her husband. The men returned to Cardenas's home, where they opened the second trunk and found 43 quarts of whiskey. When the inspectors asked Cardenas why the alcohol was in his home, he stated that his wife and López were sisters and for this reason they felt compelled to help. According to the testimony, the inspectors stressed that he would be charged along with "old lady López."¹⁴⁹

Agents indeed charged López. The whiskey, which was technically no longer produced in the U.S., led agents to level smuggling charges in addition to the tequila and mescal.¹⁵⁰ They set López's bail at \$500, an unusually high amount. In addition to her activities, López may also have

¹⁴⁸ United States v. Joe Cardenas and Fermina Lopez, 3959 (United States District Court Southern District of Texas Brownsville Division 1921) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

¹⁴⁹ United States v. Joe Cardenas and Fermina Lopez, 3959.

¹⁵⁰ Boullosa and Wallace, *A Narco History*, 14.

been collaborating with other members of the community. As in her previous case her bail was paid by two Anglo men, both of whom owned businesses that catered to the public.¹⁵¹ While the agents did not state this directly, there are some indications that López might have been working with the two men. The jury found her not guilty, while Cardenas was found guilty. In this case, López's agency seemed to be connected to her ability to coordinate her efforts with men who held a somewhat prominent position in the community. The jury's inability to convict López likely stemmed from their backing.

Other interactions between women and law enforcement illuminate the ways in which some women turned to the industry to control their own households. Rosa Robles for instance, harbored 20 one-half bottles of mescal and 19 additional half pints. When Customs Inspector Campbell gathered his group of men, made up of other customs inspectors, border patrol inspectors, and a deputy marshal, they found some bottles on her kitchen table and others hidden in her chimney flue. When the group first arrived, Robles denied having any alcohol in the house. However, once the inspectors completed their search, Campbell questioned Robles regarding her initial denial and she stated that it was a natural response when one was being accused of a crime. She also stated that once they found the alcohol she was going to admit the truth, which was that she sold it because "she was very poor," a statement that while likely accurate may also have been stated to elicit sympathy.¹⁵² After her arrest, she was released on bond until her hearing. The judge that presided over her case sentenced her to 90 days, which he suspended under the condition that she promise to maintain good behavior. While the sentence was longer than typical, which was

¹⁵¹ The case included two Affidavit of Sureties, completed by Harry L. Oliver and E.A. Herring who both posted her bail.

¹⁵² United States v. Rosa Robles, 3969 (United States District Court Southern District of Texas Brownsville Division 1927) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

usually only 30 days, it was likely only meant to frighten Robles and deter her from continuing to sell alcohol.

Just a few months later, in December 1927, Robles's father called the police when he heard her fighting with her husband. When Federico Lerma, the city police chief, arrived, everything had grown quiet. As he was getting ready to leave, however, he spotted Robles darting from her home carrying a basket. Lerma stopped Robles and asked what she was carrying. She claimed that her basket was full of trash. Lerma looked inside the basket and found two bladders of mescal, which amounted to a mere 1¼ quarts of alcohol. It was enough, however, for Lerma to deem it a violation of her parole. Thus, her sentence was reinstated, and she began to serve her 90 days in jail.¹⁵³ Lerma does not provide an explanation, but it would not be surprising if he perceived her behavior as warranting correction. Rather than warning her for the small amount of alcohol, he arrested her, so she could complete her jail sentence. Given that she was on her own during the first encounter, it seems probable that Robles was in a situation where her husband was not continually present. In these early cases, the circumstances regarding her husband are not entirely clear. Her participation in the industry granted her the ability to both control her home and economically support herself. For instance, in her first documented encounter she states that she is poor and does not mention needing to support anyone else. Also, in the second encounter, Robles is the one who attempted to flee, which might have indicated that the alcohol she sold was for her benefit.

Robles's repeated encounters with law enforcement likely led to her continued surveillance once she was released. In any event, two years later, Campbell was granted another warrant and returned to Robles's home with Champion and Robinette in tow. Once again, the warrant was

¹⁵³ United States v. Rosa Robles, 4106 (United States District Court Southern District of Texas Brownsville Division 1927) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

attained based on information that she was continuing to sell alcohol from her home. According to Campbell, when they approached her home, Robles stepped aside so they could enter. The inspectors immediately noticed a gallon of mescal on a small table near the door, covered with a cloth. Campbell also claimed that Robles voluntarily handed them a half pint of mescal she had hidden under her mattress. In this instance, Robles was sentenced to an additional 60 days in the Cameron County Jail.¹⁵⁴ As with the previous case, Robles was found on her own with the alcohol. It seemed that she was supporting herself, but for inspectors she presented a larger issue. Their continued surveillance of Robles was likely due to their perception that she was stepping too far beyond acceptable boundaries, particularly since her husband was not present at that moment, for which the reasons were unclear. Perhaps in her case, she faced marital difficulties that led to her need for an illicit income since opportunities for ethnic Mexican women were scarce. Or her husband had been impacted by the level of violence directed at ethnic Mexican men during this era. Robles was not alone in her chosen occupation. By this time, the courts were overwhelmed with alcohol related cases. Many of these included women like Robles who were arrested on liquor charges, and who were subsequently fined and sentenced to jail.¹⁵⁵ The number of cases demonstrates that women were willing to risk confrontations and jail time for the possibility of being able to maintain their households through the sale of alcohol.

Not long after, Robles's circumstances came into sharp focus when she was arrested again. On December 29 as Robles watched USCI John Wolford approach her home in Weslaco along with Border Patrol Inspector Hensley, she darted from her home and poured mescal out from a

¹⁵⁴ United States v. Rosa Robles, 4663 (United States District Court Southern District of Texas Brownsville Division 1929) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

¹⁵⁵ "Court Gets to Jury Trial: 67 Cases Handled Today; Grand Jury Returns 41 Indictments," *The Brownsville Herald*, May 15, 1929, newspaperarchive.com [Accessed December 6, 2018].

five gallon can. This time, however, she was joined by two of her daughters, who the agents do not name, nor do they note their ages. Robles's daughters ran to the outside toilet in order to dispose of the liquor. The agents stated that they somehow got the daughters to leave the toilet. Once they did, the agents found a double floor that contained an additional sixteen pints of mescal in sealed bottles. Initially, the agents arrived to Robles's home to question Higinio Salinas, who an informant accused of selling and harboring alcohol. They arrived without a warrant and contended that they were not going to search the home, but when the women ran out of the home and disposed of the alcohol, they were able to arrest Robles and then, soon after, Salinas.¹⁵⁶

Robles, already practiced in dealing with agents, attempted to use more than one approach in order to have her case dismissed. After she was arrested, Robles claimed that she and Salinas were married and that the alcohol was his for his own personal consumption. When she went before the U.S. Commissioner, however, Robles contended that she was a widow, since her husband had died a few years prior and that Salinas was merely boarding at her home. She denied any knowledge regarding the alcohol. Despite these contradictory statements, Salinas maintained that he was entirely responsible for the alcohol and ultimately corroborates Robles's statements. In this case, it seems likely that the commissioner was unaware of Robles's previous arrests because he dismissed her from the case. In his summation he argued that because Robles had a large family, the court in Brownsville would likely not incarcerate her. As he continued to question them, however, they both admitted to prior convictions. Ultimately, the commissioner stood by his decision regarding Robles, but assigned Salinas a court date and set his bond at \$300.00.

¹⁵⁶ United States v. Rosa Robles and Higinio Salinas, 6101(United States District Court Southern District of Texas Brownsville Division 1929) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

A few months later, Rosa Robles was in a Ford Coupe with Higinio Salinas and her brother Timoteo Robles when they were spotted by Border Patrol Inspector Hensley who just happened to be driving around “the Mexican part of town in Weslaco.”¹⁵⁷ Robles and her companions attempted to evade Hensley by driving through a funeral that was in procession. However, since Hensley knew where she lived, he showed up just as the group was attempting to run into their home. In his testimony, Hensley carefully notes that their suspicious behavior warranted his search of the vehicle. Inside he found five gallons of alcohol, which he eventually turned over to USCI Wolford. Initially neither man made a statement. Instead, Rosa Robles attempted to control the outcome at least to certain extent by claiming that they purchased the alcohol locally in Mercedes. She was likely attempting to reduce the chances that agents would tack on smuggling as an additional charge. This ultimately succeeded since the group was charged with possessing and transporting but not smuggling. She and her brother, however, change their story by claiming the alcohol was purchased in Olmitas. This contradiction in addition to the previous charges led to new court dates and bonds in the sum of \$500 for Higinio Salinas and \$300 for Rosa Robles and her brother. This case does not include whether or not Robles served additional time for this final arrest. Instead it includes that her brother was sentenced to sixty days in jail while Salinas was sent to the Federal Penitentiary in Fort Leavenworth, Kansas.

While in Robles’s case, it seemed that law enforcement ultimately reined her in, other cases presented a form of knowledge that women used in order to skirt the law. Tomasa January resided in a burnt orange colored home just across from American Rio Grande Land and Irrigation

¹⁵⁷ United States v. Rosa Robles, Higinia Salinas, and Timoteo Robles, 6102 (United States District Court Southern District of Texas Brownsville Division 1930) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

Company's (ARGLIC) corrals, in the "Mexican part of Mercedes."¹⁵⁸ Active in her occupation as a liquor seller, January was described as having "been caught and tried many times for handling contraband liquor."¹⁵⁹ Presumably, she did not quite fit in with the company's vision of creating an oasis, a place to invest with a promise for social advancement and recreational activities as a reward. Their promotional materials described the typical Mexican home as made from adobe and sapling, "immaculate yet primitive," and added a picture of the Mexican peon to punctuate the primitive notion of the valley waiting to be uplifted by the forces of deepening capitalism.¹⁶⁰

January, however, was not waiting to be uplifted. In 1926, Hines brought a group that included two border patrol inspectors and a deputy game inspector to search January's home on a Saturday afternoon. When the group arrived, they found January sick and laying in her bed. She told them that she did not have anything illicit on the premises. The men, however, proceeded to search her home. During the inspection, they reached under her house, near the side door, and found eight bottles of tequila, one bottle of port wine, one bottle of vino de nopal, and one pint of mescal resting on the sill that supported her home. While she was found guilty during her trial, Walter Weaver, her attorney, managed to have her case dismissed. Together they submitted a motion to suppress the evidence that Hines attained during his search. In this instance, January directly challenged a tactic that agents relied on during prohibition. They had continually requested and initiated warrants that provided vague descriptions of homes in order to justify expanding their searches. Moreover, agents chose to present warrants at various times during a day in order to

¹⁵⁸ United States v. Tomasa January, 3833 (United States District Court Southern District of Texas Brownsville Division 1926) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

¹⁵⁹ United States v. Tomasa January, 3833.

¹⁶⁰ *American Rio Grande Land and Irrigation Company: Irrigated Lands in the Lower Rio Grande Valley, Mercedes, Texas* (Mercedes, Texas: American Rio Grande Land Irrigation Company, ca. 1923), pamphlet, folder 42, box 2, Publications, JHSP-UTRGV.

catch potential suspects by surprise even though the warrants often specified the time of the day when it should be presented. In this case, these two tactics worked against Hines and his group. According to January's motion to suppress evidence, the warrant was granted to search the "second house north of Poag's feed" and her home, which she owned, was the fourth. Additionally, the warrant's description was too vague and could have indicated another's person home. Finally, the warrant specified that it had to be served during the day, and the agents initiated their search at night.¹⁶¹ All this indicates that January and her attorney were challenging the ways in which law enforcement agents had grown accustomed to conduct their cases.

Later that year, Hines returned with the same inspectors and another search warrant to January's home. When the group arrived, January was not in her home, but the agents proceeded to search her home before she returned. Hines did not find alcohol in her home but noticed a smaller house behind January's own. When January returned, Hines immediately inquired to whom it belonged. January stated that it belonged to a Maria Garcia. At this point in his testimony, Hines did not clearly illuminate the order of events. He contended that he asked Garcia if he could search her house, to which she responded, "go in and search it, there was nothing there."¹⁶² In Garcia's house, however, the inspectors and game warden found 98 quarts of tequila, 22 quarts of Durazno wine, two quarts of port wine, 13 quarts of mescal, eight quarts of cognac, and 12 quarts of aguardiente just beneath the floorboards. The volume and variety of alcohol hinted at a range of potential clientele.

January and Garcia appeared in court together, where they were both charged with possessing, concealing, and transporting intoxicating liquor. While the two women submitted

¹⁶¹ United States v. Tomasa January, 3833.

¹⁶² United States v. Tomasa January and Maria Garcia, 3912 (United States District Court Southern District of Texas Brownsville Division 1926) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

contradictory pleas, January's attorney once again filed a motion to quash the evidence attained by the arresting inspectors. As with January's previous case, both her motion and Garcia's contested the vague descriptions of their homes provided by the warrant. Hines apparently had not corrected the initial warrant and still claimed she lived in the second house across the street from ARGLIC's corrals. Additionally, the warrant granted the inspectors permission to enter an unnumbered "blue-grey" house.¹⁶³ January's motion indicated that she owned the two houses in question and that there were new families moving into the area, but none of the houses fit the warrant's description. Finally, the motion contended that the inspectors obtained their warrant under questionable information, which fulfilled the Customs Act and not the Volstead Act, and which the inspectors added retroactively to justify their search, seizure, and arrest. In other words, the informants provided them with information that indicated that the alcohol had been smuggled in from Mexico, but they did not indicate that the alcohol was being sold from the home. This ultimately resulted in their case's dismissal and is another example of how January directly challenged law-enforcement methods in court. Law enforcement agents were accustomed to manipulating the documents to serve their purposes. In this instance, however, the changes they made provided January with the opportunity to use the documents in her favor. While it was likely that January continued to work in this occupation, she does not appear to have served time. Instead, she purchased new property not long after the case was settled. January's case not only exemplifies knowledge and even connections, but also a form of resistance. She undermined agents' ability to rein her in and, in doing so, she was able to both maintain and remain in her home. Given her home's location, January's persistence was almost in direct defiance of what Anglo growers envisioned for themselves in the Rio Grande Valley.

¹⁶³ United States v. Tomasa January and Maria Garcia, 3912.

CONCLUSION

All around the United States women were finding new economic opportunities that became available through and as a result of Prohibition. Despite their historical omission, these cases demonstrate that women in south Texas often chose to actively participate, despite the risk of having law enforcement enter their homes, in this vice economy, by smuggling, harboring or selling alcohol. A careful reading of the documents demonstrates women with agency and knowledge who made the most of an opportunity that prohibition made available. In many of the cases, women used their homes—traditional spheres of female activity--as sites of resistance that enabled them to skirt the law.

Chapter Three: Vile Women: in Defense of their Homes, Partnerships, and the Illicit

In central downtown Donna, a town between Alamo and Weslaco, a statue was erected in the likeness of Donna Hook Fletcher, after whom the town was named. Her statue is included among other historical markers erected adjacent to the town's plaza, where children play and teen couples gather clandestinely in a gazebo. Her statue and historical markers, intended to honor the town's place along the Chisolm Trail, are recognized during a yearly festival that is the town's argument for prominence within the Texas and U.S. experience. Fletcher's benevolent face is immortalized, and she holds flowers draped across her arms as her final offering. Christopher Carmona, born and raised in Donna, and my informal guide, shared that according to family lore, they always remembered Fletcher holding a shotgun, not flowers. Carmona then proceeded to show me where his great grandfather once lived. His house stands a few blocks from the central plaza where Fletcher's statue looks on. It is located behind what was once a busy dance hall and movie theater. It was also the site of his great grandmother's arrest.

This chapter will focus on cases that involved both women and men together. In some cases, women and men were couples who worked to maintain their alcohol related occupations in various capacities. In other instances, women and men simply worked in pairs or women worked to protect their homes and families. The examination of cases where women and men worked together illuminate the ways in which law enforcement agents sought to reinforce gender roles and how women in turn used those very expectations to their benefit. I derive the significance of homes as an important concept from scholars such as Ann Laura Stoler and Pablo Mitchell. Stoler, for instance, notes that an aspect of colonial rule is to develop policing methods to intrude on intimate

spaces and extend techniques of surveillance and control over peoples' homes.¹⁶⁴ Mitchell acknowledges this form of surveillance while also noting the ways in which homes become sites of contestation, particularly when ethnic Mexicans defend them. Moreover, homes, he argues, "could be sites of both racial difference and exclusion, on the one hand, and Mexican claims of inclusion and citizenship on the other."¹⁶⁵ While the cases studied in this chapter do not directly address notions of citizenship, it is difficult not to consider the ways in which law enforcement's intrusion, arrests, and acts of violence tended to disrupt ethnic Mexican family homes. The women in these cases, by defending their homes, attempted to minimize disruptions that could prevent them from participating fully in society both socially and economically.

On February 19, 1927, Hermila Cuellar watched as border patrol inspectors Schildt and Murphy approached the home she shared with her husband, Benito Lopez. When they were close enough, she yelled out to them from a window and demanded to know what they wanted. Schildt responded that he wanted to speak with her husband, at which point Cuellar expressed that Lopez was sick in bed, but that they could come to the back door. However, when the inspectors reached the door, Cuellar remained standing in the doorway, slightly blocking their view. Despite this, Schildt claimed that he noticed two large washtubs in the center of their one room house, filled with bottles. He was careful to note that they were uncovered and out in the open. At this point, Schildt stated that Cuellar "hollered" to her husband that the inspectors wanted to speak with him and the officers entered their home.¹⁶⁶

¹⁶⁴ Ann Laura Stoler, *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule* (Berkeley: University of California Press, 2002) xxi.

¹⁶⁵ Mitchell "West of Sex," 38.

¹⁶⁶ *United States v. Hermila Cuellar*, 4027 (United States District Court Southern District of Texas Brownsville Division 1927) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

Prior to their arrival that same night, the inspectors happened to be patrolling the “Mexican settlement called East Donna” when they stopped at what appeared to be a party at the dance hall around 11:30 p.m. Schildt approached a group of men, one of whom, Guadalupe Castillo, held a “bottle” of mescal. Just as Castillo was about to take a drink, Schildt interrupted him to ask from whom they had purchased their alcohol. Castillo indicated that he purchased the bottle for a dollar from Lopez, whose house was located behind a “moving picture building,” just across the street from the party. With Castillo in tow, the inspectors arrived to the home and questioned Lopez regarding the alcohol, which he denied selling to Castillo due to his illness. Castillo then changed his tack and claimed that it was in fact Cuellar who sold it to him. At this point Schildt’s testimony became muddled. He contended that Cuellar, for reasons she did not clarify, ran off to the “filling station” near by. When she returned, Castillo reiterated that it had been, in fact, Cuellar who sold him the mescal. Cuellar admitted to selling the alcohol, but implored inspectors not to take her to jail because she needed to care for her husband. Cuellar also stated that she would show up and plead guilty when her case came up and the inspectors allowed her to remain free.

When Cuellar’s case made it to court a few months later, she arrived accompanied by Walter Weaver, an attorney. Weaver, who also defended Tomasa January, submitted a suppression of evidence motion that contested the charges on the grounds that the inspectors had not acquired a warrant prior to their search and Cuellar’s subsequent arrest. Schildt’s rebuttal was that under Prohibition related laws, the inspectors only needed probable cause to enter a person’s home. He reiterated his claim that when they merely glanced inside the home, the inspectors saw the bottles of mescal in the washtubs, which were out in the open. Moreover, when Schildt had gone to inspect the backyard, a group of men ran off, abandoning bottles filled with mescal. He described the “bottles” as small flasks fit for sale and distribution. Indeed, the flasks resembled the one Castillo

carried. Schildt added that the men at the party would go to Lopez's home, purchase a flask, take a few drinks, then return to the party. He also wanted it noted that Benito Lopez and Cuellar were married, but in accord with Mexican custom, she retained her own name. Lopez had previously been arrested for being in possession of 27 pints of mescal, while this appeared to be Cuellar's first official arrest.

