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Spence v. Fletcher: The Case That Killed Legalized Prostitution in Texas

By Ken Jackson

"The shift away from legalized prostitution was the most wrenching and controversial turning point in El Paso's four-hundred-year history."

- Leon Metz1

Between 1912 and 1915 many important turning points in world history occurred. The Panama Canal opened, connecting the earth's two great oceans. The First World War, which would claim over 16 million lives and tragically redraw the boundaries of the Balkans and the Middle East, raged in Europe and Asia Minor. Babe Ruth began his Major League career in Boston. And in El Paso, a lawsuit that was filed in 1912 to force the closure ("enjoin" in legal parlance) of a single brothel, ultimately resulted in a 1915 Texas Supreme Court decision abolishing legalized prostitution throughout the State of Texas.

That case was Spence v. Fenchler and Montell, 107 Tex. 443, 180 S.W. 597 (1915). Gunther Lessing filed it on behalf of Frank Spence, an El Paso real estate speculator, to enjoin W.H. Fenchler, a friend of the sporting crowd and the owner of a "parlor house" named The Palace at 214 Broadway St. (originally Utah Street, now South Mesa) and Bess Montell, the madame briefly in charge of the Palace at the time. Bess "wasn't blessed with a head for business," and she left the Palace a few months after the suit was filed, but she remains immortalized in the case name that killed El Paso's "Red Light Reservation."

Defendants' counsel were a "Who's Who" of the El Paso Bar. They included such major El Paso historical figures as Will Burges, Joseph U. Sweeny, Ballard Coldwell, Maury Kemp, T.A. Falvey and W.W. Turney. This remarkable array of legal talent probably had less to do with the bona fides of Mr. Fenchler and Miss Montell, and more to do with Mayor C.E. Kelly and City Council's desire to preserve the Reservation for financial and other reasons.

The plaintiffs sued to enjoin The Palace from operating what was, in the words of the relevant statute, "a bawdy or disorderly house." The Palace—previously known as the Marlborough Club when it was built for El Paso's legendary madame, Tillie Howard —was a majestic brothel.

A description of the Marlborough Club survives: "The roof was of solid copper. The finest hardwood was used throughout. The bathrooms were the last word. Oriental rugs and velvet drapes flattered the eye, expensive art objects were displayed here and there, and good pictures hung on the

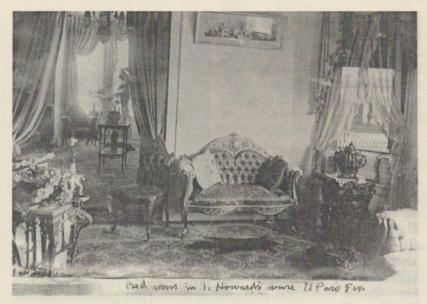


Figure 1. Tillie Howard's Parlor. Courtesy of UTEP Library, Special Collections

wall. Four parlors occupied the ground floor, and in each Tillie had a special chair where she sat in silks and diamonds when her girls were on display and where Aunt Sally, the motherly colored maid, helped the butler to serve drinks."³

Its 1899 Grand Opening was grand indeed. "We were all served champagne until it was coming out of our ears," an eyewitness reported. "Fine cigars were passed out by liveried butlers. [Tillie's] girls were the most beautiful I've ever seen, all dressed up in really fine evening dresses… we danced in a ballroom to an orchestra [imported from San Francisco]…. It was the finest night El Paso had ever, or ever will see." Yet a decade and a half later it was gone.

The activities of establishments like the Marlborough Club/Palace had, of course, long contravened the Texas Penal Code, which outlawed prostitution everywhere in Texas. However, El Paso overcame this inconvenience by an 1890 City Ordinance, enacted under the authority of its City Charter, which permitted those activities within a specified zone, or "Reservation." Although the Reservation's boundaries changed some over the years, the original boundaries were as follows: the south side of East Overland from Oregon to Utah streets; then south down Utah Street to Third Street, to an alley; then west along Third Street to Oregon Street; then north along Oregon Street to a point of beginning on East Overland Street, including the east half of Utah Street.

Since the 1880's, prostitution had been subject to a system of monthly

"fines." In 1894, City Attorney Will Burges (the lawyer who, 21 years later, unsuccessfully argued for the Reservation before the Supreme Court) admitted to the City Council that these fines were de facto license fees.⁶

The fines were collected for the benefit of the city coffers, and especially, for the benefit of the police, who usually collected them. This permissive system of reservations and fines prevailed in El Paso and other large Texas cities at that time. As plaintiffs' lawyer Lessing later recalled: "the streets of El Paso were paved from the license fees collected under the guise of fines from prostitutes."



Figure 2. Gunther Lessing. Courtesy of the El Paso Public Library, Southwestern Collection

But by 1912, when Lessing sued on behalf of Spence, El Paso was no longer a frontier town of the Wild West where anything went. Families had arrived. Churches had been built. Legitimate businessmen had opened legitimate businesses near the debauchery of Utah Street. A Reform movement had been born.

Reformers tried to pressure city officials to clean up El Paso with petitions, marches and newspaper editorials. When those efforts failed, they offered their own candidates for election. In an important reform victory, Tom Lea, Sr. was elected Mayor in 1915 and eliminated "fining" prostitutes, saying the city would no longer collect "the blood money of these unfortunate women."

But even Mayor Lea could not see a way to close the Reservation. The world's oldest profession was not going to disappear, and it seemed more practical to know where it was than to have it scatter throughout the habitat of polite society. In short, a political solution to the issue was just too hard for the politicians.

