

Staging Crossings

Policing Intimacy and Performing Respectability at the U.S.-Mexico Border, 1907-1917

ABSTRACT This article examines the dynamic interactions between Mexican women who sought to circumvent their sexual regulation at the U.S.-Mexico border, and U.S. immigration officials who enforced these regulations and policed these women's bodies in the early twentieth century. Using the transcripts of the board of special inquiry (BSI)—a panel that deliberated over the admission of excludable immigrants and oversaw accompanying interrogations—I contend that, while the BSI operated to encode corporeally Mexican female immigrants as sexually deviant, it simultaneously served as a stage for them to respond with their own performances of crossing. In the interrogation room, women performed a slew of admissible identities, including the devoted mother, aggrieved woman, and hard-working laborer. When those attempts to cross failed, women did not simply return home. Instead, many re-crossed until they reached their intended destination. Thus, the BSI served as a site for Mexican female border crossers to both uphold and challenge the production of heteropatriarchal notions of marriage. These findings contribute to the growing literature on U.S. border enforcement in the early twentieth century and uncover the (dis)order of a growing U.S. bureaucratic infrastructure based on sexual and gendered regulation. **KEYWORDS** U.S.-Mexico Borderlands, policing, women, race, sexuality, immigration

On March 14, 1917, Soledad Guerrero, a twenty-seven-year-old Mexican citizen, was on her way to join her husband in El Paso, Texas, when she was stopped at the U.S.-Mexico border for questioning by Immigrant Inspector Leon Brody. Inspector Brody permitted Guerrero to cross on the condition that she leave her baggage at the guard house and return the next morning for a full interrogation. Guerrero returned the following day but did so unaccompanied by her husband. When asked about his absence, she told Brody that she had lied: her husband died two years earlier and she had migrated alone. When asked why she had not told the truth, Guerrero replied “that she had been advised by certain people in Ju[á]rez to say that

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she was going to join her husband in El Paso or otherwise she would not be permitted to pass.”¹ Informed that the figure of a single female, unattached to a male laborer, signaled economic vulnerability to U.S. officials, Guerrero crafted a narrative to read as a dutiful wife crossing the border to reunite with her husband. Despite her creativity, Guerrero was consequently detained by U.S. authorities and her case brought before the board of special inquiry (BSI), a three-member panel that decided whether to admit or exclude a deportable immigrant. Given her gender and unmarried status, the BSI members excluded her from admission on the grounds that, sooner or later, she would become a public charge, posing a future burden to the local economy and broader society.²

Guerrero was one of many foreign women across the nation in the early twentieth century who were either barred from entering the United States as, in words of the 1903 Immigration Act, “likely to become a public charge” (LPC) or arrested once in the United States for “any other immoral purpose,” including prostitution, adultery, and miscegenation—and then deported.³ While an average of 131 immigrant women were excluded annually for prostitution between 1882 and 1920, many other women were barred entry under the ambiguity of the LPC provision.⁴ U.S. immigration officials at the southern border utilized both the LPC and the “any other immoral purpose” provisions in U.S. immigration acts during the first two decades of the twentieth century to exclude Mexican women for having non-normative family structures or sex lives. Examples include women who were targeted for being unmarried mothers, alleged prostitutes, in sexual relationships outside of marriage, or involved in an interracial union. In Guerrero’s case, the BSI emerged as an institution that attempted to constitute and reify Mexican immigrant women as sexually aberrant and therefore excludable. Immigration officials who served on the board asked leading questions and framed

1. Soledad Guerrero, 54192/45, Subject and Policy Files, 1893–1957, Records of the Immigration and Naturalization Service, Record Group 85 (RG85), National Archives Building, Washington, D.C. (NAB).

2. Although the board of special inquiry was never abbreviated in official documents, I use BSI for brevity.

3. While the Immigration Act of 1891 excluded persons guilty of moral turpitude, it was the Immigration Act of 1903 that specifically banned and mandated deportation of prostitutes and their procurers. Eithne Luibhéid, *Entry Denied: Controlling Sexuality at the Border* (Minneapolis: University of Minnesota Press, 2002), 9.

4. Deirdre M. Moloney, “Women, Sexual Morality, and Economic Dependency in Early U.S. Deportation Policy,” *Journal of Women’s History* 18, no. 2 (2006): 98.

non-heteropatriarchal commitments as evidence of sexual deviance. Officials used the equivocal stipulation, for “any other immoral purpose,” to repudiate non-normative forms of familial and sexual relations.

The sexual policing of Mexican immigrant women along the southern border between 1907 and 1917 was an imperfect process and met some challenges along the way. Mexican female border crossers used a variety of strategies to endure and confront their categorization as sexually excludable. To enter the United States, women used the interrogation room to perform a slew of admissible identities, including devoted mother, aggrieved woman, and hard-working laborer. If, at this point, they still remained excluded, most appealed the board’s decision. When those attempts failed, some re-crossed the border despite their deportation and exclusion. I argue that the BSI not only served as a site to constitute the sexually aberrant Mexican female migrant but also provided the space for these women to directly resist their exclusion. In essence, the board of special inquiry functioned to simultaneously uphold and challenge heteropatriarchal marital reproduction of Mexican female border crossers.

Guerrero’s case is one of sixty-three BSI and related files that feature Mexican women who were denied entry, detained, or deported along the U.S.-Mexico border between 1907 and 1917 for their presumed aberrant sexual activity or for being unescorted by a male head of family.⁵ The case files vary and can include an inspector’s interview with the apprehended woman, letters and telegrams sent to the national office in Washington, D.C., Spanish- and English-language testimony from friends and relatives, and often copies of arrest warrants. The interrogation transcripts serve as an archive of family structures and sexual practices that Mexican women built and maintained during the Mexican Revolution. This article focuses on only sixty-three surviving BSI case files spanning over a decade, and these cases may not be representative of the number of overall cases adjudicated along the southern border. BSI cases were saved only if appealed or submitted to the Department of Commerce and Labor for further review; and they were saved indiscriminately, without attention to region.⁶ Despite the relatively small

5. Of the sixty-three BSI cases, four cases arise from a departmental investigation rather than a BSI interrogation. Three cases have a partial file.

6. Scholars Deirdre M. Moloney, Martha Gardner, and Margot Canaday have also noted that the National Archive case files are incomplete and lack a systemic index by name, subject, or date. Because of this limitation, a sampling approach to BSI cases before 1924 is not achievable. Moloney, “Women, Sexual Morality, and Economic Dependency”; Margot Canaday, *The Straight State*:

number of cases, the BSI interrogation transcripts reveal the previously unknown spaces in which Mexican women negotiated and or opposed the negative characterization of their sexual lives and homes. The detailed exchanges between immigration officials and unescorted Mexican female border crossers reveal more than just the “officials’ attitudes toward female immigrants who immigrated independently from their families.”⁷ The transcribed encounters highlight a process of subject formation, where both parties engaged in discursive strategies: officials made efforts to mark Mexican women as excludable, while detainees made efforts to be categorized as admissible. Furthermore, imprecise translation marked a number of exchanges, where officials chastised interpreters for not properly conveying the question or where detainees’ responses did not correspond directly to the board’s inquiry. Rife with misunderstanding, detained women utilized those fissures to defend themselves and their family structures against an institutional power that served to racialize and sexualize them.

“Staging Crossings” is an article in three acts that reflects the performative nature of the policies and practices that shaped borderland encounters. Act I, “The Stage,” details the BSI’s physical and bureaucratic structure and outlines the historical context of immigration policy and procedures in the late nineteenth and early twentieth century. Act II, “The Performance,” explores how immigration officials used leading questions in the interrogation room to construct the sexual and gendered identities of Mexican female border subjects as aberrant and improper. Conversely, female Mexican border crossers used the BSI as a site for performative interventions aimed at claiming for themselves motherhood, womanhood, and respectability. Act III, “Racial and Sexual Landscapes,” considers how the southwestern racial landscape that made Mexicans white under certain contexts and non-white in others conditioned the forms of enforcement and the uneven implementation of U.S. immigration policy along the southern border. For example, issues like so-called “white slavery”—the sex trafficking of primarily white foreign and domestic females—and interracial relationships were regulated through regional understandings of racial identities and immigration policy.

