

PASSWORD



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PASSWORD

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Celebrating Our
60TH
Anniversary

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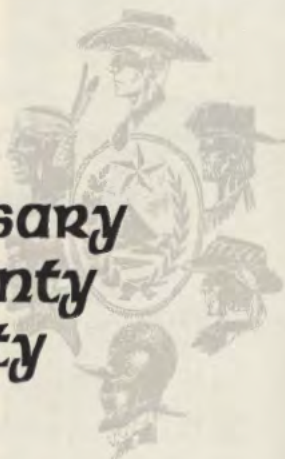
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The 60th Anniversary of the El Paso County Historical Society Founded 1954



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Your President Reports

Paul A. Heisig, Jr.

1955



his is the way it all began: my friend, Cleo Calleros, local historian of note, appeared before a meeting of the Junior Chamber of Commerce and gave a stirring talk on the benefits of using the wonderful historical background of the Southwest to: first, preserve our heritage

by protecting and memorializing our present historical landmarks that are fast disappearing; and, second to mark and bring to life as much as possible the glories of the past. He pointed out that such a program would be a tremendous impact on tourist interest, and he noted what the tourist meant economically to El Paso.

The Women's Department of the Chamber of Commerce became interested in the program and invited Mr. Calleros to tell them of his idea. The women immediately saw the need for such an organization as Mr. Calleros proposed, and Mrs. W. W. Schuessler, their group chairman, became the temporary organizing officer. A meeting was called, to which the public was invited, and I was elected your first president. Thus was born the El Paso Historical Society.

Since its birth less than two years ago, the society has accomplished a great deal. Just what have we accomplished thus far? We have given the city an historical association that is the largest and most active in the state—750 members who are vitally interested in seeing that our cherished shrines are preserved or restored so that posterity may share the glory as well as the sublimity of a past age.

We recently completed a celebration by unveiling to the public the old Juárez-El Paso mule-drawn car, El Paso's first public transportation. (*See below, page 31.*) We have prepared bronze plaques that are now ready and will be placed with proper ceremonies in our five old missions, missions that pre-date the much

publicized California missions by more than a hundred years. Each plaque gives the date and history of that mission. One mission, for instance, had the oldest farm in what is now the United States, and one had the first military establishment. Under Dr. Joseph Leach of Texas Western College, a descriptive plaque has been placed at Hueco Tanks, telling of the pictographs made on the rocks by the Indians hundreds of years ago. (*See below, page 30.*)

Your monument committee under Mrs. George Brunner, after weeks of research, has uncovered 105 points of historical interest in El Paso County. They are now ours forever. It is our purpose to lend the films to the public schools for educational purposes. For this ambitious achievement we are deeply indebted to two of our armed service members, Master Sergeants Kelly and Gwilliams, as well as to Mr. Meston and Mr. Calleros. They worked long and hard on the project. We have also been instrumental in having the Ponce de Leon and Doniphan plaques preserved and restored to their rightful position (DeLeon was the first settler in this area north of the Rio Grande. His ranch house stood on the present site of The White House.)

Your society is giving you in this quarterly the results of many hours of diligent and consecrated work by your editor-in-chief, Doctor Eugene Porter, and his chief assistant, Mr. Frank Feuille III. We are to be congratulated for having among our membership such talented men. I know all of you feel that the results warrant their efforts.

What then is on the planning board for the future? We will take part on May 1st in the 75th anniversary of the coming of the first railroad to El Paso. On that occasion the Southern Pacific will present to the city a locomotive for which your society has already prepared a bronze plaque to commemorate the event. This locomotive will be placed in a park opposite the Union Station. It was through the efforts of Mr. Chris Fox and your president that this site was made possible.

In 1957 your society will join the entire Southwest in celebrating the 100th anniversary of the opening of the old Butterfield trail. Our Mr. Calleros is a member of the State's historical Association committee for this event.

We shall also use our best endeavor to obtain for our use as a museum of the Old West our present City Hall. Indeed, we are full of plans and ideas, and with the interest and cooperation of all of you our goal will be attained.



Common Punishments for Common Crimes: The Early Mann Act and Sexual Control at the US-Mexico Borderlands

By Grace Peña Delgado



hen Susan Ferrell boarded the *St. Paul* in Liverpool, England, en route to El Paso, Texas, her hopes were high. The twenty-three year old, Cornwall native, with her widowed mother Emma in tow, set out to the United States in mid-October of 1915 where she, like many thou-

sands of European immigrants before, would be stopped at Ellis Island, inspected by immigration agents, and more likely than not, enter the United States. Ferrell anticipated a new life with Joseph Griffiths, a thirty-seven year old resident of Bisbee, Arizona, with whom she had carried on romantically and planned to marry once she landed in New York harbor. Time away and distance apart did not try the lovers' devotion. When Griffiths returned to the United States after a three-month stay in England, his repeated letters to Ferrell inspired trust. "He wrote me twice a week...I was to come as soon as he could make it convenient for me," Ferrell would later recall. Griffith's four-bedroom home in Bisbee awaited the Cornwall native, which assuaged any trepidation she may have felt about leaving her homeland for the United States. Ferrell departed soon thereafter with her mother and pregnant by the man she expected to marry. "I was in a family way before I left," she disclosed. "I wrote him as soon as I knew it."¹

By all appearances, the relationship between Ferrell and Griffiths was one bound by sincerity and commitment, although this image was not one initially shared by Ellis Island immigration

inspectors. Ferrell presented herself as an eager bride-to-be accompanied by her mother, but officials saw an unmarried woman lacking the stead of a man. Although it was not clear that immigration inspectors detected Ferrell's early pregnancy, her unmarried status indicated that she was, at best, a single woman on her way to reunite with her soon-to-be husband, or at worst, an unmarried, pregnant woman of questionable morals. Anxieties over white slavery dictated that Ferrell be further questioned before landing in New York harbor. During her detention at Ellis Island, Ferrell was given ample reason to believe Griffiths was the earnest man she thought him to be. In his absence, Griffiths sent a local friend William Blake, who ran the Cornish Arms Hotel in New York City, to meet her and her mother at Ellis Island, to give Ferrell money, and to allay any fears of his betrayal or abandonment. Griffiths, through Blake, also supplied immigration officials with an affidavit confirming his status as a "laboring man" who intended to marry Susan Ferrell upon her arrival in New York harbor. With money and reassurances in hand, Ferrell was released from any suspicions about her moral character and was relieved from any uncertainty about Griffiths' intent to wed. Griffiths, however, never made the trip to New York harbor to make good on his promise of marriage, a breach that did not deter Ferrell and her mother from carrying on to El Paso.²

During the course of a four-day cross-country train trip perhaps Ferrell had time to reflect on the full implications of her detention and Griffiths' willingness not to honor his pledge to wed in New York. With one vow broken, might he, in fact, be willing to break others? Any such fears would begin to take hold when Ferrell and her mother arrived in El Paso. After checking into a hotel, Ferrell and Griffiths went out to breakfast and later, returned to have sex. After their encounter, they ventured into the El Paso streets where Ferrell flatly asked Griffiths about their future. "I asked him to marry me." With no response from Griffiths, Ferrell plaintively risked, "[Are we] not going to get married?" Despite Griffiths' continuous silence, Ferrell remained steadfast that the marriage would take place, but perhaps elsewhere. Holding onto such hope, Ferrell continued sexual relations with Griffiths, perhaps wanting to parlay his desire for intimacy into nuptials. But without matrimony—and at least three months pregnant—Ferrell lived disappointedly with Griffiths in the guise of a soon-to-be husband and wife. Griffiths had repeatedly represented to

his friends the image of a man eagerly awaiting his bride to be, and on at least one occasion in El Paso, introduced Ferrell as his wife to an acquaintance. But Griffiths never married Ferrell. The pretense continued until early February 1916, when El Paso immigration agents arrested Griffiths, on the complaint of his spurned mistress, for violation of anti-white slavery laws.

We would never know with any certainty if Ferrell's shame in being an unmarried, pregnant woman triggered the action that led to Griffiths' personal downfall, but it was clear that Ferrell knew her lover's decisions to pay her travel costs from Liverpool to El Paso, cohabit with her, and refuse marriage would prove to be his legal undoing. For his actions, Griffiths was prosecuted under the omnibus legislation, the White Slave Traffic Act of 1910, more commonly known as the Mann Act.³ While Griffiths faced several criminal charges for transporting a woman across international and inter-state borders, Ferrell—in what amounted to an act of revenge against her lover's broken promise—would also confront the full weight of anti-white slavery legislation, although we would also never know if she understood the full implications of her complaint for herself.⁴

Nevertheless, both Ferrell and Griffiths paid dearly for their relationship. The legal consequences experienced by the erstwhile couple were common punishments and common crimes created and then meted out by the Mann Act's indiscriminate language. Any person, according to the anti-white slave traffic law, who "persuaded, induced, enticed" the international and/or domestic transportation of any woman or girl for the "purpose of prostitution or debauchery, or for any other immoral purpose" could be prosecuted as either a procurer in the commerce of sex or as an individual participating in a manipulated or coercive, and therefore, unlawful intimate relationship. Moreover, "keeping...controlling, supporting...or harboring" any woman or girl for an immoral purpose was a federal-level felony crime punishable by imprisonment up to five years and fineable up to \$5,000. The Mann Act's far-reaching discourse produced a broad corpus of sex crimes that worked alongside the premise that virtually all non-marital, male-female relationships that crossed international and/or state borders contained degrees of male manipulation and coercion and female naiveté and victimization. Extramarital relationships and male-female travel companions combined with incidents of white slavery or forced prostitution and any other sexual asso-

ciation that fell within the definitional boundaries of "debauchery" or "immoral purpose" to comprise a medley of Mann Act offenses. Rather than treating the Ferrell-Griffiths relationship as consensual—albeit in Ferrell's estimation a personally unacceptable arrangement—anti-white-slave traffic laws comprehended the totality of their coupling as tantamount to white slavery, that was, in the words of the Chief of the Bureau of Investigation, Stanley Finch, based on "enticing, tricking, or coercing...women into immoral lives."⁵

