

Tequileros and Moonshiners: Prohibition in Texas

by Matthew Febre

At the start of national prohibition, the state of Texas found itself in a peculiar position due to its geography. Unlike the United States, Mexico allowed the legal sale of liquor and smugglers capitalized on this new black market. Texas law enforcement faced up against both smugglers from across the Mexican border and native-born moonshiners. However, the law enforcement viewed and dealt with these groups in different ways. While both groups provided alcohol to Americans with a thirst, law enforcement fundamentally viewed Mexican smugglers, or “tequileros,” as violent criminals who were an affront to national sovereignty and security. Law enforcement treated moonshiners much less violently and interactions between them hardly resulted in the same level of death as with tequileros. During Prohibition, law enforcement on the border targeted tequileros fiercely and violently, causing the trade of alcohol across the border to effectively disappear before the end of national prohibition. Moonshiners flourished due to comparatively lax law enforcement, while misfortune caused by the Great Depression pushed many rural people into the illicit trade for survival.

With the ratification of the Eighteenth Amendment to the U.S. Constitution in January 1919, the Texas government quickly followed suit with their prohibition amendment on May 24 of that same year. In the following October, the Texas legislature created an enforcement law that was more sweeping and punitive when compared to the federal Volstead Act, known as the Dean Law.¹ Texas’s prohibition law made personal violations of prohibition a felony, increased the fine, and entailed more prison time.² Governor Neff amended the law further in 1923 to make the very possession of more than one quart of liquor or any material used in the manufacture of liquor evidence of guilt.³ Texas had some of the harshest prohibition laws in the country. Despite these harsh penalties, thousands of Texans violated prohibition laws.

Similar to the rest of the nation, the Texas government faced issues enforcing the prohibition laws. From 1925 to 1931, one study notes that violations of prohibition accounted for 22 percent of all arrests in Texas.⁴ This same study notes that, of those arrested by the end of 1931, the justice system freed 68 percent, jailed 17 percent, and 15 percent of cases remained pending. Prohibition caused the Texas court systems to be flooded with people, and this only covers those individuals caught by the law. Texas

¹ Jeanne Bozzell McCarty, *The Struggle for Sobriety: Protestants and Prohibition in Texas, 1919-1935* (El Paso: Texas Western Press, Univ. of Texas at El Paso, 1980), 7.

² McCarty, *The Struggle for Sobriety*, 7.

³ Ralph W. Steen, *The Twentieth Century Texas*, (Austin, TX: Steck Co., 1942), 232.

⁴ McCarty, *The Struggle for Sobriety*, 13.

had many demographics staunchly opposed to prohibition. For example, German-majority counties voted almost eight to one against national prohibition in 1919, while the remainder of the state supported prohibition approximately four to three.⁵ Similarly, as noted by historian Dr. George T. Díaz, prohibition “conflicted directly with the Mexican-American Catholic majority of South Texas, which had few qualms about drinking and did not see it as wrong.”⁶

In response to the illegality of alcohol, many individuals saw the opportunity to supply a demand and make a lot of money in the process. Importation of liquor from other countries as well as making liquor illegally, also known as moonshining, became common methods for smugglers. Because dry Texas was next door to wet Mexico, the borderlands developed a profitable trade of smuggled liquor. Tequileros, translated to “tequila people” in English, purchased their alcohol legally in Mexico and transported their goods across the border to sell at a significantly higher price to a group of native bootleggers who would then distribute the product. One group of apprehended tequileros claimed that they planned to sell their 550 bottles of tequila to bootleggers for roughly \$1,375 total.⁷ This amount of money roughly equates to \$10,000 per person by modern standards. Prohibition, to the frustration of its advocates, created an incredibly lucrative black market. Even moderately successful tequileros could afford second-hand cars after only two or three trips across the border.⁸

Liquor smugglers and bootleggers of all kinds needed a place to sell their ill-gotten goods. One of the more common places that smugglers would try to sell their goods was in the city of San Antonio. Being the most populous city in Texas, with around 161,000 individuals, made San Antonio an attractive location to sell bootlegged liquor.⁹ The city of San Antonio consistently voted against national prohibition and it stood out as one of the last few wet counties before 1920.¹⁰ San Antonio was an obvious choice for distribution for many smugglers; consequently, it also meant that many individuals got caught making their way to the very lucrative city.