Enter the Texas State Legislature, which passed an injunction statute in 1907 and a revised one in 1911 [Articles 4689, 4690 R.S. 1911], allowing private citizens to bring suit to enjoin "bawdy and disorderly houses." Enter also a Texas Supreme Court already expressing objections to the moral indiscretions of "The Old West." And finally, enter Frank Spence, a real estate speculator with a profit motive, and Gunther Lessing, a young lawyer who had already represented Pancho Villa and Francisco Madero during the Mexican Revolution.

The injunction statute allowed private plaintiffs to sue to enjoin brothels,

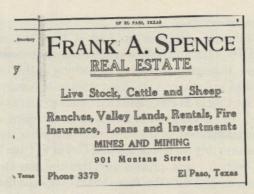


Figure 3. Frank Spence Ad from the El Paso City Directory

unless those brothels operated within the boundaries of a large city's designated tolerance zone, established by ordinance under the authority of a city's charter. The Palace sat within such a zone, and was therefore immune from Mr. Spence's suit. So what happened?

Like many historical questions concerning the states of the former Confederacy, the answer begins with the Civil War and Reconstruction. Until 1873, Article I, Sec 28 of the Texas Constitution read: "No power of suspending laws of this State shall be exercised except by the Legislature, or its authority" (emphasis added).

In 1871, E.J. Davis, the Republican Governor, elected during the Reconstruction era, asked for and received from the Republican Legislature the power to impose martial law, even though President Grant had ended Reconstruction in Texas the previous year. When Democrats took over the Legislature in 1873, they not only rescinded those special powers of the Governor, they also took the additional precaution of amending Section 28 to remove the words "or its authority," to prevent similar abuses in the future.¹⁰

Amended Section 28 was decisive in Brown Cracker Co. v. Dallas, 104 Tex.290, 137 S.W. 342 (1911). The city of Dallas was preparing to pass an ordinance similar to El Paso's to create a reservation adjacent to the Brown Cracker Company. The Supreme Court ruled against Dallas because the ordinance was in conflict with the Texas Penal Code and because it was passed, not by the legislature, but under the legislature's authority via the City Charter. It therefore fell afoul of amended Section 28.

The Brown Cracker decision convinced Spence and Lessing that they could win a suit and they filed to enjoin The Palace on July 30, 1912. Two weeks later, El Paso's City Council addressed the situation by amending its Reservation Ordinance to try to circumvent the Brown Cracker decision to prevent Spence and Lessing from enjoining The Palace and thereby

dismantling the Reservation.

The new Ordinance, approved on August 15, 1912, reaffirmed the boundaries and restrictions of the Reservation from the previous ordinances, but added a new, incongruous Section 7: "nothing in this ordinance shall be so construed as to authorize any lewd woman to occupy any house in any portion of the City of El Paso, and that nothing in this ordinance shall be so construed, and it shall not in any manner interfere or prohibit the prosecution and punishment of any person for violation of the penal laws of the State of Texas or any portion of the said City of El Paso." ¹¹

The idea of Section 7 was, presumably, that the new Ordinance could not, by definition, conflict with the Texas Penal Code, and therefore, Brown Cracker did not apply. The new ordinance was passed in an expedited procedure, with City Council suspending the required second reading because "a great public emergency existed." That emergency was "the injunction prayed for against [Fenchler and Montell] will come up for a hearing in September." 12

Perhaps the defendants' counsel had nothing to do with the drafting and passage of the new Ordinance. But they were happy to raise it at the trial court.

Predictably, Lessing went berserk, arguing that "the existence and passage of which Ordinance is not admitted, but specifically denied." But "if same was passed, on or about the 15th day of August, 1912, while this case was filed...on the 30th day of July, 1912, and therefore if the said Ordinance, if same exists, and was duly passed, is ex post facto to this case, and therefore cannot be urged in this case." In a later Supreme Court filing, he called the Section 7 "a ridiculous anomoly."

At the trial court, battle lines were drawn around the Ordinance. From September 7-9, 1912, Judge A.M. Walthall heard arguments, read the Ordinance, and agreed with the defendants. He found the Ordinance was duly passed and "at the time of the hearing (emphasis added) was an Ordinance of El Paso." He therefore held that the new Ordinance "as a matter of law destroys the Plaintiffs' right to have the injunction." The Judge then left town without recording his findings of fact and conclusions of law with the Court Clerk (a prerequisite for the plaintiffs' appeal). His Honor did not return until after the 15 day period for mounting an appeal had expired. Lessing eventually overcame this obstacle by petitioning the Court of Civil Appeals.

The Court of Civil Appeals affirmed the trial court's ruling on November 21, 1912. In its opinion, the Court completely ignored the question of the constitutionality of the Ordinance, despite Lessing's relentless constitutional attacks in his 73-page legal brief and his 33-page Application for Re-hearing. Instead the Court simply held that the Legislature had the right, under the Constitution, to limit the extent of the bawdyhouse injunction statute by exempting those houses situated within a designated

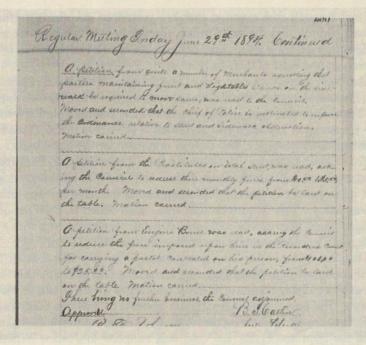


Figure 4. Excerpt from the El Paso City Council Minutes of 1894.

district of larger cities, such as El Paso, with ample police power to regulate and control such places. 151 S.W. 1094 (1912).

