

AN UNCOMMON MADAM AMONG “COMMON” PROSTITUTES:  
CONTEXTUALIZING GENDER FROM VAGRANCY IN  
GILDED AGE AND PROGRESSIVE ERA  
SAN ANTONIO

by

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## **DEDICATION**

This work is dedicated to my father, gone too soon. Even in his darkest days he never stopped believing in my ability to earn my masters. Words can never adequately express my grief at his passing.

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## **LIST OF ABBREVIATIONS**

<b>Abbreviation</b>	<b>Description</b>
WCTU	Women's Christian Temperance Union
ASHA	American Social Hygiene Association
CTCA	Commission on Training Camp Activities

## **ABSTRACT**

This thesis explores American's gendered understanding of vagrancy in the Gilded Age and Progressive Era San Antonio by examining how the courts and police as representatives of middle to upper-class viewpoints defined women who sold sex as more or less vagrant based on the number of men they sold sex to. From establishing the gendered limitations of contract freedom available to men and women in the Gilded Age, this thesis explores change over time into the Progressive Era by examining red-light abatement laws as gendered expression of Progressive views on male and female political participation in the conflict for municipal control between boss politics and progressives over vice during the 1910s.



## 1. INTRODUCTION

Prostitution was a “necessary [social] evil...one that the city of San Antonio cannot do without” proclaimed a man identified only as Dick in an anonymous letter to the editor of the *San Antonio Light* newspaper in December 1883. Dick’s opinion was a relatively common one about prostitution during the Gilded Age when the prevailing idea about vice was to concentrate it in informally segregated red-light districts. Dick went a step further, however, by advocating that the city should license prostitution. Dick pointed out that “the money which they [women who sold sex] handle flows freely in our midst: they spend it right here with us.”<sup>1</sup> By identifying prostitution as a potentially legitimate form of women’s work, Dick’s opinion radically chafed against Gilded Age legal norms that categorized women who sold sex as vagrants (i.e. among those people not working). How could vagrancy be both a crime of status in appearing to not be participating in the free labor market and a crime of labor in policing women who sold sex? What was the perceived link by municipal officials that tied labor and status together into the catchall crime of being a vagrant?

These questions underscore the gendered social ideas and thinking that fueled Americans understanding and articulation of vagrancy in the late nineteenth and early twentieth century United States. This thesis seeks to contextualize Gilded Age and Progressive Era Americans’ gendered understanding of vagrancy alongside the deep racial connotations that have already been well established in the historiographical literature. By examining how middle-class and elite whites acting as municipal officials, policemen, and judges interacted with women who sold sex, this thesis explores the

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<sup>1</sup> Dick, “Logic: A Plain Letter on a Delicate Subject,” *The San Antonio Light*, Dec. 18, 1883, 1.

gendered paradox of vagrancy as a crime of labor used to police status while simultaneously being a crime of status used to police labor. Vagrancy during the Gilded Age when applied to women who sold sex was a crime that co-opted labor and status simultaneously. Municipal officials objected not to women bartering sexual access to their bodies but rather how publicly and with how many men the sex occurred. Accordingly these viewpoints provided the ideological framework behind the Gilded Age idea that vice could be segregated into designated districts with varying degrees of official regulation. By tracing how this gendered viewpoint of vagrancy that supported red-light districts was challenged by Progressives utilizing red-light abatement laws in ways that conformed with their gendered beliefs in male and female civic duty, this thesis contextualizes change over time from the Gilded Age to the Progressive Era as generational shifts that marked social upheaval during this time period. From the Gilded Age children of the Civil War to the Progressives as children of the Gilded Age, this thesis contextualizes municipal political challenges in San Antonio as generational conflicts between boss politicians and progressives.

This thesis traces the evolution of Texas' vagrancy definition from its unquestionably racial origins to a more gender-centric view. The unspoken influence of coverture on social consciousness linking vagrancy to prostitution, and how these social norms dictated the interactions between agents of state power and women who sold sex, constitute the major bulwark of this thesis' theoretical groundwork and contributions. Linda Kerber's analysis of the gendered shortcoming of citizenship for African American freedwomen as vagrants in *No Constitutional Right to Be Ladies* and Amy Dru Stanley's articulation of prostitution's symbolism in post-Reconstruction America as a gendered

limitation of the free market economy and marriage contract in *From Bondage to Contract* form the major historical theoretical framing for vagrancy in this thesis. George Chauncey's exploration of the gay male world in early 19th century urban American in *Gay New York* provides supporting theoretical framework to contextualize working-class male deviancy of the dude subculture to further highlight Americans gendered understanding of vagrancy as a crime of labor and status.

Vagrancy in the post-emancipation South was fluidly defined and reflected the social upheaval experienced by Southern residents during Reconstruction. As Linda Kerber established white municipal officials in the aftermath of emancipation used vagrancy statutes to police and control black labor and especially black women.<sup>2</sup> While African Americans compromised the main target of vagrancy laws in the post-Reconstruction South, municipal police forces also systematically harassed other social undesirables such as prostitutes, gamblers, drunkards, fortune tellers, beggars, and the physically/mentally disabled. Anyone who either did not participate in the contract system of wage labor or did so in a way that reflected poorly on the system could be deemed a vagrant by white authorities. From its undeniably racist origins, this thesis traces the gendered refinement of Texas vagrancy statutes by Anglo municipal authorities to establish levels of undesirability among women who sold sex. The more publicly

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<sup>2</sup> For more on how African American women navigated the treacherous landscape of Reconstruction America, see also Mary Farmer-Kaiser *Freedwomen and the Freedmen's Bureau: Race, Gender, and Public Policy in the Age of Emancipation* (New York: Fordham University Press, 2010); Hannah Rosen *Terror in the Heart of Freedom: Citizenship, Sexual Violence, and the Meaning of Race in the Postemancipation South* (Durham: University of North Carolina Press, 2009); Estelle B. Freedman "'Crimes Which Startle and Horrify': Gender, Age, and the Racialization of Sexual Violence in White American Newspapers, 1870-1900" *Journal of the History of Sexuality* 20 No. 3 (September 2011): 465-497; Felicity Turner "Rights and the Ambiguities of Law: Infanticide in the Nineteenth Century U.S. South" *Journal of the Civil War Era* 4 No. 3 (Sept. 2014): 350-372.

viewable a prostitute was, the more that officials viewed her as a menace to society liable to be arrested, fined, and jailed. Accordingly, the punitive power of the state was felt disproportionately more by streetwalkers and non-white women who sold sex in late nineteenth century Texas.<sup>3</sup>

While there is an abundance of literature on urban women selling sex in Northern cities such as New York and Chicago around the turn of the twentieth century, San Antonio occupies something of a lacuna in gender and sexuality research during the Gilded Age and Progressive Era.<sup>4</sup> State department historian David Humphrey wrote several excellent general articles on prostitution in Texas covering the nineteenth and twentieth centuries that briefly cover San Antonio.<sup>5</sup> Historian Anne Butler's general

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<sup>3</sup> For vagrancy in respect to women who sold sex in the post-Reconstruction America, see Ruth Rosen *The Lost Sisterhood: Prostitution in America, 1900-1918* (Baltimore: John Hopkins University Press, 1982); Sharon Wood *The Freedom of the Streets: Work, Citizenship, and Sexuality in a Gilded Age City* (Chapel Hill: University of North Carolina Press, 2005); John D' Emilio and Estelle Freedman *Intimate Matters: A History of Sexuality in America* (New York: Harper and Rowe, 1998); Sherri Broder *Tramps, Unfit Mothers, and Neglected Children: Negotiating the Family in late Nineteenth Century Philadelphia* (Philadelphia: University of Pennsylvania Press, 2002); Mara Keire *For Business and Pleasure: Red Light Districts and the Regulation of Vice in the United States, 1890-1933* (Baltimore: John Hopkins University Press, 2010); Amy Dru Stanley *From Bondage to Contract: Wage Labor, Marriage, and the Market in the Age of Slave Emancipation* (Cambridge: Cambridge University Press, 1998); Thomas Mackey *Red Lights Out: A Legal History of Prostitution, Disorderly Houses, and Vice Districts, 1870-1917* (New York: Garland Publishing, 1987).

<sup>4</sup> For a brief summary of the research on urban vice in Northern cities, see Mark Connelly *The Response to Prostitution in the Progressive Era* (Chapel Hill: University of North Carolina Press, 1980); Judith Walkowitz *Prostitution and Victorian Society: Women, Class, and the State* (New York: Cambridge University Press, 1980); Timothy Gilfoyle *City of Eros: New York City, Prostitution, and the Commercialization of Sex, 1790-1920* (New York: W.W. Norton, 1992); Timothy Gilfoyle "Prostitution in the Archives: Problems and Possibilities in Documenting the History of Sexuality" *The American Archivist* 57 No. 3 (Summer 1994): 514-527; Kevin Mumford *Interzones: Black/White Sex Districts in New York and Chicago in the Early Twentieth Century* (New York: Columbia University Press, 1997); Elizabeth Clement *Love for Sale: Courting, Treating, and Prostitution in New York City, 1900-1945* (Chapel Hill: University of North Carolina Press, 2006); Cynthia Blair, "I've got to Make my Living:" *Black Women's Sex Work in Turn-of-the-Century Chicago* (Chicago: University of Chicago Press, 2010); LaShawn Harris, *Sex Workers, Psychics, and Number Runners: Black Women in New York City's Underground Economy* (Urbana: University of Illinois Press, 2016)

<sup>5</sup> See David C. Humphrey "Prostitution in Texas: From the 1830s to the 1960s" *East Texas Historical Journal* 33 No. 1: 27-43; "Prostitution and Public Policy in Austin, Texas, 1870-1915" *The Southwestern Historical Quarterly* 86 No. 4 (Apr. 1983): 473-516.

overview of prostitution in the West covers Texas and briefly mentions San Antonio, and her masters' thesis covers San Antonio in more detail.<sup>6</sup> Local historian David Bowser partially discussed prostitution in his monograph on San Antonio wild west history and mythology.<sup>7</sup> Historian Courtney Shah's excellent article on the Live Oak detention facility details the concentration of San Antonio's women who sold sex during World War I vice crackdowns.<sup>8</sup> Historian Julia Blackwelder's monograph on San Antonio's women during the Great Depression briefly covers prostitution during the late 1920s and 1930s.<sup>9</sup> Lastly Lilia Rosas' PhD dissertation contextualized prostitution in San Antonio within the "Jim Crow borderlands" by focusing on the experiences of Mexican and African American women who sold sex in the city around the turn of the twentieth century.<sup>10</sup>

San Antonio is the focal point for this thesis because the city's unique demographics and active red-light district throughout the turn of the twentieth century set it apart from contemporary Texas cities. There are a multitude of relevant courts cases and appellate court records stemming from the city's women who sold sex that elucidate elite Anglo viewpoints on vagrancy. In addition, the city's independent political machine

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<sup>6</sup> Anne Butler, *Daughters of Joy, Sisters of Misery: Prostitutes in the American West, 1865-90* (Chicago: University of Illinois Press, 1985); "The Frontier Press and Prostitution: A Study of San Antonio, Tombstone, Cheyenne" (M.A. Thesis, University of Maryland, 1975)

<sup>7</sup> David Bowser, *West of the Creek: Murder, Mayhem, and Vice in Old San Antonio* (San Antonio: Trinity University Press, 2010).

<sup>8</sup> Courtney Shah, "'Against Their Own Weakness:' Policing Sexuality and Women in San Antonio Texas during World War 1," *Journal of the History of Sexuality* 19, No. 3 (Sept. 2010): 458-482.

<sup>9</sup> Julia Blackwelder, *Women of the Depression: Caste and Culture in San Antonio, 1929-1939* (College Station: Texas A&M University Press, 1984).

<sup>10</sup> Lilia Rosas, "(De)Sexing Prostitution: Sex Work, Reform, and Womanhood in Progressive Texas, 1889-1925," (PhD Diss., UT Austin, 2012)

under Mayor Bryan Callaghan (1885-92, 1897-99, 1905-1912) during this time period vividly highlighted the gendered biases and assumptions that underscored the conflicts of modernity between Gilded Age municipal governance and Progressive Era reforms. Additionally, the city's geopolitical significance as the major railroad hub in central Texas made it a migratory bottleneck for people on the move during this time period.

This thesis grapples with the difficulties inherent in researching sex workers and other marginal figures by drawing on alternative source material coupled with logical conjecture to fill in the gaps left by the absence of direct source materials. I draw heavily on the *San Antonio Light* newspaper's semi-regular reporting on the Recorder's Court to pull biographical information on women who sold sex in San Antonio. Contemporary newspapers, as historian LaShawn Harris noted, "provide valuable biographical, labor, and legal arrest information."<sup>11</sup> Unfortunately the level of information provided by the writers of the *San Antonio Light* varied widely, with some day's editions providing detailed descriptions of court interactions between the City Recorder and women who sold sex appearing before him on vagrancy charges, while other editions provide only names, the charge, and the fine. Lastly it should be noted that the journalists of the *San Antonio Light* newspaper were Anglo middle to upper-class men writing for a similar audience that undoubtedly heavily biased their reporting.

Chapter one examines the unquestionably racist origins of Texas' vagrancy laws to analyze how elites separated common and private prostitutes. By defining common prostitutes by the amount of men they sold sex to, public officials articulated the notion

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<sup>11</sup> LaShawn Harris, *Sex Workers, Psychics, and Number Runners: Black Women in New York City's Underground Economy* (Urbana: University of Illinois Press, 2016), 13.

that prostitutes were vagrants based on how public their participation in city's sexual economies and the degree to which their selling sex chafed social respectability (marriage). Chapter two explores the concept of licensing to articulate American's gendered understanding of vagrancy through both masculine and feminine frameworks. By analyzing dudes and prostitutes as vagrants with wildly differing social connotations and consequences, this chapter reveals the gendered limitations of contract freedom (wage labor) for women and men in Gilded Age society. Chapter three covers Progressive Era red-light abatement laws as an outsourcing of state punitive power to the public. Progressives used injunctions against brothel madams as a democratic solution to the issue of urban graft while extolling gendered beliefs in male and female political participation. This chapter also contextualizes the conflict between the Callaghan machine and the Progressive Law Enforcement League as class based to underscore the gendered assumptions and beliefs that characterized both sides' worldviews.

## 2. “ARE ALL PROSTITUTES “COMMON” PROSTITUTES?”

Throughout the latter half of the 19th century state governments, particularly in the South, prosecuted women who sold sex through nebulously defined laws against being a vagrant. Historian Linda Kerber persuasively argued through her examination of black freedwomen’s experiences with vagrancy laws in Reconstruction-era Houston that Southern courts deliberately utilized vaguely worded vagrancy laws to control black women’s labor in the absence of slavery. Vagrancy in the Reconstruction South, Kerber insightfully articulated, was a “status offense; the crime is not what a person has done but what a person appears to be.”<sup>12</sup> During the 1870s as Southern states usurped power from Republican backed state governments while Reconstruction floundered, ex-confederate officials wrote deliberately vaguely worded and multifaceted vagrancy laws into state constitutions as means to the end of controlling African American labor and curtailing their rights.

Prior to the Civil War, vagrancy laws in Texas like many other states in the South focused on controlling the space that African Americans both free and enslaved occupied. With chattel slavery providing a guaranteed source of unpaid labor, Anglo officials wrote vagrancy laws that expressed their fears of losing control over their bondsmen and women. Article 891 of the 1859 Texas Penal Code’s vagrancy statute simply defined a vagrant as an “idle person living without any visible means of support” who made no honest effort to obtain employment.<sup>13</sup> Even in the Antebellum period, however, when

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<sup>12</sup> Linda Kerber, *No Constitutional Right to be Ladies: Women and the Obligations of Citizenship* (New York: Hill and Wang, 1998), 54.

<sup>13</sup> Williamson Oldham and George White. *A Digest of the General Statute Laws of the State of Texas: To which are Subjoined the Repealed Laws of the Republic and State of Texas, By, Through, Or Under which*



black labor was controlled through the malicious institution of slavery, Southern elites articulated their perceived connection between vagrancy, black labor, and prostitution. Article 902 of the 1859 statute on the keeping of disorderly houses noted that such establishments were any space “kept for the purpose of public prostitution, or as a common resort for prostitutes, vagabonds, free negroes, or slaves.”<sup>14</sup> In the antebellum period, white elites worried about brothels not as spaces of disease or immorality but as spaces of potential interracial exchange of sex, money, and most alarmingly in their minds knowledge. This lack of white surveillance placed brothels on the fringes of white Antebellum society and conjugated vagrancy with fears of emancipation.<sup>15</sup>

Reconstruction fundamentally altered the South’s relationship between vagrancy and African American labor. Southern elites, determined to reestablish control over freed slaves’ labor, found a peculiar solidarity with Freedmen’s Bureau agents burdened by prevailing notions of black poverty. White beliefs across the Mason Dixon line that African Americans were destined for menial labor underwrote the contract labor system that gave rise to sharecropping. Vagrancy became associated with a refusal to work, as historian Linda Kerber pointed out, and placed freedmen and women into conflict with Southern municipal courts as vagrants. The right to contract became equated in white minds with the obligation to work, creating in historian Eric Foner’s iconic words a

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*Rights Have Accrued : Also, the Colonization Laws of Mexico, Coahuila, and Texas, which Were in Force Before the Declaration of Independence by Texas* (Austin: John Marshall and Co., 1859), 667.

<sup>14</sup> Oldham and White, *A Digest of the General Statute Laws of the State of Texas*, 668.

<sup>15</sup> Victoria Bynum, *Unruly Women: The Politics of Social and Sexual Control in the Old South* (Chapel Hill: University of North Carolina Press, 2016), 93.