Sexuality and Citizenship in Twentieth-Century America (Princeton: Princeton University Press, 2009); Martha Gardner, *Qualities of a Citizen: Women, Immigration, and Citizenship, 1870–1965* (Princeton: Princeton University Press, 2005).

7. Moloney, “Women, Sexual Morality, and Economic Dependency,” 99.

ACT I: THE STAGE

As nineteenth-century Victorian sexual ideology—epitomized by female purity, marital reproduction, and sexual restraint—wavered under early twentieth-century commercial leisure, Congress turned to immigration law and policy to help regulate sexual morality.⁸ The Page Act of 1875, which intended to target Chinese immigrant women, was the first federal regulation to deny the entry of women imported for “lewd and immoral purposes.”⁹ Continued fears over immigration and an increasingly heterosocial and interracial landscape led to consecutive immigration acts in 1903, 1907, 1910 and 1917. These legislative acts moved to exclude all women and girls entering the United States for prostitution, “any other immoral purpose,” or who were “likely to become a public charge” (LPC). Each act affirmed previous existing legislation but added a new layer of policy: the 1903 Act extended coverage and added prostitution of any woman or girl to the excludable list, the 1907 Act added “for any other immoral purpose” and expanded the scope of deportation for violation of the act’s statutes to within three years of arrival, the 1910 Act removed “woman or girl” from the statute and replaced the phrase with “any alien,” and the 1917 Act denied alien “female[s] of the sexually immoral classes” citizenship by marriage to a U.S. citizen, if the marriage occurred after said alien’s arrest.¹⁰ Over time, the Bureau of Immigration’s increased concern over an expanding definition of women’s “immoral” sexuality was codified into “criminal,” inadmissible, and deportable behavior for immigrant women. As we will see, the state’s expanded regulation of sexuality set the stage for an increasingly gendered border policy that led to heightened surveillance of Mexican female immigrant bodies along the border as well as amplified immigrant detention and processing infrastructures.

By 1905 the Bureau of Immigration had amassed judicial power to make executive decisions over the exclusion and deportation of aliens. Prior to this,

8. *Ibid.*, 102; Gardner, *Qualities of a Citizen*; Canaday, *The Straight State*; Grace Peña Delgado, “Border Control and Sexual Policing: White Slavery and Prostitution along the U.S.-Mexico Borderlands, 1903–1910,” *Western Historical Quarterly* 43 (Summer 2012): 162; Rachel St. John, *Line in the Sand: A History of the Western U.S.-Mexico Border* (Princeton: Princeton University Press, 2011), 148–73.

9. Act of March 3, 1875 (Page Law), ch. 141, 18 Stat. 477 (1875). See also Erika Lee, *At America’s Gates: Chinese Immigration During the Exclusion Era, 1882–1943* (Chapel Hill: University of North Carolina Press, 2003), 10.

10. *Immigration Act of 1903*, Pub. L. No. 57-162, 32 Stat. 1213 (1903); *Immigration Act of 1907*, Pub. L. No. 59-96, 34 Stat. 898 (1907); and *Immigration Act of February 5, 1917*, Pub. L. No. 64-436, 39 Stat. 874 (1917).

immigrants could and did go directly to the federal courts to challenge regional administrative officials' decisions of exclusion through due process, evidentiary rules, and habeas corpus, granting a detained immigrant the right to file a legal petition for an appearance before a federal court to determine if her detention was lawful. If the court concluded there was inadequate basis for detention, the immigrant could secure her release from custody. However, the increasing expense of litigation and the reluctance of the courts to overrule administrative interpretations soon deterred immigrants from petitioning for a writ of habeas corpus.¹¹ So when the Bureau of Immigration subsumed the federal court's role, the admission process was accelerated and immigration officials quickly sustained exclusions.¹² Under this context, the BSI became a critical site for the sexual policing and regulation of the female immigrant.

The board consisted of three male members who were local immigration inspectors and could include one or more of the following: a stenographer, an interpreter, and a medical examiner. A case would come under the BSI when an immigration inspector harbored uncertainty over whether to admit or exclude an immigrant who was otherwise classified as excludable.¹³ The board's responsibilities were to interview the immigrant in question and to report and make recommendations on examined cases. A local case file would ascend the chain of command if the immigrant appealed, if one board member dissented from the final decision, or if the case was specific to deportation. Next, all materials would be reviewed first by the regional Supervising Inspector of Immigration located in Texas followed by the Commissioner General of Immigration in Washington, D.C. The Secretary of Commerce and Labor was the last set of eyes to examine the case and the accompanying opinions from all three subordinate department officials. He handed down the final ruling on whether to sustain the appeal or affirm the board's original decision. The Secretary of Commerce and Labor affirmed the decisions of the board and directed exclusion or deportation in 88 percent of the cases with known outcomes.¹⁴

11. Jane Perry Clark Carey, *Deportation of Aliens from the United States and Europe* (New York: Columbia University Press, 1931), 313.

12. Lucy E. Salyer, *Laws Harsh as Tigers: Chinese Immigrants and the Shaping of Modern Immigration Law* (Chapel Hill: University of North Carolina Press, 1995), 114, 136–38.

13. William Van Vleck, *The Administrative Control of Aliens: A Study in Administrative Law and Procedure* (New York: Commonwealth Fund, 1932).

14. In the fifty-five cases with known outcomes, six women were admitted and forty-nine were excluded or deported.

Before a BSI interrogation could occur, a Mexican female migrant first had to be detained or apprehended. Vague immigration statutes such as “likely to become a public charge” and “for any other immoral purpose” allowed immigration officials to detain and exclude persons based on their personal, local, or bureaucratic understanding of those phrases. Without specific parameters for what constituted LPC, immigration inspectors at points of entry along the U.S.-Mexico border used discretion to monitor women’s sexual immorality, in particular. Women traveling alone, with young children, or with a male partner signaled to some immigration officials an unlawful entry. Inspector Brody, mentioned in this article’s introduction, initially questioned Soledad Guerrero because she crossed unescorted and with luggage, suggesting a prolonged stay without a male family member. Maria Rueda, a single woman and mother, was also excluded as LPC while crossing on foot with her two children.¹⁵ Paula Gomez’s cohabitation outside of marriage with her male Syrian partner caught the attention of an immigration inspector at the Laredo port of entry. Both Gomez and her partner were excluded on account of their “unlawful cohabitation,” which the board believed would make “them liable to come in conflict with the authorities on account of their immorality.”¹⁶ Of examined cases, thirty-two women were excluded while attempting to enter the United States through official ports of entry. For immigration inspectors, these women violated American normative family structures and gendered divisions of labor. Proper womanhood was grounded in notions of respectability, sexual purity, and marriage, which also entailed domestic labor and childcare.¹⁷ Understanding women to be dependent on male income, these officials may have seen single women as vulnerable to future dependence on public assistance and moved to exclude them.

Surveillance, however, did not stop at the line. Apprehensions and deportations of Mexican women within the United States increased after the 1907 immigration law made it unlawful to engage in prostitution or “any other immoral” activity within three years of entering the United States.¹⁸

15. Maria Rueda, 52395/30, Subject and Policy Files, 1893–1957, RG 85, NAB.

16. Paula Gomez, 54192/84, Subject and Policy Files, 1893–1957, RG 85, NAB.

17. Peiss, *Cheap Amusements*, 7.

18. The number of alleged Mexican prostitutes deported nationwide between 1908 and 1915 ranged from 12 to 75 annually. However, in 1916 and 1917, their numbers jumped to 129 and 172 respectively. See “Aliens Deported to Countries whence they came after entering in the United States by races and causes,” U.S. Bureau of Immigration, *Annual Report of the Commissioner General of Immigration* (1908–1917).