It seems certain that Schildt recognized that Cuellar held a more prominent position than her husband in their household and that he needed to establish their relationship in case Cuellar was arrested again. The ways in which Schildt described Cuellar seemed to suggest someone assertive. For instance, he stated that she "hollered" at the inspectors and her husband. However, when the inspectors were going to arrest her, she played up her role as wife and caretaker. As discussed in the first chapter, it was not unusual for inspectors to vary their approaches when women were involved. For instance, Schildt opted not to use excessive force either to intimidate the couple or to arrest them. Instead, he allowed Cuellar to remain with her husband because she was maintaining her family. Her assertions in court, however, suggest that she was knowledgeable regarding the law and might have been performing her role as a wife and caretaker. Cuellar was, in this instance, a partner in the industry and conversant in the law. Moreover, it appears that she understood the patriarchal attitudes held by law enforcement and performed her role in them in order to protect her home and family.

On the day that we stood on the street corner looking in the direction of his great grandparents' house, Donna Fletcher's statue behind us, Carmona shared that Lopez and Cuellar divorced not long after that night. She remained in the town of Donna, like Fletcher, a young divorcee. Although Schildt did not mention children, Carmona noted that Cuellar was left with the task of raising the children on her own until her death at the age of 46. While the case depicts

Cuellar as an assertive and knowledgeable woman, Carmona admitted that her children struggled with the stigma that came from her arrest and illegal activities. In addition, her early death resulted in her children's dispersal among other family members. The home that she worked to maintain and protect was dismantled in her absence.

While women's presence could minimize the chances of violence or change the ways in which a law enforcement agent might respond, when men were involved in cases where women were the target, they often added an extra layer of complication. Additionally, the presence of certain "types" of women, as perceived by law enforcement agents, could lead to extra charges against men or to their arrest or capture. Ultimately, the cases illuminate agents as a moralizing force, which reflected a colonial mindset and local attitudes that tended to cast ethnic Mexicans as immoral.¹⁶⁷

There were certain attitudes or ideas, however, that were reserved for ethnic Mexican women. During an interview conducted in 1969, Francisco (Pancho Chinchillo) Garza, a retired ranch hand, reflected on his days as a liquor smuggler. Garza's trade started during Prohibition and extended into the Great Depression, when jobs became even more scarce. Smuggling provided the means to support his family. His ability to elude law enforcement ultimately earned him their respect. This was expressed by the former law enforcement agents who visited Garza in his retirement home. Bill McMurry, a former ranger, remarked, "to think, all the years I chased you while you were smuggling, and now here we are together." Their collective interview demonstrated cordial recollections that were viewed through a lens that romanticized the era and justified their actions by citing family as a reason for both smuggling and enforcing the law. The

¹⁶⁷ See Joseph L. Locke, "The Heathen at Our Door: Missionaries, Moral Reformers, and the Making of the 'Mexican Problem,'" *The Western Historical Quarterly* (Summer 2018):127-153.

interview focused on men's recollection of this time. At no time did they mention the woman responsible for Garza's capture.¹⁶⁸

In 1933, John Peavey and John Terrell were doing their usual late-night patrol along the Rio Grande River, near Los Ebanos, when much to their surprise, they noticed a woman "approaching them from the edge of the water." Since the woman was near a white sand bar that extended out from the Mexican side of the river, Peavey assumed she had arrived with the help of a boatman and quite possibly without documentation. When she reached them, Peavey and Terrell questioned the woman. She stated that she was leaving the small town of San Miguel to return to her mother's house in Los Ebanos. While Peavey did not name her, he did claim in the narrative to know her family and he allowed her to pass. Just as she was about to walk away, she asked them if they would like to catch Francisco (Pancho Chinchillo) Garza.¹⁶⁹

Since Peavey had been trying to capture Chinchillo for years, he continued to converse with the woman. The woman, it turned out, had lived with Chinchillo for several years under the impression that he would marry her. She had left her mother's home to live with the smuggler in Mexico, but the relationship did not result in the marriage she had been promised. Instead, Chinchillo initiated a relationship with a younger woman, and when the first woman confronted Chinchillo he gave her a "thrashing." For the woman, the encounter with Peavey and Terrell presented an opportunity. She had witnessed Chinchillo's most recent plan to smuggle alcohol across the border with the other male smugglers he worked with and shared the details with Peavey. The woman stated that she would "never be happy until I hear that Pancho Chinchillo is in jail for a long, long time."

¹⁶⁸ Sheeran, 40.

¹⁶⁹ Peavey, 306-308.

According to Peavey, the details the unnamed woman shared regarding Chinchillo's plan aided in his capture. It is important to note that while the capture occurred a few years after Prohibition ended, Chinchillo had likely continued to smuggle alcohol to avoid tariffs. For Peavey, Chinchillo's capture was considered an achievement, and the encounter with the woman both helpful and amusing. Law enforcement agents later remembered Chinchillo fondly, while Peavey ended his narrative of the woman on a disparaging note by referring to her as the "fat woman." It could be argued that Peavey held disparaging views both of women who entered relationships with men like Chinchillo and men like him who were in relationships with women he deemed questionable. In his memoir, he expressed that successful smugglers usually lavished money on lewd women, who often turned on them when the men initiated relationships with new women. These women, such as Chinchillo's ex-partner, provided information out of "vile revenge."¹⁷⁰ While Chinchillo's ex-partner aided in Peavey's ability to capture a long time smuggler, his disparaging depiction of her illuminates the ways in which law enforcement agents perceived themselves as morally superior.

Despite such disrespect, this dissertation has already demonstrated that women held a more significant place in this industry than this encounter suggested, whether it was protecting the home, or as active participants in the industry itself. Cases involving women and men together began to appear prior to the onset of Prohibition. As established in the previous chapter, people along the U.S.-Mexico border often smuggled items in in order to avoid paying tariffs and taxes. This included alcohol, which was more often, but not exclusively, smuggled by men. Throughout Prohibition, there were cases that included women, usually in a vehicle with groups of men

¹⁷⁰ Peavey, 169.

attempting to smuggle alcohol from Mexico into the United States.¹⁷¹ In some instances, the groups were comprised of tourists who had spent a few hours in Mexican border towns and returned with bottles in tow.¹⁷² For agents, the number of groups that included men and women traveling back and forth across the border for alcohol was great enough to motivate them to seize publications that advertised where to buy and consume alcohol in places like Reynosa or Matamoros.¹⁷³ Law enforcement agents also encountered couples returning from the border with vehicles loaded with alcohol.¹⁷⁴ This tended to draw attention for different reasons. Law enforcement agents might consider searching these vehicles because a woman's presence could be used as a way to deter suspicion. Also, customs inspectors charged with the task and entrusted with the ability to assess the nature of the relationship, specifically whether or not the woman was a sex worker or was entering an immoral or illicit relationship, often questioned couples to determine the nature of the relationship. The majority of the cases involving women and men working in pairs in the industry, however, occurred not as they crossed the border but within their communities and homes.

Within communities, groups could draw attention to themselves if both intoxicating liquors were involved in addition to questionable behavior. In 1931, for instance, a G. Deutsch was in a vehicle with Steve Danilevez, Mrs. Ruth Hughes and Catherine Duffy when they were pulled over by Deputy Marshal Holmes of Mission. He called in USCI W. F. Oakes to assist him in their arrest.

¹⁷¹ United States v Dionicio Esquivel, Jesusa Martinez, and Alfredo Marmalejo, 3944 (United States District Court Southern District of Texas Brownsville Division 1926) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX. (1926) *Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX*. The defendants were caught by law enforcement as they were attempting to deliver their alcohol.

¹⁷² "Tourist Booze Poured Out," *The Brownsville Herald*, June 16, 1926, www.newspaperarchive.com [Accessed on March 20, 2018].

¹⁷³ "Liquor Ads not Barred: Customs Officials to Only Seize Lottery and Obscene Matter," *The Brownsville Herald*, September 28, 1928, newspaperarchive.com [Accessed August 31, 2019]. Law enforcement agents attempted to seize publications under the Dean Law Act. A judge ruled against the agents. According to the judge, since the advertisements were for establishments not located in the United States, it was not illegal.

¹⁷⁴ United States v. Aslema Armstrong and Berkley Norris, 3899 (United States District Court Southern District of Texas Brownsville Division 1926) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

Oakes noted that when he arrived the group was in a state of intoxication and had three different bottles of mescal in various states of consumption. For reasons that are not entirely explained, the Mayor of Mission, Ross Marcos, became involved and questioned the group. Perhaps it was because Deutsch was in the army and should not have been present perhaps because he was held to a different standard. After 1917, for instance, the federal government set up “dry” zones around military bases where the sale of liquor was barred to servicemen. The Selective Service Act also passed in 1917, forbade anyone to sell liquor to men in uniform.¹⁷⁵ While this incident occurred in 1931, it seemed possible that Marcos worried about a potential scandal related to the army. Other likely issues could have involved the women in the group as well. Mrs. Hughes, for example, identified herself as a married woman and housewife, but her husband was not present. In addition, Catherine Duffy was only fourteen at the time. Under questioning, the group readily admitted that they purchased the alcohol from a “Mexican named Joe,” who operated a filling station at Santa Cruz near Rio Grande City.¹⁷⁶ According to Oakes, after he researched to whom they were referring, he noted the “Mexican’s” name was Jose Peña and that he did in fact own a filling station just outside of Rio Grande City. On more than one occasion, agents had arrived to his station with federal warrants to search for alcohol. Each time, however, they found the alcohol buried just beyond the property line. In this instance, the agents enlisted the group to set a trap for Peña. First, they sent in Mrs. Hughes to purchase alcohol from Peña since she was familiar to him. Then they sent the group a few hours later to purchase more alcohol. Jose Peña was not present at the time; instead, his wife Rosa Vela Peña came out and sold them the mescal. Not long after that the couple was arrested. It seems likely that the couple had been working together the entire time. Despite

¹⁷⁵ McGirr, 33.

¹⁷⁶ *The United States v. Jose Peña and Rosa Vela Peña*, 8138 (United States District Court Southern District of Texas Brownsville Division 1931) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

this, Jose Peña was held with bond, while Rosa Vela Peña was released on her own recognizance.¹⁷⁷

Prior to 1920, Texas was among the first few states that passed early Prohibition related laws with the intent of curbing alcohol consumption and limiting the political power attained by beer companies. The early laws provided justification for law enforcement agents to begin investigating potential smugglers and distributors prior to national Prohibition.¹⁷⁸ In 1902 customs inspectors were called into a case after a group of men were arrested after an argument broke out among them. The case occurred in the Rio Grande City home of Emilio Garcia and Jesusa Lara, who agents referred to as “liquor dealers.” Since agents had not yet established a standard practice on how to document prohibition cases, this one contained handwritten testimonies provided by each person involved. It is unclear what questions they were asked, but the answers seem to indicate that agents were attempting to establish that the couple sold mescal to each of the four men accused of buying the alcohol. In addition, the answers the men provided seemed to suggest that agents were inquiring into the nature of Garcia’s and Lara’s relationship.¹⁷⁹

As noted in previous chapters, agents were often married and established members of the community. They often took pride in being upstanding examples and reining in behavior they deemed immoral. It is not entirely clear why agents wanted to know the details of the couple’s status; perhaps they were attempting to declare their home a place of nuisance, but each man added something regarding the relationship. Encarnacion Salinas, one of the defendants, revealed, for instance, that the couple lived in a one room house with one bed as their only real piece of furniture.

¹⁷⁷ The United States v. Jose Peña and Rosa Vela Peña, 8138.

¹⁷⁸ Sheeran, 23.

¹⁷⁹ The United States v. Emilio Garcia and Jesusa Lara, 1902 (United States District Court Southern District of Texas Brownsville Division 1907) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

Salinas assumed they slept together in the bed, but he could not be sure since he was not in the habit of staying over. The other defendants claimed to be more familiar with them and affirmed that the couple had lived as “husband and wife” for many years. The case concluded with Jesusa Lara’s testimony and ended with an X as a signature of her name. According to Lara, the men came over requesting mescal. She stated that she felt obliged to appease them and approached another woman who she did not name in order to purchase some mescal for her guests. Her testimony did not address the nature of her relationship to Garcia, nor did she at any point admit to purchasing with her own money or selling alcohol, but rather acquiring it for her guests. Ultimately, the couple was merely fined, since national Prohibition laws had not yet been established.

When law enforcement agents targeted specific homes they often focused on arresting male smugglers and sellers, but in so doing encountered their wives and partners, as occurred with Anita Elizondo in 1919, just on the cusp of national Prohibition. Customs Inspectors Gill and White recruited local law enforcement in McAllen in order to search Abraham Elizondo’s home. Since he was not present when they conducted the search and found six bottles of mescal buried in a small house located thirty feet from the main house, as well as empty bottle wrappers, they arrested his wife.¹⁸⁰ Because the case occurred prior to the enactment of national Prohibition laws, the customs inspectors searched the Elizondo’s home without the warrant that would later be required. In this instance, Anita Elizondo merely pled “not guilty,” but as cases became more routine, women began to vocalize greater opposition, as demonstrated in the previous chapter.¹⁸¹

¹⁸⁰ United States v. Anita Elizondo, 2563 (United States District Court Southern District of Texas Brownsville Division 1919) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

¹⁸¹ United States v. Anita Elizondo, 2563.

In 1921 Customs Inspector Campbell attained a warrant to search Jose Angel Hernández's home. He brought inspectors Shears and Brown along with a Deputy Marshal Reed and "Lt police" Armstrong. When they arrived, the agents encountered Hernández's wife, Guadalupe Cuellar Hernández. Due to the warrant she allowed them to enter and search the house. They found one bottle of aguardiente on top of a sewing machine wrapped in clothing. According to Campbell, while the agents conducted their inspection, Cuellar Hernández crossed the street and entered her previous residence. Campbell did not explain how he knew where she used to live, but the detail illuminates his familiarity with the community. He noticed that she was making a motion as if she were picking up a package and attempting to conceal it within her attire. He then watched as she made her way to another house "next to the kitchen" and then stood in the doorway. She then raised her hand and "defied anyone searching her."¹⁸² Cuellar Hernández stated that they could not search her because she was a woman. She then proceeded to toss the object behind a bed. At this point Armstrong, apparently a Police Lieutenant, declared that he was going into the house to retrieve the object, which turned out to be a sealed bottle of tequila. While this exchange was occurring, Hernández had returned home. In his testimony, Campbell noted that Hernández, "a blind man," claimed all the responsibility for the alcohol. Perhaps he made the claim because he thought his condition might elicit some sympathy, but the couple was charged together. The case does demonstrate an interesting dynamic. Cuellar Hernández, for instance, seemed knowledgeable regarding the law. She understood that the male agents could not search her body because their group was comprised of men only. They had not brought along any female agents who might be able to complete the task. In addition, although the law enforcement agents initially arrived

¹⁸² United States v. Guadalupe Cuellar Hernandez and Jose Angel Hernandez, 2938. (United States District Court Southern District of Texas Brownsville Division 1921) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

presumably to arrest Hernández, she appeared to be in charge of the situation. Perhaps this was because her husband was visually impaired, and she ran their household. Finally, the couple's actions seem to suggest that they were attempting to protect each other or perhaps elicit the least detrimental action against them.

In 1927, when customs agent D.A. Barter arrived to Jose Monsibais's house, he was met by his wife. Barter brought along Border Patrol Inspectors B.C. Durham and Jesse Perez to search Monsibais's home in Rio Grande City. The warrant was granted in the usual manner, after someone informed Barter that alcohol was being dispersed from the home. When they arrived, they did not find Monsibais, but rather his wife and "another girl," who was drinking from a bottle in her hand. According to Barter, Monsibais's wife, whom he did not name, "allowed" them to enter the home and search it. Barter claimed that during their search they noticed that an area below one of the windows was wet, as if someone had just disposed of some alcohol. Also, seventy-five yards from the house, in a lot near a fence and a toilet, the agents found some bottles. When they questioned Monsibais's wife, she asserted that she kept the alcohol for medicinal purposes, but that it was not hers. That seems like a strange distinction, but perhaps she was trying to assert that she had not purchased the alcohol or even owned the bottle, but rather that she had acquired it without payment and held on to the alcohol to use as medicine. The phrase "medicinal purposes" indicates that Monsibais's wife was knowledgeable in phrases one used at the time to avert arrest under Prohibition related laws, given the Volstead Act's allowance of a prescription for medicinal purposes.¹⁸³ Moreover, the possible disposal of alcohol and hiding of bottles prior to agents arrival not only hints that she was warned of their arrival, but also that she was protecting her home.¹⁸⁴

¹⁸³ McGirr, *The War on Alcohol*, 53.

¹⁸⁴ *United States v Jose Monsibais* (1927) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

While the agents did not name her, she was clearly intervening in the case and attempting to influence the outcome.

The following year, USCI W.B. Hopkins requested that Border Patrol Inspectors Durham and Perez help him search Pablo Monsevais's home. When the agents arrived to Monsevais's home, located along the highway between Rio Grande City and Roma, they were greeted by Monsevais's wife, who informed them that her husband was at work. The agents' rather muddled testimony implied that they searched the home prior to handing her the warrant. In their search, they found one glass gallon jar of mescal beneath some floorboards in the kitchen. The agents also managed to "recover" a quart bottle of mescal that Monsevais's wife brought out from another hiding place and attempted to conceal within her clothing.¹⁸⁵ The fact that they found alcohol beneath floorboards and within her clothing is an indication that the agents were forceful in their search and that Monsevais's wife was actively working to conceal any indication that the couple might in fact be selling alcohol from their home. However, when the agents concluded their search, she admitted the alcohol was her husband's but for his "own personal consumption."¹⁸⁶ Her choice of words was also an example of knowledge regarding Prohibition laws. The Volstead Act made an allowance for people to continue drinking in their own homes, if they purchased the alcohol prior to Prohibition. This exception was intended to protect wealthy consumers who could afford to stock their cellars, but it did grant some room for the working class, if they could prove when the alcohol was purchased.¹⁸⁷ Despite that fact, the agents instructed her to notify her husband to wait for them when he returned from work, at which time he was arrested.

¹⁸⁵ United States v. Pablo Monsevais, 4451 (United States District Court Southern District of Texas Brownsville Division 1928) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

¹⁸⁶ United States v. Pablo Monsevais, 4451.

¹⁸⁷ Okrent, 111-112.

Later that year USCI Campbell gathered Champion, Shears, Collins, and Jefferds, a U.S. Marshal, to search Nieves Padron's house in Brownsville. The rather large group of agents hinted at Padron's potential threat level, and they were prepared for a violent confrontation. However, when the group arrived at Padron's home, they were also stopped at the door by his wife, who stated that her husband was at work. According to Campbell's testimony, he handed her the warrant and then proceeded to question her. She stated that they did not have any liquor in the house, then added, "you are perfectly welcome to search the premises as we do not handle it." During their search Collins called out to Campbell and said, "here is the liquor," after he encountered something he described as a "closet attached to one of the walls." Campbell pointed out a "false board" inside, at which point Collins grabbed a chair to stand on in order to reach inside the closet. Once he moved the false board back, Collins brought out nine bottles of tequila that they determined to be of Mexican origin. After the alcohol was seized, Padron's wife expressed surprise. She claimed that she did not know the alcohol was there and added that she only knew that her husband did not sell it, but rather kept it for his "own personal use."¹⁸⁸ It is unclear how willingly she allowed the agents to search her home or how easily the agents managed to find the alcohol. Her practiced phrases, as in the previous case, however, expressed a knowledge regarding Prohibition laws. For instance, she stated that they "do not handle" it, which meant that they did not sell the alcohol.¹⁸⁹ She also stated that the alcohol, which she was unaware of, was for her husband to drink on his own. Both statements spoke to the allowances made through the Volstead Act. Even if it had been purchased since the act went into effect, the mere consumption of alcohol during Prohibition resulted in a mere fine and not jail time. However, despite her attempt

¹⁸⁸ United States v Nieves Padron, 4434 (United States District Court Southern District of Texas Brownsville Division 1927) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

¹⁸⁹ United States v Nieves Padron, 4434.

to protect her husband and home by claiming the alcohol was for her husband's personal use, he was arrested and fined \$50.00.