“compulsory system of free labor.”<sup>16</sup> The white governed contract labor system placed African Americans into an untenable position; either enter into unfavorable labor contracts with in many cases their former masters or run the risk of being declared a vagrant by white officials who routinely screened African Americans for labor contracts and funneled into penal labor rebuilding Southern infrastructure. Through a combination of “state vagrancy laws, [labor] contracts, and black codes” Southern lawmakers created as Pete Daniel asserted an institutionalized system of debt peonage that was supported by federal troops who “often returned errant blacks to plantations.”<sup>17</sup> For African American men and women in the later decades of the nineteenth century vagrancy was “a new and flimsy concoction dredged up from legal obscurity” as Douglas Blackmon noted stood as a catchall stand in for the true crime of being black.<sup>18</sup>

With the failure of Reconstruction cemented by the Compromise of 1877, ex-confederate officials moved swiftly to reestablish legislative control in the wake of the collapse of Republican governments throughout the South by rewriting state constitutions. Cognizant that their recalcitrant resistance to black rights via black codes resulted in direct federal oversight the decade prior, Southern lawmakers deliberately whitewashed their language to remove any overt mention of race. In Texas the revised 1879 state constitution’s vagrancy statute deliberately excluded any direct reference to African Americans in marked contrast to the 1859 statute. The legal definition of keeping

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<sup>16</sup> Eric Foner, *Reconstruction: America’s Unfinished Revolution 1863-1877* (New York: Harper and Rowe, 1988), 56.

<sup>17</sup> Pete Daniel, *The Shadow of Slavery: Peonage in the South, 1901-1969* (Chicago: University of Illinois Press, 1972), 20.

<sup>18</sup> Douglas Blackmon, *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II* (New York: Anchor Books, 2008), 1.

a disorderly house changed to “a common resort for prostitutes and vagabonds.”

Furthermore, the 1879 vagrancy statute expanded the definition of vagrancy sevenfold.

The first two definitions were the vaguest and focused on “idle person[s]” and those who “stroll idly.” These definitions were clearly aimed at African Americans to control their labor utilizing the penal exclusion clause of the fourteenth amendment. The following definitions focused in descending order of importance in the minds of Texas officials on fortune tellers, “a common prostitute,” professional gamblers, beggars, and drunkards.<sup>19</sup> While clearly racially motivated, this expansion of vagrancy definitions developed along gendered lines when it was not superseded by race.

This chapter argues that beyond just being used by Southern elites to control and profit from black labor, vagrancy in post-emancipation Texas policed working-class behavior across racial and gender divides. African Americans undeniably experienced vagrancy as institutionalized slavery supported by state punitive power in grossly disproportionate numbers. However if vagrancy was effectively a crime of being black as Blackmon and Daniels argued to compel black labor after emancipation, then why was vagrancy already linked to prostitution and black labor by white elites prior to the Civil War? How could vagrancy simultaneously be used by white officials to forcibly extract black labor while also being used to forcibly desist women from selling sex to the public? This chapter argues is that vagrancy in post-Reconstruction Texas carried not only racial but also gendered connotations that disproportionately affected women who sold sex in the more public venues that marked the lower end of prostitution’s socioeconomic

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<sup>19</sup> *The Revised Statutes of Texas: Adopted by the Regular Session of the Sixteenth Legislature, 1879* (Austin: State Printing Office, 1887) Art 385 Ch 7 p. 51-52.

stratification. This chapter starts by focusing solely on the relationship between African American women who sold sex in the Recorder's Court to demonstrate the double jeopardy assigned by white officials to African Americans women who sold sex or worked in brothels as domestic laborers as vagrants based on both their race and gender. The next section covers the legal debate in Texas courts over how to define the common prostitute listed in the state's 1879 vagrancy statute in order to demonstrate how municipal officials viewed women who sold sex as vagrant based on how visible to the public their participation in San Antonio's sexual economy was and the degree to which their bartering sex undermined social respectability (marriage). The last section explores the dude subculture that emerged during this time period to further contextualize American's gendered perceptions of vagrancy. By examining contemporary social criticism of dude's leisure and pleasure focused lifestyle that chafed with social norms of vagrancy and the expectation of men to appear as working, Americans voiced in gendered terminology and ideals a social critique of the nascent sporting culture in which women who sold sex played a prominent role.

### **Black Women In The Recorder's Court**

In post-Reconstruction San Antonio, like other Texas cities, the Recorder's Court was where white officials charged "idle" black women with vagrancy and funneled them into the penal labor system. Black women who sold sex were similarly charged as vagrants by the Recorder but usually avoided penal labor or jail time because the cash rich nature of their work meant they could pay fines unlike their domestic and sharecropper peers who worked on a cash poor wage and credit system respectively. The Recorder was an elected official who acted as a judge for municipal offenses. The

Recorder's Court, located in the city courthouse on the west side of Military Plaza, also housed the city jail known to locals as the bat cave because of the colony of bats that infested it.<sup>20</sup> This thesis subsection in the interest of clarity focuses solely on the relationship between African American women who sold sex in San Antonio with the Recorder's Court.

San Antonio's black women who sold sex routinely appeared in the Recorder's Court, descriptions of which were haphazardly recorded by reporters working for the *San Antonio Light* newspaper. The term "brothel" rarely appeared in San Antonio's newspapers in the 1880s in favor of older European terminology like "seraglio" and "bagnio." A seraglio was the segregated wing of the Ottoman Sultan's palace in which his harem lived. A bagnio originally referred to a Turkish bathhouse. By the mid-eighteenth century, however, the term had become associated with English boarding houses that rented rooms to women who sold or bartered sex.<sup>21</sup> Archaic European terms like these were favored by reporters because of the fantasized romantic imagery they invoked as well as nodding at the ornate and fanciful design of most brothels in European

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<sup>20</sup> For more background and the 1889 transition to Bexar County Courthouse still in use in the present day on Dolorosa Street see David Bowser, "Jack Harris's Vaudeville and San Antonio's "Fatal Corner,"" in *Legendary Watering Holes: The Saloons That Made Texas Famous*, ed. Richard F. Selcer (College Station: Texas A&M University Press, 2004): 76.

<sup>21</sup> See for example *The Philadelphiad [microform]: or, New pictures of the City: Interspersed with a Candid Review and Display of some First-Rate Modern Characters of both Sexes: Delineated in a Friendly and Satirical Manner, containing Sketches of the Materials that Distinguish the Following Places, viz. Court-house, New-jail, Theatre, Bagnio, Hospital for Lunatics, Bell's-Book-Store, State House, and Coffee-House. With other Entertaining Anecdotes, Humorous, Moral and Sentimental* (Philadelphia: Printed for the Editor by Kline & Reynolds, 1784). By the 1880s the term was largely anachronistic and utilized mainly to impart a sense of European charm and romanticism to women who sold sex and the brothels they worked out of.

fashions. Another common late nineteenth century term for a brothel was “house of ill repute,” “house of ill-fame,” or “house of assignation.”

San Antonio’s streets became flashpoints of conflict between African American women selling sex and the overwhelmingly white police force that policed their behavior on the city’s streets and public parks through vagrancy charges. Some African American women who sold sex resented upper-class women’s lack of subsistence work and adherence to politics of respectability. Accordingly, these women who sold sex made a point to ridicule and taunt upper-class women they encountered in public spaces that were historically reserved for prostitutes. Ida Scott and Tilda Sweeney, two “saffron hued” women who sold sex made “lewd exhibitions of themselves” towards the respectable ladies at San Pedro Springs, for which they were arrested by white officers and charged five dollars each for vagrancy by Recorder and future Mayor Bryan Callaghan (1883-1885).<sup>22</sup> Annie Taylor and Sadie Riley, two black women who sold sex, were specifically noted by the Recorder to “act very disorderly upon the streets on all occasions.” He fined them five dollars each for vagrancy and specifically commented while rendering judgement that if a “white human” had acted in the same manner that they would have been “continually incarcerated.”<sup>23</sup> As historian Hannah Rosen noted in her monograph on the gendered nature of African American citizenship during Reconstruction, newspaper accounts associating black women with “disrepute,

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<sup>22</sup> “Recorder’s Court,” *San Antonio Light*, Sept. 6, 1884, 1.

<sup>23</sup> “Recorder’s Court,” *San Antonio Light*, July 23, 1886, 1.

aggression, and sexual promiscuity...were reinforced by police action against freedwomen.”<sup>24</sup>

Elizabeth Gordon’s brothel on East Street became the scene of one particularly public instance of African American women who sold sex’s conflict with white police officers attempts to dictate their behavior in public. Officer Hardin was patrolling East Street around 5 o’clock on a Saturday evening in January of 1885 when his attention was drawn to a large throng of people crowded in front of Gordon’s brothel. Passerby’s eyes were being drawn to the second story balcony wherein African American women Lucy Washington and Annie Hardee were “dancing and kicking up their heels in a very lewd manner” accompanied by the tune of a hand-organ man in the street. Horrified by the crowd of “women and children...gazing at the performance,” Officer Hardin arrested both of the women along with several other African American women present on the balcony of Gordon’s brothel.<sup>25</sup> By the time the impromptu dance routine was broken up six African American women were placed under arrest by the police and appeared before the Recorder’s Court the following Monday.

Recorder Callaghan fined Mollie Taylor, Maggie Lee, Jennie Wells, and Mary Johnson five dollars apiece on the charge of “being a public prostitute.”<sup>26</sup> These four African American women who sold sex in rooms rented from Madam Gordon were not

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<sup>24</sup> Hannah Rosen, *Terror in the Heart of Freedom: Citizenship, Sexual Violence, and the Meaning of Race in the Postemancipation South* (Chapel Hill: University of North Carolina Press, 2009), 57.

<sup>25</sup> “Recorder’s Court: Collecting Rent-Dancing the Can-Can on a Front Gallery,” *San Antonio Light*, Jan. 26, 1885, 1.

<sup>26</sup> “Recorder’s Court: Collecting Rent-Dancing the Can-Can on a Front Gallery,” *San Antonio Light*, Jan. 26, 1885, 1.

charged with vagrancy because Officer Hardin had arrested them while technically inside the grounds of Madam Gordon's brothel. Lucy Washington and Annie Hardee, the black women who had been arrested for dancing the can-can in public, surprised civic officials in court by claiming that they did not sell sex for a living but rather were employed as domestic servants for the aforementioned women. Police officers routinely failed to distinguish black domestic servants employed at brothels from their counterparts who sold sex. Lucie and Annie's claims of domestic employment presented a conundrum for Recorder Callaghan. Since the African American women had been arrested while inside Gordon's brothel, he couldn't charge them with vagrancy. Furthermore, the black women's claims of gainful employment made charging them as common prostitutes a difficult prospect.

Recorder Callaghan solved this dilemma by charging Lucie and Annie with disorderly conduct. Even at this point, however, the sharp-witted black women resisted the charges levied against them. Lucie and Annie did not deny that they had been dancing, but rather denied that they had been dancing the can-can. Both women claimed that they had been dancing a "breakdown" and had been giving the other younger African American women who sold sex from Madam Gordon's brothel an example of how the "slaves used to dance their cornfield dance" before the Civil War. Lucie and Annie concluded their defense by claiming that they had performed the same dance at several other madam's brothels in which they had previously worked as domestic servants. Recorder Callaghan begrudgingly dismissed the case against both women with the



“injunction to dance no more.”<sup>27</sup> By deftly navigating the triple jeopardy of gender, race, and respectability assigned by Anglo society to African American women, Lucie and Annie displayed a keen understanding of how San Antonio’s civic ordinances attempted to police their behavior along boundaries of respectability codified in vagrancy statutes.

African and Mexican American women in some cases take advantage of white stereotypes about their sexual promiscuity to further supplement their income selling sex by running creep joints that targeted white men seeking interracial sex. Women who bargained sex in creep joints used sexual intercourse as a means of distracting their customers while an accomplice sifted through the man’s hastily discarded clothing for valuables. African American women who sold sex in creep joints, as LaShawn Harris wrote, “cunningly distracted men with sexual intercourse while their co-conspirators quietly robbed them.”<sup>28</sup> In 1886 a man employed by the railroad named Cain purchased sex from Trinidad Reyna, a Mexican American woman who sold sex out of her house. After Cain had “sojourned with the fair Trinidad,” he realized that he had been robbed of 120 dollars. Trinidad was promptly arrested by Officer Garza, along with Jesus Corona, who was either her husband, her pimp, or both. When searched by police officers in the city jail, Trinidad was found to have sixteen dollars in her possession while Jesus only had two, leading credence to the notion that Trinidad was selling sex of her own volition to supplement the income earned by Jesus.<sup>29</sup>

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<sup>27</sup> “Recorder’s Court,” *San Antonio Light*, Jan. 26, 1885, 1.

<sup>28</sup> See *Sex Workers, Psychics, and Number Runners*, 152-157.

<sup>29</sup> “The Brand of Cain,” *San Antonio Light*, July 31, 1886, 1.

White women who sold sex objected to being charged as vagrants in the Recorder's Court by drawing a distinction between vagrancy and prostitution. Mittie Rose, a white woman who sold sex appeared before Recorder Callaghan for "using abusive language" towards an African American woman who worked as a domestic servant for the brothel's inhabitants. The charge was dismissed, upon which Recorder Callaghan promptly slapped Mittie with a vagrancy charge. Indignant at being labeled as a vagrant, Mittie repudiated with "brazen effrontery" that she was "not a vagrant, but a prostitute. I've a house to live in." In spite of Recorder's Callaghan's repeated assurances that the terms were synonymous in the city ordinance codes the "harem-scarum young lady" refused to accept the five dollar fine until Callaghan exasperatedly agreed to charge her as a prostitute.<sup>30</sup> Clearly Mittie as a white woman selling sex understood and actively avoided the clear association between African American women's coerced labor and vagrancy in post-Reconstruction Texas.

### **How Do You Define A Common Prostitute?**

The argument in the Recorder's Court between Mittie and Callaghan on the legal distinction between a prostitute and a vagrant, in addition to its racial connotations, highlighted the key paradox at the heart of Texas' vagrancy statutes in the late 19th century. If vagrancy was a crime of not contributing labor, then how could a prostitute, a woman who sold sex for money as her job, be charged by Texas officials as vagrants?

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<sup>30</sup> "Recorder's Court: Soiled Doves Again to the Fore New Trial Granted," *San Antonio Light*, May 22, 1884, 1.

The answer, at least according to the Texas courts articulating the beliefs of white elite men, laid with the amount of men to which a woman sold sex.

In 1884 officials in Uvalde Texas charged V. R. Springer, Lee Guthrie, and Frank Waller with running a brothel. Springer appealed the charges, claiming that the whitewashed 1879 vagrancy statute specifically defined keeping a disorderly house as a space where “prostitutes *and* vagabonds” gathered. Accordingly, Springer claimed that he and his associates ran a brothel for prostitutes, not vagrants, and as such the State erred in bringing a vagrancy case against them. Judge T. S. Spencer accepted Springer’s defense, noting that under the 1859 statute the “indictments would unquestionably be good” but under the 1879 statute they were not. To justify his reversal of Uvalde officials' vagrancy indictment against Springer, Judge Spencer articulated his perceived differences between prostitutes and vagrants. “Not every prostitute...is a vagabond, and vice versa.”<sup>31</sup>

Judge Spencer pointed out that under the 1879 Statute only common prostitutes were defined as vagrants. Just as he believed that not every prostitute was a vagrant, Judge Spencer asserted that not all prostitutes were common prostitutes, drawing a distinction based on the number of men these women sold sex to. A common prostitute, according to Judge Spencer, was “a public prostitute who makes a business of selling to use of her person.” By emphasizing the selling of sex as business serving the general public, Judge Spencer expressed a viewpoint that targeted women who sold sex to multiple men as deserving of censure and criminalization as opposed to women who sold sex to only a few men. Following this logic Judge Spencer noted that Springer could

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<sup>31</sup> *Reports of Cases Argued and Adjudged in the Court of Appeals of Texas During the Austin Term, 1884 Vol 16* (Austin: E. W. Swindells, 1885), 592.

legally run a brothel for private prostitutes because under the 1879 vagrancy statute only common prostitutes were vagrants. “A house kept as a common resort for prostitutes, unless they be *common* prostitutes, is not a disorderly house.”<sup>32</sup> Judge Spencer’s striking decision articulated white elites’ deeply gendered understanding of vagrancy as a crime of degrees: the degree to which a woman’s participation in a city’s sexual economy determined her status as a vagrant. It was not the selling of sex that mattered to white officials but rather whether or not her actions tantalized the public eye.

### **The Workplaces Of Women Who Sold Sex**

The “general and indiscriminate...lewdness” that characterized common prostitutes according to Judge Spencer articulated white elite male beliefs in late nineteenth century Texas that vagrancy was a crime of status used by the state to police women who sold sex to the public.<sup>33</sup> By perverting the “matrix of the legitimate contracts of labor and marriage” as Amy Dru Stanley asserted, common prostitutes fundamentally undermined the spirit of the contract system of labor even as they participated in it.<sup>34</sup> By designating these women as vagrants, to the point of making a distinction between common and private prostitutes, white officials utilized a crime of appearing to not work to police the business of women who they specifically recognized as working through selling sex. Prostitution’s economic hierarchy from streetwalking to disorderly homes reflected the degree of women’s exposure to the public and thus the severity of her flaunting of the marriage and labor contracts. Streetwalkers exemplified the worst and

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<sup>32</sup> *Reports of Cases Argued and Adjudged Vol 16*, 593.

<sup>33</sup> *Reports of Cases Argued and Adjudged Vol 16*, 593.

<sup>34</sup> Amy Dru Stanley, *From Bondage to Contract*, 218.

most visible breaches to the contract of marriage by women who propositioned men indiscriminately in public. Conversely, women who sold sex in luxurious brothels to only a few customers outside the public view most closely reflected the ideal contract of marriage in a financially successful home. By examining the workplace hierarchy of selling sex in San Antonio this thesis subsection highlights the deeply gendered nature of vagrancy as a crime of status and labor for women who sold sex in late nineteenth century Texas.

San Antonio's upper-class sex district that housed the city's brothels was located on the city's West side. Local historian David Bowser paid homage to the oft recited popular belief that San Antonio's designated red-light district was located west of San Pedro Creek.<sup>35</sup> Although geographically accurate Bowser's vague descriptions leave much to be desired. Street addresses recorded in the *San Antonio Light* reveal that the red-light district on the west side was spread out over a broad area west of San Pedro Creek during the 1880s. Madam Dollie Love operated a "red brick bagnio" on Cameron Street (beside San Pedro Creek) that closed in 1885.<sup>36</sup> Georgie Ellis sold sex from an unnamed brothel located on Acequia Street (modern day Main Avenue).<sup>37</sup> Ygnacia Cortez was the madam of a brothel located on Nueva Street.<sup>38</sup> By the 1910s the red-light districts brothels were concentrated in a roughly five block radius on Matamoras Street

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<sup>35</sup> David Bowser, *West of the Creek: Murder, Mayhem, and Vice in Old San Antonio* (San Antonio: Trinity University Press, 2010), chapter 8.