Under the Mann Act, the non-marital relationship between Griffiths and Ferrell was laced with sex crimes. Griffiths' purchase of Ferrell's transportation fare and her subsequent travel from England to Texas, for instance, was construed as "foreign commerce, for immoral purposes...[and] without her consent."⁶ Additionally, the non-marital cohabitation of the couple was described as a deliberate act of "unlawful and felonious procurement...[so] that Susan Ferrell should live with him...and have sexual intercourse with him."⁷ For immigrant women like Ferrell, punishment under the Mann Act was also grave and direct. As an unmarried, female, immigrant without the protection of American citizenship through naturalization, Ferrell faced deportation as an alien prostitute under white-slave laws. If, on the other hand, Griffiths kept his original promise and married the Cornwall native, Ferrell's alienage would have been transformed into citizenship, a status that protected immigrant women against deportation. Ferrell's personal character would have also been elevated to a respectable, married woman whose unborn child would be bequeathed legitimacy and birthright citizenship. Matrimony would have also transformed Griffiths from a notorious procurer into a reputable husband.

The anti-white slavery movement and the legislation it spawned created a wide range of personal relationships from which innumerable immoralities were constructed and various sex crimes were newly demarcated. Several amendments to existing anti-white slave traffic laws emboldened lawmakers to initiate an assault on non-marital, consensual, heterosexual, intimate activity by both expanding the meaning of criminal immorality and creating new identifications of prurience in which marriage for immigrant women wanting to remain in the United States would serve as a singular corrective to deportation. Although men such as Joseph Griffiths faced federal prison sentences for less-than-per-

fect but consensual liaisons, unmarried, immigrant women like Susan Ferrell would suffer a similar if not a more considerable hardship under white-slave traffic laws. Despite the silence of immigration records in this matter, Ferrell in all likelihood was deported under the Mann Act as an alien prostitute. However, if she had contested her deportation, the Cornwall native could have been prosecuted as a person "likely to become a public charge" (LPC), an excludable offense. Without any clear means of self-support and pregnant from a soon-to-be felon, Ferrell's deportation as a LPC would have achieved a more rapid outcome than a drawn-out Mann Act trial.⁸ For women caught up in the morals whirlwind of anti-white slavery advocacy, deportation was a reflexive exploit wielded by the federal government that not only controlled women's bodies, it also gave wide force to the meaning of middle-class respectability by delimiting the boundaries of sexual suitability for would-be female citizens. For immigrant women, no alternative punishment to deportation existed, even as Progressive-era moral reformers admitted that the ruin of immigrant girls was, in large part, due to the lack of protection by government and private agencies.⁹ Instead, anti-white slavery advo-



*"Myrtle" Gustav Hemert Schneider.
Gustav Schneider Collection, 1867-1949,
Photo courtesy of Arizona Historical
Society, Tucson.*

cates constructed and relied heavily upon a narrative of female victimization that ostensibly assigned no blame or agency to women and girls for their role in white slavery or sexually prurient activity. Upon her rescue, a trope of victimization accompanied the befallen white slave, a discourse that simultaneously softened her ruin and initiated her resurrection.

The trope of victimization, however, was not applied with equal moral force toward all women. For the same violations of the white-slave traffic laws, immigrant women had no recourse for their ruin and were deported as alien prostitutes. The origins and ironies of this treatment did not escape the criticism of American feminists, including Chicago social worker, Jane Addams. "Certainly," retorted Addams, "the immigration laws might do better than to send a girl back to her parents, diseased and disgraced, because America had failed to safe guard her virtue from machinations of well-known but unrestrained criminals."¹⁰ Though Addams' critique pointed to the harshness of deportation for immigrant women, the trope of victimization was already an entrenched discourse that not only animated white-slave laws, but also worked alongside deportation to define the boundaries of American sexual suitability and respectability and to justify a protean assault on immigrant women accused of sexual immorality.

If crossing the Atlantic Ocean into several state borders placed European-origin women like Susan Ferrell at risk, then the national effort to eradicate white-slave traffic posed similar danger for women living at the US-Mexico borderlands. A myriad of factors distinguished border crossings originating in Mexico from those originating elsewhere. The relative ease of continuous cross-border migration, the protection or peril posed by one's citizenship (American and Mexican alike), and existing migration and prostitution networks stood in contrast to the experiences of other immigrants who entered the United States from its maritime borders, Ellis Island and the port of San Francisco (later, Angel Island). With the exception of Canadian nationals who repeatedly traveled between their homeland and the United States, most new arrivals could not easily or immediately return to their native countries.

Once landed, many immigrants remained in the United States permanently, or for long periods of time, while others went back to their native lands shortly after arrival. On the other hand, until the mid-1920s, cross-border movements of both Mexican and Canadian nationals persisted, preserving a sense of social

fluidity between North American nations, despite the presence of an emergent US immigration bureaucracy designed to exclude and deport. Chinese migrants from Canada and Mexico originally felt the scrutiny of state surveillance by the US immigration regime. With the passage of the 1882 Chinese Exclusion Act and 1885 Chinese Immigration Act in the United States and Canada, respectively, Chinese laborers were barred from admission and the crossings of Chinese merchants were highly scrutinized by immigration officials at the northern and southern borders. In large part, however, they sustained meaningful transnational lives by crossing illegally or by drawing largely on the testimony of their neighbors and diplomatic officials who corroborated claims of Mexican and Canadian social belonging, citizenship, or nationality.¹¹

The commerce in sex was also fluid between borders. Twin cities such as El Paso-Ciudad Juárez, Laredo-Nuevo Laredo, and several that dotted the Arizona-Sonora and New Mexico-Chihuahua lines were border towns that enjoyed the status of being cross-national zones of tolerance or *zonas de tolerancia*. On the US side, municipal council members and public health officials—although often affronted social purity reformers—regulated prostitution, while on the Mexico side, both federal and state-level government officials regulated the commerce in sex. By 1898, Mexican federal regulations required all so-called comfort women (*mujeres de solaz*)

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Alias

Nacionalidad Mexicana

Lugar de Nacimiento Rosario Estado de Sonora

Health Inspection Card of Guadalupe Campos, 1912. Campos, here, is twenty-one years old and a citizen of Mexico. 1912 Registry of Prostitutes, Archivo Histórico de Ciudad Juárez, Chihuahua, Mexico (AHCJ).

to register with state and local police. At all times, prostitutes were to carry with them a health inspection certificate or *inspección de sanidad*. The certificate contained a photograph of the sex worker, her name, age, hometown, the address of brothels, cribs, or places of assignation where sexual commerce was conducted, and vitally, the date of her most recent cleared medical exam.¹² Weekly inspections by local doctors either reauthorized prostitutes to continue their trade or, if a medical exam was not passed, to begin a month-long treatment of arsenic to stamp out the syphilis contagion or a course of metallic compounds of arsenic, antimony, bismuth, and gold to treat the gonorrhea bacteria. Similar prophylactic measures were taken by city officials charged with regulating prostitution in US border towns. Municipal officials collected a vagrancy or loitering fee from each prostitute on either a biweekly or monthly basis after which time the sex worker submitted to a mandatory medical exam. Under regulation, much was at stake for council members, regional politicians, procurers, salon keepers, policemen, and sex workers because on both sides of the border prostitution was considerable business. At these cross-national zones of tolerance, the machinations of prostitution aligned with the fluidity of transnational travel and social mores that had defined the region for decades even as the national dictates to eradicate white slavery pressed US immigration agents into the

Inspección de Sanidad.	
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Clase.	Cuota Mensual \$
FILIACIÓN	
Nombre	Maria de la Fuente
Edad	
Nacionalidad	Mex
Lugar de Nacimiento	Aguascalientes



Health Inspection Card of Maria de la Fuente, 1912. De la Fuente, here, is twenty years old and a citizen of Mexico. 1912 Registry of Prostitutes, Archivo Histórico de Ciudad Juárez, Chihuahua, Mexico (AHCJ).



City License, Dolly Dumba, Tombstone, Arizona. Gustav Hemert Schneider. Gustav Schneider Collection, 1867-1949. Photo courtesy of Arizona Historical Society.

borderlands. That immigrant officials and the public frequently misconstrued prostitution as white slavery underscored both the difficulty of defining the nature of sex crimes and the complexity of determining one's citizenship status when attempting to prosecute violations of white-slave traffic law at the US-Mexico border.

Under such a complex set of factors as often existed at the borderlands, especially in light of the very real risk of deportation, determining one's citizenship took on particular importance as the case of *fronterizo* (borderlander) Rosa Tijerina demonstrated.¹³ Tijerina, according to her own account, was born in Brownsville, Texas, where she lived until the age of 18. At that time, she married Abrán Muñoz, a Mexican man, and made her home with him in Matamoros, Tamaulipas, Mexico, just three miles from her hometown in the United States. Together, they had five children. Tijerina stated at her immigration status hearing that the eldest and youngest had been born in Mexico, while the three middle children were born in Texas. By way of explanation, she noted that her husband had deserted from the Mexican army, at which point the couple moved to Brownsville and had three more children. After he had been reinstated, they returned to Mexico, where their fifth child was born. After 15 years, Tijerina decided to leave the marriage and return to the United States, where she worked as a prostitute.¹⁴ It was unclear whether she made any claims of support on her estranged husband, although if she had, the American and Mexican coverture laws would have made collecting assistance from her husband virtually impossible.