A similar instance occurred in 1929, when customs inspector Wright was granted a warrant, also based on an informant's tip, to search Margarito Martinez's house in Edinburg. Wright rounded up inspectors Webb and Will Cotulla. Together they searched Martinez's house. The group found and confiscated 17 bottles of cognac and 18 pints of mescal beneath some floor boards of the "main house" located on Martinez's property. They also found a half pint bottle of mescal inside a trunk. In this case it is also unclear when the inspectors handed Martinez's wife the warrant. According to their testimony, they found the alcohol and then handed her the warrant because Martinez was not home during the search. Once the search was completed and the alcohol seized, she informed the agents that the alcohol did not belong to them, but rather to a Maria Gutiérrez, who had left the alcohol there just an hour before they arrived. Soon after, Gutiérrez returned to Martinez's house and claimed ownership of the contraband alcohol. In this case both Martinez and Gutiérrez were charged, and their bonds were set at \$200 and \$500 respectively.¹⁹⁰ It is not entirely clear who was responsible for the alcohol nor their exact intentions for its use. It is possible, however, that Gutiérrez might have been a repeat offender and attempted to hide the alcohol in a location other than her home. Despite this she may also have spoken up to minimize potential violence. Inspectors Wright and Webb, for instance, as noted in the first chapter, were former Texas Rangers and held special reputations to be potentially more violent toward men. Additionally, Cotulla was well experienced in border crossing confrontations with smugglers that had ended in shootouts.

¹⁹⁰ United States v Maria Gutiérrez and Margarito Martinez, 5369 (United States District Court Southern District of Texas Brownsville Division 1929) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

A year later Maria Gutiérrez was arrested once again. On April 26, 1930 she arrived at Luis Montes's home and stored 132 quarts of mescal and 28 pints of mescal. She asked him merely to store it on her behalf and that she would move it within a few days. Gutiérrez had been regularly picking up alcohol from a location between a canal and a hospital and transporting it possibly to more than one location in her own vehicle. She was unaware, however, that due to her previous encounters, that she was under surveillance. More than one witness, including someone agents referred to as an "American canal rider" by the name of Henry Johns, informed agents that Gutiérrez had resumed her illegal activities.¹⁹¹ The information provided by the informants proved sufficient for a warrant. When USCI arrived to Montes's home, as in the previous case, he had to contend with the wife, since Montes was working in the fields. She immediately implicated Gutiérrez who she knew only by first name and the way to which community members referred to Gutiérrez, which was "Maria the widow who lives in Edinburg."¹⁹² This reference hints at the reasons behind her choice to continue her clandestine activities, which came at a great risk. Not long after her previous encounter, Gutiérrez's sentence was suspended after she promised to suspend her activities. After her second arrest, the agents attempted to have her sentence reinstated, but she became ill just as her trial was about to begin. Her case includes a request from the district attorney to send a federal medical doctor to her home in order to verify whether or not she was in fact ill. It is unclear whether or not she stood trial, which means she likely was too ill to stand trial or managed to have her case dismissed.

In a similar case, Customs Inspector Brown caught Mariana Pérez running from Manuel Garza's home located in Colonial Victoria, which was connected to Brownsville. Brown had a

¹⁹¹ United States v. Luis Montes and Maria Gutiérrez, 6130 (United States District Court Southern District of Texas Brownsville Division 1930) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

¹⁹² The United States v. Luis Montes and Maria Gutiérrez, 6130.

warrant for Garza, but after they found a gallon of mescal under her shawl, for which she took full responsibility, the inspector arrested Garza. During questioning, she admitted that she had purchased the mescal to sell at a “baile” and that Garza, her nephew, did not have anything to do with it. There were numerous reasons for which women might have claimed full responsibility for alcohol found in such a search.¹⁹³

In other instances, women and men were clearly working more directly with one another. In one case, agents attempted to charge Luciana Gómez. Brown and Clifton searched a field in Weslaco because they were notified that there was alcohol hidden in that location. As they conducted their search, they found empty bottle wrappers and signs that alcohol was dumped in the field. For the agents these “signs” were enough to justify searching Gómez’s home, which was located next to the field. When they approached her home, Gómez was outside washing clothes. According to Brown, he asked if she owned the home and whether or not she was harboring alcohol. She indicated that it was her home, but that she did not have any alcohol. The agents walked around her property and found a large box that contained bottles of cognac, peach brandy, and mescal. At this point, Brown claimed that he asked Gómez if he could search inside the house, to which she replied that he could because she did not have any alcohol. Once inside, Brown found a “grass sack” underneath her bed filled with bottles of mescal.¹⁹⁴ The agents arrested Gómez and while being transported to the station, she shared that an Higinio Cano had left the bottles in her home. While the relationship between Gómez and Cano remained unclear, it appears that Cano felt familiar enough with her to leave the alcohol. According to Gómez, she had not been notified of his plan to leave the alcohol but knew that he had been waiting until the evening to transport

¹⁹⁴ United States v Luciana Gomez and Higinio Cano, 4022 (United States District Court Southern District of Texas Brownsville Division 1927) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

the bottles. Despite Gómez's attempt to divert the blame, she was arrested and fined along with Cano. The inspectors likely continued to pursue charges against her due to her history in the vice related industry. In 1922 she had been caught attempting to smuggle bladders of mescal, underneath her skirt, across the U.S.-Mexico border.¹⁹⁵

When Gómez's and Cano's case went to court, however, the attorney Walter Weaver stepped in and submitted a request to quash the evidence because the agents did not have a warrant to search the home. Interestingly, the request referred to the home as belonging to both Gómez and Cano, which likely meant they were in fact working together. Additionally, the motion included in their file, unlike the other standard documents, was hand written. This indicated that unlike the other standard documents included in their file, which more often than not simply required agents to fill in the blanks, this document had to be created in the moment. This was likely because neither the agents nor the courts had anticipated that the defendants would assert themselves in this manner. The law enforcement agents were accustomed to patrolling neighborhoods and entering any premise they deemed suspicious and entering the evidence acquired in this manner without dispute. In addition, Gómez was already suspect due to a previous arrest, which would be enough of a reason to lead to a conviction. For these reasons, it was possible the agents were not expecting Gomez's case not to result in their desired outcome. They were also likely underestimating her and not expecting her to have been aware that there were ways to contest their tactics the entire time.

In other cases, couples worked more directly with one another. For instance, Pullin brought along Peavey and the Cottinghams to search Frank and Annie Podlack's farm dwelling with a

¹⁹⁵ United States v Luciana Gomez, 3230 (United States District Court Southern District of Texas Brownsville Division 1922) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

windmill and large barn in Pharr. As Pullin and Jim Cottingham approached the front door and the other agents made their way to the back door, the Podlacks jumped up and attempted to run away. While Pullin does not provide specific details regarding the search, he does inventory the alcohol they found: two gallons of grape wine and 186 gallons of home brewed beer. In the Podlacks' clothes closet the agents uncovered one quart of tequila and "two fresh shucks of wrappers" that usually covered tequila bottles. They also found 40 more similar wrappers scattered behind the house. In this testimony, Pullin contended that the wrappers indicated that the tequila had been purchased wholesale. "Bootleggers" he stated, "handling liquor wholesale always have this liquor and the bottles which contain it, protected by this fiber or shuck protector." In addition, the Podlacks also had a corking machine and a fifteen-gallon stone jar in their barn.¹⁹⁶

When questioned, both Annie and Frank Podlack admitted to brewing beer with alcohol content just above the legal limit, for their own personal consumption.¹⁹⁷ Annie Podlack, however, contended that she had traded the tequila with a "Mexican," who later stored tequila and mescal in their barn. The Podlacks also had a boarder with them at the time, a Mrs. Sullivan, who Pullin later questioned. Mrs. Sullivan's interrogation focused on pressuring her to admit that she witnessed the Podlacks selling the alcohol from their home. Sullivan, however, did not verify this; instead she stated that while she was aware that the couple made alcohol that they drank on their own or with friends they invited over, she had never seen them exchange alcohol for money. She also added that when the parties were in progress, she would go to her room. Sullivan's phrasing hints at the possibility that money was exchanged in another capacity. It was common during Prohibition

¹⁹⁶ United States v Frank Podlack and Annie Podlack, 3839 (United States District Court Southern District of Texas Brownsville Division 1920) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

¹⁹⁷ As in the previous cases, the couple admitted harboring alcohol for their personal use. However, they also admitted to brewing alcohol just above the legal limit, which was 0.5. percent. The legal limit was set low in order to increase law enforcements' chances to enforce the law. See Okrent, *Last Call*.

for “bootleggers” to sell admission to a “speak easy” but not the alcohol itself.¹⁹⁸ When Pullin asked Sullivan whether the Podlacks ever expressed concern regarding their activities, she stated, “they were not afraid because they did not think it was against the law to make this beer. They did not think that they would be bothered for that.”¹⁹⁹ It is likely that the Podlacks did not believe that law enforcement would “bother” with them because ethnic Mexicans were more often targeted by law enforcement in the Rio Grande Valley. There was an indication of this when Annie Podlack blamed an unnamed “Mexican” for the tequila agents found on the premises.

It is important to note that in the case of the Podlacks, agents did not enter their home until they attained a warrant. This was less likely to be the case, as we have already seen, if they wanted to enter homes located in ethnic Mexican communities. Border Patrol Inspector J.P. Cottingham, accompanied as usual by his brother J.H. Cottingham and by Peavey, were scouting the “Mexican” part of Edinburg when in a vacant lot just underneath a cactus they found four sacks of liquor containing 10 quarts of Juárez whiskey, 12 quarts of Berreteaga whiskey, 9 quarts of Anejo tequila, and 27 pints of mescal. Except for the mescal, Cottingham identified the alcohol as “high grade liquor” that was not “commonly sold by ordinary bootleggers.”²⁰⁰ From the cactus he walked over to the closest fence lining the side of a house, where he claimed the door was open toward the empty lot. He saw a woman standing outside and began to speak to her when her husband came out to intervene. At this point, Cottingham began to question him regarding his immigration status, which led to the man admitting he was a “Mexican alien, illegally in the U.S.” It was rare in the Prohibition related cases I have examined for agents to fixate on a person’s immigration status in

¹⁹⁸ See Okrent, *Last Call*

¹⁹⁹ United States v Frank Podlack and Annie Podlack, 3839.

²⁰⁰ United States v Rojerio Esparza and Ortelia Esparza, 4320 (United States District Court Southern District of Texas Brownsville Division 1920) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

the U.S. or for agents to include charges related to immigration status in Prohibition related cases. The Volstead Act was intended to eliminate alcohol and criminalize a person who held it in possession. The act did not include provisions regarding a person's immigration status. It seems likely, then, that Cottingham's line of questioning reflected the fact that he was not familiar with the man. As members of the community they were policing, agents were familiar with the residents' homes they were searching. In this case, Cottingham was probably using this line of questioning as a tactic to gain entrance into a home they had under surveillance. By 1927 nativists in the U.S. had managed to pressure the federal government to pass immigration restriction legislation that focused on who to allow entrance to and who should not enter.²⁰¹ Nativists continued to mount pressure, particularly in South Texas, where the growers' demand for labor was provided by the surplus of ethnic Mexicans residing in the region.

Once Cottingham determined the man's immigration status, he questioned him regarding the alcohol. Initially, the man stated that he did not know anything about it, but Cottingham, smelling liquor on his breath, prodded him to cooperate. Cottingham took the man over to the cactus and compared his footprint with the one the agents found by the liquor. A light rain had fallen in the early morning, which made the ground pliable enough to see the print had been made with a rubber heel with crossbars. Drawing from his tracking skills, Cottingham determined that the print matched the man's shoes. The man, Pedro Ruiz, admitted the print was his and that he had helped Rojerio Esparza's wife, Ortilia, carry the bottles from the house to the cactus. Except for the bit of alcohol he had consumed, Ruiz denied having any other connection to the alcohol. Cottingham returned to the house and questioned Ruiz's wife, Ladislada Delgado, and his mother, Petra Garcia, to corroborate Ruiz's story. They each confirmed that Ruiz had merely helped Ortilia

²⁰¹ Weber, 103-104.

carry the alcohol. With their testimony, the group of agents believed they had enough evidence to once again arrest the Esparzas, a couple who were commonly known to be bootleggers.²⁰²

Ortilia Esparza was an active participant in the industry. She and her husband obtained and sold “high grade liquor,” which hints at both important connections in Mexico and a clientele with money in the U.S., maybe even as far away as San Antonio. The agents were clearly trying to catch the couple but had not been able to directly connect any alcohol to them until they attained witnesses who cooperated in fear of being deported. Aside from the alcohol found outside of their home, the agents did not find the usual items, such as flasks or glasses. It seems the couple likely smuggled the alcohol in and then sold it in bulk. Ultimately, the couple’s apparent connections in the community proved to be too strong for the agents. The couple managed to post their own bail at \$300 each and returned to court for their trial. Despite the evidence against them and the detailed testimonies provided by law enforcement, the jury, for reasons that were not included, found the couple not guilty.

While the previous cases explored how couples worked directly with one another or how women’s presence changed the case’s outcome, in other instances men could complicate cases for women. This was due to agents’ attitudes toward women and the expectations they held regarding their behavior. The following chapter, with its focus on prostitution, will examine such dynamics more closely. The cases discussed here, however, certainly hint at how they perceived women who engaged in especially questionable behavior and how, in their own way, they attempted to reinforce gender roles. For instance, when agents encountered Felicita Dueñes, their testimony included discussion of her choice in living arrangements. Dueñes, who was 24 years old and single at the time of her arrest, was renting a room from a woman by the name of Concho Villapeña.

²⁰² United States v Rojerio Esparza and Ortelia Esparza, 4320.

Dueñes stated that her sister Petra de Castillo provided her with homemade brew to sell in order to help their mother, who was very sick.²⁰³ She added that the mescal found by the inspectors, who included Campbell and McNabb, was left behind by the men who were in the house when the inspectors arrived. The case was a relatively standard Prohibition case, which usually only required testimony that established that alcohol, usually foreign, was being sold and housed by the defendant. In this case, the agents questioned her character because of the presence of men. They also questioned her choice to live on her own and not with her mother. Dueñes merely responded that she preferred to be on her own.

Anastacia Garcia also appeared in another rather legally dubious case. As established, the typical case included testimony by agents directly involved with the case, but Garcia's case included testimony from a James Collins, who did not identify himself as a member of a law enforcement agency, but rather as a member of the community. According to Collins, he was asked by Custom Inspector Pullin to join him, Peavey, and J.P. Cottingham to search Garcia's home in McAllen since he knew the exact location. In this particular case, she was not on the premises while the search was being conducted. Collins and the agents found half a quart of mescal and a bottle of cognac inside the house and another bottle of cognac buried in the backyard. During their search, they encountered "a white man by the name of Tom Brady," who was drunk and asleep in Garcia's bed.²⁰⁴ The group left with the alcohol and returned to Mission in order to file charges against Garcia. At this point the agents attained a warrant for Garcia's arrest and returned to her home, and for reasons the agents do not explain, Collins remained with the group. Along the way,

²⁰³ United States v Felicita Dueñes, 7712 (United States District Court Southern District of Texas Brownsville Division 1920) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

²⁰⁴ United States v Anastasia Garcia, 3669 (United States District Court Southern District of Texas Brownsville Division 1920) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

they almost ran into Brady, who was still drunk and driving down the road. Collins stated that at this point, when they returned to arrest Garcia, she was not there but rather a few blocks away at an undisclosed location. Collins contended that based on the evidence they found in her home, which included Brady's presence, one could "draw a fair conclusion of the type of house she was keeping."²⁰⁵ His statement, likely alluding to his presumption that Garcia was a sex worker or a woman of loose morals, compounded but did not necessarily make the case. Ultimately, she alone was arrested for the alcohol she sold to Brady. In both cases, the presence of men complicated the situation for women. The agents, along with a member of the community, drew conclusions regarding their character and were able to use Prohibition enforcement as a method to control their behavior.

In other cases, the relationships between women and men who were clearly working together could add another potential charge. Agents tended to rely on their ability to tack on "maintaining a nuisance" when the situation was deemed inappropriate, such as when women and men were in relationships not bound in marriage. For example, Custom Inspector D.A. Barter targeted Marcela Garza's house in Rio Grande City, when a woman living nearby noticed a man, Mauro Ortiz, entering her house late at night. According to the informant, he sometimes did this after leaving an "immoral" house that he shared with his common law wife. Barter had also received information that Garza "kept the liquor" for Mauro Ortiz's restaurant, which was located just across the street from her home.²⁰⁶ As established, it was not unusual for restaurants to secretly serve alcohol along with food. The pair had managed for a few years to thwart Barter's attempt to catch them with alcohol. In his testimony, Barter maintained that whenever he walked into the

²⁰⁵ United States v Anastacia Garcia, 3669.

²⁰⁶ United States v Mauro Ortiz and Marcela Garza, 4214 (United States District Court Southern District of Texas Brownsville Division 1920) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

restaurant he could smell the alcohol, as if it had just been discarded, but could never find it. This time, perhaps, Ortiz and Garza had crossed too many community boundaries because Barter worked to catch them by surprise rather than rely on informants or attain a warrant, which could lead to members of the community warning the couple. When he walked in, he found Ortiz on Garza's bed, recovering from injuries incurred during a knife fight, with bottles of mescal just underneath him. When questioned, they both claimed that the alcohol was for medicinal purposes and provided Barter with the name of a local doctor who was known for providing prescriptions for alcohol, which was a common practice.²⁰⁷ Their knowledge regarding Prohibition's loopholes indicates they were prepared for the possibility of confronting law enforcement. Despite this, Barter arrested the pair and declared both locations to be places of nuisance.

While in some cases, the presence of men could complicate the situation for women, there were cases when the presence of women made problems for men. For instance, in 1928 Border Patrol Inspector J.E. Hensley, who was stationed at nearby Donna, was patrolling Weslaco when he noticed Seguendo Hernández standing on the side of the road holding a bundle under one arm. Hensley turned onto the "dark street" and asked him what was in the bundle. "Pints" said Hernández.²⁰⁸ Hensley took the sack from Hernández, looked inside, and found five pints of San Carlos mescal, "a well-known Mexican brand foreign distilled intoxicating liquor [sic]." Because Hernández was identified as a bootlegger, Hensley had information on where Hernández "kept his booze."²⁰⁹ Having found alcohol on Hernández, he now had the justification needed to search that

²⁰⁷ United States v Mauro Ortiz and Marcela Garza, 3669.

²⁰⁸ United States v Seguendo Hernandez, 4396 (United States District Court Southern District of Texas Brownsville Division 1928) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

²⁰⁹ United States v Seguendo Hernandez, 4396.

location. He went to the house and found five more pints of mescal in the bed between the mattress and the springs.

At this point, Hensley's testimony became focused on the fact that the house was that of a "Mexican woman," who he identified as a "public prostitute" who had therefore been forced to move just outside of the city's limit. It is unclear what he meant, precisely, by "Mexican woman," since he did not mention whether there was an issue related to her immigration status. Instead, Hensley highlighted Hernández's relation to the woman and how that might add to the charges. He noted, for instance, that while Hernández was married to someone else, it was a well-known fact—and one that Hernández admitted—that he had been living in an illicit relationship with the "Mexican woman for something like four years." Hensley also knew that Hernández housed his liquor at her place and there arranged for "its disposal," which meant that she sold the alcohol from her home.²¹⁰ The woman, who remained nameless in this case, admitted that Hernández stored and sold alcohol from her place, but contended that he kept the money. She stressed that she made her living as a sex worker. Hensley concluded the investigation by highlighting that the "door to her place was considered wide open and a public place," which meant he did not need a warrant to search that location because she was operating from her home just beyond the "northwest part of town to avoid being disturbed."²¹¹ In other words, even though the location was technically her house because she was selling alcohol and sex from her home, Hensley was classifying it as a place of business. The relationship Hernández held with the woman, in addition to the location, which agents considered a public place because she was technically working from her home, allowed Hensley to also declare him a public nuisance.

²¹⁰ United States v Seguendo Hernández, 4396.

²¹¹ United States v Seguendo Hernández, 4396.

CONCLUSION

This chapter examined cases that included women and men working together in vice related industries in a variety of ways. The cases illuminate the ways in which women's presence could at times minimize the level of potential violence. Additionally, women played a significant role by attempting to defend their homes and keep their families intact. This was important due to the ways in which law enforcement agents were disrupting households either through incarceration or acts of violence. Also, depending on the woman's perceived character, the presence of a male could lead to more serious charges. In some instances, women actively participated in the smuggling, selling, and harboring of alcohol alongside their male partners. These aspects allow for an examination of how agents worked to reinforce gender roles and how in turn women used these expectations to maintain their households or thwart law enforcement's attempts to subdue them. Ultimately, this chapter reinforces the fact that women in South Texas played a significant role in the vice industry that flourished during Prohibition.