<sup>36</sup> "Rays of Light," *The San Antonio Light*, Jan. 8, 1885,

<sup>37</sup> "A Drunken Woman," *The San Antonio Light*, Oct. 26, 1885,

<sup>38</sup> "Arrested for Theft: Frank Woods Takes Property No[t] his own and Pawns it," *The San Antonio Light*, Mar. 14, 1885, 1.

from San Saba to Santa Rosa Streets.<sup>39</sup> The brothel that Dorothy McNue built and operated at 420 Matamoras Street is listed on the National Register of Historic Places.<sup>40</sup>

Women who sold sex from San Antonio's brothels worked for Madams in a relationship characterized by deep economic exploitation and constant surveillance. Brothel madams charged exorbitant weekly fees for room and board to the women who rented rooms in their establishments. In addition, madams ran their houses with exhaustive rules that clearly dictated how women who sold sex on their behalf could act both on and off the job. House women, required to be on call around eight hours a day in the brothel's parlor to entertain and entice prospective customers, worked night shifts that began in the evening and lasted into the early hours of the morning.<sup>41</sup> The Monte Carlo brothel, for example, stipulated that all girls not otherwise busy "must be in the parlor at proper hours" from eight in the evening to four in the morning.<sup>42</sup> The brothel's emphasis that women who worked there had to entertain and charm men before selling sex to them reflected social practices of courting before marriage, albeit in an accelerated microcosm.

The parlor was the focal point of the brothel as a workplace environment. Situated just off from the front entrance, prospective clientele formed their first impression of a brothel from its parlor and the women who entertained them there. As

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<sup>39</sup> See *The Blue Book: For Visitors, Tourists, and those Seeking a Good Time while in San Antonio Texas, 1911-1912*.

<sup>40</sup> Joseph Labadie, "An Archeological and Historical Assessment of the Vista Verde South Project, San Antonio, Texas," *Index of Texas Archeology: Open Access Gray Literature From the Lone Star State* Vol. 1987 Art. 10: 17-18.

<sup>41</sup> Ruth Rosen, *The Lost Sisterhood: Prostitution in America, 1900-1918* (Baltimore: John Hopkins University Press, 1982), 87-89.

<sup>42</sup> Howard Woolston, *Prostitution in the United States: Volume One-Prior to the Entrance of the United States into the World War* (New York: The Century Co., 1921), 341.

such, many brothel parlors were richly furnished and decorated in opulent displays of wealth designed to titillate and entice male viewers. Mrs. Fambrough, the Women's Christian Temperance Union associated head of a home for fallen women in San Antonio that was ironically housed in a former brothel, bitterly complained about the provocative designs of her neighbor's parlors. "One side of these large double parlors had nude life sized pictures, the other side had mirrors extending from the ceiling down...the base and vile was before you no matter which way you turned."<sup>43</sup> Brothel parlors provided the space in which women who sold sex flirted with, danced for, and generally entertained perspective clients. Since many brothels charged customers by length of time rather than a flat rate for specific sexual acts, as well as profited from the sale of highly priced liquor, there was a direct correlation between economic success and the ability to entice perspective clientele. The Monte Carlo, for example, charged men from three to twenty dollars based upon how long they spent with women employed by the house to sell sex.<sup>44</sup> Essentially, women who lived and worked in San Antonio's brothels sold not only sex but also an image of themselves as objects of sexual desire to potential male suitors.

Women who rented rooms in brothels to sell sex struck a precarious balance between acquiescing with customers' demands and personal safety, especially when their male clientele propositioned them for sex outside of the relative safety offered by the brothel. On one hand, special requests from men who wanted to buy sex for the entire night away from the brothel were potentially very lucrative, especially since the woman

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<sup>43</sup> Mrs. S. B. Fambrough, *Reminiscences of Fourteen Months spent in a Rescue Home in the "Red Light" District of San Antonio*, 21.

<sup>44</sup> Woolston, *Prostitution in the United States*, 341.

being paid for sex could dictate her own prices outside of the brothel. On the other hand, leaving the brothel carried an inherent element of suspicion that suggested that perhaps the men buying sex had ulterior motives.<sup>45</sup> Blanche Lyons, who sold sex from a brothel called Fort Allen in 1885, was approached by one Albert Solomon who requested that she accompany him and two other men about town in a hack.

Blanche, assuming that the men wanted to purchase sex from her for the evening, agreed but became “frightened at the peculiar way Solomon...acted.” Blanche asked to be taken back, to which the men agreed. Looking back at the men’s hack from the windows of the brothel, Blanche witnessed Solomon beating one of the other men for ten dollars in his possession before placing him in back of the hack and driving off. H. Brewer, the beaten man, was later found dead by the police from “two gunshot wounds, one in the left breast and...left temple.”<sup>46</sup> Solomon and his accomplice, a man who went by the alias of Fort Worth Jack, evidently had been planning to rob Brewer while he was distracted having sex with Blanche. When the thieves’ impromptu creep joint scheme fell apart due to Blanche’s instinct that something about the situation was not right, they decided to improvise by mugging and murdering Brewer.<sup>47</sup> Events like this revealed that women who sold sex in San Antonio’s disorderly houses struck a precarious balance between individual agency and the relative workplace safety offered by the brothel.

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<sup>45</sup> Rosen, *The Lost Sisterhood*, 83; Harris, *Sex Workers, Psychics, and Number Runners*, 142; Butler, *Daughters of Joy, Sisters of Misery*, 42-43.

<sup>46</sup> “The Brewer Tragedy: Resumption of the Inquest this Morning: Solomon and “Fort Worth Jack” Held for Robbery,” *San Antonio Light*, July 18, 1885, 1.

<sup>47</sup> Ibid.



Although renting a room in a brothel was generally safer than selling sex on the streets, woman who sold sex indoors had no guarantee against physical violence and intimidation from the men with whom they bartered sex for money. Ada Harris, who rented a room from a brothel on South Flores Street, sold sex to a stockman employed at a ranch outside of the city. After several sexual encounters, the stockman became obsessed with Ada and visited the brothel she worked at every night to persuade her to elope with him. Ada became understandably concerned by the erratic behavior of her would be paramour and had the stockman banned from the establishment. When the brothel's madam attempted to deny him entry, the stockman "presented a pistol to her head" and demanded to see Ada. The madam's screams of terror drew the attention of the night watchman and the stockman fled only to return later than night and tried to gain entry by "breaking the doors and windows." Ada ominously went missing the following morning, with public opinion being that she had either been "spirited away" by the stockman or had left with him of her own volition.<sup>48</sup> It is also possible that Ada simply fled the city in search of safer employment in a different brothel located in another city.

Theaters and dance halls occupied the middle of the deeply interwoven economy of vice that linked sex, gambling, and alcohol into quasi-legal entertainment in late 19th century San Antonio and other Texas cities. Servicing a "niche somewhere between the lowly crib girls and the elite parlor misses," as local historian David Bowser has noted, women who worked in San Antonio's saloons and variety theaters straddled the line between selling sex and selling entertainment.<sup>49</sup> For women in the 1880s acting as a

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<sup>48</sup> "An Elopement," *San Antonio Light*, Sept. 10, 1884, 1.

<sup>49</sup> Bowser, "Jack Harris's Vaudeville and San Antonio's "Fatal Corner,"" 77.

means of employment was still closely associated with selling sex, largely because there was no clear division between the two. Many saloons and variety theaters in San Antonio and across the West hired women to dress in scanty outfits and dance on stage to both attract and entertain male customers. While none of these women sold sex openly, their main job instead to keep the liquor flowing, male patrons could certainly negotiate sexual favors or acts with their favorite actress on a case by case basis if both parties were agreeable.<sup>50</sup>

The Fashion Theater, which opened in 1884 on Military Plaza in the building complex contemporarily known as the Plaza de Armas, was one of San Antonio's more respectable variety theaters known more for the quality rather than the sex appeal of its stage acts. The Fashion Theater's manager, Frank Sparrow, hired a variety of theatrical talent to round out the theater's bill ranging from acrobats, vocalists, comedians, dancers, actors, and an in-house orchestra. Sparrow hired several women as "chair warmers" and "hustlers" for the theater's wine room, hiring them on a weekly basis, with the most common length of contract being four weeks in duration. Sparrow paid these women on average ten to twenty dollars a week, presumably based on their physical attractiveness and ability to loosen male customer's pocketbooks. For example, Sparrow hired Emma de Haven for four weeks as a ballad singer at twenty-five dollars a week noting that she possessed a "fine form/good voice...a good hustler in the W. R. (wine room) when watched. Sparrow's ledger also showed some migration among the women who worked

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<sup>50</sup> Gilfoyle, *City of Eros*, 218-219; Clement, *Love for Sale*, 180-186.

in San Antonio's sexual economy. He noted that Minnie Leonard, hired at ten dollars a week as a hustler, quit and moved to the Fort Allen brothel in 1882.<sup>51</sup>

Women who sold sex in San Antonio and became pregnant as a result during the 1880s had limited options available to them, none of which were ideal, and reflected the circumstances of the majority of married working-class women. Carrying the baby to term was economically unfeasible. No employer inside or out of San Antonio's sexual economy would hire a visibly pregnant woman, and working-class women regardless of their race almost universally had little to no savings. San Antonio's first rehabilitation home for women who sold sex, which provided charity and vocational education on a conditional basis, was not established until the late 1890s. The only economically viable alternative was to have an abortion. Abortion in Texas and throughout the United States had been relatively recently outlawed by the 1880s. As historian Leslie Reagan discussed, the anti-abortion laws that were passed from the 1860s through 1880 "eliminated the common-law idea of quickening and prohibited abortion at any point in pregnancy."<sup>52</sup> Quickening referred to the idea that life did not begin with the fetus but rather when the mother could feel the baby moving within her. Consequently, this gave women for a large portion of early American history very broad power to determine when life began and control over their own bodies. By 1873 the Comstock Laws, which included federal legislation criminalizing abortion, along with numerous state and civic ordinances forced

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<sup>51</sup> Frank Sparrow "Ledger Book of Frank Sparrow, Business and Stage Manager of the Vaudeville Theater, 1875-1884" in San Antonio Main Public Library, Special Collections, Texana Collection, 62-96. Pages 1-57 and 98-143 are unreadable because a cast of characters has been posted over them.

<sup>52</sup> Leslie Reagan, *When Abortion Was A Crime: Women, Medicine, and Law in the United States, 1867-1973* (Berkeley: University of California Press, 1997), 13.

women who sold sex alongside housewives to risk their lives with illegal abortions.

Among women who sold sex illegal abortions remained a viable if dangerous solution to the workplace hazard of unwanted pregnancies.<sup>53</sup>

Women who sold sex from cribs occupied the second lowest position in San Antonio's and other Texas cities sexual economies. Cribs were single room spaces where individual women sold sex, constructed side by side into a single small building reflective of tenement housing design. Unlike brothel and variety hall workers, supported and protected by a network of associates and hired muscle respectively, crib girls were entirely on their own. Women who sold sex in cribs negotiated their own prices on an individual basis with male clientele and had no guarantee of being paid for their sexual labor. Crib girls near rock bottom socioeconomic status, only above streetwalkers, reflected the widespread racial discrimination in American society during the 1880s. Historian David Humphrey noted that "Anglos predominated in brothels while blacks predominated in cribs" in San Antonio.<sup>54</sup> However it is debatable the degree to which the prevalence of African American women in San Antonio's cribs reflected economic circumstances or individual choice. Considering the deep-rooted desire of ex-slaves to choose occupations that placed them outside the bounds of white surveillance, it would make sense that in post-Reconstruction Texas most African American women who sold sex did so outside the highly regulated brothel workplace. Additionally, African American women might have occupied cribs without selling sex due to residential

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<sup>53</sup> Rosen, *The Lost Sisterhood*, 99; Butler, *Daughters of Joy, Sisters of Misery*, 24.

<sup>54</sup> David Humphrey, "Prostitution in Texas: From the 1830s to the 1960s," *East Texas Historical Journal*, Vol. 3 No. 1: 29.

discrimination that resulted in segregated vice districts often overlapping with segregated residential districts in San Antonio's east side. San Antonio's first black neighborhood was colloquially referred to as the Baptist Settlement and included roughly ten square blocks at the east end of Lavaca Street (present day Victoria Heights) that expanded north towards Crockett Street in the early 1900s. African American residents in oral history interviews identified Booker Alley, located between Chestnut and Like Oak Streets, as the major location for selling sex in San Antonio's East side.<sup>55</sup>

San Antonio's women who sold sex in public were forced to eke out a precarious living in back alleys and parks. Streetwalkers, as historian LaShawn Harris has noted, lived by the "most precarious and cheapest form of paid sexual labor...at the bottom of the sex trade hierarchy."<sup>56</sup> Working under the cover of darkness in fear of being arrested by patrolling police officers as vagrants, women who sold sex on the streets by dirge of necessity had to develop a discerning eye for their clientele. Beyond the threat of violence or arrest, women who approached men on the street to trade sex for money also risked unwanted harassment from men policing their morality. In 1886 a man identified only as Toney wrote a letter to the editor of the *San Antonio Light* wherein he described being approached by a streetwalker. The unnamed woman solicited Toney around 1 o'clock at night from the shadows of an alley parallel the San Antonio street he was walking down.

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<sup>55</sup> Present day Lavaca Street in San Antonio is truncated by I-37 and originally extended to the Baptist Settlement. Maria Pfeiffer, "Oral History Research" in *Archeology at the Alamodome: Investigations of a San Antonio Neighborhood in Transition*, ed. by Anne Fox, Marcie Renner, and Robert Hard (Center for Archeological Research: UT San Antonio Archeological Survey Report 236, 1997), 73. Shirley Mock, "San Antonio, Texas, 1900-1940: A Period of Mutual Aid" in *Archeology at the Alamodome*, 88, 106.

<sup>56</sup> Harris, *Sex Workers, Psychics, and Number Runners*, 142.

Repulsed by the “degraded and loathsome...courtesan...prowling about the street in search of victims,” Toney was horrified to discover that he previously knew the “abyss of degradation” who propositioned him. The unnamed woman was previously married to a mechanic and lived a socially respectable life in another city as a housewife. In a tone of “utter disgust and loathing,” Toney asked the woman if she was “not ashamed” to sell sex to men on the streets. Offended by Toney’s shaming her for selling sex to survive, the unnamed woman defiantly replied in a hard tone of voice that “I must live.” Toney, unable to comprehend limited employment opportunities available to women in 1880s Texas, bemusedly commented that she “must die too” and that she would surely have to explain herself before God for her “present mode of life.” Fed up with the lecture on how she had no right to “live on the wages of sin,” the unnamed woman acerbically refuted that it was pointless to preach to her at this point. “I cannot draw back now-society is my enemy.”<sup>57</sup> The marked contrast between streetwalkers and the marriage contract in this instance was enhanced by her rapid transition of the unnamed woman from the pinnacle of socially respectability for women to its antithesis.

Women who sold sex on San Antonio’s streets also had to contend with the horrific state of the city’s avenues. Unpaved roads became muddy quagmires in the periodic heavy rains that made the city prone to flash flooding from San Pedro Creek and the San Antonio River. The writers of the *San Antonio Light* noted in 1885 that although there was an enormous mud hole blocking the middle of West Commerce Street, it was

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<sup>57</sup> “Waifs and Wrecks,” *San Antonio Light*, July 26, 1886, 1.

“wearisome to particularize” because they were “so common all over the city.”<sup>58</sup> West Commerce Street was particularly prone to flooding because it was bordered by the San Pedro Creek, which routinely overran its banks when the city experienced heavy rainfall. In one instance an entrepreneurial Mexican American man took advantage of this by running an impromptu ferry business with his cart ferrying pedestrians across the flooded street. By charging a dime per passenger the man earned “50 cents in about five minutes” of work.<sup>59</sup>

Disabled or disfigured women were particularly vulnerable to the being forced to sell sex as streetwalkers due to being deemed essentially unhirable. Even the limited jobs in domestic and factory work open to women in late 19th century Texas were closed to them. The deformed bodies of women who begged reflected social anxiety about the health of public society outside the operating system of contract labor. As historian Amy Dru Stanley argued the bodies of women who begged and sold sex were viewed by contemporary society as synonymously diseased morally. “Coupling beggars and nightwalkers as the most debased members of the underworld, the street scenes depicted both as carriers of disease.”<sup>60</sup> White woman J. C. Bone previously found employment working for a variety show hall in Del Rio during the early 1880s. However, she lost an arm when a gunfight broke out at her work place and was promptly fired by management. Unable to find work, she ended up selling sex on the streets of San Antonio to survive.

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<sup>58</sup> “Rays of Light: Gathered by Reporters on their Tours through Town,” *San Antonio Light*, May 19, 1885, 4.

<sup>59</sup> Ibid.

<sup>60</sup> Amy Dru Stanley, *From Bondage to Contract*, 221.

While attempting to sell sex in Milam Square Park in April 1885, Bone came to the attention of Police Officer Summers for in his words wearing a “loose Mother Hubbard dress and acting very disorderly.”<sup>61</sup> Arrested by Officer Summers for vagrancy, Bone asked for and received a continuance from Recorder Callaghan. Three days later he upgraded the charges against her and rather than sentence her directly, Bone was instead tried by jury and fined ten dollars or a month in jail on the charge of being a “public prostitute.”<sup>62</sup> Bones’ physical deformity, coupled with her decision to sell sex in a public park during daylight hours, presumably influenced the heightened severity of her sentence.