Tequileros provided an assortment of illicit liquors from Mexico despite the assumptions one might get from the name. As noted by El Paso native, Owen P. White, country clubs and golf resorts had a variety of bootlegged Mexican booze, including

⁵ Seth Shepard McKay, *Texas Politics, 1906-1944*, (Lubbock: Texas Tech Press, 1952), 85-86.

⁶ George T. Díaz, *Border Contraband: A History of Smuggling across the Rio Grande* (Austin: University of Texas Press, 2015), 93.

⁷ Díaz, *Border Contraband*, 95-96.

⁸ “Smugglers Active” *Laredo Weekly Times*, February 6, 1921.

⁹ Laurie E Jasinski, “SAN ANTONIO, TX,” *The Handbook of Texas Online*, Texas State Historical Association (TSHA), June 15, 2010, <https://tshaonline.org/handbook/online/articles/hds02>

¹⁰ “Prohibition in the Borderland.” Texas PBS. Accessed November 12, 2019. <https://texaspbs.org/texas-programming/prohibition-in-the-borderland/>.

Cognac.¹¹ The inflated price of alcohol largely excluded poor and lower working-class individuals from imbibing smuggled booze. Yale economist Irving Fisher claimed that in 1928 a quart of corn whiskey cost \$3.95 (up 150 percent from 1916).¹² In Texas, as in the rest of the country, prohibition effectively prevented the poor from enjoying alcohol, but people of wealth could still afford the luxury of liquor, à la *The Great Gatsby*. It is also true that the people who provided alcohol, both Mexicans and native Texans, tended to be poor individuals themselves. The great reward of bootlegging enticed people from impoverished backgrounds.

Tequileros on both sides of the border tended to come from similar rural backgrounds. The business of smuggling attracted both Mexicans and *Tejanos*, Mexican individuals born in Texas. The typical tequilero most likely came from a poor ranching background. These individuals included both professional and novice smugglers, as well as former seditionists from the Mexican Revolution—it is also very likely that some of the five thousand *Tejanos* who fought for the United States during World War I returned to become tequileros.¹³ Nineteen year old Tejano, Francisco Mosqueda, of Laredo, confessed to law enforcement, after being injured during a firefight, that he became a tequilero because he was broke and needed a job.¹⁴

Mexicans tended to work the supply side and *Tejanos* commonly served as guides. Being poor and rural folk dictated the tools of their trade. Instead of the fast cars that would be found in cities like Chicago, tequileros used mules and donkeys as transport vehicles. Donkeys could be trained to wait at watering holes or at home and they could sometimes be taught to make their way by themselves. One example comes from Texas Ranger Jesse Perez and other officers in the Lower Rio Grande Valley. They were frequently frustrated by an animal they dubbed the “Lone Rum-Running Jackass of Starr County,” who could find his way home at night by himself.¹⁵ While there are examples of smugglers using trains or even cars on occasion to transport their goods, tequileros used domesticated animals as their most common means of transportation.

Smugglers made their journeys across the border in the hopes of monetary gain. Whether it be single individuals or larger caravans, tequileros, if successful, had a good chance of making money. However, a horrible specter shadowed these would-be entrepreneurs wherever they went, which would be the downfall of Mexican liquor smuggling. An efficient coalition of law enforcement agencies emerged from the

¹¹ Owen P. White, *Them Was the Days: From El Paso to Prohibition*, (New York: Minton, Balch & Company, 1925), 160-161.

¹² David E. Kyvig, *Repealing National Prohibition*, (Chicago, IL: The University of Chicago Press, 1979).

¹³ George T. Diaz, *Border Contraband*, 96-97.

¹⁴ “Three Die in Fight on Texas Border” *The New York Times*, December 8, 1933.