Chapter Four: “It is One’s Will that Makes you Marry”: Prostitution, Consensual Unions, and Illicit Relationships

On November 11, 1920, Clara Hamilton, alias White Child, was walking back to her house when she saw Hattie Burr at Tom Garcia’s buying “dope.” Hamilton followed Burr, knowing she was going to Kate Wilson’s home, with the intent of getting a shot. Once she arrived, however, Wilson refused to give her “dope” because she had recently notified police that she and Wilson often purchased their drugs from either Tom Garcia or a woman named “Lupe,” who lived near the “school house.” Hamilton had also apparently turned over drugs that Wilson stashed in her mattress and other places in her home. While Wilson denied Hamilton both entrance into her home and a shot, Hamilton managed to glance inside and see two soldiers, both with their shirts open, laying on Wilson’s bed.²¹²

According to both Burr and Wilson, four soldiers from Fort Brown had earlier shown up at Wilson’s house. Burr asked Myrtle Walker to “help” with one of the soldiers, Private Marine Corps S.E. James. Although James would deny it during his testimony, Walker had apparently taken him to her home where she “slept” with him for \$10. The other three soldiers remained with Wilson and Burr.²¹³ One soldier, Sergeant Hogan, had provided Burr with money to purchase morphine. When she returned, Hogan requested that Wilson inject the morphine into his abdomen. She then proceeded to inject herself, the other soldiers present, including Private U.S. Marine Corps David McCormick, and Burr. McCormick stated that he fell asleep soon after Wilson

²¹² United States v. Clara Hamilton, 2858 (United States District Court Southern District of Texas Brownsville Division 1920) Criminal Case Files for Brownsville, Texas, NARA Fort Worth, TX.

²¹³ United States v. Myrtle Walker, 2873 (United States District Court Southern District of Texas Brownsville Division 1920) Criminal Case Files for Brownsville, Texas, NARA Fort Worth, TX.

injected him with morphine from a “dropper with a syringe on the end of it.” When he awoke around two or three in the morning, he discovered that Hogan had died.²¹⁴

Taking a closer look at cases involving law enforcement agents, sex workers, and women perceived as immoral further illuminates some of the issues raised in previous chapters. These cases are interspersed among the numerous ones aimed at women involved in alcohol related cases. The same agents empowered by Prohibition-related laws to enter women’s homes were also tasked with deciding how to handle cases involving sex workers. Law enforcement agents relied on various laws, some of which preceded Prohibition-related laws, to decide the fate of the women they arrested. How agents responded at times, however, varied, the decisions they made revealing their own perceptions of acceptable moral behavior. As in previous chapters, the interactions between agents and women allowed for glimpses into the lives of women charged with illicit activities on the border. These glimpses provide insight into the factors that impacted women’s choices and the perceptions they held about their own lives.

While law enforcement agents were working together to police neighborhoods in their attempt to carry out Prohibition related laws and regulations, immigration agents were also focused on enforcing laws intended to exclude women they deemed unfit for entry into the U.S. These laws, partly shaped by Progressive era ideals, tended to grant entrance to “wives” while excluding women who might potentially be prostitutes or simply be “immoral.”²¹⁵ These laws were rooted in the notion that “women stood as pillars of sexual piety and purity.” The entry of women who in some way practiced unrestrained sexuality tested “male sexual continence while it threatened

²¹⁴ United States v. Hattie Burr, 2872 (United States District Court Southern District of Texas Brownsville Division 1920) Criminal Case Files for Brownsville, Texas, NARA Fort Worth, TX.

²¹⁵ Eithne Luibbhéid, *Entry Denied: Controlling Sexuality at the Border* (Minneapolis: University of Minnesota Press, 2002), xi.

female moral authority.”²¹⁶ It fell to the immigration officers, with the assistance of local law enforcement, to both investigate the cases and decide on an outcome.

The cases mainly reference the Immigration Act of 1917, which on one level reinforced earlier immigration laws that excluded not only women who were potentially prostitutes or procurers, but also women who came to the U.S. for any other “immoral purpose.” The Immigration Act of 1917 targeted potential polygamists in addition to any immigrant or citizen who attempted to import or employ an immigrant for the purpose of prostitution. Moreover, anyone who benefited from or had any connection to a place of prostitution or where prostitutes could be employed or gathered was impacted by the immigration law. This law could be enforced any time after the time of entry, which granted agents the ability to extend policing away from the U.S.-Mexico Border. But while this collection of cases sheds light on the implementation of the Immigration Act, it also reveals local attitudes regarding sexuality, gender, and intimate relationships, which can be drawn from the answers that all parties involved share in their testimonies or interviews.

While it is not always clear how agents became aware of women’s presence in the U.S., once they did, everyone involved in the case was arrested and agents became focused on establishing certain criteria. For instance, law enforcement agents’ questions were intended to affirm each person’s citizenship status to determine whether or not they could be deported. It was not uncommon for the women to reside in the U.S. without documentation. These laws extended policing over intimate relationships, and, in the process, they illuminated women’s vice related occupations while scrutinizing their behavior. The law was intended to protect the nation and to a

²¹⁶ Delgado, “Border Control and Sexual Policing: White Slavery and Prostitution along the U.S.-Mexico Borderlands, 1903-1910,” 160.

lesser extent save women from concubinage. As with Prohibition related cases, cases related to the Immigration Law of 1917 provide us with glimpses into women's lives, women who expressed agency and choice in these moments of interaction with the U.S. legal system.

In the case opening this chapter, law enforcement agents were tasked with determining the fate of the four women involved in the soldier's accidental death. Agents relied on the laws and tactics that were both available and applicable at the time. The women were charged in violation of chapter 13 of the National Defense Act. This law's inception was fueled by the military's previous decades, in which it was plagued by the high number of soldiers infected with sexually transmitted illnesses, specifically gonorrhea and syphilis. By 1920, the military had attempted various methods to control or diminish the high rates of infection. During the 1916-17 invasion of northern Mexico, for example, General John J. Pershing attempted to regulate prostitution in order to decrease the spread of sexually transmitted illnesses (STIS), which he contended weakened the men and made them unfit to serve.²¹⁷ Pershing's experiment entailed the creation of areas close to where the soldiers were camped for female prostitutes. There the women were housed and inspected regularly for STIS. If a woman was infected she was usually quarantined and treated. To a certain extent this program had existed during the U.S. military's earlier occupation of the Philippines. It also bore a strong resemblance to red-light districts that existed on both sides of the U.S.-Mexico border. One notable difference, however, was that Pershing's program also included the inspection and treatment of the male soldiers.

Although his program managed to reduce the number of cases, Pershing had to contend with the Progressive era advocates of reform who rooted all arguments in notions of morality and citizenship. In 1916 Raymond Fosdick toured the U.S.-Mexico borderlands and noted that the

²¹⁷ Sandos, "Prostitution and Drugs," 622-624.

military's presence caused an increase in the number of sex workers in major cities. It was this terrifying revelation that prompted Fosdick to advocate that the House and Senate pass Section 13, which granted the Secretary of War the power to "suppress and prevent the keeping or setting up of houses of ill fame, brothels, or bawdy-houses within such distance as he may deem needful for any military camp." The Secretary of War contacted the mayors in cities where military camps or bases were located with specific instructions to enforce section 13, establishing "moral zones" where vice, especially prostitution, would be prohibited. Additionally, they recruited local police to enforce Section 13.²¹⁸

Progressive reformers aimed to end prostitution altogether. However, internationally there were long held views that prostitution was a "necessary evil" that could be both managed and regulated. Countries such as France, Mexico, and Argentina had maintained "red-light districts since the late nineteenth century."²¹⁹ In the U.S., similar to other places with red-light districts, local officials in cities along the U.S.-Mexico border, such as El Paso, segregated female sex workers in a specific zone, inspected the women for STIs, and treated them when necessary.

In Brownsville, local law enforcement, partly under pressure from the military, turned to these laws and regulations to investigate the case described above. The four women involved, Clara Hamilton, Hattie Burr, Kate Wilson, and Myrtle Walker, were described by the investigating Special Agent, as "four negro women." The local officers involved were familiar with the four women and admitted their familiarity derived from having arrested them on vagrancy charges,

²¹⁸ Stern, *The Trials of Nina McCall*, 45.

²¹⁹ See Donna Guy, *Sex and Danger in Buenos Aires: Prostitution, Family, and Nation in Argentina* (Lincoln: University of Nebraska, 1991); Katherine Elaine Bliss, *Compromised Positions: Prostitution, Public Health, and Gender Politics in Revolutionary Mexico City* (University Park: Pennsylvania State University, 2001); and Mark Overmyer-Velásquez, *Visions of the Emerald City: Modernity, Tradition, and the Formation of Porfirian Oaxaca, Mexico* (Durham: Duke University Press, 2006).

instead of prostitution, on previous occasions. It seems likely that the soldier's death warranted a more thorough investigation, which included military investigators. The investigation that followed established that while the soldiers, all in the marine corps, were stationed at Point Isabel, about twenty-two miles away, the four women were working as prostitutes within two miles of Fort Brown. This allowed law enforcement to charge the women with being in violation of Section 13.

Additionally, the women were examined by a County Health Officer, who diagnosed three of them with STIs and determined that all were addicted to morphine and heroine. H. Schildt, a City Police Officer who would later become a U.S. Customs Inspector, eventually testified against them on behalf of the state. Schildt contended that he had arrested each woman on more than one occasion and corroborated that they were prostitutes working within a few miles of Fort Brown.

While all four women testified that Tom Garcia had provided them with the drugs that night, they each emphasized that they purchased their drugs from Guadalupe Galvan on a regular basis. Clara Hamilton, for instance, stated that she attained drugs from Galvan at least two or three times a week with money she made "from sleeping with soldier boys." Kate Wilson also noted that she purchased morphine and other related drugs from Galvan at least two or three times a week. Since Galvan lived near Wilson, she saw her often with her family. All four women were sentenced to Camp Goree, a women's penitentiary in Huntsville, Texas, for six months.

Though they were unable to avoid being convicted, their testimony indicates knowledge regarding the laws related to drugs and to a lesser extent alcohol. In her testimony, Walker was careful to point out that Galvan transported her drugs in from Matamoros. It seems likely the women were aware of U.S. social attitudes regarding narcotics due to the ways in which they

stressed repeatedly that their addiction was ultimately the reason they remained in prostitution.²²⁰ There were conflicting ideas regarding the connection between women's disposition to drug addiction and prostitution. In the U.S. early drug laws were influenced by the notion that women were more prone to addiction than men and therefore had to be carefully protected. While it appears that the women were African American, it was not uncommon for sex workers, particularly if they were white, who lived in the U.S. and worked along the border, to reiterate the narrative that women's addiction to narcotics was what led them to immoral behavior.²²¹ In addition to evoking this narrative, the women likely had the understanding that there were specific racialized tensions between local law enforcement and ethnic Mexican women, particularly toward women who smuggled or sold drugs, which existed to a lesser extent toward the four of them.²²²

The four women were held, given medical examinations, convicted, and sent to Huntsville due specifically to their connection to the marine's death. Law enforcement agents were already familiar with them and had arrested them on other occasions, but had previously charged them with vagrancy rather than prostitution and allowed them to continue working. Additionally, the women were not in this case charged under the Harrison Narcotics Act, even though they had clearly not attained the drugs from a physician as was required by law. Guadalupe Galvan, however, was charged for having sold narcotics to each woman, four counts, under the Harrison Narcotics Act.²²³

²²⁰ See James Sandos, "Northern Separatism during the Mexican: An Inquiry into the Role of Drug Trafficking, 1910-1920." *The Americas*, Vol 41 (Oct., 1984).

²²¹ See Elaine Carey, *Women and Drug Traffickers: Mules, Bosses, and Organized Crime* and Christian Christensen "Mujeres Publicas: American Prostitutes in Baja California, 1910-1930," *Pacific Historical Review* 82, no. 2 (May 2013): 215-247.

²²² United States v. Guadalupe Galvan, 2909 (United States District Court Southern District of Texas Brownsville Division 1920) Criminal Case Files for Brownsville, Texas, NARA Fort Worth, TX.

²²³ United States v. Guadalupe Galvan, 2909.

Just a few months prior to the incident, law enforcement had worked with the health inspector to round up and quarantine several ethnic Mexican women. Rafaela Alvarez was arrested in an area law enforcement referred to as the “restricted area,” which was noted as being within two miles of Fort Brown, under the suspicion that Alvarez was likely infected with a “venereal disease.”²²⁴ According to the City Marshall, W.B. Linton, he had arrested Alvarez on numerous occasions before and charged her with vagrancy and prostitution. He stressed that the arrests on those occasions usually included soldiers and that this made her a “prostitute of the worst kind.” When he received notice, likely through an informant, that she was infected, he began attempting to arrest her, which for a few months she managed to evade. Her case also included testimony from Dr. Spivey, the Health Inspector, and a Corporal Chase, who was stationed at Fort Brown. Spivey was called in to inspect Alvarez and confirm their suspicions, which he did, stating that she was infected with gonorrhea and in “a bad physical way.” His recommendation included long term treatment and confinement.

Chase corroborated their suspicions by stating that he witnessed Alvarez in the “restricted” area with soldiers, although Alvarez, in her brief statement, denied having any interactions with soldiers. Moreover, while the men testifying in her case contended that she had been diseased for long periods of time, Alvarez asserted that she was infected once for a brief period of time, cured by “some woman,” and only recently re-infected by a Mexican man. Despite her denial, Chase insisted that not only had he seen her with soldiers, but also with Maria Martinez, referred to as “La Chiquita.” Martinez, who was arrested along with Alvarez, was also charged with unlawfully

²²⁴ United States v. Rafaela Alvarez, 2506 (United States District Court Southern District of Texas Brownsville Division 1919) Criminal Case Files for Brownsville, Texas, NARA Fort Worth, TX.

engaging in prostitution within ten miles of Fort Brown.²²⁵ Her case also included a history of arrests. Unlike Alvarez, however, she was held in jail and treated on more than one occasion after Dr. Spivey diagnosed her. As with Alvarez, the City Marshall commented on her moral character and emphasized that in a previous encounter Martinez was so infected with gonorrhea and “rheumatoid” that she could barely walk. It is uncertain what treatment Martinez was forced to undergo, since there was not a reliable cure at the time. It is possible that she was treated with either mercury or arsenic, which would have contributed to her inability to walk.²²⁶ What is clear is that Alvarez and Martinez, both apparently U.S. citizens, were under surveillance. Despite their previous arrests, it appeared that law enforcement agents were awaiting the opportunity to charge the women with violation of chapter 13. Their conviction allowed them to sentence them to a year at a women’s reformatory in Kansas City. Women’s reformatories were cropping up around the U.S. with the objective to “reform” women who practiced prostitution or engaged in other “immoral” behavior. Perhaps law enforcement agents were attempting to rid themselves of the women or believed that their behavior would be corrected.

Tomasa Vasquez also found herself caught up in this kind of surveillance. In her case, neither the City Marshall nor any representative from Fort Brown testified.²²⁷ Instead, Vasquez testified and explained that she had been married and her husband left her, so she decided to live with another man. Perhaps she was picked up because she resided in the same area as the other women. The details in this case remain unclear. She was, however, given the same charge despite clearly explaining that while she lived near Fort Brown, she was not necessarily working in that

²²⁵ United States v. Maria Martinez 2508, (United States District Court Southern District of Texas Brownsville Division 1919) Criminal Case Files for Brownsville, Texas, NARA Fort Worth, TX.

²²⁶ Stern, 35.

²²⁷ United States v. Tomasa Vasquez, 2507 (United States District Court Southern District of Texas Brownsville Division 1919) Criminal Case Files for Brownsville, Texas, NARA Fort Worth, TX.

area. Dr. Spivey, however, subjected Vasquez to a physical examination because, as he contended, she was with the other women and he therefore assumed she was a prostitute. He also diagnosed her with a venereal infection, specifically gonorrhea, although he was careful to point out that she was not badly infected. In her testimony, Vasquez expressed shock at the diagnosis, but added that she had been feeling unwell. Spivey ultimately recommended that Vasquez also be confined and treated. Even though Vasquez's situation was not entirely clear, she was also convicted of prostitution and sent along with Alvarez and Martinez to the reformatory in Kansas City.

This tactic of sending women to reformatories or prison was not limited to women who were U.S. citizens. Juana Elizondo, for instance, hired two boys who frequently smuggled mescal across the border to help her return to the U.S. in 1919. Elizondo, a Mexican citizen, was first apprehended in 1917 by the Cottingham brothers, who were mounted watchmen, which was a precursor to the Border Patrol, at the time.²²⁸ She was deported for potentially becoming a “public charge” and was warned not to return.²²⁹ After Elizondo was apprehended the second time in 1919, it was unclear whether or not she had returned to prostitution. She denied doing so during her questioning.²³⁰ It seems certain, however, that her return to the U.S. was perceived as a suggestion that she would resume her previous activities, and she was therefore convicted of unlawful reentry and for practicing prostitution and was included among the women sent to Kansas City, Missouri.

Law enforcement agents built on the previous method adopted by repeatedly deporting Mexican women who worked as prostitutes or maintained illicit relationships with men who were U.S. citizens. If the women returned and were apprehended a second time, they were jailed for a

²²⁹ Rodriguez was deported under an earlier immigration law, which excluded women on the basis of whether or not their immoral activities would lead their status as a public charge.

²³⁰ United States v. Juana Elizondo, 2420 (United States District Court Southern District of Texas Brownsville Division 1919) Criminal Case Files for Brownsville, Texas, NARA Fort Worth, TX.

few months and then deported once again. In 1919, for instance, agents apprehended Isabel Rodriguez, who was also working within two miles of Fort Brown. In her case, two soldiers testified that she regularly had illicit relations with them and she was subsequently deported. She was apprehended in 1920 after Special Agent Shelton, stationed at Fort Brown, began to monitor her activities. Her case included testimony from E.P. Reynolds, the Chief Immigration Inspector, who claimed that he knew her when she was 15 and first began practicing prostitution. According to Reynolds, he had clearly explained to Rodriguez when she was deported that she could not “lawfully” return to the U.S. Interestingly, the case includes Rodriguez’s response, which demonstrates knowledge and agency. For instance, in her testimony, Rodriguez reiterated that she had been a “sergeant’s kept woman” for several years, which resulted in a child. She did not expand on the nature of the relationship, but rather implied that she began working as a prostitute when that relationship ended. Moreover, while the inspector, who was aware of her previous relationship with the sergeant, testified that he had explained that she could not “lawfully” return, Rodriguez conceded that she had chosen to use her passport to return to Texas. She worked in Alvin and San Benito until she decided to return to Brownsville, where she was finally apprehended for the second time.²³¹

While these cases provide evidence regarding law enforcement tactics of deportation, they also provide an understanding of ethnic Mexican women’s lives. Additionally, when women chose to respond to interrogation questions, their answers provided a glimpse into the factors that contributed to their life trajectories. Maria Estrada, for instance, arrived at McAllen with her family in 1914, when she was fifteen years old. For a time, she resided with her parents and siblings in

²³¹ United States v. Isabel Rodriguez, 3021 (United States District Court Southern District of Texas Brownsville Division 1920) Criminal Case Files for Brownsville, Texas, NARA Fort Worth, TX.

