

Copyright
by
Lilia Raquel Dueñas Rosas
2000

"Lizzie Crockett did have illicit intercourse
with men other than her Husband":
Sexuality, Race, and Criminality in Austin
at the Turn of the Twentieth Century

by

Lilia Raquel Dueñas Rosas, B.A.

Report

Presented to the Faculty of the Graduate School of
The University of Texas at Austin
in Partial Fulfillment
of the Requirements
for the Degree of

Master of Arts

The University of Texas at Austin

May 2000

"Lizzie Crockett did have illicit intercourse
with men other than her Husband":
Sexuality, Race, and Criminality in Austin
at the Turn of the Twentieth Century

APPROVED BY
SUPERVISING COMMITTEE:

Gunther Peck

David Montejano

*Para mis abuelitas,
Elisa Peña Peña
y
María de los Dolores Ponce Contreras*

*En memoria de mi tío,
Hermilo Gerardo Dueñas Peña*

*those curanderas know
they can heal me*

.....

*at some point in their plot
they wanted to put in a part
a scene
where they
lay their hands upon my head
give me their sacred bundle of magic
to banish my wounds and fears*

*in their story line
this has been their ancient role*

*—Teresa Palomo Acosta, "They Are Laying
Plans For Me—Those Curanderas"*

Acknowledgements

There are numerous people I would like to express my gratitude for supporting me throughout this project. I would like to thank my advisor, Gunther Peck, for his constant encouragement and belief in me through many drafts. His rigorous and thoughtful insights forced me to acknowledge that I had a "story" to tell and that I should not be afraid to tell it. Moreover, he kindly shared some of his own sources, which strengthened this work for the better. I thank David Montejano for periodically reminding me that I just needed to get this project done and providing valuable criticisms in the most early and final stages of this report. JoyLynn Reed and Cindy Smith contributed positive and constructive feedback at a crucial point in my writing. I am especially grateful to Professor Reed for offering such an innovative and pragmatic writing course. Many thanks to Mary Helen Quinn, the graduate coordinator of the history department, who always saved me from impending logistical and bureaucratic messes.

I was fortunate enough to present parts of this report at the Berkshire Conference on the History of Women. I indebted to my commentator, Raquel Casas of the University of Nevada, Las Vegas, and Antonia Castañeda of St. Mary's University for making astute and helpful suggestions that allowed me to "reconceptualize" a number of my ideas.

I am eternally grateful to my friends who read parts or entire drafts, lent a kind ear, offered stimulating conversation, or just gave me practical advice. Adriana

Ayala, Toni Nelson Herrera, Leonora Dodge, Patricia Martinez, and Theresa Case thank you for your generous and unconditional support. A special thank you also to Norwood Andrews for carefully and diligently proofreading the "penultimate" draft.

Finally, I would like to thank all my family but especially—my parents, Arturo and Raquel, my brother Arturo Javier, my sister-in-law, Carla—for their unwavering faith and love. Their confidence in me kept me motivated when I thought this report would never end. And, I am indebted to my partner/compañero, José-Antonio Orosco, for putting up with me through the foul moods and frustrations, blood and tears. Thank you for the wisdom, kindness, and love.

5 May 2000

Table of Contents

I. Introduction: Defining a Stereotype	1
II. Capitalists with Rooms or Sisters of Misery: A Review of the Literature	12
III. The Harlot as a Savior: Women's Sexuality and Prostitution in Texas	21
IV. She Stole "Corporeal" Personal Property not Her Own: An Analysis of Criminality	41
V. He Got Her in a "Friendly Way": Representations of Women in the Courts of Austin	57
VI. Conclusion: A City Forges an Image	76
Appendix	82
Bibliography	90
Vita	98

I. Introduction

Defining a Stereotype

"You have not right to talk! You lay around here with white men and niggers too." (Meaning that said Lizzie Crockett, did have illicit intercourse with men other, than her Husband).

*Mamie Fairchilds, Quoted in Complaint, Texas v. Mamie Fairchilds*¹

In 1896, Ed Crockett filed charges against Mamie Fairchilds for defaming the moral character of his wife, Lizzie Crockett.² Ed, an African American blacksmith helper, disputed the inflammatory statement that Mamie, an African American domestic worker, had expressed to Lizzie.³ As the quote above illustrates, Mamie told Lizzie that she should not question her relationships since she, Lizzie, also had extramarital affairs with white and Black men. At the most basic level, the central issue is clearly Mamie's dishonesty, not Lizzie's inappropriate sexual conduct. After all, Ed hoped to rectify the public persona of his wife by charging Mamie with slander. At another level, the narrative of this

¹Texas v. Mamie Fairchilds (filed 17 June 1896), Complaint, County Court of Travis County, Tex., box 29, no. 6313, Criminal Case Papers, Austin-Travis County Collection, Austin Public Library (hereinafter cited as CCP and ATCC, respectively). Unless otherwise noted, all cases were tried in either the County, Justice, or City of Austin courts of Travis County. In addition, I have added punctuation for clarity and corrected the misspelling of Spanish surnames when appropriate.

²Texas v. Mamie Fairchilds (1896), ATCC.

³The city directory lists Edward Crockett as a "colored" blacksmith helper and Mamie Fairchilds as a "colored" residing in the house of Anderson Murray, meaning she was the domestic help. See Morrison & Fourmy Compilers and Publishers, *Directory of the City of Austin, 1895-1896* (Galveston: Morrison & Fourmy, 1895), p. 119; idem, *Directory of the City of Austin, 1889-1890* (Galveston: Morrison & Fourmy, 1889), p. 105 (hereinafter 1890s city directories cited as "*Directory of the City of Austin*" and volume by year). In subsequent citations, I will only specify where I gleaned the information about an individual's "race," not precisely how they were listed in the arrest records or city directories.

case is more complex and multilayered. The declaration that Lizzie had sex with white and Black was controversial. For one, she was accused of being unfaithful to her husband. For another, she, an African American woman, was freely having sex with Euro-American men.⁴ In general, the slanderous statement had serious repercussions for all parties involved. Mamie faced a possible jail sentence. Lizzie's alleged infidelities surely sullied Ed's reputation as a man. Finally, Lizzie suffered the most severe consequences as a result of this statement. Merely the suggestion that Lizzie was having interracial affairs was dangerous in both Black and white communities. Her community could ostracize her; the white community could threaten her.⁵ More simply, she could confront criminal charges of adultery.

According to historical scholar David Humphrey, late nineteenth-century Austin had not quite achieved the hardened Jim Crow segregation that would

⁴*Directory of the City of Austin, 1897-1898*, p. 120.

⁵In addition, African American women were more often the survivors of rape rather than "involved" with Euro-American men. This is not to say that Lizzie was a survivor of rape, since the quoted language of the complaint is too brief, but it is something to consider. On the dominant disapproval of sexual relations between African American women and Euro-American men, see John D'Emilio and Estelle B. Freedman, *Intimate Matters: A History of Sexuality in America* (New York: Harper & Row, 1988), pp. 105-8, 217, 219-20; Evelyn Brooks Higginbotham, "African-American Women History's and the Metalanguage of Race," *Signs: Journal of Women in Culture and Society* 17 (Winter 1992): 262-64; Deborah Gray White, *Ar'n't I a Woman? Female Slaves in the Plantation South* (New York: Norton, 1985), p. 164; Ruthe Winegarten, *Black Texas Women: 150 Years of Trial and Triumph* (Austin: University of Texas Press, 1995), p. 69. I should further note that the consequences for the reverse situation, that is to say, a Black man having sex with a white woman, were deadly. As a result, African American men were often the victims of lynching for simply the suspicion of "raping" Euro-American women. On this matter, see, for example, D'Emilio and Freedman, *Intimate Matters*, pp. 216-21; Jacqueline Dowd Hall, *Revolt Against Chivalry: Jessie Daniels Ames and the Women's Campaign Against Lynching*, Rev. ed., (New York: Columbia University Press, 1993), chap. 5; Joel Williamson, *A Rage for Order: Black/White Relations in the American South Since Emancipation* (New York: Oxford University Press, 1986), p. 85.

characterize it by the late 1920s but African Americans and Euro-Americans certainly did not frequent the same public places.⁶ The 1890s Board of Trade and the Commercial Club booster literature described race relations best with this remark: "There is a distinct color line mutually conceded."⁷ Obviously, the sexual relationships of Lizzie could not escape the consequences of defying this racial reality. Moreover, Lizzie's sex life, whether real or imagined, tells another story which sheds light on race relations of this period. Lizzie Crockett embodied the stereotype of the lascivious and immoral Black woman. She assumed an image entrenched in a larger history of slavery, conquest, colonization, and violence.⁸ Her story reveals the links between the sexuality of white women and African American and Mexican women.⁹

⁶David C. Humphrey, *Austin: An Illustrated History* (Northridge, Calif.: Windsor, 1985), p. 173.

⁷Cited in Humphrey, *Austin*, p. 173.

⁸Historians John D'Emilio and Estelle Freedman write:

Indians, Mexicans, and blacks elicited the most extensive commentaries, in part because of the nature of contact with whites. Patterns differed, but in each region the belief that white sexual customs were more civilized, along with the assumption that Indian, Mexican, and black women were sexually available to white men, supported white supremacist attitudes and justified social control of other races (*Intimate Matters*, p. 87).

See, also, Antonia I. Castañeda, "Amazonas, Brujas and Fandango-Dancers: Women's Sexuality and the Politics of Representation," unpublished article, submitted to *Journal of Women's History*, August 1995, p. 3; Patricia Hill Collins, *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment* (New York: Routledge, 1991), pp. 70-78; Arnoldo De León, *They Called Them Greasers: Anglo Attitudes toward Mexicans in Texas, 1821-1900* (Austin: University of Texas Press, 1983), chap. 4.; Paula Giddings, *When and Where I Enter: The Impact of Black Women and Race and Sex in America* (New York: Bantam Books, 1984), pp. 82-83; bell hooks, *Black Looks: Race and Representation* (Boston: South End, 1992), pp. 62-63; José E. Limón, *American Encounters: Greater Mexico, the United States, and the Erotics of Culture* (Boston: Beacon, 1998), pp. 109-13; Emma Pérez, *The Decolonial Imaginary: Writing Chicanas into History* (Bloomington: Indiana University Press, 1999), pp. 120-21; White, *Ar'n't I a Woman?*, chap 1 .

⁹D'Emilio and Freedman, *Intimate Matters*, pp. 86-87.

This report investigates the formation of stereotypes about sexually ready, available, and promiscuous Black and Mexican women in the history of the U.S. Southwest/Mexican Borderlands.¹⁰ Specifically, I analyze the representations of "prostitutes" and other "criminal" or "deviant" women in the city of Austin at the turn of the century.¹¹ I examine how race was crucial in inscribing dominant

¹⁰There are several assumptions I want to clarify here. First, I use the terms "U. S. Southwest" and "Mexican Borderlands" interchangeably to emphasize the contested nature of the physical territory, known currently as the Southwest, which has been under the national rule of Spain, Mexico, Texas, and the United States. In other words, I want to stress that this region has been the actual and symbolic battleground of nations, leaders, thinkers, writers, and scholars who have sought and still seek to own, understand, and categorize this region. Second, this location has also been called the "U.S. West," "Mexican Northwest," or "Greater Mexico." Third, Texas complicates this contestation because it is caught between the cultures of the "West" and "South." On the contested nature of the Borderlands, see Gloria E. Anzaldúa, *Borderlands/La Frontera: The New Mestiza* (San Francisco: Spinster/Aunt Lute, 1987); Castañeda, "Amazonas, Brujas and Fandango-Dancers," pp. 1-2. On a review of the historical literature of the Spanish/Mexican Borderlands, see David J. Weber, "The Idea of the Spanish Borderlands," in *Pan-American Perspective*, edited by David Hurst (Washington, D.C.: Smithsonian Institution Press, 1991), pp. 3-20. On a problematization of the U.S. West, see Patricia Nelson Limerick, *The Legacy of Conquest: The Unbroken Past of the American West* (New York: Norton, 1987); and more recently, David G. Gutiérrez, "Significant to Whom?: Mexican Americans and the History of the American West," *Western Historical Quarterly* 24 (November 1993): 519-40. On the uniqueness of Texas, see Neil Foley, "The Agrarian South: Twentieth Century," *Discovery: Research and Scholarship at the University of Texas at Austin* 13, no. 3 (1993): 19; idem, *The White Scourge: Mexicans, Blacks, and Poor Whites in Texas Cotton Culture* (Berkeley: University of California Press, 1997), chap 1; Limón, *American Encounters*, chap. 1.

¹¹I define a "prostitute" narrowly as a woman who engages in a sexual transaction with a man for money or other financial gain. I realize that prostitutes have also been men but this is not within the scope of this study and will not be addressed here. In developing this definition, I have especially been influenced by the works of sociologist Marion Goldman and historian Ruth Rosen. See Marion Goldman, *Gold Diggers and Silver Miners: Prostitution and Social Life on the Comstock Lode* (Ann Arbor: University of Michigan Press, 1981), pp. 153-56; Ruth Rosen, *The Lost Sisterhood: Prostitution in America, 1900-1918* (Baltimore: Johns Hopkins University Press, 1982), pp. 1-2. In addition, by using the word deviant, I suggesting several connections. The first is the link between alleged promiscuity of people of color and deviant sexuality. The second is between prostitution and sexual deviancy. The last is the connection between criminality and sexual deviancy. See Kathy Lee Peiss and Christina Simmons, "Passion and Power: An Introduction," in *Passion and Power: Sexuality in History*, edited by Kathy Lee Peiss and Christina Simmons (Philadelphia: Temple University Press, 1989), pp. 6-7; Rosen, *Lost Sisterhood*, p. 19. Finally, I only designated women as "prostitutes" if the court and police records indicated arrests of "vagrancy" or "keeping a disorderly house." Therefore, I assumed that other

notions of sexuality.¹² In other words, I explore how race variously defined sexual stereotypes of mostly laboring and poor Black, Mexican, and white women. Overall, I provide a multifaceted view of how race and sexuality shaped these dominant images and how these images impacted race and sexuality by focusing on the writings of Progressive reformers and the records of the criminal justice system.

My argument, put simply, is this—how was the sexuality of African American and Mexican women regulated and constructed in contrast to the sexuality of white women in Austin, Texas between 1890 to 1916? How did dominant society characterize certain women as virtuous or immoral, salvageable or lost? How

criminal women were simply poor or working class. See Rosen, *Lost Sisterhood*, p. 4; David C. Humphrey, "Prostitution and Public Policy in Austin, Texas, 1870-1915," *Southwestern Historical Quarterly* 86 (April 1983): 486.

¹²I am borrowing my definition of "race" from sociologists Michael Omi and Howard Winant, who state:

The effort must be made to understand race as an unstable and 'decentered'; complex of social meanings constantly being transformed by political struggle. With this in mind, let us propose a definition: *race is a concept which signifies and symbolizes social conflicts and interests by referring to different types of human bodies.* Although the concept of race invokes biologically based human characteristics (so-called 'phenotypes'), selection of these particular human features for purposes of racial signification is always and necessarily a social and historical process (Omi and Winant, *Racial Formation in the United States From 1960s to the 1990s*, 2d ed., [New York: Routledge, 1994], p. 55, emphasis theirs).

I would add that the racial signification is also a cultural process. In addition, I take my definition of "sexuality" from historian Evelyn Brooks Higginbotham, who notes, "Sexuality has come to be defined not in terms of biological essentials or as a universal truth detached and transcendent from other aspects of human life and society. Rather it is an evolving conception applied to the body but given meaning and identity by economic, cultural, and historical context." See Higginbotham, "African-American Women's History," p. 263. On discussions on sexuality as an analytical category, see D'Emilio and Freedman, *Intimate Matters*, pp. xiii-xix; Robert A. Padgug, "Sexual Matters: On Conceptualizing Sexuality in History," in *Passion and Power*, pp. 14-31; Peiss and Simmons, "Passion and Power: An Introduction," *ibid.*, pp. 1-13.

were the meanings of race and sexuality of prostitutes and other criminal women reconstructed over time?

The city of Austin in the Progressive Era serves as a challenging backdrop to these questions. Austin's unique historical and physical location at the crossroads of the South and Southwest and its "multi/triracial" populations of African Americans, Mexicans and Euro-Americans disrupt any notion of binary race relations.¹³ As one historical sociologist keenly writes about nineteenth-century California, "[it]. . . provides unique opportunities to study both the evolution of racializing discourses and the hierarchical structuring of racial inequalities."¹⁴ Undoubtedly, this observation is applicable to Austin. Put another way, this overarching case study is not just the story of African American and Euro-American women, Mexican and Euro-American women, or African American and Mexican women, but rather a story that traces the entangled race relations between all three. Similarly, the Progressive movement(s) against prostitution and white slavery, which had its own peculiar manifestation in the city of Austin, influenced the regulation of deviant sexuality.¹⁵ In the late nineteenth century, the attitude of most Austinites toward prostitution was unmistakably cavalier. Like

¹³Foley, *White Scourge*, pp. 1-5, 15-16.

¹⁴Tomás Almaguer, *Racial Fault Lines: The Historical Origins of White Supremacy in California* (Berkeley: University of California, 1994), p. 2.

¹⁵David Humphrey provides an insightful account of the Progressive reaction toward prostitution in Austin. See Humphrey, "Prostitution and Public Policy," pp. 473-516. Moreover, Mark Connelly notes that definition of "prostitution" was rather ambiguous because it reflected new ideas about sexuality. Prostitution came to also include "any premarital or nonmonogamous female sexual activity, whether or not financial exchange was involved" (*The Response to Prostitution in the Progressive Era* [Chapel Hill: University of North Carolina Press, 1980], pp. 17-19 [quote from p. 18]).

many cities or towns throughout the U.S. Southwest or "frontier," residents accepted prostitution as an inevitable, if perhaps unseemly, part of the landscape.¹⁶ Yet, by the 1910s, many Austinites worked to eradicate prostitution rather than segregate it.¹⁷

The narrative that unfolds here is a familiar but complicated one. After all, the legal system of Austin mirrored the inherent racism and sexism within the U.S. legal system. But, at least theoretically, the courts presented themselves as a raceless or colorblind vehicle of justice. The records did not designate the race of the various participants involved in criminal cases.¹⁸ Apparently, under the law all peoples were equal. Thus, we must contemplate those places in the legal system where the various actors contested the meaning(s) of sexuality and race. Similarly, we must acknowledge that consistently African American and Mexican women occupied a central place in the policing of deviant sexuality throughout the 1890s and 1910s. In particular, African American prostitutes and other poor, working African American women suffered the brunt of this regulation. Conversely, the role of Euro-American women was minimal in this regulation at the turn of the century. The police and courts hardly charged Euro-American women with crimes of sexual deviancy, unless they were prostitutes. It is

¹⁶Humphrey, "Prostitution and Public Policy," p. 473. Of course, the relationship of prostitution to life in western cities and towns has its own particular story, see Anne M. Butler, *Daughters of Joy, Sisters of Misery: Prostitutes in the American West, 1865-90* (Urbana: University of Illinois Press, 1985), pp. xv-xix.

¹⁷Humphrey, "Prostitution and Public Policy," pp. 513-16.

¹⁸For examples of this racelessness, see specific cases in CCP, boxes 1-3, 5, 12, 27-30, 32, 79-86; Justice of Peace Precinct 3, Place 1, Criminal Dockets (hereinafter cited as Criminal Dockets), vol. 1908-1911, 1911-1914, 1914-1916; all in ATCC.

important, though, to see how both these continuities and changes reflected a highly intricate and tiered system of sexual and racial regulation.

In the first place, it is germane to consider the various cultural meanings of these "sex" crimes. Evidently, the rise of charges against white women reveals the rise of concern over rectifying the lack of virtue in all immoral white women in the Progressive years. That is to say, the criminal justice system perceived the sex crimes of white women as having utmost cultural significance. This is suggested by the fact that the legal system mostly charged Euro-American prostitutes, not laboring Euro-American women. In turn, the sexual regulation of Mexican and Black women conveys the rigid and conflicting attitudes of law enforcement and courts toward women of color. White male justice and law enforcement officials viewed the crimes of African American and Mexican women according to their dominant expectations of women of color's sexuality. The offenses of Mexican and Black women had lesser cultural importance than the crimes of white women. The police and courts were a means of repressing, not correcting this problematic behavior because it was intrinsic to the "nature" of these "lesser" raced women. Nevertheless, these institutions did not necessarily regard Black and Mexican women in the same way. They typically saw Black women as embodying the worst kind of lasciviousness. The dominant understanding of Mexican women's sexuality was riddled with more ambiguity. It is certain that the legal system believed that Mexican women exhibited similar lascivious tendencies as their Black sisters but it did not punish their actions as often. Granted, the Mexican population was considerably smaller than the Euro-

American and Black populations but it is apparent that the courts did not define the sexuality of Mexican women as strictly.¹⁹

In the second place, it is key to ponder the counter side of regulation and more broadly criminality. In other words, we need to study the persons who placed complaints and explore other offenses besides sex crimes. Not all the persons filing complaints were Euro-American men. There were instances where Mexican, Black, and white women were also complainants. Further, in some cases, the woman whose sexual comportment was in question was neither a defendant nor complainant. Mexican, African, and Euro-American women also committed other crimes such as assault, disturbing the peace, and theft. We must ask, then, whether these instances disclose the same sexualization and racialization of criminal women, as in offenses related to prostitution, or whether they present a different portrayal that problematizes these stereotypes.