Tijerina quickly came to the attention of immigration officials in South Texas. Under investigation as a possible alien, Tijerina asserted that her US citizenship protected her from expulsion. Investigators, however, claimed that she had forfeited her citizenship by virtue of having married a Mexican national and lived there for 15 years. Transcripts of the hearing revealed conflicting reports regarding her citizenship as well as Tijerina's profound investment in being acknowledged as a US citizen who at most would be charged a vagrancy fee. A determination that she was Mexican—either by birth, the actual location of her birth place being in considerable question, or by having forfeited her US citizenship with her marriage—would make it a foregone conclusion that she would be deported.¹⁵ Frank Cortéz, a customs officer in Brownsville, swore under oath that Tijerina had in fact been born in Texas, as she had claimed. Brownsville country clerk Joseph Webb was also called to the witness stand. He stated that he had known her family since 1870, during which time they had lived on the ranch at San Pedro. Upon questioning, he offered, "I am more inclined to believe that she was born on [the US] side," adding that he had been given to understand this from others as well. When asked if he were willing to swear positively that "this alien" had been born in the United States, Webb demurred: "No, not positively, only to the best of my knowledge and belief."¹⁶ Three other witnesses, Cameron County jailer Manuel Villarreal, former Cameron County judge, E. C. Forto, and Brownsville merchant Manuel Berreda, all acknowledged that they knew Tijerina well, but would not swear to her having been born in the United States.¹⁷

In retrospect, Cortéz was the only person approximating a genuine advocate that the near-destitute Rosa Tijerina, who possessed \$7.50 at the time of her hearing, had. Even her own lawyer, J. T. Canales, a recently elected Texas state representative and protégé of the Cameron County political machine, declined to make a positive statement on her behalf, despite being her relative. In fact, he openly condemned her: "If she is a prostitute, and has violated the law, she should suffer the consequences, and I do not care to do anything in the case." The poignancy of Tijerina's predicament was perhaps best captured by her simple response to the query of what she did for a livelihood: "Just struggle along." Closer examination of the proceedings spoke to the lack of clarity about the legal parameters that would determine the loss of US

citizenship, but unfortunately, the transcripts do not identify the deciding criterion, just that she lost her case. If, as she claimed, Tijerina had been born in Texas, had she forfeited her US citizenship by marrying a non-citizen? Perhaps it was the length of her stay in Matamoras that had been the decisive factor; maybe it was the fact that two of her five children had been born in Mexico and that all five lived there at the time of her hearing. What is clear, though, is that Tijerina was ruled by Immigrant Inspector in Charge Fred Lawton to be "an alien prostitute, viz: a subject of Mexico, and to have entered the United States in violation of the white-slave traffic law." Lawton concluded: "It is therefore recommended to the Honorable Secretary of Commerce and Labor that the said alien be deported to Mexico."¹⁸ No record exists to reveal what happened to Tijerina after her deportation.

The social urgency of enforcing white slavery laws gave rise to the use of deportation as a primary tool wielded to control prostitution at the Arizona and Texas borders with Mexico. Whereas some immigration agents employed deportation as a secondary means of border control, Charles Connell, who operated out of the Tucson office, deported alien prostitutes whenever possible. Born in Mount Vernon, Iowa, and educated on the East Coast, Connell arrived in the Arizona Territory during its so-called pioneering days and by the time of his appointment as immigration inspector in late 1903, Connell was no stranger to the borderlands social landscape. At the age of twenty-one, he had administered the first census of the Apache Indians at the San Carlos Reservation in 1880.¹⁹ Considered a foremost authority on the people, Connell then served as a "diplomatic agent" to the Apache on behalf of the federal government.²⁰ Only a few years later, when the Spanish-American War broke out, Connell continued his government duties as a secret service agent along the US-Mexico border. From his experience, Connell reportedly carried a mental map of the entire Mexican border between El Paso and San Diego and "knew every trail, road, pass, canyon, mountain, and water hole."²¹ His experience as an Apache agent, wartime officer, and immigration official proved quite useful in his future duties as an inspector of white-slave traffic.²²

The former Iowa resident was nothing if not single-minded in his current task to detect and deport "alien" women who were practicing prostitution in El Paso and in the Arizona and New Mexico Territories.²³ From April 7, 1909, when Connell's duties

as immigration inspector were expanded to include anti-white slavery vigilance, until the end of his tenure on December 31 of that same year, Connell visited no fewer than 59 brothels throughout El Paso, Arizona, and New Mexico.²⁴ In these places, prostitution occupied a legal middle ground in which it was neither socially encouraged nor explicitly criminalized. Connell himself addressed the situation, describing the El Paso city ordinance under which prostitutes paid a monthly \$5 fee and submitted to regular medical examinations. "This ordinance, while not exactly a license does not prohibit a female from practicing prostitution, but it is understood, in a general way that they are to be fined monthly."²⁵ His assessment

was correct. Prostitution was illegal in most places in Texas, but El Paso, along with Dallas, Houston, and Waco, found a way to let it flourish while regulating it under the guise of a monthly fee.²⁶

Connell's reports on brothels typically detailed the address of the establishment (or, in the absence of a specific address, the street location). It also included the number of "cribs"—rooms where prostitutes conducted their business, or small houses adjoining the main establishment—as well as the number of "inmates" (prostitutes) and the nationalities of both prostitutes and proprietors. In one report, Connell wrote: "The 'Cottage' composed of fifteen cribs, is conducted by Prosper Berdona, an Italian, and is located on the corner of East Jackson & 7th Street. These cribs are occupied by colored women, Russian Jewesses, American, and



"Bettie," a prostitute who plied her trade in Gay Alley, Tucson's red-light district, ca. 1912. Gustav Hemert Schneider. Gustav Schneider Collection, 1867-1949. Photo courtesy of Arizona Historical Society, Tucson.

French women."²⁷ In assessing the presence of any women who might be in violation of white-slave traffic laws, Connell concluded, "An investigation of the inmates of this place does not disclose any alien women who might be subject to deportation." The Three B Saloon in Metcalf, Arizona, Connell observed: "This place is owned and controlled by Thos. Bienes and Rafael Valdéz, Mexicans. There are several cribs attached to this saloon that are occupied by Mexican women. Investigation failed to prove that any of the inmates have been out of the United States within three years."²⁸ It should be noted men, women, or both (sometimes a married couple) might operate such an establishment. During a mid-summer investigation, Connell detailed brothels in Morenci, Arizona, including one run by "Lee Stien, alias Jew Kid; no street or number."²⁹ A noted procurer and pimp, Stien's saloon and annex housed several prostitutes. His enterprise benefitted from the particular expertise of Aurelia Cantuga, a notorious Mexican procuress. In addition to a more general description of her height and age, Connell took specific pains to make note of her two gold teeth. Cantuga frequently made trips to the border towns of El Paso and Ciudad Juárez, Mexico, to transport women across the international border for Stien's operation. Connell reported that border agents in El Paso had been instructed to intercept Cantuga on her return trips from Ciudad Juárez in hopes of finding her in possession of Mexican women being brought north for prostitution. (*Appendix 1*)

Daniel Keefe, Commissioner General of Immigration in Washington, D.C., granted Connell permission to investigate white slavery throughout the Arizona and New Mexico territories and El Paso, of which Connell eagerly availed himself. In his reports to Keefe, Connell would later reference the "heartly cooperation" of F. W. Berkshire, Supervising Inspector of the Mexican Border District in El Paso.³⁰ Connell, in his diligence (or zeal, depending on one's perspective), was unwilling to limit his inquiries to the geography of the United States. Without any federal authority, Connell took it upon himself to travel to northern Sonora and Chihuahua in pursuit of information regarding women who might later work as prostitutes in New Mexico, Arizona, or El Paso. It is important to note that during these travels, Connell acted as a private citizen. He had no authority to arrest or detain anyone on any grounds. Prostitution in Mexico was both legal and formally regulated, but once a sex worker crossed into the United States,

they were alien women who were subject to deportation. Given the proximity of the two nations, the disparity of their approaches to prostitution, and the frequent border crossings, it was no surprise that the border would become a crucible in which sexual mores and the parameters of American citizenship would be fiercely contested. Connell knew this well. His vigorous pursuits in northern Mexico gave credence to the fear among anti-white slavery activists that the border was a gateway that could and should be closed to the decadence lurking just south of the United States.

Connell's anti-white slavery vigilance in Mexico took him to five major border towns in Sonora and Chihuahua, all with red-



One of two anonymous Mexican prostitutes arrested by Charles Connell in El Paso. The two women were deported the next day for "immoral purposes." Connell Papers, 1905-1934. Photo courtesy of Arizona Historical Society, Tucson.

light districts: Cananea, Agua Prieta, Naco, Nogales, and Ciudad Juárez.³¹ But unlike his monitoring of El Paso, Arizona and New Mexico brothels, Connell compiled a list of individual prostitutes by location and, if applicable, previous instances of deportation. Upon his return to the United States, Connell submitted a report to the Commissioner-General of Immigration entitled, "List of Prostitutes in Foreign Contiguous Territory."³² The list contained the names of 219 Mexican prostitutes, comprised of Japanese, Chinese, German, Spanish, and French surnames. Many of the women were listed as having two sites of business; Cananea-Nogales was an especially common pairing, with nine women working in both locations.