McAllen, where her family members remained. In April 1922, she was deported for practicing prostitution and was arrested when she attempted to return to McAllen in October of the same year.²³² Although they did not return to the U.S. together, Patricia Zapata, who was also practicing prostitution in McAllen, was deported along with Estrada in April. In her interview, Zapata, who was twenty-four at the time, shared that she had arrived with her parents and siblings in 1913 from Matehuala, San Luis Potosí, Mexico. While she did not share the reasons she and her family chose to come to the U.S., which could have stemmed from the impact her community felt due to the Mexican Revolution, she admitted to leaving a husband she had married at the age of fourteen in Matehuala. It is unclear whether or not the two women knew each other, but both were consequently sentenced to two months in the Cameron County jail.²³³

Later in the same year, Josefa Diaz was apprehended in a similar fashion when she attempted to return to the U.S. after being deported for practicing prostitution. During her trial, Diaz elected to testify and explain her situation. According to her testimony, she first arrived in the U.S. with her mother in 1920, when she was eighteen. She had begun working as a prostitute six months prior to her deportation. During that time, she had “illicit sexual relations” with at least ten or twelve men, including one Fred Valdez, with whom she began a relationship soon after she began working as a prostitute.²³⁴ Their initial relationship took place over the period of a month, during which time Valdez provided Diaz with money to cover expenses. After she was deported, she and her mother went to live in Matamoros, where Diaz resumed her relationship with Valdez.

²³² United States v. Maria Estrada, 3318 (United States District Court Southern District of Texas Brownsville Division 1922) Criminal Case Files for Brownsville, Texas, NARA Fort Worth, TX.

²³³ United States v. Patricia Zapata, 3316 (United States District Court Southern District of Texas Brownsville Division 1922) Criminal Case Files for Brownsville, Texas, NARA Fort Worth, TX.

²³⁴ United States v. Josefa Diaz, 3388 (United States District Court Southern District of Texas Brownsville Division 1922) Criminal Case Files for Brownsville, Texas, NARA Fort Worth, TX.

At this point in the questioning, Diaz was asked to clarify whether or not Valdez was aware of her occupation. In an interesting observation, Diaz explained that after she was deported, and they briefly met while she was being held in custody, she admitted to Valdez that she was a prostitute, but that he had already been made aware by those on the “outside” of where she was being held that “she had a bad reputation.” It seems possible, then, that agents had been made aware of Diaz’s activities by members of the Mercedes community.

While Diaz did not make excuses for her occupation, nor did she contrive a story to draw a sympathetic response, she did attempt to control her own narrative. For instance, throughout her testimony she stressed that because of her relationship with Valdez she was no longer practicing prostitution and that she was focused on making the relationship work. In the months following her deportation, she and Valdez made arrangements for her to return, and she admitted that it was difficult for Valdez to understand the significance of immigration laws since he was a U.S. citizen. When she began to discuss the details regarding her reentry, she was reminded that during her first deportation hearing she was told that if she returned to the U.S. she would be prosecuted criminally. Diaz contended that she was told that if she returned she should do so through a legal point of entry and not an illegal one. She also added that the immigration inspector told her that if she returned “she should better be married [sic].” At this point Diaz explained that Valdez had promised to marry her and that, for this reason, she was compelled to find a legal point of entry she might be able to use.

Diaz indicated that she first approached the Mexican consulate in Matamoros, where she was denied assistance. She then went to Reynosa, where she was told they would not help her

because of the many deaths occurring along the river.²³⁵ For this reason, Diaz then traveled to the Laredo point of entry, where she told the immigration officer she was going into town to visit an aunt. When asked whether or not the Immigration officer in Laredo asked the standard question regarding any previous deportations, Diaz stated that he did not, but if he had she would have admitted to her prior case. Diaz's interview is filled with these types of responses to questions regarding immigration practices, noting their inconsistencies and how she managed to use these moments to her advantage. Ultimately, however, the case centered on the fact that Diaz returned to the U.S. and resumed her relationship with Valdez outside the legal confines of marriage. A good portion of the questioning focused on how many times they had "illicit relations" after her return.

In between these points of clarification, she was also asked how she knew for certain that Valdez would in fact marry her, since he was not under any legal obligation to do so. The immigration officer reminded her that even her mother had warned her not to return to the U.S. until they were married. Remaining in control of her story, Diaz stated that her mother was far more experienced and that perhaps she should have listened, but she was young, in love, and not thinking clearly. She added, "there are plenty of Mexicans in my own town, but I wanted him and he promised to marry me." The agent, in a rare moment that revealed his own notions regarding morality and his own role in policing behavior, asked Díaz directly, after numerous attempts at more subtle approaches, if she believed "people should get married before they live together because that is the law and they can keep out of trouble that way, or because its morally right and proper they should be married? [sic]" In the officer's response he also questioned whether she

²³⁵ Diaz did not elaborate further on what the consulate meant exactly regarding deaths along the border. It is possible, however, that it is a reference to the Texas Rangers and other law enforcement agencies killing ethnic Mexicans during the era historians now refer to as La Matanza, which was followed by Prohibition.

remained in the relationship simply because Valdez financially supported her. Although it is unclear to which law the officer was referring, Díaz responded by noting that she recognized that it was the law for relationships to be sanctioned by law and that it should always work out that way but that it did not. She remained in the relationship because they wanted to be together and were planning on marrying when they were financially able to make the commitment. She added, “there are lots of people that live years and years and never get married and it is one’s will that makes you get married.”

It seems likely that Díaz was reflecting attitudes reminiscent of late nineteenth century Mexico, when many couples entered into monogamous consensual relationships outside the legal confines of marriage.²³⁶ Laura Shelton, for instance, notes that in Sonora it was not uncommon for couples to enter consensual relationships that they presented to the community as a legitimate marriage. Díaz recognized the importance of a legally sanctioned marriage, particularly if the relationship ended and she was left without any legal recourse. However, she remained firm in her conviction, which amounted to the insistence that the state should not dictate the nature or legitimacy of her relationship to Valdez. D.A. Brewster, the immigration officer who conducted the interview and who interacted with women in numerous vice related cases, ultimately charged her with entering unlawfully with the intent of committing an act related to prostitution. Although Valdez was central to the case, he was entirely absent from the investigation. In other cases that were similar in nature, which entailed bringing women from Mexico into the United States for intimate reasons, law enforcement agents not only charged the men involved, but also turned to other laws to extend their surveillance over other types of relationships.

²³⁶ See Shelton, *For Tranquility and Order*, 50-51.

TO LIVE IN A STATE OF CONCUBINAGE

In late 1919, Josefina Flores was taking in her wash when she was approached by Emil Newton Schlaudt. Although his Spanish was limited, he managed to proposition Flores. He offered to maintain her if she quit working and became his mistress. She accepted and moved from her small home in Mercedes to a home Schlaudt selected on the Mexican side of town. He had recently moved to Mercedes from Fredericksburg, where his wife and children remained, in order to open a blacksmith shop. He provided Flores with money for necessities and clothes and, in exchange, he visited her three or four times a week “for relations.” About nine months into their relationship, immigration inspectors stopped them as they were returning from a weekend in Matamoros.²³⁷

Immigration inspectors became suspicious when Schlaudt attempted to cross the U.S.-Mexico Border with Flores in the front seat and another couple in the back seat. According to Flores’s testimony, she and Schlaudt went to Matamoros for “fiesta,” accompanied by Schlaudt’s friend F.E. Lewis. While in Matamoros, Flores went to visit her friend Jacoba Rodriguez de Luna. Rodriguez asked the couple if she could return with them and visit with Flores for a few days. Although they both denied it, the immigration inspectors asked both Flores and Schlaudt separately if they were bringing Rodriguez to the U.S. as a potential mistress for Lewis, since they were sitting together in the backseat. Flores pointed out that Rodriguez was a widow with children and would never leave them behind in Matamoros.

The questions also focused on establishing certain aspects of the couple’s relationship to each other. Schlaudt, for instance, admitted to maintaining Flores in exchange for sexual relations with her while also supporting his wife and children. The immigration inspector, E.P. Reynolds,

²³⁷ The United States v. Josefina Flores and E.N. Schlaudt, 2762 (United States District Court Southern District of Texas Brownsville Division 1920) Criminal Case Files for Brownsville, Texas, NARA Fort Worth, TX.

perhaps revealing his own sense of morality, seemed to struggle with their arrangement, in addition to trying to decide how exactly Schlaudt would be charged. This was likely due to Schlaudt's background. Through specific questions, Reynolds established that the couple engaged in relations on both sides of the border. This granted him the ability to charge Schlaudt with being in violation of section four of the Immigration Act of 1917, which included bringing Flores into the U.S. to be his mistress and concubine, despite the fact that she already lived in the U.S.

The agent's questioning was mainly geared toward Flores. The agent was tasked with establishing that Flores was in fact imported for immoral relations. The fact that she held a passport and was granted a visa when she entered the U.S. through a legitimate port of entry complicated the case. Not to be deterred, the agent asked if she knew about Schlaudt's family and reiterated the question when she admitted to knowing. Flores clearly established the nature of the relationship while never classifying it as prostitution or admitting to sex work as an occupation. During questioning, the agent claimed that in 1916 Flores was identified as being part of a "clandestine" group of prostitutes residing in the same area, perhaps as another way to establish her questionable moral character. Flores ultimately neither confirmed nor denied her occupation, but merely admitted that she was not a virgin prior to the relationship with Schlaudt.

Like many of the women discussed in the previous chapter, Flores found herself caught up in laws intended to protect the nation while further contributing to her vulnerability. Despite this, she appeared assured during questioning, perhaps recognizing which answers would lead to her deportation or the fact that Schlaudt would be more difficult to charge, which might have been a concern since he was her source of income. Similar to the previous cases, agents responded in different ways depending on their own sets of moral beliefs. The criteria they established in the cases depended also on who was being charged. For instance, agents tended to question whether

relations occurred on both sides of the border as way to establish that the men involved were indeed bringing the women in for immoral purposes. As with prohibition cases, agents cast a wide net over the Rio Grande Valley, which allowed them to interrogate couples' different types of relationships that did not necessarily fit within the accept legal realm of marriage.

This net did not exclusively extend over Anglo men in relationships with ethnic Mexican women. When Immigration Inspector D.W. Brewster, for instance, questioned Julia Sosa in December 1926, it was to establish the nature of her relationship with Marcelino Salinas. At the time she believed herself to be about 21 years old. Originally from Monterrey, Mexico, she entered the United States earlier that year through Brownsville and "engaged in the practice of prostitution." That was how Sosa met Marcelino Salinas. Soon after, the pair began a relationship and she moved into his home in Weslaco. Authorities somehow became aware of her presence, and she was deported to Reynosa, where she took "up residence in a public house of prostitution." Salinas began to visit Sosa in Reynosa and, according to Brewster's testimony, resumed having "immoral relations with her." Salinas then asked Sosa to return to the U.S. to live with him once again and made arrangements with an unknown man to bring her back. The man helped Sosa cross the Rio Grande to a location where Salinas waited. From there Salinas took Sosa to McAllen, where they resumed their relationship. In order to evade detection, the pair moved from location to location in the Rio Grande Valley until they were both arrested.²³⁸ The border drew Sosa from the interior of Mexico to work both in Brownsville and in Reynosa's red-light districts. The work created through avenues of vice brought her together with Salinas. Whatever relationship they were intending to develop, the laws extended surveillance and scrutiny over them.

²³⁸ United States v. Marcelino Salinas, 4058 (United States District Court Southern District of Texas Brownsville Division 1926) Criminal Case Files for Brownsville, Texas, NARA Fort Worth, TX.

In a similar case, Amelia Nuñez, originally from Morelia, Michoacán, entered the U.S. near a pump house in Donna, in a place referred to as the “Red House,” in 1927. According to her testimony, a man named Ambrosio Yañez helped her cross the river to join Manuel Balli, whom she met in a brothel in Reynosa. Once she arrived in Donna, Balli set her up in a boarding house run by a woman named Refugio or “Cuca.” There Balli rented a room for her, which he frequently visited. Frank H. Crockett, the immigration inspector who arrested them, questioned Nuñez in front of Balli. During the interrogation, Nuñez “admitted” to Crockett that she engaged in “immoral relations” with Balli, both in Donna and Mexico.²³⁹

While Balli declined to be cross examined, Yañez did respond to questions. In his testimony Yañez established that he was an American citizen who had lived at the Red House for 14 years. He asserted that he and Balli were longtime friends, but they were not related, nor had he ever worked for Balli. As friends, they had merely frequented the brothel in Reynosa run by a man by the name of Justo Ayala. Yañez indicated that Balli met Nuñez there, where she was working during one of their visits. Yañez and Balli were returning from an overnight stay in Reynosa when Yañez’s “papers” were confiscated. The agent who confiscated them informed Yañez that he needed a birth certificate when crossing the border, which was not necessarily easy to attain. Since Yañez did not have his birth certificate, he started crossing from an unsanctioned location along the Rio Bravo, which was located near his home.²⁴⁰ The agent likely mentioned this issue as a method to pressure Yañez into cooperating. On the night Nuñez crossed with him, he

²³⁹ United States v Manuel Balli, 4072 (United States District Court Southern District of Texas Brownsville Division 1927) Criminal Case Files for Brownsville, Texas, NARA Fort Worth, TX.

²⁴⁰ See Natalia Molina “The Long Arc of Dispossession: Racial Capitalism and Contested Notions of Citizenship in the U.S. Mexico Borderlands in the Early Twentieth Century,” *Western Historical Quarterly* XLV, no. 4 (Winter 2014) in this article Molina points out that it was not uncommon for ethnic Mexicans in South Texas to establish citizenship in less “official ways.” This often-entailed witnesses consisting of local community members to testify on people’s behalf.

and Balli were returning from the brothel. Balli drove them to a ranch on the Mexican side of the river. They were instructed to cross the river and that Balli would drive through the official port of entry in Hidalgo then wait for them on the other side. Yañez stated that he was accompanied by an unknown man, another prostitute, and Nuñez. He did not, however, help them cross and only paid the boatman crossing them for his fare. He noted that Nuñez toted a suitcase and that Balli was waiting as planned in his car on the U.S. side. It was not uncommon for those involved to assert that they did not financially contribute to women's passage across the border. It is likely that they perceived that Nuñez's crossing was the offense and not the frequenting of the brothel. In this case, however, agents were attempting to determine if relations occurred on both sides of the border in order to contend that Balli did in fact bring Nuñez in to live as his concubine.

Nuñez's testimony went on to demonstrate some level of agency. She admitted to the agent that she worked as a public prostitute in Reynosa and that she had not hidden this fact from Balli. His frequent visits indicated an opportunity for her to come into the U.S. and perhaps increase her livelihood. According to Nuñez, she negotiated with Balli for him to bring her to the U.S. and to maintain her in exchange for continuing their "immoral relations." He agreed and provided her with money for the journey. She used some of the money to return briefly to Michoacán to visit her mother, then made arrangements to cross into the U.S. Her testimony contradicts Yañez's slightly by stating that it was her idea to come into the U.S. and that Balli did not know when she would arrive. Perhaps Nuñez was attempting to protect Balli in case they could continue their relationship when she was deported back to Reynosa.

Finally, the case included Refugio's testimony as a way to firmly establish that Nuñez and Balli were in fact intimate on both sides of the border. Crockett was able to establish, through her testimony, that Refugio was of the "Mexican Race" and a Mexican citizen. Treading carefully, she

contended that she was unaware of Nuñez's occupation. Balli had told her that Nuñez was a good woman from San Antonio, Texas. She only knew that Balli generally visited Nuñez behind a shut door, for a few hours every night. He paid Refugio \$1.00 a day for Nuñez's room. Refugio indicated that she became aware of both Nuñez's occupation and nationality after the officers came to arrest her. Crockett's questions attempted to enforce the law by establishing Nuñez's occupation and who participated in transporting her to the U.S., in addition to confirming who benefited from her presence on this side of the border.

Though the defendants may not have realized all of the implications related to the immigration act under which they were being charged, they denied their role in transporting the women into the U.S. as a point of contestation. In a similar case, Felipe Vasquez arrived for his arraignment accompanied by an attorney that contended Vasquez was unclear about the charges because he did not initially understand them since Crockett did not speak Spanish. This was likely intended to create the ability to contest any statement that Vasquez had made that might have implicated him. Crockett was not to be deterred, however, and reiterated the statement that preceded Vasquez's arrest, which entailed Crockett asserting that as an Immigration Inspector he was legally granted the right to question "any alien relative to his entry into the United States, his right to be here, or any witnesses concerning the entry of aliens." His statement was likely intended to defend his ability to question suspects whether or not a translator was present. In this case, Crockett was inquiring about Vasquez's role in bringing Teresa Rodriguez into the United States. For the questioning, he brought in J.P. Cottingham as an interpreter.²⁴¹

²⁴¹ United States v Felipe Vasquez, 4209 (United States District Court Southern District of Texas Brownsville Division 1927) Criminal Case Files for Brownsville, Texas, NARA Fort Worth, TX.

In this instance, Vasquez, a 27-year-old barber residing in Mission, Texas, first attempted to establish his citizenship at the arraignment. He asserted that he was born in Rio Grande City in 1900 and that both of his parents were also born in the U.S. Crockett's questions, however, worked to establish, as in the other cases, that Vasquez had had immoral relations with Rodriguez in both the U.S. and Mexico. In his interview, Vasquez claimed he met Rodriguez in Reynosa at a restaurant, five or six months prior to his arrest. Crockett directly questioned whether or not they had "sexual relations" after they met, although the rest of the interview relied on the more common phrase "illicit" or "immoral" relations. Vasquez admitted to having relations with Rodriguez for \$5.00 in a home whose owner he could not recall. A few months after they met he told her that if she came to the U.S. he would help her, and they could resume their relationship in Mission. He provided her with \$10 and the address to his barbershop, then awaited her arrival. Once in Mission, he provided her with a place to stay where he would visit her. Like other agents, Crockett explained to Vasquez that Rodriguez had immoral relations with other men, which made her a prostitute. He also asked Vasquez if he was aware of this fact. In an answer that perhaps is emblematic of the attitudes weaving through these cases, Vasquez stated that "any woman who has immoral relations with men is a prostitute."²⁴² In his testimony, Vasquez contended that he only provided Rodriguez with the money to cross, he did not help her, but he indicated that she could cross anywhere along the river. Also, Vasquez admitted to having immoral relations with her in Mission. He paid Rodriguez two to three dollars a day, which she used to pay for her room and food.

Teresa Rodriguez's answers to Crockett were slightly different. For instance, she stated that she first met Vasquez in her home two and a half years prior to her entry into the U.S. Vasquez, she testified, visited her in Reynosa at least two or three times a week, each time paying her

²⁴² United States v Felipe Vasquez, 4209.

anywhere from \$2-5. When asked whether or not Vasquez knew she was a sex worker, Rodriguez stated that she did not know what he knew, he “never said anything about it.”²⁴³ Her testimony corroborates the fact that Vasquez did support her once she came to live with him in Mission. He paid her so she could rent the home where she was living and provided her with money for expenses. Both agreed that she did not cook for him. Her testimony, however, diverges on one significant detail. Rodriguez claimed that she decided during one of his visits to her home in Reynosa that she wanted to come to the U.S. with him. He agreed. From her home they traveled in a “service” car to the Rio Grande. From there Vasquez paid a boatman to cross them into the U.S., where another car, possibly a taxi of sorts, took them both to his home, where she remained until his arrest. The attorney present in this case suggested that the ways in which immigration inspectors attained evidence for these cases was questionable. The attorneys contested how evidence was attained and how certain laws were being applied. Unlike in Prohibition cases, law enforcement agents did not mention how they became aware of women who were brought into the U.S. without proper documentation and through non-official ports of entry. This was likely due to the fact that Prohibition cases required warrants that were usually attained with the help of an informant, which was something that agents often noted. Once the arrests were made, however, agents focused on specific details in order to establish whether or not anyone involved could be deported. And in the pursuit of the issue of documentation they pursued details regarding methods of transport.

In 1926, Maria Carmen Ruiz had been living for a few days in a “Colonia Mexicana” of Brownsville when U.S. Immigration Inspector R.L. Shultz came to arrest her. She was detained for almost a year and despite the threat of deportation was promised a sum of money if she testified

²⁴³ United States v Felipe Vasquez, 4209.

against Guadalupe Lankenau, the man who brought her to the colonia to live with him in the U.S. Lankenau, a Mexican citizen of partial French descent, worked as a mechanic and “jitney driver,” driving back and forth across the border transporting mainly tourists. This enabled him to bring Ruiz over one evening without suspicion. He also chose to pass through a customs house when his godfather, Alfredo Huerta, was on duty.²⁴⁴

As had officials in the previous cases, Shultz worked to establish that immoral relations occurred on both sides of the border. The case, however, was complicated by the fact that although Lankenau maintained Ruiz in both Matamoros and Brownsville, she was not a sex worker. His occupation allowed him to travel to Monterrey, where he first met Ruiz. They entered into a relationship and, soon after, he began renting an apartment for her where he would often stay. A year after that he brought her to Matamoros, where they lived for a time. He then convinced her to come to the U.S., where he promised to marry her. When Shultz asked Ruiz why they did not just remain in Mexico, she stated that Lankenau had been educated in the U.S.