Selling sex was not the sole means by which disabled women in 1880s San Antonio eked out a living. Busking was a possible avenue of self-employment, albeit an unreliable one that was often connected to the charity of other women who worked in the city’s sexual economy. An unattributed writer for the *San Antonio Light* noted that on the week of Thanksgiving in 1883 a carriage stopped before an unnamed French girl with one arm who “made a living by singing.” One of the ladies in the carriage, both of whom were identified as “belonging to the demi-monde,” dropped a \$10 gold piece into the astonished girl’s hands.<sup>63</sup> The monetary value of the charitable ladies donation, coupled with their description of being members of the city’s demi-monde, clearly indicated that they either sold sex in high end brothels or were madams in said establishments. In other

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<sup>61</sup> “Recorder’s Court,” *San Antonio Light*, Apr. 22, 1885.

<sup>62</sup> “Recorder’s Court: Two Dwarfs Before His Honor,” *San Antonio Light*, Apr. 24, 1885.

<sup>63</sup> “Very Charitable,” *San Antonio Light*, Nov. 23, 1883. The term demi-monde, which originated in France during the mid-nineteenth century, generally referred to upper class women who refused to conform to social standards regarding behavior in public spaces, particularly in terms of sexuality.



instances, women who sold sex went beyond giving money into outright providing complete domestic care for other women who due to disability or disease could not work. In 1884, nine “devotees of Venus worship” appeared before the Recorder on charges of vagrancy for which eight of the women were fined five dollars or five days in jail. Annie Miller, the ninth woman, was proven by the other eight women who sold sex to be suffering from consumption and completely “supported by the charity of the other women.”<sup>64</sup> The Recorder, satisfied by the evidence presented by these women that Annie was their dependent, dismissed the charges against her.

A key provision of the occasional charity given by women who bartered sex in San Antonio was that it was directed at women from similar socioeconomic backgrounds but who were not selling sex themselves. Economic competition among women who sold sex was fierce, and their treatment of each other in times of need reflected the propensity of selling sexual acts to encourage rivalries. Blanche Lyons, the aforementioned murder witness, was a Jewish woman from New York who turned to selling sex to make ends meet after her husband died. From New York she followed the railroad southwest seeking better employment opportunities and by 1884 migrated to San Antonio where she rented a room in Carrie Anderson’s brothel at No. 999 San Saba Street to sell sex from. The *San Antonio Light* reported that the twenty-four-year-old woman developed consumption and was seemingly written off as a dead woman by the other women selling sex in the brothel. It is equally possible that Blanche suffered from a sexually transmitted disease picked up over the course of selling sex. Either way Blanche was neglected by her

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<sup>64</sup> “Recorder’s Court: A Heavy Docket-The Usual List of Charges,” *San Antonio Light*, June 28, 1884, 1.

coworkers to the point where she was “compelled to drag herself out of bed and get her own meals.” Kicked out of the brothel by Madam Anderson due to being too sick to work, Blanche was taken to the charity ward of San Rosa hospital where she was discovered by some personal friends “at the point of death.” Blanche’s friends moved her out of the charity ward, paid for all her medical expenses, and enabled her to make a full recovery.<sup>65</sup>

The burden to not appear as a vagrant that dictated women’s behavior in public spaces chafed from both ends of the class spectrum. Many of the points that made selling sex attractive to some working-class women, such as the hedonistic lifestyle that encouraged the consumption of alcohol and drugs, the freedom to be both sexually promiscuous and have multiple sexual partners outside of marriage, and the potential to make more money in a day than most other women could make in a month also appealed to young upper-class women. Occasionally women across the class spectrum, as Ruth Rosen has noted, “desired to taste the sporting life” that dominated urban vice culture in the late nineteenth and early twentieth centuries.<sup>66</sup> Revolving around an urban lifestyle that idolized sex, drinking, and gambling, sporting culture particularly appealed to urban youth irrelevant of gender. Numerous accounts appeared in newspapers of respectable young ladies who ran away from home with the intention of selling sex for a living or exchanged sexual favors with men in return for dates. For example in 1885 the daughters of two respectable San Antonio families, aged eighteen and fifteen respectively,

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<sup>65</sup> Reaping the Tares,” *San Antonio Light*, Sept. 25, 1885, 1.

<sup>66</sup> Ruth Rosen, *The Lost Sisterhood: Prostitution in America, 1900-1918* (Baltimore: Johns Hopkins University Press, 1982), 166.

attempted to “paint the town red” over the course of a weekend. They began their “open life of shame” by having dinner accompanied by wine at the White Elephant Saloon with two men who were known to frequent the red-light district. After becoming thoroughly intoxicated the two couples rented rooms to have sex in at a brothel on South Flores Street.<sup>67</sup>

### **Gross Libel On A Man: Dudes Engender Vagrancy**

After serving as San Antonio’s Recorder for two years, Bryan Callaghan leveraged his political capitol and connections earned in the courtroom, bridging socio-economic matrices that linked the city’s Mexican, German, Irish, and French communities with “wet” ideology and the commodification of sex central to working-class masculinity playing out saloons, into an ultimately successful bid for mayor in 1885. Callaghan’s distinctly working-class campaign capitalized on incumbent Mayor and ex-Confederate James French’s elitist political background by taking out vicious political ads in the city’s newspapers that highlighted the underlying class tensions at play in the election. According to Callaghan’s supporters, Mayor French was not just a dude but “a great big dude” who spent more time examining his appearance in the mirror than the working-class man did while eating his three daily meals. In addition to carrying a cane and clothing himself with European fashions, Mayor French purportedly utilized billiards as his sole form of exercise and “hated the sight of a poor man.” Callaghan’s advocates further appealed to class politics, running with the sense of logic distinct to American political slander that as the Mayor French routinely came into “direct contact

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<sup>67</sup> “Two Girls: Painting the Town Red in a Hack: They Procure a Pistol and go on the Warpath winding up at Houses of Ill Fame,” *San Antonio Light*, Mar. 9, 1885, 1.

with the people and he hates the people, therefore he wants to be a District Clerk” where he could foist his responsibilities onto a deputy.<sup>68</sup>

The word “dude” emerged around 1883 in New York as a slang term for a dandy. An exhaustive inquiry on the word’s etymology concluded that the term was a corruption of “doodle” from the eponymous Revolutionary Era ditty. The term cheekily referenced how Yankee Doodle “imagined himself to be fashionable like the young men of his day known as macaroni” by adoring his cap with a feather.<sup>69</sup> By the late nineteenth century “dude” out West, transformed by its rapid linguistic journey from the East Coast, became less a synonym for dandy and more referred to an outsider from the East or Europe. In the Western United States dude carried the “taint of outsider or uninitiated” in a similar vein to the meaning of a greenhorn.<sup>70</sup> Dude ranches, which were first created during this time period, took their name from this second meaning.<sup>71</sup>

This section focuses on contemporary attitudes regarding dudes to illustrate contemporary American society’s gendered understanding of vagrancy. As a crime of status, vagrancy in the 1880s was tied to public perceptions of unemployment. For men, loitering in public areas, begging, wearing shabby clothing, maintaining a slovenly appearance, or simply being in the wrong place at the wrong time all constituted grounds for arrest as a vagrant. For women, arrest as a vagrant carried explicit sexual connotations

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<sup>68</sup> “Editorial Squibs,” *The San Antonio Light*, Oct. 25, 1884.

<sup>69</sup> Barry Popik and Gerald Cohen, ““Dude” From Yankee Doodle: Confirming Evidence From an 1879 Newspaper Article” *Comments on Etymology* Vol. 33 No.7: 2.

<sup>70</sup> Richard Hill, “You’ve Come A Long Way, Dude: A History,” *American Speech* 69, No. 3 (Autumn 1994): 321.

<sup>71</sup> A dude ranch is a working ranch that caters to Eastern tourists who pay for the experience of being a cowboy and are found throughout the western United States.

tied to historical perceptions of women in public spaces as being sexually available for purchase as a streetwalker or common prostitute. For black women, vagrancy held both connotations depending on the circumstances behind their arrest. In the post-bellum South, whites utilized vagrancy charges to police and control black labor, leading to the contradictory depictions in contemporary Southern literature of the masculine and queer nature of black women.<sup>72</sup> Dudes challenged these contemporary notions of vagrancy by loitering on street corners with no obvious means of employment, yet by their ostentatious dress and adherence to European fashion clearly indicated otherwise. Faced with this contradiction, working-class Americans fell back on their gendered perceptions of vagrancy to effeminize the dude, drawing on their understanding of streetwalkers as vagrants to overcome cognitive dissonance.

Queer historian George Chauncey in his groundbreaking monograph on gay identity formation in pre-World War II New York noted that prior to the mid-twentieth century male behavior was not policed strictly on an “axis of homosexuality and heterosexuality.”<sup>73</sup> Queer as an indication of abnormal behavior in the late nineteenth century was not assigned to men who participated in homosexual acts per say but rather men who adopted or were assigned feminine behavioral, sexual, or cultural norms. Class politics, as Chauncey meticulously detailed, further delineated male homo-heterosexual behavior along a working and upper-class axis. This compass rose of class and sexual

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<sup>72</sup> See Sarah Haley, *No Mercy Here: Gender, Punishment, and the Making of Jim Crow Modernity* (Chapel Hill: University of North Carolina Press, 2016), 40.

<sup>73</sup> George Chauncey, *Gay New York: Gender, Urban Culture, and the Making of the Gay Male World, 1890-1940* (New York: Basic Books, 1994), 13. A fairy was a slang term used to describe homosexual men in New York.

politics guided male social interactions within the “gay male world” of Chauncey’s New York.<sup>74</sup> However, the formation of these axes in relation to each other, particularly in terms of the association of queerness with homosexuality, was significantly less dichotomous with heterosexuality than Chauncey proscribed. Complicating the narrative of the “centrality of effeminacy to the representation of the fairy,” ostentatiously queer men in San Antonio during this time period fell distinctly within the realm of heterosexuality while exhibiting many of the behaviors that by the early twentieth century mainstream urban society would later ascribe to homosexual men.<sup>75</sup> Dude’s interactions with their working-class contemporaries revealed a growing public consciousness of deviant masculinity beyond fairies that emerged during the Gilded Age as one of the social responses to the shift to wage labor under industrial capitalism.

Public harassment of dudes by their contemporaries took perverse glee in pointing out the effeminate undertones associated with many dude’s rejection of traditional working-class American masculinity. For example, *The San Antonio Light* reported during a Fourth of July baseball game held in 1884 a foul ball landed in an awning next to a seated dude. When the dude rose “daintily” from his seat to pull the awning rope to dislodge the trapped baseball the entire field erupted in a cacophony of emasculating jeers. “Careful, baby,” “Treat it gently, Geawge,” “Look out, it will bite,” “How very provoking,” “There, you sassy thing.”<sup>76</sup> The effeminate behavior painted onto dudes by

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<sup>74</sup> Late nineteenth and early twentieth century sexual norms did not exist on a strict homosexual-heterosexual axis as Chauncey noted. Accordingly, queer status was not assigned to both partners engaged in homosexual activity but rather solely to the participant who assumed or was forced into the sexual position assigned to women in heterosexual sex.

<sup>75</sup> Chauncey, *Gay New York*, 13.

<sup>76</sup> “Fun on the Diamond Field,” *The San Antonio Light*, July 4, 1884.

their peers carried clear sexual undertones highly reminiscent of mashers sexually harassing women entering into the public sphere during this time period. By publicly policing the behavior of deviant dudes, men who prescribed to traditional masculinity further solidified the growing social and class divisions caused by industrial capitalism and the contract wage system. Miss Kate Field's cutting remarks on dudes, given to a newspaperman when asked about the subject, personified the overwhelmingly shaming public attitudes directed onto dudes. Miss Field acerbically commented that to call a dude a man was "gross libel on a man."<sup>77</sup>

Public ridicule on San Antonio's streets against dudes often escalated into physical violence and was closely intertwined with class conflicts tied to labor tensions. Working class men in San Antonio deeply resented dudes, whom they viewed as queer, effeminate, foppish, and a threat to their own working-class masculinity. This resentment was exacerbated by mutual competition for the affection of San Antonio's young ladies. Several cowboys drinking at Scholz's dance hall casually commented "what things we do see when we don't have no gun" when a dude walked in and ordered a lemonade.<sup>78</sup> One English immigrant dude who made the mistake of pursuing a married woman had his cane "broken over his back" by the woman's husband in what a newspaper reporter called a "well deserved chastisement."<sup>79</sup> For working class men, being labeled a dude was a mortal insult that demanded bloodshed in retaliation. One evening in 1884 Wright

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<sup>77</sup> "The Dude Described," *The San Antonio Light*, July 24, 1883.

<sup>78</sup> "Unlucky Spor[t]smen," *The San Antonio Light*, Mar. 13, 1885. Many saloons and dance halls required that their occupants check their guns at the door to be admitted.

<sup>79</sup> "His Own Stick," *The San Antonio Light*, July 6, 1885.

and Dix, two young painters, were playing pool with a “rather nobbily dressed” young man at the White Elephant Saloon on Military Plaza. Noticing his opponent’s attire, Dix jokingly called the young man a dude. After the game, the insulted party jumped Dix in a back alley and “struck him one blow, knocking him senseless” with a pair of brass knuckles.<sup>80</sup> One young man confided in his father that being called a dude was an “insult that blood alone will wipe out.”<sup>81</sup> He further explained that he wouldn’t have minded being called an idiot but to be called a dude was the “acme of mortal agony” and that “anything [else] was preferable.”<sup>82</sup>

Dudes in San Antonio and elsewhere in the nation proscribed to a specific and highly recognizable manner of dress, many aspects of which public consciousness later associated in the early twentieth century with homosexual queer men in Northern urban centers such as New York and Chicago. Contemporary accounts of dudes specifically commented on their distinct clothing, which primarily consisted of a yellow and white striped suit that was often “elaborately faced with drab silk.”<sup>83</sup> Many dudes customized their pinstripe suits with a short coat or vest, from which eyeglasses or a monocle often hung from a chain.<sup>84</sup> Dudes were notorious for wearing their tight, form fitting pants which Miss Kate Field bitingly described as “pants wherein calves were never meant to

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<sup>80</sup> “A Dude: How A Man Was Knocked Senseless on Acequia Street,” *The San Antonio Light*, Dec. 8, 1884.

<sup>81</sup> “He Called Him A Dude,” *The San Antonio Light*, June 18, 1883.

<sup>82</sup> Ibid.

<sup>83</sup> “Fun on the Diamond Field,” *The San Antonio Light*, July 4, 1884.

<sup>84</sup> “The Dude,” *The San Antonio Light*, May 10, 1883, “What Makes Dull Times,” *The San Antonio Light*, Apr. 22, 1885.



grow.”<sup>85</sup> Red neckties were specifically noted by contemporary observers as being part of the dude’s ensemble. George Chauncey detailed in his discussion of fashion and gay male identity that a red tie became a key “insignia of homosexuality” in the late nineteenth century.<sup>86</sup> Hats tended to vary based on personal preference, to the point that older gentlemen took to wearing specifically modified Stetson hats to differentiate themselves from younger dudes.<sup>87</sup>

Middle to upper-class men, from which dudes overwhelmingly belonged to, routinely carried canes during the late nineteenth century for both fashion and self-defense. Dude canes, however, held distinct characteristics that differentiated them from ordinary walking sticks besides being used “to keep the girls away” as one dude proudly boasted.<sup>88</sup> The effeminate characteristics ascribed to dudes went so far as to be applied to their canes as well. According to the proprietor of a gentlemen’s furnishing goods store in San Antonio, dudes who shopped for canes wanted to buy “something dainty, you know.” The head needed to be the “right size for the mouth” and the shaft had to be as “thin and flexible” as possible.<sup>89</sup> Not coincidentally the article in which this interview appeared

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<sup>85</sup> Ibid, “The Dude Described,” *The San Antonio Light*, July 24, 1883.

<sup>86</sup> “He Called Him A Dude,” *The San Antonio Light*, June 18, 1883 and “Fun on the Diamond Field,” *The San Antonio Light*, July 4, 1884. See Chauncey, *Gay New York*, 16 & 65.

<sup>87</sup> The caption to a photograph taken in 1940 of Frank Bushick Sr. noted that the modified Stetson hat he wore was once commonly worn by well-dressed men in San Antonio who didn’t want to be “in the dude class.” See photo L-2392-0 in *The San Antonio Light* Photograph Collection, UTSA Special Collections, Institute of Texan Cultures.

<sup>88</sup> “What Makes Dull Times,” *The San Antonio Light*, Apr. 22, 1885.

<sup>89</sup> “The Delight of the Dudes: How the Dear Creatures Support Themselves,” *The San Antonio Light*, Nov. 5, 1884.

was entitled how the “dear creatures [dudes] support themselves.”<sup>90</sup> The sexual allusion at play here, with its clear references to oral sex and prostitution, was both another social division between dudes and traditional masculinity as well a clear reference to gendered public perceptions linking vagrancy to streetwalking.

Newspaper accounts of San Antonio’s dudes routinely lambasted their supposed inferior intelligence in a clear parallel to contemporary scientific attitudes towards women pursuing higher education in a broader appeal to keep women inside the private sphere of the home.<sup>91</sup> A set of poems printed in *The San Antonio Light* mocking the characteristics of dudes diddled that they were a “funny speck on nature’s page-conundrum of the modern age.”<sup>92</sup> Another anonymous author penned a dude creation story which began with the Gods led by Jupiter creating man. After producing several “good, healthy, active fellows,” Jupiter and the rest of the Gods were dismayed to find that they had “run out of brains” apart from a tiny piece the size of a “pinhead or the hindleg of a jersey mosquito.” Upon being asked by Jupiter what should be done with the leftover speck of a brain, one of the Gods reluctantly proposed that they would have to “make a dude of it” since the brain piece was “not big enough for a horse, and too big for a mule.” With a great sigh Jupiter agreed but lamented that it would be a “pity to waste so much brains” on a dude where it wouldn’t “do any good anyhow.”<sup>93</sup>

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<sup>90</sup> “The Delight of the Dudes: How the Dear Creatures Support Themselves,” *The San Antonio Light*, Nov. 5, 1884.

<sup>91</sup> See Edward Clark, *Sex in Education; or A Fair Chance for Girls* (Boston: Riverside Press, 1884).

<sup>92</sup> “The Dude,” *The San Antonio Light*, May 10, 1883.

<sup>93</sup> “A Mythtery,” *The San Antonio Light*, July 1, 1884, 3.