Half a century later, Lessing was still aggrieved. He wrote, in 1963, "I personally carried this redlight district case to the highest courts, having lost it because of the power of the political ring in every court until I got to the Supreme Court."¹⁷

Throughout the trial and first appeal of the case, most arguments for both sides focused on mundane legal issues like property law, procedural rules, and the constitutional authority of the Legislature to delegate powers to cities. But occasionally, the issues of public morality, and who has the right to impose their views of morality upon the public, also surfaced.

Lessing argued that the "immoral contamination and wrongful influences of the habitués and inhabitants...and their immoral conduct and revels... irreparably [cause] damage to the property of these plaintiffs." Such a legislative diminution of property value is "indeed a cause to mourn." 19

The defendants' counsel countered: "the only fault that appellants can find with the legislature is that in cities like El Paso, the law-makers did not see fit to take the great moral and social questions out of the hands of the constituted authorities and entrust them to plaintiffs and that the legislature entrusted to the criminal law and to the authorities of El Paso

the management of a question that has perplexed the wisest during all human history, and did not furnish appellants with a club with which to demonstrate their own superior morality instead of doing so by the 'sweetness and light' of their daily lives."²⁰

The lower courts took no notice of this rhetoric. If one believes Lessing's post mortem allegation, the "fix" was already in. But when the case reached the Texas Supreme Court, the gloves, or at least Lessing's gloves, were off. The transcript of Lessing's oral argument is preserved in the Texas State Archives. Unfortunately, Will Burges' argument for the defendants is not.

First, Lessing attacked the Court of Appeals' reference to El Paso's ample police power to regulate the Reservation: the Court "unthinkingly implied that a few policemen are capable of regulating the most heinous crime of society today...This commercialized spot...with which El Paso maintains its incestuous marriage is incapable of being regulated, even if our boss ridden city were to maintain one million policemen."²¹

Then he attacked the city government: The city has formed a copartnership with the White Slaver by furnishing him with a market for his wares by legalizing houses of licensed prostitutes where he can display his chattel. The best way to defeat White Slavery, to "kill this many headed adder is to impale the heart of the reptile by striking out the market place."²²

In the Supreme Court, the case was assigned to Justice William E. Hawkins. This may have been lucky for Lessing. Justice Hawkins' father, Samuel, had been a distinguished minister and an editor of the Texas Christian Advocate.²³

The Court, with Justice Hawkins writing, reversed the Appeals Court, holding that ordinances creating reservations, such as El Paso's, were void throughout Texas under Article I, Section 28, because they were inconsistent with the Texas Penal Code which outlawed prostitution everywhere in the State. (Citing Brown Cracker Co. v. Dallas). Therefore, the Court held, the proviso in the injunction statute, which exempted bawdyhouses inside those reservations from injunction, was also void.

The Court went on to hold, to the total exasperation of defendants' counsel in their application for re-hearing, that the rest of the injunction statute was nevertheless still valid and enforceable. Therefore, the plaintiffs were entitled to an injunction which not only closed The Palace but also the El Paso Reservation and all other reservations in Texas.

Whether or not his final holding was legally correct, Justice Hawkins was apparently on a mission. Perhaps following Lessing's oral argument, or perhaps channeling his late father, he wrote that upholding the remainder of the injunction statute was justified "to release and direct against bawdyhouses...the lightening which rests in the bosom of equity, in order that its swift and effective processes may aid, unquestioned, in the suppression of an evil which our criminal law had long denounced, but not eradicated."²⁴

The Supreme Court issued its decision on December 8, 1915. El Paso's City Council repealed the notorious Ordinance on January 13, 1916. The Reservation closed March 1st.²⁵

Leon Metz observed that the closure of the "Reservation sacrificed much of El Paso's color, character and identification. The town would never again be the same."²⁶ Even Lessing, much later, remembered that the Reservation "was a very picturesque situation."²⁷

Immediately after the Spence decision, and the formal closure of the Reservation, Mayor Lea and the City Council authorized an informal arrangement whereby the police would not enforce the law in the tenements north of the canal on Eighth Street and west of Chihuahua Street.²⁸

Of course, prostitution has continued in El Paso. Various

Consider the state of the state

Figure 5. Close-up of a 1888 Sanborn Map Showing "Female Boarding" on Utah Street.

city governments have either ignored or suppressed it. But prostitution has never again enjoyed the legal protection of a city ordinance. And, therefore, the era of the grand Utah Street parlor houses ended with Spence. And for some, at least, it was indeed a cause to mourn.

Epilogue

After Spence, the Marlborough Club/Palace building was a hotel called Mesa Apartments until it was demolished in 1958 to make way for a parking lot.²⁹

Ken Jackson is a retired lawyer. Gunther Lessing was his great uncle-inlaw. A slightly different version of this article was published in the El Paso Bar Journal (December 2015-January 2016), 7-10.

Endnotes

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20. Appellees Brief to the Texas Court of Civil Appeals, filed 7 November 1912 (page 9), TSLAC.

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24. Spence v. Fenchler, 107 Tex. at 468-469.

25. "Council Abolishes Restricted Line," El Paso Times, 14 January 1916, 11. And "Redlight Women Hunt New Homes," El Paso Morning Times, 29 February 1916, 3.

26. Metz, Turning Points, 78-79.

27. Lessing, My Adventures, 2.

28. "Council Abolishes Restricted Line," El Paso Times, 14 January 1916, 11.