<https://timesmachine.nytimes.com/timesmachine/1933/12/08/90659060.html?pageNumber=10>

¹⁵ “Lone Jackass Bootlegs Rum Past Mexican Border Guard” *The New York Times*, November 8, 1925.
<https://timesmachine.nytimes.com/timesmachine/1925/11/08/99367116.html?pageNumber=203>

tumultuous 1910s to violently stamp down on the new border enterprise. Law enforcement focused intensely on the Mexican liquor trade in such a punitive and violent manner as to rouse confusion to the average bystander. Texas law enforcement associated tequileros with the violence of the Mexican Revolution and the south Texas Bandit Wars. The most infamous case of violence was the Plan of San Diego, a revolutionary manifesto of violence in south Texas, supposedly written by revolutionary elements in order to incite a revolution. It instead led to the violent deaths of roughly 300 Mexican or Mexican-American individuals between 1915 and 1916.¹⁶ Despite the differences in motive and action, law enforcement associated tequileros with the bandits and outlaws of previous decades.

On top of standard United States law enforcement, the Lone Star State had the venerated institution known as the Texas Rangers. As a result of the Bandit Wars related to the Mexican Revolution, the increased tension of World War I, and the implementation of national prohibition, the Texas Rangers increased in numbers.¹⁷ With the passage of the Dean Law in the 1920s, the Texas Rangers effectively became prohibition officers.¹⁸ The Rangers, so called because of their wide range of operation, had a history of violence against Mexican people. According to the *New York Times* in November 1922, Secretary of State Evans Hughes, at the request of the Mexican government, ordered Texas Governor Neff to provide adequate protection of Mexican citizens and peoples because of increased violence against them.¹⁹ In this same article, it notes that lynchings and other murders became so common that the public found them intolerable. This article notes that local authorities often refused to take action against guilty parties and at times were even guilty themselves. Even after Governor Neff promised to do more to protect Texas's Mexican population, the instances of racial violence, including lynchings, remained common. Law enforcement indifference, even of the famed Texas Rangers, remained common even eight years later.²⁰

The combined efforts of Federal law enforcement, local law officials, and the Rangers created a deadly yet effective anti-smuggling operation. With the end of the Bandit Wars in 1919, the Rangers and other cooperating agencies fully turned their eyes to the smuggling problem. Confrontation between tequileros and Rangers commonly

¹⁶ Coerver and Don M., "PLAN OF SAN DIEGO," *The Handbook of Texas Online*, Texas State Historical Association (TSHA), June 15, 2010, <https://tshaonline.org/handbook/online/articles/ngp04>

¹⁷ Walter Prescott Webb, *The Texas Rangers: A Century of Frontier Defense*, 2d Ed., Austin: University of Texas Press, 1965), 513.

¹⁸ White, *Them Was the Days*, 126.

¹⁹ "Protect Mexicans, Hughes Tells Neff" *The New York Times*, November 17, 1922.

<https://timesmachine.nytimes.com/timesmachine/1922/11/17/99102304.html?pageNumber=7>

²⁰ "Recent Lynchings Laid to Neglect" *The New York Times*, June 2, 1930.

<https://timesmachine.nytimes.com/timesmachine/1930/06/02/96140535.html?pageNumber=16>

came to a head in violent losses of life and property on the part of the smugglers.²¹ According to the Laredo Weekly Times, “probably in all the wide country there is less certainty of capture than along the Mexican border.”²² While smugglers would commonly be armed, they were generally outgunned and underequipped. Law enforcement routinely ambushed or caught smugglers unaware. In one case, four border patrolmen ambushed a caravan of twenty individuals crossing the Rio Grande to successfully push them back.²³ Still, surprisingly few law enforcement officers were ever killed by tequileros. Between 1919 and 1933, tequileros did not kill a single law enforcement officer in the lower Rio Grande borderlands. In that same time frame, mounted American patrols killed nine smugglers.²⁴ However, the general lack of casualties of enforcement agents does seem to be a trend common with the United States. While injuries did occur, on average only nine federal Prohibition agents were killed per year between 1921 and 1929.²⁵ This suggests that bootleggers of all kinds preferred to avoid violence. Tequileros did not seek out violence because it harmed their business, despite the belief to the contrary widely held by law enforcement.