FIGURE 1. A woman and child cross the Santa Fe Street bridge connecting El Paso to Juárez, ca. 1910–1915. *Source:* Bridge–El Paso to Juárez, Bain collection, Prints & Photography Division, Library of Congress, LC-B2-2964-12.

This statute presumably guarded against the potential for a once-admissible immigrant woman to later become embroiled in sex work or cohabitate outside of marriage. Immigrant women faced deportation for purportedly practicing prostitution, for entering “without inspection,” or for having crossed when “under 16 years of age and unaccompanied by either parent.” Additionally, patrolling and organized roundups at sites presumed to harbor sex workers occurred in border towns stretching from Nogales, Arizona to Brownsville, Texas.¹⁹ Between March and July of 1909 the Bureau of Immigration initiated a nineteen-city dragnet that swept up immigrant women suspected of having been imported for purposes of prostitution.²⁰ That year, five Mexican women were held for several months at the Tucson

19. It is likely that immigration raids occurred in Calexico and San Ysidro, California; however, of the case files collected, none feature California ports of entry. This discrepancy may be due to the fact that the majority of the case files saved were from the El Paso District (also referred to as the Mexican Border District), which included Arizona, New Mexico, and Texas. See Frank W. Berkshire, *Chinese Smuggling in El Paso, Texas, District, 52541/45, Subject and Policy Files, RG 85, NAB.*

20. Jessica Pliley, *Policing Sexuality: The Mann Act and the Making of the FBI* (Cambridge: Harvard University Press, 2014), 41–44.

detention quarters before being transferred to El Paso for deportation.²¹ Women who arrived at the Tucson detention quarters often came from other areas in Arizona such as Phoenix, Tombstone, and Globe because of a lack of detention facilities in those locations.²² By 1907, inadmissibility had extended beyond the port of entry.

Along the southern border, new immigration legislation and expanded enforcement resulted in increased apprehension of immigrants, specifically female migrants, requiring the construction of facilities to house and process detainees. The need for immediate space was evident when, in 1908, the Fort Worth immigration office moved several times within the Federal Building. It was first located in the Mail Department, then relocated to the corridors when the Circuit Court was in session, and finally settled on the third floor of the Railway Mail Service, where Immigrant Inspector W. H. Robb complained that the space was “completely surrounded by boxes, bags, rack-files, old chairs and other matter belonging to the government.”²³ While the El Paso & Southern Western Railway Company in Naco, Arizona, built a three-room immigration station—including office, medical examination room, and detention facilities—interrogations and all other matters were temporarily conducted in the home of Inspector M. H. Jones.²⁴ In 1911, the Laredo Bridge Company similarly took on the task of building adequate detention facilities in Laredo, Texas. In a blueprint of their proposed plan, the boardroom sat next to the examination room and the inspector’s office.²⁵ In 1908, the El Paso detention facility was partitioned into male and female quarters to accommodate the increase in female detention.²⁶ As the web of those subjected to U.S. immigration policy expanded, so too did the immigration infrastructure. The stage on which to implement immigrant sexual surveillance and regulation had to be built in order to support those borderland encounters.

21. Report on Tucson Investigation, 1909, 52730/75G, Subject and Policy Files, 1893–1957, RG 85, NAB.

22. Statement of William C. Brown, Report on Tucson Investigation, 1909, p. 21, 52730/75G, Subject and Policy Files, 1893–1957, RG 85, NAB.

23. Immigrant Inspector W. H. Robb to Commissioner General of Immigration, December 22, 1905, Fort Worth, Texas-Lease, 51579/4, Subject and Policy Files, 1891–1957, RG 85, NAB.

24. Frank Berkshire to Commissioner General of Immigration, March 25, 1908 Lease–Naco, AZ, 51600/33, Subject and Policy Files, 1893–1957, RG 85, NAB.

25. Supervising Inspector Frank Berkshire to Commissioner General of Immigration, May 9, 1911, Detention Quarters, 53221/12, Subject and Policy Files, 1891–1957, RG 85, NAB.

26. 51646/1-C (part 2), Subject and Policy Files, 1893–1957, RG 85, NAB.

ACT II: THE PERFORMANCE

After a preliminary inspection at the border or after apprehension and arrest within the United States, Mexican female border crossers were briefly detained and then were interviewed by the BSI. The women detained in this sample ranged from thirteen to seventy-nine years of age and faced varied experiences with detention depending on their circumstances. Some were detained for only a few hours and deported by footbridge back to Ciudad Juárez, Naco, or Nogales, Mexico. For those who applied for an appeal, which could take anywhere from two weeks to three months, apprehended border crossers had to wait in the town directly south of the border until they received notice about their case from U.S. immigration officials. Those held as a witness against their alleged procurers could be detained for several months until the case came before a judge. During an interrogation, the chairman of the BSI would ask the detained immigrant a series of questions depending on the charge and the gender of the border crosser. Another board member acted as the stenographer and another as the interpreter. An immigration official could act in any one of these positions as well as serve two different roles simultaneously, as was the case of Robert M. Cousar, who once sat as both examining officer and acting stenographer.²⁷ Most significantly, the transcripts produced from the exchanges expose immigration inspectors' attempts to mark Mexican female immigrants as sexually deviant. Immigrant women, in turn, attempted to counter negative characterizations by claiming and in some cases disavowing, sexual propriety and marital respectability.

Women's responses indicate that female crossers with some knowledge of exclusionary policy shifted identities multiple times when the previous ones failed to convince the board of their proper domesticity. Guerrero's social network in Ciudad Juárez had warned her in advance of the meanings that would be assigned to her gendered and sexualized body. Members of that network had given her a heteronormative script to enact. But when Guerrero could find no one to replace her deceased spouse, she had to switch tactics. Her next strategy was to craft her identity as a worker. When asked how she "maintained herself" without the support of a husband or friends and relatives, Guerrero responded that she worked for Maria Purdy in a hair-dressing parlor in El Paso. But after Purdy denied the statement, Guerrero explained that her late husband's friend, Miguel Ahumada, an employee at

27. Maria Haros, 54192/81, Subject and Policy Files, 1893–1957, RG 85, NAB.

a local hardware store, had offered to help her find work. In the meantime, she continued, she was to stay with a female friend, Refugio Alvarez, married to the owner of the El Paso Spanish-language newspaper, *Los Sucesos*. Guerrero's acquaintances were employed, and she used their economic stability to respond to the inspector's line of questioning about her ability to support herself. Though Guerrero was a stenographer and likely had, at some point, enjoyed an income, she had only \$2 in her possession. Given her scarce resources and her lack of proof of employment, she was denied entry as LPC.²⁸ In the thirty-five minute interrogation, Guerrero performed two versions of herself: proper wife and skilled worker. At the same time that Inspector Brody and BSI Chairman Thomas E. Edwards placed Guerrero outside of proper gender and sexual norms, Guerrero worked to recast her subjectivity in accordance with her knowledge of federal regulation policies.

Regardless of Guerrero's performances, the board justified her exclusion based on her gender and presumed potential for immorality. Guerrero appealed her case, which was then sent to Washington, D.C., for review. The appeal file contained Guerrero's BSI transcripts and a letter explaining the board's decision written by Supervising Inspector Frank W. Berkshire. His request for exclusion concentrated heavily on Guerrero's alleged sexual deviance. Berkshire referred to the transcripts to highlight the number of men with whom she had lived since her husband's death and whether she intended to cohabit with Miguel Ahumada. Although Guerrero repudiated the allegations of living with men outside of marriage and denied living with Ahumada, Berkshire was not easily convinced. He wrote that her contradicting statements "taken in conjunction with the fact, as notoriously known here [in El Paso], that it is the custom of Mexican women, particularly of the lower class—but not strictly confined to them—to live out of marriage with men, was sufficient to justify a suspicion as to the applicant's intent." Guerrero's performances of respectability and employability were thwarted by the materiality of her racialized and gendered body in a district with a reputation for vice. For Inspector Brody, the board, and Supervising Inspector Berkshire, being a single migrant Mexican woman was "sufficient" evidence to unmask her immoral sexual character.