Criminal cases, such as the 1896 slandering of Lizzie Crockett, are the provocative and critical blocks that build this ensuing narrative. These cases provide a telling glimpse into the lives of women of color who have often held marginal positions in their communities, society at large, and later in historians' accounts.²⁰ Still, court records are often incomplete and the language is fragmentary. The records do not lend themselves easily to a traditional narrative

¹⁹Humphrey observes that as late as 1900 the population of Mexicans was 2 percent. See Humphrey, *Austin*, p. 178. As I will discuss in part four, the crimes of Mexican women fluctuated between crimes of need and sex. See below and appendix, tables 2, 3, 5.

²⁰For example, see Castañeda's cardinal article, where she traces the omission or marginality of women of color from the "historical record." Antonia I. Castañeda, "Women of Color and the Rewriting of Western History: The Discourse, Politics, and Decolonization of History," *Pacific Historical Review* 61 (November 1992): 501-533.

or dialogue. Only one trial transcript exists of the over eighty records I examine. In contrast, the sources of Progressive reformers and critics offer complex descriptions of sexual conduct, manners, and behavior but their perspective was still that of an outsider. Last, prostitutes rarely kept records of their lives because they were frequently illiterate. Consequently, while the top-down picture of sexuality is explicit, it is hard to uncover a counterhegemonic perspective of the Mexican and Black women. A case in point is the story of Lizzie. It is difficult to assess how Lizzie felt about Mamie's comments and her perspective on this sexual image. We only learn that the court dismissed the case against Mamie Fairchilds because of insufficient evidence.²¹

Thus, I selected a broad number of court cases so as to create a detailed portrait of Mexican, African American, and Euro-American deviant women. I analyze court cases where women appear as defendants since they were the alleged criminals. I also look at the complainants in these cases with female defendants. I explore cases where men appear as the defendants if the charges were "keeping a house of prostitution," "selling liquor without a license," "adultery," or "slander." And, I investigate some cases, chosen randomly, where women filed complaints against men. In addition, since the court records do not specify the race of the individuals, I determine the race of these persons by cross-referencing their names in the records of arrests and city directories, which do indicate race.

²¹Texas v. Mamie Fairchilds (1896), Motion to Dismiss, ATCC.

To this end, this report is divided into four main parts. The first section reviews the diverse historical and theoretical literature that has informed this study. The second part surveys various perceptions of women's sexuality in early twentieth-century Texas in the writings of Progressives and their critics. In the third part, I detail patterns of charges, defendants, and complainants in court records between 1890 and 1916. Finally, I conduct a close reading of the language of criminal cases of the same period. I analyze the differences between offenses directly related to prostitution and those crimes indirectly related to sex work and comportment, differences which I characterize as a system of explicit and implicit sexual regulation.

II. Capitalists with Rooms or Sisters of Misery:

A Review of the Literature¹

In historian Paula Petrik's formidable chapter on prostitution, she uses a paradigm that illustrates one manner in which historians study the issue of prostitution. As her chapter title, "Capitalists with Rooms," suggests, Petrik views the prostitutes of Helena, Montana, as successful, enterprising women who happen to do business in an informal economy.² In contrast, historian Anne Butler describes a bleaker picture of the social reality of prostitution. The title of her book, *Daughters of Joy, Sisters of Misery*, reflects the extremes that prostitutes faced in their daily lives. Butler's study of prostitution in the postbellum western "frontier" is predicated on the assumption that prostitutes were women with few economic options despite their key role in the development of numerous frontier institutions such as the legal order and the military.³ Unlike Petrik, she does not argue that prostitutes were entrepreneurs but rather that they were poor, working women.

¹The title for this section is derived from Paula Petrik, "Capitalists with Rooms: Prostitution in Helena, 1865-1907," chap. 2 in *No Step Backwards: Women and Family on the Rocky Mountain Mining Frontier, Helena, Montana, 1865-1900* (Helena: Montana Historical Society, 1987); Butler, *Daughters of Joy*.

²Petrik, *No Step Backwards*, chap. 2. Other examples that use these framework include: Jan Hutson, *The Chicken Ranch: The True Story of the Best Little Whorehouse in Texas* (South Brunswick, N.J.: A.S. Barnes, 1980), Ronald Dean Miller, *Shady Ladies of the West* (Los Angeles: Westernlore, 1964); Elliott West, "Scarlet West: The Oldest Profession of the Transmississippi West," *Montana: The Magazine of Western History* 31 (April 1981): 16-27.

³Butler, *Daughters of Joy*, pp. x-xvii. Here, other examples include: Jacqueline Baker Barnhart, *The Fair but Frail: Prostitution in San Francisco, 1849-1900* (Reno: University of Nevada Press, 1986); Goldman, *Gold Diggers and Silver Miners*; Lucie Cheng Hirata, "Free, Indentured, and Enslaved: Chinese Prostitutes in Nineteenth-Century America," *Signs: Journal of Women in Culture and Society* 5 (Fall 1979): 3-29; Benson Tong, *Unsubmissive Women: Chinese Prostitutes in Nineteenth-Century San Francisco* (Norman: University of Oklahoma, 1994).

Petrik and Butler present us with two very different models to evaluate the world of prostitutes. Unfortunately, neither one adequately problematizes the role of prostitutes of color, considers representation as a main theme, or ponders the impact of race on notions of sexuality. This section discusses the limitations and usefulness of works in the historiography of western prostitution, gender and sexuality. My objective here is to piece together an approach that complexifies and analyzes the sexual images of African American and Mexican women in the U.S. Southwest/Mexican Borderlands. This report is not simply a social history of prostitution but rather an inquiry of how and where the stereotypes of prostitutes and other criminal women of color intersected.

In the literature of western prostitution, scholars such as Butler or Marion Goldman, who use a similar kind of framework, attempt to write more inclusive accounts of prostitution. But, they do not treat prostitutes of color with sufficient complexity. On the one hand, this is a result of the limitations of their sources. The paucity of documents written by prostitutes is indisputably an obstacle to writing a narration from the viewpoint of any prostitute. Yet Butler and Goldman manage to make numerous insightful remarks about the lives of (white) sex workers. For example, Butler asserts that the legal establishment was one of the few societal institutions in which prostitutes felt at home since they brought complaints about law enforcement, customers, and each other.⁴ On the other hand, Butler's comment above could have gained from considering how race affected prostitutes' relationships to the legal system. In fact, neither Goldman

⁴Butler, *Daughters of Joy*, p. 113.

nor Butler use race as a category of analysis when investigating the "other" prostitutes. Goldman inaccurately and uncritically identifies Central and South American and Mexican women on the Nevada Comstock Lode under the one term of "Spanish."⁵ Butler is generally more careful, but her exploration of interracial relations consists of a biracial model (i.e., African Americans and Euro-Americans) with African American women being the only "marked" race.⁶ In short, these studies do not recognize the prevalence of certain beliefs about the sexuality of women of color in assessing prostitutes of color.

The recent work *Unsubmissive Women*, by Benson Tong, signifies a departure from the investigations of Butler and Goldman since it is one the few inquiries to concentrate on prostitutes of color. Tong examines the role of Chinese prostitutes in nineteenth-century San Francisco. His book is an expansion of sociologist Lucie Cheng Hirata's classic essay on the same subject; he, in fact, cites her as his inspiration to pursue this area of study.⁷ Tong constructs a very tightly woven analysis that seeks to counter the dominant nineteenth-century stereotypes of all Chinese women as "heathen," "enslaved," and "passive." He maintains that Chinese prostitutes were not passive victims but resisted their oppression and left the occupation whenever possible.⁸ Nevertheless, Tong does not use gender or sexuality as analytical tools in evaluating the lives of these women. Simply put,

⁵Goldman, *Gold Diggers and Silver Miners*, pp. 70-71.

⁶David Roediger observes that historically in the United States "race" has signified people of color. He notes that whites also have a "race." See David R. Roediger, "Introduction," in *Towards the Abolition of Whiteness: Essays on Race, Politics, and Working Class History* (New York: Verso, 1994), p. 13. On Butler, see *Daughters of Joy*, p. 5.

⁷Tong, *Unsubmissive Women*, p. xi.

⁸Ibid, pp. xviii-xix.

he does not contemplate how Chinese prostitutes envisioned their gender or sexuality. Tong's book is more appropriately a contribution to "traditional" women's history rather than to gender history or "new" women's history.⁹ It is useful because he does offer an alternative perspective on women of color in prostitution.

In the historiography of gender and sexuality in the United States, several works have enhanced our comprehension of sexuality. In particular, I have benefited the most from feminist historians of the West/Borderlands, such as Deena González, Susan Lee Johnson, and Antonia Castañeda.¹⁰ These historians

⁹Ibid, chap. 1. I do not mean to present a monolithic view of "women's history" because this is hardly appropriate. Both historians Joan Wallach Scott and Linda Gordon problematize and detail the various aspects of "women's history." Scott notes that "her-story" (what I call traditional women's history) "assumes that gender explains the different histories of women and men, but it does not theorize about how gender operates historically" (Scott, *Gender and the Politics of History* [New York: Columbia University Press, 1988], p. 22). Gordon distinguishes between four different kinds of women's history: domination, resistance, social/political, and difference. Tong's work best fits under Gordon's second category. See Linda Gordon, "What's New in Women's History," in *Feminist Studies/Critical Studies*, edited by Teresa de Lauretis (Bloomington: Indiana University Press, 1986), pp. 21-30.

¹⁰I include here works by feminist historians as well as historians who are not necessarily feminists, but have offered some innovative approaches to the study of race, if not gender and sexuality. See Castañeda, "Amazonas, Brujas and Fandango-Dancers"; idem, "Women of Color"; Lawrence B. de Graaf, "Race, Sex, and Region: Black Woman in the American West, 1850-1920," *Pacific Historical Review* 15 (May 1980): 285-313; Deena J. González, "La Tules of Image and Reality: Euro-American Attitudes and Legend Formation on a Spanish-Mexican Frontier," in *Building With Our Hands: New Directions in Chicana Studies*, edited by Adela de la Torre and Beatriz M. Pesquera (Berkeley: University of California Press, 1993), pp. 75-90; idem, *Refusing the Favor: The Spanish-Mexican Women of Santa Fe, 1820-1880* (New York: Oxford University Press, 1999); Rosalinda Mendez González, "Distinctions in Western Women's Experience: Ethnicity, Class, and Social Change," in *The Women's West*, edited by Susan Armitage and Elizabeth Jameson (Norman, Okla.: University of Oklahoma Press, 1987), pp. 237-252; D. Gutiérrez, "Significant to Whom?"; Ramón A. Gutiérrez, *When Jesus Came, the Corn Mothers Went Away: Marriage, Power, and Sexuality in New Mexico, 1500-1846*. (Stanford: Stanford University Press, 1991); Susan Lee Johnson, "A memory sweet to soldiers: The Significance of Gender in the History of the 'American West,'" *Western Historical Quarterly* 24 (November 1993): 495-517; Limón, *American Encounters*; Pérez, *Decolonial Imaginary*;

do not explicitly address the history of prostitutes of color but their innovative approaches to gender, sexuality, and race have helped me (re)conceptualize the history of Mexican and Black prostitutes and other criminal women. Further, I have appreciated how Antonia Castañeda and Deena González have placed Mexican and Mexican American women in the forefront of this new historical reconfiguration. Though the same has not held true for Black women, I have used these "new" evaluations of Mexican women to understand the role of African American women.¹¹

Admittedly, it is difficult to determine how the categories of gender and sexuality are mutually exclusive in spite of the efforts of some historians to disengage the two.¹² As historian Susan Lee Johnson states, "I am even more taken with the notion of considering sexuality a separate category of analysis, though where gender leaves off and sexuality begins is always a hard call for

Quintard Taylor, *In Search of the Racial Frontier: African Americans in the American West, 1528-1990* (New York: Norton, 1998); Winegarten, *Black Texas Women*.

¹¹Scholars do not necessarily link African American women to the history of the U.S. West. In particular, the history of Black Texas women has been caught between the historiographies of the Southwest and South. Historian Lawrence de Graaf argues that previous historians have omitted the history of African American women in the U.S. West because they have not known from which perspective to examine this history. Ironically, de Graaf does not address the role of Black Texas women because a predominantly southern culture exists in this state. I cannot help but notice that de Graaf did not consider the "predominant" presence of Mexicans when thinking about the "southern culture" of Texas. See de Graaf, "Race, Sex, and Region," pp. 285-86. A recent and notable exception that investigates the unique history of African American women in Texas is Winegarten, *Black Texas Women*. In addition, historian Quintard Taylor does not appear to have any problems with including African American Texans in the history of the U.S. West. See Taylor, *In Search*, pp. 17-23.

¹²Historian Robert Padgug is one of the first scholars who attempts to separate sexuality from the quagmire of categories. By contrast, D'Emilio and Freedman recognize sexuality as a direct outgrowth of gender. See Padgug, "Sexual Matters," pp. 14-31; D'Emilio and Freedman, *Intimate Matters*, pp. xi-xx.

me."¹³ However, in this case study, it is helpful to privilege sexuality over gender while acknowledging their interconnectedness. That is to say, I am certainly indebted to historian Joan Wallach Scott in my understanding of sexuality as a distinct and historically formed and changing category even though her primary focus is gender.¹⁴ In addition, scholars that stress gender over sexuality are still beneficial because of this linkage. Nonetheless, an emphasis on sexuality allows us to comprehend how societies conceive, of sex, i.e., sexual acts and behavior, as a location of control and domination.¹⁵ By focusing on sexuality, we must also recognize that the sexual comportment of individuals cannot always be defined according to heterosexual or homosexual norms.

González, for example, astutely remarks that we need to reexamine negative images of Mexican women because previous narratives have not used the analytical categories of gender and sex. She demonstrates how the stereotypes of La Tules or Doña Gertrudis Barceló as a frivolous, loose woman were entrenched in the larger context of the Euro-American conquest of northern Mexico.¹⁶ In other words, whites perceived La Tules as inferior because they viewed all Mexicans in the same manner in order to justify their takeover of Mexico.

In a similar vein, Castañeda and Johnson deconstruct stereotypes of gender that writers and scholars have naturalized in the physical and symbolic space of

¹³Johnson, "A memory sweet to soldiers," p. 505, n. 19.

¹⁴Specifically, I am thinking of the following statement: "The point of new historical investigations is to disrupt the notion of fixity, to discover the nature of the debate or repression that leads to the appearance of timeless permanence in binary gender representation." See Scott, *Gender and the Politics of History*, p. 43

¹⁵D'Emilio and Freedman, *Intimate Matters*, p. xiii.

¹⁶González, "La Tules," pp. 75-76.

the U.S. West. Castañeda analyzes the representations of Indian and Mexican women over the course of three centuries in the history of California. She argues that specific images of Indian and Mexican women have persisted across time because dominant society has used women's bodies as the site of colonization and nation-building.¹⁷ As she eloquently writes,

The representation of Mexican women as fandango-dancing public women—read prostitutes—formed part of the cultural and ideological rationalization of war. . . . Mexican women, whose resistance and contestation of the structures of domination that were set in motion in the aftermath of the U.S.-Mexican War we are only now beginning to examine, remained embedded in the popular and historical literature as monte-dealing, prostitutes[,] and consorts of Mexican bandits. Thus sexualized and racialized, Mexicanas became a pivotal part of the culture construction and representation not only of women of Mexican descent, but also of women of color, of "Othered" women—in "The American West."¹⁸

The observation here is pivotal because Castañeda notes the close relationship of stereotypes to relations of power. Likewise, Johnson contends that studying gender "holds the promise for the project of denaturalizing gender and dislodging it from its comfortable moorings in other relations of domination—from small-town racism to worldwide imperialism."¹⁹ Put another way, we must situate gender at the center of our explorations so as to unpack it from its normative place in large and small systems of domination.

In other gender and sexuality literature, historians such as George Chauncey, Evelyn Brooks Higginbotham, and Darline Clark Hine have shed light on this project.²⁰ Chauncey, for instance, paints a compelling picture in his examination

¹⁷Castañeda, "Amazonas, Brujas and Fandango-Dancers," pp. 2-3, 26-33.

¹⁸Ibid., pp. 32-33.

¹⁹Johnson, "A memory sweet to soldiers," p. 499.

²⁰George Chauncey, *Gay New York: Gender, Urban Culture, and the Making of the Gay Male World, 1890-1940* (New York: BasicBooks, 1994); Higginbotham, "African-American Women's

of the gay male world in New York City. His work is emblematic of a perspective which incorporates recent theories and discussions on gender and sexuality. He draws telling links between the position of female prostitutes and effeminate gay men or fairies. Chauncey's monograph is valuable because it presents a broader view of how Progressive reformers conceived of deviant sexuality. Anti-vice investigators understood the sexual conduct of female prostitutes and fairies as part of a larger continuum of problematic sexuality.²¹ Hence, the deviant heterosexual practices of prostitutes were as questionable as the deviant homosexual practices of gay men.

Similarly, Higginbotham and Hine offer creative approaches to questions of Black women's sexuality. Higginbotham argues that African-American women's historians must respond to the challenge of interrogating race analytically in their investigations. Her underlying premise that race is a metalanguage and a location of contestation and dialogue poignantly illustrates the enduring legacy of sexual stereotypes about Black women. She asserts that while images of white women's sexuality in Western culture changed over time, representations of Black women's sexuality did not. African American women, instead, symbolized centuries-long beliefs that Africans were savage and primitive.²²

Hine argues that Black women developed a culture of dissemblance as a means of survival against sexual aggression. In other words, they invented a

History"; Darlene Clark Hine, "Rape and the Inner Lives of Black Women in the Middle West: Preliminary Thoughts on the Culture of Dissemblance," *Signs: Journal of Women in Culture and Society* 14 (Summer 1989): 912-920.

²¹Chauncey, *Gay New York*, pp. 13-17, 60-61, 80-85.

²²Higginbotham, "African-American Women's History," pp. 251-53, 262-66.

culture that appeared open or indifferent but in reality masked the "truth of their inner lives and selves from their oppressors."²³ Hine's investigation illuminates how African American women negotiated with the specific oppressive dynamics of their environment.

These historical works offer a number of instrumental insights into how one city and its residents formulated stereotypes of criminal African American and Mexican women. For one, they show that we must comprehend the overarching social and political dynamics that shape local conceptualizations of sexuality, gender, and race. For another, these works delineate how sexuality, gender, and race are both fluid but persistent categories that create lasting portrayals of Mexican and Black women as sexually unencumbered and available. Last, Hine's study suggests ways we should think about how subaltern women survived and resisted. This model allows us to ponder the possibility that Mexican and African American prostitutes and other criminal women contested these stereotypes. Moreover, Hine provides us the means to begin telling their alternative story. In this report, these considerations are valuable since few previous histories in the literature of western prostitution have investigated representations of "prostitutes" of color carefully or explored their social experience in depth.

²³Hine, "Rape and the Inner Lives of Black Women," p. 912.

III. The Harlot as a Savior

Women's Sexuality and Prostitution in Texas

If this vice is necessary, then the harlot is humanity's servant and the prostitute is the friend of the race. We should applaud her as our benefactor rather than condemn her as a moral outcast. We should receive her as the savior of our homes and their protector, rather than ostracise [sic] her and spit out her poor name as filth.

*Reverend Robert Shuler, The Anti-Vice Bulletins*¹

In his numerous sermons, Reverend Robert Shuler of Austin, Texas proposed a cardinal question that lay at the heart of the debate surrounding prostitution in the Progressive Era. Simply put, he asked his followers to consider who was truly to blame for the "Social Evil."² Who was "society" to fault—the prostitute, her client, or the work? Shuler, apparently, believed he had an answer. More precisely, the theme of the "prostitute" as victim rather than criminal deviant permeated his writings. His reinvention of the "harlot" as the great savior rather than the great sinner of the "race" was crucial to his critique of sex work. Shuler argued that the prostitute existed to service the vicious needs of men. She was the savior because she had sacrificed her "womanhood" to satisfy the lust of men. Thus, Shuler maintained that the key to dismantling this "Necessary Evil" was holding men accountable for their double standards of morality.³ Yet in this heart-wrenching defense of the harlot, Shuler was clearly not concerned with the

¹R.P. Shuler, *The Anti-Vice Bulletins: A Re-production of the Bulletins that Swept Protected Vice from the Capital City of Texas* (Austin: A.C. Baldwin & Sons, 1914), p. 22.

²Connelly, *Response to Prostitution*, pp. 18-27.

³Shuler, *Anti-Vice Bulletins*, pp. 14-15, 22-23.

African American and Mexican women who had succumbed to the tragedy of selling their bodies for survival. Other sermons substantiate that the prostitute was, indeed, a member of the white race. In another bulletin, Shuler wrote, "No one will deny that segregated vice depends for its life upon the seduction of pure girls. . . . In order to procure recruits, we must have that damning infamy known as white slavery."⁴ In other words, prostitution only became a problem when it made "victims" out of white women and girls.