According to Dr. George T. Diaz, “U.S. law enforcement took a much higher toll on tequileros than on their Anglo counterparts, making Prohibition one of the deadliest decades for smuggling.”²⁶ The Rangers viewed tequileros as a danger to national security, so the use of violence was common. Even in non-violent cases, smugglers could still have thousands of dollars’ worth of liquor confiscated. With the possibilities of either death or bankruptcy by confiscation, the illicit trade began to slow down. By 1926, most of the liquor smuggling had practically disappeared, with only a handful of individual cases afterward.²⁷ The increased presence of law enforcement on the border and the increased danger discouraged smuggling. It simply became much too dangerous and financially risky to try to import their goods by smuggling. However, the decline of smuggling across the border left a hole in the market that other bootleggers exploited in the latter half of America's prohibition years.

For the Texan who had a thirst to quench, he had many options. As noted by the *Brownsville Herald*, there were four methods to obtain alcohol. You could attempt to take the confiscated liquor stored in government warehouses, you could import it from other

²¹ “Smugglers Active” *Laredo Weekly Times*, February 6, 1921.

<https://www.newspapers.com/image/55963114/?terms=texas%2Brangers%2Bkill%2Bmexican%2Bsmugglers>

²² “Smugglers Active” *Laredo Weekly*

²³ “BELIEVE 3 MEXICANS KILLED” *The New York Times*, January 24, 1927.

<https://timesmachine.nytimes.com/timesmachine/1927/01/24/104216009.html?pageNumber=2>

²⁴ Diaz, *Border Contraband*, 103-104.

²⁵ Charles Merz, *The Dry Decade*, (Garden City, N. Y.: Doubleday, Doran, 1931), 330-331.

²⁶ Diaz, *Border Contraband*, 93.

²⁷ Diaz, 103.

countries like Mexico or Canada, you could homebrew beer, or you could moonshine.²⁸ For those unaware, moonshine is the unlicensed distillation of whiskey. Of the four previous methods, the *Brownsville Herald* pointed at moonshining as potentially the most difficult to eradicate. Moonshine was cheap to make and moonshiners did not face the same risks as tequileros. Moonshine, after the unceremonious death of the tequilero, became the king of illegal Texas alcohol.

Moonshine continued to be a thorn in the side of prohibition officers even after national prohibition ended.²⁹ Once national prohibition ended in 1933, Texas reverted to statewide prohibition, and then transitioned to the local option of today in which individual counties decide whether to prohibit or allow the sale of alcohol.³⁰ Once individual counties allowed alcohol to be sold and consumed, the moonshine industry began to die down, as the accessibility of legal alcohol became more widely available. In 1934, one prohibition officer said in the *Amarillo Daily News*, "I think there is as much, if not more, moonshine liquor made and sold in Texas as during national prohibition." Texas remained a dry state until 1935, and a decade later, in 1945, 140 out of 254 counties remained committed to comprehensive legal prohibition.³¹

Moonshiners practiced their trade before national prohibition, but the noble experiment made the practice more lucrative. Unlike tequileros who had to make a large investment up front to purchase their illicit goods, a moonshiner's operation required no such investment and cost less by comparison. The ingredients and materials moonshiners needed for their operations were common, everyday items. Most operations did not need to build from scratch because many moonshining families had been doing the practice before national prohibition. Common ingredients such as water, sugar, corn, rye, yeast, and additives required to give each recipe a "special touch" are hardly suspicious individually.³² Moonshiners watched fermentation, temperature control, and eventually barreling for aging in tedious but simple tasks that resulted in large profits.

During early national prohibition, moonshine had a reputation among many people as being an incredibly dirty, disease-ridden substance unfit for human consumption. According to the *Denton Record-Chronicle*, moonshiners created undrinkable swill potentially riddled with poison, made in filthy stills, and flavored with the corpses of dead animals floating inside the stills.³³ While the *Denton Record-*

²⁸ "Prohibition Fast Shutting Off All Liquor Supplies." *Brownsville Daily Herald*, December 15, 1922.

²⁹ "Land." *Amarillo Daily News*, September 3, 1934.

<https://newspaperarchive.com/amarillo-daily-news-sep-03-1934-p-2/>.

³⁰ McCarthy, *The Struggle for Sobriety*, 48-49.