Maria Escudera, a twenty-four-year-old Cuban native who moved to Mexico when she was fourteen was, like Guerrero, denied entry to the United

28. Soledad Guerrero, 54192/45, Subject and Policy Files, 1893–1957, RG 85, NAB.

States in 1908 on the basis of her gender, sexual, and racial identity. Similarly, Escudera tailored her identity to conform to gender norms when she structured her appeal on the claim that she was a reformed mother. On the morning of January 20, 1908, soon after reaching the border point of inspection, Escudera was excluded as LPC for insufficient funds and inability to provide her sister's address to the immigration officer. Undeterred, she returned later that same day and attempted to cross again but this time in the company of an unidentified woman whom she met in Nuevo Laredo and who had explained to Escudera that "it was customary when [immigration officials] send you back, [those denied entry] generally crossed over again, and that she knew the bridge people herself." This time, Escudera managed to cross the border and accompanied the woman to a house of prostitution where they stayed for five hours until Escudera left for another undisclosed location. While it is possible that Escudera knew that the woman intended to take her to a "house of ill fame," Escudera maintained under questioning that she was a respectable woman who had no idea where they were headed. Unable to prove her intent to work in prostitution, BSI Chairman Wesley O. Staver then asked her how she made a living in Mexico. Escudera responded she was a theater actress. Dissatisfied and perhaps a little skeptical with her reply, he asked, "Anything else?" She then admitted that she had lived with two men, one the father of her child who currently resided with her mother in Mexico, the other an unidentified man. Wanting to determine her character, he asked, "were you married to either of these men?" No, she replied. Believing she had no means of support, he asked her "what occupation [she] intended to follow in the United States?" To recoup her mistake of revealing her cohabitation with men outside of marriage and having a child out-of-wedlock, Maria emphasized her education, stating that she would get a job as a seamstress or private tutor as she "was highly educated and could instruct to read and write." Staver pressed once more and asked if it was her intention to live with men outside of marriage in the United States. Escudera responded no, that she would follow a legitimate means of livelihood "on behalf of her daughter."²⁹ Escudera's explanation is significant for it disrupted the interrogation and insisted that through lawful labor and proper sexual purity she would provide moral guidance to her young daughter.

29. Maria Escudera, 51775/21, Subject and Policy Files, 1893-1957, RG 85, NAB.

Escudera's case reflects the calculated exchanges between interviewee and interviewer, each trying to substantiate claims of either immorality or respectability. Staver's questions were aimed at painting Escudera as morally suspect, while Escudera's responses were framed to highlight her value as an educated worker and devoted mother. Framing Escudera's replies as a performance, I do not discredit her statements as fabrications nor suggest that she was, indeed, a prostitute, uneducated, and an uncaring mother.³⁰ Rather, in the interrogation room, immigration officials did their best to ask leading and self-incriminating questions. In the space of the BSI, Escudera could not articulate that, for a single mother, she had few options but to seek higher wages in the United States. Inspector Staver's line of questioning did not allow for such statements. Nevertheless, she appealed to proper definitions of motherhood and normative gendered behaviors of child rearing even while she seemed to transgress them by leaving her daughter behind in Mexico. In her view, she had no other choice.

Women excluded as "coming for an immoral purpose" or apprehended for prostitution confronted a different battle for respectability against the BSI. Because these women cohabitated or had consensual relationships with men outside of marriage or had allegedly received pay for sex, inspectors believed them to have transgressed proper gender norms and saw them as a moral danger. Once apprehended for sexual indiscretion, few women could successfully deploy alternative narratives of respectability—as wife to a non-U.S. citizen, member of the middle-class, or mother—to pass as an admissible woman. Just as with the category of LPC, immigration officials had wide latitude to interpret and define the parameters of excludable offenses, such as "coming for an immoral purpose" or a "misdemeanor involving moral turpitude." An official conviction by a state or territorial criminal court for violating fornication or cohabitation statutes was wholly unnecessary. Simply admitting to having had sexual relations or having lived with a man outside of marriage, no matter how long ago, frequent, or falsified, was enough evidence to exclude a woman.³¹ To reach this end, inspectors framed and asked leading

30. Vicki Ruiz describes migrating Mexican women's back-and-forth with immigration officials as "performances." See Vicki L. Ruiz, *From Out of the Shadows: Mexican Women in Twentieth-Century America* (Oxford: Oxford University Press, 1998), 13.

31. Section 2 of the 1907 Immigration Act excludes, among others, the following: "Persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude" and "prostitutes, or women or girls coming into the United States for the purpose of prostitution or for any other immoral purpose."

Maria Ronquillo.

- Q. Well, why did you again return to this side after such...
- A. I came over to this side because I was sick and I thought...
- Q. Why did you return to this side, instead of the Stanton?
- Q. I did not think about that. As I had been notified before...
- Q. At the time you crossed, were you alone?
- Q. Yes, after entering the United States on January 27th at...
- A. I went home.
- Q. From January 27th to the day that you were apprehended in...
- A. I borrowed some money from the proprietor of the dance hall...
- Q. Luis Vidal is proprietor of The Favorite dance hall of this...
- A. Yes, is he not?
- Q. That was the same place where you had been employed pre-
- Q. Yes. Violins. To the time you were debarred?
- Q. You again returned to work in this dance hall, did you?
- A. No, after I returned he sent word to me to ask, "can't I had...
- Q. You are positive now that you did not return to his employ-
- Q. Yes; I am.
- Q. Were you in fear of being apprehended for being unlaw-
- A. I am not in this country?
- A. I am still a citizen of Mexico, are you?
- Q. Just explain what is meant. (To interpreter).
- A. Yes.
- Q. You are still in a delicate condition?
- Q. You have not been married since you were debarred on Janu-
- A. No; not yet.

File No. 1316.

In the matter of MARIA RONQUILLO, arrested pursuant to...
 Supervising Inspector under date of February 11, 1908, said...
 Allen having been apprehended by Watchman Jerome F. Cassiano,
 in El Paso, Texas, February 14, 1908.

MANIFEST 148.

Hearing held at El Paso, Texas, on the 19th day of Febru-
 ary, 1908, before JOSEPH X. STRAND, Acting Immigrant Inspector.

PRESENTE:

JOSEPH X. STRAND, Acting Immigrant Inspector;
 AFONSO F. SERRA, Spanish Interpreter; G.C. WILMOTH, Secretary.

Warrant above referred to read and explained to alien, who
 was apprised of her right to be represented by counsel. Alien
 waived such right.

MEDICAL EXAMINER CERTIFIES ALLEN AS BEING PREGNANT.

Allen, MARIA RONQUILLO (female), being duly sworn, testi-
 fied as follows: no occupation; is able to read and write;
 nationality and race, Mexican; last permanent residence, No. 5
 Utah Street, El Paso, Texas; final destination, El Paso, Texas;
 not in possession of ticket to destination, and no money;
 no relatives in this country; has previously been in United
 States, El Paso, Texas, between 1905 and 1906, as not
 a convict, polygamist or contract laborer.

By Mr. STRAND:

- Q. You applied for admission at this Port on January 27th...
- A. About that date.
- Q. You were heard by the bridge Inspector for a hearing before...
- A. Yes.
- Q. On being brought before the Board of Special Inquiry on the...
- A. Yes.
- Q. At that time you were notified of your right of appeal?
- Q. And you did not avail yourself of that privilege, and were...
- A. Yes.