Although the couple’s testimonies are quite similar, Ruiz’s responses suggest that Shultz was not satisfied with the case merely being about two people in a relationship who were not married. He asked about her background in Mexico and she replied that her father died when she was young, which placed her in a vulnerable position. She admitted to living with another man prior to Lankenau, who also helped maintain her, but the relationship ended, and he moved out of her residence. The details Ruiz shared suggest that Shultz was attempting to establish that Ruiz’s morality was questionable and that perhaps the relationships that she had with the two men

²⁴⁴ United States v Guadalupe Laneknau, 3890 (United States District Court Southern District of Texas Brownsville Division 1926) Criminal Case Files for Brownsville, Texas, NARA Fort Worth, TX.

amounted to prostitution. However, both Ruiz and Lankenau contended that, despite the lapse in time, they were going to get married.

Some cases were complicated in other ways, although agents always worked to establish the lines of impropriety. When Immigration Inspector Matt C. Smith interviewed Eleuteria Chavez, she shared that she and Lucas Lopez had known each other since childhood. They had grown up together in her native city of Monterrey, but he had moved away to the U.S. In January 1927, however, Lopez returned to Monterrey to reunite with Chavez, marry her, and bring her back to the U.S. with him. Soon after they were married, they traveled together by train to Reynosa then Lopez paid a boatman \$2.00 to cross them back into the U.S. at a place called Grangeno. After that, Chavez stated, they first lived in McAllen, then in a town whose name she could not recall. Despite the purported marriage, Smith's interrogation focused on establishing that Lucas paid all of the expenses and whether or not Lucas and Chavez had immoral relations on both sides of the border. Moreover, Smith's case included the assertion that Chavez was of the Mexican race and a citizen of Mexico.²⁴⁵

The problem was that, aside from the fact that López brought Chavez in illegally, he was, despite his initial attempt at denying it, already married. When first questioned, López contended that he was divorced and no longer in contact with his wife, Cruz Castillo, although he did not remember whether or not he filed the divorce papers. Smith questioned Castillo, who contended that they had been married since 1922 and that as far she knew they were not separated. López still appeared to be residing with Castillo. This case, then, was complicated by the fact that Chavez was a citizen of Mexico and, despite what López might have felt for her, she had been misled. But

²⁴⁵ United States v. Lucas Lopez (1927) Preliminary Inventory Records of the United State District Courts for the Southern District of Texas-Fort Worth, Texas

rather than focusing on how to protect Chavez, Smith shifted the case into one about Lucas “importing” Chavez in order to keep her in a state of concubinage. He did this by insisting that Chavez admit that she engaged in sexual and immoral acts, regardless of the apparent fact that she did so believing they were within the bounds of marriage.

In a similar case, Victor Villareal rented a car and crossed into Reynosa to “pick up some boys that crossed over earlier in the day” against the backdrop of celebrations of the 16th of September that were intended to culturally link the region across the border. Perhaps Villareal chose the occasion because the immigration agents were overwhelmed by people crossing, because instead of “some boys,” he returned to the U.S. with Hortencia Abrego and her baby. In the months prior, Villareal began making frequent trips to Reynosa, where he met Abrego, a sex worker. He did not, however, begin having “immoral relations” with her, until he set her up in Mission. Rather he crossed her through an official port of entry and paid her head tax. While he did not state it directly, he might have thought bringing her in legally would not cause legal repercussions for him later because he stressed this fact multiple times.²⁴⁶

Aside from the fact that Villareal “imported” a woman, he was also already married. In his testimony he indicated that he had also recently had a baby and still not only lived with his wife but did not intend on separating from her. He asserted that he did not have immoral relations with Abrego in Reynosa but waited until he brought her to Mission to initiate their relationship. Once their relationship was underway, Villareal and Abrego made trips back and forth over the border. When immigration officers initially became aware of the situation, they warned Villareal to stay away from Abrego, which he did for a short time, but then he continued his relationship until they

²⁴⁶ United States v Victor Villareal, 4190 (United States District Court Southern District of Texas Brownsville Division 1927) Criminal Case Files for Brownsville, Texas, NARA Fort Worth, TX.

were both arrested. When asked why he did not heed the immigration officer's warning, Villareal stated, "because I liked her and she liked me."²⁴⁷ Then he added that during their brief separation, Abrego had taken up with another man. The officers then asked whether or not Villareal held any respect for the "U.S. laws of officers [sic]," which hints at not only a sense of exasperation, but also one linked to notions of paternalism.²⁴⁸

In a more complicated case, Assad Dabian, a citizen of France and Syria, brought Maria Jimenez along with her three children into the U.S. through Brownsville. They moved into a home in San Benito, where they planned to get married. Jimenez, however, was already married. Dabian and Jimenez had met in Victoria, Tamaulipas, where she lived with her husband and children. Dabian stated that he knew her for two years before he decided to rent a room in her family's home. Their relationship began soon after. Since, as Jimenez claimed, she had only been married by the church and not legally, she did not think it would be an issue to marry Dabian in the U.S. Immigration officers became aware of the situation when one of Jimenez's children died and her husband came for the remaining children and took them back to Mexico.²⁴⁹

Neither Jimenez nor Dabian was granted the opportunity to discuss the details of their relationship or what type of relationship Jimenez had with her husband. It is possible that they believed that the U.S. would grant them a chance to have a relationship with one another in a place where community members were unaware of their situation. Dabian noted in his testimony that the fact that she was married was often pointed out to him in Victoria. Immigration officers, however, approached the case as they did the others. They worked to establish citizenship, marital

²⁴⁷ United States v Victor Villareal, 4190.

²⁴⁸ United States v Victor Villareal, 4190 (1927) Preliminary Inventory Records of the United State District Courts for the Southern District of Texas-Fort Worth, Texas

²⁴⁹ United States v. Assad Dabian, 4191 (United States District Court Southern District of Texas Brownsville Division 1927) Criminal Case Files for Brownsville, Texas, NARA Fort Worth, TX.

status, and whether or not immoral relations occurred on either or both sides of the border. In this case, R.L Shultz, an immigration inspector in Brownsville, who like other law enforcement agents was involved in alcohol related cases, determined that Dabian brought Jimenez to the U.S. for immoral purposes. These cases were further complicated by the fact that some women were already married or entered into a relationship with someone who was married. This complication provided agents with another method of control in addition to another method to deport women.

CONCLUSION

This chapter provided an overview of cases where law enforcement agents interacted with sex workers and women they perceived as immoral. Additionally, it considered the men who entered relationships with the women involved in these cases. These cases illuminate the ways in which law enforcement agents enforced laws that preceded Prohibition-related laws to not only decide on the fate of women, but in certain instances, the nature of their relationships. While the cases provide only snippets of the women's lives, they are enough to gain some understanding of the factors that shaped their lives and their own agency over those choices. The women shared their own perceptions about their lives and, when possible, attempted to control the official narrative about them.

Chapter Five: “Not More than a Mere Girl’: From Narcotics to Unlawful Entry”

In December 1929 Lucille Coleman arrived to visit her husband, George Coleman at the jail where he was being held on drug charges after he was caught illegally purchasing narcotics. Soon after her arrival, the guards, however, became suspicious of her behavior. Lucille Coleman became aware that she was being watched, panicked, and swallowed a package she had attempted to hide, which contained 68 grains of morphine.²⁵⁰ The judge presiding over their cases, sentenced George Coleman to two years in a penitentiary located in Atlanta, Georgia.²⁵¹ Since Lucille Coleman was identified as a non-addict, she was merely charged for attempting to smuggle narcotics to her husband and was placed on five years’ probation.²⁵² Their cases were among many that included alcohol related charges and unlawful entries that resulted in deportations. Between 1920 and 1929 the courts in Brownsville were primarily filled with alcohol related cases, but on occasion narcotic cases would appear, some of which included women. After 1929, the courts were also greatly impacted by a law that went into effect in March of that same year, the Immigration Law of 1929. This law enhanced law enforcement agents’ ability to arrest and deport people, in addition to declaring them felons for entering the U.S. at a place not designated as an official port of entry.

This chapter will examine these types of cases. First, it will focus on women who smuggled or possessed narcotics, mainly derivatives of opium, such as morphine and heroin, in order to illuminate their roles as users, smugglers, or dealers in the illegal drug industry in the U.S. during

²⁵⁰ “Prison Terms Drawn by Two,” *The Brownsville Herald*, December 10, 1929, newspaperarchive.com [Accessed August 30, 2019].

²⁵¹ *The United States v. George Coleman*, 5417. (United States District Court Southern District of Texas Brownsville Division 1929) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

²⁵² *The United States v. Lucille Coleman*, 5418. (United States District Court Southern District of Texas Brownsville Division 1929) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

Prohibition. This industry was in large part shaped by the nation's attempt to enforce laws against it along the U.S.-Mexico border. Examining women's participation within this industry provides a way to understand how the enforcement of prohibition shaped the ways in which agents handled drug related cases. In addition, this chapter will consider women, some of whom were involved in vice related activities or intimate relationships that law enforcement agents deemed questionable, but who were charged under the immigration law of 1929. The ways in which agents handled both types of cases were influenced by their methods of enforcing prohibition and their perceptions regarding morality, especially if the case was related to prostitution.

NARCOTICS

Federal laws passed during this era granted law enforcement agents the ability to increase surveillance and develop tactics they deemed necessary to their job. While cracking down on alcohol was their primary focus, there was also an increasing international interest in prohibiting narcotic consumption. In the U.S. this would lead to laws and regulations that added law enforcement's ability to police these drugs to the already growing policing regime. In general, attitudes regarding narcotics were shifting during this time. At the start of the twentieth century, a person addicted to narcotics might be considered weak and in need of assistance. By the end of prohibition, however, the general consensus was that a drug user was a criminal, which was veering in a different direction than alcohol, as Prohibition began to wane. The cases involving women during prohibition in part reflect this shift. Law enforcement agents at times appeared to treat drug cases in a much harsher manner. This might also be because the network of narcotic users, smugglers, mules, and dealers was far more extensive than the one that involved alcohol. Some women involved in these cases were from other cities in the U.S. and therefore unfamiliar to the agents.

The Colemans as it turned out traveled from Dallas to the Rio Grande Valley to acquire narcotics, and they were not the only ones to do so. In countries such as the United States, England, and Mexico, opiates and their derivatives, in addition to cocaine, entered a stage of common use during the early twentieth century when medical providers began to prescribe them. Opiates were readily available in syrups, powders, pills, and tinctures that combined pure alcohol with opium.²⁵³ Medical doctors often prescribed these products for a variety of ailments that included colic, coughs, and pain associated with cancer or, for women, menstruation. It was not uncommon for a person to become addicted to opiates in this manner. However, as usage increased, a person might turn to stronger opiate derivatives like morphine and heroin. This also happened when the United States closed opium dens in 1909: former opium users replaced it with heroin and morphine, which were already in circulation.²⁵⁴ The medical community grew increasingly alarmed by the growing number of users. According to James Sandos, the U.S. population of drug users and addicts grew after 1910 due in part to fads, “military service abroad, and the combination of purposeful addiction for draft evasion and exposure to opiates for medication brought on by the Great War.”²⁵⁵ It was the increasing number of Anglo-American women users and addicts that propelled politicians and lawmakers to push for reform or prohibition of drugs. As more women became addicted and regulation limited their options to attain narcotics, they began turning to the black markets. This led lawmakers to fear that Anglo women might be at risk of either physical harm or turning to risky behavior.

²⁵³See Virginia Berridge, *Demons: Our Changing Attitudes to Alcohol, Tobacco, and Drugs* (Oxford, Oxford University Press, 2013), and James Sandos “Northern Separatism during the Mexican Revolution.”

²⁵⁴ Boullosa and Wallace, 2.

²⁵⁵ Sandos, 194

Early efforts to prohibit or, at the very least, limit drug usage in the United States, led to the passing of the Harrison Narcotic Act in 1914. The intent was to reduce the number of opiates in circulation by requiring doctors and pharmacists that either prescribed or dispensed opiates to register with the Department of Treasury, pay a tax, and keep records of all narcotics that were dispensed. The goal was to minimize the number of medical practitioners that might be dispensing narcotics merely because a patient might be addicted. Around 1914 a shift among users also occurred when lower or working-class urban males, who were becoming part of the underworld, began using and selling narcotics.²⁵⁶ During Prohibition, law enforcement agents, with the help of the medical practitioners who displayed less understanding of users who were not middle or upper class, attempted to use the Harrison Narcotic Act as a way to criminalize drug users and sellers. As narcotics became more regulated, the illegal drug trade began to grow. As Holly Karibo notes, the drug economy offered a different form of labor and additional income, particularly for communities with limited work options.²⁵⁷ The drug enforcement agency created after the act grew to prominence through the alcohol enforcement structure. Alcohol enforcement provided the groundwork for how to handle cases. In addition, the number of narcotics enforcement allocations doubled. In 1922 congress aided in the enforcement process by passing the Jones-Miller Act, which outlawed the importation and exportation of opium and other narcotic drugs. This act was in response to users and dealers who were beginning to rely on illegal markets once legitimate sources in the U.S. began to dwindle.²⁵⁸

One of these markets developed in Mexico. The area referred to as the Golden Triangle, which is situated where the states of Sinaloa, Durango, and Chihuahua meet, provided conditions

²⁵⁶ Courtwright, 2-3.

²⁵⁷ Karibo, 72.

²⁵⁸ McGirr, 212-213.

that were ideal for poppy horticulture.²⁵⁹ The poppy production blossomed in the early twentieth century after Chinese migrants who were forced from the United States by Chinese exclusion laws began its cultivation. After the 1920s, Mexican farmers joined in the cultivation of poppies, which yielded the paste necessary to make morphine and heroin. Eventually, opium made its way to border crossing points, including Reynosa and Matamoros.²⁶⁰

In this way, women such as Guadalupe Galvan (discussed in the previous chapter) began selling morphine to sex workers. While women's participation in the drug industry has historically been treated as an anomaly, some women gained financially from either smuggling or selling narcotics, particularly to other women.²⁶¹ This was likely due to the potential risk that came with selling and buying narcotics. In doing so, they contributed to both the planning and development of the industry along the U.S.-Mexico border beginning in the 1910s.²⁶² Galvan presumably seized on the opportunity to profit from selling narcotics to sex workers and nearby soldiers. In this instance, however, law enforcement became aware of her dealings when a soldier overdosed.

In fact, it was the fact that in that and other ways drug usage was often highly visible that initially drew law enforcement's attention to these cases. For instance, in 1922 Customs Inspector H.E. Felty inspected the passengers on a bus returning from Matamoros. He noticed Rosa Aguilar and her husband, Guadalupe Aguilar, seated toward the front of the bus just behind the driver. Felty suspected that they were both morphine addicts and brought them into the inspector's room and called inspectress Florine Pierce for assistance. After she arrived, Felty looked over Guadalupe Aguilar while Pierce inspected Rosa Aguilar. Neither found any narcotics on either. Felty,

²⁵⁹ Boullosa and Wallace, 3.

²⁶⁰ Boullosa and Wallace, 5.

²⁶¹ Carey, 5-7.

²⁶² Carey, 5-7.

however, declared that Guadalupe Aguilar was unquestionably an addict because he had marks on both arms “from his elbows up” and was in that moment, “under the influence of the drug.”²⁶³ Pierce added that Rosa Aguilar was “badly scarred on her arms and legs.”²⁶⁴ Felty then inspected the bus and found 14 grains of morphine in a groove behind the seat cushion where the couple was seated. At this point, Aguilar admitted that the morphine was hers and that she had been using it for 14 years. She added that she attempted to quit five times, but that a doctor would prescribe it and she would become addicted again. This statement certainly reflects both the trends and attitudes moving through this particular era. In his account of the history of opiate addiction in the U.S., David T. Courtwright contends that during the early half of the twentieth century, addiction to morphine could usually be traced to doctor prescribed medications.²⁶⁵

Aguilar attempted to elicit sympathy by stressing her personal struggle with addiction. This attempt was similar to the one adopted by women such as Myrtle Walker (previous chapter), who wanted law enforcement to focus on morphine’s effect and how it led to dangerous choices. For some inspectors, these tactics were still relatively new. For instance, uncertain of protocol, Felty inquired with other inspectors on how to handle the evidence. He was instructed to take the package to a pharmacist for verification. Once it was verified, Rosa Aguilar was charged with smuggling narcotics. In this case, it seemed to the inspectors that Aguilar was bringing narcotics for her and her husband’s personal consumption rather than to sell.

While this era was dominated by cases related to alcohol, on occasion agents were notified that women might be selling or using narcotics from or in their homes. For example, in 1927

²⁶³ United States v Rosa Aguilar 3321 (United States District Court Southern District of Texas Brownsville Division. 1922). NARA Fort Worth, TX.

²⁶⁴ United States v Rosa Aguilar, 3321.

²⁶⁵ See Courtwright, *Dark Paradise*

Deputy Marshal Jefferds received information that an Ida Clark possessed narcotics. Jefferds accompanied Cage L. Johnston and other law enforcement officers to search Clark's rooms. At the time, she was residing in a boarding home in Harlingen with her husband. According to Johnston's testimony, they searched for a room that was occupied by a man named Allen and found a can "with white powder, a spoon, eye dropper, and some candles."²⁶⁶ The officers suspected Clark and required her to remain present during the search. Allen claimed that he had just moved into that room and denied ownership of the can and paraphernalia. As the search was underway, Clark took out a handkerchief full of another white powder and began to mix it with the other powder. Johnston claimed that when he attempted to stop her, another substance that was rolled into a ball fell to the floor. Clark proceeded to step down on it. At this point, the officers attempted to search the rest of the rooms, including the one she was occupying. She denied them entry and stated, "the law is the law," which meant the officers needed to attain a search warrant.²⁶⁷

When the officers returned with the warrant, which included both a search for alcohol and drugs they arrested Clark. They also seized the can along with all its contents and had it tested. As noted, with drug related cases, officers tended to have pharmacists test the substances they acquired in order to determine whether or not what they confiscated was in fact a narcotic. In this instance, a pharmacist named Putegnat determined that the can contained morphine. According to various testimonies included in the case file, however, that was the only fact they managed to verify. The initial search was conducted under the suspicion that Clark possessed narcotics, but since they did not attain the search warrant prior to their initial search, it was difficult for the officers to testify with certainty.

²⁶⁶ United States v. Ida Clark 4205 (United States District Court Southern District of Texas Brownsville Division. 1927). NARA Fort Worth, TX.

²⁶⁷ United States v. Ida Clark, 4205.

Like other women, Clark asserted herself and chose to testify in order to deny the charges against her. In Clark's rebuttal, she claimed that the can was found in a room she no longer occupied because she and her husband had moved into a larger room a few weeks earlier. J.F. Clark, her husband, verified this point and in his own testimony added that he had come to Harlingen as a painter to work for a local company called Merriwether and Sauer. In order to maintain their rooms in the boarding house, Clark cleaned the other rooms. She claimed to be cleaning the room where the drugs were found at the time of the search. Clark did admit to having the handkerchief and some Epsom salt in her hands but denied that she was trying to mix it into the morphine. She also confessed to spilling the powder, but she stated that it was, "more in fun than to destroy the evidence."²⁶⁸ It is difficult to determine what Clark's role might have been exactly, but it seemed likely that she was aware that the can contained morphine and that she was attempting to take control of the situation.

The other important element of these cases is that because many of them involved women who were not from the local community, and appeared to be either Anglo or African American, they often drew more public attention. For instance, in 1926 custom inspector West received information from a Mr. Dowis that Pearl Richardson would be "going after dope" in a trip from Houston to Harlingen.²⁶⁹ On the morning of December 7, West apprehended her on a train and confiscated her luggage, which contained 112 grains of morphine. While West's testimony did not include significant details, it appeared that Richardson had come to the Rio Grande Valley with the purpose of purchasing narcotics. Unlike with alcohol, the morphine in Richardson's possession did not come in any type of packaging that would hint at its origin. Despite this, once a pharmacist

²⁶⁸ United States v. Ida Clark, 4205.