In this section, I examine the formation of women's sexuality in the 1910s by focusing on dominant literature on prostitution. My purpose is to show that Progressive reformers and commentators were not concerned with the objectionable sexual mores of women of color unless they were drawing parallels to the sexuality of (white) prostitutes.⁵ Several themes overlap in the writings of a number of politicians, reformers, journalists, and spiritual leaders of Texas. Rather than addressing the issue of women's sexuality and prostitution chronologically, I explore, in the ensuing section, how the subjects of morality, race, and romanticization shaped the understanding of women's sexuality in the letters of Mrs. Walter B. Sharp, the reminiscences of Charles Crudgington, the reports on white slavery of Immigration Inspector Frank R. Stone to the Commission-General of Immigration, and the sermons of Reverend Robert

⁴Ibid., p. 12, 20 [quote from 12].

⁵Rosen remarks that most reformers described prostitutes as foreign or European-born, rather than U.S.-born. In addition, xenophobia and racism informed the antiprostitution movement. Nevertheless, I would add that saving these innocent "white daughters" was of utmost importance to antivice crusaders. See Rosen, *Lost Sisterhood*, p. 44.

Shuler.⁶ I do not mean to suggest that African American and Mexican women were all prostitutes or to suggest that the images of prostitutes and women of color were simply synonymous. Indeed, dominant writings on prostitution usually imagined the prostitute to be a white woman and salvageable. When these writers did imagine prostitutes as women of color, they represented the worst attributes. Still, these sources reveal dominant attitudes toward Black and Mexican women despite women of color's nominal appearances within them.⁷

By the late 1910s, a clear hierarchy of morality emerged between men and women, natives and foreigners. Texas was no exception to this hierarchy but its particular history of race relations made it simultaneously quite ordinary and distinctive.⁸ On the one hand, the insights of these various writers regarding morality echoed the nationwide debates and discussions. On the other hand, their comments often stressed the peculiarities of the communities of San Antonio, El

⁶Mrs. Walter B. Sharp, correspondence, passim, box 2G180, folder "Correspondence, 1899-1915," Mrs. Walter B. Sharp Collection, Center for American History, University of Texas at Austin (hereinafter cited as Sharp Collection and CAH, respectively); Charles Crudgington, "Notes on Amarillo's Red Light District," typescript, n.d., box 2H469, folder "Charles Crudgington," Earl Vandale Collection, CAH; Frank R. Stone, Immigration Subject Correspondence, passim, box 111, files 52484/8, 52484/8-A, 52484/8-B, U. S. Immigration and Naturalization Service, Record Group 85, National Archives, Washington, D.C. (hereinafter cited as INS RG 85); Shuler, *Anti-Vice Bulletins*.

⁷As historian Antonia Castañeda contends about the history of Mexican women in California, "The thread of Spanish-Mexican women's history runs throughout these sources. What is missing is an approach to the history of the frontier that integrates gender, race, and culture or class as categories of historical analysis." Although Castañeda is evidently referring to the limitations of writing the history of Mexicanas/Chicanas in California, this is also the case for the history of Mexicanas/Chicanas and African American women in other regions. See Antonia I. Castañeda, "Gender, Race, and Culture: Spanish-Mexican Women in the Historiography of Frontier California," *Frontiers: A Journal of Women's Studies* 11 (1990): 16.

⁸David Montejano, *Anglos and Mexicans in the Making of the Texas, 1836-1986* (Austin: University of Texas Press, 1987), pp. 6-7.

Paso, or Fort Worth. In brief, viewpoints on morality and prostitution ran the gamut from segregating sex work to completely abolishing it.

Both Reverend Robert Shuler and Mrs. Walter B. Sharp, or Estelle L. Boughton, constructed the morality of Texan women as precariously fragile, with arguments that sounded all too familiar.⁹ Shuler, a white man, was a Methodist evangelist on a campaign to end the "segregation" of prostitution and eliminate this "Social Evil" in Austin. He came to Austin via Temple, Texas, where he had fought for prohibition.¹⁰ Similarly, Sharp, a Euro-American woman, was the wife of oil producer Walter Sharp. She was a clubwoman active in the Texas Federation of Women's Clubs, an organization that supported a number of Progressive causes.¹¹ As such, they both expressed discontent with the double standards of propriety between men and women because they saw these standards as impeding white women from maintaining appropriate ideals of sexual conduct. Nevertheless, they distributed the burden of morality differently along gender lines. Where Shuler called on his male followers to reflect upon and amend their

⁹In her papers, Sharp only appears as "Mrs. Walter B. Sharp." The entry for the "Sharp, Walter Benona" in *The New Handbook of Texas*, however, lists his wife as "Estelle L. Boughton." See Ron Tyler, ed., *The New Handbook of Texas* (Austin: Texas State Historical Association, 1996), vol. 5, p. 996. On the precarious fragility of women's morality, see Connelly, Response to Prostitution, pp. 46-47; Louise Michele Newman, *White Women's Rights: The Racial Origins of Feminism in the United States* (New York: Oxford University Press, 1999), pp. 69-75.

¹⁰Humphrey, "Prostitution and Public Policy," p. 501.

¹¹C.S. Potts to Sharp, 9 May 1914, Sharp Collection; Sharp to Dr. Charles R. Henderson, 27 November 1914, *ibid.* Also, see "Texas Federation of Women's Clubs," *The Handbook of Texas Online*, March 1996, <http://www.tsha.utexas.edu/handbook/online/articles/view/TT/vnt1.html> (3 December 1999).

hypocritical behavior, Sharp sought to reform the actions of "delinquent and dependent girls."¹²

As an antivice crusader, Shuler viewed the moralities of white men and women as intimately intertwined. In fact, he discussed the immorality of men more than he addressed the upstanding morality of women. Shuler used his religious convictions to accuse men of their guilty practices. He was neither subtle nor indirect in his condemnations. He saw men as the reason that red light districts thrived. And Shuler alleged that the misdeeds of "scarlet men" directly affected the moral fiber of all women, not just prostitutes. As his impassioned words here demonstrate, the scarlet man was the source of many tragedies: "He becomes the pander [*sic*], the white slaver, the seducer, the lust filled devil that would trap the working girl, that would lure to hell the ambitious maiden who dreams of the stage, that would wag his rotten tongue with words of love that he might fell the fairest treasure of the home."¹³ Evidently, Shuler perceived Euro-American men to be sexually insidious creatures who compromised and affected the sexuality of Euro-American women in a manner that was not socially acceptable. He urged Euro-American men to change their sexual behavior because he believed men to be transforming the entire moral fabric of the community for the worst. Conversely, although Shuler held the morality of white women to be superior to the morality of white men, he believed white women to be helpless and powerless in matters of moral conduct.

¹²Hart to Sharp, 23 March 1914, Sharp Collection.

¹³Shuler, *Anti-Vice Bulletins*, p. 5.

In a similar manner, middle-class reformer Estelle Sharp, in her work with poor women and girls, perceived white women as fragile and white men as the agents of vice.¹⁴ However, it is not entirely clear that Sharp defined the problem as a double standard of morality between women and men. Like other reformers of the period, she believed that the morality of the dominant society rested on the morality of young women.¹⁵ Yet, like Shuler, Sharp saw women as weak and innocent. Consequently, she concentrated on correcting the immoral behavior of girls.¹⁶ Reformers, in response to this national dilemma, created sophisticated characterizations for these various "problem girls" since it was crucial not to treat all the girls the same. Indeed, one reformer who wrote to Sharp made these distinctions:

I desire to call your attention to the fact that it would be wrong to provide in the same institution for delinquent and dependent girls. It is not right to expose a girl who is simply unfortunate to the contagion of association with girls who have had a vicious experience. . . .

. . . . A second point that must not be overlooked is the fact that many delinquent girls are also feeble-minded. The feeble-minded girl becomes delinquent, not because she is deliberately vicious but because she is weak. She needs an entirely different training and discipline from the girl who is simply incorrigible.¹⁷

Unlike Shuler, Sharp and her colleagues did not focus on the impact that men's immorality had on women's morality. Instead, the strategy was to find the right "cure" for the specific problem. Thus, reformers helping a dependent girl

¹⁴Of course, I should mention that dominant society perceived men of color as the ultimate agents of vice. The large number of lynchings that occurred in the South in this period is certainly a testament to this. See Hall, *Revolt Against Chivalry*, pp. 145-49.

¹⁵Rosen, *Lost Sisterhood*, chap. 3.

¹⁶Hart to Sharp, 23 March 1914, Sharp Collection; Potts to Sharp, 9 May 1914, *ibid*; Julia C. Lathrop to Sharp, 4 June 1914, *ibid*; Sharp to Henderson, 27 November 1914, *ibid*.

¹⁷Hart to Sharp, 23 March 1914, Sharp Collection.

overcome her dire circumstances needed to recognize that she suffered from poverty not criminality or deviancy. In turn, activists helping a delinquent girl needed to differentiate between whether she simply "corrupt" or "feeble-minded." Activists working with a corrupt girl usually had to reform her tendency to engage in sexual activity prior to marriage. Reformers who treated a feeble-minded girl required a different method to help her defeat her problems. They recognized that she became delinquent because she was mentally, intellectually, and/or morally deficient not because she intentionally corrupt.¹⁸

Immigration inspector Frank S. Stone did not establish a hierarchy of morality between women and men, like his counterparts Reverend Shuler and Estelle Sharp. Nor did he note different kinds of moral standards within the native or U.S.-born white population. He did, nonetheless, reflect upon the "more refined" mores of American versus foreign prostitutes while surveying for instances of white slavery in numerous Texas cities and towns. In other words, Stone distinguished between white "American" prostitutes and the "not-yet-white" ethnic prostitutes.¹⁹ He perceived a hierarchy of difference between "Americans"

¹⁸Reformers readily accepted unsubstantiated theories for causes of prostitution. A case in point was the theory of feeble-mindedness—the belief that women who became prostitutes were deficient mentally or intellectually. Nonetheless, as historian Mark Connelly astutely notes, "It is telling that no one proposed testing the intelligence of the men who engaged prostitutes" (*Response to Prostitution*, p. 43). Perhaps, it would have been more useful for mainstream leaders such as police officers, judges, and reformers to consider the feeble-mindedness of men who had sex with prostitutes.

¹⁹Roediger coins the term "not-yet-white" ethnic or immigrant in an article in which he surveys the transformation of European immigrants into white Americans. Moreover, he details the complex interconnection of race and ethnicity among whites in the U.S. See Roediger, "Whiteness and Ethnicity in the History of 'White Ethnics' in the United States" in *Towards the Abolition of Whiteness*, pp. 183-85.

and "foreigners." Stone remarked on these distinctions when investigating houses of prostitution in Fort Worth.

In general, he compared the superior qualities of American houses of prostitution to the decrepit qualities of foreign houses. Whereas American houses were orderly, well furnished, and permanent, Stone noted that foreign houses were cribs, that is houses of the lowest denominator. Further, he noticed:

Take the American houses of prostitution, there are six all told, they are large and well furnished, very orderly, and the property as well as the house are owned by the keepers of the same; they do not pay toll to the grafters as is done in the cribs. The inmates of these [American] houses are well regulated, not allowed to even sit on the galleries, not allowed to go out, the shades are always drawn, and the women have no pimps, their surplus earnings go to the Madam. . . . Foreign women are not admitted to them, nor are young girls. In the cribs I have seen girls not more than 18 years of age, Hebrew girls. There is another circumstance, which, perhaps, has little bearing on the moral side, and that is the inmates of these cribs are unclean and in many cases (so I am informed) diseased; this condition, also is fraught with great danger to the young men of the community, and through propagation many innocent men and women are ruined for life.²⁰

The dichotomy that Stone maintained between American and foreign prostitutes is telling for a number of reasons. First, Stone suggested implicitly that foreign prostitutes were cheap, common, and transient by emphasizing how American prostitutes were stable, prosperous, and well-controlled since they lived in large, well-furnished, independent houses. Second, he stated explicitly that foreign prostitutes were dangerous to innocent members of a community because they carried sexually transmitted diseases. Once again, the undertone is that American prostitutes were clean and more "respectable." Third, Stone also observed that these foreign "girls" were "Hebrew," or namely Jewish, and therefore not from the

²⁰Stone to Commissioner-General of Immigration, 7 June 1909, file 52484/8-A, p. 8, INS RG 85.

United States. Last, Stone portrayed American prostitutes as having more "appropriate" morals than foreign prostitutes. In other words, American women were on a higher rung of the ladder of respectability than these foreign women.

Nevertheless, Stone assured his readers that he was not condoning the lives of American prostitutes as more moral. For example, he emphasized,

I do not wish to convey the idea that immorality among women here is confined to foreigners, there are many American women who lead immoral lives other than those who are actual inmates of houses of prostitution, but their influence is not so concerted [*sic*] and well organized, hence not as efficacious [*sic*] and corrupt as that of the foreign element.²¹

Interestingly, in this above passage, Stone conveyed a mixed message. Although he noted that immoral behavior was not limited to American prostitutes, he insisted that American prostitutes were still superior to foreign-born ones. We can only wonder why the "foreign element" was so successful at corrupting social mores in spite of their disorganization and transitory lifestyle that he mentions in the previous paragraph. Ultimately, it appears that Stone believed foreign prostitutes to be more organized and corrupt.

In a report regarding the conditions in Laredo, Stone also discussed the immorality of the "foreign" community as a whole by concentrating on the deplorable values of elected officials. In specific, he commented that the majority of the city and county officials had no respect for state and federal laws and that they also happened to be Mexican. More precisely, they did not have any regard for the standards of morality.²² A case in point was the criminal activity of

²¹Ibid., pp. 8-9, INS RG 85.

²²Ibid., 25 June 1909, file 52484/8-A, pp. 5-6, INS RG 85.

Constable Pedro Leas. Stone detailed how Leas specialized in providing high-ranking officials and houses of prostitution with "girls" for quite some time.²³ Interestingly, he did not critique the lax morality of Mexican prostitutes as he had criticized the Jewish prostitutes of Fort Worth. Instead, Stone focused on the Mexican men that trafficked prostitutes across the border, such as Pedro Leas. It is apparent that the proximity of the border shaped Stone's attitude toward Mexican prostitutes. Thus, it was inconsequential that prostitutes existed along the U.S.-Mexico border as long as they did not travel into the interior. Typically, Mexican prostitutes did not travel to the interior unless they traveled with male escorts, posing as family members, or by railroad, posing as family of railroad workers.²⁴

Clearly, the definitions of morality that Shuler, Sharp, and Stone constructed in their writings point to how they understood (white) women's sexuality. Shuler and Sharp assessed white women's sexuality through a local lens where gender was the marker of difference. For Shuler, the unsavory sexual habits of Euro-American men tarnished the sexuality of Euro-American women and their ability to be moral. For Sharp, the inherent "weakness" of women as a result of their gender tainted the sexuality of women. Stone, in turn, considered prostitution to be an external problem where strangers introduced standards that disrupted typical Euro-American mores. He evaluated Euro-American women's sexuality in opposition to the practices of foreign women. Here, the markers of difference

²³Ibid., pp. 4-5, INS RG 85.

²⁴Ibid., pp. 8, 11, INS RG 85.

were the shades of whiteness or Americanization. In other words, Stone was sensitive to the purported differences between white Americans and "not-yet-white" immigrants.

This attention to intraracial differences hints at how race, both as a biological construct and cultural notion, was also a key dimension in conceptualizing the sexuality of women across racial lines.²⁵ The sexuality of women of color was crucially linked to the sexuality of Euro-American women. Granted, most dominant commentators focused on the intricacies of white women's sexual habits. However, the underpinnings of Euro-American women's sexuality were the sexual practices of Black and Mexican women. Some thinkers, like Shuler, were quite definitive about these connections while others, like Stone, were more oblique.

For one, Shuler passionately compared the plight of white women in "white slavery" to the former condition of enslaved Blacks. He even ventured to say that the bondage of African Americans was not as dreadful as the "Social Evil" of prostitution.²⁶ Evidently, the dire sexual state of Euro-American women was a serious social problem whereas the two-and-a-half centuries of enslavement of

²⁵Omi and Winant identify this tension between race as biological and cultural construct as "racial formation." Moreover, they say the following:

From a racial formation perspective, race is a matter of both social structure and cultural representation. Too often, the attempt is made to understand race simply or primarily in terms of only one of these two analytical dimensions. For example, efforts to explain racial inequality as a purely social structural phenomenon are unable to account for the origins, patterning, and transformation of racial difference (Omi and Winant, *Racial Formation in the United States*, p. 56).

For a fuller discussion, see pp. 55-61.

²⁶Shuler, *Anti-Vice Bulletins*, p. 18.

African Americans was negligible. Undoubtedly, he sought to appeal to a mainstream audience since he later observed, "It took a bloody war to conquer slavery, thousands thought the nation ruined when the black man was freed. Yet who wants slavery back today?"²⁷ That is to say, Shuler hoped to convince those individuals that did not view prostitution as a problem per se by pointing out that they could not fully understand the damage that sex work inflicted until it was gone. In addition, Shuler's observation is significant because it conveyed a dominant, but also confederate, attitude toward race that revealed how Southern white society viewed the sexuality of raced women. First, it showed how some white Southerners had misgivings about granting Blacks their freedom. Second, it unveiled the ambivalence that Euro-Americans felt about making African Americans "full members" of society. By that same token, they were ambivalent about the sanctity of Black women's sexuality. Finally, his observation suggested that if Southerners did not cooperate with campaigns against white slavery they could suffer yet again at the hands of Northerners.

For another, Shuler demonstrated how whites viewed the position of Blacks in society as irrelevant. The sexuality of Black women, as a result, was unimportant. In another section, Shuler underscored this point expressly:

Fellow citizens, it is time to awaken. What are our laws for? What are the duties of our officers? Why our courts? Is all this expensive net-work [*sic*] of justice arranged and supported in order that a few negro street walkers may be arrested and fined one dollar and costs?²⁸

Although it was necessary for officers and courts to arrest and try African

²⁷Ibid., p. 52.

²⁸Ibid., p. 33.

American women for their "activities" or work, it was worrisome to Shuler that they did not do the same with Euro-American women. Put another way, it was troubling that the policing of Black women would supersede the regulation of white women.²⁹

In contrast, Stone wrote about the influence of race on sexuality as a subtext. Mexican and Black women were either peripheral or nonexistent in his overarching analysis of sexuality. For instance, Stone explained that his purpose was not to "clean up" the "Mexican element" in Texas. The sheer number of Mexican women, the fluidity of travel between Mexico and the United States, and the border made the task too difficult for one person to handle. Moreover, he did not believe that these women would go north of San Antonio.³⁰ Clearly, Stone perceived Mexican women as a different kind of "alien" to contend with than other immigrants. Yet it is certain that these factors alone were not the sole reasons for Stone's conclusion that Mexican prostitutes were an undesirable group to try to reform. His decision elicits questions about whether whites even considered Mexicans to be members of the white race, which "races" were worth saving, and whether the sexual practices of Mexican women were changeable. On the first issue, Stone was ambiguous. He referred to Mexicans and whites as disparate races but he included them in his investigation on "white slavery." On the latter points, Stone showed, without stating as much, that he favored the transformation of some women over others. Ultimately, the status of the sexuality

²⁹Humphrey, "Prostitution and Public Policy," p. 509.

³⁰Stone to Commissioner-General of Immigration, 8 October 1909, box 111, file 52484/8-C, pp. 7-8, INS RG 85.

of Mexican prostitutes occupied a small part of this crusade. The status of African American women was completely absent.

The views of Shuler and Stone raise some provocative issues about how race impacted the formation of women's sexuality. Race, whether it was a central text or a subtext, shaped the parameters of sexuality of all deviant women. Certainly, Shuler and Stone judged the sexuality of prostitutes along a spectrum that progressed from good to bad or bad to worse. Too often, the sexuality of Mexican and Black women epitomized the most insidious aspects of this spectrum while the sexuality of Euro-American women symbolized the best. Yet Shuler and Stone recognized that holding all (white) women to these standards was both reductive and limited. After all, their concerns about "debased" sexual practices stemmed from the failure of some Euro-American women to meet these expectations. Put simply, white prostitutes did not represent these ideals. Still, Shuler and Stone saw the possibility of having white women reach these ideals while they realized that women of color could not. In essence, the "race-ing" or "coloring" of women restricted their ability to reach these standards.

Of course, not all contemporaries of the Progressive period embodied the concerns of Progressive reformers. Indeed, Euro-American thinkers like Charles Crudgington, who had ties to Judge Jonathan Crudgington of Amarillo, looked to the nineteenth century as a golden age of prostitution.³¹ They were unfettered by

³¹Jonathan Wilford Crudgington was a judge in Amarillo during the Populist movement. He was also an anti-prohibitionist. It is unclear according to the entry what Charles Crudgington's relationship was to Crudgington but it is safe to assume that they were related. See Tyler, ed., *New Handbook of Texas*, vol. 2, pp. 426-27.

major campaigns to abolish prostitution and their writings echoed the mythological characterizations of the institution found in the works of journalists of that period prior to the Progressive Era. As such, the final factor shaping the construction of women's sexuality in this era was the romanticization of prostitution.