The lynchpin of the public outcry against dudes revolved around the juxtaposition of their ostentatious lifestyle with their perceived lack of work. Dudes' frivolous lifestyles, which emphasized fashion, leisure, and the public courting of women, clashed with contemporary attitudes regarding the civic responsibility of working-class men in America's cities to contract their labor for wages. The state strengthened vagrancy statutes throughout the post-Reconstruction United States, as Amy Dru Stanley observed, to criminalize those who "subsisted outside the matrix of contract obligations."<sup>94</sup> Dude culture challenged public perceptions of vagrancy as a status crime by eschewing the civic responsibility to work while embracing material culture. The cognitive dissonance this dichotomy created within the working-class resulted in a gendered backlash that exposed the inherently gendered perceptions of vagrancy in Gilded Age America.

The adherence of dudes to material culture through their fashion prevented them from being seen as vagrants, yet their pursuit of a leisure focused lifestyle was perceived by the public as a mocking critique of vagrancy and the contract labor system. Dudes represented a deviant subculture within the growing sporting culture that the Callaghan administration relied upon for political and economic power. The writers of the *San Antonio Light* commented on the connection between dudes and prostitution as members of San Antonio's sporting culture, noting that the parlor of the bagnio located at lot No. 999 in the First Ward was "where a lot of the dudes from town were opening wine and having a good time laughing and talking with the gay girls."<sup>95</sup> The San Antonio public's critique of dudes represented a broader critique of sporting culture and its participants,

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<sup>94</sup> Stanley, *From Bondage to Contract*, 114.

<sup>95</sup> "A New Orleans Girl Who Ran Away From Home Goes Back," *The San Antonio Light*, Oct. 16, 1884, 1.

particularly the Callaghan administration's protection of the city's sexual economy even as it sought greater control over it.

The hierarchical nature of San Antonio's sexual economy in the 1880s reflected mainstream social attitudes that viewed women who sold sex through gendered lenses. By structuring vagrancy as a crime of status to police women's behavior through the carceral power of the state, white male officials in municipal governments criminalized women who sold sex based on how badly they were perceived to have violated the labor and marriage contracts that underwrote post-Reconstruction American society. This sliding scale of depravity became the stick that disproportionately fell upon African American women who sold sex and streetwalkers as well as disabled women. Vagrancy evolved in Texas from a method to universally control black women's labor into a method that unequally policed women's sexuality and behavior in public. Contemporary attitudes towards dudes further contextualized American's gendered understanding of vagrancy during this time period. Their leisure filled lifestyle, dominated by the pursuit of physical pleasure, chafed against contemporary social norms regarding vagrancy and labor. America's growing sporting culture that dudes represented highlighted growing tensions within American society over social and generational change and expressed by Americans in distinctly gendered ways. The distinction drawn by white officials between common and private prostitutes showcased the paradox of labor and status that vagrancy represented in late nineteenth century U.S. society.

### 3. “I DON’T KNOW ANY RIGHT THAT YOU HAVE TO LIVE ON THE WAGES OF SIN”

The concept of licensing women who sold sex sparked furious debate throughout the country between civic governments faced with increasing calls to provide costly city services and moral reformers worried about the social consequences of the market economy that raged across the nation in the post-Reconstruction years. Civic officials, seeking alternative funding opportunities in an era before income and sales taxes, pointed to licensing as both economically sound and beneficial to the public health. Moral reformers, predominantly former abolitionists who had cut their teeth in the crusade against chattel slavery, rallied against what they viewed as wage slavery taken to its logical, yet gendered extreme. By legitimizing the selling and purchasing of women’s bodies, which “suggested that the triumph of free labor did not safeguard even the most intimate sexual bonds from the marketplace,” licensing threatened to establish a precedent leading to moral bankruptcy in the pursuit of wealth.<sup>96</sup> Anti-licensing advocates throughout the 1870s successfully lobbied against proposed licensing bills across the nation from San Francisco to New York with the notable exception of St. Louis.<sup>97</sup>

This thesis chapter traces the rise of Bryan Callaghan’s political career in 1880s San Antonio, culminating in his mayoral administration’s enactment of a civic ordinance

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<sup>96</sup> Amy Dru Stanley, *From Bondage to Contract: Wage Labor, Marriage, and the Market in the Age of Slave Emancipation*, New York: Cambridge University Press, 219.

<sup>97</sup> Stanley, *From Bondage to Contract*, 251. Stanley noted that licensing bills in New York, Philadelphia, the District of Columbia, Chicago, and San Francisco all failed at the state legislative level. For more on the licensing experiment in St. Louis, see John Burnham, “Medical Inspection of Prostitutes in America in the Nineteenth Century: The St. Louis Experiment and its Sequel,” *Bulletin of the History of Medicine* Vol. 45, No. 3 (May-June 1971): 203-218.

to license prostitution in 1889, to explore the distinctly gendered ideas that governed American's understanding of vagrancy in the post-Reconstruction decades. American's gendered perceptions of vagrancy, which carried different connotations based on the sex of the offender, are explored through male and female work by examining contemporary perspectives on women who sold sex and the phenomenon of the "dude." By drawing on anti-licensing arguments that raised poignant questions as to the legal consequences of state endorsement of women selling sex in a regulated market, the last section of this chapter highlights how licensing overlapped with coverture to mirror husband's control of their wives' bodies and wages that functionally married prostitutes to civic government through state carceral power.

### **Recorder Callaghan And San Antonio's Sexual Economy**

Bryan Callaghan, in his position as City Recorder from 1883 to 1885, personally interacted with San Antonio's women who sold sex on a regular basis at every socioeconomic level. Streetwalkers, crib girls, saloon entertainers, theater actresses, and brothel madams all appeared before Recorder Callaghan on a litany of charges ranging from public intoxication, disorderly conduct, and vagrancy. Police officers utilized these offenses as stand ins for the implied charge of selling sex that occupied a quasi-legal status in the city. Callaghan's punitive position as City Recorder served to familiarize him with the city's sexual economy and its actors. Consequentially, Callaghan witnessed firsthand the enormous sums of money that the city's women who sold sex earned through the commodification of their bodies.

San Antonio's brothel madams, who city newspapermen cheekily referred to as the "demi monde," routinely appeared in Recorder's Court to fill the city's coffers with

money generated from sexual labor through fines.<sup>98</sup> Callaghan regularly fined streetwalkers five to ten dollars based on individual circumstances via vagrancy ordinances. Recognizing and exploiting the economic revenue generated by brothels that catered to the hedonistic desires of San Antonio's men, civic ordinance dictated that brothel madams paid ten to twenty times the amount paid by individual prostitutes. Unlike the women they employed to sell sex in their establishments, madams were routinely fined by city officials one hundred dollars for keeping disorderly houses. In spite of the severe markup at play, San Antonio's brothel madams evidently had little to no trouble paying what many considered part of the cost of doing business in selling sex. The writers of *The San Antonio Light* commented on this ethos of vice, noting that whenever the "boss madams of hotels on the European style" appeared in court it was "presumed in advance that they will pay the customary \$100 fine," and "depart in peace to sin some more."<sup>99</sup>

To further highlight the routine nature of this financial relationship, from 1883 to 1885 *The San Antonio Light* reported that members of the city's *demi monde* appeared in District Court in mass at least once a year to pay the city's hundred-dollar fine for keeping a house of ill repute.<sup>100</sup> Accounted alongside individual prosecutions and considering that some cases undoubtedly went unreported in the local newspapers, it is

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<sup>98</sup> *Demi monde* is a nineteenth century French word that referred to people who fully embraced a hedonistic lifestyle. The term became closely associated with women who sold sex, particularly in brothels and other elite establishments that catered to the hedonistic desires of the upper class.

<sup>99</sup> "District Court," *The San Antonio Light*, Jan. 29, 1884, 1.

<sup>100</sup> See "The Demi Monde in Court," *The San Antonio Light*, Apr. 23, 1883, 4; "District Court," *The San Antonio Light*, Jan. 29, 1884, 1; "District Court," *The San Antonio Light*, June 23, 1885, 4. The number of brothel madams appearing in district court charged with keeping a disorderly house numbered seven, twenty, and four respectively in said instances.

reasonable to conservatively estimate that brothel madams payed the city hundreds if not thousands of dollars annually in fines. Note, however, that brothel madams derived most of their profits from charging room and board to women who sold sex in deeply exploitative relationships of their own. In actuality women who sold sex in the city's brothels ultimately generated the money that ended up in the city's coffers through a successive chain of economically exploitative relationships.

In addition to the deeply exploitative nature of Recorder Callaghan's fining of women who sold sex, his and other civic officials' pursuit of disorderly house charges fell along distinctly gendered lines that proscribed not only separate definitions of the charge based on the sex of the accused but also markedly different economic consequences. The charge of keeping a disorderly house, when the defendant was female, referred specifically to managing an establishment from which other women sold sex to male customers. In marked contrast, the same charge leveled against a man referred to noise complaints most commonly applied to saloonkeepers selling alcohol. In other words, while keeping a disorderly house constituted disturbing the peace, the nature of said disturbance depended upon a gendered understanding of the defendants' means of economic support. San Antonio's civic officials, by proscribing gendered definitions of keeping a disorderly house, paid homage to and reinforced the idea that women who disturbed the public peace did so through sexual promiscuity while men did so by being drunk and rowdy.

For example, in 1883 William Lippe opened the Lone Star Saloon on the corner of Nacogdoches and Bowie streets. When Lippe added a dance hall and beer garden to his establishment, his neighbors began to complain about the noise disturbing their sleep.



On two separate occasions in October and December of 1883 a jury in the Recorder's Court fined Lippe twenty-five dollars for "keeping a disorderly house."<sup>101</sup> The following year he appeared before Recorder Callaghan again on charges of "keeping a disorderly saloon" and a jury fined him ten dollars primarily through several eyewitness accounts given by his disgruntled neighbors.<sup>102</sup> Even in cases that explicitly linked male saloonkeepers with women who sold sex, the Recorder's Court proscribed lesser fines for the same offense.

Even in cases where the line between a saloon and a brothel blurred, as it often did, the recorder's court proscribed greater punitive fines for women over men for keeping disorderly houses. In October 1883 A. Stein, the keeper of a saloon located on the corner of Houston and North East streets, filed a complaint against police officers Ealan and Westmoreland for "unduly interfering with his business." African American police officer Westmoreland and his associate argued that they were carrying out their police chiefs' orders to "caution prostitutes not to frequent a saloon or [they] would be obliged to arrest them."<sup>103</sup> A trial by jury in the Recorder's Court the following summer acquitted Stein of "keeping a disorderly house" on the same docket that found Fanny Kelley, a brothel madam, guilty and fined her one-hundred dollars on the exact same charge.<sup>104</sup> Men who ran afoul of the civic ordinances prohibiting the keeping of

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<sup>101</sup> "A Disgraceful Place," *The San Antonio Light*, Oct. 4, 1883, 4; "Fined," *The San Antonio Light*, Dec. 12, 1883, 4. The quote is from the later source. Keeping a disorderly house is contemporary legalistic jargon that indicates the offense involved running a brothel in some capacity.

<sup>102</sup> "Recorder's Court: Disorderly Saloon Keepers," *The San Antonio Light*, May 21, 1884, 1.

<sup>103</sup> "Charges Against the Police," *The San Antonio Light*, Oct. 3, 1883, 4.

<sup>104</sup> "District Court," *The San Antonio Light*, June 9, 1884, 4.

disorderly houses received considerable leeway in the punishment inflicted upon them by a jury of their peers. The gendered workings of the Recorder's Court inherently disfavored women who managed brothels and ensured that at the end of the day men ultimately profited from women's sexual labor in San Antonio.

### **The Traffic Of Flesh: Licensing As Slavery?**

After San Antonio's voters elected Bryan Callaghan Mayor of San Antonio in 1885, business continued as usual for the women who sold sex within the city's sexual economy. Hundreds of dollars continued to flow annually into the city's coffers from fines levied against the city's brothel madams in the Recorder's Court, in addition to individual charges against women who sold sex at every socioeconomic level. This chain of economic exploitation that linked women who sold sex with city officials through the punitive environment of the courtroom continued unabated until 1889 when amendments to San Antonio's civic ordinances would fundamentally alter the relationship between the city's sexual economy and civic government.

The year of 1889 was a particularly definitive one for Mayor Callaghan and his administration. Beginning with his election in 1885, Callaghan leveraged his multilingualism, political connections to the city's Irish, French, German, and Mexican American communities, and anti-prohibition stance that attracted the favor of the Lone Star and Pearl breweries as well as saloonkeepers to quietly solidify a political coalition among the city's working-class. As Randall Waller noted in his thesis on the Callaghan political machine, the "first authentic test of the Callaghan machine came in the city

elections of 1889.”<sup>105</sup> San Antonio’s upper-class Anglo youth, disgruntled with Callaghan’s fiscal policies and his close relationship with the city’s ethnic communities, organized the Young Men’s Reform Club to sponsor an opposition ticket to the Callaghan administration. Ex-Mayor James French, whose political enemies accused of being a “great big dude” who “hated the sight of a poor man” before his loss in the 1885 election, meshed perfectly with the upper-class sensibilities of the Young Men’s Reform Club and headed their anti-Callaghan ticket as candidate for mayor.<sup>106</sup> Although they lost by a landslide, French’s coalition justifiably accused Callaghan’s administration of “many grievous misdoings” i.e. corruption, which was undeniably true for any political machine, and “squandering the city’s funds,” which is a key point of interest.<sup>107</sup>

Although French’s coalition referred to Mayor Callaghan’s propensity to provide financial aid to the poor to reinforce his influence among San Antonio’s working-class constituents, they nonetheless touched up a more poignant question of where the mayor’s finances were coming from. Waller briefly addressed this question, remarking that it was impossible that Callaghan could “contribute so generously to charities, lend aid in individual hardship cases, and finance extensive campaign efforts on his meager \$399.00 per month salary” without some form of off the books funding. He concluded that the most probable source of Callaghan’s extra funding came at least in part from backroom political collusion with local liquor interests.<sup>108</sup> Obviously Callaghan did not keep any

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<sup>105</sup> Randall Lionel Waller, “The Callaghan Machine and San Antonio Politics, 1885-1912” (M.A. Thesis, Texas Tech University, 1973), 80.

<sup>106</sup> “Editorial Squibs,” *The San Antonio Light*, Oct. 25, 1884, 1.

<sup>107</sup> “San Antonio: An Exciting City Election,” *Austin Weekly Statesmen*, Feb. 14, 1889, 1.

<sup>108</sup> Waller, “The Callaghan Machine,” 70.

potentially incriminating records of where his supplemental income originated. However, Callaghan's previous stint as City Recorder, in addition to the peculiar timing of his administration's revision of the city ordinances to license prostitution for the first time, indicates that strong possibility that San Antonio's sexual economy directly contributed to his undeclared finances.

During the same time that Mayor Callaghan's finances were coming under increasing scrutiny, Waco city officials' experimented with active vice regulation. Bucking the national trend against licensing, Waco's civic officials in the late 1870s created ordinances to license sexual labor that required "tri-monthly licensing fees for prostitute and bawdy house licenses, regular medical examinations, and restricted boundaries" that clearly delineated the physical boundaries within which women could sell sex in Waco.<sup>109</sup> Consequentially for the year of 1889, in which civic officials began collecting licensing fees beginning in August, the revenue generated by Waco's sexual economy for the city "amounted to \$419.79, which would be more than \$8,000 in today's economy, in only five months."<sup>110</sup> The Callaghan political machine, having already defeated a Women's Christian Temperance Union backed prohibition campaign in 1887 and doubtlessly inspired by Waco's example, found little opposition from a demoralized moral reform lobby to passing a similar licensing ordinance.<sup>111</sup> This new civic legislation expanded the customary \$100 dollar fine levied by the city against brothel madams and

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<sup>109</sup> Amy S. Balderach, "A Different Kind of Reservation: Waco's Red-Light District Revisited, 1880-1920" (M.A. Thesis, Baylor University, 2005), 70.

<sup>110</sup> Balderach, "A Different Kind of Reservation," 94.

<sup>111</sup> For more on the 1887 statewide temperance campaign, see Waller, "The Callaghan Machine," 54-60.

haphazardly enforced by the city recorder into an annual \$500 licensing fee. Mayor Callaghan's civic ordinance docking the income of women who sold sex in San Antonio was in effect for roughly ten weeks before brothel madam Emelia Garza raised a legal challenge against it.<sup>112</sup>

Very little documentation survives regarding the background of Emelia Garza, much of which is open to interpretation. Unquestionably she sold sex at some point in her life and participated in San Antonio's sexual economy as evidenced by her legal challenge to the city's licensing ordinance. From her name Madam Garza clearly belonged to or at least originated from the city's Mexican American community. Prior to her appeal to the Texas Court of Appeals after her arrest for refusing to purchase a brothel license, there are only two questionable references to her in the city's newspapers. It is unclear whether "Emilia Garcia" and "Emelia Garza" are the same person, with the differences in spelling attributed to Anglo-American source bias, or referred to two different Mexican American women who sold sex in San Antonio in the 1880s.

Each instance wherein Emilia Garcia appeared in the *San Antonio Light* provides conflicting interpretations to this question of identity. In 1884 an Emilia Garcia appeared before Recorder Callaghan on vagrancy charges and fined her ten dollars for an "exceptionally bad case of vagrancy." By late nineteenth century social norms would indicate that she was almost certainly a streetwalker at the time, or that the police arrested her under the assumption of being one.<sup>113</sup> If Emilia Garcia was a woman who sold sex on

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<sup>112</sup> [Book H, Dec. 16, 1889, 557-560], Office of the City Clerk, Council Journal and Minutes of Commissioners, 1837-present, Municipal Archives and Records, City of San Antonio, Office of the City Clerk.

<sup>113</sup> "Recorder's Court," *The San Antonio Light*, Aug. 20, 1884, 1.