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The Story of J. Manuel Escajeda and the Link between Duke University, World War I, El Paso, and the University of Virginia

By the Honorable Alberto F. Treviño, Jr.

his article celebrates the upcoming 100th anniversary of America's entry into World War I and the important role played by a native El Pasoan in serving his country.

This is the story of J. Manuel ("Manny") Escajeda, the last male heir to an old and distinguished family that had deep roots in El Paso and the Lower El Paso Valley. He was born in El Paso in 1896 as the only son of Jose Antonio Escajeda (1866-1932) and Luz Guerra (1868-1921), who were married in the Historic Ysleta Mission, Our Lady of Mount Carmel (founded in 1682). Manny had four sisters: Lorenza (Longuemare), Adelina (Treviño), Luz (Flores) and Josephina (Hardre). The family had farms in the Lower El Paso Valley and a home in El Paso on Yandel Street. Manny's father, Jose Antonio, was a well-known civic activist and political leader, who served three terms as County Auditor and helped co-found the League of United Latin American Citizens (LULAC). A large low-income apartment complex at 204 Alicia Drive in south El Paso now bears his name, a tribute to his enormous reputation and lasting legacy.

In the early years, his two oldest sisters attended Loretto Academy, which was then located in Las Cruces, while Manny graduated from El Paso High School in the class of 1915. He then followed his sister Adelina and attended the University of Texas in Austin in 1916. However, his interest in law prompted him to transfer and enroll at the University of Virginia in Charlottesville in 1917. It was that fateful transfer that changed his life story: it became "historical" because it had an impact on international history.

On May 29, 1917 he enlisted in the French military at age 21, while still attending the University of Virginia. Why the French army instead of the U.S. army? France was at war with Germany and it looked like France might lose. The French government had long pleaded with the United States to enter the war, but President Wilson and much of the American public was reluctant. The U.S. did finally declare war on Germany in April 1917, but it was not clear when American troops would be dispatched to the European front. Manny and some of his classmate (whose exact numbers are not known) from the University of Virginia, along with volunteers from Wake Forest University and Duke University, did not want to wait: they could all see the danger France's collapse and so they decided to enlist in the French army.

Figure 1. Manuel Escajeda's Army Unit in France. Manny is sitting on the dashboard inside the cab (close to the passenger seat), with his head almost touching the cab's roof. Note the unit's canine mascot atop the truck. Courtesy of UTEP Library, Special Collections



They served in the 66th Chasseur Alpine Division and fought the battles of Alsace, Soissons, Somme, and Oise Aisne as well as the Hundred Days Offensive of August 8 to November 11, 1918 that brought the war to an end. Manny was an ambulance driver and his vehicle suffered a direct hit by a mortar shell, but he stayed on the battle field helping to save his fellow wounded French soldiers. For his heroism he was awarded France's highest honor for bravery—the Croix de Guerre-on October 27, 1918. Ultimately, Manny and his fellow volunteers became soldiers in the U.S. army. In 1919, he married Carman Viescas of New Mexico and they had two daughters, Billey (Delgado/ McCarthy) and Carmen Jo (Gianes). In 1925, he was discharged from the U.S. army at Camp Dix in New Jersey.



Figure 2. Manuel Escajeda in World War I Uniform circa February 1919. Courtesy of UTEP Library, Special Collections

Now, Manny's story also becomes a story about how a university got its nickname and mascot! The unit that Manny and his college colleagues belonged to in the French army was known as the "Blue Devils." One member of that group returned to Duke University and became editor of the school paper. He was astonished that Duke did not have a nickname and decided that the school should have a mascot named after his old group of American soldiers who served together in France with the Blue Devils. That is how Duke got its mascot: the Duke "Blue Devils."

Manny returned to El Paso and joined the El Paso National Bank in 1928, where he became a Vice President for affairs related to Mexico and South America. During the ensuing years he served in many capacities as President of the El Paso Officers Association, Commander of the American Legion #36, and Treasurer of the El Paso Heart Association.

During World War II he was called into service in 1942 as a captain and then served in the Army Intelligence Division as a Lt. Colonel responsible for all affairs of Spanish-speaking countries. He was stationed in New Orleans. He received a Silver Star and Army Commendation Ribbon during that service. J. Manuel Escajeda died on July 28, 1967, and was buried in the Fort Bliss National Cemetery in El Paso.

Many of the papers and documents from the Escajeda family have been donated to the University of Texas, El Paso (UTEP) and can be accessed from that library. Included in these documents is the original Land Grant given to the

Marcelo Escajeda family by King Ferdinand the VII in 1822. This was the last land grant given by Spain in the New World. All subsequent grants were given by the newly independent Mexican government. the family papers amply demonstrate, the Escaieda family has long been prominent in the El Paso del Norte region. Jose Maria Escajeda, Manny's uncle and the brother of J. Antonio, was the largest land owner and farmer in Fabens for many years, with over 5000 acres under cultivation. Other notable family connections include Dr. Manuel Diaz Hornedo, who married Maria Luisa Escajeda, the great niece of Jose Antonio Escajeda. Dr. Hornedo was the County Health Officer for many years and has a Middle School in El Paso named in his honor. The high school in San Elizario is named after another descendent of the Escajeda family for her contribution to the community: the Anne Garcia Enriquez High School (Garcia being her married



Figure 3. Manuel Escajeda in Civilian Dress. Courtesy of UTEP Library, Special Collections

name). One of the old adobe family homes over 100 years old is still occupied in San Elizario. Texas by family members.