Crudgington's reminiscences, "Notes on Amarillo's Red Light District," were anecdotal, a catalog of the funny and ridiculous.³² His "stories" described the "Social Evil" (or more precisely, the Necessary Evil) as quaint and amusing, not a societal burden. In his introduction to the "Notes," for example, he lamented the closure of the red light district in Amarillo:

The "reservation" – so-called – for women of loose character, began simultaneously with the removal of the business district from "old town" to its present location in the Glidden and Sanborn Addition, although girls had been available from the beginning in the dance halls and saloons of "old town."

What later came to be known as the "Red Light District" was located on Northwest Third, Fourth, and Fifth Streets, from Harrison to Jackson. It was distinctly segregated from other residential property, no other buildings being erected in the neighborhood until about 1910, when the "crusading" of the self-styled moralists of the town began to bear fruit, and the district began breaking-up. The last of the house was destroyed by fire in 1915.³³

Even more intriguing in this above passage is Crudgington's scathing critique of Progressives and their "crusade" against prostitution. Crudgington did not think too highly of the movement by Progressives (or "self-styled" moralists") to end prostitution and, in fact, he faulted them for causing the demise of the sex work.

In another section, he recounted memorable individuals and incidents.

³²I estimate that Crudgington wrote this remembrances sometime after 1915 since that was the last date he mentioned in this piece. See Crudgington, "Notes on Amarillo's Red Light District," p. 1.

³³Crudgington, "Notes on Amarillo's Red Light District," p. 1.

Crudgington began by describing one of the oldest madams or "operators," Ella Hill. Briefly, Crudgington explained how Hill went from being "very affable and friendly" to "quarrelsome" and the most "disgraceful sot in town" later in life.³⁴ Moreover, he remarked, "In the later years she always paid three fines, for 'operating a disorderly house,' 'drunkenness,' and 'affray,' when she was hauled into court."³⁵ In a similar fashion, Crudgington recalled one of the more interestingly named prostitutes in town and her particular problem. Apparently, the police found her name, "'Pissin' Jenny,'" to be offensive and charged her with prostituting under that name.³⁶ Finally, Crudgington described how law enforcement arrested one frequenter of a house with "bareing [*sic*] a penis not his own."³⁷

Crudgington's comments are notable for a several reasons. In the first place, there is the playful, nonchalant tone to his writing style that illustrates his disrespect toward sex workers. In the second, Crudgington highlighted vivid episodes rather than more grisly scenarios. Last, he constructed the sexuality of prostitutes as novel. It is obvious that Crudgington wanted to reinforce a particular perspective about prostitutes and their social reality. In his view, prostitutes were infantile, silly, and unworldly, but he celebrated their "antics" as comic relief. This celebration is similar to how the working-class men of the Nevada Comstock Lode honored Julia Bulette as a prostitute with a "heart of

³⁴Ibid., p. 4.

³⁵Ibid.

³⁶Ibid., pp. 4-5.

³⁷Ibid.

gold" upon her death.³⁸ Still, the romanticization of the prostitutes of Amarillo forms a different part of the mythology of prostitution than the idealization of Bulette. Whereas Bulette symbolized the stereotype of the tragic, generous, "lady-like" prostitute, the women of Amarillo represented the melodramatic, "festive" side of sex work. Crudgington even imposed this image upon the tragic story of Ella Hill. As readers, we get the impression that Crudgington believed Hill's situation to be sad, but he found it was funny that she regularly got arrested for the same three crimes.³⁹

In an earlier piece from the late nineteenth century, a journalist also expressed similar sentiments about prostitutes and their work. This columnist reported on a group of prostitutes who complained to a judge after the police had arrested them without a warrant. However, he added some editorial commentary to his story:

Yesterday evening about 6 o'clock, a spring wagon, loaded with five of the first ward nymphs, drove up in front of Justice Luc's court, where they got out, and, with all colors flying, calmly sailed into the court room and anchored on the front bench. The judge was astonished, and asked, their business. We are here, said the cheerful nymphs, to complain against the police for arresting us without a warrant. "They have a right to do so," said the judge, "and if you think you have been wronged you will have to see a lawyer and enter this for damages." The nymphs left to hunt up a lawyer, and no doubt

³⁸Historian Elliott West states that Bulette was the most famous prostitute to embody this stereotype after her gruesome murder. The men of her community raised a monument that reads: "Julie Bulette:/Angel to Miners/Friend to Firemen/And Administrator to the Needy/Brutally Murdered Jan. 20, 1967/Julia Omnio Servibus." Goldman also talks about how Bulette symbolized this stereotype but she is more detailed about debunking this myth. She explains that Bulette was a rather plain Englishwoman in her mid-thirties. She came to the Comstock when there were few reputable women. See West, "Scarlet West," p. 20; Goldman, *Gold Diggers and Silver Miners*, pp. 1-2.

³⁹Another Amarillo resident, Judge James D. Hamlin, provided an account of Ella Hill more along the lines of Bulette. In other words, she was a tragic figure who came from a good family and became a prostitute because she needed to support herself and two daughters. See Butler, *Daughters of Joy*, pp. 74-75.

the police will have trouble.⁴⁰

The imagery presented may be read both as a critique and glorification. First, the term "nymph," although not a complimentary one, paints the work of prostitution in a comical manner.⁴¹ Second, the journalist surely wanted to underline the hypersexuality of prostitutes by describing even mundane actions suggestively. The usage of such verbs as "sailed" and "anchored" stresses this hypersexuality.⁴² Like in "Notes," the author here also portrayed prostitutes as immature, unwise, and oversexed.

Crudgington used nineteenth-century mythology about prostitution to simplify the kind of world that prostitutes experienced. His romanticization of prostitution deemphasized the concerns of Progressive reformers by presenting the life of prostitution as innocuous but, occasionally, peppered by unusual incidents and persons. In addition, the focus on bizarre scenarios allowed Crudgington to accentuate the sexual maturity of prostitutes while showing their child-like approach to everything else. The suggestion is that prostitutes needed paternal guidance in life but not in their sex work.

⁴⁰*Daily Democratic Statesman*, 17 April 1880, p. 4.

⁴¹According to Goldman, the fact that over thirteen different words for prostitution were used in the Nevada Comstock Lode reflects a "Victorian penchant for euphemisms and reporters' attempts to pepper their writing with arresting terms." In particular, she identifies "nymph du pave" along with "cyprian" as "superior illustrations of inventive language about prostitution." According to historian Jacqueline Barnhart, a "cyprian" was either a prostitute or a lewd, loose woman. Thus, I believe that terms "nymph du pave" or "nymph" as regarded along the same lines as "cyprian." See Goldman, *Gold Diggers and Silver Miners*, pp. 57-58; Barnhart, *Fair but Frail*, p. ix.

⁴²There is another significance to these maritime metaphors. Dominant society has long associated prostitutes with sailors. Certainly, they have been viewed as providing "essential services" to sailors coming to port. See Timothy J. Gilfoyle, *City of Eros: New York City, Prostitution, and the Commercialization of Sex, 1820-1920* (New York: Norton, 1992), pp. 49-51; Chauncey, *Gay New York*, pp. 66-67.

Early twentieth-century reformers and critics, Shuler, Sharp, Stone, and Crudgington provide a variety of interpretations on questions of prostitution and women's sexuality. Their writings illustrate how the subjects such as morality, race, and romanticization impacted their views about how women should express themselves sexually. Evidently, these commentators did not agree on how to handle the issue of prostitution nor did the same themes emerge in their works. However, there is one thread that ties these works together. Throughout their works, the idea that women were unworldly and powerless reoccurs. In the discussion of morality by Shuler, Sharp, and Stone, women were incapable of leading virtuous lives because of the corrupting ways of men, frailties of their gender, or backward standards of foreigners. Therefore, it is the responsibility of worldly institutions such as the church, community organizations, and the government to direct women along the proper path. In Shuler and Stone's assessment of race, these threads converged on the powerlessness of women of color. That is to say, Shuler and Stone perceived women of color as so helpless in their sexual conduct that they were not worth saving. Conversely, white women were powerless but they still could benefit from the assistance of wise individuals and institutions. Finally, Crudgington weaved the themes of powerless and unworldliness to disclose the inability of prostitutes to live outside of their world of sex work. In his view, prostitutes did not require help in controlling their sexuality and he criticized those forces, such as Progressive reformers, who attempted to regulate this comportment. As we will see in the succeeding sections, it is the perspective of Shuler, Sharp, and Stone, not that of

Crudginton, that dominated how the criminal justice system policed the sexual habits and actions of women.

IV. She Stole "Corporeal" Personal Property not Her Own:

An Analysis of Criminality

Sarah Wilson. . . . did . . . unlawfully and fraudulently receive from Georgia Wilson and did unlawfully and fraudulently conceal corporeal personal property, to wit, One Twenty Dollar Gold Piece current coin of the United States, and being then and there of the value of Twenty Dollars, and which said property had heretofore been acquired by said Sarah Wilson in such manner as the acquisition of the same comes within the meaning of the term theft.

*Texas v. Sarah Wilson*¹

In 1911, Sarah Wilson's crime of petty theft was neither extraordinary nor noteworthy. It was an accusation typically found in the criminal court records of Travis County. The courts routinely accused poor and working-class women of thievery, regardless of whether they were African American, Mexican, and Euro-American (see Appendix, Tables 3, 5). It was also a common occurrence for William Morris, a white constable, to charge Wilson, a Black woman, with concealing a stolen twenty-dollar bill.² Black women comprised the one group of women most often charged with this crime in both the 1890s and 1910s (see Appendix, Tables 3, 5). In fact, African American women accounted for 56 and 58.9 percent of the defendants in a comparison of cases with female defendants in

¹Texas v. Sarah Wilson (filed 15 June 1911), Information, CCP, box 80, no. 10347, ATCC.

²Ibid. On Wilson, see Record of Arrests, City of Austin, vol. 7, 1 January 1911-31 December 1914, 15 June 1912, p. 106, ATCC; on Morris, see Morrison & Fourmy Directory Co., *Directory of the City of Austin, 1912-1913* (Houston: Morrison & Fourmy, 1912), p. 225 (hereinafter city directories for 1909-1915 cited as "*Directory of the City of Austin*" and volume by year). It is safe to assume that Morris was white since the directory only designated the "race" of African Americans and, occasionally, Mexicans. In addition, the city directory simply records that Morris was a constable.

1890s and 1910s, respectively (see Appendix, Tables 7, 9). Ironically, they only formed 13.6 and 14.3 percent of the population of Austin in 1890 and 1900, respectively (see Appendix, Tables 11, 12).³ Historian Anne Butler, in a later article, further shows that poor African American women have played a definitive role in the conceptualization of criminality. The racist and sexist undercurrents of the legal system, even in the "free West," worked unfavorably against Black women.⁴ These same undercurrents did not affect Mexican women as blatantly but a number of instances, such as the lynchings of Chepita Rodríguez of Texas and the woman known popularly as Juanita of California also highlight the adverse consequences of selective or oppressive justice for these women.⁵

This section reviews how the racial, sexual, and to a lesser extent class stereotypes of African American, Mexican, and Euro-American women shaped the patterns of crimes and arrests. As such, I first investigate the most common crimes and the women who most frequently appeared as defendants. Second, I

³I was only able to examine the censuses for 1890 and 1900 but it is evident that the increase in Black women is negligible. In addition, Humphrey notes that the population of Blacks actually dropped by the early decades of the twentieth century. By 1920, the population of African Americans was one in five or 20 percent. See Humphrey, *Austin*, p. 178.

⁴Anne M. Butler, "Still in Chains: Black Women in the Western Prisons, 1865-1910," *Western Historical Quarterly* 20 (February 1989): 34-35. Similarly, historian Ruthe Winegarten states that African Americans comprised 25 percent of the Texas penitentiary inmates between 1875 and 1900. See Winegarten, *Black Texas Women*, p. 70.

⁵Specifically, these were some of the first women to be lynched in either state. On Chepita Rodríguez, see De León, *They Called Them Greasers*, pp. 80-81; on "Juanita," see Rodolfo Acuña, *Occupied America: A History of Chicanos*, 3d ed. (New York: Harper & Row, 1988), pp. 118-19. In addition, González writes in her essay about the infamous businesswoman Gertudis Barceló, or La Tules, that women who defied the rules were not only viewed as marginal but were dubbed as "outlaws and burdened with characteristics obscuring social or economic conditions." See González, "La Tules," p. 79.

look at the individuals pressing charges against these women. Third, I analyze how the courts and law enforcement regulated sexuality and morality. Last, this section studies the few women who filed criminal complaints. My interest is not to explore whether the accused were guilty or these accusations were "true" but, rather, to examine what these patterns disclose about dominant assumptions and perceptions of poor Mexican and African American women. Through quantitative means, I hope to demonstrate how sex, gender, and race mattered in determining criminal women and criminal actions.

Mexican and African American women appeared as defendants in an array of cases from the 1890s and 1910s. Offenses included charges as disparate as theft and adultery, but also included disturbing the peace, abusive language, malicious mischief, aggravated assault, running a house of prostitution, selling liquor without a license, intoxication, gambling, carrying a pistol, and slander (see Appendix, Tables 1, 3, and 5). The offense of Black women converged around crimes of property while the offenses of white women were non-property crimes. Mexican women oscillated between these two extremes. In my view, African American women committed "crimes" as a result of necessity or survival. In contrast, the "crimes" of white women were acts of "immorality" such as keeping a house of prostitution or selling liquor without a license. The "crimes" of Mexican women shifted between the necessary and the immoral.

In the 1890s, the most common charge, leveled against all women, was theft. The court records indicate that complainants accused six women of this offense. In themselves, these numbers are not very impressive of revealing any significant

pattern but it is important to consider two factors. The first factor is that women rarely appeared in the court records overall. The second is that it is telling how this crime distributes along race and class. Three of the defendants were African American, three were Mexican, and none were Euro-American. Five women were laborers and only one, a Black woman, was a prostitute (see Appendix, Table 3). In addition, the descriptions of their alleged crimes underline the pettiness of their actions. A white police officer, James Plumb, charged Mollie Hancock, the Black prostitute, with stealing a ring worth a dollar.⁶ Another white constable, James Davis, filed charges against Emma Keys, also an African American woman, for taking five pounds of coal, valued at ten cents.⁷ Last, Deputy Constable Fred Peck, also a white man, accused Concepción Velasquez along with Juan López, both Mexican, of stealing a pair of pants.⁸ These scenarios hint at economic needs being the driving motive. The remaining three cases contain similar thefts of small or practical items. In five of the six cases, the complainants were white male officers.⁹ In other words, the likely situation in all

⁶Texas v. Mollie Hancock (filed 19 September 1895), Information, CCP, box 27, no. 6111, ATCC; Record of Arrests, vol. 4, 1 June 1891-31 August 1898, 7 September 1895, p. 187, *ibid.* On Plumb, see *Directory of the City of Austin, 1895-1896*, p. 239.

⁷Texas v. Emma Keys (filed 6 January 1896), Complaint, CCP, box 28, no. 6234, ATCC; *Directory of the City of Austin, 1895-1896*, p. 188. On Davis, see *Directory of the City of Austin, 1895-1896*, p. 123.

⁸Texas v. Concepción Velasquez and Juan López (filed 7 October 1896), Complaint, CCP, box 32, no. 6363-64, ATCC. On Peck, see *Directory of the City of Austin, 1897-1898*, p. 241.

⁹Texas v. Ada Flores (filed 5 August 1895), CCP, box 27, no. 6092; Texas v. Mollie Hancock (1895); Texas v. Emma Keys (1896); Texas v. Mattie Robinson (filed 25 January 1896), CCP, box 28, no. 6240; Texas v. Estevan Espinoza and María Rodríguez (filed 18 January 1896), CCP, box 30, no. 6318; Texas v. Concepción Velasquez and Juan López (1896); all in ATCC. On Willie Archer, see *Directory of the City of Austin, 1895-1896*, p. 76; on Mattie Robinson, see *Directory of the City of Austin, 1893-1894*, p. 247; on James E. Grizzard, see *Directory of the City of Austin*,

these cases was that the victim or other individuals called the police to placate the scene and restore order. Moreover, these crimes suggest that they occurred within the poor and working class since they were thefts. The one exception was the charge that Willie Archer, a Black man, pressed against Ada Flores, a Mexican woman, for stealing an item valued at fifty cents.¹⁰

In the 1910s, this pattern of theft as the most common accusation persisted. The records list close to three times as many women charged with this offense between 1908 to 1916, fifteen to be precise. Of this number, twelve were Black, two Mexican, and one white. All the women were laborers with the exception of two African American prostitutes who were charged with the same crime (see Appendix, Table 5).¹¹ More interesting are the obviously disproportionate arrests of women of color versus white women. Especially since Black women only comprised 27.8 percent of the total female population while white women comprised 72.2 percent in 1900 (see Appendix, Table 13). In turn, Mexicans constituted 4.8 percent by 1920 (see Appendix, Table 14).¹² Similarly, as in the 1890s, these purported crimes were petty property crimes. For example, Ben

1893-1894, p. 154.

¹⁰It is unclear in the records what precisely Flores stole. See *Texas v. Ada Flores* (1895), Complaint, ATCC. On Archer, see *Directory of the City of Austin, 1895-1896*, p. 76.

¹¹*Texas v. Bessie Sneed and Mary Lou Jones* (filed 13 June 1912), Criminal Dockets, vol. 1911-1914, no. 242, p. 242, ATCC; Record of Arrests, 1 January 1911-31 December 1914, 14 October 1914, 20 November 1914, pp. 281, 286, *ibid*.

¹²I was unable to calculate the number of Mexicans that lived in Austin in 1890 or 1900 since the U.S. Census counted Mexicans as white until the 1930s. However, I have benefited from the work of Adriana Ayala, who meticulously calculates the Mexican population for 1920. See Adriana Ayala, "The Roots of Resistance: Mexican Women and Men's Participation in Mutual Aid Societies and Consulate Organizations—A Case Study of Austin, Texas, 1920-1921" (M.A. report, University of Texas at Austin, 1996), p. 89.

Smith, an African American man, charged Bertha Hemphill, an African American, woman with stealing a hat worth three dollars.¹³ A Euro-American salesman, William Russell, accused a Mexican woman, Mary Rodríguez, of stealing five yards of cloth.¹⁴ And Louis Klein, a white salesman, pressed charges against Augusta Johnson, a white woman, for taking a chicken.¹⁵ As in the 1890s, most of the accusers were white men. The anomalies were the aforementioned African American man, Ben Smith, a Mexican man, and another African American man.¹⁶

Twenty years later the same issues that were salient at the end of the century were significant in the 1910s. It is clear that the legal system racialized the accused. The fact that the majority of theft defendants were Black women reinforces the influence of dominant images of Black women as dangerous and deviant. Dominant expectations of class also mattered. In the case of Augusta Johnson, it was her failure to meet these expectations that made her actions criminal. Put another way, we can suppose that Johnson stole a chicken because

¹³Texas v. Bertha Hemphill (filed 1 May 1911), Information, CCP, box 80, no. 10328, ATCC; *Directory of the City of Austin, 1910-1911*, p. 156. On Smith, see Record of Arrests, 1 January 1911-31 December 1914, 13 January 1912, p. 74, ATCC.

¹⁴Texas v. Mary Rodríguez (filed 17 July 1912), Information, CCP, box 85, no. 10960, ATCC. On Russell, see *Directory of the City of Austin, 1912-1913*, p. 265.

¹⁵Texas v. Augusta Johnson (filed 26 January 1911), Information, CCP, box 79, no. 10246, ATCC; *Directory of the City of Austin, 1912-1913*, p. 178. On Klein, see *Directory of the City of Austin, 1911-1912*, p. 182.

¹⁶Texas v. Bertha Hemphill (1911); Texas v. Rosa Ward (filed 15 June 1911), CCP, box 80, no. 10346; Texas v. Bessie Sneed and Mary Lou Jones (1912); all in ATCC. The two other men were Roman Gongora and James Edwards. On Edwards, see *Directory of the City of Austin, 1912-1913*, p. 125.

she was driven by hunger. But she was punished because of her disregard of proper modes of exchange and her color.

White women do not figure predominantly in criminal cases until the 1910s, when they were more regularly charged with crimes of immorality or "sexual vice." The antiprostitution movement had reached its zenith by this period and law enforcement officials frequently arrested women of all races for these kinds of offenses.¹⁷ The increase in accusations is striking because the courts unevenly regulated sexual conduct in the 1890s. In fact, the courts record only four women who were charged with running a house of prostitution and adultery. For the first charge, one African American woman, Elsie Stewart, and one Mexican woman, Antonia Allame appeared as defendants.¹⁸ For the other charge, case records note two couples—Refugio Relles and Petra Huerta, a Mexican couple, and Millie Bell and George Hamilton, a Black couple (see Appendix, Table 3).¹⁹ None of the defendants were white women. Indeed, in this entire period, charges were only brought against one white woman, Jessie Meade, for selling liquor without a license (see Appendix, Table 3).²⁰ This accusation is surely suggestive of a

¹⁷D'Emilio and Freedman, *Intimate Matters*, pp. 208-215; Rosen, *Lost Sisterhood*, chap. 2.