San Antonio's streets in 1884, it would be very peculiar for her to have advanced so rapidly within prostitution's socio-economic hierarchy to owning or managing her own brothel by 1889 in order to challenge the city's licensing ordinance. On the other hand, in 1883 the *Light* reported that an Emilia Garcia signed over legal custody of her eight-year-old daughter to another Mexican American woman. "I, Emilia Garcia, mother of Felicita Hernandez, hereby willingly give my said daughter to Mrs. Florencia Almazan de Morari."<sup>114</sup> The adoption papers, which were transcribed in the article, showed that both women signed the document and registered a copy with the County Clerk. Accordingly, Emilia Garcia was clearly fully literate and had close ties to other members of her ethnic community, suggesting that she held a privileged socio-economic position more in line with a brothel madam than a streetwalker.

At any rate by 1889 Garza was running her own brothel and refused to pay the Callaghan administration's five-hundred-dollar annual licensing fee. Mayor Callaghan issued a warrant for her arrest under the authority of the Recorder's Court which was carried out by policeman Jacob Rips. After being arrested Garza applied for a writ of *habeas corpus* from the 54<sup>th</sup> District Court judge, which he summarily dismissed and prompted her to appeal the case. Leonidas Walthall, serving as Garza's legal representation and acting under her direction, mounted a seemingly counterintuitive legal defense. He admitted in court that Garza "violated the ordinance by keeping a bawdy

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<sup>114</sup> "A Strange Document: By Which a Mother Gives Away a Child to Another Woman," *The San Antonio Light*, Aug. 16, 1883, 4.

house without obtaining a license” and ceded the point that she was “duly charged and arrested” as a legitimate consequence.<sup>115</sup>

Rather than attempting to claim that Emelia had not broken the law, Walthall cunningly avoided the inherent gender and respectability bias that inherently disfavored his client by instead attacking the legal validity of the city ordinance. He argued on Garza’s behalf that San Antonio “was not and is not authorized by its charter to enact it” and that the ordinance itself was “contrary to the general laws” of Texas and consequentially null and void.<sup>116</sup> Walthall and Garza’s argument hinged upon the fact that San Antonio’s charter did not explicitly give the city the power to license houses of prostitution. William Davidson, the assistant attorney general of Texas and San Antonio’s legal representative in the case, argued that the city’s charter implied the power to license brothels through its explicit power to “restrain, regulate, and inspect such establishments.”<sup>117</sup> He cited *Davis v. The State of Texas*, an 1876 case wherein a brothel madam successfully argued to the Texas Court of Appeals that Waco civic ordinance superseded state laws against sex work. The Court of Appeals rejected Davidson’s argument, pointing out that the cited ruling relied upon the key distinction that the State of Texas’ approved Waco’s charter with the “power to *license* houses of prostitution...in *express words*.”<sup>118</sup> The Court of Appeals ruled in favor of Garza, ordering her immediate

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<sup>115</sup> A. M. Jackson Jr., *The Texas Court of Appeals Reports: Cases Argued and Adjudged in the Court of Appeals of the State of Texas During the Later Part of the Austin Term, 1899, The Tyler Term, 1899, The Galveston Term, 1890, and Nearly the Whole of the Austin Term, 1890*, Vol. 28 (Austin: The State of Texas, 1890), 382.

<sup>116</sup> Jackson, *The Texas Court of Appeals Reports*, 382-383.

<sup>117</sup> Jackson, *The Texas Court of Appeals Reports*, 384.

<sup>118</sup> Jackson. *The Texas Court of Appeals Reports*, 384.

release from custody and overturning San Antonio's civic ordinance to license women who sold sex within the city.

At first glance, Garza's challenge of the law seems clearly motivated by economic self-interest. After all, the Callaghan administration's new ordinance transformed a periodic hundred-dollar fine into an annual five-hundred-dollar fine. However, Garza in her appeal clearly stated that money did not factor into her motivation to challenge the law. She noted that the five-hundred-dollar annual licensing fee "was reasonable and does not amount to a tax on the occupation."<sup>119</sup> Furthermore, it is immediately obvious that her decision to violate the civic ordinance and subsequent arrest were premeditated based upon her legal appeal. If the ordinance was not a significant financial burden to San Antonio's brothel madams, then why did Garza take her legal challenge of said ordinance all the way to the Texas Court of Appeals, placing herself directly in the spotlight of the state as a carceral power? If the licensing fee was not the issue, then her protest was probably against the mandatory medical examinations for venereal diseases included in the licensing scheme.

The highly visible profusion of prostitution in urban centers from women following global trends in migratory labor and immigration in the later decades of the nineteenth century prompted government experiments in regulation of women who sold sex. The origins of prostitution regulation in the Anglo world date back to Napoleonic France amid growing concerns over the spread of sexually transmitted diseases among Napoleon's soldiers. Colloquially referred to as the French System, France's regulations

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<sup>119</sup> Jackson, *The Texas Court of Appeals Reports*, 382.



required women who sold sex to submit to government registration, unsubsidized medical examinations, and work only in licensed brothels (*maisons de tolerance*) located inside designated vice districts (*quartiers reserves*).<sup>120</sup> European colonization spread the idea of licensing women who sold sex to Asian and African colonies of Britain, France, Germany, and other colonial powers.<sup>121</sup> In her comparative study of British Contagious Disease laws in Hong Kong, India, Queensland, and the Straights Settlements (Malaysia and Singapore), historian Phillipa Levine noted that colonial regulation of prostitution through venereal disease laws were at heart aimed at the “management of sexuality...especially the sexuality of women and of colonial peoples.”<sup>122</sup> In the United States prostitution was usually de-facto regulated through informally designated red-light districts that were routinely monitored by police in varying degrees of collusion with organized vice.

Compulsory medical examinations by civic officials to check for venereal diseases in many ways reflected a husband’s unrestricted right to his wife’s body under coverture. While the notion that husband’s sexual claim to their wives’ bodies underwrote the marriage contract was commonly known if not accepted by contemporary feminists as Amy Dru Stanley noted, licensing drew uncomfortable parallels to the slave

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<sup>120</sup> Alain Corbin, *Women For Hire: Prostitution and Sexuality in France after 1850*, trans. Alan Sheridan (Cambridge: Harvard University Press, 1990), 10.

<sup>121</sup> See Ann Laura Stoler, *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule* (Durham: Duke University Press, 2010); Eileen Findlay “Decency and Democracy: The Politics of Prostitution in Ponce, Puerto Rico, 1890-1900,” *Feminist Studies* 23 No. 3 (Autumn 1997); Elizabeth van Heyningwn, “The Social Evil in the Cape Colony, 1868-1902: Prostitution and the Contagious Disease Acts,” *Journal of Southern African Studies* 10 No. 2 (Apr. 1984): 170-194.

<sup>122</sup> Phillipa Levine, *Prostitution, Race, and Politics: Policing Venereal Disease in the British Empire* (New York: Routledge, 2003), chapter 2.

market for the former abolitionists among the anti-licensing movement. In the eyes of Northern moral reformers, aside from the feminist section, coverture could theoretically be justified under contract theory due to a woman's freedom to assess her suitors and select from among them her husband in much the same way a laborer theoretically chose to sell their labor to the highest bidder. In practice this freedom rang hollow, with mitigating economic circumstances almost always influencing the process to the detriment of the woman and the laborer. Licensing completely undermined this weak justification by "hedging the freedom of sellers but not buyers, defining women as a separate and unequal class" that not only defied laissez-faire economic theory but also starkly highlighted the parallel between bondswomen and prostitutes.<sup>123</sup>

There are conflicting reports regarding exactly how long the medical examinations required by the city's licensing ordinance occurred. The time period from December 1889 when the Callaghan administration passed the ordinance through February 1890 when Emelia Garza overturned the ordinance in appeal's court was barely three months. However, the only record containing statistics of these inspections is a contemporary monograph on municipal sanitation that gives a conflicting account. Charles V. Chapin, the Superintendent of Health for Providence, Rhode Island, stated that during the "ten months" that the ordinance was in effect the city physician "examined each prostitute weekly."<sup>124</sup> Cross-referencing Chapin's claim with section five of the civic ordinance, housed in the collections of the San Antonio municipal archives,

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<sup>123</sup> Stanley, *From Marriage to Contract*, 254.

<sup>124</sup> Charles V. Chapin, *Municipal Sanitation in the United States* (Providence: The Providence Press, 1901), 526.

confirms that the city physician or his assistant were required by law to “make careful inspection of all the keepers and inmates of the various bawdy houses...and to repeat such inspection of said persons weekly.”<sup>125</sup> Accordingly, it is logical to conclude that the “ten months” mentioned in Chapin’s monograph is erroneous and should have been listed as ten weeks. Nonetheless, San Antonio’s many prostitutes found themselves subjected to onerous and invasive medical exams.

The associated statistics provided by Chapin regarding the city physician’s medical examinations provided further support that the ordinance was in effect for ten weeks rather than ten months. Chapin reported that “2886 examinations were made of 230 women, and forty-two cases of venereal disease were discovered” during the time that civic officials enforced the ordinance.<sup>126</sup> Accordingly, the average number of times that women who sold sex endured medical examinations for venereal diseases broke down to 12.54 times. Taking into consideration that both the actual ordinance and Chapin’s monograph stated that the examinations occurred on a weekly basis, this roughly coincides with a ten-week period, especially since the ordinance required an inspection “when they [women who sold sex] applied for a license” in addition to every week thereafter. In other words, Dr. Julius Braunnagel as city physician inspected the bodies of 230 women who sold sex for signs of venereal disease on a weekly basis for over two months. To add insult to injury, the ordinance enjoined these women to pay the

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<sup>125</sup> “An Ordinance to Suppress and Restrain Bawdy Houses within the Limits of the City of San Antonio,” 268. [Box # 10091577, Book H, 1888-1890], Office of the City Clerk, Council Journal and Minutes of Commissioners, 1837-Present, Municipal Archives and Records, City of San Antonio, Office of the City Clerk.

<sup>126</sup> Chapin, *Municipal Sanitation in the United States*, 526.

city for non-consensual contact that was mandated by law and enforced by the carceral power of the city's police force.<sup>127</sup>

Women who sold sex in regulated zones vehemently opposed and resisted the forced medical examinations that government officials demanded as part of their licensing systems. In the late nineteenth century there were no medical tests for venereal diseases beyond physical inspections for symptoms. The risk of venereal disease was an unavoidable and incurable occupational hazard to women who sold sex during this time period. Contemporary medical treatment for venereal diseases involved mercury injections that more often than not killed and/or poisoned the patient. The medical exams conducted by government-appointed male doctors were humiliating, invited sexual misconduct, prone to inaccurate diagnoses, and usually carried a small fine that cut into women who sold sex's profits. In San Antonio involuntary medical examinations pushed Garza to take an extraordinary step as a brothel madam to file a writ of habeas corpus against the city and file an appeal in appellate court. Unfortunately due to the loss or destruction of all paperwork involving San Antonio's short lived licensing experiment in 1889 there is currently no method of telling how individual women who sold sex resisted the medical examinations beyond base speculation.<sup>128</sup> Historian Eileen Findlay's examination of involuntary medical inspections of women who sold sex by Puerto Rican

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<sup>127</sup> "An Ordinance to Suppress and Restrain Bawdy Houses within the Limits of the City of San Antonio," 268.

<sup>128</sup> Inquiries to the Office of the City Clerk and San Antonio Spanish Archives about what happened to the 1889 licensing and medical examination paperwork were inconclusive. San Antonio's archivists could not definitively say what happened to the records beyond speculating that they might have been destroyed in one of the city's many floods. The statistics reported by Chapin in his monograph clearly indicate that the records did exist and that the city physician Dr. Julius Braunnagel presumably shared the data he collected with colleagues. Perhaps an inquiry into Dr. Braunnagel's estate might prove fruitful?

officials in the 1890s revealed that many of these women refused to register or circulated “counterfeit passbooks...to avoid the hated exams.” Following World War I Puerto Rican women infected with venereal diseases from selling sex rioted inside the forced treatment “hospitals” they were incarcerated in by municipal officials.<sup>129</sup>

During the ten weeks that licensing ordinance was in effect, the Callaghan administration through fines collected an immense amount of revenue from women who sold sex in the city’s brothels. In addition to the five-hundred-dollar licensing fee that the city clerk required brothel madams to pay to receive their permits, the city physician levied an additional charge for the mandatory medical examinations. The ordinance stated that the city physician or his assistant “for each and every inspection, made under this ordinance...shall collect from the person or inspected the sum of one dollar.”<sup>130</sup> Accordingly, this means that the Callaghan administration collected \$2886 in medical exam fees alone, not even counting the five-hundred-dollar license fee per brothel. To put this in perspective, Amy Balderach in her examination of Waco’s licensing of their red-light district noted that in 1891 “prostitutes paid the city \$1,253.65 (today: more than \$25,000).”<sup>131</sup> Accordingly, Dr. Braunnagel collected in ten weeks from medical exams fees alone more than double the fines collected by Waco’s civic officials for an entire year.

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<sup>129</sup> Eileen Findlay, *Imposing Decency: The Politics of Sexuality and Race in Puerto Rico, 1870-1920* (Durham: Duke University Press, 1999), 93 and 190.

<sup>130</sup> Ibid.

<sup>131</sup> Balderach, “A Different Kind of Reservation,” 94.

There was a significant discrepancy between the statistics of venereal examinations reported by Chapin and the official count provided by Dr. Braunnagel. The city physician reported that he conducted 316 examinations of 65 “licensed inmates,” during which he discovered 15 instances of venereal disease.<sup>132</sup> By cross referencing the amount of income these two different reports would have generated the city in tax dollars, it becomes evident that Chapin’s statistics were correct and that Dr. Braunnagel’s numbers were severely underreported. The Callaghan administration in its fiscal report for the 1889-1890 year reported that from the \$30,717.95 it collected in occupation tax revenue, approximately \$4750 was collected under the “new ordinance licensing the keeping of gaming establishments and bawdy houses.”<sup>133</sup> Setting aside the medical exam fees, this officially reported number allegedly comprised the five-hundred-dollar per license fee from both the city’s brothels and its gambling halls combined. Factoring in the city’s claimed income and accounting only for brothels, this official figure indicates that there were no more than ten such establishments in the entire city, a frankly ludicrous statement cleverly disguised by bureaucratic paperwork. To give some context, the *San Antonio Light* reported in 1885 that there were at least thirteen verifiable brothels operating within the city.<sup>134</sup>

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<sup>132</sup> Bryan Callaghan, *Annual Message of the Honorable Bryan, Mayor of the City of San Antonio, and Reports of the City Officers for Fiscal Year Ending Feb. 28, 1890* (San Antonio: Johnson Brothers, 1890), 57. Dr. Braunnagel reported that he discovered five cases of Gonorrhea, six cases of Chancres (a sore that usually indicates the onset of Syphilis, and four cases of Chancroids (a bacterial STD marked by genital ulcers that gradually cause necrosis).

<sup>133</sup> Callaghan, *Annual Message*, Section D Annual Report of the City Collector

<sup>134</sup> See “Recorder’s Court,” *The San Antonio Light*, Jan. 26, 1885, 1; “Two Girls,” *The San Antonio Light*, Mar. 9, 1885, 1; “Arrested for Theft,” *The San Antonio Light*, Mar. 14, 1885, 1; “Rays of Light,” *The San Antonio Light*, May 6, 1885, 4; “District Court,” *The San Antonio Light*, June 23, 1885, 4; “Love and Jealousy,” *The San Antonio Light*, July 14, 1885, 1; “Too Much Noise,” *The San Antonio Light*, July 30, 1885, 1; “Fire at a Bagnio,” *The San Antonio Light*, Nov. 10, 1885, 4; “Exciting Runaway,” *The San*

At its heart the debate over licensing raised fundamental questions over the nature of American capitalism in conjunction to the nation's morals. In a truly laissez-faire capitalist society, the civic, state, and federal government in theory should hold a hands-off approach to regulating the market. Civic dialogue and condemnation over vagrancy in relation to a woman's lack of the right to publicly sell her body as a commodity outside of marriage and dude's inability to pursue a life of leisure outside of wage labor, however, revealed one gendered limitation among many to the capitalist promise of freedom to contract during the Gilded Age. Women's sex work outside of the marriage bed, especially in cases where civic officials replaced the husband in monopolizing access to women's bodies in exchange for their livelihood, highlighted the deeply paradoxical nature between prostitution and marriage for women in an industrial society defined by the sacrosanctity of contract regardless of the human costs.

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*Antonio Light*, Nov. 26, 1885, 1. Due to the destruction of the 1890 census, I instead cross-referenced archived newspaper articles to determine a conservative estimate for the number of San Antonio's brothels operating in the late 1880s.

#### **4. THE PROGRESSIVE WAR ON PROPERTY: ARTICLES 4689 AND 4690 AS RED-LIGHT INJUNCTION LAWS IN 1910s SAN ANTONIO**

The year 1907 was a transformative year for Texas politics at the state level towards a progressive agenda. Governor Samuel Lanham (1903-1907), the last confederate veteran to hold the office of state governor and whose abdication marked a generational shift at the state political level away from the Civil War generation, abdicated the position to Thomas Campbell (1907-1911). Governor Campbell was a protégé of reform minded ex-Governor James Hogg (1891-1895) and represented the progressive wing of the Texas Democratic Party. The Thirtieth Texas Legislature (1907) that Campbell presided over was in the words of Populist historian Worth Miller the “most reform minded legislature in Texas history.”<sup>135</sup> Accordingly that year the Texas legislature passed two articles that transferred policing power against property owned and used by women who sold sex from civic officials to the general public: articles 4689 and 4690. Article 4689 empowered Texas residents to bring legal injunctions against property owners who owned or leased brothels in Texas’ cities. Article 4690 broadened the scope of eligibility for filing injunctions by removing the previously required burden of proof that required filers of injunctions to legally prove that a property being used as a brothel was a public nuisance.

The aim of this chapter is to show that progressive reformers in San Antonio were composed of white middle-class and elite residents who opposed Bryan Callaghan’s multi-racial working-class political machine seized onto vice reform as a way to moralize

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<sup>135</sup> Worth Robert Miller, “Building a Progressive Coalition in Texas: The Populist-Reform Democratic Rapprochement, 1900-1907,” *The Journal of Southern History* 52 No. 2 (May 1986): 163.