FIGURE 2. Board of special inquiry transcripts reveal the exchanges and mistranslations between U.S. immigration officials and Mexican female migrants. Source: Maria Ronquillo, 51775/27, Subject and Policy Files, 1893-1957, Records of the Immigration and Naturalization Service, RG75, National Archives Building, Washington, D.C.

questions as a tactic to extract an admission. Supervising Inspector Berkshire even acknowledged as much in one case against a single mother of two, living with but unmarried to her male partner. In his summary report to the commissioner general, he wrote, “some of the questions propounded are leading and seem to indicate bias,” but despite the improper hearing, they moved to exclude the woman and her family, nonetheless.³²

Some women charged with prostitution sought U.S. citizenship through marriage and did so in an attempt to establish their rights before the law. In June 1908, two Mexican women were taken into custody at a saloon and dance hall in Duran, New Mexico, and transported to El Paso for a BSI hearing.³³ One of the women, Francisca Robles, openly told the board that if she was deported for practicing prostitution, she would seek marriage in Ciudad Juárez with a Mr. Richardson and then return for admission.³⁴ In like manner, thirty-five-year-old Concha Gonzales informed the BSI that if she was deported, she would marry Abran Juárez, presumably an American citizen. Armed with Gonzales’s information, Inspector W.B. Green testified that he “found the boy [Juárez] and had a talk with him a few minutes and [he said] he did not want to marry her [anymore].”³⁵ Whether or not Inspector Green did locate and dissuade Juárez from marrying Gonzales, his statement suggests that he believed his actions to be reasonable and within the parameters of his duties as an immigration official. In the end, both Robles and Gonzales were denied entry. Despite the women’s failed attempts, their stories reveal their savvy strategies for resisting exclusion from the country.

Three Mexican women in the sample married U.S. soldiers as a tactic to avoid deportation with varying degrees of success.³⁶ In 1914, because of the Mexican Revolution, the U.S. government sent infantry regiments to Fort Bliss, just outside El Paso, to prepare for a possible attack and to protect U.S. interests. By 1916, over forty thousand troops had been sent to El Paso and 110,000 members of the National Guard were deployed along the U.S.-Mexico border.³⁷ The influx of soldiers along the border set the

32. Berkshire to Commissioner General, August 15, 1908, Felicitas Ramos, 51775/110, Subject and Policy Files, 1893–1957, RG 85, NAB.

33. Concha Gonzales, 51775/93, Subject and Policy Files, 1893–1957, RG 85, NAB.

34. Francisca Robles, 51775/89, Subject and Policy Files, 1893–1957, RG 85, NAB.

35. Concha Gonzales, 51775/93, Subject and Policy Files, 1893–1957, RG 85, NAB.

36. Mexican female immigrants who married U.S. soldiers included Francisca Cardova, Virginia Vasquez, and Francisca Uvalle. Maria Villanueva and Mario Haros also married U.S. citizens.

37. Charles H. Harris III and Louis R. Sadler, *The Great Call-Up: The Guard, the Border, and the Mexican Revolution* (Norman: University of Oklahoma Press, 2015), 451–52.

conditions for Virginia Vasquez's BSI case. Vasquez had a history with the Bureau of Immigration. She was deported on January 29, 1916 for prostitution, and then again on July 19, 1916 for entry without inspection and for affliction of "insanity, hystero-epilepsy and syphilis."³⁸ On her third attempt, she crossed successfully, enabling her to marry 34th U.S. Infantry soldier David M. Burger on September 11, 1916. After approximately three weeks of marriage, Burger deserted both the army and Vasquez. For an unidentified reason, Vasquez came before the BSI, which intended to investigate her marriage. Disapproving of the marital relationship, Supervising Inspector Frank W. Berkshire wrote to the commissioner general with a warning:

It is to be regretted that as a result of this marriage citizenship has been conferred upon a very undesirable alien. The matter has been presented to the Military authorities, in the hope that they may be able to take some action in this case which may have a deterrent effect on other soldiers who may be willing to contract marriage with aliens of this class.³⁹

Vasquez's marriage was now beyond Berkshire's authority, but he hoped to further regulate the morality of future U.S. citizens by requesting that Burger receive ample punishment from the military as a means to deter other soldiers from engaging with "aliens of this class." As with Guerrero, Berkshire inferred that Vasquez, a Mexican working-class woman, was morally loose and not fit for U.S. citizenship through marriage. An investigation by the Bureau of Immigration then found that Burger already had a wife and child in Harrisburg, Pennsylvania, rendering his marriage to Vasquez null and void.

In her final interrogation in late December, Vasquez presented herself to BSI Chairman Thomas E. Edwards as a reformed woman. In her testimony, she highlighted her work as a waitress in a Chinese restaurant in Ciudad Juárez and as a clerk for a grocery stand in Texas. She knew that by emphasizing legitimate labor she could distance herself from her sexual past. Furthermore, Vasquez testified that she had married Burger because she loved him, as he had asked her to marry him, and she wanted to live an honest life. According to Vasquez, Burger had promised to take care of and support her. Vasquez discursively positioned herself as a victim of Burger's false promises, in order to deflect accusations that she tricked him into marriage. She then recounted her reformation and desire to lead an "honest life." Vasquez's

38. Virginia Vasquez, 54134/25, Subject and Policy Files, 1893-1957, RG 85, NAB.

39. *Ibid.*

performance before the BSI as a reformed wife who was committed to an honorable life failed to convince the board. She was soon deported to Mexico. Without legal marriage to a U.S. citizen, Vasquez's argument to remain in the United States had little footing.

On May 1, 1917, the third provision of Section 19 of the Immigration Act of 1917, which stipulated that female aliens would be denied citizenship by marriage to a U.S. citizen if they had been arrested for prostitution prior to the matrimony, went into effect. Before that day and provision, combating exclusion through legal marriage to American soldiers proved to be an effective strategy for at least one woman, Francisca Cordova, who managed to do so days before the provision was passed. On April 21, 1917, Cordova, previously excluded for prostitution, applied for and was later granted admission into the United States as the wife of soldier Jack Farning. In her testimony to the board, she admitted marrying Farning to avoid deportation and that her friend informed her that if she married a U.S. citizen, they could not send her back to Mexico.⁴⁰

Despite regional immigration officials' desires to exclude and deport Cordova, Washington officials were willing to recognize marriage contracted between alleged sex workers and American citizens prior to May 1, 1917. Upon further questioning, Farning stated that he had married Cardova not only because "he liked her" but also at the request of El Paso policeman, Jacobo Salazar. According to Farning, Salazar had approached him at Susie Churchill's house of prostitution where he repeatedly asked Farning to marry Cardova for undisclosed reasons. After Farning consented, Salazar made the wedding arrangements. With the testimony in place, Berkshire sent a letter to the commissioner general, similar to the one he sent regarding Virginia Vasquez, to review and decide on the case. In his letter, Berkshire noted that the inspector in charge at Laredo was investigating the potential conspiracy of Cordova's case but lamented that cases like that of Cardova's "are extremely difficult . . . to successfully prosecute."⁴¹ The difficulty of prosecuting cases like Cardova's suggests that marriage to an American citizen could be a powerful tactic under the right circumstances. The commissioner general responded to Berkshire with an in-depth analysis of the new 1917 immigration law, mentioning, among other points, that the Attorney General did not want the Supreme Court to have to "reverse certain decisions by the lower

40. Francisca Cardova, 54192/87, Subject and Policy Files, 1893-1957, RG 85, NAB.

41. *Ibid.*

court holding that immoral women had obtained citizenship by being married to American citizens.⁴² Thus, the commissioner general determined that the third provision of section 19 was not retroactive and that marriages that had occurred before May 1, 1917, including Cardova's, would have to be granted. He instructed Berkshire to "let bygones be bygones" and approved Cardova's admission to the United States.⁴³

Recognizing the board's penchant for excluding women on the basis of alternative family structures or sex lives, some repeat offenders quickly learned how to formulate interactions with the BSI for a speedier hearing. In June 1908, the immigration officials in Tucson, Arizona, detained Octaviana Sonoqui for twelve days for both entering the United States without inspection and engaging in prostitution. Sonoqui was a seasoned border crosser who had been detained and deported two other times, once in 1906 and once again in 1907 for the same counts. When interrogated in 1908 by Inspector George W. Webb, Sonoqui, knowing that her responses could be used against her, replied with as few words as possible. To inspector Webb's questions about her being a prostitute, her failing to make an application for admission to an immigration officer, and her having been deported twice before, Sonoqui replied each time with a simple "yes." In his report and recommendation for deportation, Webb wrote that Sonoqui's "frankness" in admitting to her illegal acts and her lack of resistance to deportation made it a "clear case."⁴⁴ Sonoqui could have performed as a moral woman, laborer, or domestic mother to defend herself against accusations of immorality; however, her refusal to do so does not mean she acquiesced to those charges. Rather, it suggests that, instead of challenging the inspector, Sonoqui played the role that Immigrant Inspector Webb desired to see: one of a sexual deviant flagrantly infringing upon U.S. immigration law. In all likelihood, she did so to achieve a faster hearing and deportation. The quicker she was processed, the sooner she could cross the border to make a livable wage in the United States.