Cananea was easily the most popular town, with 112 prostitutes. This was hardly unexpected, given that it was a mining town on the Arizona-Sonora border. Keeping in mind that all of these women were engaged in a legal business, and might well never enter the United States—where they would be deportable—Connell's pre-emptive surveillance effectively disregarded one half of the alleged white slavery equation: the young women and girls who, like Susan Ferrell, were enticed by men into the United States.

María Hernández was just 18 when an interpreter approached her in her hometown of Chihuahua City, Mexico, at the behest of Henry Chuta Kitamura, a Japanese national who had been in the United States for ten years and currently lived in Gallup, New Mexico. Through an interpreter, Kitamura asked Hernández to come back to the United States to live with him in what amounted to concubinage. In exchange, Hernández later testified, Kitamura would "buy [her] good clothes, and treat [her] right."³³ If she stayed with him for three months, he would take her back to Zacatecas, Mexico, to see her mother. Kitamura paid for her travel expenses, first to Ciudad Juárez and then to El Paso, including hotel fares. He also paid her for sex, an act that effectively rendered her a prostitute in the eyes of US immigration officials. Promises such as Kitamura's could turn easily into peril. Women from Mexico faced considerable vulnerability because, taken together, their status as non-citizens and their possible employ as prostitutes made them deportable subjects. In Hernández's case, US officials investigated her for practicing prostitution and for entering the country without official inspection. Shortly after testifying, she was deported. Kitamura, it should be noted, did not escape punishment either. The US assistant attorney general for the state of Texas indicted him for bringing Hernández into the United States for immoral purposes, and it was recommended that should he be convicted, he would serve out that sentence in an American prison first—and then be deported to Japan.³⁴

The convergence of immigration and social morals control created an intricate and contested political landscape that highlighted the manner in which white-slave laws would be understood and enforced in the United States and at its southern border. The Mann Act's broad language cast a wide net on intimate relationships, one that treated a vengeful lover, a prostitute, and a mistress as a "white slave." A myriad factors in play posed con-

siderable risk for immigrant women, whether they had actually practiced prostitution in Mexico, come to the United States from abroad and then begun work as a prostitute, or crossed the border as the concubine of a US citizen or foreigner. For each, the punishment lay in not being sentenced to an American prison, but in being deported back to their homeland. For men, the charges might be different. American male citizens and non-citizens who brought an "alien" woman into the country for immoral purpose—be that purpose prostitution or concubinage—faced federal criminal charges under the United States legal system and a prison sentence. In addition, immigrant men charged under white-slave traffic laws, would face certain deportation after imprisonment. At the turn of the twentieth century, these common punishments and common crimes represented an early relationship between anti-white slave traffic laws, border control, and sexual policing at a time when political tensions were already heightened at the US-Mexico border.

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ENDNOTES

- 1 *United States v. Joseph Griffiths*, in Mittimus, February 9, 1916, "Cross Examination of Susan Ferrell by S. K. Williams on February 8, 1916," Jared Taylor Papers, MS 0178, folder 157, Arizona Historical Society (From here on AHS).
- 2 For works that address the entry of women at Ellis Island, see John Bodnar, *The Transplanted: The History of Immigrants in Urban America* (Bloomington: Indiana University Press, 1987); Linda Schelbitzki Pickle, *Contented among Strangers: Rural German-Speaking Women and Their Families in the Nineteenth-Century Midwest* (Urbana: Indiana University Press, 1996); Donna R. Gabaccia, *Italian Workers of the World: Labor Migration and the Formation of Multiethnic States* (Urbana: University of Illinois Press, 2001); Anna Pegler-Gordon, *In Sight of America: Photography and the Development of US Immigration Policy* (Berkeley: University of California, 2009); and Jennifer Guglielmo, *Living the Revolution: Italian Women's Resistance and Radicalism in New York, 1880-1945* (Chapel Hill: University of North Carolina Press, 2010).
- 3 White Slave Traffic, Illegal Importation, or Interstate Transportation of Alien Women or Girls for Prostitution, 61st Cong., 2nd Sess., S. Rep. No. 886 (1910). For more information on white-slave statutes, Supreme Court deci-

sions, and the relationship between the United States and other countries on the trade of women, see Memorandum in Re White-Slave Trade, 17 December 1910, Marcus Braun's Report: White Slave Investigations—US, House of Representatives—White Slavery, 1910, Subject and Policy Files, 1893–1957, Records of the Immigration and Naturalization Service, 1787–2004, RG 85, NARA.

- 4 There are several well-known cases that parallel the charges of *US v. Griffiths*. The most notable case of white-slavery prosecution is that of boxer, Jack Johnson in *US v. John Arthur Jackson* (1913). See Geoffrey C. Ward, *Unforgivable Blackness: The Rise and fall of Jack Johnson* (New York: Alfred A. Knopf, 2004).
- 5 Stanley W. Finch, Chief of the Bureau of Investigation of the Department of Justice, *The White-Slave Traffic: An Address Delivered Before the World's Purity Congress, Senate, 62nd Congress, 3rd Sess., S. Rep. No. 982, (1912).*
- 6 *United States v. Joseph Griffiths*, *Mittimus*, February 9, 1916.
- 7 *Ibid.*
- 8 As an alternative to sometimes-lengthy Mann Act trials, immigration officials at times deported women with no visible means of financial support as a person "likely to become a public charge" (LPC). For a deft discussion see, Dierdre M. Moloney, "Women, Sexual Morality, and Economic Dependency in Early U.S. Deportation Policy," *Journal of Women's History*, Volume 18, Number 2, (Summer 2006): 95-122.
- 9 The Commission of Chicago, *The Social Evil in Chicago* (Chicago, 1911), 3.
- 10 Jane Addams, *A New Conscience and an Ancient Evil*, (New York, 1912), 34-35.
- 11 For a fuller discussion see, Grace Peña Delgado, *Making the Chinese Mexican: Global Migration, Localism, and Exclusion at the US-Mexico Borderlands* (Stanford: Stanford University Press, 2012); and Kornel Chang, *Pacific Connections: The Making of the US-Canadian Borderlands* (Berkeley: University of California Press, 2012).
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- 13 Berkshire to Keefe, 1 March 1908, p. 1, folder 51777/56, White Slave Trade, Texas (hereafter, WSTT). Subject and Policy Files, 1893–1957, Records of the Immigration and Naturalization Service, 1787–2004, RG 85, NARA. See also "Testimony of Rosa Tijerina," 25 February 1908, pp. 1, 5; 27 February 1908, p. 1; and 29 February 1908, p. 1, all in folder 51777/56, WSTT.
- 14 Lawrence O. Murray to Frank Sargent, 6 March 1908, folder Continue 8-A, 52484/8-A, pp. 1–2, WSTT.
- 15 Telegram from F. W. Berkshire, Supervising Inspector Immigration, San Antonio, Texas, to Lawton, February 29, 1909, SPF 51777.
- 16 Berkshire to Keefe, 1 March 1908, p. 1, folder 51777/56, WSTT.
- 17 "Supplemental Hearing in the Matter of Rosa Tijerina, February 27, 1909, p. 3, SPF 51777.
- 18 Supplemental Hearing in the Matter of Rosa Tijerina, February 27, 1909, p. 6, SPF 51777.

- 19 *Los Angeles Times*, January 27, 1931. Also see the *Los Angeles Examiner*, December 26, 1928 and *The Gazette and Republican*, March 15, 1931.
- 20 *Arizona Republican*, April 12, 1934. See the Connell Papers, 1905-1934, MS 0166, AHS, box 2, folder 11, paper entitled, "Excerpt from McClintock's History of Arizona."
- 21 *Los Angeles Examiner*, December 26, 1928.
- 22 *Los Angeles Times*, January 27, 1931.
- 23 Letter from Supervising Inspector, Immigration Service, San Antonio to Commissioner General, April 24, 1909, folder 52484/23, National Archives and Records Administration: Washington, D.C., Record Group of the Immigration and Naturalization Service, 85; Subject and Policy Files, 1893-1957, 52484/023 to 52488/008, box 597. (From here on RG 85).
- 24 Compiled from the following documents: Letter from Charles T. Connell to Honorable Commissioner-General of Immigration F. W. Berkshire, Washington, D.C., November 2, 1909, 52484/23; October 21, 1909, 52385/99; June 15, 1909, 52484/15-A; June 3, 1909, 52484/15-A; April 20, 1909, 52484/23, RG 85.
- 25 Letter from Charles T. Connell to Honorable Commissioner-General of Immigration, folder 52484/1A, "White Slave Traffic in New Mexico and Arizona," June 15, 1909, p. 2, Also see, Letter from Charles T. Connell to Honorable Commissioner-General of Immigration, April 14, 1909, no. 14-A, RG 85.
- 26 Ann Gabbert, "Prostitution and Moral Reform in the Borderlands: El Paso, 1890-1920," *Journal of the History of Sexuality* 12.4 (2003), 580.
- 27 Letter from Charles T. Connell to Honorable Commissioner-General of Immigration, folder 52484/1A, October 13, 1909, p. 13. RG 85.
- 28 Letter from Charles T. Connell to Honorable Commissioner-General of Immigration, Washington, D.C., June 3, 1909, p. 2; folder 52484/1A, RG 85.
- 29 *Ibid.*
- 30 Letter from Charles T. Connell to Honorable Commissioner-General of Immigration, Washington, D.C., December 26, 1909, p. 5, folder 52484/8C, RG 85.
- 31 Letter from Charles T. Connell to Commissioner-General of Immigration, May 14, 1909, no. 18-A, folder 52484/23, RG 85.
- 32 "District of Arizona and New Mexico: List of Prostitutes in Foreign Contiguous Territory," May 14, 1909, folder 52484/23, RG 85.
- 33 "In the Matter of María Hernandez," November 10, 1908, p. 2, SPF 51777.
- 34 Letter from Acting Supervising Inspector, Luther C. Steward to Honorable Commissioner-General of Immigration, November 13, 1908, in RG 85, Subject and Policy Files, 1893-1957, 52241/001 to 52241/021A, box 447, MLR A1-9. From here on, SPF 52241.