San Antonio's streets while also undercutting the political and economic ties between the vice district, police, and the political machine. Particularly relevant was the new tools offered by Articles 4689 and 4690 that empowered civically-minded residents to shut down brothels. Equally important were arguments about protecting the virility and fitness of U.S. soldiers garrisoned in and passing through San Antonio in the 1910s in response to anxiety over the Mexican Revolution spilling over the border, and in greater numbers after 1917 when the United States entered World War I.

These Texas articles that targeted property, the physical spaces wherein women sold sex, reflected national trends by Progressives campaigning against organized vice. Around the turn of the twentieth century middle-class white Americans reimagined women who sold sex from morally and socially-degraded women into white slaves, from vagrant into victim. This "cross-boundary identification undermined the district's value as a physical and figurative boundary-line," as historian Peter Hennigan argued, and motivated Progressive reformers to attack the red-light districts themselves. Pressure from progressive lobbying motivated state legislatures to pass "Red-Light Abatement" laws that "expanded statutorily who had standing" to file injunctions against houses of prostitution as public nuisances by "eliminating the common law requirement that a private individual show special injury."<sup>136</sup>

Article 4689 specified that injunctions could be brought against bawdy houses at the "suit of either the state or any citizen thereof." In practice these injunctions usually

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<sup>136</sup> Peter Hennigan, "Property War: Prostitution, Red-Light Districts, and the Transformation of Public Nuisance Law in the Progressive Era," *Yale Journal of Law and the Humanities* 16 No. 1 (Jan. 2004): 126-127.

played out in court with a man representing a progressive civic league suing a woman who owned property being used or leased as a brothel. Red-Light injunction laws represented a massive expansion of men and women who could enforce police power not only against women's behavior in public but also their chosen economic livelihood. This power dynamic was further slanted in favor of the male accuser by the successive Article 4690, which waived the burden of proof for personal damages caused by the brothel's operation. By specifying that any "citizen shall not be required to show that he is personally injured by the acts complained off," Article 4690 effectively removed any limitations on the number of properties that could be placed under legal injunction while placing the burden of proof solely on the shoulders of the property owner, frequently a woman, as the defendant.<sup>137</sup>

Although Articles 4689 and 4690 represented a massive expansion of police power against women who sold sex, it also marked a transition of that power away from the state towards the populace in accordance with progressive ideology. In a similar vein to their views on industrial capitalism, progressives believed in the carceral power of the police but felt that corruption from within undermined the system. Progressive fears of the perceived white slave traffic fueled their distrust of municipal governments and especially police bureaucracy as rife with corruption. Anti-vice committees in cities across the United States, as historian Ruth Rosen noted, expressed their beliefs that the "traffic is more or less connected with local political conditions and the police...are either

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<sup>137</sup> *Revised Civil Statutes of the State of Texas: Laws Adopted at the Regular Session of the Thirty Second Legislature* (Austin, Austin Printing Company, 1911), 954-955. Note that Article 4690 was written with the underlying assumption that men and not women would be the ones invoking this statute.

implicated or else helpless to assist.”<sup>138</sup> In the progressive worldview municipal governments were at best incapable of effectively fighting organized vice or at worst in active collaboration with said criminals. Accordingly, their support for a system which economically exploited and systematically incarcerated women who sold sex went hand in hand with their attempts to curb the worst excesses of municipal government’s abuse of vagrancy statutes against said women by democratizing the police powers of the state.

### **Municipal Reform - Progressives v. Boss Politics**

In their crusade against organized vice Progressive reformers championed a growing public sentiment towards reorganizing civic government. Determined to mitigate the corruptive relationship between red-light districts and municipal governments, especially those run by political machines, progressives embraced injunction laws as a democratic solution to political corruption.<sup>139</sup> Progressive lobbying at the state level enabled the passage of red-light injunction laws and provided a path for citizen participation in municipal reform that paradoxically bypassed the municipal vote. Progressives justified this democratic juxtaposition by pointing to the undemocratic nature of political machines that bought votes primarily from immigrants. This dynamic was especially significant in San Antonio because the Callaghan political machine relied not only on immigrants but also African American votes to maintain its grip on municipal power until Callaghan died in office in 1912. “The defection of black voters” away from the Republican Party to the Callaghan political machine, as Kenneth Mason noted,

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<sup>138</sup> Ruth Rosen, *The Lost Sisterhood: Prostitution in America, 1900-1918* (Baltimore: John Hopkins University Press, 1982), 118.

<sup>139</sup> Mara Keire, *For Business and Pleasure: Red-Light Districts and the Regulation of Vice in the United States, 1890-1933* (Baltimore: John Hopkins University Press, 2010), 86.

“changed the nature of politics in the city” away from the Democratic-Republican binary that existed elsewhere in the State.<sup>140</sup> Consequently, Texas boss politics’ reliance on the immigrant vote added a nativist dimension to progressive red-light injunction laws.

The reliance of the Callaghan machine on immigrant and African American voters revealed a more nuanced Progressive identity reflected in red-light injunction laws beyond just cleaning up vice and reforming municipal government. The clash between Progressives and political bosses in San Antonio carried clear racial and gendered undertones. Progressives represented a white, middle-class masculinity that emphasized political participation by the general public alongside a white heteronormative axis. In this context machine politics represented not just political but also social corruption. Progressives leaders such as Theodore Roosevelt and Jacob Riis expressed this paradigm of race and gender as a crisis of masculinity that created the notion of race suicide, the idea that the Protestant white race was in danger of dying out due to a loss of masculinity compared to immigrant and African American men. Roosevelt and Riis viewed political machines and the immigrant, working-class voting men who supported them in paradoxical terms as both manly and unmanly, exploiters and victims of the capitalist system, American but still foreign, white but not the right kind of white. This paradox, as Kevin Murphy argued in his examination of political masculinity in the Progressive Era, revealed “more about middle-class anxieties concerning class conflict and changing gender relations than...the lives of immigrant men.”<sup>141</sup>

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<sup>140</sup> Kenneth Mason, *African Americans and Race Relations in San Antonio, Texas, 1867-1937* (New York: Garland Publishing Inc., 1998), 111.

<sup>141</sup> Kevin Murphy, *Political Manhood: Redbloods, Mollycoddles, and the Politics of Progressive Era Reform* (New York: Columbia University Press, 2008), 84.

In San Antonio this clash between Progressivism and machine politics was uniquely reminiscent of cities outside the South because the city's large immigrant population supported the only independent political machine in Texas during the turn of the twentieth century. Unlike boss politics in other Texas cities and counties that funneled Mexican American votes into the Democratic party, the Callaghan machine in San Antonio ran on an independent ticket.<sup>142</sup> Although Callaghan initially relied on local Democratic support during the 1880s by 1890 his political machine was "independent of both the Old Guard and the county Democratic machine."<sup>143</sup> Callaghan's success as an independent boss politician relied upon the support of San Antonio's uniquely large immigrant population. The 1890 census reported that of San Antonio's 37,673 residents (Anglo and African American) 18,820 were native born and 18,853 were of foreign born parentage. In other words 50 percent of San Antonio's Population in 1890 were immigrants or the children of immigrants. In contrast, Dallas with a reported population of 38,067 held 8,042 citizens with foreign born parents, or roughly 22 percent of the city's population. Houston similarly reported 6,903 residents with foreign born parents out of a total 27,557 residents, which was roughly 25 percent of the city's population.<sup>144</sup>

San Antonio's large immigrant population, coupled with its thriving red-light district, placed it at the center of the federal government's burgeoning efforts to monitor

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<sup>142</sup> For more on Democratic boss politics in Texas during the late 19th century, see Evan Anders "The Origins of the Parr Machine in Duval County Texas," *The Southwestern Historical Quarterly* 85 No. 2 (Oct. 1981): 119-138.

<sup>143</sup> Randall Waller "The Callaghan Machine and San Antonio Politics, 1885-1912" (M.A. Thesis, Texas Tech University, 1973), 62.

<sup>144</sup> *Compendium of the Eleventh Census, 1890 Part III* (Washington D.C.: Government Printing Office, 1892), 112.

and restrict immigration during the early twentieth century. The Bureau of Immigration, developed in the wake of earlier immigration legislation focused on controlling Chinese immigration in 1875, 1882, and 1891, appointed Frank Stone as the main immigration inspector for Texas. Stone was based out of San Antonio, and his job reflected the gendered assumptions and fears of Anglo middle to upper-class Protestants held about immigrants. The Paige and Chinese Exclusion Acts “reified the notion that immigrants imported social problems like prostitution and sex trafficking” that produced as Jessica Pliley argued a “gendered use of the term *slavery*” that synonymized non-Anglo immigration with commercialized sex trafficking around the turn of the twentieth century.<sup>145</sup> Accordingly immigration inspectors like Stone utilized gendered assumptions of European and Mexican American immigrant women as predisposed towards selling sex to attempt to secure the cooperation of dubiously cooperative police departments to secure deportations. For example Stone noted in a 1909 letter to his boss Commissioner General Daniel Keefe that after interviewing Esperanza Rodriguez on suspicion of selling sex the women fled Fort Worth by train for San Antonio. Lacking an arrest warrant, Stone noted that having made prior arrangements with the Fort Worth police chief he “endeavoured to have her “Vagued.”” Stone’s efforts to have Rodriguez jailed by the police as a vagrant to restrain her movement while he secured a warrant failed when he was unable to locate the police chief and the desk sergeant on duty refused his request.<sup>146</sup>

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<sup>145</sup> Jessica Pliley, *Policing Sexuality: The Mann Act and the Making of the FBI* (Cambridge: Harvard University Press, 2014), 19.

<sup>146</sup> Frank R. Stone to Commissioner General Daniel Keefe, July 22, 1909. Records of the Immigration and Naturalization Service, Series A:Subject Correspondence Files, Part 5: Prostitution and White Slavery, 1902-1933, case file 52484/8-B.

Nonetheless, due to its unique immigrant population and the presence of the Immigration Bureau, politics of race and nativity shaped Progressive reform in San Antonio.

The tension between Progressive reformers and the Callaghan machine boiled over into public conflict in September 1910 over a property dispute between the Mayor's office and the Salvation Army. The ensuing legal battle raised questions over the legal limits of vagrancy as a permanent or present condition for women who sold sex in the Progressive Era. The Salvation Army applied to the city for a building permit in order to begin construction on a rescue home for women who formerly sold sex. The Callaghan administration opposed this construction because the proposed building abutted the North side of Brackenridge Park, a popular public park frequently patronized by the city's middle and upper-class. Essentially Mayor Callaghan and his patronage council were embarrassed by the very public location of the Salvation Army's rescue home, and presumably also felt threatened by the Salvation Army's desire to break the status quo of segregated vice. The Callaghan machine derived the majority of its political and economic power from liquor interests ranging from working-class German and Mexican American voters, saloon keepers, and brewers, all of whom held close economic ties to the city's sexual economy.

Alcohol, sex, and gambling were the cornerstones of vice in turn of the twentieth century San Antonio, and they were all financially interwoven with each other. Saloons were key spaces of working-class political organization that the Callaghan machine relied upon to forge patronage relationships with non-Anglo voters, and alcohol was a time-honored cornerstone in the rituals tying masculinity to political participation throughout America. Saloon owners, as Randall Waller noted, "formed a vital link in the Callaghan

armor” and served as centers of political organization tied to financial patronage. In 1897 the *San Antonio Daily Express* reported that saloon and beer garden proprietors routinely filed “application[s] to have [political] meetings in his place” not only for the routine sales these meeting generated but because the Callaghan men were “supposed to buy from the proprietor a stated amount of beer or whiskey in addition to the sales over the bar.”<sup>147</sup>

When viewed in this manner, the leap in logic taken by the Callaghan machine to view the Salvation’s Army’s planned rescue home for women who formerly sold sex as a threat to their political and financial foundation is more readily understandable. The political axiom of individuals in power giving an inch will encourage malcontents to take a mile is a timeless one. Consequently the Callaghan administration denied the Salvation Army a building permit, and escalated the situation by hastily passing a civic ordinance making it illegal to “erect within the corporate limits of the city of San Antonio any building...for the gathering, care, or reform of...vagrants.”<sup>148</sup> Predictably the Salvation Army sued the city of San Antonio in response to the Callaghan administration's bureaucratic obstruction.

Ostensibly the key issue at stake in this trial was the question of whether vagrancy was a temporary or permanent condition under the eyes of the law. Presiding Judge Author W. Seeligson unequivocally decided that vagrancy when applied to “common prostitutes” was not a permanent status and solely depended on said women’s selling of

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<sup>147</sup> Waller, “The Callaghan Machine,” 70-71. *San Antonio Daily Express*, Jan. 27, 1897, 1.

<sup>148</sup> City of San Antonio et al v. Salvation Army, 1910 Texas Appellate in *The Southwestern Reporter* Vol 127, 863.



sex as a present state of livelihood. He emphatically declared that “[vagrancy] can be applied only to those persons who meet the description at the time that a charge is made.” Distinctly unamused at having to address the seventeen assignments of error filed by the Callaghan administration over a case with in his view an undeniable onus of civic graft browbeating a charitable organization, Judge Seeligson specifically included his chastisement of Mayor Callaghan in the court record. He pointedly reminded the court that it was not the “policy of the law to throw obstacles in the path of reformation,” and further denounced any attempts to “relentlessly pursue” former criminals who expressed a “desire for reformation.”<sup>149</sup>

Judge Seeligson’s comments struck at the heart of middle and upper-class white shifting of attitudes towards women who sold sex from criminals to victims. Prior to the Progressive Era, elites viewed women who sold sex with clear disdain as morally degraded women whose bodies spread venereal disease and perverted the contract of marriage and free labor as Amy Dru Stanley insightfully articulated.<sup>150</sup> Informal segregation enforced by police officers within red-light districts alongside gambling and other forms of organized vice was the commonly accepted response by municipal authorities throughout the United States. Progressives reimagined prostitution from a crime committed by white women selling sex to a crime committed by purveyors deceiving white women into selling sex. Drawing upon Victorian “themes of seduction and abandonment” that dominated popular literature of their parents’ generation,

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<sup>149</sup> *City of San Antonio v. Salvation Army*, 863.

<sup>150</sup> Amy Dru Stanley, *From Bondage to Contract: Wage Labor, Marriage, and the Market in the Age of Slave Emancipation* (New York: Cambridge University Press, 1998) chapter six.

progressives popularized “reform stereotypes of prostitutes as seduced and victimized “fallen” women.” In her study of Women’s Christian Temperance Union (WCTU) run home in late 1880s Denver for unmarried women, Peggy Pascoe observed that the staff hesitated to label residents as immoral. Drawing upon the idea that women were “naturally pure,” matrons argued that women “who had “fallen” must be victims rather than perpetrators” to absolve them from the Victorian stigma against premarital sex.<sup>151</sup>

Judge Seeligson’s diction when explaining the reasoning behind his decision that vagrancy was not a permanent condition revealed clear progressive sympathies. Instead of appealing to legal precedent, he phrased his argument in terms of morality and a faith in the potential of reform. Would it not be preferable in “our boasted civilization,” he openly mused in the court record, to “draw the veil of charity” over women who no longer sold sex while encouraging their expressed desire to improve themselves by seeking a “higher and better life?” He further commented that regardless of how far women who sold sex might have “fallen beneath the true mission of women,” they were nonetheless entitled to the legal protections afforded to all human beings.<sup>152</sup> Judge Seeligson’s belief in the ideal that even women who sold sex were entitled to a certain degree of legal protections from civic misappropriation of vagrancy statutes reflected progressive reformer’s efforts to curb the worst excesses of industrial capitalism while championing the system itself.

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<sup>151</sup> Peggy Pascoe, *Relations of Rescue: The Search for Female Moral Authority in the American West, 1874-1939* (New York: Oxford University Press, 1990), 59-60. See also 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 2001); 5-41 and Catherine Cocks “Rethinking Sexuality in the Progressive Era” *The Journal of the Gilded Age and Progressive Era* 5 No. 2 (Apr. 2006): 93-118.

<sup>152</sup> *City of San Antonio v. Salvation Army*, 863.

## The Campaign Against Red-Lights

During the 1910s the U.S. Army mobilized in Texas due to Anglo anxiety over border violence sparked by the Mexican Revolution. In response the American Social Hygiene Association (ASHA) commissioned investigators to examine the vice conditions along the border with a specific focus on prostitution. The AHSA's vice reports provided the foundation for the U.S. Army's crackdown on vice during World War I.<sup>153</sup>

Progressives believed that unrestricted sex between prostitutes and soldiers would propagate the transmission of venereal diseases and consequentially sabotage U.S. war efforts while undermining American morals and society. Courtney Shah's excellent article on the policing of sexuality in World War 1 San Antonio highlighted this social transformation of women who sold sex from "victims of prostitution [into]... a powerful and dangerous force."<sup>154</sup> Consequently the 1910s were a decade marked by increasingly punitive nationwide progressive campaigns against prostitution that shifted the narrative of women who sold sex from victims back towards criminals, especially for non-white prostitutes.

Accordingly, from 1911 through 1915 various progressive civic organizations in cities across Texas launched a semi-coordinated legal assault against brothel madam's properties and/or individuals who leased to them via Article 4689.<sup>155</sup> In San Antonio the

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<sup>153</sup> See Jessica Pliley, *Policing Sexuality: The Mann Act and the Making of the FBI* (Cambridge: Harvard University Press, 2014), 119; Nancy Bristow, *Making Men Moral: Social Engineering During the Great War* (New York: New York University Press, 1997), 2-3.

<sup>154</sup> Courtney Shah, "'Against Their Own Weakness:' Policing Sexuality and Women in San Antonio Texas during World War 1," *Journal of the History of Sexuality* 19, No. 3(Sept. 2010): 459.