¹⁸Texas v. Elsie Stewart (filed 24 March 1892), CCP, box 12, no. 5079, ATCC; Texas v. Antonia Allame (filed 19 March 1897), CCP, box 32, no. 6552, *ibid.* On Stewart, see *Directory of the City of Austin, 1893-1894*, p. 270.

¹⁹Texas v. Refugio Relles and Petra Huerta (filed 21 May 1890), CCP, box 2, no. 4300, ATCC; Texas v. Millie Bell and George Hamilton (filed 5 August 1890), CCP, box 2, no. 4354, *ibid.* On Bell and Hamilton, see *Directory of the City of Austin, 1891-1892*, pp. 78, 139.

²⁰Texas v. Jessie Meade (filed 26 December 1895), CCP, box 28, no. 6220, ATCC.

circular approach to the regulation of prostitution. Meade, a madam, ran a house of prostitution and the liquor was a subsidiary business.²¹

In the 1910s, the courts pressed charges against a total of seven Euro-American women for a combination of blatant and subtler sex offenses.²² The Austin police accused two women of running houses of prostitution (one woman was charged twice), three women of vagrancy, and two of selling liquor illegally. The records indicate that all these women were prostitutes (see Appendix, Table 5). In contrast, law enforcement officials only charged two African American prostitutes, Clara Hill and Rosa Clanton, with vagrancy and no Mexican women with any crimes of sexual vice (see Appendix, Table 5).²³

The rise of accusations against Euro-American women and the decline against women of color, in this period, reveal how the criminal justice system perceived the sexuality of these women hierarchically. What does this difference of regulation between women of color and white women mean? The slow rise of

²¹Record of Arrests, vol. 1, 1 January 1876-1 January 1879, 13 July 1877, 8 August 1877, ATCC.

²²This number is obviously very small but I should restate that I am only looking at court records not cataloging this pattern in the records of arrests. Certainly, a number of cases did not make it to trial. As such, Humphrey provides the following figures compiled from the arrest records for women charged with prostitution-related offenses: in 1886-1894, 7.3 percent of the arrestees were Euro-American, 25.2 were African American, 0.3 percent were Mexican; in 1895-1903, 8.2 percent were Euro-American, 31.8 percent were African American, 1.3 percent were Mexican; in 1904-1912, 4.3 percent were Euro-American, 10.6 percent were African American, and 0.7 were Mexican; in 1914-1915, 17.0 percent were Euro-American, 65.5 were African American, and 6.0 were Mexican. See Humphrey, "Prostitution and Public Policy," p. 503, table 3.

²³Texas v. Clara Hill (filed 12 July 1913), CCP, box 85, no. 10957, ATCC; Texas v. Rosa Clanton (filed 1 October 1913), CCP, box 85, no. 11026, *ibid.* On Hill, see Record of Arrests, 1 January 1911-31 December 1914, 11 May 1914, p. 253, ATCC; on Clanton, see Record of Arrests, 1 January 1911-31 December 1914, 6 August 1913, p. 207, ATCC.

accusations shows that the city of Austin was slow to criminalize sex work.²⁴ This coincided with both nationwide and local trends against white slavery. The Vice Commission of Chicago did not publish its classic study, *The Social Evil of Chicago*, until 1911.²⁵ Reverend Shuler did not publish his crucial bulletins, which heavily quoted the work by the Vice Commission of Chicago, until 1914.²⁶ Moreover, all the "sex" offenders of the 1910s were charged between 1911 and 1914.²⁷ The sexual conduct of white women had taken center stage by this period since the percentage of Euro-American prostitutes charged rose from 4.0 percent in the 1890s to 15.7 percent in the 1910s (see Appendix Tables 7, 9).²⁸ The corresponding percentages for Black and Mexican women in these two decades were 20.0 and 8.0, in the 1890s, 11.8 and 2.0, in the 1910s, respectively (see Appendix, Tables 7, 9). Conversely, the dominant image of Black and Mexican women as sexually ready, available, and promiscuous caused the police and courts to regulate more loosely sexual behavior they believed to be unavoidable and "incurable" by the early twentieth century.

²⁴Humphrey, "Prostitution and Public Policy," pp. 486-87.

²⁵Chicago, Ill., Vice Commission of Chicago, *The Social Evil of Chicago: A Study of Existing Conditions, with Recommendations* (Chicago: Gunthrop-Warren Printing, 1911; reprint, New York: Arno, 1970).

²⁶Shuler, *Anti-Vice Bulletin*.

²⁷Texas v. Mae Miller (filed 30 September 1911), CCP, box 81, no. 10426; Texas v. Annie Scrivner (filed 8 January 1912), CCP, box 82, no. 10538; Texas v. Laura Elmquist (filed 29 June 1912), CCP, box 83, no. 10678; Texas v. Millie Needham (filed 29 June 1912), CCP, box 83, no. 10679.; Texas v. L.S.H. Bergeron (filed 12 July 1912), CCP, box 83, no. 10687; Texas v. Clara Hill (1913); Texas v. Rosa Clanton (1913); Texas v. Lillie S.H. Bergeron (filed 12 March 1914), Criminal Dockets, vol. 1911-14, no. 553, p. 553; all in ATCC.

²⁸Humphrey, "Prostitution and Public Policy," pp. 508-9.

Yet the lack of direct sexual regulation of women of color manifested itself in an implicit regulation by law enforcement and the courts. The court records distinctly demonstrate that most "conduct" of Mexican and African American women was criminal. After all, these same institutions accused Black and Mexican women with abusive language, assault, disturbing the peace, intoxication, and slander, to name but a few. Cases in point were the arrests for 1894 where the police arrested thirty-five African American women on the counts of disturbing the peace and another four on the counts of intoxication. Conversely, the arrest records only list two Euro-American women with disturbing the peace and another seven with intoxication (see Appendix, Table 1). Similarly, between 1891 to 1898, the police arrested five Mexican women for disturbing the peace and six for intoxication (see Appendix, Table 2).

The court records also overwhelmingly exhibit that women of color generally outnumbered white women in these kinds of charges. Between 1890 and 1897, four African American women were charged with assault and one with disturbing the peace. The courts did not press any charges against Mexican or white women for these offenses (see Appendix, Table 3). In a similar fashion, the records list two Black women and one white woman charged with abusive language; eight African American women, one Mexican, and one Euro-American with assault; one African American woman, two Mexican, one Euro-American with disturbing the peace; and two Black and two Mexican women with intoxication between 1908 and 1916 (see Appendix, Table 5). Furthermore, Mexican and Black women constituted about 80 percent of the female defendants, in all crimes, in

both the 1890s and the 1910s despite comprising about 15 percent of the population at the turn of the century (see Appendix, Tables 7, 9, 12).²⁹

In short, I believe we need to consider that the policing of women of color was institutionally different from that of white women. More precisely, the criminal justice system did not view the deviant sexual comportment of Black and Mexican women with the same urgency as the comportment of white women. But the legal establishment did see most behavior of African American and Mexican women as an affront to traditional middle-class expectations of (white) womanhood.³⁰ What is intriguing is that most of these women accused were not prostitutes. From the 1890s to the 1910s, the percentage of prostitutes of color who were defendants dropped from 28 to 13.8 (Appendix, Tables 8, 10). The aforementioned charges underscore this point because they are a catalog of how the police and courts envisioned these women to be—foul-speaking, loud mouthed, drunk, assaulting. These characteristics surely corresponded to

²⁹Obviously, this percentage of Mexican and Black women is not precise. Since I do not have a specific percentage for the number of Mexican women that lived in Austin, I divided the percentage of Mexicans that Humphrey provides for 1900 (2 percent) in half. I added this percentage to the percentage of African American women in 1900. Thus, I believe that the percentage of African American and Mexican women in Austin at this time was about 15 percent. See Humphrey, *Austin*, p. 178.

³⁰Goldman contends prostitution represented a "blatant contradiction to traditional ideals of womanhood, morality, and family life. Customs and laws labeling prostitutes aberrant and unfeminine and separating them from respectable women were rooted in more general sexual ideology" (*Gold Diggers and Silver Miners*, pp. 136-37). Clearly, Goldman's argument could be extended to include the sexual conduct of African American and Mexican women, regardless of whether they were prostitutes, as a "blatant contradiction to traditional ideals."

stereotypes that portrayed women of color as "disorderly" and "unsavory," traits commonly associated with prostitutes.³¹

The records also corroborate that white men found these women's actions offensive since the majority of the complainants were Euro-American men (see Appendix, Tables 4, 6). Indeed, most of the individuals who filed complaints overall were white men, as we have seen with the crimes of theft and sexual vice. Euro-American women and women and men of color played a comparatively small role in this part of the legal process.

The combined complaints of African American and Mexican women, for instance, were few but significant in the criminal cases of the 1890s and 1910s. Women of color were about 20 percent of the complainants in the selected cases for this analysis, not in all the criminal cases for both these decades (see Appendix, Tables 8, 10). Nevertheless, the participation of Black and Mexican women differed. For one, Black women used the court system more regularly than their Mexican counterparts. The number of Black women who filed complaints remained at five in both decades while the number of Mexican women rose from zero to six (Appendix, Tables 4, 5). Still, we could conclude that the

³¹Historian Timothy Gilfoyle writes "If sporting men saw prostitutes and brothels as expressions of freedom, liberation, and breakdown of earlier constraints upon sexual behavior, moral reformers, on the other hand, equated them with sewers and sin. . . . The whore was a metaphor; her persona embodied fears of 'ruin,' downward mobility, loss of status, and social marginality" (*City of Eros*, p. 181). Gilfoyle further states that by the turn of the century the "fallen woman" had become the "white slave." Rosen, however, maintains that this tension remained throughout the Progressive Era. I am more inclined to agree with Rosen's interpretation but I would add that women of color, at large, were criminalized for sexual misconduct while Euro-American women were not unless they were prostitutes. See Gilfoyle, *City of Eros*, p. 270; Rosen, *Lost Sisterhood*, p. 46-50.

role of Black women diminished since the number of all the other complainants steadily rose. To be precise, the participation of African American women dropped from 20.8 to 9.1 percent (see Appendix, Tables 8, 10). For another, the occupation of the complainants varied between African American and Mexican women. Whereas all the Black women appear to be just poor, laboring women, two of the six Mexican women were prostitutes (Appendix, Tables 8, 10).

Overall, it is useful to highlight those instances in which Mexican and African American women pressed charges because in most instances the accusations were for assault. A total of nine women of color pressed assault charges against a variety of individuals. In the 1890s, all four complainants were African American while, in the 1910s, two were African American and three were Mexican (see Appendix, Table 4, 6). Moreover, in both of these periods, only one of the complainants was a prostitute, a Mexican woman named Rosa Martínez.³² In most cases, these were examples of intraracial violence, though the gender of the alleged assailants varied. In the four cases from the 1890s, two accused individuals were Black women, one was a Black man, and one woman's race is unclear.³³ In the subsequent period, the defendants were as follows: one Black woman, one Black man, and three Mexican men.³⁴ Here, the races of the accused

³²Record of Arrests, 1 January 1911-31 December 1914, 6 February 1912, p. 80, ATCC.

³³Texas v. Phoebe Gage (filed 10 October 1895), CCP, box 27, no. 6125; Texas v. Henry Black (filed 25 January 1896), CCP, box 28, no. 6239; Texas v. Lizzie Ewing (filed 5 June 1896), CCP, box 29, no. 6305; Texas v. Carrie Tucker (filed 5 June 1896), CCP, box 29, no. 6306; all in ATCC. On Gage, see Record of Arrests, 1 June 1891-31 August 1898, 8 October 1895, p. 189, ATCC; on Black, see *Directory of the City of Austin, 1895-1896* p. 90; on Tucker, see *Directory of the City of Austin, 1897-1898*, p. 297.

³⁴Texas v. Rosa Allen (filed 27 January 1912), Criminal Dockets, vol. 1911-1914, no. 173, p. 173;

corresponded to the race of the accusers. Clearly, white men were in a position of dominance, but women of color occasionally used the legal system as well. In fact, they outnumbered white women in their use of the legal system.

Euro-American women only accounted for three of the complainants or victims, about 4 percent, in these select criminal cases of the 1890s and 1910s (see Appendix, Tables 8, 10). In the 1890s, Ellen O'Brien, a white prostitute, pressed charges against the same Black prostitute, Mollie Hancock, who was also accused of theft that same year, for aggravated assault.³⁵ In the 1910s, Susie Brown, a white widow, filed a complaint against Sarah Hawkins, an African American prostitute, for abusive language.³⁶ Finally, Lillie May Nelson, a white student, filed charges against Irene Gillman, a white madam, for selling beer without a license.³⁷

Texas v. Casinero Flores (filed 17 December 1912), Criminal Dockets, vol. 1911-1914, no. 309, p. 309; Texas v. Lonnie Coleman (filed 21 June 1913), Criminal Dockets, vol. 1911-1914, no. 428, p. 428; Texas v. Willie Martínez (filed 31 August 1914), Criminal Dockets, vol. 1914-1916, no. 41, p. 41; Texas v. Preston Cortez (12 October 1914) Criminal Dockets, vol. 1914-1916, no. 64, p. 64; all in ATCC. On Allen, *Directory of the City of Austin, 1914*, p. 204; on Coleman, *Directory of the City of Austin, 1912-1913*, p. 104.

³⁵Texas v. Mollie Hancock (25 September 1895), CCP, box 27, no. 6107, ATCC. On O'Brien, see Record of Arrests, 1 June 1891-31 August 1898, 4 October 1895, p. 189, ATCC.

³⁶TX v. Sarah Hawkins (filed 23 May 1914), Criminal Dockets, vol. 1914-1916, no. 1, p. 1, ATCC; Record of Arrests, Record of Arrests, 1 January 1911-31 December 1914, 20 April 1914, p. 248, *ibid.* On Brown, *Directory of the City of Austin, 1914*, p. 269.

³⁷Texas v. Irene Gillman (filed 9 October 1912), Criminal Dockets, vol. 1911-14, no. 273, p. 273, ATCC. Although Stone listed "Gillman" as "Estele Gilman" rather than "Irene Gillman," I am assuming that she was either the same person or they were related since Irene's house was within the same vicinity of brothels as Estele's house. See *Directory of the City of Austin, 1912-1913*, p. 143; Stone to Commissioner-General of Immigration, 13 May 1909, box 111, file 52484/8, p. 5, INS RG 85. On Nelson, see Polk's Morrison & Fourmy Directory Co, *Directory of the City of Austin, 1916* (Houston: Polk's Morrison & Fourmy, 1916), p. 331 (hereinafter cited as *Directory of the City of Austin, 1916*).

It is evident that there is a stark contrast between how white women used the legal system and how women of color used this institution. One distinction is that the white women pressed charges against other women while women of color filed complaints against women and men alike. Another distinction is that the defendants were all prostitutes in the cases with white women as complainants whereas African American and Mexican women did not file charges against any prostitutes.³⁸ A last difference is that Black and Mexican women tended to charge individuals within their own "race" while white women did not.³⁹ Apparently, Euro-American women were comfortable with charging individuals outside of their race and class but not outside their gender. The fact that all their complaints were against prostitutes also suggests a vigilance of immorality among other women. Perhaps, these white women, like reformer Estelle Sharp, believed it was their task to protect the sanctity of womanhood and they viewed these criminal women as an affront to their values.

In this section, I attempt to unravel the multiple functions of the courts and law enforcement in the city of Austin from the 1890s to the 1910s. One purpose

³⁸Texas v. Phoebe Gage (1895); Texas v. Nettie Reed (filed 8 November 1895), Complaint, CCP, box 28, no. 6203; Texas v. Henry Black (1896); Texas v. Lizzie Ewing (1896); Texas v. Carrie Tucker (1896); Texas v. B.G. Ruiz (filed 9 March 1911), CCP, box 79, no. 10277; Texas v. Fred Guest (filed 12 September 1911), Criminal Dockets, vol. 1911-1914, no. 4050, p. 98; Texas v. Rosa Allen (1912); Texas v. Casinero Flores (1912); Texas v. Martha Clayton (filed 25 February 1913), Criminal Dockets, vol. 1911-1914, no. 348, p. 348; Texas v. Matilda Varela and Carmela Ramírez (filed 3 March 1913), Criminal Dockets, vol. 1911-1914, no. 351, p. 351; Texas v. Lonnie Coleman (1913); Texas v. Odulia Martínez (filed 28 April 1913), Criminal Dockets, vol. 1911-1914, no. 382, p. 382; Texas v. Willie Martínez (1914); Texas v. Preston Cortez (1914); all in ATCC. On Reed, see *Directory of the City of Austin, 1898-1899*, p. 256; on Clayton, see Record of Arrests, vol. 6, 1 September 1905-29 December 1910, 30 April 1906, p. 37, ATCC.

³⁹Ibid.

that is immediately striking is that the legal system existed to regulate any deviant behavior of Black and Mexican women. A second feature is that the legal establishment functioned to police white prostitutes and their work. Third, Mexican and African American women used the courts more often as a vehicle of justice and as a place to file grievances than their Euro-American sisters. Obviously, the picture that emerges here is a complex one. While white women may have experienced the extent of overt sexual regulation, these numbers become negligible if we compare them to their numbers in the total population. In turn, the police and courts may have not targeted women of color as routinely for explicit sex crimes but they certainly dealt with these women in implicit fashion. Last, unlike Euro-American women, poor and laboring women of color exercised their legal rights. They did not file complaints against white men but they did turn to the legal system as a mechanism to solve conflict in their families and communities. In the next section, we will explore how these patterns appear in the language of the court records.

V. He Got Her in a "Friendly Way":

Representations of Women in the Courts of Austin

Nettie Reed did then and there in the presence and hearing of Alice Green and. . . other persons, falsely, maliciously, wantonly say of and concerning the said Nora Howard, that Earnest Jones told her Nettie Reed that he Earnest Jones had gotten Nora Howard in a friendly way, and that he Earnest Jones had done all he Earnest Jones could do to destroy it (meaning the unborn child of Nora Howard) and that if Nora Howard did not get all right in a few days, he Earnest Jones was going to skip town.

*Texas v. Nettie Reed*¹

On November 7, 1895, Martha Howard, an African American woman, filed charges against Nettie Reed, another African American woman, for slandering Nora Howard, her relation.² Martha objected to the insinuations that Nora Howard was unchaste and Nora's lover had aborted her fetus. As the formal complaint above demonstrates, the questionable comments by Reed reveal an entangled scenario of hearsay. Moreover, this case complicates our understanding of how the courts regulated the sexuality of women. The Reed case elicits numerous questions because of its uniqueness. First, it represents one of the select cases where a woman of color filed a complaint. Second, it was one of the few slander cases. Third, it illuminates the (in)effectiveness of such charges. Last, this case illustrates the tension between implicit and explicit sexual regulation. In other words, although the charge here was not directly related to a sex offense, it exemplified an indirect form of sexual regulation.

¹Texas v. Nettie Reed (1895), Complaint, ATCC.

²On Martha Howard, see *Directory of the City of Austin, 1895-1896*; on Nettie Reed, see above, footnote 126.

Contrary to popular beliefs that held that African Americans adopted lesser standards of morality, Martha did not disregard an allegation of loose morals leveled at one of her family members.³ It did not matter to Martha that she was not white nor middle class but African American and working class. She hoped that through the courts she would achieve a clarification and compensation for damages already incurred on the Howard family name. Yet, since the outcome of this case is unclear, we do not know if Martha ever achieved this kind of reparation.⁴ Indeed, it is important to ask why Martha looked to the courts to rectify the reputation of Nora when this same institution barely guaranteed her rights as an African American. Why would the courts protect the purity of a Black woman when they upheld certain stereotypes about them? Still, it is evident that the courts would be one place where the meaning of Nora's sexuality could be contested.⁵

As I have already shown, the courts and law enforcement officials regulated the overt sexual conduct of African Americans and Mexican women relatively less than the conduct of Euro-American women. The sexual regulation of

³D'Emilio and Freedman argue that some African Americans during Reconstruction adopted white middle-class norms of propriety and respectability. See D'Emilio and Freedman, *Intimate Matters*, p. 105.

⁴Texas v. Nettie Reed (1895), ATCC.

⁵In Deena González' superb work on the Spanish-Mexican women of Santa Fe, she details the shift from Spanish-Mexican domination of the courts to the Euro-American one. González notes that by the late nineteenth century the court system was a reflection of Euro-American values but, regardless, Spanish-Mexican women of Santa Fe still developed strategies of resistance. Clearly, in the nascent stages of Euro-American colonization, this negotiation of values was more ongoing than in later decades. Moreover, González focused on civil suits rather than criminal cases. Nevertheless, I believe that González' observation is applicable to this analysis because she sheds light on the complex role of courts as both a medium of repression and resistance. See González, *Refusing the Favor*, especially chap. 3.

Mexican and Black women was more implicit and intricate. Evidently, the Reed case had less to do with slander and more to do with the sexual construction of Nora. The irony, of course, is that it was Nora's community, not the legal system, who perceived her sexuality as vicious. This is not to say that the legal system envisioned Nora as a model of virtue. The lack of a record indicating a verdict on her behalf would suggest otherwise. In a case such as this, it becomes pertinent to consider whether this case was simply echoing dominant assumptions of women of color or problematizing those views.