In more modern times, family members have served at the national level. R. Noel Longuemare, a grandson of Jose Antonio Escajeda and a graduate of Ysleta High School and UTEP, was appointed as Principal Deputy Undersecretary for the Department of Defense by President Clinton. Alberto F. Treviño, Jr., also a grandson of Jose Antonio (and the author of this article), graduated from the University of California, Berkeley and has a Master's degree in Landscape Architecture from Harvard University. He was appointed by three presidents (Nixon, Ford and Bush) and confirmed by the Senate as an Assistant Secretary in the Department of Housing and Urban Development.

Information on J. Manuel Escajeda can be seen on web sites of the University of Virginia and the University of Texas at El Paso (UTEP) in the C.L. Sonnichsen Special Collections Department.

The University of Virginia hopes to mount an exhibit that will feature University of Virginia Alumni who served in World War I, including J. Manuel Escajeda.

The Honorable Alberto F. Treviño, Jr. is the grandson of J. Antonio Escajeda and the former Assistant Secretary of the U.S. Department of Housing and Urban Development. He resides in Laguna Beach, California.

Early El Paso Women Political Pioneers: 1912-1952

By Joseph Longo

yra Carroll Winkler was elected El Paso County Superintendent of Schools in 1912 by an electorate made up entirely of men and with backing from a political machine determined to keep power. Winkler held the office for ten years. Her historical election made her the first woman to hold an elected office in El Paso County.

Winkler was born in Corsicana, Texas. Her father, Clinton M. Winkler, was one of the first judges on the State Court of Appeals and Winkler County was later named in his honor. Myra Winkler graduated from the old Sam Houston Teacher's College in Huntsville, Texas. Winkler came to El Paso in 1902. She taught at Mesa, Sunset and Lamar schools as well as El Paso High School and Central School. Winkler was popular among students and teachers. In 1904, while teaching at the Central, she was awarded a free ticket to the World's Fair in St. Louis, Missouri, after being named the most popular teacher in El Paso. Among other things, Winkler lectured on various issues relating to women and education.

Winkler was one of eight women to be elected as a county school superintendent in the State of Texas in 1912. By 1921 she was one of 412 county school superintendents serving in Texas. Winkler was one of El Paso's first political women to put her name forward as a candidate. The dominant political machine in El Paso at the time was the so-called "Ring" and by 1912 it was facing strong opposition. Some of their political allies had turned on them and they therefore had to find new names to add to their slates of candidates. The Ring learned about Winkler from one of their spies, who had heard her name mentioned during a meeting of their opponents. The spy was listening through the crack under the door. Also, they thought Winkler would be a good pick because of her Confederate affiliations and the fact that women all around the state were being elected to school policy-making positions. Some pointed out that the position of county superintendent of schools included a lot of traveling and would be hard for a young woman, but the Ring was determined to keep power. Their opponents also supported Winkler, so she ran unopposed. In fact, she never had a contested race during the entire time she held the office.²

While Winkler was the first female elected official, she was not the first woman to hold a position of influence in government in El Paso. Adriana Duran served as City Clerk in Ysleta in 1893 and Emma Webster served as City Probation Officer from 1913 until 1932. Webster succeeded Mrs. J. Eagan, who was the first person to hold the position in 1913. Mattie

Barlow served as Chief Deputy District Clerk and Blanche Wade served as Deputy County Clerk in the 1890s.³

Winkler was just the third person to hold the office of El Paso County Superintendent of Schools. El Paso County was larger at that time, as it still included the area that would later be separated off as Hudspeth County (established in 1917). Winkler's district thus stretched all the way eastward to Allamore. Her district did not include the city schools, which were under the city jurisdiction not the county, just the county schools that were outside the city of El Paso, mostly in the lower and upper valleys. The county schools lacked resources when compared with the city schools, and they were located in poor areas that were isolated from each other. For instance, when Winkler first took office, she had to travel 120 miles by train and 20 miles by car just to visit the school in Allamore. And in 1921, she was in charge of 8000 students in 15 schools that were spread across a thousand square mile area (a vast area even after Hudspeth had become a separate county).⁴

During her term in office, Winkler oversaw the construction and modernization of various county schools, and the implementation of a grading system that was first of its kind in Texas. She also worked to resolve the county school's financial difficulties. In 1915, she established a Teacher's Normal in Ysleta. She even led efforts to obtain pure drinking water for county students and worked out a deal with the County Health Department to provide free services to students.

Winkler resigned in 1922 to teach at the Texas College of the Mines, where she was the first full time female faculty member. She also taught at El Paso High School again and was one of the first teachers at Austin High School, finally retiring from teaching in 1950. She died in August 1963, months after the position of County Superintendent of Schools was abolished by the last holder of the office, Lydia Stark.

In 1913 male voters elected an all-woman slate to the Clint School Board, composed of Mrs. T.A. Hallihan, Mrs. A.E. Brown and Mrs. M.H. Webb. They were nominated by both men and women and they promised a "purely business administration." These women were elected in Clint's first school board election, defeating a ticket of men by 30 votes. These women may have been the first women to serve on any school board in El Paso County. Mrs. Hallihan was elected board president and the women school board also organized the Clint Woman's Club and had the distinction being the first all-woman school board in Texas. Over the next several years Clint voters continued to elect women to their school board: in 1914, Lerona Elliott was elected and in 1916, Mrs. Roy Davidson was elected. In 1917, Ella Scott Zempleman was appointed to the Socorro School Board, becoming the first woman to serve on that board.