Department of Commerce and Labor
IMMIGRATION SERVICE

OFFICE OF INSPECTOR IN CHARGE
DOUGLAS, ARIZ.

No. 15-A.
"OFFICIAL-CONFIDENTIAL".

November 2, 1909.

Hon. Commissioner-General of Immigration,
Washington, D. C.



Sir:-

In compliance with paragraph 2 of "GENERAL INFORMATION AND SUGGESTIONS IN REGARD TO THE WHITE SLAVE TRAFFIC", I beg to transmit herewith a list of houses of prostitution, together with the street numbers thereof, when possible, in the following cities, to wit:

HOUSES OF PROSTITUTION IN EL PASO, TEXAS.

The restricted district in El Paso, Texas, wherein a license is required of every resident prostitute, covers the following street and side streets, to wit: Broadway, commonly called and previously named Utah Street, from 1st to 3rd Street, inclusive, being blocks No. 200, 300 and 400. On each side of the blocks in question are located parlor houses and cribs. Between 1st and 3rd Streets, inclusive, the limits extend west to the alley running between Broadway, or Utah, Street and Oregon Street, and on the west between 1st and 3rd Street to the alley between Broadway, or Utah, Street and Stanton St. The street numbers on the cribs and houses of prostitution are not in general use, rows of cribs in each block having a separate name and numbered from 1 to 15, inclusive. However, the following list of foreign prostitutes occupy rooms with street numbers in the restricted district, as follows:

Basie Frank, 215-1/2 Broadway, or Utah, Street.	•	•	•	(Jewess).
Mary J. Bronson, 215	•	•	•	(French).
Suzanne Bony, 211	•	•	•	(Jewess).
Adella Pizzanisa, 207	•	•	•	(French).
Mary Jacobs, 303-1/2	•	•	•	(Jewess).
Carrie Bouffie, 305	•	•	•	(French).
Basie Freund, 307	•	•	•	(Jewess).
Basie Marie, 311a	•	•	•	(French).
Suzanne Leroy, 311b	•	•	•	•
Basie Oaten, 313	•	•	•	•
Lucerne Scholtz, 316	•	•	•	•
Lupie Gonzales, 318	•	•	•	(Mexican).

Appendix 1, p.1—White Slave Trade, Texas, Charles Connell to Commissioner-General of Immigration, Daniel O'Keefe, November 2, 1909, Subject and Policy Files, 1893-1957, Records of the Immigration and Naturalization Service, 1787-2004, RG 85, NARA, p. 1.

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November 2, 1909.

Annie Beth, 218 Broadway, or Utah, St. (Crib #4).	(English).
Juanita Charifo, " " (Crib #1, 400 BLK.)	(Mexican).
Mariasa Ortega, " " (Crib #10, 400 BLK.)	"
Marie Lopez, 418 " " " " " "	"
Mollie Stiri, 420 " " (Crib #318)	"
Delores Meltran, 422 " " (Crib #318)	"
Annie Blug, S.W. cor. 3rd & Broadway, (Crib #8)	(Jewess).
Sophia Aleman, alias Sophia Sapho, 403 Broadway, or Utah, Street.	(French).

The following parlor houses are located in the restricted district:

Mary Palmer, 309 Broadway, or Utah, St., with seven inmates.	
Glee Star, N.E. cor 2nd & Broadway, or Utah, St.	Six inmates.
Bearl Beebe, cor. 2nd & " " " "	Six inmates.
Missie Howard, 214 " " " "	Seven inmates.

In the restricted district there are ninety-two prostitutes paying city license, of which number approximately sixty-five are occupants of cribs. Following is a list of houses of assignment and resorts for pimps and procurers:

Hotel Stanton, E. Thomassin proprietor, 403 So. Stanton St.
 Hotel Florida, (Clairs), Mrs. S. Sweet proprietress, 345-1/2 West Ave.
 Hotel Berkeley, Mrs. A. M. Hilpeat proprietress, 206 Tama St.
 Hotel West, Mrs. L. O. Chapman proprietress, St. Louis St. #212-1/2
 The Barnes, Mrs. S. G. Chippy proprietress, 300-302 E. Overland Street.
 The Wellington, Mrs. Maggie Lee proprietress, 205 N. Stanton St.
 The Arlington, Mrs. M. Gibbs proprietress, 300-1/2 San Antonio St.
 (This house is a notorious resort for pimps and procurers and is well known to the police and local authorities as such.)
 The National, L. Morrison proprietor, 210-1/2 So. El Paso St.
 The Metropole, Mrs. Laura Porter proprietress, 210-1/2 S. Oregon Street.
 (This white washed hotel is a resort for procurers, pimps and prostitutes, and is so designated by the local authorities of El Paso, Texas.)
 Mrs. Leon Casey, (lodging), 613 San Antonio Street.
 (It is reported by local police authorities at El Paso, Texas, that this lodging house is a resort for prostitutes met on the El Paso business. There are also to be found at this place pimps and friends of prostitutes who are, as termed, laying off.)
 Mr. Wm. Walli proprietor, cor. Oregon & West 3rd Street.
 (This place is a notorious resort for pimps and procurers, rooms being rented on the upper floor, and is considered in El Paso as one of the most dangerous and disreputable of dives in the city.)
 The City of Mexico, J. G. Gribbin proprietor, 214-1/2 W. 3rd St.
 (This saloon is at the west end of a row of cribs, occupied principally by Mexican prostitutes, and is a notorious resort for Mexican pimps and procurers.)

Appendix 1, p. 2—White Slave Trade, Texas, Charles Connell to Commissioner-General of Immigration, Daniel O'Keefe, November 2, 1909, Subject and Policy Files, 1893-1957, Records of the Immigration and Naturalization Service, 1787-2004, RG 85, NARA, p. 2.

No. 15-A.

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November 2, 1909.

HOUSES OF PROSTITUTION IN PRESCOTT, ARIZONA.

The restricted district in Prescott, Arizona, extends ~~from~~ on Granite Ave. one block east and west from Goodwin Street. The following places are resorts for pimps and prostitutes, being saloons with cribs attached and under the control of the proprietor:

- Scopel Hotel, Fernando Scopel proprietor, cor. Goodwin & Montezuma Sts. A resort for pimps and prostitutes.
- Chas. Wallace, proprietor of Saloon and dance hall, cor. Granite & Goodwin St.
- Lydia Winchell, proprietress of saloon and dance hall with cribs attached, cor. Granite & Goodwin St.
- Union Saloon, cor. Granite & Goodwin St. Dance hall and saloon with cribs attached.
- Sam Valentine, proprietor of saloon and dance hall with cribs attached, located on Green St., no number.

The investigation of the cribs, saloons and dance halls, among thirty-five prostitutes who pay a monthly license in the shape of a \$3.00 fine for vagrancy, did not disclose any aliens subject to deportation, nor was any evidence found of proprietors importing alien women for immoral purposes.

Respectfully,

Allen P. Connell
Inspector in Charge.

Copies to Commissioners at Montreal, Boston, New York, Philadelphia, Baltimore, San Francisco; Supervising Inspector El Paso, Texas; and Inspectors in Charge at Seattle, New Orleans and Galveston; per paragraph No. 7 of Detail No. 21777/197-C.

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Appendix 1, p. 3—White Slave Trade, Texas, Charles Connell to Commissioner-General of Immigration, Daniel O'Keefe, November 2, 1909, Subject and Policy Files, 1893-1957, Records of the Immigration and Naturalization Service, 1787-2004, RG 85, NARA, p. 3.




GROUP OF DETECTIVES.

Left to right, standing: C. C. Cunningham, Juan Franco, A. J. Stevens, Mrs. Ida Newton, Virginia Mendez, Mrs. Kate Farnam, H. W. Giffin, Joe Block, Stanley Good, Jr., A. C. Varela.

Left to right, sitting: Ed Niebus, J. J. Coleman, M. K. Doyle, Capt. C. T. Smith, Sgt. Chas. Matthews, G. W. Frazer, W. Ed. Smith.

Figure 1—A group of El Paso detectives, including Stanley Good, are seen in this early 20th century photo. Stanley Good is in the back row, second from the right, sporting a bow tie. (Courtesy of the Border Heritage Center at the El Paso Public Library)



El Paso's 1915 Marihuana Ordinance: Myth and Reality

By Bob Chessey

Acknowledgment: Portions of this article appeared as "Stanley Good and El Paso's 1915 Marihuana Law," in *Newspaper Tree* (January 9, 2014). Thanks also to Mark Cioc-Ortega for his assistance in editing this article for publication.



any El Pasoans have read and believed the claim that their border city was the first place in the United States to pass legislation to prohibit the sale, distribution, and consumption of marihuana. Actually, El Paso did not pass the nation's first anti-marihuana ordinance. California

and Utah were first. It is also typical for locals to believe that El Paso Mayor Tom Lea (1915-1917) was the driving force behind the passage of the city ordinance. Actually, it was Stanley Good, the Chief Deputy of the El Paso Sheriff's Department. Stanley Good cut a figure contrary to the stereotypical Texas lawman. He was short and bespectacled and was always photographed wearing a suit. But he nonetheless proved quite adept at influencing political action regarding an issue he believed important to the border city of El Paso: a city ordinance prohibiting the sale and use of marihuana.