²⁶⁹ United States v. Pearl Richardson 3891 (United States District Court Southern District of Texas Brownsville Division. 1926). NARA Fort Worth, TX.

determined it was in fact morphine, West handed it over to a Customs Collector in Brownsville, who then charged her with smuggling. The rather large quantity of morphine allowed the inspector to also charge her as a “dealer.”²⁷⁰ Richardson was ultimately sentenced to one year in the Colorado State Prison in Canon City, Colorado.

In some ways, Richardson’s case exemplifies the stringent attitudes and laws that were developing toward drug use. As stated, the Harrison Narcotic Act was intended to regulate drug usage by requiring anyone who dispensed cocaine or opiates to register, pay a tax, and display a stamp.²⁷¹ Until the Eighteenth Amendment was ratified, the federal courts refused to concede to federal agents attempting to prosecute users under the Harrison Act because they interpreted this form of criminalization “as beyond the original intent of congress.”²⁷² After 1920, however, the courts began siding with Prohibition efforts to prosecute users, distributors, and addicts. Opiates and cocaine were perceived by lawmakers, and to a certain extent the general public, as a greater threat to the public good than alcohol, which led to far less controversy regarding its policing. Prohibition made room for increased enforcement, and users especially began to be treated and perceived as criminals. After congress passed the Jones-Miller Act, it along with the Harrison Narcotic act contributed to the void of domestic sources of cocaine and opium, which just increased opportunities for Mexican growers to enter the market. Their entrance led to the increased development of more potent forms of opiates, such as heroin, which was in part created as a cure for morphine addicts.²⁷³ Heroin became a valuable commodity in the illicit trade because it was more potent than opium yet odorless, which made it harder for law enforcement agents to detect.

²⁷⁰ United States v. Pearl Richardson, 3891.

²⁷¹ McGirr, *The War on Alcohol*, 212.

²⁷² McGirr, 212.

²⁷³ Courtwright, 92.

In addition, heroin had more value per weight.²⁷⁴ While the packets Richardson carried were small, they were likely quite potent and for her potentially profitable.

Richardson's appearance in the cases likely indicates that she may have entered the drug trade as what scholars today refer to as mules. Carey notes that the "mule as a primary although subservient agent remains a conscribed passive role that has been viewed as suitable exclusively for women." People in this role were often controlled by someone else in order to move goods for that other person's benefit.²⁷⁵ The role was also likely assigned to women because they would draw less attention. In Richardson's case, law enforcement agents were made aware by an informant that she was going to smuggle narcotics from Mexico into the U.S. Agents did not note whether or not Richardson showed outward signs that she was an addict. It seems possible that, if not for the informant, agents might not have caught Richardson.

A woman might choose to work as a mule for a variety of reasons, including to maintain her own addiction. For example, in 1928 Customs Inspectress Mrs. Faye Cross was working at the port of Hidalgo as three women made their way across. She was accompanied by a Mr. Singleton, who worked for the Horticultural department. He suggested to Cross that she stop and inspect the three women because they appeared "nervous."²⁷⁶ Cross followed Singleton's suggestion and pulled the women aside for inspection. She noted that two of the women, who remained nameless, were "Mexican" and did not seem to be carrying anything. She concluded with Annetta Brewster, who by this time seemed especially nervous. During her search, Cross felt a package underneath Brewster's clothing, just above her waist. At this point, Brewster began to plead with Cross. She

²⁷⁴ McGirr, 213.

²⁷⁵ Carey, 55.

²⁷⁶ United States v. Annetta Brewster, 4315. (United States District Court Southern District of Texas Brownsville Division. 1928). NARA Fort Worth, TX.

asked Cross to let her go with a warning this time and to not notify the other agents. Brewster admitted that she was in fact carrying morphine for her mother. According to Cross, Brewster then held Cross's hands in her own and continued her pleas. At this point, Cross noticed marks along the side of Brewster's arm, which she described as "large pores with black hoods."²⁷⁷ Cross contended that she was unsure of what they were and asked Brewster if she was an addict, which Brewster vehemently denied. Inspectress Cross eventually notified the male Customs Inspectors of the situation. As was their routine, the inspectors apprehended Brewster and sent the package to a pharmacist for testing, who confirmed it contained 105 grains of codeine, a derivative of opium. Brewster was charged and assigned a court date, which she could attend at her own volition.

This case contained several important factors that prevailed at the time. Inspectors, for instance, already honed by Prohibition era laws, were looking out for nervous behavior in addition to groups, especially if comprised of individuals who might not usually associate with each other. While the inspectors did not document Brewster's racial, ethnic, or class background, they did distinguish her from the "Mexican" women who appeared to be in her company in addition to her appearing nervous. It was not clear to the officers whether or not they were in fact traveling together or just happened to be crossing at the same time. In other cases, however, some women appeared to deliberately cross with passengers who might arouse less suspicion.

One afternoon in 1930, Mrs. Victoria Marron, a widow, encountered a man by the name of Mr. Henderson as she was entering a bank in Brownsville. Mr. Henderson stopped Mrs. Marron and asked her how her business was going, to which she responded, "about the same." Neither clarified if he was referring to her occupation in real estate. Instead, he asked her if she thought

²⁷⁷ United States v Annetta Brewster, 4315.

she might go to Matamoros to “get him some of that stuff.”²⁷⁸ While neither stated what the stuff was, Marron understood he meant narcotics and responded that she did not at that moment know anyone who might have anything. At this point, Henderson stated that he would go to Matamoros and attempt to make some arrangements. Later in the evening, he visited with Marron in her home. He told her that in a few weeks he would have some waiting for her and asked if she could please help him.

Two weeks later, Marron left her home early in the morning and ran a few errands. When she returned home, her mother, who lived with her, notified her that Mr. Henderson had called and left a message. Marron understood this meant it was time for her to go to Matamoros. She awoke her fourteen-year-old daughter, Mary Helen, so she could drive her across the border. Even though she had purchased a Ford Roadster for herself, she relied on her adolescent children to drive her around. Soon after being roused, Mary Helen readied herself then drove her mother into downtown Matamoros. Soon after she arrived, Marron left her daughter in the car and went to an office run by a Martin Espinoza. When she did not find Espinoza in his office, she inquired after his stenographer, to whom she related the following names: Remigio Garza, Lorenzo Saenz, his wife, and Vicente Saenz. Following this she returned to her car, handed her daughter some change, which she used to buy some watermelon, and waited. Marron was soon approached by a Mike Werbinski, who handed her a small package. She took the package and placed it behind a small cushion in the front seat. Werbinski shared that two men, one of whom was Mr. Henderson, would be coming for the package. At that point he indicated that she would be paid for transporting it across the border. Once Werbinski left, Marron honked the horn for her daughter to return. May

²⁷⁸ United States v Victoria Marron, 7652. (United States District Court Southern District of Texas Brownsville Division, 1930). NARA Fort Worth, TX.

Helen returned to the driver's seat and rested her back on the cushion as they made their way back to Brownsville.

Marron was unaware that Customs Inspectors were notified by an informant weeks before of Marron's meeting with Henderson. Additionally, Marron had been arrested three weeks prior to this exchange for transporting morphine from Brownsville to San Antonio. Her son, 17, had been driving the vehicle. For these two reasons, inspectors were on alert, and waiting when she attempted to cross. They immediately pulled her over and escorted her and her daughter into a holding area. They then called in Inspectress Priscilla Stevenson to physically inspect the two women. While Stevenson was unable to find anything on either Marron or her daughter, Customs Inspector Biggs found the package hidden behind the cushion. At this point, Stevenson ushered the women back into the car and drove them into Brownsville, where a pharmacist confirmed they contained morphine.

Following their arrest, inspectors questioned both Marron and her daughter. According to Marron, Mr. Henderson persuaded her to bring the package, which she was unaware contained morphine, to Brownsville. She suspected Mr. Henderson was inquiring after narcotics but had not been entirely certain until the pharmacist confirmed the contents. The inspectors were also particularly interested in Werbiski, who had been arrested before on smuggling charges but had not changed his occupation. The inspectors shared that Werbiski, Henderson, and the third man, a Mr. Sober, who would have picked up the package, were all working together. They asked how involved she was with the group. Marron denied any involvement and claimed that while she knew the three men had been in this business together for a long time, this was the first time she had

anything to do with narcotics.²⁷⁹ Ryman, the inspector in charge, noted that they had been informed that Mr. Sober called Marron on a regular basis, an accusation that she also denied. She shared, however, that Henderson had come to her house inquiring after property her family owned in Rio Grande City, close to the border, and that that conversation then turned to narcotics. Henderson had asked her if she knew anyone who might have narcotics. When she said no, Henderson stated that he was working on a connection and asked if she might be interested in bringing them from Matamoros. Marron stated that she replied no, because she was “afraid to do that kind of business.”²⁸⁰

Interestingly, the inspectors also interrogated Marron’s daughter. Her testimony supported Marron’s story. Mary Helen stated that her mother woke her up and instructed her to get ready and bring the car around. She knew only that her mother wanted to go Matamoros to visit Mr. Espinoza. While she claimed that she knew Mr. Werbiski, she did not see him during the exchange because she was eating watermelon elsewhere and merely, “knocking about.”²⁸¹ Mary Helen had been unaware of the narcotics until the inspectors found them in the car. While the agents questioned Mary Helen, their inquiries focused more on Mr. Werbiski.²⁸² It is likely that Werbiski, Henderson, and Sober had been working together for some time, but since they relied on “mules” to transport narcotics and alcohol, the inspectors seemed to be struggling to make cases against them. The laws

²⁷⁹ United States v. Victoria Marron, 7652 (United States District Court Southern District of Texas Brownsville Division, 1930). NARA Fort Worth, TX.

²⁸⁰ United States v. Victoria Marron, 7652.

²⁸¹ United States v. Victoria Marron, 7652.

²⁸² United States v. Nicolas Werbiski and Mrs. Werbiski, 7579 (United States District Court Southern District of Texas Brownsville Division. 1932). NARA Fort Worth, TX. In this case, Werbiski was arrested along with his wife for smuggling alcohol into the U.S. He was sentenced to a year in jail. Werbiski had been arrested and charged multiple times but managed to have some cases dismissed.

at the time prohibited the purchase of narcotics without a prescription and their transportation, but none of the men had physically committed any of those acts.

Marron, however, had illegally transported narcotics across the U.S.-Mexico border. In her case, it seems likely that as a widow with two adolescent children, she was searching for ways to make some extra money. Her testimony also revealed a woman not easily intimidated by law enforcement. She appeared to be exaggerating her femininity and fears perhaps as a way to minimize the charges. It also seems likely that she chose to work as a mule because as a woman traveling with her children, she might draw less attention to herself. In this instance, however, that was not the case—she was not only arrested but charged and her car was seized and placed on auction.²⁸³ Soon afterwards she paid her own bail and then stood trial. The *Brownsville Herald* reported their own sensationalized version of Marron's story in a prominently placed and titled story, "Woman Held as Smuggler Pleads Guilty." The story noted that she transported narcotics with her small daughter in the vehicle. The story also implied that Marron, like the women who were smuggling alcohol, was unusual. While this might have been the general public impression, the courts were filled with women who were participating in vice related industry. An examination of this era makes it clear that narcotics became yet one more avenue of commerce for some women. The newspaper included Marron's daughter, who had been interrogated during the investigation, in its story to further scandalize Marron who, as the title indicated, ended up pleading guilty.

Despite her arrest, it is unclear what happened to Marron. She seemed to drop away from her work transporting illicit goods across the U.S.-Mexico border and focused instead on her legitimate business. At least in the public's view. A few months after her arrest, she wrote a letter

²⁸³"Legal Advertisement" *Brownsville Herald*, May 26, 1930, <http://newspaperarchive.com> [Accessed January 31, 2019]. Office of the Collector of Custom requested that if anyone had claim over the Ford Roadster seized from Victoria Marron to present themselves otherwise it would be sold on auction.

to the newspaper thanking them for suggesting she place an advertisement because she noticed an increase in customers soon after. In 1934, however, Marron was arrested again. In this instance, she was arrested for transporting bars of gold from Nuevo Laredo into Laredo, as her chauffeur drove.²⁸⁴ Marron was then sentenced to 13 months in a women's federal penitentiary in Alderson, West Virginia. For reasons that are not entirely clear, the judge presiding over her case held up the judgement for a few months as he considered whether or not to suspend the sentence, but ultimately imposed it.²⁸⁵

While law enforcement agents honed their enforcement tactics, some women entered the narcotic trade after acquiring certain forms of knowledge selling or smuggling alcohol. For instance, some women developed organized networks that were helpful when they entered the drug trade. In 1932, for instance, Consuelo Oliver and Englantina Pérez were arrested for possessing 12 grains of morphine and for selling five grains of morphine. In this case, H.R. Harvin and W.H. Crook, both Federal Narcotics Inspectors, traveled from San Antonio in order to investigate this case, which likely meant the women had been under surveillance. Consuelo Oliver had been arrested in 1929 along with Fermina López, who was herself arrested multiple times for selling alcohol.²⁸⁶ Oliver's participation in the alcohol related industry indicates that she had experience working in the informal economy created by Prohibition. In addition, she worked with other women experienced in this particular trade. The case also included charges against the women who purchased the narcotics from Oliver and Pérez, one of whom happened to be Hattie Burr, who was

²⁸⁴ "Charge Gold Found on Pair: Brownsville Woman and her Chauffeur Arrested in Laredo," *The Brownsville Herald* May 4, 1934, <http://newspaperarchive.com> [Accessed January 31, 2019].

²⁸⁵ "Woman Draws Term for Crossing Gold," *The Brownsville Herald* April 20, 1935, <http://newspaperarchive.com> [Accessed January 31, 2019].

²⁸⁶ "Fast Pace is set by Court," *Brownsville Herald*, April 18, 1920, <http://newspaperarchive.com> [Accessed August 30, 2019].

arrested in 1920 on drug charges.²⁸⁷ Finally, the case record included the community members who posted bail for each woman in addition to the property they held as collateral. Tomasa January's name appeared among the community members that posted bail for Consuelo Oliver for the rather large sum of \$1,000. January, who was listed as a widow, also had a history of interactions with law enforcement due to her involvement in the liquor industry. Each time she was arrested, however, she managed to contest the charges with the help from an attorney. The connections in this case are significant because they reflected women who gained experience in the liquor trade moving into a different yet related market. In addition, Burr's inclusion in this case, might indicate that they were tapping into a demand for narcotics that already existed. Despite all the connections in this case, the women were sentenced to eighteen months in the Federal Institution for Women located in Alderson, West Virginia.²⁸⁸ While the women were entering a new market, however, the laws were tightening. Unlike with Prohibition, which presented avenues of both commerce and contestation, the opportunities to contest their position in the narcotics trade were beginning to dwindle, especially as law enforcement agencies were handed out new laws to enforce.

UNLAWFUL ENTRY

In 1929 Ventura Samalloga entered the U.S. at an area called Jardin de Flores, which was not an official government point of entry. Originally from Quetzaltenango, Guatemala, she traveled by train, then car, to reach Edcouch, Texas where she worked in a restaurant. It is not entirely clear how agents became aware of her presence, but she was apprehended by a border

²⁸⁷ United States v Hattie Burr, 2872. Her case appears in Chapter Four.

²⁸⁸ The United States v. Consuelo Oliver and Englantina Pérez (1932) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

patrol inspector and questioned by an INS inspector who charged her under the recently passed Immigration Act of 1929.²⁸⁹

Just a few months prior to Samalloga's arrest Congress passed a new immigration law that enacted severe and drastic action in order to "stop the illegal flow of aliens into the U.S."²⁹⁰ The law was aimed at people who entered into the U.S from an area not designated an official point of entry. It made it a misdemeanor, with a possible penalty of a \$1,000 fine and a year in the penitentiary. If a person entered the U.S. after they were previously deported, regardless of the number of years since deportation, the offense was deemed a felony, which could lead to either a \$2,000 fine or a year in the penitentiary or both. While the article did not mention it, Congress had also authorized, two days before passing the immigration law of 1929, an adjustment to the "status of those undocumented individuals who had lived in the United States continuously prior to June 3, 1921 and would fulfill the requirements of a moral character test."²⁹¹ As Deborah Kang notes, these two seemingly contradictory laws were intended to appease two factions arguing for certain types of legislation, border businesses that depended on Mexican labor and nativists who opposed Mexican immigration into the U.S. In addition, congress did not appropriate the resources that would be necessary to enforce the immigration law of 1929. For this reason, in the Southwest region, federal prosecutors opted not to pursue these cases. They found it far more costly to indict immigrants under this law. Local immigration officials also opted not to enforce this act.²⁹² In the

²⁸⁹ The United States v. Ventura Samalloga (1929) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

²⁹⁰ "New Law Hits Alien Traffic: Foreigners Smuggled into U.S. Can be fined and Sent to Prison," The Brownsville Herald, March 30, 1929 newspaperarchive.com [Accessed August 30, 2019].

²⁹¹ S. Deborah Kang, *The INS on the Line: Making Immigration Law on the U.S. Mexico Border, 1917-1954* (New York: Oxford University Press, 2017), 56.

²⁹² Kang, *The INS on the Line*, 58.

Rio Grande Valley, however, agents it seemed worked to enforce this law using tactics they honed pursuing prohibition and prostitution related cases.

After March 1929, the courts filled with cases prosecuting ethnic Mexicans under this law. Unlike cases related to drugs or alcohol that focused on one activity or set of substances, these tended to include a diverse range of activities. In some instances, people entered the U.S. in search of work or to reunite with family members who were already living in the Rio Grande Valley. For instance, Sara Avalos was apprehended for what appears to have been a second time in July 1930 and questioned by Immigration Inspector Carlos Melick. Avalos had entered the U.S. in order to live with her son and his wife in Madero, Texas.²⁹³ As with most of the cases, it was not entirely clear how the agents had become aware of Avalos's presence. They tended to include a Border Patrol agent who likely arrested the person in the community where they attempted to settle and an INS officer who conducted the interviews. In Avalos's case, Melick determined that she was a widow with grown children in both Texas and Nuevo Leon. While he could not pinpoint her exact age, he described her as "very old" and categorized her as "ignorant" when she was unable to read their literacy test.²⁹⁴ In his testimony, Melick appeared conflicted regarding the case. He explained that when she was first brought into the "Immigration Service" she was offered a chance to return voluntarily, which he contended was the "humane policy" considering that the immigration law could lead to a fine and jail time. He added that it was the policy of their office to offer the chance to return voluntarily if the woman was elderly or had children. When Avalos was given the option, she refused to return to Mexico. Perhaps she asserted herself in order to remain in the U.S. where she would have a better chance to support herself. Whatever her motivation, her refusal meant she

²⁹³ Sara Avalos, 6345 (Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX. 1930).

²⁹⁴ United States v Sara Avalos, 6345.

would have her chance in court. Ultimately, Avalos was fined \$500 and sentenced to 60 days in jail. However, in her case Melick asked the court to consider closing her case due to her age and circumstances. It seems possible that her case was dismissed or not enforced because her file does not indicate whether or not she ever served time.

In Samalloga's case, however, Matt Smith questioned her regarding her occupation and moral character. Similar to Avalos, she was asked the standard questions included in these cases, such as where she was born, or whether or not any of her family members had been born in the U.S., or whether or not she entered at any time throughout her lifetime into the U.S. from a non-official point of entry. These particular questions appeared to merely require the Immigration Inspector to type in the answer they were given. In many cases, however, if an inspector had additional questions, they typed them in below the standard questions. The additional questions often seemed aimed at determining the defendant's moral character. For instance, Smith asked Samalloga whether or not she had ever attended church, what types of occupations she held, and whether or not she had practiced prostitution or had been an "inmate" in a brothel. Samalloga's responses illuminate a woman who sought various ways in which to survive and make a living for herself. For instance, prior to her arrival in Rio Grande Valley, she had lived in Panama, Brazil, Spain, and Mexico. While she lived in Panama, she owned a saloon, which was where she met her husband, a Spaniard. She lived with him in Spain, until he passed away. She returned to Guatemala after his death and eventually made her way to Mexico until she entered the U.S. in search of work. Samalloga ultimately denied either going to church or working as a prostitute.