The historical Clint election of 1913 resulted in a formation of a movement to elect women to the other school board, most especially in El Paso. In

1913 The El Paso-Herald Post endorsed the idea or at least the proposal made by Harris Walthall who suggested a public discussion. When the question was put to school leaders and other influential El Pasoans, many were hesitant about the prospect of women serving on a school board (in fact, at a public discussion, many men refused to answer the question whether or not women should be allowed to serve on the El Paso School Board). The school board president, E.H. Irwin, had a unique take on the matter: he felt that, if women were to serve on the board it should be a board of all women, as he did not believe mixed boards with men and woman would be effective. Another school board member, Frank B. Simmons, was not sure about how having a woman would affect the board daily business. And the school superintendent, R.J. Tighe, claimed woman were not practical-minded (but he nonetheless said he did not totally opposed the idea).

In 1917, the El Paso Equal Franchise League nominated Sarah Mott Rawlings, a teacher and civic leader, for the El Paso School Board, thus formally initiating the battle. El Paso Woman's Club members fought hard for Rawlings by trying to convince their male colleagues to vote for a woman but there were efforts by the *El Paso Herald-Post* to preserve the status quo, and many men expressed uncertainty about electing a woman. Rawling did not win but that did not discourage El Paso women. Continued efforts by women's clubs and organizations eventually resulted in the appointment of the first woman to the city school board on November 18, 1918, Fannie Laura McGrady. McGrady was born in Honey Grove, Texas and was the wife of prominent attorney John G. McGrady. Mrs. McGrady was president of the El Paso City-County Council of the PTA.

In Ysleta, women were also united in getting a female on their school board. The local mothers club presented petitions to the county school board asking to appoint a woman to a vacancy on the board. It worked: on April 8, 1918 Lucy Brooks was appointed to the school board. Brooks was a leader in a successful bond election held in 1915 that built the old Ysleta Elementary School (Robert Kennedy Pre-School). She also founded the famous Valley Inn. Brooks also served on the El Paso County School Board, representing Ysleta, in 1925.8

In 1920, Fabens elected its first women to the school board: Johanna O'Donnell and Gladys Bramwell. O'Donnell was a pioneer resident of Fabens who founded the Island Inn and who served on the board on off until the 1950s (sometimes as board president). Bramwell was a pioneer school teacher in Tornillo. In 1923 Tornillo split off from Fabens to become its own school district. Clara William, wife of a farmer, was among the first members of the board.⁹

In 1921, after the ratification of 19th Amendment to the U.S. Constitution, women were able to vote in all elections across the country. Women thus cast ballots in city elections and school board elections for the first time. Kate Moore Brown and Florence Stevenson were the first women elected

(as opposed to being appointed) to the El Paso School Board. Brown was one of the first graduates of Central High School and was the first music teacher in the district. She was active in various clubs and organizations, including serving as president of the El Paso Woman's Club. Stevenson was a PTA president and the daughter of a former school board president and doctor, Walter Vilas. Her granddaughter Dale Jones served on the Socorro School Board and was first woman to serve on the Socorro City Council in 1986.

In 1922 a slate of candidates backed by the local the Ku Klux Klan was elected and the KKK faction was large enough to control the El Paso School Board. Stevenson voted with the majority, while Brown railed against them. In the next election in 1923, an Anti-Klan ticket, led by educators Jennie Warner and Alice Wright, took back control of the school board. Wright was a teacher and principal in the El Paso schools. Warner was a teacher and wife of the prominent pharmacist M.A. Warner. She also served as President of the El Paso Woman's Club. Warner, who served for ten years (and chaired of the school finance committee) until her retirement in 1933, fought for increased teacher salaries. No woman would serve on the El Paso School Board again until Maybelle Clendenin was appointed in 1949 and it would not be until 1968 that a woman was elected to the board again on her own right. 10

In 1922 Lillian Huggett, a teacher, was elected County Superintendent of Schools to succeed Winkler. Huggett won a bitter election against Frances Culigan in El Paso's first all-woman race. During her term in office, Huggett campaigned for school districts whenever they held bond elections, and she oversaw construction of schools in Clint, Fabens, and Ysleta. She was also credited with helping build a vocational school in Smeltertown. Also during Huggett's term there were modernizations of existing school buildings and the introduction of higher school standards. She formed the County Scholastic League, which was designed to get student interested in both sports and academics. She also served as President of the State Association of County Superintendents.

Huggett was born in London, England but came to the United States as a child. She came to El Paso in 1898 and graduated from El Paso High School and then earned her degree from the University of New Mexico at Albuquerque. She organized the first high school in Lordsburg and taught at Radford, El Paso High School, and Austin High School, as well as serving as principal of Concordia School.

School policymaking positions such as the county school superintendent and school boards gradually came to be dominated by women. After 1918, El Paso women also started vying for other positions traditionally held by men. In 1918, May Carlisle Hadlock McGhee, a chief file clerk for the city engineer, became the first to run for a non-school related office. She challenged District Clerk C.M. McKinney in the 1918 elections. Her



Lellian G. Huggett

candidacy got attention because in 1918 Texas gave partial suffrage to women, allowing them to vote in the Democratic primary. Carlisle lost, but made a strong showing.

That same year teacher, Marguerite Moon Murray was the first woman elected to the El Paso County Democratic Executive committee, representing Socorro. Murray was the only woman on the 1918 Democratic ballot to win her race. She also went on to serve on the Socorro School Board in 1927 and she taught in Socorro and the El Paso public schools. Murray came from a prominent farming family in Socorro, the Moons. Her mother Mary Moon and sister Lucy Moon also served on the board. In 1923 Mary was one of the first Socorro School Board members to be elected by the voters. Moon was on the board when the Escontrias School was built in Socorro in 1922. Lucy was also a school teacher who taught in Socorro and Ysleta schools. She was appointed to the board in 1929.