One reading we must consider is whether Nora's passivity throughout this scenario corroborated the image of Black women as immoral, unruly, and unwise. Surely, her passiveness or lack of voice did not help in countering the image that Reed suggested. Nevertheless, we could read Nora's silence as a means of protecting herself—if Nora did not respond to these accusations, then Reed's words were simply untrue. In a similar fashion, we could interpret Martha's protection of Nora's virtue as both undermining and confirming this image. On the one hand, as a "lady," it was not the responsibility of Nora to defend her morality but the responsibility of her family and community. This practice was especially common within white culture, as we shall see in a succeeding case. On the other hand, this responsibility traditionally fell upon men. The absence of a man defending the moral reputation of Nora suggests that she was not as virtuous as she or her family claimed that she was. But since Nora was not married to Earnest Jones, he could hardly defend her reputation. This would implicate them both in engaging in premarital sex. It appears, therefore, that it was a strategic

decision by the family to let Martha take on this role. This case is compelling because of these multiple possibilities. In each instance, we see that the courts were a mechanism that could either verify or challenge dominant expectations of womanhood.

In this final section, I conduct a closer study of the regulation of African American and Mexican women's sexuality. I continue analyzing how sexual and racial stereotypes impacted the patterns of criminal charges, but I do so from a qualitative angle. In particular, I deconstruct the language of the complaints to understand how the courts and police used both an implicit and explicit strategy of regulation. Put another way, I examine the difference between the regulation of offenses expressly connected to sex work and those crimes that which fell within a broader control of sexuality.

Two patterns are salient throughout this diverse sample of legal proceedings. First, the more provocative language existed in cases of implicit sexual regulation rather than ones of explicit regulation since the complaints in the former group provide richer descriptions and more variety of scenarios. Further, these cases involved charges of "inappropriate" social and cultural practices rather than charges of prostitution or other sexual vice. Second, the language of sex crimes in the case papers is not the best way to trace changes in sexual regulation from the 1890s to the 1910s since the changes were negligible. Even in the late nineteenth century, the formality of legal discourse makes it difficult to assess the actual language of the complaints. By the early twentieth century, two factors were especially crucial in causing the language to become even more formulaic and

standardized. One element was the increase in sex crimes; the other was professionalization and systematization of the legal system.⁶ In the language itself, these changes come through as the crimes of prostitutes become more rigidly determined. That is to say, by the 1910s, the legal system defined vagrancy among women as the act of selling oneself for sexual intercourse, whereas in the 1890s, there was flexibility to the meaning of vagrancy. In general, with the exception of one case, I do not examine court testimonies because testimonies did not exist for these other cases. In spite of this limitation, it is critical that we tease out the few changes that the language of these cases does indicate.

In the 1890s, cases that fit the first category included slander and disturbing the peace. A case in point of this pattern is the aforementioned Reed case where it was Nora's sexuality that was contentious, not Reed's defamatory remarks. A more poignant example is the slander case against Meier Minchen, a Jewish man.⁷ Herman Liebold pressed charges against Minchen for insinuating that his wife, Marie Liebold, was immoral. In fact, Minchen denounced her as "a whore and a bad woman."⁸ Minchen claimed that he was attempting to warn his neighbors about Marie's illicit sexual activity since he did not think it was safe for the neighborhood children to play near at or the Liebolds' residence.⁹ Like the Reed

⁶Although Rosen specifically discusses the professionalization of the police, I would argue that this professionalization also extended to the courts. See Rosen, *Lost Sisterhood*, pp. 4-5.

⁷Texas v. Meier Minchen (filed 29 November 1891), Testimony of Meier Minchen, Statement of Facts, CCP, box 5, no. 4601, ATCC.

⁸Texas v. Meier Minchen (1891), Information, ATCC.

⁹Ibid., Testimony of G.W. Patterson, Statement of Facts, ATCC.

case, the ultimate focus is Marie's alleged improper sexual practices. Yet this case also shows that the function of the courts varied given the persons involved in a case.

For one, the participants in this case were not African American, poor or working class as in the Reed case. Herman Liebold was a white tailor; Marie as a result of her husband's class was a white middle-class woman. Similarly, Meier Minchen was the owner of a shop and also a tailor.¹⁰ For another, the court did not dismiss this case but conducted a full trial and the jury found Minchen guilty of slandering Marie.¹¹ Minchen, though, was quite adamant about his opinion and he appealed his case a number of times without success.¹² Last, it is obvious from the records that more attention was given to this case. It was crucial to clean up Marie's reputation given her place in society as a respectable white woman. Her race and class lent her more protection and credibility than a Black or Mexican woman of any class, such as Nora of the Reed case, would have.¹³ Additionally, two factors indicate the importance and magnitude of this case: One factor is just the sheer number of records; the other is the fact that this is one of the few cases where a transcript of trial testimonies exists.

¹⁰On Herman Liebold, see *Directory of the City of Austin, 1889-1890*, p. 153; on Meier Minchen, see *Directory of the City of Austin, 1889-1890*, p. 169.

¹¹Texas v. Meier Minchen (1891), Information, ATCC.

¹²Texas v. Meier Minchen (1891), ATCC.

¹³D'Emilio and Freedman, *Intimate Matters*, pp. 216-21. As historians Christine Stansell and Ruth Rosen argue white middle-class women have always held a special or ceremonious place in mainstream society. Reformers in the nineteenth and early twentieth centuries could always justify saving Euro-American prostitutes and other "fallen women" over prostitutes of color. See Christine Stansell, *City of Women: Sex and Class in New York, 1789-1860* (Urbana: University of Illinois Press, 1982), p. 191; Rosen, *Lost Sisterhood*, pp. 46-49.

Consistently, the witnesses for the complainant insisted that "Mrs. Liebold" was a decent, upstanding white woman. Their language divulges the esteem and admiration they held for her. One witness reported, "I have heard her reputation discussed. Since the trial came up. Since she has been living there everybody says she has conducted herself as a virtuous and good woman. I never saw strange men goin [*sic*] or come out of her house."¹⁴ Another witness added that he had known Mrs. Liebold's reputation to be immaculate and that only Minchen questioned this reputation.¹⁵ And a different witness also expressed the opinion that everyone in the neighborhood believed Mrs. Liebold to be a virtuous woman and he never heard of anything wrong until Minchen's complaint.¹⁶

Two recurring topics objectives from these various testimonies. One was to reconstruct Marie's virtue. The other was to discredit the integrity of Minchen. The repetitious usage of "virtue" or "virtuous" indicates that the witnesses sought to replace the image of Marie that Minchen had created. They emphasized that various neighbors thought highly of her and none saw strange men coming to the Liebold house. Nevertheless, it is unclear how these observations made "Mrs. Liebold" a woman of "good reputation." In contrast, these same witnesses did actively state that they believed Minchen to be dishonest in his claims. Undoubtedly, this is not startling since Minchen was on trial, not Marie. However, it shows how the courts, ultimately considered Marie's supposed sexual conduct to be unproblematic. Simply put, the feasibility that Marie committed

¹⁴Texas v. Meier Minchen (1891), Testimony of G.W. Patterson, Statement of Facts, ATCC.

¹⁵Ibid., Testimony of Ben Pillows, Statement of Facts, ATCC.

¹⁶Ibid., Testimony of John J. Welbers, Statement of Facts, ATCC.

adultery was never an issue. As a result, Marie never lost her status as an upstanding and moral Euro-American woman. In a larger sense, this reveals how the courts considered the sexuality of women, such as Nora Howard, to be dubious. The plausibility that Reed's statements were true remains an option since the records do not indicate a verdict. In brief, the missing decision can be read as a lack of resolution by the court. Consequently, it was the responsibility of Nora's neighbors and the larger community to decide whether she was a wanton who allowed her partner to "dispose" of an unwanted pregnancy. Moreover, Nora had to confront the individuals that branded her as such a person.

Another example of this suggestive language is a disturbing the peace case from 1896. In this case, Police Officer O.H. Gibson charged Fanny McCann with calling Allan Thompson a "son of a bitch."¹⁷ It is unclear from the complaint why Gibson, not Thompson, was the person pressing charges or what motivated McCann to address Thompson in this manner. Yet it is interesting that the charge against McCann was not abusive or offensive language but disturbing the peace. Both accusations certainly connote disruptive behavior but the latter also implies a greater offense to society as a whole. In that case, it is understandable that McCann's words were not just insulting to Thompson but to Gibson as well. This latter interpretation gains more significance if we note that McCann was an African American prostitute.¹⁸ Dominant images of prostitutes of color dictated that they were a stealing, drinking, disrupting, and menacing lot (see Appendix,

¹⁷Texas v. Fanny McCann (filed 15 May 1896), Complaint, CCP, box 29, no. 6300, ATCC.

¹⁸Record of Arrests, 1 June 1891-1 August 1898, 14 May 1896, p. 210, ATCC.

Tables, 1, 2, 3, 5).¹⁹ Gibson, a white police officer, surely would not have viewed McCann any differently.²⁰ Still, the court did eventually find McCann innocent on an appeal.²¹ This consequence opens the possibility that the person behaving in a disruptive manner was not McCann but, perhaps, Officer Gibson. Was, then, Gibson falsely arresting McCann to suppress her sex work or was he just a corrupt officer of the law? In either case, I believe the central question here is not whether McCann was innocent or guilty but how Gibson attempted to control her unseemly or fiery language since a woman should not engage in swearing. She, conversely, attempted to resist this regulation.

In the 1910s, the most emblematic cases were those involving assault, abusive language, and disturbing the peace. For instance, the complaint in the case against Nettie Randolph reads that she threw at Katie Pollard a "heavy glass kerosene lamp. . . filled with oil and burning at the time."²² Although the descriptions in assault cases are usually brief, this one stands out because of how Randolph attacked Pollard. Most descriptions did not express in such detail how the assailants hurt their victims. A typical assault complaint stated the following information: "Bertha Price made an assault upon Luanna Bedford."²³ The difference in complaints is noteworthy because in this other description it is not obvious how Price precisely attacked Bedford. Perhaps Price used her fists or an

¹⁹In fact, Paula Giddings argues that Black women epitomized the worst vices at the turn of the century. See Giddings, *When and Where I Enter*, p. 82.

²⁰*Directory of the City of Austin, 1895-1896*, p. 147.

²¹Texas v. Fanny McCann (1896), ATCC.

²²Texas v. Nettie Randolph (filed 30 January 1911), Complaint, CCP, box 79, no. 10248, ATCC.

²³Texas v. Bertha Price (filed 30 December 1911), Complaint, CCP, box 82, no. 10530, ATCC.

object or a combination thereof but, in the end, the record does not make this explicit.

The Randolph case is intriguing because the victim, Pollard, was a Black prostitute and she did not file charges against Randolph.²⁴ Prostitutes did not commonly appear as victims and/or complainants in assault cases recorded by the courts. The records do not list any other prostitutes as victims and only one other prostitute pressed charges against her assailant.²⁵ Further, the complainant in this case was a white police officer named, James Fox.²⁶ What is interesting, therefore, is to see Pollard not as the "criminal" but as the "victim" or "survivor." The alternate view of Katie Pollard exposes the vulnerabilities inherent in prostitution and presents a contradictory image of passivity. Yet most respectable Austinites, like Fox or Reverend Robert Shuler, would not have viewed Pollard so charitably as a result of her "lifestyle." Surely, many would argue that her "Jezebel" nature caused her to provoke such an assault.²⁷ Put simply, we cannot dismiss the dominant perceptions of Pollard even if this instance offers an oppositional example.

Conversely, it is difficult to unravel the role of Randolph since relatively little information exists in the sources about her. The possibilities of her identity are vast. Perhaps Randolph was an African American prostitute, just a poor Black

²⁴Record of Arrests, 1 January 1911-31 December 1914, 13 February 1914, p. 240, ATCC.

²⁵Texas v. Willie Martínez (1914), ATCC. In this case, the complainant was Rosa Martínez; her own arrest for vagrancy is as follows: Record of Arrests, 1 January 1911-31 December 1914, 6 February 1912, p. 80, ATCC.

²⁶*Directory of the City of Austin, 1910-1911*, p. 132.

²⁷Collins, *Black Feminist Thought*, pp. 77-78; White, *Ar'n't I a Woman?*, chap. 1.

woman, a white prostitute, a white girlfriend, or an African American girlfriend. Each racial identity seems to provide an easy reason to why Randolph needed to throw a kerosene lamp at Pollard. Nevertheless, we must think about when and whether each of these identities transformed dominant perspectives of Randolph's race and sexuality.

In another assault case, the language is not as provoking as the Randolph case. Yet the case is appealing because the assailant was a woman and the assaulted was a man. The complaint states, "Olivia Cantú did then and there unlawfully in and upon Stephen Gamboa commit an assault."²⁸ In this situation, Stephen Gamboa pressed charges against Olivia Cantú. Usually, the scenario in assault cases was reversed or both the attacker and attacked were of the same gender. As in the Randolph case, we need to contemplate how this instance complicates or reinforces dominant images of Mexican women. At one level, Cantú's action confirmed notions of Mexican women as "unwomanly" and "unruly."²⁹ At another level, the case papers do not clarify why Cantú assaulted Gamboa or whether the court even found her guilty. The possibility remains that Cantú behaved in an "unwomanly" fashion because she fought in self-defense against Gamboa. In that case, her actions create a counter image in which Cantú was an agent of resistance, not just an object of impropriety or deviancy.

Cases that fall in the second pattern, feature this less innovative language, cast light upon a contradiction between the "actual" act and the "representation" in the

²⁸Texas v. Olivia Cantú (filed 18 November 1912), Information, CCP, box 84, no. 10788, ATCC.

²⁹González, *Refusing the Favor*, pp. 56-61; Johnson, "A memory sweet to soldiers," p. 507.

complaints. The language of the sexual charges does not convey the deviancy and violation of mores inherent in these crimes. Although the crimes of adultery, vagrancy, keeping a house of prostitution, or selling liquor typify the overt regulation of sexuality, this same language diminishes the story of "problematic" or "bad" sex and sexuality by its limited and dry descriptions. In fact, the text of complaints does not change much from the 1890s to 1910s. Nonetheless, the meaning of these cases varies if we weigh them against the setting of the Progressive Era.

The 1895 case against the Euro-American madam, Jessie Meade, displays the peculiar regulation of the 1890s but foreshadows the language that would become the norm in the 1910s.³⁰ The complaint reports, "Jessie Meade. . . unlawfully and wilfully [*sic*] engage in. . . the occupation of selling malt liquors, the said occupation being taxable by law, without first obtaining a license therefor."³¹ As already mentioned in the prior section, there are few factors that are immediately obvious. First, the subtext to this case is that Meade was selling liquor in a house of prostitution. Second, Meade was the only white woman that appears in the crimes of sexual conduct and/or sex commerce. But what other factors were also at work here? The case demonstrates how the courts did not count vagrancy as one of the worst crimes, but did see the illegal sale of liquor as such a crime.³²

³⁰Texas v. Jessie Meade (1895), ATCC.

³¹Texas v. Jessie Meade (1895), Complaint, ATCC.

³²The difference in penalties between vagrancy and illegal selling of liquor is a telling indicator. For example, during the 1880s, the fine (not including other costs) for vagrancy was about \$5.00. See Police Courts Record of Prisoners, City of Austin, vol. 1, 1 September 1884-16 February 1886, passim, ATCC. Unfortunately, the records for the 1890s are not as clear about the fine for vagrancy in that period. However, in the 1910s, the fine for vagrancy stayed between \$10.00 and \$15.00. Similarly, the fine for the illegal sale of liquor doubled in the 1910s. In the 1890s, the

Still, it is key to recognize that in this period the criminal justice system applied a circuitous approach to apprehending prostitutes. The arrests and charges reflected the nascent regulatory climate against sexuality. Simply put, Euro-American Constable Deputy Fred Peck believed that the court would find Meade not guilty of running a house of prostitution but that the charge of selling of liquor illegally would be successful.³³ Thus, Peck accused Meade of the offense that would most effectively curtail her role in sex work. And, indeed, the court did find Meade to be guilty.³⁴

In addition, this case illustrates that the same moral outcry that existed against prostitution in the 1910s was not as present in this period. By the 1910s, the courts clearly linked vagrancy and the illegal sale of liquor to prostitution. In contrast, in the 1890s, Peck may have objected to prostitution and its related business such as the sale of the liquor on moral grounds but he could only accuse her on procedural ones. Specifically, the language of the complaints shows that through the eyes of the law the sale of liquor was not a "moral" problem but an "occupational" problem. The main reason that Peck could charge Meade with selling liquor was because she did not have a license.

This attention to occupation continues in the case against the Mexican madam, Antonia Allame, for running a house of prostitution. The indictment notes:

penalty was between \$75.00 and \$100.00. In the 1910s, the fine was \$200.00. Finally, as a point of contrast, the penalty for theft, in the 1890s, was between \$50.00 and \$100.00 while, in the 1910s, the fines was \$200.00. See CCP, boxes 1-3, 5, 12, 27-30, 32, 79-86, passim; Criminal Dockets, vol. 1908-1911, 1911-1914, 1914-1916, passim; all in ATCC.

³³*Directory of the City of Austin, 1897-1898*, p. 241.

³⁴*Texas v. Jessie Meade (1895)*, ATCC.

Antonia Allame did then and there in the said house and building unlawfully and willfully keep and . . . [was] concerned in keeping a disorderly house to wit—a house kept for prostitution and where prostitutes are permitted to resort and reside for the purpose of plying their vocation.³⁵

As in the sale of liquor without a license, the problem was that Allame engaged in and permitted this work to occur in an improper place or manner. Clearly, the immediate question is how could prostitutes engage in sex work in a "proper" manner? Nevertheless, it is possible to consider a few reasons: One reason is that law enforcement officials may have believed that Allame was too blatant or not discreet enough in "keeping her house." Another factor, perhaps, was that a person of significance accused Allame of committing this crime. Unfortunately, the case papers do not indicate any complainant since they are incomplete. However, scholar David Humphrey points out that the police were not above such arrests.³⁶

Unlike the Meade case, though, the courts were not charging Allame for the same crime of selling liquor without a license. Therefore, how were these cases different? In the former case, one apparent distinction is that Meade was found guilty but it is not evident if the same was true for Allame. Another difference is that Allame was also accused of selling liquor without a license on the same day that she was charged with running a disorderly house. Yet, here too, we do not know whether the state proved this second allegation. In the latter case, it seems unlikely that race and sexuality marked these cases distinctly. In truth, the succinct language of the complaints and the limited records for both Allame cases

³⁵Texas v. Antonia Allame (1897), Indictment, ATCC.

³⁶Humphrey, "Prostitution and Public Policy," p. 501.

make it difficult to produce this kind of reading. Further, both the Allame cases maintain the text and style of the complaint made against Meade. Whether Allame represented a more "nefarious" madam than Meade because of her Mexicanness remains to be seen in the records. At the same time, the city directory lists Meade's "house," not Allame's.³⁷ Perhaps, then, the more appropriate question is not whether Allame was more nefarious but who was more recognized in the popular memory of Austinites.³⁸

In the 1910s, the language of sex crimes focused on the "vocation" but the objection to sex work was that it was an utter disregard of virtuous conduct. As historian Ruth Rosen keenly observes, Progressive reformers had transformed prostitution from a "Necessary Evil" to the "Social Evil" to emphasize the problem of sexually transmitted diseases. However, the undertone stayed distinctly moral.³⁹ As I have stressed throughout this report, race was an instrumental indicator to comprehending these shifts in morality. It is no coincidence that the police and courts charged more white women with crimes of sexual vice in this period. This is not to say that women of color became more moral at this time. Their immorality was merely not a priority in the crusade against white slavery.⁴⁰ For example, in the case against Lillie Bergeron, a white madam, the charge says that "[she] was the owner of a certain house then and

³⁷*Directory of the City of Austin, 1891-1892*, p. 187.

³⁸Of course, I realize it is simplistic to say that Meade was a more famous or memorable prostitute than Allame since the popular idealization of prostitutes is very problematic. See Goldman, *Gold Diggers and Silver Miners*, pp. 1-5.

³⁹Rosen, *Lost Sisterhood*, p. 13.

⁴⁰See above, discussion in previous section.

there situate, which said house she, did then and there unlawfully keep as a house for purposes of prostitution and where prostitutes were permitted to resort for the purpose of plying their vocation."⁴¹ Compared to Allame case, the style and language is virtually identical. The complaint concentrates on the house, prostitutes, and plying the vocation. The only difference here is that the complaint refers to the house as a place "for purposes of prostitution" whereas in the Allame case the house was a "disorderly house." The descriptions evidently had become a bit more definitive by the 1910s.

Overall, the moral subtext of this later period is striking in the charges of selling of liquor and vagrancy. For one, the sale of liquor was illegal on multiple grounds. Perhaps, a defendant did not have a license or she, as in the case of a white madam, Georgia Frazier, she sold it in a disorderly house.⁴² The language of her indictment maintains the style of the Meade complaint but this charge focuses on the transaction occurring in a house of prostitution. One phrase, in particular, declares, "[Georgia Frazier] did. . . unlawfully sell, give away and drink, and did permit to be sold, given away, and drunk in said disorderly house, spirituous, vinous and malt liquors."⁴³ Indeed, the indictment begins by explaining that Frazier was the "owner, lessee, manager and proprietor [*sic*]" of a disorderly house.⁴⁴ For another, the courts defined vagrancy as prostitution. In

⁴¹Texas v. L.S.H. Bergeron (1912), Complaint, ATCC; *Directory of the City of Austin, 1912-1913*, p. 75.