The opening salvo of Good's campaign came on May 13, 1915, when the *El Paso Morning Times* published an article titled "Not Unlawful to Sell Marijuana." It was in this article that he introduced his intention to have the El Paso city government pass a law prohibiting the sale of marihuana (also commonly known as Indian hemp). As the *Morning Times* reported, "Chief Deputy Good stresses that though there are laws against 'the sale of morphine, cocaine and kindred drugs', there is no law against the sale of

marihuana, 'considered the most deadly in its effect of any known drug'.¹ Aside from marihuana's alleged lethality, Good claimed that it incited people to violence: "The most atrocious crimes which have come under the notice of the local police and sheriff's departments have been attributed to mari juana [sic] fiends. One under its influence is devoid of fear and as reckless of consequences or results. There are instances where the drug crazed victim has been placed in jail, but in many cases officers have been compelled to slay the fiend in order to save their own lives."² On the following day, Good told the *El Paso Herald* that marihuana users were committing "atrocious crimes" in the city. "A large percentage of the crimes committed are by men saturated with the drug," he alleged. "Most Mexicans in this section are addicted to the habit, and it is a growing habit among Americans."³

Good's claims proved persuasive. Two days later the *El Paso Morning Times* announced that City Attorney Joseph M. Nealon was drafting an ordinance to be submitted to the City Council proposing a law to place marihuana in the same categories as "cocaine, morphine and kindred drugs" and to remove sellers from the streets and force buyers into drug stores. Individuals would not be allowed to use it without a prescription. The financial penalty would range from \$25-\$200 (\$559.05-\$4472.42 in 2012 dollars).⁴ It was hoped the proposed ordinance would be ready the following Thursday.

Chief Deputy Good claimed that "15 per cent of the inmates of the county jail are addicted to the use of marihuana," and made it clear that local law enforcement believed marihuana was an addictive substance. Good also said that marihuana users outside of jail were "increasing in alarming proportions."⁵ Following Good's lead, El Paso's City Council unanimously passed an ordinance on June 3, 1915 that stated: "It shall be unlawful for any person, firm, corporation or association of persons to sell, barter, exchange, give away or have in his or their possession within the city limits of the City of El Paso, Texas any marihuana or Indian Hemp."⁶

That evening the *El Paso Herald* labeled the ordinance's passage as an "Emergency Ordinance," though the El Paso City Clerk had identified it simply as an "Emergency Clause." Regardless of the semantics, what was meant, as City Clerk J. F. Dawson's summation of the City Council discussions made clear, was a fundamental transformation in the city's stance on marihuana: "The dangerous and powerful properties of Marihuana or Indian Hemp

and the increasing sale of the same in the City of El Paso with the resulting injury to public health and public morals, creates a great public emergency, justifying the suspension of the Charter Rule requiring that all ordinances before final adoption shall be read at two regular meetings of the city council, and said rule is by unanimous vote of the Aldermen present and with the consent of the Mayor, suspended and this ordinance shall take effect from and after its passage, approval and publication. Passed and approved this the 3rd day of June, A. D. 1915. Tom Lea, Mayor."⁷



Figure 2—
Detective
Stanley Good

Although it was originally reported that marihuana would remain available in drug stores and through doctors, the wording of the ordinance was far more restrictive: it stated that the sale of the herb, for smoking purposes or other uses, would be entirely illegal after June 14, 1915.⁸ The June 7th issue of the *El Paso Herald* noted that local druggists and doctors believed marihuana had "legitimate uses" and was "put up by the foremost drug manufacturers in the country and is frequently prescribed, as it is a sedative of value" and also mentioned that "nearly all of the drug stores in the city have quantities on hand for use in prescriptions though they say they never sell it to smokers." But after June 14 it was a felony for drug stores to possess marihuana and for doctors to dispense it.⁹

The day after passage of the ordinance, Chief Deputy Good gave the following statement to the *El Paso Herald*: "We officers have had the best opportunity to study the effects of the drug upon the human system, and we know that its use must be curbed, in the interest of society. Much of the crime in this city is committed by men under the influence of marihuana. The drug is especially dangerous in view of the fact that it makes the coward brave. The administration is therefor to be congratulated on taking the first step towards the elimination of the evil in El Paso."¹⁰

It is interesting to note the contrary beliefs by El Paso professionals. Local physicians saw marihuana as being "a sedative of value" and having a barbiturate effect, while law enforcement perceived it as a stimulant that "makes a coward brave."

The Origins of El Paso's Marihuana Ordinance

As mentioned earlier, El Paso was not the first place in the U.S. to introduce anti-marijuana legislation. California passed the country's first legislation on August 10, 1913, as part of the Poison Act. The Act addressed marihuana in a convoluted way. Instead of adding cannabis to Section 8 of the Act, which restricted the sale of opium, cocaine and other narcotics, it was added as an amendment to Section 8(a), which banned the possession of opium paraphernalia. Specifically, it outlawed the possession of "extracts, tinctures, or other narcotic preparations of hemp, or loco-weed, their preparations or compounds."¹¹ Utah followed suit on March 10, 1915, with the passage of House Bill 79 by a unanimous vote (though with 14 abstentions). Under the rubric "Sale and Use of Poisons and Narcotic Drugs," it prohibited the distribution of marihuana except by prescription.¹²

Nonetheless, the notion that El Paso passed the first anti-hemp law has persisted for decades. Below are some examples of this claim:

"Way back in 1913 El Paso Texas became the first place in America to pass a local ordinance prohibiting marijuana. Overcome by anti-Mexican prejudice that attributed all sorts of heinous violent crimes to Mexicans under the influence of the drug El Paso's local government resorted to prohibition."¹³

"In 1914, El Paso, Texas, enacted probably the first local ordinance banning the sale or possession of marijuana."¹⁴

"In 1914, after a melee allegedly involving a marijuana smoker, the El Paso city government passed what is believed to have been the first law banning a drug that had been legally and widely used for at least five thousand years."¹⁵

El Paso NORML

A Proposed Chapter in the National Organization for the Reform of Marijuana Laws

ENDING PROHIBITION WHERE IT STARTED¹⁶

As these four examples demonstrate, it is a popular belief that El Paso passed the first law criminalizing marihuana. The claim is repeated in magazines, books, brochures, and on the web. And yet it is demonstrably wrong. The most obvious error is the repeti-

tive stating of the wrong year for El Paso's passage of its ordinance outlawing marihuana. The actual date was May 1915, not 1913 or 1914. By then, California and Utah had both passed state legislation prohibiting marihuana.

The source most often cited as regards El Paso's marihuana ordinance (and thus the progenitor of most misconceptions) is *The Marijuana Conviction: A History of Marijuana Prohibition in the United States* by Richard J. Bonnie and Charles H. Whitebread. It claimed: "A drug (marihuana) with such obnoxious properties soon attracted the attention of the law enforcement officials of El Paso, characterized as a 'hot bed of marihuana fiends' where use of the drug was reportedly common not only among Mexicans but among 'Negroes, prostitutes, pimps and a criminal class of whites.' In response, El Paso passed an ordinance banning sale and possession of the drug in 1914."¹⁷ Though the authors clearly printed the wrong date (the ordinance passed in 1915, not 1914), they make no mention of El Paso, Texas being the first to enact a law against marihuana.

Bonnie and Whitebread, in turn, relied on a 1917 U.S. Department of Agriculture study with an overly long but revealing title, "Report of Investigation in the State of Texas, particularly along the Mexican Border, of the traffic in, and consumption of the drug generally known as 'Indian Hemp', or *Cannabis indica*, known in Mexico and States bordering on the Rio Grande River as 'Marihuana'; sometimes also referred to as 'Rosa Maria', or 'Juanita', By R. F. Smith" (hereafter referred to as the 1917 USDA Report). The above-quoted paragraph from *The Marijuana Conviction* was itself actually borrowed from two different pages of the 1917 USDA Report. The cited source of El Paso as a "hot bed of marihuana fiends," as well as the erroneous date of the marihuana ordinance, are from page 9 of the report and are given as a major reason for El Paso passing its ordinance: "El Paso in the past has been a hot-bed of 'Marihuana fiends.' Ciudad Juárez, across the river from El Paso has always been an important military point for the Mexican armies and as the weed is commonly used among the old Mexican soldiers it is probable that El Paso became infected from that source. On June 24, 1914, the city of El Paso passed an ordinance prohibiting the sale, barter, exchange, giving away or having in possession any Marihuana or Indian hemp within the corporate limits of the city."¹⁸

The rest of the borrowed language can be found on page 13 of the 1917 USDA Report, which handled the "legal" sale of marihuana in drug stores: "It is considered that the most important information obtained during the investigation was secured from drug stores. It developed that foreign Cannabis in package form was being sold over the counter in original ounce packages by drug stores in many parts of the United States. Also, both the foreign and domestic article are being sold to some extent in bulk form. This practice is by no means recent and probably has been going on for a number of years.... The sale of the drug is not confined to Mexicans. American soldiers, negroes, prostitutes, pimps, and a criminal class of whites in general are numbered among the users of this weed.... In El Paso the city ordinance has put a stop to the sale of this product, but the demand there still continues."¹⁹

The above-quoted statements appear in different parts of the 1917 USDA Report and it is clear that the passages referring to "negroes, prostitutes, pimps, and a criminal class of whites" had little or nothing to do with the passage referring to El Paso. In fact, the paragraph that mentions El Paso explicitly illustrates that, even where a local ordinance had been passed, a problem continued to exist. It is, therefore, not understandable why Bonnie and Whitebread would juxtapose two unrelated quotations, from different pages and sections of the 1917 USDA Report, to imply "use of the drug was reportedly common" in El Paso by "negroes, prostitutes, pimps and a criminal class of whites." Bonnie and Whitebread should have known that the "negroes, prostitutes, pimps, and a criminal class of whites" was a reference to those who purchased marihuana from *drug stores* in many Texas cities in or around 1916 (the report was submitted April 13, 1917). The quoted section was not intended to document the populations smoking marihuana in El Paso prior to the passage of the city ordinance prohibiting marihuana use, even though it seems that way when one reads *The Marijuana Conviction*. (Interestingly, Bonnie and Whitebread did not include the phrase "American soldiers" when they borrowed from the 1917 USDA Report. The report was referencing the exposure and use of marihuana by American soldiers who participated in Pershing's Punitive Expedition, which commenced after Pancho Villa's March 9, 1916 raid on Columbus, New Mexico, approximately nine months after passage of El Paso's marihuana ordinance.)