Smith did not indicate why he suspected her moral character, he only continued pursuing his line of questioning. He followed up his question regarding prostitution by asking whether or not she had at any point in her life had sex with men for money. At this point, Samalloga admitted

to having accepted payment for sex a few times. When Smith reiterated his question, he also asked why she denied practicing prostitution. She contended that she had only accepted money a few times in her own home. It was likely that Samalloga either did not perceive it as prostitution, since it had only occurred a few times in a rather informal manner, or she was deliberately undermining the questions. Since her encounters occurred in her home, and she was likely supplementing her income, sex work was not technically her occupation. Finally, Smith shifted his line of questioning. He focused on whether or not Samalloga would become a public charge. For example, Smith asked her what she would do if she became incapacitated. To this she responded, “I would ask for charity and go to a hospital.” While it seemed, a reasonable answer considering the question, Smith determined she should be fined \$1,000 and deported.²⁹⁵

The following year, Pilar Garcia was caught and detained in Donna after a previous deportation. It fell once to Smith to determine whether or not Garcia should again be deported. During her interview, Smith, who referred to Garcia as a 20 year old of the “Mexican Race” focused on determining her moral character.²⁹⁶ Garcia was born on a ranch near Matamoros but lived with her father in Brownsville until he died in 1925. Soon after, while still an adolescent, she married Manuel Sotullo. While the sequence of events following her marriage was unclear, at some point she began practicing prostitution with her husband’s permission. She left her husband and went to live in Matamoros. In her interview, Garcia did not share whether or not she continued to work as a sex worker, but instead shared that she met a “boy” by the name of Santiago Urbano who lived in Brownsville. She attempted to enter the U.S. in order to live with him.

²⁹⁵ United States v. Pilar Garcia de Sotulo, 6058 (United States District Court Southern District of Texas Brownsville Division 1927) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

²⁹⁶ United States v. Pilar Garcia de Sotulo, 6058.

Smith and other immigration inspectors often encountered women in similar circumstances. The inspectors uncovered women's circumstances through their own series of additional questions they tacked on to the standard ones, which tended to scrutinize the potentially intimate details regarding their lives. The reasons why some women actually attempted to enter the U.S. became irrelevant. For instance, Isabel Caballero and Amelia Jauregui had both been previously apprehended and deported. Caballero and Jauregui both returned to the U.S. and were apprehended a second time. While the cases do not appear connected, each woman expressed similar motivations for returning. Caballero and Jauregui, both Mexican citizens, appeared to be separated from their husbands. In addition, they had elderly parents for whom they were at least partially responsible. They had both made the choice to return to the U.S. for work. While in their cases the Immigration Inspectors opted not to tack on a fine, they were both sentenced to sixteen days in jail and subsequently deported.²⁹⁷

In other cases, women appeared to have more than one motivation for either entering or returning to the U.S. For instance, Blasa Rodriguez came to the U.S. to work and to live with Jose Angel Ayala, whom Immigration Inspector referred to as a "boy." Rodriguez, aged 20, admitted to being very poor and in need of work. While the relationship seemed important to her, work appeared to be her main concern. Smith emphasized the fact that she had also come back to live with someone to whom she was not married.²⁹⁸ Maria Martinez found herself in a similar situation

²⁹⁷ United States v Isabel Caballero, 6047 (United States District Court Southern District of Texas Brownsville Division 1930) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX and United States v. Amelia Jauregui, 6052 (United States District Court Southern District of Texas Brownsville Division 1930) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

²⁹⁸ United States v Blasa Rodriguez, 6125 (United States District Court Southern District of Texas Brownsville Division 1930) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

when she entered the U.S. to live with a man by the name of Gregorio Tanguma. In this instance, Smith noted that she came for the “purpose of living in immoral relations.”²⁹⁹

Immigration Inspectors seemed to take their role of moral enforcement seriously. For instance, when they encountered Maria Gabriela Perez, aged eighteen, they pushed her to admit that she unlawfully entered the U.S. in order to live as the mistress of Jesus Ramirez. During the first part of her interview, Perez merely stated that her mother was a widow in Guanajuato and could no longer financially support her. She came to the U.S. to live with her aunt and pick cotton. While work might have been a factor, the inspectors continued to interrogate her. Perez admitted that she entered a relationship with Jesus Ramirez, but he was already married. They came to the U.S. from Guanajuato in part to live as a couple. When asked if she knew that he was already married, she admitted that she knew his wife and that he had not divorced her. At this point in the interview, the questions began to echo cases related to the Immigration Law of 1917, which included charges related to concubinage. For instance, the Immigration Inspector asked Perez if she had come to the U.S. for the purpose of living as Ramirez’s mistress. In addition, he asked whether or not she understood that the couple was living in a state of adultery. To both questions, Perez merely answered, “yes.”³⁰⁰

In this case, Ramirez was brought in to corroborate Perez’s testimony. They both admitted to entering through an authorized point of entry because neither could read or write. At this point in her case, Perez was fined \$1,000 and jailed for sixteen days. A second interview was conducted prior to her hearing. During the interview, Perez attempted to change her narrative, perhaps as a

²⁹⁹ United States v Maria Martinez, 6438 (United States District Court Southern District of Texas Brownsville Division 1930) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

³⁰⁰ United States v. Maria Gabriela Perez, 6607 United States District Court Southern District of Texas Brownsville Division 1930) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

way to assert some control over a situation that granted her few options. For instance, she claimed that she had come to the U.S. with her husband, Jesus Ramirez, for the purpose of finding work. When the immigration inspectors reminded her of her previous interview, she admitted that she arrived with her companion Jesus Ramirez, who left his wife to be with her. She insisted, however, that she had to come to the U.S. to work because in Mexico she had been unable to find an occupation. Perez also contended, perhaps as a way to contest their perception of her, that while she lived in Mexico “she was a good girl and virtuous.”³⁰¹

It is possible that Perez was attempting to contest their perception of her because the phrases Immigration Inspectors adopted to describe her and her relationship with Ramirez, altered the way she might have understood her relationship with him. While it was clear that they were committing adultery, her interview suggested that Ramirez’s wife understood the situation and was intending to move on her life. In many of these cases, what is clear is that many of the defendants were searching for work and likely were struggling to survive. Their choices to marry or not marry seemed to depend on their financial situations. For instance, Maria Gertrudes Ramirez entered the U.S. with Cruz Martinez for the purpose of finding work. According to her interview, Martinez convinced her to leave Reynosa with him and go to the U.S. Since the couple was not married, the Immigration Inspector’s additional questions were aimed at establishing the nature of the relationship. For example, he asked whether or not they had “sexual relations” prior to entering the U.S. This question, which she answered in the affirmative, was followed up with whether or not she had entered the U.S. for the “purpose of continuing to have immoral relations” with Martinez.³⁰² While Ramirez confirmed that they continued to have “immoral relations,” she

³⁰¹ United States v Maria Gabriela Perez, 6607.

³⁰² United States v Maria Gertrudes Ramirez, 6617 (United States District Court Southern District of Texas Brownsville Division 1930) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

asserted that Martinez intended to marry her when he had enough money. She added that their arrest disrupted their plans. Since it appeared likely that the couple was in fact saving for the purpose of getting married, the Immigration Inspector continued to question her regarding the relationship with Martinez and her character. For instance, he asked what they would do if they were not able to afford a wedding and whether or not she had sexual relations with any other man. Ramirez stated that their plan had been to remain together and that she had not been with anyone other than Martinez. It seemed then that the language that Immigration Inspectors were applying to her relationship with Martinez was not how she perceived her relationship.

There were cases, however, that seemed to fit into Immigration Inspector's standard definition of immoral behavior. For instance, in 1931 Immigration Inspectors questioned Juana Cantu, who entered the U.S. in order to live with an "American" whose name she was unable to remember. Originally from Mexico City, Cantu traveled to Reynosa to work in a brothel called the Salon Paris. She readily admitted to being an "inmate" in the brothel where she met the "American" she described as 26 years old with a "medium build with brown eyes and light hair."³⁰³ The "American" lived in McAllen and returned three times to have relations with Cantu, paying her \$3.00 for each visit. During his last visit, he used an interpreter to convince her to come to the U.S. in order to live with him. Cantu, who passed the literacy test, seemed to understand the situation. She admitted to her occupation but did not necessarily allow it to define her entirely. For instance, when the Immigration Inspector asked if she entered the U.S. in order to work as a prostitute, she answered no. Her intention was to come to the U.S "to live with the American."³⁰⁴ It is possible that she had left her occupation in order to enter into a relationship with "the

³⁰³ United States v Juana Cantu, 6783 (United States District Court Southern District of Texas Brownsville Division 1931) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

³⁰⁴ United States v Juana Cantu, 6783.

American.” According to her interview, he paid for the room where she was residing, but she does not indicate whether or not it was in exchange for sex. Despite how she may have understood her situation, Cantu was fined and subsequently deported.

In some cases, however, the Immigration Inspectors appeared conflicted regarding the ways in which the Immigration Law of 1929 should be applied. For instance, when Immigration Inspectors questioned Seleucia Chavez, they attempted to find ways to alleviate her situation. The Inspectors asked both the standard questions in addition to the questions intended to illuminate her moral character. During questioning they realized that Chavez, only fifteen, could neither read nor write, and was married to an older man. During questioning, Chavez admitted that she did not understand what she should have done in order to enter the U.S. legally. Chavez had merely followed her husband’s lead and crossed into the U.S. with the help of a boatman. Since it was the first time Chavez had attempted to enter the U.S., she was fined \$500 and scheduled for deportation. In her case, however, the Immigration Inspectors added the following note: “this appears not more than a mere girl and has a husband Juan Silva, and her home is a good ways from Reynosa and arrangement should be made to deport her with her husband.”³⁰⁵ Unlike the previous cases examined that included questions by Immigration Inspectors regarding women’s morality or the nature of their relationship, this case appeared to include questions intended to help Chavez. For instance, they asked her to clarify whether or not she might have any family members who lived in the U.S., perhaps as a way for her to remain. Their intention to aid Chavez it seemed also stemmed from their struggle to understand that she was young and married. Despite their small attempt to help her, Chavez was deported. The end of her case signals that this law would leave women with fewer options.

³⁰⁵ United States v Seleucia Chavez, 6714

CONCLUSION

Alcohol related cases were beginning to dwindle starting in 1930. Although law enforcement agents began focusing more on drug related cases and ethnic Mexicans entering the U.S. “unlawfully,” their experiences with Prohibition helped shape their tactics. Due to the history of border crossers attempting to smuggle contraband goods, especially alcohol, law enforcement agents were accustomed to looking for signs that would justify closer physical inspections. Prohibition also granted law enforcement the ability to extend surveillance much more intimately into people’s lives, which would aid in their investigations of both narcotic related cases and cases related to the Immigration Law of 1929. Collectively these cases also signal a shift in policing and attitudes regarding notions of morality. Law enforcement agents, at this point, became much more focused on the criminalization of drug users and people who entered the U.S. from areas not designated as official points of entry. These cases also illuminate some aspects of women’s lives, which includes their motives for entering the U.S. Finally, women appeared to be making the best choices possible for themselves depending on their various circumstances and the options available to them. Whether they opted to work in the drug trade or risk crossing into the U.S for work, women sought ways to survive even as law enforcement agents limited their rights and entry.

Conclusion

This project, set in the Rio Grande Valley during U.S. Prohibition, explored the ways in which the manifestation of vice industries north of the U.S.-Mexico border led to an increase in policing and enforcement. Central to this dissertation were the interactions that occurred between law enforcement agents and the women, primarily ethnic Mexican women, who were connected to the vice industries. The interactions illuminate tactics that law enforcement agents employed that included coordinated efforts partly rooted in familial and community connections. These connections, which were sometimes forged through marriages and friendships, were established during previous eras that included violent extralegal enforcement aimed at ethnic Mexican communities. During previous eras, law enforcement agents grew accustomed to patrolling ethnic Mexican communities relying on forms of intimidation in order to make their cases. Prohibition enforcement allowed agents to professionalize their tactics and extend their reach into people's homes.

In addition to a shift in policing, Prohibition inadvertently created channels of commerce. In the Rio Grande Valley, women, in particular ethnic Mexican women, entered the illicit trade created by taking on various roles in the industry. The women who actively participated smuggled alcohol across the U.S.-Mexico border or transformed their homes into makeshift cantinas in order to either sell or conceal alcohol. This granted women the ability to maintain their own households. This was especially crucial if women were supporting themselves as well as their children or other family members. In other instances, women worked in direct partnership with other women or their male partners. Women's presence in situations that also involved male partners could at times deescalate potential levels of violence, which law enforcement agents tended to direct at males. In general, studies on U.S. Prohibition have tended to examine the men who participated in the

industry in part because these interactions, which often resulted in violent confrontations, occurred in more public spaces. By shifting the focus to spaces traditionally occupied by women, this dissertation illuminated the ways in which they were active in the industry and in their own lives.

While this occupation put them at risk of having confrontations with law enforcement, this work to a certain extent undermined the Anglo settlers' colonial project, which depended heavily on ethnic Mexican labor. Anglo settlers' objective, which was supported by law enforcement, was to subdue the community and funnel ethnic Mexicans into the occupations Anglo settlers deemed necessary to support their project, which primarily consisted of domestic and manual labor. This occupation at the very least afforded women other opportunities that did not automatically lock them into the economic system that Anglo settlers were attempting to establish. Women's participation also forced law enforcement to adjust their own tactics.

During this era, law enforcement agents, which included Customs Inspectors, Border Patrol Inspectors, Texas Rangers, Immigration Inspectors, and local law enforcement, such as sheriffs, also enforced laws that preceded and followed Prohibition. For instance, law enforcement agents were tasked with deciding on cases involving women who were sex workers or were suspected of being sex workers. In these instances, they enforced either chapter 13 of the National Defense Act if women were working too closely to the military base, which was located in Brownsville, or the Immigration Act of 1917. The immigration act allowed law enforcement agents to ensnare women who were not only sex workers, but also in relationships agents deemed "immoral." In addition, law enforcement agents relied on tactics sharpened by the enforcement of Prohibition in order to investigate narcotics cases and women charged under the Immigration Law of 1929, which targeted anyone who entered the U.S. from an authorized point of entry.

While the cases are viewed through the perspective of government agents who enforced these laws, I argued that they also provide glimpses into the lives of the women who actively participated in vice industries and who were targeted by these laws. These glimpses are revealed by closely reading the cases against the grain. By adopting this method, I was able to sift through women's testimonies, interviews, or passing phrases, in order to gain an understanding of their stories and to explore their agency. Moments of agency often manifested themselves in the ways in which women expressed knowledge regarding the law and tactics they could adopt in order to skirt the law. The women defended their families, their homes, their bodies, and even their choices in ways that often demonstrated forms of resistance.

Historically, women's participation in vice related industries on the border during Prohibition has been largely overlooked. This dissertation demonstrated that women in the Rio Grande Valley found ways to benefit from illicit channels of commerce created by Prohibition. Women either smuggled, harbored, or sold alcohol from their homes. That industry did not abruptly end when President Franklin D. Roosevelt signed the twenty first amendment, which eventually repealed the eighteenth amendment. The twenty first amendment certainly allowed liquor to flow freely, but it continued to prohibit the transportation of intoxicating liquors in "violation of the laws,"³⁰⁶ which included illegally transporting alcohol from Mexico in the U.S. While it began to limit law enforcement's reach, agents continued to arrest women suspected of smuggling alcohol into the U.S. Lupe Alaniz, for instance, was arrested in 1935 for receiving, possessing, and concealing 40 pints of mescal that were smuggled in from Mexico. She was 53 years old at the time of her arrest and contended that her husband and two daughters had recently

³⁰⁶ U.S. Constitution, amend. 21, sec.2.

died of tuberculosis.³⁰⁷ Alanis was sentenced to six months in jail and five years probation. For reasons that are not explained, she was released to the care of a Mrs. and Mr. George Dillard. The probation officer, Jefferds, who was formerly a Deputy Marshall, noted that she was a good probationer and for that reason he would no longer supervise her directly, although she would remain on probation for the full five years. The consequences for participation remained punitive and justified continued surveillance. Alanis's case, along with others that occurred alongside hers, illuminates the ways in which law enforcement's surveillance, established during Prohibition, continued.³⁰⁸ Alanis was arrested with the help of an informant, but Jefferds's intimate connections to the community were also critical. The continuity of this industry as well as the consequences women, particularly ethnic Mexican women, incurred in the decades following Prohibition, indicate a noteworthy topic for future research.

Some women developed networks that not only aided in their ability to remain in the industry, but also branched out into other illicit industries, such as narcotics. Historian Elaine Carey's work offers a rare example of a study that exclusively examines women's roles in the drug industry. This dissertation sought to add the history of women in this aspect by emphasizing women's participation during Prohibition. While some cases certainly illuminated how women smuggled, sold, and consumed drugs, it remains a subject that could be researched further. Additionally, the cases examined included women who either worked in or were connected to the sex industry. Even though the Mexican border cities did not develop *zonas de tolerancia* during this era, as did places like Tijuana and Juárez, prostitution was certainly present. Ethnic Mexican

³⁰⁷ United States v Lupe Alanis, 10564 (United States District Court Southern District of Texas Brownsville Division 1935) Criminal Case Files for Brownsville, Texas. NARA Fort Worth, TX.

³⁰⁸ Numerous cases involving women like Alanis still need to be examined. The women in these cases were charged under a Tariff Act passed in 1930.

women in these cases entered the U.S. to ply their trade or entered relationships with men who maintained them. While a red light district was not established in Matamoros, one would emerge in Reynosa in later decades.³⁰⁹ How women in the sex work industry during this era might have influenced the development of the district in Reynosa is also something that could be researched further.

Finally, during this era the Immigration Law of 1929 caught women who for different reasons entered the U.S. from areas not considered official ports of entry. Law enforcement agents practiced in cases involving alcohol, drugs, and prostitution were tasked with deciding whether or not to deport women arrested under this law. In addition to establishing where women crossed along with their citizenship, agents were asked to assess a woman's moral character. Agents drew from previous tactics and laws to form their judgements. One consideration was whether or not a woman could become a public charge. This aspect was mainly influenced by women who were working in the sex industry but could also be applied to women demonstrating behavior that agents found questionable. This certainly points to another possible topic of inquiry and research, especially since the current Trump administration has recently dusted off the term "public charge," which they are presenting as something new that must be enforced.³¹⁰

This examination of Prohibition era policing illuminates the ways in which laws passed and tactics adopted extended surveillance from the U.S. Mexico border into communities in the U.S., particularly ethnic Mexican communities. The system developed since then gradually

³⁰⁹ See Daniel D. Arreola and James C. Curtis, *The Mexican Border Cities: Landscape Anatomy and Place Personality* (Tucson: University of Arizona Press, 1993), 106-107.

³¹⁰ "Advocates try to help Migrants Navigate Trump's Public Charge Rule," *Morning Edition*, NPR, October 10, 2019.

transformed the region into a “constitution free zone.”³¹¹ In the search for unlawful entrants, drugs, and other items considered contraband, law enforcement agencies currently surveil one hundred miles from the border with drones, blimps, and patrols that include aid from multiple law enforcement agencies. This surveillance is most apparent in the newly remodeled inspection station, which strongly resembles an actual border crossing.

This dissertation sought to examine the women, especially ethnic Mexican women, who participated in vice industries during Prohibition. While their participation became known through their interactions with law enforcement, that interaction provided a lens through which the historian can observe women expressing their agency, forms of knowledge, and resistance. Through the interactions we able to glimpse conscious choices women made over their lives, particularly when it came to relationships and their households. This study demonstrates that women were active participants during an era and in a sphere in which they have long been overlooked.

³¹¹ See Margaret E. Dorsey and Miguel Díaz-Barriga, “The Constitution Free Zone in the United States: Law and Life in a State of Carcelment,” *Political and Legal Anthropology Review* 38, no.2 (2015): 204-220.

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Vita

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