⁴²Texas v. Georgia Frazier (filed 12 September 1912), Indictment, CCP, box 83, no. 10727, ATCC; Stone to Commissioner-General of Immigration, 13 May 1909, box 111, file 52484/8, p. 5, INS RG 85.

⁴³Texas v. Georgia Frazier (1912), Indictment, ATCC.

⁴⁴*Ibid.*

the 1890s, vagrancy was a code word that implied prostitution.⁴⁵ In the 1910s, the description left little doubt that female vagrants were anything other than prostitutes.⁴⁶

The complaints of the 1910s plainly echo this shift in definition. A case in point is the 1912 vagrancy charge against Mae Miller, a Euro-American prostitute. In the complaint filed, the accusation reads as follows: "Mae Miller was and is a common prostitute and vagrant; and. . . did then and there pursue the vocation of a common prostitute and did make a business of selling the use of her person to the male sex for the purpose of illicit carnal intercourse."⁴⁷ Undoubtedly, there are a few factors that are telling here. One aspect is that prostitution was the only sex-related charge, with the exception of adultery, that mentioned "carnal intercourse" in its legal definition.⁴⁸ Granted, not too many crimes would stress "carnal intercourse" but even in the accusation of keeping a house of prostitution, the courts only insinuated the sex work of the vocation. Another aspect is what the complaint discloses about dominant notions of prostitution. These notions included that prostitutes were only women, they sold sex to support themselves, this sex was specifically (hetero)sexual intercourse,

⁴⁵Prostitutes were not arrested for prostitution per se. The police charged these women with "lewdness," "vagrancy," or "keeping a disorderly house." See Rosen, *Lost Sisterhood*, p. 4; Humphrey, "Prostitution and Public Policy," p. 486.

⁴⁶See, for example, Texas v. Mae Miller (1911), Complaint; Texas v. Laura Elmquist (1912), Complaint; Texas v. Millie Needham (1912), Complaint; Texas v. Clara Hill (1913), Complaint; Texas v. Rosa Clanton (1913), Complaint; all in ATCC.

⁴⁷Texas v. Mae Miller (1911), Complaint, ATCC; Record of Arrests, 1 January 1911-31 December 1914, 3 August 1911, p. 44, *ibid*.

⁴⁸For example, in the indictment against Refugio Relles and Petra Huerta, it states, "Refugio Relles a man and Petra Huerta a woman live together and have carnal intercourse with each other; Refugio Relles being lawfully married to another person there living." See Texas v. Refugio Relles and Petra Huerta (1890), ATCC.

and this activity was extralegal. In sum, this decade reveals that the definition of vagrancy had become more precise. The legal system codified the language of vagrancy but, as a result, the crime of vagrancy became more strictly associated with Euro-American women. The twist, of course, is that these were the very women that Progressive reformers and activists were trying to disassociate from sex work.

Throughout this section, I have examined the language of the case papers to further understand the regulation of sexuality from the 1890s to the 1910s. The complaints distinctly reveal that the criminal justice system used a dual strategy of sexual regulation that was both implicit and explicit. While crimes of implicit regulation did not always pertain to sex work, the language unveils dominant expectations of sexual conduct and actions. In contrast, examples of explicit sexual regulation, that is to say sex crimes, did not use the most telling language. In these cases, I explored the minute changes to see how the efforts to abolish prostitution also systematized the vocabulary of prostitution. Moreover, it is evident that the police and courts did not employ these two strategies uniformly across women of color and white women. As the quantitative analysis of the previous section attests, the legal establishment charged more Mexican and Black women than Euro-American women with crimes that fell under the category of implicit sexual regulation. White women were arrested more often for crimes related to prostitution than women of color. Nevertheless, this did not mean that the police and courts perceived criminal women of color to be more moral.

Simply, the regulation of African American and Mexican women was categorically different from that of Euro-American women.

The language of the complaints additionally corroborates that the criminal justice system did not conceptualize, and therefore police, the deviant sexuality of Mexican and African American women in the same way as the deviant sexuality of white women. The police and courts defined the illicit sexuality of Mexican and Black women both in relation to prostitution and outside of prostitution whereas these same institutions could not envision the immoral sexual comportment in Euro-American women outside of sex work. In other words, Mexican and Black women were not always arrested for prostitution but they were charged with conduct that was linked with prostitutes. In turn, the criminal activity of white women only extended to sex work. Of course, these assumptions reduce the roles of women of color and white women to images that are very simplistic. There are moments and places in the court records where African American and Mexican women did not behave like "Jezebels" and "spicy señoritas" and where the legal establishment did not liberate Euro-American women from "whoredom."

VI. Conclusion:

A City Forges an Image

Rosa Martínez. . . did. . . unlawfully and willfully by the voluntary and immoderate use of spirituous vinous and malt liquors unlawfully get drunk and was then and there found in a state of intoxication in a certain public place to wit:—East Fourth Street, a public street in the city of Austin, Texas.

*Texas v. Rosa Martínez*¹

This 1912 complaint against Rosa Martínez for intoxication captures a familiar narrative I have examined throughout this case study. A white officer, Ed Allen, charged Martínez, a Mexican prostitute, with public drunkenness.² Yet the court dismissed this case for reasons that are not altogether clear.³ Although the legal system did not directly charge Martínez with any sex crime, the legal system was still regulating her sexuality indirectly since the police periodically arrested prostitutes for crimes of disturbing the peace, intoxication, and theft as a way to regulate sex workers' ability to engage in their work. Similarly, the language above does not paint the most compelling picture of Martínez but it illuminates how this dominant institution perceived women of color as deviant from white middle-class norms of decorum. Finally, this case places the story of Mexican and Black women in the forefront even though the view is top-down.

In this report, I have analyzed the regulation and representations of women of

¹Texas v. Rosa Martínez (1912), Complaint, ATCC.

²On Allen, see *Directory of the City of Austin, 1910-1911*, p. 56; on Martínez, see above, footnote 152.

³Texas v. Rosa Martínez (1912), ATCC.

color's sexuality in Austin, Texas between 1890 and 1916. The court and police records serve as a guide to how one city embraced and forged particular images of criminal women. At the core of this inquiry is comprehending how the criminal justice system identified a "prostitute" that was redeemable versus one that was not. Put another way, how did the legal system decide which women had the potential to be virtuous? At their best, "prostitutes" were savvy businesswomen—often the owners, lessees, managers, and proprietors of their places of work. At their worst, they were drunks who cheapened the sanctity of marriage and encouraged younger women to engage in immoral work. A moral woman, though, was passive, quiet, well mannered, and asexual (or sexually devoted to her husband). Regardless, it would appear that the criminal justice system was only debating on the representation of Euro-American and African American women since the role of Mexican women in this contest was so comparatively small.

In the 1890s, white women embodied those traits that marked prostitutes at their best. Certainly, the silence in the court records hints that the views of legal establishment resembled those of Austin journalists from the 1880s or later of critic Charles Crudginton of Amarillo. The police only arrested one white madam for the illegal sale of liquor that entire decade. Obviously, they did not believe prostitution to be the societal problem it would signify in the 1910s. By the 1910s, however, white prostitutes also began to exemplify some of these "bad" characteristics. Although these women did not quite typify prostitutes at

their worst, like African American women, they resembled the lost prostitutes found in the sermons of Reverend Robert Shuler. The increase in Euro-American women charged with vagrancy is surely one indicator that local authorities were more concerned and attempting to prevent these women from participating in sex work.

Black and Mexican prostitutes, conversely, personified the worst characteristics and did not encompass the range of attributes as their white sisters. In fact, the negative stereotypes of their sexuality remained consistent from the 1890s to the 1910s. The one major difference, though, was how the courts and law enforcement reacted to their deviant sexuality. In the view of these officials, prostitutes of color were not worth saving because they could not change. Here, as in the case of white prostitutes, the criminal justice system reflected the beliefs of Progressive reformers such as Shuler and Immigration Inspector Frank Stone. In other words, African American and Mexican women were simply passing references or extreme examples of unbridled sexual deviancy. Ironically, the majority of Mexican and Black women accused of crimes of "loose" or "lewd" comportment were actually laboring and poor women, not prostitutes.

Moreover, African American and Mexican women did not illustrate these illicit sexual traits to the same degree. African American women were not only the most sexually deviant but they were also the most likely to steal and assault as well. As I have explored in the legal records, law enforcement and court officials criminalized Black women more often than any other group of women.

Undoubtedly, this suggests that this institution had more definitive notions about the racial position of Black women but saw the race of Mexican women as more racially ambiguous. Nonetheless, it is also important to remember that Mexican women comprised the smallest percentage of the population in these two decades. Although the reports of Stone clearly support a reading of racial ambiguity for Mexican women, the pattern of crimes of Mexican women points to simply their miniscule numbers.

In a similar vein, this study offers other moments where the "dominant" portrayals of "prostitutes" rupture—not all white women were arrested for sex crimes, not all women of color fit the expectations of the criminal justice system. In the Minchen case, for example, the debate over Marie Liebold's alleged infidelities was the exception, not the rule. But, this case shows that even the sexual comportment of an upstanding, middle-class white woman was not as secure or definite as we may believe. The story of Augusta Johnson and her stolen chicken demonstrates that the police sometimes did arrest Euro-American women for crimes driven by need. The cases against Fannie McCann and Nettie Randolph, similarly, display other images of African American women. In the McCann case, we have an instance of an African American prostitute contesting the regulation by a law enforcement official. This case is telling because we see that the formulations of the legal system were neither predetermined nor reductive. And, we see that even if the court assumed a prostitute to be guilty, she could use that very system to dispute that verdict and, perhaps, the views that

informed that decision. The Randolph case discloses that, sometimes, Black women were the victim of crimes not just the perpetrators of it. Specifically, the brutal assault on Katie Pollard conveys that not all Black women were aggressive or invulnerable. Last, the case against Willie Martínez provides the perfect closure to this report.⁴ Rosa Martínez, the prostitute from the opening narrative, also was not always the criminal. In 1914, she filed a complaint against Willie for aggravated assault. Her charges against Willie indicate that she would defend the few rights she possessed. Interestingly, Willie Martínez did not deny his actions and the court entered his guilty plea.⁵ Yet, this case is poignant because it unveils a more complete picture of Rosa. It forces us to consider that women of color were more than simply victims of the criminal justice system. It causes us to contemplate that the legal records do not just construct one image of criminal women but provide a number of images.

In conclusion, stereotypes of sexually available, ready, and promiscuous Mexican and Black women were riddled with more inconsistencies, silences, and breaks than it would at first seem. The legal system was not a monolithic institution that single-handedly determined the sexual fate of criminal and deviant women. In turn, African American and Mexican women did contest regulation and representations by the courts and police. Still, we must recognize the limits of these legal records. Their hegemonic perspective is not the best vehicle for

⁴Texas v. Willie Martínez (1914), ATCC.

⁵Texas v. Willie Martínez (1914), ATCC.

unraveling how Mexican and African American women perceived their sexuality, their race, or themselves. This report is certainly just the beginning; we must use other sources to further complexify how laboring and poor women of color viewed their role and place in Austin at the turn of the century and to piece together fuller counternarratives of these women's lives.

Appendix

*Table 1. Distribution of Female Arrestees by Race and Occupation
Austin Police Department, January 1-June 30, 1894*

Charge	African American		Euro-American		Total
	Laborer	Prostitute	Laborer	Prostitute	
Contempt of court	1	0	0	0	1
Disturbing the peace	9	26	1	1	37
Drinking in men's clothes	0	2	0	0	2
Intoxication	0	4	3	4	11
Vagrancy	0	4	0	2	6
Total	10	36	4	7	57

Source: Compiled from Record of Arrests, City of Austin, vol. 4, ATCC.

Note: Mexican women were not arrested for this period. In addition, the records did not always explicitly list the occupation of prostitutes as "prostitutes." Thus, I identified women as "prostitutes" who were arrested for "vagrancy" or "keeping a disorderly house." This is the criterion I use throughout to determine the category of prostitute.

*Table 2. Arrests of Mexican Women by Occupation
Austin Police Department, June 1, 1891-August 31, 1898*

Charge	Laborer	Prostitute	Total
Disturbing the peace	0	5	5
Intoxication	0	6	6
Vagrancy	0	2	2
Total	0	13	13

Source: Compiled from Record of Arrests, City of Austin, vol. 4, ATCC.

Table 3. Distribution of Female Defendants in Criminal Cases by Race and Occupation
Travis County Records, 1890-97

Charge	African American		Mexican		Euro-American		Unknown		Total
	Laborer	Prostitute	Laborer	Prostitute	Laborer	Prostitute	Laborer	Prostitute	
Abusive language	0	0	0	0	0	0	2	0	2
Adultery	1	0	1	0	0	0	0	0	2
Assault	2	2	0	0	0	0	0	0	4
Disturbing of the peace	1	0	0	0	0	0	1	0	2
Gambling	1	0	0	0	0	0	1	0	2
House of prostitution	0	1	0	1	0	0	0	0	2
Selling liquor without a license	0	1	0	1	0	1	0	0	3
Slander	2	0	0	0	0	0	0	0	2
Theft	2	1	3	0	0	0	0	0	6
Total	9	5	4	2	0	1	4	0	25

Source: Compiled from Court Records of Travis County, Criminal Case Papers, boxes 1-3, 5, 12, 27-30, 32; Record of Arrests, City of Austin, vol. 1, 4; Morrison & Fourmy Compilers and Publishers, *Directory of the City of Austin, 1889-1890* (Galveston: Morrison & Fourmy, 1889); idem, *Directory of the City of Austin, 1891-1892* (Galveston: Morrison & Fourmy, 1891); idem, *Directory of the City of Austin, 1893-1894* (Galveston: Morrison & Fourmy, 1893); idem, *Directory of the City of Austin, 1895-1896* (Galveston: Morrison & Fourmy, 1895); idem, *Directory of the City of Austin, 1897-1898* (Galveston: Morrison & Fourmy, 1897); idem, *Directory of the City of Austin, 1898-1899* (Galveston: Morrison & Fourmy, 1898); Morrison & Fourmy Directory Co., *Directory of the City of Austin, 1909-1910* (Houston: Morrison & Fourmy, 1909); idem, *Directory of the City of Austin, 1910-1911* (Houston: Morrison & Fourmy, 1910); idem, *Directory of the City of Austin, 1912-1913* (Houston: Morrison & Fourmy, 1912); idem, *Directory of the City of Austin, 1914* (Houston: Morrison & Fourmy, 1914); Polk's Morrison & Fourmy Directory Co., *Directory of the City of Austin, 1916* (Houston: Polk's Morrison & Fourmy, 1916); all in ATCC.

Table 4. Distribution of Complainants in Selected Criminal Cases by Race and Gender
Travis County Records, 1890-97

Charge	African American		Mexican		Euro-American		Unknown		Total
	Female	Male	Female	Male	Female	Male	Female	Male	
Abusive language	0	0	0	0	0	2	0	0	2
Adultery	0	0	0	0	0	0	0	1	1
Assault	4	0	0	0	1	0	2	0	7
Disturbing of the peace	0	0	0	0	0	2	0	0	2
Gambling	0	0	0	0	0	0	0	0	0
House of prostitution	0	0	0	0	0	1	0	0	1
Selling liquor without a license	0	0	0	0	0	2	0	0	2
Slander	1	1	0	0	0	1	0	0	3
Theft	0	1	0	0	0	5	0	0	6
Total	5	2	0	0	1	13	2	1	24

Source: Compiled from Court Records of Travis County, Criminal Case Papers, boxes 1-3, 5, 12, 27-30, 32; Record of Arrests, City of Austin, vol. 1, 4; Morrison & Fourmy Compilers and Publishers, *Directory of the City of Austin, 1889-1890* (Galveston: Morrison & Fourmy, 1889); idem, *Directory of the City of Austin, 1891-1892* (Galveston: Morrison & Fourmy, 1891); idem, *Directory of the City of Austin, 1893-1894* (Galveston: Morrison & Fourmy, 1893); idem, *Directory of the City of Austin, 1895-1896* (Galveston: Morrison & Fourmy, 1895); idem, *Directory of the City of Austin, 1897-1898* (Galveston: Morrison & Fourmy, 1897); idem, *Directory of the City of Austin, 1898-1899* (Galveston: Morrison & Fourmy, 1898); Morrison & Fourmy Directory Co., *Directory of the City of Austin, 1909-1910* (Houston: Morrison & Fourmy, 1909); idem, *Directory of the City of Austin, 1910-1911* (Houston: Morrison & Fourmy, 1910); idem, *Directory of the City of Austin, 1912-1913* (Houston: Morrison & Fourmy, 1912); idem, *Directory of the City of Austin, 1914* (Houston: Morrison & Fourmy, 1914); Polk's Morrison & Fourmy Directory Co., *Directory of the City of Austin, 1916* (Houston: Polk's Morrison & Fourmy, 1916); all in ATCC.

Note: Unlike the compilation of female defendants, I have included a few cases where women filed complaints against men. Thus, the total defendants and complainants do not coincide.

Table 5. Distribution of Female Defendants in Criminal Cases by Race and Occupation
Travis County Records, 1908-1916

Charge	African American		Mexican		Euro-American		Total
	Laborer	Prostitute	Laborer	Prostitute	Laborer	Prostitute	
Abusive language	1	1	1	0	0	0	3
Adultery	0	0	0	0	0	0	0
Assault	7	1	1	0	1	0	10
Carrying a pistol	0	0	1	0	0	0	1
Conspiracy to murder	0	0	1	0	0	0	1
Disturbing of the peace	1	0	2	0	0	0	3
Gambling	2	0	0	0	0	0	2
House of prostitution	0	0	0	0	0	3	3
Intoxication	2	0	1	1	0	0	4
Selling liquor illegally*	0	0	0	0	0	2	2
Malicious mischief	0	0	1	0	0	0	1
Slander	1	0	0	0	0	0	1
Theft	10	2	2	0	1	0	15
Vagrancy	0	2	0	0	0	3	5
Total	24	6	10	1	2	8	51

Source: Compiled from Court Records of Travis County, Criminal Case Papers, boxes 79-86; Criminal Dockets, vol. 1908-1911, 1911-1914, 1914-1916; Record of Arrests, City of Austin, vol. 6-7; Morrison & Fourmy Compilers and Publishers, *Directory of the City of Austin, 1889-1890* (Galveston: Morrison & Fourmy, 1889); idem; *Directory of the City of Austin, 1891-1892* (Galveston: Morrison & Fourmy, 1891); idem, *Directory of the City of Austin, 1893-1894* (Galveston: Morrison & Fourmy, 1893); idem, *Directory of the City of Austin, 1895-1896* (Galveston: Morrison & Fourmy, 1895); idem, *Directory of the City of Austin, 1897-1898* (Galveston: Morrison & Fourmy, 1897); idem, *Directory of the City of Austin, 1898-1899* (Galveston: Morrison & Fourmy, 1898); Morrison & Fourmy Directory Co., *Directory of the City of Austin, 1909-1910* (Houston: Morrison & Fourmy, 1909); idem, *Directory of the City of Austin, 1910-1911* (Houston: Morrison & Fourmy, 1910); idem, *Directory of the City of Austin, 1912-1913* (Houston: Morrison & Fourmy, 1912); idem, *Directory of the City of Austin, 1914* (Houston: Morrison & Fourmy, 1914); Polk's Morrison & Fourmy Directory Co., *Directory of the City of Austin, 1916* (Houston: Polk's Morrison & Fourmy, 1916); all in ATCC; Frank R. Stone, Immigration Subject Correspondence, passim, box 111, files 52484/8, 52484/8-A, 52484/8-B, U. S. Immigration and Naturalization Service, Record Group 85, National Archives, Washington, D.C.

*Includes "selling liquor without a license" and "selling liquor in disorderly house."