ACT III: RACIAL AND SEXUAL LANDSCAPES

The gendered and sexual regulation of solitary Mexican women was closely tied to the racial positioning of people of Mexican descent in the American

42. Memorandum from Commissioner General May 7, 1917, Francisca Cardova, 54192/87, Subject and Policy Files, 1893-1957; RG 85, NAB.

43. See Francisca Cardova, 54192/87, Subject and Policy Files, 1893-1957, RG 85, NAB.

44. Octaviana Sonoqui, 51775/96, Subject and Policy Files, 1893-1957, RG 85, NAB.

Southwest. Mexican female border crossers sat within a deep history of a contested and ambiguous racial status. Along with the U.S. acquisition of northern Mexican lands, the 1848 Treaty of Guadalupe Hidalgo granted Mexicans residing on the newly annexed territory U.S. citizenship and, by extension, classified them as “white.” Historian Raúl A. Ramos notes that even with the treaty’s ratification, Mexicans’ legal racial designation as white was already fraught when new Anglo American leaders had to consider “the transference of rights to Mexican indigenous peoples.”⁴⁵ Similarly, Anthony Mora describes the late nineteenth-century U.S. borderlands as a region where Mexicans’ racial or national identity was called into question when it came to political or cultural power.⁴⁶ Assertions of Mexicans as racially inferior, morally unfit, and diseased began to surface in response to increased immigration of Mexican immigrants at the turn of the twentieth century.⁴⁷ Natalia Molina has shown how public health institutions in the first decades of the twentieth century worked to “demean, diminish, discipline, and ultimately define” newly arrived and long-term Mexican residents as a racial and not an ethnic group.⁴⁸ State officials, whether health or immigration inspectors, regularly framed an ambiguous racial identity. This ambiguity influenced the forms of enforcement and implementation of U.S. immigration policy along the southern border, particularly when it came to monitoring for white slavery—the sex trafficking of white foreign and domestic females—and regulating interracial relationships.

The intensified concern over white slavery in the first two decades of the twentieth century was the result of continued changes in women’s roles, immigration, and urbanization, in addition to the persistent growth of big business. The fear over immigrant women’s sexual morality first manifested itself in the Page Act of 1875. West coast anxieties over an influx of Chinese immigrants fed Anglo American fears that Chinese women in San Francisco

45. Raúl A. Ramos, *Beyond the Alamo: Forging Mexican Ethnicity in San Antonio, 1821–1861* (Chapel Hill: University of North Carolina Press, 2008), 205. See also Anthony Mora, *Border Dilemmas: Racial and National Uncertainties in New Mexico, 1848–1912* (Durham: Duke University Press, 2011), 57.

46. Mora, *Border Dilemmas*, 5.

47. See Heather M. Sinclair, “White Plague, Mexican Menace: Migration, Race, Class, and Gendered Contagion in El Paso, Texas, 1880–1930,” *Pacific Historical Review* 85, no.4 (November 2016): 475–505.

48. Natalia Molina, *Fit to Be Citizens?: Public Health and Race in Los Angeles, 1879–1939* (Berkeley: University of California Press, 2006), 3.

were imported for prostitution.⁴⁹ After 1880, the rise in southern and eastern European immigrants, especially on the east coast, along with women's increased entry into wage labor and heterosocial leisure, ripened demands for sexual reform. White slavery activists, anti-vice reformers, journalists, politicians, filmmakers, and novelists, to varying degrees, promoted the belief in an elaborate and widespread sex industry that exploited unwitting women.⁵⁰ Historian Mara L. Keir argues that these Progressive Era reformers proliferated two narratives: the genesis and the subjugation dramas. The genesis narrative revolved around unscrupulous foreign men entrapping unsuspecting, innocent women. It was a "story of becoming, not . . . of being" a prostitute. Next, the subjugation narrative placed "ruined" women under debt peonage. This story presupposed that women wanted out but that, similar to workers who had to purchase goods from a company town, these women fell into far too much debt with their procurers and madams to escape. For Keir, the subjugation narrative highlights how Progressive Era reformers utilized the peonage analogy as a critique against monopoly capitalism. According to contemporary reformers, the commercialization of vice had enslaved these young women.⁵¹

Race also played an important role in the portrayal of those deserving rescue. Although white slavery was highlighted on the national stage, immigration officials were less concerned with saving innocent and unsuspecting immigrant women from procurers. While the Immigration Act of 1907 did incorporate the three-year violation clause for prostitution from the 1902 International Agreement for the Suppression of the White Slave Traffic, the connection between the 1907 Act and white slavery was less definitive. The familiar rhetoric of sexual oppression surrounding white slavery was uneven

49. Mae Ngai, *The Lucky Ones: One Family and the Extraordinary Invention of Chinese America* (New York: Houghton Mifflin Harcourt, 2010), 15–16.

50. On white slavery, see Catherine Christensen, "Mujeres Públicas: American Prostitutes in Baja, California, 1910–1930," *Pacific Historical Review* 82, no. 2 (May 2013): 215–47; Christopher Diffie, "Sex and the City: The White Slavery Scare and Social Governance in the Progressive Era," *American Quarterly* 57, no. 2 (June 2015): 411–37; Brian Donovan, *White Slave Crusades: Race, Gender, and Anti-Vice Activism, 1887–1917*, (Urbana: University of Illinois Press, 2006); Mara L. Keire, "The Vice Trust: A Reinterpretation of the White Slavery Scare in the United States, 1907–1917," *Journal of Social History* 35, no. 1 (Autumn, 2011): 5–41; Mary Ting Yi Lui, "Saving Young Girls from Chinatown: White Slavery and Woman Suffrage, 1910–1920," *Journal of the History of Sexuality* 18, no. 3 (September 2009): 393–417."

51. Mara L. Keire, "The Vice Trust: A Reinterpretation of the White Slavery Scare in the United States, 1907–1917," *Journal of Social History* 35, no. 1 (Autumn 2011): 11.

in its implementation north of the southern boundary line.⁵² In only one of the sixty-three BSI cases was a Mexican woman explicitly referred to as a white slave. In effect, Mexican immigrant women's perceived racial and ethnic identity shaped how officials imagined these migrant women's sexual morality. Unlike white women, their racial, citizenship, and class status barred them from American womanhood and its protective privileges.