None of those sub-groups was identified or discussed as problematic by Chief Deputy Good, the driving force behind the ordi-

nance, or in the newspapers before, during or immediately after the passing of the ordinance. However, of the 21 drug stores questioned in the 1917 USDA Report, two drug stores in El Paso did state that their businesses sold to "Negroes" prior to El Paso passing the marihuana ordinance (though not to prostitutes, pimps, and criminals!). The manager of Ruiz Brothers (mistakenly written Ruis) stated: "Before the City of El Paso passed an ordinance prohibiting the sale of Marihuana we used to sell about 5 or 6 packages a day of the one ounce packages put out by the Parke Davis Co. Our sales were to Mexicans and negroes."²⁰ And V. R. Ramirez of V. R. Ramirez Drug Store stated: "Before the city of El Paso passed the ordinance prohibiting the sale of Marihuana we used to sell 4 or 5 packages a day of Parke Davis & Co.'s Indian Hemp. Our sales were to Mexicans and negroes, mostly to the former."²¹ These two statements, however, do not justify Bonnie and Whitebread's use of the "negroes, prostitutes, pimps, and a criminal class of whites" quote in the El Paso context.

Returning now to the issue of the date of El Paso's marihuana ordinance, Stanley Good's clear-cut statements on this matter are telling. El Paso newspaper reports of 1915 make that clear: "Claiming that there is no law prohibiting the sale of mari juana [sic] (Indian hemp) Chief Deputy Sheriff Stanley Good, Sr., is making efforts to have the free traffic in that drug stopped."²² Moreover, there was nothing in the El Paso City Clerk's notes of the City Council meeting to indicate that the June 14, 1915 ordinance enhanced or superseded any previous law.

What is true, however, is that a push in the direction of an anti-marijuana statute began in 1913, and it came not from Stanley Good but from a local grand jury investigation. The October 4, 1913 edition of the *El Paso Herald* had an article under the headline "Grand Jury Recommends that Steps be Taken to Stop Sale of Marijuana" that declared in part: "THAT the authorities should take immediate steps to stop the local traffic in marihuana, properly India hemp, reputed to be the most deadly drug in existence, is one of the recommendations made by the county grand jury which adjourned Friday. In its report, the grand jury says that a traffic has grown up in this drug, and it should be stopped by the authorities. To the victims of the drug many crimes are credited."²³

The grand jury further stated: "From numerous complaints, we ascertained that there has grown up in this section a traffic in a deadly drug called marihuana, and undoubtedly many crimes are

attributable to its use. We strongly recommend to the proper authorities that the necessary steps be immediately taken to prevent the promiscuous sale of same."²⁴

The grand jury's clarion call for regulation was itself not a bolt from the blue. It originated in an incident (actually, the *misreporting* of an incident) that occurred on New Year's Day in 1913. This misreporting has continued to be taken at face value by some modern scholars, including Dale Gieringer, who wrote in 1999: "The first true marijuana scare in the country occurred in El Paso, Texas, on New Year's day 1913, when a Mexican bandido, allegedly crazed by habitual marijuana use, shot up the town and killed a policeman, prompting the city to ban marijuana two years later."²⁵

The New Year's incident itself was more prosaic. A front page article in the *El Paso Herald* on January 2, 1913, described the incident in a way that illustrated not only what was believed about marihuana in the U.S., but also that the same myths were shared with Mexico. As the article made clear, the incident happened in Juárez, Chihuahua, Mexico and not in El Paso, Texas (it did involve a woman from El Paso, which may be why it evolved into the myth that the incident occurred in El Paso). The article begins with the following: "Marihuana, that native Mexican herb which causes the smoker to crave murder, is held accountable for two deaths and a bloody affray on the streets of Juárez Wednesday afternoon. Crazed by continual use of the drug, an unidentified Mexican, killed a policeman, wounded another, stabbed two horses and pursued an El Paso woman and her escort, brandishing a huge knife in the air. The man finally was shot and pounded into insensibility." The article then concluded with the statement: "Marihuana' has a more dreadful effect than opium, creating in its victim hallucinations which frequently result in violent crimes."²⁶

The most revealing statements in the article can be found in the first paragraph, which stated definitively that the "unidentified Mexican" was "crazed by continual use of the drug," but then went on to admit that the assailant "has not been identified, but persons who had seen him said that the man unmistakably had been smoking the native opium, 'marihuana.'" There was, in other words, no definitive proof, only hearsay: the assailant was unknown, nobody had actually seen him smoke marihuana, and nobody was in a position to state with authority that marihuana intoxication was the cause of his actions. A much more likely explanation—mental illness—was never introduced. The article's line of

reasoning led to a vicious and misleading circle: a heinous act must be caused by someone smoking marihuana, therefore marihuana led to this violent and murderous action. In another place and time his actions might have been attributed to witchcraft instead of marihuana use, based on the "evidence" that was presented.

The Mexican Connection

Interestingly, the theory that marihuana use leads to violence, insanity, and murder originated in Mexico, not in the U.S. "Mexico's influence on the United States," Issac Campos, a Professor of Latin American History at the University of Cincinnati, recently noted, "has been underemphasized. The roots of the War on Drugs go deep in Mexico. In fact, in some ways, they are deeper there than in the United States."²⁷ He added: "By the end of the 19th century, cannabis, by then called marijuana, was overwhelmingly associated with two effects in Mexico—madness and violence. There was almost no counter-discourse to this stereotype. Although these ideas were clearly nurtured by the yellow press of the period, they also seem to have been anchored by the beliefs of ordinary (mostly illiterate) Mexicans."²⁸ Furthermore: "Grassroots fears of marijuana in Mexico a century ago began to be transmitted to ordinary folk in the United States during the 1890s through burgeoning circuits of transnational information interchange. Newspaper stories appearing in Mexico City dailies found their way into wire service and soon spiced up the morning reading across North America, where many readers were learning about 'marijuana' for the first time. The discourse was eventually transformed by the U.S. context, coming to be known as "reefer madness."²⁹

Campos elaborated upon this theory in *Home Grown: Marijuana and the Origins of Mexico's War on Drugs*, a book that focuses on the myths, class and ethnic biases, shoddy research (including having people diagnosed with mental illness smoke marihuana to "document" its effects), sensational newspaper reporting, and criminal cases (some of which go back to the Colonial era), where beliefs about marihuana inciting madness and violence were common and even used as a legal defense strategy.

Campos' research contradicts the claim that El Paso's anti-marihuana ordinance was purely an act of institutional racism by the local government as it is often portrayed. His research clearly documents not only did the average Mexican also fear that marihuana begat violence and insanity, but that they had internalized

the belief long before the United States initiated its "Reefer Madness" propaganda.

For instance, Dr. Fernando Lopez of San Antonio, Texas was a member of the Association of Military Surgeons of the United States and a member of the State Board of Medical Examiners for the State of Texas. From 1879 to 1905 he had been a doctor in the military hospital in Mexico City and for 10 years he served as director of the General Hospital in Mexico City. During his years in Mexico, he became convinced of marijuana's ill-effects on human mental health. "Smoking of 'Marijuana' causes dreams," he claimed: "If the dreams happen to be pleasant the smoker will be in a pleasant frame of mind; he will say all sorts of foolish pleasant things. But if the dreams happen to be the opposite he will become very dangerous and will have an inclination to fight most any one with whom he may come in contact. It is then time to have him put in the 'Calaboose.' Furthermore, "smoking 'Marijuana' causes hallucinations of both eye and ear, and the person under the influence of the drug becomes actually crazy and irresponsible for the time being. The next day after smoking the victim appears to be all right. Continued use of the drug, however, causes the body to wear away as is the case with other drug fiends."³⁰

Another example was Dr. Francisco de Ganseca of Laredo, Texas, a graduate of the National School of Medicine of Mexico City, who practiced for 12 years in Mexico before studying abroad in the countries of France, Germany, and Belgium. "The effects from smoking the drug are terrible," he concluded: "It causes a dryness of the mouth and throat. It makes the victims imagine they see and hear things, they often imagining (sic) that people are making faces at them. Madness is the final result. Sometimes the sensations felt in the ears and eyes are horrible and drive them to commit some crime."³¹