In 1921 Emma Roberts Stevens, president of the El Paso Woman's Club, ran on the Republican ticket for City Treasurer in 1921. Roberts was the first woman to run for a city office after passage of the 19th Amendment. She did not win. However, the El Paso League of Women Voters did campaign hard for a woman to be appointed to one of the city most powerful commissions, the City Planning Commission, and succeeded in 1931 when Eva Snyder Metz was appointed.

In 1924 Anna Maria Tobin was elected County Treasurer, ousting the incumbent Klansman, A.R. Webb. Tobin was the first woman to hold a non-school related countywide office and the first to defeat an incumbent. Tobin was the widow of prominent real estate tycoon, Frank Tobin, who died in 1914 leaving her to raise her six children by herself. She worked for El Paso National Bank and managed her husband's properties. Tobin also managed her own Mexican restaurant out of her home and was active in city beautification efforts. In 1938 the *El Paso Herald-Post* wrote: "Mrs. Anna Marie Tobin never says much, not even in a campaign. The rest of the time she attends to her business as county treasurer without much fuss." 11

Tobin did not believe in making stump speeches. As she told the *El Paso Herald-Post* during her 1936 reelection campaign: "It may be unusual for a woman but I never did say much. The treasurer office isn't like the others-I can't make a lot of promises. You just have to work. That's about all I can promise- to continue to the job and do it right." In 1941, after decades in office and after winning two bitter elections (against a woman who claimed she was looking for a husband), Tobin decided to resign because of ill health.¹²

In 1926, Hostense Dunsavage was the first female candidate to run for El Paso County Commissioner and she mounted a strong and vigorous campaign. She challenged the belief that the commissioner's court was a male position and argued that married women and mothers could hold the office without any conflict. At a political forum sponsored by the League of Women Voters, she stated: "When I started my campaign I was told it was not a women's job. I have no business of my own. I can give my full time. The men in the commissioner's race have businesses of their own." But Dunsavage lost and it would not be until 1976 that another woman would run for the El Paso Commissioner's Court. 13

In 1926, Helen Raynolds was nominated by the Texas State Republican Party for Texas State Commissioner and was also nominated for Comptroller in 1930. In 1948, another El Pasoan, Edna Smith, ran on presidential candidate Henry Wallace's Progressive Party ticket in 1948 and was the party nominee for Texas State Land Commissioner. Another route women took to become elected officials was to succeed their husbands. In 1930 the County Tax Assessor, Frank Scotten, did not run for reelection because of an old law on the books that prevented past Texas Rangers from holding elected office. Scotten decided to run his wife Mary and she won

unopposed in the primary and easily defeated her Republican opponent in November.

Frank continued to work in the office and even negotiated his wife's salary with the County Commissioners. Meanwhile he worked successfully to get the law changed so that he could run to succeed his wife in the 1932 election (but was still accused by an opponent of hiding behind his wife apron strings). Mrs. Scotten was accused of mismanaging the office, but she was eventually cleared by a private audit company.

Similarly, in 1937 Eleanor Greet was appointed to succeed her husband, William D. Greet, as County Clerk by the Commissioner's Court. She decided to run for election in her own right, after people told her that her strength lay in playing bridge not serving as County Clerk. She was determined to prove them wrong. She ran on her own merits, but some supporters tried using the memory of her deceased husband to get sympathy from voters, arguing that she needed the job to support her teenage daughter. She lost by nine votes in one of closest elections in El Paso history.¹⁴

Aurora Valdez was one of the earliest Latinas to hold any elected office in El Paso County when she was elected to the Socorro School Board in 1935. In 1929, Josephine Silva Brooks Dalton became one of the first members of the Clint Independent School District, as did Leigh Osborn. Another Socorro woman made history in 1940: Esther Varela, a farmer's wife, defeated a long-time incumbent and member of a prominent family in the lower valley, Tiburcio Apodaca, for Socorro's Justice of the Peace. Varela was the first woman Justice of the Peace in El Paso County. She was reelected in 1942 and retired in 1944. There would not be another woman to serve as Justice of the Peace until 1962, when the Commissioner's Court appointed Mrs. S.V. Ford to succeed her husband. In the society of the Peace until 1962, when the Commissioner's Court appointed Mrs. S.V. Ford to succeed her husband.

In 1950 Jean Tulk, an experienced horsewoman and a talented leather carver (who carved saddles and boots that were given as prizes in rodeos), ran for Sheriff of El Paso, the first woman to do so. She was the wife of a policeman and she ran a colorful race. Articles were written about her candidacy in newspapers all around the country. They featured subtitles such as "Law West of the Pecos goes Feminine" and she got the nickname of "Gun totin' Gal." One of the articles stated: "The female candidate has eight opponents in the Democratic primary and most of them have previous law enforcement experience. However Mrs. Tulk has a few advantages: blue Eyes; long wavy hair, waist 26 inches, and hips 36. She weighs 139 pounds without spurs and guns. She know How to use her guns too." Tulk, in an interview, was asked what it took to be sheriff, and she answered: "Of course it take brains. A sheriff should have enough of a business education to enable her or him to supervise any of law officers and he or she should be up to date on all latest crime solving techniques. I think I qualify." Tulk did not win and another woman would not run again for the position until Thea Savage in 1976.17

Password

In 1952, Lillie Preston ran in the first Anthony Town election, becoming the first woman to serve on an El Paso County town or city council. She serve on the council alongside with her husband, a doctor. She fought for the establishment of city public services such as a dump, waterworks and sewer system. Preston also led the council into a legal battle against Charles F. Davis (who controlled the water supply) for public access to the water supply. She served on the council until 1957.