Table 6. Distribution of Complainants in Selected Criminal Cases by Race and Gender
Travis County Records, 1908-1916

Charge	African American		Mexican		Euro-American		Total
	Female	Male	Female	Male	Female	Male	
Abusive language	1	0	1	0	1	0	3
Adultery	0	0	0	0	0	1	1
Assault	2	2	3	1	0	7	15
Carrying a pistol	0	0	0	0	0	1	1
Conspiracy to murder	0	0	0	1	0	0	1
Disturbing of the peace	1	1	1	0	0	0	3
Gambling	0	0	0	0	0	2	2
House of prostitution	0	0	0	0	0	4	4
Intoxication	0	0	0	0	0	3	3
Selling liquor illegally*	0	0	0	0	1	0	1
Malicious mischief	0	0	0	0	0	1	1
Slander	0	0	0	0	0	1	1
Theft	1	2	1	1	0	10	15
Vagrancy	0	0	0	0	0	4	4
Total	5	5	6	3	2	34	55

Source: Compiled from Court Records of Travis County, Criminal Case Papers, boxes 79-86; Criminal Dockets, vol. 1908-1911, 1911-1914, 1914-1916; Record of Arrests, City of Austin, vol. 6-7; Morrison & Fourmy Compilers and Publishers, *Directory of the City of Austin, 1889-1890* (Galveston: Morrison & Fourmy, 1889); idem; *Directory of the City of Austin, 1891-1892* (Galveston: Morrison & Fourmy, 1891); idem, *Directory of the City of Austin, 1893-94* (Galveston: Morrison & Fourmy, 1893); idem, *Directory of the City of Austin, 1895-96* (Galveston: Morrison & Fourmy, 1895); idem, *Directory of the City of Austin, 1897-1898* (Galveston: Morrison & Fourmy, 1897); idem, *Directory of the City of Austin, 1898-1899* (Galveston: Morrison & Fourmy, 1898); Morrison & Fourmy Directory Co., *Directory of the City of Austin, 1909-1910* (Houston: Morrison & Fourmy, 1909); idem, *Directory of the City of Austin, 1910-1911* (Houston: Morrison & Fourmy, 1910); idem, *Directory of the City of Austin, 1912-1913* (Houston: Morrison & Fourmy, 1912); idem, *Directory of the City of Austin, 1914* (Houston: Morrison & Fourmy, 1914); Polk's Morrison & Fourmy Directory Co., *Directory of the City of Austin, 1916* (Houston: Polk's Morrison & Fourmy, 1916); all in ATCC.

Note: Unlike the compilation of female defendants, I have included a few cases where women filed complaints against men. Thus, the total defendants and complainants do not coincide.

*Includes "selling liquor without a license" and "selling liquor in disorderly house."

Table 7. Percentage of Female Defendants in Selected Criminal Cases by Race and Occupation, Travis County Records, 1890-97

Occupation	Total Women*		African American		Mexican		Euro-American	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Laborer	17	68.0	9	36.0	4	16.0	0	0.0
Prostitute	8	32.0	5	20.0	2	8.0	1	4.0
Total	25	100	14	56.0	6	24.0	1	4.0

Source: Adapted from Table 3.

*Percentage of women whose race was unknown only included in category of "total women" not as a separate category.

Table 8. Percentage of Female Complainants in Selected Criminal Cases by Race and Occupation, Travis County Records, 1890-97

Occupation	Total Women*		African American		Mexican		Euro-American	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Laborer†	5	20.8	5	20.8	0	0.0	0	0.0
Prostitute	1	4.2	0	0.0	0	0.0	1	4.2
Total	6	25	5	20.8	0	0.0	1	4.2

Source: Adapted from Table 4 and compiled from Record of Arrests, City of Austin, vol. 1, 4.

*Percentage of women whose race was unknown only included in category of "total women" not as a separate category.

†Since the number of women who actually were not laborers is negligible, I have included under the category of "laborer."

Table 9. Percentage of Female Defendants in Selected Criminal Cases by Race and Occupation, Travis County Records, 1908-1916

Occupation	Total Women		African American		Mexican		Euro-American	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Laborer	36	70.6	24	47.1	10	19.6	2	3.9
Prostitute	15	29.4	6	11.8	1	2.0	8	15.7
Total	51	100	30	58.9	11	21.6	10	19.6

Source: Adapted from Table 5.

Table 10. Percentage of Female Complainants in Selected Criminal Cases by Race and Occupation, Travis County Records, 1908-1916

Occupation	Total Women		African American		Mexican		Euro-American	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Laborer*	11	20.0	5	9.1	4	7.3	2	3.6
Prostitute	2	3.6	0	0.0	2	3.6	0	0.0
Total	13	23.6	5	9.1	6	10.9	2	3.6

Source: Adapted from Table 6 and compiled from Record of Arrests, City of Austin, vol. 6-7.

*Since the number of women who actually were not laborers is negligible, I have included under the category of "laborer."

Table 11. Distribution of Population in Austin by Race and Gender, 1890

	Total Population		African American*		Euro-American†	
	Number	Percent	Number	Percent	Number	Percent
Female	7,415	50.9	1,983	13.6	5,432	37.3
Male	7,160	49.1	1,636	11.2	5,524	37.9
Total	14,575	100	3,619	24.8	10,956	75.2

Source: Compiled from U.S. Bureau of Census, *Abstract of the Eleventh Census, 1890* (Washington, D.C.: Government Printing Office, 1894), p. 25; idem., *Report on the Population of the United States at the Eleventh Census, 1890* (Washington, D.C.: Government Printing Office, 1890), pp. 482, 555.

*African Americans were counted as "colored"; however, this designation also included Chinese, Japanese, and "civilized" Indians. At this time, the number of "coloreds" who were not African American was only nine persons. Since this number is so small, I have included it in the category of African American.

†I have included both native whites and foreign whites in this category. Moreover, Mexicans were counted as white in this period.

Table 12. Distribution of Population in Austin by Race and Gender, 1900

	Total Population		African American*		Euro-American†	
	Number	Percent	Number	Percent	Number	Percent
Female	11,443	51.4	3,178	14.3	8,263	37.1
Male	10,815	48.6	2,644	11.9	8,151	36.6
Total	22,258	100	5,822	26.2	16,414	73.7

Source: Compiled from U.S. Bureau of Census, *Abstract of the Twelfth Census, 1900* (Washington, D.C.: Government Printing Office, 1904), p. 147; idem., *Twelfth Census of the United States, 1900, Population*, Vol. 1, part 1 (Washington, D.C.: Government Printing Office, 1901), p. 681.

*This category only includes persons of African American descent. There was separate designation for "colored" that included Chinese, Japanese, Native Americans, and African Americans.

†I have included both native whites and foreign whites in this category. Moreover, Mexicans were counted as white in this period.

Table 13. Percentage of Female Population in Austin, 1890-1900

<u>Year</u>	<u>Total Women</u>		<u>African American</u>		<u>Euro-American</u>	
	Number	Percent	Number	Percent	Number	Percent
1890	7,415	100	1,983	26.7	5,432	73.3
1900	11,443	100	3,178	27.8	8,263	72.2

Source: Adapted from Tables 11 and 12.

Table 14. Population of Mexicans in Austin, 1920

<u>Total Population</u>	<u>Mexican</u>	
Number	Number	Percent
34,876	1,663	4.8

Source: Adapted from Adriana Ayala, "The Roots of Resistance: Mexican Women and Men's Participation in Mutual Aid Societies and Consulate Organizations—A Case Study of Austin, Texas, 1920-1921" (M.A. report, University of Texas at Austin, 1996), p. 89.

Bibliography

Primary Sources

Archival and Manuscript Collections:

Austin Public Library, Austin-Travis County Collection, Austin, Texas.

Police Courts Record of Prisoners, 1884.

Record of Arrests, 1876-1879, 1891-1898, 1905-1910, 1911-1914.

Travis County Criminal Case Papers, 1890-1897, 1910-1916.

Travis County Justice of the Peace Criminal Dockets, 1908-1911, 1911-1914, 1914-1916.

Newspapers:

Daily Democratic Statesman (Austin, Tex.)

City Directories:

Morrison & Fourmy Compilers and Publishers. *Directory of the City of Austin, 1889-1890*. Galveston: Morrison & Fourmy, 1889.

Morrison & Fourmy Compilers and Publishers. *Directory of the City of Austin, 1891-1892*. Galveston: Morrison & Fourmy, 1891.

Morrison & Fourmy Compilers and Publishers. *Directory of the City of Austin, 1893-1894*. Galveston: Morrison & Fourmy, 1893.

Morrison & Fourmy Compilers and Publishers. *Directory of the City of Austin, 1895-1896*. Galveston: Morrison & Fourmy, 1895.

Morrison & Fourmy Compilers and Publishers. *Directory of the City of Austin, 1897-1898*. Galveston: Morrison & Fourmy, 1897.

Morrison & Fourmy Compilers and Publishers. *Directory of the City of Austin, 1898-1899*. Galveston: Morrison & Fourmy, 1898.

Morrison & Fourmy Directory Co. *Directory of the City of Austin, 1909-1910*. Houston: Morrison & Fourmy, 1909.

Morrison & Fourmy Directory Co. *Directory of the City of Austin, 1910-1911*.
Houston: Morrison & Fourmy, 1910.

Morrison & Fourmy Directory Co. *Directory of the City of Austin, 1912-1913*.
Houston: Morrison & Fourmy, 1912.

Morrison & Fourmy Directory Co. *Directory of the City of Austin, 1914*.
Houston: Morrison & Fourmy, 1914.

Polk's Morrison & Fourmy Directory Co. *Directory of the City of Austin, 1916*.
Houston: Polk's Morrison & Fourmy, 1916.

National Archives, Washington, D.C.

U.S. Immigration and Naturalization Records, Record Group 85.

University of Texas, Center for American History, Austin, Texas.

Mrs. Walter B. Sharp Collection.

Earl Vandale Collection.

Books, Pamphlets, Government Publications:

Chicago, Ill. Vice Commission of Chicago. *The Social Evil in Chicago: A Study of Existing Conditions, with Recommendations*. Chicago: Gunthrop Warren, 1911; reprint, New York: Arno, 1970.

Shuler, R.P. *The Anti-Vice Bulletins: A Re-production of the Bulletins that Swept Protected Vice from the Capital City of Texas*. Austin: A.C. Baldwin & Sons, 1914.

U.S. Bureau of Census. *Abstract of the Eleventh Census, 1890*. Washington, D.C.: Government Printing Office, 1894.

_____. *Abstract of the Twelfth Census, 1900*. Washington, D.C.:
Government Printing Office, 1904.

_____. *Twelfth Census of the United States, 1900. Population*. Vol. 1, part
1. Washington, D.C.: Government Printing Office, 1901.

_____. *Report on the Population of the United States at the Eleventh Census. 1890.* Washington, D.C.: Government Printing Office, 1890.

Secondary Sources

Books:

Acuña, Rodolfo. *Occupied America: A History of Chicanos.* 3d ed. New York: Harper & Row, 1988.

Almaguer, Tomás. *Racial Fault Lines: The Historical Origins of White Supremacy in California.* Berkeley: University of California, 1994.

Anzaldúa, Gloria E. *Borderlands/La Frontera: The New Mestiza.* San Francisco: Spinster/Aunt Lute, 1987.

Barnhart, Jacqueline Baker. *The Fair but Frail: Prostitution in San Francisco, 1849-1900.* Reno: University of Nevada Press, 1986.

Butler, Anne M. *Daughters of Joy, Sisters of Misery: Prostitutes in the American West, 1865-90.* Urbana: University of Illinois Press, 1985.

Chauncey, George. *Gay New York: Gender, Urban Culture, and the Making of the Gay Male World, 1890-1940.* New York: BasicBooks, 1994.

Collins, Patricia Hill. *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment.* New York: Routledge, 1991.

Connelly, Mark Thomas. *The Response to Prostitution in the Progressive Era.* Chapel Hill: University of North Carolina Press, 1980.

D'Emilio, John, and Estelle B. Freedman. *Intimate Matters: A History of Sexuality in America.* New York: Harper & Row, 1988.

De León, Arnolando. *They Called Them Greasers: Anglo Attitudes toward Mexicans in Texas, 1821-1900.* Austin: University of Texas Press, 1983.

Foley, Neil. *The White Scourge: Mexicans, Blacks, and Poor Whites in Texas Cotton Culture.* Berkeley: University of California Press, 1997.

Giddings, Paula. *When and Where I Enter: The Impact of Black Women on Race and Sex in America.* New York: Bantam Books, 1984.

- Gilfoyle, Timothy J. *City of Eros: New York City, Prostitution, and the Commercialization of Sex, 1820-1920*. New York: Norton, 1992.
- Goldman, Marion S. *Gold Diggers and Silver Miners: Prostitution and Social Life on the Comstock Lode*. Ann Arbor: University of Michigan Press, 1981.
- González, Deena J. *Refusing the Favor: The Spanish-Mexican Women of Santa Fe, 1820-1880*. New York: Oxford University Press, 1999.
- Gutiérrez, Ramón A. *When Jesus Came, the Corn Mothers Went Away: Marriage, Power, and Sexuality in New Mexico, 1500-1846*. Stanford: Stanford University Press, 1991.
- Hall, Jacquelyn Dowd. *Revolt Against Chivalry: Jessie Daniels Ames and the Women's Campaign Against Lynching*. Rev. ed. New York: Columbia University Press, 1993.
- hooks, bell. *Black Looks: Race and Representation*. Boston: South End, 1992.
- Humphrey, David C. *Austin: An Illustrated History*. Northridge, Calif.: Windsor, 1985.
- Hutson, Jan. *The Chicken Ranch: The True Story of the Best Little Whorehouse in Texas*. South Brunswick, N.J.: A.S. Barnes, 1980.
- Limerick, Patricia Nelson. *The Legacy of Conquest: The Unbroken Past of the American West*. New York: Norton, 1987.
- Limón, José E. *American Encounters: Greater Mexico, the United States, and the Erotics of Culture*. Boston: Beacon, 1998.
- Miller, Ronald Dean. *Shady Ladies of the West*. Los Angeles: Westernlore, 1964.
- Montejano, David. *Anglos and Mexicans in the Making of the Texas, 1836-1986*. Austin: University of Texas Press, 1987.
- Omi, Michael, and Howard Winant. *Racial Formation in the United States From 1960s to the 1990s*. 2d ed. New York: Routledge, 1994.

- Pérez, Emma. *The Decolonial Imaginary: Writing Chicanas into History*. Bloomington: Indiana University Press, 1999.
- Petrik, Paula. *No Step Backwards: Women and Family on the Rocky Mountain Mining Frontier, Helena, Montana, 1865-1900*. Helena: Montana Historical Society, 1987.
- Pivar, David J. *Purity Crusade: Sexual Morality and Social Control, 1868-1900*. Westport, Conn.: Greenwood, 1973.
- Roediger, David R. *Towards the Abolition of Whiteness: Essays on Race, Politics, and Working Class History*. New York: Verso, 1994.
- Rosen, Ruth. *The Lost Sisterhood: Prostitution in America, 1900-1918*. Baltimore: Johns Hopkins University Press, 1982.
- Scott, Joan Wallach. *Gender and the Politics of History*. New York: Columbia University Press, 1988.
- Stansell, Christine. *City of Women: Sex and Class in New York, 1789-1860*. Urbana: University of Illinois Press, 1982.
- Taylor, Quintard. *In Search of the Racial Frontier: African Americans in the American West, 1528-1990*. New York: Norton, 1998.
- Tong, Benson. *Unsubmissive Women: Chinese Prostitutes in Nineteenth-Century San Francisco*. Norman: University of Oklahoma, 1994.
- Tyler, Ron ed. *The New Handbook of Texas*. Vol. 1-6 Austin: Texas State Historical Association, 1996
- Walkowitz, Judith K. *Prostitution and Victorian Society: Women, Class, and the State*. Cambridge: Cambridge University Press, 1980.
- Williamson, Joel. *A Rage for Order: Black/White Relations in the American South Since Emancipation*. New York: Oxford University Press, 1986.
- White, Deborah Gray. *Ar'n't I a Woman? Female Slaves in the Plantation South*. Norton, 1985.

Winegarten, Ruthe. *Black Texas Women: 150 Years of Trial and Triumph*. Austin: University of Texas Press, 1995.

Articles:

Arnold, Marybeth Hamilton. "The Life of a Citizen in the Hands of a Woman': Sexual Assault in New York City, 1790 to 1820." In *Passion and Power: Sexuality in History*, edited by Kathy Lee Peiss and Christina Simmons, pp. 35-56. Philadelphia: Temple University Press, 1989.

Butler, Anne M. "Still in Chains: Black Women in the Western Prisons, 1865-1910." *Western Historical Quarterly* 20 (February 1989): 18-35.

Castañeda, Antonia I. "Amazonas, Brujas and Fandango-Dancers: Women's Sexuality and the Politics of Representation." Unpublished article, submitted to *Journal of Women's History*, August 1995, 48 pages.

_____. "Gender, Race, and Culture: Spanish-Mexican Women in the Historiography of Frontier California." *Frontiers: A Journal of Women's Studies* 11 (1990): 8-20.

_____. "The Political Economy of Nineteenth Century Stereotypes of Californianas." In *Between Borders: Essays on Mexicana/Chicana History*, edited by Adelaida R. Del Castillo, pp. 213-236. Encino, Calif.: Floricanto, 1990.

_____. "Sexual Violence in the Politics and Policies of Conquest: Amerindian Women and the Spanish Conquest of Alta California." In *Building With Our Hands: New Directions in Chicana Studies*, edited by Adela de la Torre and Beatriz M. Pesquera, pp. 15-33. Berkeley: University of California Press, 1993.

_____. "Women of Color and the Rewriting of Western History: The Discourse, Politics, and Decolonization of History." *Pacific Historical Review* 61 (November 1992): 501-533.

de Graaf, Lawrence B. "Race, Sex, and Region: Black Woman in the American West, 1850-1920." *Pacific Historical Review* 15 (May 1980): 285-313.

- duCille, Ann. "Othered Matters: Reconceptualizing Dominance and Difference in the History of Sexuality in America." *Journal of the History of Sexuality* 1 (July 1990): 102-107.
- Foley, Neil. "The Agrarian South: Twentieth Century." *Discovery: Research and Scholarship at the University of Texas at Austin* 13, no. 3 (1993): 19-24.
- Gilman, Sander L. "Black Bodies, White Bodies: Toward an Iconography of Female Sexuality in Late Nineteenth-Century Art, Medicine, and Literature." In *"Race," Writing, and Difference*, edited by Henry Louis Gates, Jr., pp. 223-261. Chicago: University of Chicago Press, 1986.
- González, Deena J. "La Tules of Image and Reality: Euro-American Attitudes and Legend Formation on a Spanish-Mexican Frontier." In *Building With Our Hands: New Directions in Chicana Studies*, edited by Adela de la Torre and Beatriz M. Pesquera, pp. 75-90. Berkeley: University of California Press, 1993.
- González, Rosalinda Mendez. "Distinctions in Western Women's Experience: Ethnicity, Class, and Social Change." In *The Women's West*, edited by Susan Armitage and Elizabeth Jameson, pp. 237-252. Norman, Okla.: University of Oklahoma Press, 1987.
- Gordon, Linda. "What's New in Women's History." In *Feminist Studies/Critical Studies*, edited by Teresa de Lauretis, pp. 21-30. Bloomington: Indiana University Press, 1986.
- Gutiérrez, David G. "Significant to Whom?: Mexican Americans and the History of the American West." *Western Historical Quarterly* 24 (November 1993): 519-540.
- Higginbotham, Evelyn Brooks. "African-American Women's History and the Metalanguage of Race." *Signs: Journal of Women in Culture and Society* 17 (Winter 1992): 251-274.
- Hine, Darlene Clark. "Rape and the Inner Lives of Black Women in the Middle West: Preliminary Thoughts on the Culture of Dissemblance." *Signs: Journal of Women in Culture and Society* 14 (Summer 1989): 912-920.

- Hirata, Lucie Cheng. "Free, Indentured, and Enslaved: Chinese Prostitutes in Nineteenth-Century America." *Signs: Journal of Women in Culture and Society* 5 (Fall 1979): 3-29.
- Humphrey, David C. "Prostitution and Public Policy in Austin, Texas, 1870-1915." *Southwestern Historical Quarterly* 86 (April 1983): 473-516.
- Johnson, Susan Lee. "'A memory sweet to soldiers': The Significance of Gender in the History of the 'American West.'" *Western Historical Quarterly* 24 (November 1993): 495-517.
- Padgug, Robert A. "Sexual Matters: On Conceptualizing Sexuality in History." In *Passion and Power: Sexuality in History*, edited by Kathy Lee Peiss and Christina Simmons, pp. 14-31. Philadelphia: Temple University Press, 1989.
- Pascoe, Peggy. "Miscegenation Law, Court Cases, and Ideologies of "Race" in Twentieth-Century America." *Journal of American History* 83 (June 1996): 45-69.
- Peiss, Kathy Lee, and Christina Simmons. "Passion and Power: An Introduction." In *Passion and Power: Sexuality in History*, edited by Kathy Lee Peiss and Christina Simmons, pp. 1-13. Philadelphia: Temple University Press, 1989.
- Simson, Rennie. "The Afro-American Female: The Historical Construction of Sexual Identity." In *The Powers of Desire: The Politics of Sexuality*, edited by Ann Snitow, Sharon Thompson, and Christine Stansell, pp. 229-235. New York: Monthly Review, 1983.
- Weber, David J. "The Idea of the Spanish Borderlands." In *Pan-American Perspective*, edited by David Hurst, pp. 3-20. Washington, D.C.: Smithsonian Institution Press, 1991.
- West, Elliott. "Scarlet West: The Oldest Profession of the Trans-Mississippi West." *Montana: The Magazine of Western History* 31 (April 1981): 16-27.

Theses:

Ayala, Adriana. "The Roots of Resistance: Mexican Women and Men's Participation in Mutual Aid Societies and Consulate Organizations—A Case Study of Austin, Texas, 1920-1921." M.A. report, University of Texas at Austin, 1996.

This document does not include the vita page from the original.