The alarm over white slavery was not wholly absent from the U.S.-Mexico border, but rather, reserved for certain women. The traffic of white American women into Tijuana vice districts elicited a wealth of concern from San Diego and Los Angeles reformers. The California Federation of Women's Clubs (CFWC) and local Southern California newspapers depicted the influx of white American women into Mexican border towns for the purposes of prostitution through the narratives of coercion and victimization. The alarm was so great that in 1919 the CFWC campaigned to close the international border as a means to protect white women from foreign procurers.⁵³ On the north side of the border, in places like El Paso, concern over white slavery centered mainly on French prostitution rings.⁵⁴ Whereas the CFWC imagined white Americans as innocent girls who warranted protection from vicious procurers, San Antonio immigration inspector Richard H. Taylor imagined Mexican women north of the border quite differently. In Taylor's view, Mexican women engaged in prostitution of their own accord and warranted no special safety from white slavery laws. In a report sent to the commissioner general, Taylor wrote:

In the majority of these cases the women are not such as are termed "White Slaves," by any means. They are merely prostitutes who cross the border from Mexico for the purpose of practicing prostitution in the adjacent cities, and do so of their own volition, merely for the purpose of increasing their revenues.⁵⁵

52. For more on the connection between the Immigration Act of 1907 and the 1902 International Agreement for the Suppression of the White Slave Traffic see, Grace Peña Delgado, "Border Control and Sexual Policing: White Slavery and Prostitution Along the U.S.-Mexico Borderlands, 1903-1910," *Western Historical Quarterly* 43 (Summer 2012): 160.

53. Catherine Christensen, "Mujeres Públicas: Euro-American Prostitutes and Reformers at the California-Mexico Border, 1900-1929" (PhD diss., University of California Irvine, 2009), 190-92.

54. Jessica Rae Piley, "Any Other Immoral Purpose: The Mann Act, Policing Women, and the American State, 1900-1941," (PhD diss., Ohio State University, 2010), 284.

55. Inspector Richard Taylor further indicated that arresting and detaining these women "would produce no good results whatever, as in the end the alien is merely sent across the Border and does not hesitate to return when she so desires." Immigrant Inspector Richard H. Taylor, "Report on

In substance, Taylor denied Mexican women their place in white slavery's narratives of genesis and subjugation. First, Mexican women could not "become" coerced sex workers since they were already "merely prostitutes." Marked by their racial, class, and citizenship status, theirs was an act of being rather than of becoming. Second, it was not a corrupt economic system that kept these women entrenched in the industry. Rather, Taylor believed that Mexican women profited from vice and willingly contributed to the commercialization of prostitution in the United States. Ironically, Taylor conceded Mexican women individual agency, albeit through a racialized lens, since he disregarded the economic, cultural, and political factors that afforded these women few options amidst the displacement and upheaval of Mexico's "Porfiriato" (near dictatorship of Mexican President Porfirio Díaz, who governed from 1876 to 1910), U.S. commercial penetration into the country, and the Mexican Revolution.

Mexican women's general exclusion from white slavery classification informed the geographic range of their surveillance. In 1909, Immigrant Inspectors Frank R. Stone and Charles T. Connell were sent on assignment to assess white slavery in Arizona, New Mexico, and Texas. While Mexicans were considered legally white and found to be practicing prostitution in San Antonio, Stone restricted his apprehension and deportation efforts to "other than Mexican," which included Syrian, Japanese, French, and Cuban women. Stone was not necessarily opposed to arresting alleged Mexican prostitutes, but he reasoned that he alone could handle only a few cases and determined that when Mexicans left the city, they went back to Mexico, whereas non-Mexican sex workers moved even farther into the interior of the United States.⁵⁶ Likewise, in his failed attempt to prosecute procuresses Mariana Piñeda and Ruby Brown in Laredo, Texas, Frank R. Stone found that Mexican prostitutes at Piñeda's brothel simply crossed back into Mexico to avoid arrest, detention, and deportation. Stone reasoned that Laredo's proximity to the border could actually save federal dollars by foregoing procedures to process and deport apprehended Mexican women, conveniently ignoring the ability for them to return when the threat of surveillance was gone.⁵⁷ Although Mexican female immigrants resided in cities far north of the

Inspection of San Antonio District," 52541/44, (1909), pp. 11–12, RINS, SCK, MI, reel 2, quoted in Gardner, *Qualities of a Citizen*, 66.

56. Frank R. Stone to Commissioner-General of Immigration, Oct. 8, 1909, White Slavery San Antonio, 52484/8-C, Subject and Policy Files, 1893–1957, RG 85, NAB.

57. Delgado, "Border Control and Sexual Policing" 167.

border, their sexual regulation specific to immigration law remained relatively concentrated to border towns. Conversely, when it came to white slavery, foreign non-Mexican female migrants may have briefly experienced more regulation farther into the interior of the country due to both an inadequately sized immigration force which was unable to process all women and the exclusion of Mexicans from whiteness.

As with white slavery, Mexican women's ambiguous racial status created problems for both regulating immigration and interracial relationships. In April 1917, Arizona border agents barred Maria Haros from entering the United States to join Louis Clark, her African American partner, citing her exclusion on the grounds of "coming for an immoral purpose."⁵⁸ Before her run-in with the BSI, Haros had been in the United States since 1913. On August 19, 1914, she married Thomas Whortenburg, an African American soldier of the 10th Cavalry, a segregated black army regiment stationed at Fort Huachuca, Arizona. Haros, now in front of the BSI, testified that Whortenburg had abandoned her and that the last she heard of him was when he was discharged in February 1915.⁵⁹ Instead of understanding Haros and Clark's cohabitation outside of marriage in terms of personal circumstance, BSI Chairman Robert M. Cousar, alleged they were living in a state of immorality, an accusation that would justify exclusion. Cousar went even further to paint Haros as a prostitute. Because BSI interrogation questions were not standardized and inspectors had wide discretion in their approach, Cousar was empowered to ask questions that already presumed her sexual immorality. Toward the end of the interrogation, Cousar adjusted his questioning to obtain desired responses in order to implicate her:

Q: What does Louis Clark pay you for having sexual relations with him?

A: He earns \$18 a month in the army and gives me half of it; he pays the house rent and the water rent; he supplies the provisions.

Q: Then this \$9 he pays you each month is for sexual relations he has with you is it not?

58. Maria Haros appears in a 1914 Naco, Arizona, marriage license as Maria Araz. It is unclear whether Haros is an alias or a phonetic rendering of Araz or vice versa. This article uses "Maria Haros" throughout.

59. Thomas Whortenburg appears as Thomas Whortenbury in U.S. returns from the 10th Cavalry and in an affidavit of application for marriage license. He was discharged per expiration of term of service. Returns from Regular Army Cavalry Regiments, 1833-1916, NARA microfilm M744, 16 rolls, Records of U.S. Regular Army Mobile Units, 1821-1942, RG 391, NARA D.C., Ancestry.com (accessed October 29, 2019); *Arizona, Marriages, 1888-1908* (Salt Lake City: Family Search, 2013), Ancestry.com (accessed October 29, 2019).

A: That is for my clothes I would need.

Q: With how many other men have you had sexual intercourse for hire?

A: Only with him and my husband.⁶⁰

Although aware of her dissolved marriage, Cousar continuously reframed Haros's sexual relations with Clark as a form of illicit economic exchange.

Not only were Cousar's questions leading, but dependent on imprecise translation. According to the transcript, Cousar was tasked with simultaneously interrogating and taking stenographic notes, which may have proved difficult for him to maintain accurate transcription. Inspector George Lockwood, a British immigrant himself, served as Haros's BSI translator and had at least six years of experience with the force.⁶¹ Despite his years as an immigration inspector, the extent to which Lockwood was proficient in Spanish is unclear. Likewise, it is uncertain to what extent Haros knew English considering that her last two partners were U.S. citizens who may or may not have spoken Spanish.⁶² Visible, however, is the disjuncture between Haros's responses and Cousar's questions. When asked if the money she receives from Clark is for sex, Haros replies that it is for her clothes. Perhaps Lockwood's translations were confusing or misleading, or perhaps Haros purposely replied ambiguously to evade the allegation of prostitution. Haros's interracial relationship was not enough for Cousar to justify exclusion; her case still had to fit one of the inadmissible federal clauses. By framing Haros as a prostitute, Cousar could block her entry under the guise of illicit sexual practices.