Similarly, Dr. Juan de la Garza, also of Laredo, Texas, claimed: "I have practiced medicine for 35 years. Four years of which time was spent as a doctor in the Mexican army.... "Smoking of 'Marijuana' produces hallucinations. A person under its influence may see a friend and imagine that he is an enemy and kill him. The worst effects begin in about four hours after the person has been smoking."³²

Yet another example is Jose Martinez, who was born in Mexico and who had been a Mexican druggist in Brownsville, Texas. He declared that marihuana provided only a momentary high, fol-

lowed by the "wrathful" and "savage" behavior of a "furious madman": "The face becomes red and finally livid; their eyes, which struggle to leap from their orbits, become glassy and a mad desire to destroy and kill becomes overpowering." He added: "The cases are not few in which individuals who have disordered their mental faculties by inhaling the smoke of the terrible plant, when emerging from the intoxication and recovering the use of their senses, find themselves in a jail in front of the corpse of a man, woman or child whom they have assassinated while in a condition of complete ignorance of what they were doing. At other times many of these individuals never succeed in recovering their perverted reason but feel submerged and lost forever under the harmful influence of the smoke of the dreadful plant."³³

Conclusion

Ultimately, El Paso's 1915 marihuana law needs to be understood within the larger context of Mexico's medical community and public health practices. It was a composite ordinance that reflected the blurring of Anglo-American and ethnic Mexican cultures in the early 20th century. Its history can stand by itself without resorting to false claims: it was not the first ordinance in the United States and it did not spring from the mind of Mayor Tom Lea.

Many doctors and medical researchers in Mexico had come to the conclusion that marihuana use gave rise to violent passions and erratic outbursts. Law enforcement officers such as Stanley Good tended to accept this conclusion based on the behavior of some of the people that they arrested—even though local El Paso physicians did not. The result was a self-sustaining loop in the law enforcement community, in which all violent behavior was ascribed to marihuana use and all marihuana use was connected to violent behavior. A touch of racism was there as well. The use of marihuana at that time was mostly limited to the Hispanic residents of El Paso and among the fears that Stanley Good voiced to the *El Paso Herald* on May 14, 1915 was that it was "a growing habit among Americans," by which he meant a growing habit among Anglo-Americans.³⁴ There can be little doubt that Good hoped to stem the tide of marihuana use in El Paso in the hope that this "violent" Mexican habit did not spread across the U.S., with El Paso serving as the gateway.

BOB CHESSEY lives in El Paso. He is researching the history of drug use and smuggling along the U.S.-Mexico border.

ENDNOTES

- 1 *El Paso Morning Times* (May 13, 1915), p. 3.
- 2 *Ibid.*
- 3 *El Paso Herald* (May 14, 1915), p. 16.
- 4 *El Paso Morning Times* (May 15, 1915), p. 8.
- 5 *Ibid.*
- 6 El Paso City Clerk's Official Council Minutes, June 3, 1915
- 7 *Ibid.*
- 8 *Ibid.*
- 9 *El Paso Herald* (June 7, 1915), p. 9.
- 10 *El Paso Herald* (June 4, 1915), p. 16.
- 11 Dale H. Gieringer, "The Origins of California's 1913 Cannabis Law," Revised May 2012. Original version published in *Journal of Contemporary Drug Problems* (Summer 1999) 26(2), pp. 237-288.
- 12 Personal correspondence with author, Tony Castro, Research Center of the Utah State Archives & Utah State History," September 16, 2009.
- 13 *Reconsider: Forum on Drug Policy*, <http://www.reconsider.org/wordpress/?p=304>.
- 14 Eric Schlosser, "Reefer Madness: Sex, Drugs, and Cheap Labor in the American Black Market" (Boston: Houghton Mifflin, 2003), 19-20.
- 15 William Martin, "Texas High Ways: Why the unlikeliest of states—ours—should legalize marijuana," *Texas Monthly* (October, 2009).
- 16 September 2013 Announcement in El Paso, Texas.
- 17 Richard J. Bonnie and Charles H. Whitebread II, *The Marijuana Conviction: A History of Marijuana Prohibition in the United States* (New York: Lindesmith Center, 1999), pp. 33-34.
- 18 "Report of Investigation in the State of Texas, particularly along the Mexican Border, of the traffic in, and consumption of the drug generally known as 'Indian Hemp', or Cannabis indica, known in Mexico and States bordering on the Rio Grande River as 'Marihuana'; sometimes also referred to as 'Rosa Maria', or 'Juanita', By R. F. Smith," 1917 USDA Report, p. 9.
- 19 *Ibid.*, p. 13.
- 20 *Ibid.*, p. 41.
- 21 *Ibid.*, p. 42.
- 22 *El Paso Morning Times* (May 13, 1915), p. 3.
- 23 *El Paso Herald* (October 4, 1913), p. 2.
- 24 *Ibid.*
- 25 Gieringer, "The Origins of California's 1913 Cannabis Law," pp. 237-88.
- 26 *El Paso Herald* (January 2, 1913), p. 1.
- 27 *North American Congress on Latin America (NACLA)*, May/June 2011, p. 16.
- 28 *Ibid.*, p. 17.
- 29 *Ibid.*, p. 18.
- 30 *1917 USDA Report*, p. 17(a).
- 31 *Ibid.*, p. 29.
- 32 *Ibid.*, p. 30.
- 33 *Ibid.*, pp. 65-66.
- 34 *El Paso Herald*, (May 14, 1915).

Regular Meeting, Thursday, June 3, 1915.

in addition to the City of El Paso, Texas, as shown by Cundroff's Supplementary Map of said block, which replatting and dedication was made by Lee A. Cundroff, Charles Davis Lammie Davis, H. D. Hill, J. P. Deall, Alvin Davis Hill, Winchell Cooley, Frank Helle Brown and Clarence S. Brown acting by his attorney in fact Frank Helle Brown, on the 26th day of April, 1915, and acknowledged the same day before J. G. Earl, a notary public in and for El Paso County, Texas, he and the same were hereby approved and accepted.

Section 3. The City Clerk is directed to deposit certified copies of this ordinance in the offices of the City Engineer and the City Assessor and Collector of Taxes.

Section 4. This ordinance shall take effect from and after its passage and approval.

Passed and approved the 2nd day of June, 1915.

Tom Hill, Mayor.

Attest: J. F. Dawson,
City Clerk.

Ordinance prohibiting or Indian Hemp Emergency Clause attached. The sale of Marihuana or Indian Hemp was duly made and recorded to adopt the ordinance. The Mayor ordered the vote upon the adoption of the ordinance to be taken by roll call, which was taken, resulted as follows: Yeas, twelve; Nays, none. Jolly, O'Connor and Stevens, Nays none. About seven. Whereupon Mayor Hill declared that all of the vote of the City Council having been cast in favor of the adoption of the ordinance, the same be and is hereby unanimously adopted. The ordinance above referred to is in words and figures as follows, to-wit:

An ordinance prohibiting the sale, barter, exchange giving away or having in possession any marihuana or Indian Hemp, within the corporate limits of the City of El Paso, Texas, and providing a penalty for the violation thereof.

Be it ordained by the City Council of the City of El Paso, Texas: Section 1. It shall be unlawful for any person, firm, corporation or association of persons to sell, barter, exchange give away or have in his or their possession within the city limits of the City of El Paso, Texas, any marihuana, or Indian Hemp. Section 2. Any person who shall violate any of the provisions

Figure 3, p 1—Excerpt from the El Paso City Council Minutes, recording passage of the 1915 Marihuana Ordinance.

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of Section 1 of this ordinance shall be punished by a fine of not more than Two Hundred Dollars.

Section 3. The dangerous and powerful properties of Marijuana, or Indian Hemp and the increasing sale of the same in the City of El Paso with the resulting injury to public health and public morals, creates a great public emergency, justifying the suspension of the Charter Rule. Resolving that all ordinances before final adoption shall be read at two regular meetings of the City Council, and said rules by unanimous vote of the Aldermen present and with the consent of the Mayor, suspended, and this ordinance shall take effect from and after the passage, approval and publication thereof and approved this the 3rd day of June, A.D. 1915.

Tom Lea, Mayor.

Attest:

J. F. Davison, City Clerk.

Ordinance
establishing
alley grade
in Block 56
Alvarado
Add.
adopted.

Clerk read an ordinance establishing alley grade in Block 56 Alvarado Addition.

Motion was duly made and seconded to adopt the ordinance. The Mayor ordered the vote upon the adoption of the ordinance to be taken by roll call, which when taken, resulted as follows: Yeas, 8; Nays, 0; J. P. Bonner and Stevens, Nays none; Absent, none.

Whereupon Mayor Lea declared that all of the vote of the City Council having been cast in favor of the adoption of the ordinance the same be and is hereby adopted. The ordinance above referred to is in words and figures as follows, to wit:

Be it enacted by the City Council of the City of El Paso Section 1. That the grades of the streets herein mentioned shall be and are established within the limits herein mentioned and at the points herein mentioned as is herein after set forth. Section 2. Be it further ordained, that within the limits aforesaid and on the streets, sidewalks shall conform to the requirements herein contained and each and every provision hereinafter contained shall be followed and enforced.

The following elevations are the distances in feet above the present city datum, which datum is 5712.576 feet below the top of the west pillar of the north slope of the Custom House.

The horizontal position of the curb line shall be in accordance with the plans for said streets on file in the office of the City Engineer. The position of the sidewalk between the curb line and the

Figure 3, p 2—Excerpt from the El Paso City Council Minutes, recording passage of the 1915 Marihuana Ordinance.

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