<sup>155</sup> Humphrey, *Prostitution in Texas*, 30-31. To my knowledge, the only existing archival collection dealing with this topic is the Dallas Public Library's Vice Court Records, which detail the North Dallas Improvement League's fight against the city's efforts to establish a licensed red-light district in 1911. See

Law Enforcement League, frustrated by what its members viewed as official indifference to organized vice or worse active abetment at the highest level of civic government, established a Committee of Five in February 1915 to fight vice through the policing power granted by Article 4689.<sup>156</sup> Acting in accordance with their progressive mandate, the Law Enforcement League issued a public notice to San Antonio's brothel leasers and owners that combined a scathing rebuke of their actions with an appeal to reform their immoral livelihood. The League assured the participants in San Antonio's sexual economy that the League fully understood that "we and our fellow citizens are somewhat to blame with you" for the city's flourishing red-light district. Acknowledging that the red-light district operated with the tacit blessing of Mayor Clinton Brown's (1913-1917) administration, the League called for a voluntary retirement of women who sold sex and offered a small grace period before filing injunctions in order to minimize the "social embarrassment and financial loss of prosecution."<sup>157</sup>

The Law Enforcement League's anti-vice campaign was directly supported by and intertwined with the agendas of women's progressive clubs at the state and local level. During the late nineteenth century, the Texas Women's Club movement revolved around the Texas branch of the WCTU but was tempered by a "patriarchal, evangelical culture" that as historian Judith McArthur noted "discouraged the formation of independent women's networks" outside of church organizations overseen by ministers. Accordingly, McArthur observed that after the Texas WCTU followed the lead of the

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MA09-13 District Court - Dallas County - 'Vice Court Records' Dallas History & Archives Division, Dallas Public Library.

<sup>156</sup> "Law Enforcement League to Enjoin Owner and Tenant" *San Antonio Express*, Feb 1, 1915, 12.

<sup>157</sup> "Owners Notified Before Law Action," *San Antonio Express*, Feb. 20, 1915, 5.

national organization and endorsed suffrage in 1888 membership flatlined from 1500 to 539 and remained depressed well into the 1890s.<sup>158</sup> By the 1910s in San Antonio the preeminent women's club focus was on education reform and getting clubwomen elected onto local school boards. Lobbying by the San Antonio Women's Club and Federation succeeded in electing Anna Hertzberg and Jeanette Noyes-Evans to local school boards in 1909, but they were disbarred by political opponents who counter lobbied to have franchisement inserted into board membership requirements (the school district's charter was serendipitously up for reaffirmation that year).<sup>159</sup>

In March 1915 when the Law Enforcement League began their injunction campaign, Progressive women offered their support in cleaning up the city's streets in accordance with Progressive motherhood. Accordingly the *San Antonio Express* reported on a speech made by Texas WCTU President Nanie Webb Curtis at the Gunter Hotel in which she called on San Antonio's residents to "quit being cowards" and pressure Mayor Brown's administration to close the red-light district. Reverend McStravick the president of the Law Enforcement League introduced WCTU president Curtis to an audience of notable progressive women's groups which included the Equal Suffrage Society, the Women's Club, the Playground Association, and the Council of Mothers. Mrs. Curtis' speech primarily railed against the findings of a grand jury report on vice conditions in

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<sup>158</sup> Judith McArthur, *Creating the New Woman: The Rise of Southern Women's Progressive Culture in Texas, 1893-1918* (Chicago: University of Illinois Press, 1998), 7-8.

<sup>159</sup> McArthur, *Creating the New Woman*, 71-71.

San Antonio, which found that many of the city's women "openly favored the segregated district for fear of social ostracism."<sup>160</sup>

Texas WCTU President Curtis concluded her speech by urging women to take up the power of injunction in a similar manner to her and other progressive women's leaders calls for women to take up the power of the ballot. "You have the power" she declared to force the city's police and aldermen to do their jobs, as well as evict the brothel madams and the women who sold sex in their establishments "if you only have the grit." Considering her pedigree as a "old-fashioned pulpit orator...focused on moral crusading," Curtis' simultaneous condemnation and appeal to San Antonio's residents reflected the strong evangelist influence that permeated the WCTU.<sup>161</sup> In this instance the state outsourced police power established by Article 4689 was co-opted by progressive women as a rallying point to fight vice and call for democracy in the form of votes for white women.

Curtis' hitching of suffrage to the political power granted by injunctions to attack the property of brothel madams ironically reflected the strong white middle-class protestant values that linked women's involvement in progressive reform and the suffrage movement. It also revealed the limitations of progressive reimagining of women who sold sex from criminals to victims. Progressives like Curtis viewed brothel madams as criminals whose business providing a space where men could purchase sex from women fueled their paranoia about white slavery and the trafficking of vulnerable young white

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<sup>160</sup> "Assails Citizens for Cowardice in Campaign on Vice," *San Antonio Express*, Mar. 3, 1915, 16.

<sup>161</sup> McArthur, *Creating the New Woman*, 117.

women. In the progressive club women's worldview madams were never victims and, in many ways, represented the socially corruptive antithesis of the progressive matron. In the progressive mind brothel madams preyed upon vulnerable young women and often collaborated with purveyors to socially and physically corrupt naive young white women who sought respectable employment. Popular tales of white slavery that emerged in the 1910s such as *Traffic in Souls*, which prominently featured a brothel madam as a chief antagonist alongside purveyor of flesh Bill Bradshaw, reflected Progressive fears as middle-class white Protestants of changing social norms about dating that were prominently on display in American's cities.<sup>162</sup>

At the national level, progressive interest in San Antonio focus mainly around the issue of child labor, which quickly became connected to public concerns about the vice conditions found in red-light districts. Lewis Hine, working as an investigative reporter for the National Child Labor Committee as part of the effort to pass a national child labor law, included San Antonio in his tour of the nation's child labor conditions. In San Antonio he interviewed newspaper boys such as Raymond Miller and Lionel Perry, aged six and nine respectively, who found a steady supply of customers from soldiers traveling to and from the city's red-light district while hawking their wares on downtown San Antonio's street corners.<sup>163</sup> Messenger boys were routinely employed by Anglo,

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<sup>162</sup> *Traffic in Souls*, directed by George Tucker (New York: Universal Studios, 1913), film. See also Katie Johnson, *Sister's in Sin: Brothel Drama in America, 1900-1920* (Cambridge: Cambridge University Press, 2006), 120-121.

<sup>163</sup> Lewis Hine, *Lionel Perry, nine year old newsboy. Starts out at 5:00 A.M. usually. 4:00 A.M. on Sundays. Sells after school. Location: San Antonio, Texas, October 1913, LOT 7480, vol. 3, no. 3560 [P&P]; Six year old newsboy. Raymond Miller. Many of these here ranging from five to ten years old. Location: San Antonio, Texas, October 1913, LOT 7480, vol. 3, no. 3564 [P&P]*, Library of Congress Prints and Photographs Division, Washington, D.C.

African, Mexican, and Asian American women who sold sex to deliver alcohol and drugs to them in the red-light district's brothels and cribs. Fifteen-year-old Preston De Costa, who worked as messenger number three for the Bellevue Messenger Service, routinely delivered notes back and forth between women who sold sex and pimps who profited from sexual labor through violence and intimidation. Preston proudly boasted when talking about his job with Hine during an interview that "a lot of these girls are my regular customers."<sup>164</sup>

Messenger boys like Preston navigated both public and private spaces of varying degrees of respectability as part of their employment. Hine noted that on the October day in 1913 when he accompanied Preston on his job that the boy was "carrying notes back and forth between a prostitute in jail and a pimp in the Red Light."<sup>165</sup> In addition to the communal holding cells of the city jail, which would have necessitated contact with both police officers and other women arrested as vagrants, messenger boys also routinely were sent to drug stores and saloons to pick up and deliver goods. Some women who sold sex in San Antonio developed close working relationships with the messenger boys that they employed. Preston was entrusted by several women who sold sex with taking money to the bank for them and allowed him to take photographs of them inside the rooms they worked in.<sup>166</sup> The experiences of boys like Preston demonstrated to Progressive reformers that prostitution posed a broader public danger than just forming the site for venereal

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<sup>164</sup> Lewis Hine, *Preston De Costa, fifteen year old Messenger #3 for Bellevue Messenger Service*, October 1913, LOT 7480, vol. 3, no. 3568 [P&P], Library of Congress Prints and Photographs Division, Washington, D.C.

<sup>165</sup> Hine, *Preston de Costa*

<sup>166</sup> Hine, *Preston de Costa*



disease transmission; exposing youth, and young men in particular, to vicious habits posed a danger to the development of healthy citizens. The idea that the general public, and youth in particular, needed to be shielded from witnessing prostitution and other social ills was the main impetus behind the nineteenth century practice of physically segregating red-light districts. To “witness the public erotic was inviting corruption,” as David Monod explained about nineteenth century views on the corruptive nature of vice, and “produced a sensual response that was destructive of morality.”<sup>167</sup> Young men like Preston’s eyewitness contact with the illicit world of commercialized sex infuriated Progressives and provided a moral impetus to shutdown red-light districts through abatement laws to ensure to moral development of masculine citizenship following the Progressive model outlined by historian Kevin Murphy.

Weasley Peacock, the principal of a local military academy for young boys, led the Law Enforcement League’s first case in their campaign to shut down San Antonio’s red-light district. Peacock used Article 4689 to file an injunction against Brothel Madam Maud Campbell, accusing her of running or leasing four properties in the city as brothels.<sup>168</sup> Campbell appealed the injunctions, asserting that the properties in question resided within a “designated district” of San Antonio specifically reserved for running brothels through the “acquiescence and consent and knowledge” of the Brown administration. Accordingly, she claimed that although there was not a specific ordinance legalizing the selling of sex within a so-called segregated district, “having been so done

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<sup>167</sup> David Monod “The Eyes of Anna Held: Sex and Sight in the Progressive Era” *The Journal of the Gilded Age and Progressive Era* 10 No. 3 (July 2011): 307. See also Murphy, *Political Manhood*.

<sup>168</sup> “Injunction Case is Heard,” *San Antonio Express*, Mar. 19, 1915, 9.

the same is just as binding” as if an ordinance had been passed. Essentially Campbell argued that because civic officials turned a blind eye to the red-light district, their negligence in effect constituted a form of tacit approval which in turn conveyed legal officialization. She also attacked the constitutional validity of Article 4689 by claiming that the power of injunction it granted clashed with the power granted by charter to other Texas cities to regulate vice. To conclude her appeal Campbell countersued Peacock for defamation, claiming that she had been living a “virtuous and upright life” while “conducting herself in a ladylike manner.” Evidently by 1915 Campbell was either a retired madam who either leased her property to or outsourced the day to day running of her brothels to other madams.<sup>169</sup>

The appellate court dismissed Campbell’s defense on the basis that there was no formally legalized prostitution in San Antonio. In the eyes of the law, any supposed tolerance for women who sold sex by the Brown administration was irrelevant in the absence of any binding legal statute. The court specifically noted that there was no need to address any legal conflict between vice regulation in other Texas cities with Article 4689 because “San Antonio has no such reservation” despite the repeated references to its existence in contemporary newspaper articles. Unsatisfied with merely rejecting Campbell’s legal defense, the court openly chastised her in the record for claiming constitutional protection against the sweeping policing powers conveyed by Article 4689.

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<sup>169</sup> Peacock v. Campbell 176 S.W. 774 (Texas Civ. App. 1915)

“The courts of the country will not be led by an apotheosis of liberty to conjure imaginary constitutional rights to protect criminals...”<sup>170</sup>

In addition to his appeal to the tenants of progressive ideology, Peacock made no effort to hide the fact that his invocation of Article 4689 carried a clear element of economic self-interest. In an open letter published in 1916 in the *Journal of Social Hygiene*, Peacock feuded with the Mayor of Houston regarding the transmission of venereal diseases from Houston’s protected red-light district. Peacock was incensed that perspective and returning students from his military academy escaping to Houston for the weekend through the railroad were being “tempted and ruined” by intimate relations with Houston’s sex workers.<sup>171</sup> Beyond the moral reprehensibility of Houston officials’ indifference towards and in many instances active abetment of organized vice in their city, Peacock also specifically condemned them for damaging him monetarily. Houston’s red-light district has “not let me [or] my business alone” charged Peacock, who lamented that he had been forced in recent years to dismiss more students than could be counted “on the fingers of both hands” due to their contracting venereal diseases.<sup>172</sup> Nights spent in “drunkenness and debauchery” between Houston’s sex workers and San Antonio’s young men had in Peacock’s opinion directly “caused me the loss of boys and business.”<sup>173</sup>

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<sup>170</sup> Peacock v. Campbell 176 S.W. 774 (Texas Civ. App. 1915)

<sup>171</sup> Wesley Peacock, “An Open Letter,” *Journal of Social Hygiene* Vol. 3 (1916-1917): 110.

<sup>172</sup> Peacock, “An Open Letter,” 110.

<sup>173</sup> Peacock, “An Open Letter,” 112.

Peacock's and Campbell's businesses were in direct competition for San Antonio's young men. In this case, Peacock's utilization of the policing power granted by Article 4689 served not only to advance his progressive agenda but also his own finances. By filing injunctions against Campbell's properties, Peacock crippled a direct economic competitor to his military academy while depriving Campbell of her means of financial independence. In this manner progressive ideology justified the stripping of economic security and freedom from women who operated outside the norms of the marriage contract. By claiming indifference and collusion towards vice by civic officials and the general public, progressive men assumed policing power over women who sold sex traditionally reserved for husbands towards their wives and the state towards prostitutes. In an era characterized by crises of masculinity towards women's growing roles in public and the suffrage movement, gendered assumptions of masculinity underwrote progressive policy.

The U.S. mobilization for World War I in 1917 prompted a concerted effort by ASHA at the national level to close red-light districts by enlisting the influence of the U.S. Army to pressure recalcitrant city officials. Army officials and progressives, who during this time period often overlapped as Teddy Roosevelt exemplified, targeted prostitution's high transmission rate of sexually transmitted diseases as a threat to the morality and combat readiness of young American soldiers. As a member of the U.S. military's Commission on Training Camp Activities (CTCA) ASHA pushed a "social hygiene agenda" that incentivized civic cooperation with shutting down red-light districts

with the threat of cutting off federal defense spending to non-compliant cities.<sup>174</sup>

Secretary of War Newton Baker appointed Major Bacom Johnson as his personal spokesperson for the state of Texas and tasked him to investigate vice conditions in major Texas cities to measure compliance with the new rules. The decision of Secretary Baker to pass over El Paso as a possible candidate for construction of an army training camp due to the city's failure to effectively close its red-light district was based on Major Johnson's reports.<sup>175</sup>

Major Johnson's initial impression of San Antonio's red-light district was damning and reflected the political and economic significance of the city's sexual economy. San Antonio's red-light district was, Major Johnson wrote, "one of the largest and worst red-light districts in the country." He was also dismayed to note that "assignation houses, disreputable hotels, and rooming houses" were spilling over the boundaries of the segregated district and could be found in large numbers outside the informally designated vice district located in the city's west side.<sup>176</sup> The response of San Antonio municipal officials determined to protect the city's military funding was a mass crackdown on women who sold sex that mirrored similar campaigns in other military cities across the United States. Federal funding made available by the 1918 Chamberlain-Kahn Act provided further incentive military and municipal police forces to arrest and

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<sup>174</sup> Jessica Pliley, "Prostitution in America," in *Oxford Research Encyclopedia of American History* (Oxford: Oxford University Press, 2018), 20.

<sup>175</sup> Ann Gabbert, "Prostitution and Moral Reform in the Borderlands: El Paso, 1890-1920," *Journal of the History of Sexuality* 12 No. 4 (Oct. 2003): 598-600.

<sup>176</sup> Bascom Johnson, *What Some Communities of the West and Southwest Have Done for the Protection of the Morals and Health of Soldiers and Sailors* (Washington D.C.: War Department Commission on Training Camp Activities, 1917), 6.

concentrate women who sold sex as carriers of venereal diseases.<sup>177</sup> In San Antonio women who sold sex were rounded up by police forces and concentrated within the racially segregated Live Oak Farm, a venereal disease treatment facility and detention center. Faced with increasing pressure from Major Johnson and the thinly veiled threat that the War Department would pull troops out of Fort Sam Houston, by 1918 San Antonio's police force accelerated their arrests and detention of women who sold sex. Historian Courtney Shah noted that the number of arrests for prostitution related charges in Bexar County "more than tripled between November and December 1917, and the increased exponentially throughout early 1918."<sup>178</sup>

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<sup>177</sup> Pliley, "Prostitution in America," 20-21.

<sup>178</sup> Shah, "Against their own Weakness," 471, 477-478.

## 5. CONCLUSION

American's understanding of vagrancy during the Gilded Age was inherently gendered. In addition to the undeniable racial dimension that forcibly solicited African American labor using vagrancy to take advantage of the Thirteenth Amendments' Penal Exclusion Clause, white middle-class and elite municipal official's interactions with women who sold sex revealed a gendered dimension of vagrancy. By identifying common prostitutes based on the number of men they sold sex to, white officials articulated their beliefs that prostitutes became vagrant based on how public their participation in city's sexual economies was as well as the degree to which their selling sex refuted marriage as an institution of social respectability.

Examining the concept of licensing further highlighted Americans' gendered understanding of vagrancy within both feminine and masculine frameworks. By analyzing working-class deviant masculinity through dudes alongside prostitutes as vagrants with markedly different social connotations and consequences, this thesis demonstrated the gendered limitations of contract freedom for men and women in Gilded Age society. Social criticism of the dude lifestyle, one marked by leisure, European fashion, buying sex from and socializing with prostitutes, and the dogged courting of women in public served as a broader social critique of the nascent sporting culture emerging in the late nineteenth century. That American's expressed their anxiety over these social changes in distinctly gendered ways highlighted not only the gender and sexual fluidity of the late nineteenth century, as opposed to the strict heteronormative social axis we live by in the present day, but also how American's understood vagrancy

as an inherently gendered concept that carried distinctly different connotations for men and women that they articulated through notions of social respectability.

Analyzing change over time from the Gilded Age into the Progressive Era as a conflict of modernity, a generational conflict over political power between Gilded Age establishments (boss politics) and progressives as children of the Gilded Age, highlighted the social upheaval of immigration and industrialization on American society during the turn of the twentieth century. Progressive reformers used red-light abatement laws to challenge Gilded Age social conventions that vice could be segregated from society inside informally designated districts. Progressives utilized injunctions against brothel madams as a democratic solution to urban graft while expressing their own gendered ideas regarding how men and women should participate in U.S. politics. By contextualizing the conflict between the Callaghan machine and the Progressive Law Enforcement League as class based, this thesis underscored the gendered understandings and assumptions that characterized both sides world views to the detriment of women who sold sex in San Antonio at the turn of the twentieth century.



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