Haros's appeal to the national office in Washington, D.C., raised concerns as to her racial identity and whether her marriage to a U.S. citizen (Whorten-berg) was legal according to Arizona miscegenation statutes. The commissioner general more often than not affirmed the board's decisions for debarment or deportation of the excludable immigrant class. But Haros was a special case that needed further inquiry. The commissioner general of immigration, Anthony Caminetti, wrote the secretary of commerce and labor asking for a full investigation into whether Haros was a person of the Caucasian race and whether she was a U.S. citizen in light of her marriage to Whorten-berg. If Haros was indeed white and "not Indian or some other race," then, according

60. Maria Haros, 54192/81, Subject and Policy Files, 1893–1957, RG 85, NAB.

61. Nogales, Arizona Force File, 52512/36, Subject and Policy Files, 1893–1957, RG 85, NAB.

62. For African Americans and Spanish language acquisition along the border see, Gerald Horne, *Black and Brown: African Americans and the Mexican Revolution, 1910–1920* (New York: New York University Press, 2005), 48.

to Arizona's 1913 statute prohibiting intermarriage between whites and blacks, Mongolians, or Indians, Haros could not claim U.S. citizenship based on her marriage to Whortenburg.⁶³ After an exhaustive examination of Arizona state court reports, the national office "was unable to find any decision which would throw light on the question as to whether a Mexican is a Caucasian within the meaning of the Arizona Statutes."⁶⁴ Investigators did not take into consideration the Treaty of Guadalupe Hidalgo, which in 1848 categorized Mexicans as legally white and eligible for naturalization. Consequently, in a desperate and final attempt, the commissioner general telegraphed George Lockwood (immigration inspector, BSI member, and interpreter at Naco, Arizona) to ascertain to which race Haros belonged. Lockwood replied that she was of the Spanish race. With this information, the commissioner general moved to classify Haros as belonging to the white race. The decision was based on popular and political opinion and the sheer population of Mexicans in Arizona. Commissioner Caminetti reasoned:

Of course, there is no doubt that, generally speaking, Spaniards are regarded as Caucasians. In addition to this, as a very large proportion of the population of Arizona is of Spanish extraction, it seems inconceivable that the Legislature of that State would pass a law in which the word "Caucasian" was used without intending that it should include persons of Spanish extraction, or that the courts of that State, when they may be called upon to construe such law, will exclude persons of Spanish extraction from the term by construction.⁶⁵

If Haros was white, then she could not be a U.S. citizen by marriage to Whortenburg because of Arizona miscegenation statutes, and she would be consequently subject to deportation. To achieve their desired outcome, Lockwood and Caminetti highlighted Haros's European ancestry rather than focusing on her indigeneity. In nearby New Mexico, some Mexicans identified as Hispanos to distinguish themselves from indigenous Pueblo peoples to claim the privileges of European origins and whiteness.⁶⁶ Lockwood used

63. The Revised Statutes of Arizona, 1913 Civil Code, designated "all marriages of persons of Caucasian blood, or their descendants, with negroes, Mongolians or Indians, and their descendants, shall be null and void."

64. Maria Haros, 54192/81, Subject and Policy Files, 1893–1957 RG 85, NAB.

65. *Ibid.*

66. Mora suggests that Mexicans' racial and national identity in New Mexico was more dynamic than simply relying on Spanish American identity to claim the privileges of whiteness. Mora, *Border Dilemmas*, 11–13.

similar racial logic in Arizona to deny Haros U.S. citizenship. As a result, Caminetti affirmed Cousar's initial classification of Haros as "coming for an immoral purpose."

However, the commissioner general was wrong when he stated that it was "inconceivable" for the state legislature to exclude a large portion of Arizona's Mexican population from claiming whiteness. The very fact that the clerk of the superior court had signed Haros and Whortenburg's August 1914 marriage license suggests Mexicans did, indeed, occupy an ambiguous racial middle-ground. Moreover, the one-page marriage license includes three different spellings of Haros's name: Mary Addis, Mary Araz, and Maria Araz. The presence of English, Spanish, and perhaps phonetic versions of Maria Haros's last name indicates a disjuncture between Mexicans' legal and social categorization as white. And, while such unions were infrequent, Haros's and Whortenburg's marriage was not the only black and Mexican interracial coupling.⁶⁷ In his analysis of Tucson, Arizona's census schedules, historian Sal Acosta found twelve black and Mexican unions between 1860 and 1930, six of which had acquired marriage licenses in Arizona.⁶⁸ However, Haros and Whortenburg, who were married in Arizona, are not documented in the state's 1920 U.S. census nor does the marriage license include their racial designation. Haros's BSI case reveals that the census undercounted interracial partnerships between Mexican and African Americans in Arizona. It also shows that immigration officials at the Naco, Arizona border used federal immigration policy to uphold their state statute against interracial unions—and simultaneously used interracial unions as a means to justify federal immigration decisions.

The inability to determine Haros's racial identity points to the malleability of these racial categories and the tenuous racial position Mexicans inhabited in the Southwest. That elastic racial landscape, in turn, shaped the enforcement and implementation of U.S. immigration policy for Mexican women along the southern border. Racial categorization often worked against these women, undermining or inhibiting their attempts to carve out a better life for themselves and their families.

67. Gerald Horn suggests that the borderlands, while still governed by anti-miscegenation laws, was a place where African American and Mexican couples experienced lesser state violence as compared to the U.S. South. Horne, *Black and Brown*, 47–48. See also, Julian Lim, *Porous Borders*, 63–94.

68. Sal Acosta, "Racial Fluidity in the Borderlands: Inter marriages between Blacks and Mexicans in Southern Arizona, 1860–1930," *Journal of the Southwest* 56, no. 4 (Winter 2014): 563, 571.

In the early decades of the twentieth century, federal, state, and local agencies were busy building a U.S.-Mexico border that featured a maturing bureaucratic system with a growing technological infrastructure made up of telegraph wires, railroads, bridges, boundary markers, and a dozen or so points of entry. The historiography of this early period portrays immigration across the border as relatively unhindered and its inspection policies as “soft” for Mexican male migrants and their families. However, border enforcement utilized immigration law and policy to enforce local and regional concerns regarding intimate relationships between Mexican female immigrants and U.S. citizens. The BSI’s attempt to regulate intimate cross-border exchanges was a developing feature of gendered and sexual enforcement along the southern boundary line. While the BSI operated to encode the Mexican female immigrant body as sexually deviant, it simultaneously served as a stage for immigrants to respond with their own performances of crossing and subjectivities as crossers.

Mexican women apprehended for transgressing proper gender roles used the interrogation room to enact a wide range of admissible gendered, sexual, class, and racial identities in an effort to secure passage or maintain their residence north of the border. These performances varied in sophistication depending on the immigrant’s knowledge of exclusionary statutes and the experience of the interviewers and interviewees. Within the BSI interrogation room, multiple narratives and performances complemented or challenged the formation of subjects. Immigration officials used their position of authority, discretionary power, and vague immigration statutes and racial classifications of Mexicans to constitute Mexican female border crossers as excludable. Immigration officials like Frank W. Berkshire drew on regional racialized notions of Mexican women as breaking sexual taboos and cohabitating with men outside of marriage to justify exclusions and deportations. These processes of race, gender, and sex differentiation became heightened in border regions, where competing nationalisms made for strong claims and contestations over racial and sexual categorization of immigrant bodies.

The BSI, despite its attempt to regulate gendered and sexualized bodies, created a space for women to formulate and express their subjectivities. Some women chose to expand on their answers when permitted, and for a brief moment they controlled the exchange by re-contextualizing interrogation questions. Other women mockingly adhered to the yes/no interrogation format by simply replying with one-word (yes/no) answers. In this space, some women attempted to temporarily break the production of themselves as

sexually suspect, by deploying culturally normative enactments of femininity, while others strategically reinforced hypersexualized and racialized stereotypes. Before May 1, 1917, some women threatened to marry—or did marry—U.S. citizens to remain in the United States. If and when the final decision did not favor them, some women resorted to bypassing the immigration infrastructure altogether to cross clandestinely and achieve their immediate and longterm goals. ■

CELESTE R. MENCHACA is an assistant professor of history at Texas Christian University.