These early women candidates and elected officials faced barriers to be elected. Some made it while others did not but they helped pave to the way for other women by breaking down barriers. They dared to run for elected office even during a time when women were supposed to stay at home.

Endnotes

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- 4. "El Paso Woman in the Public's Eye," El Paso Herald-Post, September 7, 1921, p. 1.
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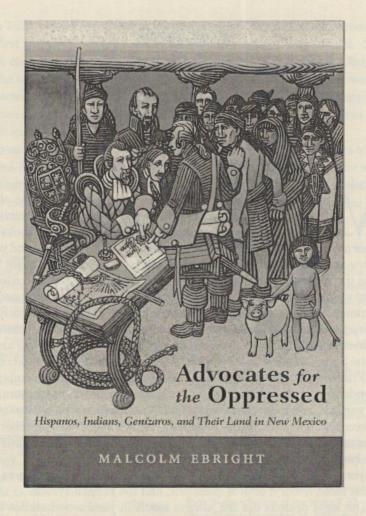
Book Review

Advocates for the Oppressed: Hispanos, Indians, Genízaros, and their Land in New Mexico

By Malcolm Ebright, Albuquerque: University of New Mexico Press, 2014.

alcolm Ebright is a historian, attorney, and director of the Center for Land Grant Studies, a non-profit organization L devoted to research, education and distribution of books and other materials about the Southwest, with an emphasis on land and water rights issues of traditional communities in New Mexico. His latest book tells the story of the continuing bureaucratic battle for land and water rights between settlers and indigenous people, or the powerful and the vulnerable. The story begins in 16th-century New Mexico, when Spain first appointed a Protector of Indians in an attempt to accommodate the native Pueblo Indians (which numbered 81 pueblos before the arrival of the Spanish under Juan de Oñate and today numbers 19) and others into the New World through legal representation and land grants; and it ends with recent United States court cases, some of which were filed by various descendants claiming land grant rights. With 87 pages of references, this book brings together various historical resources and information: petitions, legal summaries, land grant descriptions and analysis, as well as biographical and motivational insights of various players, in a readable narrative that is as much about people as it is about facts, history, ethical questions, and the judicial system.

The legal dramas did not always result in justice: sometimes there were no advocates to turn to; sometimes land grant petitions were denied in favor of powerful interests; sometimes the advocates had their own interests in mind, attempting to grab land for themselves; sometimes the advocates were not very influential or interested in helping the indigenous; and sometimes the land grants were made up. Adding to these problems, there was also the barrier of language differences; the unreliable land measurement methods; the grazing, crop-destroying free-range animals predating the invention of barbed wire fencing; the land squatters, and more. Class differences also contributed. For example, the Genízaros—who were Plains Indians or Navajos captured by other Plains Indians to be sold as slaves to Hispano or Pueblo households, to be freed only after a sometimes indeterminate term of servitude, or by working off their cost of purchase, and only



after their Christianization—often had a hard time fitting in anywhere thanks to their outsider status with both Indians and Hispanics, some being turned away from communities and deprived of the opportunity to acquire land, livestock or property.

This book will be of special interest to historians and people with roots in New Mexico. Each chapter is illustrated with woodcut depictions by Glen Strock, which lend it a traditional Southwest vintage aesthetic.

— Reviewed by Adrian Morales Instructional Librarian, UTEP Library

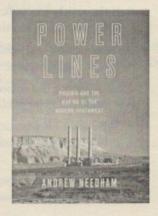
Book Review

Power Lines: Phoenix and the Making of the Modern Southwest

By Andrew Needham, Princeton: Princeton University Press, 2014.

In Power Lines: Phoenix and the Making of the Modern Southwest, Andrew Needham examines how the creation of and access to energy economically, spatially, and racially divided Phoenix and the American Southwest during the 1940s – 1970s. By focusing on the power lines that

fueledthe "high-energy society" of the post-WWII era, Needham explains how nature, technology, politics, public land and energy policies, racial attitudes, and economics combined to form a "vast ecotechnological system," which spurred rapid growth (and eventually sprawl) in Phoenix and created new ideals and realities about modernity in the southwestern United States. In his study, Needham specifically argues that widely available energy and "clean" industries were inherently tied to Phoenicians' notions of racial identity, economic status, and modern aspirations. He emphasizes that, while Phoenix boomed and city boosters publicized its



"quality-of-life," the surrounding Navajo lands experienced environmental degradation from coal mining and housing extra-high-voltage power plants — power that most Navajos failed to have access to. Needham concludes that these coal-fueled power plants, as well as proposed hydro-electric dams near the Grand Canyon, engendered environmentalists' critiques of southwestern growth in the 1960s and 1970s.

Well-written and supported by impressive archival research, *Power Lines* significantly contributes to the historiography about the American Southwest. In particular, Needham's use of a regional framework, rather than a metropolitan one, provides spatial and environmental context for Phoenix's energy resource development and expands "the spaces and peoples included in chronicles of postwar growth"—specifically the inclusion of the Navajos and their land. Additionally, Needham's details about the Southwest's natural resources and landscape enrich the work and add to its historical importance.

— Reviewed by Abbie Weiser Assistant Head of Special Collections, UTEP Library

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