³¹ McCarthy, 50.

³² Bill O Neal, "Bootlegging in North Texas," *East Texas Historical Journal* 22, no. 2 (October 1986): pp. 13-20, <https://core.ac.uk/download/pdf/72736645.pdf>

³³ "Moonshine Liquor Usually Filthy in Making; Carries Putrefaction That Helps Kill Those Drinking It" *Denton Record-Chronicle*, November 17, 1922.

Chronicle very clearly shows a bias in favor of prohibition, they did speak some truth about the relative quality of moonshine. Importations from Mexico and Canada tended to be the highest quality booze on the market.³⁴ However, as imported Mexican liquor declined in availability, moonshine became more common, and the quality became better with practice.

The unintended consequences of Prohibition made moonshine very profitable, but the money alone does not fully explain why it became as popular as it did. For that reason, we need to look at the plight of the farmer in the 1920s. Farming prices increased greatly in the previous decade due to World War I, so farmers grew more agricultural goods to profit from inflation. The unfortunate happened after the war when the price of farm goods universally fell throughout the 1920s and onward. For example, corn went down from 150.7 to 31.8 cents per pound between 1919 and 1932. Farmers could not sell their products for enough money to make a sustainable living. These farmers, with their large surpluses, needed a way to get their goods to market.

Even in 1922, many farmers turned their surplus goods into moonshine as a way to get their goods to market. One newspaper, *The Greenville Evening Banner*, wrangles with the idea that their good, hard-working farmers would ever stoop to such villainous acts.³⁵ Many citizens were unable to comprehend why good law-abiding citizens would want to break the law for, in their eyes, such a vile substance. However, as the economic situation became worse for farmers, it became more common to resort to moonshining to pay the bills. This became even more true as the Great Depression started in 1929. Moonshining families continued their tradition into the Depression, and the ever-worsening economy incentivized others into the illicit trade.

While the Great Depression started in 1929 for the country, farmers had suffered decreasing returns on their farming products for the entire preceding decade, and once the Great Depression began, millions of people lost their jobs. Moonshining would have been seen as a nobler alternative to unemployment or government relief programs.³⁶ With the Depression affecting the lives of every American, the alternative of a relatively simple and cheap way to earn money lured many individuals to a life of crime. Americans perceived government aid as shameful, so instead of facing the guilt of a handout, many people turned to moonshine. Many Americans held the concept of the “worthy poor,” or that only certain types of people deserve assistance.³⁷ Families and charities traditionally filled the role of aiding the poor, rather than the government.

³⁴ Kyvig, *Repealing National Prohibition*, 21.

³⁵ “Those Texas Moonshiners.” *Greenville Evening Banner*, March 27, 1922.

³⁶ O’Neal, Bill. “MOONSHINING.” *The Handbook of Texas Online*, Texas State Historical Association (TSHA), June 15, 2010. <https://tshaonline.org/handbook/online/articles/jbm01>.

³⁷ David M. Kennedy, *The American People in the Great Depression*, (New York: Oxford University Press, 2004), 253.

Receiving charity from the government would have been shameful for many people, who would instead turn to moonshine as a source of income.

Similar to their tequilero cousins, moonshiners come from similar rural backgrounds; However, moonshiners differ in their family-oriented structure. Many moonshiners would have already built up a base of loyal customers in the days of statewide prohibition. Unlike the tequileros, who had to smuggle their liquor into a foreign land, moonshiners already had ties to their local communities. Tequileros generally sold a great quantity of liquor wholesale to native bootleggers who worked out the distribution. Moonshiners, on the other hand, could sell either straight to customers or sell to the bootleggers for distribution.³⁸ Moonshiners could use their connections to the local community as a powerful tool for business. Familial and community connections were tools that moonshiners could use to get out of trouble with the law or to be ignored entirely.

Concerning the laws, moonshiners and tequileros violated these in very similar ways, according to the Texas Penal Code.³⁹ Moonshiners violated laws concerning the selling, making, transportation, and housing of their illegal alcohol. However, tequileros, who comparatively violated fewer prohibition laws by merely selling and transporting alcohol, were persecuted more fiercely. Several moonshiners who were interviewed never feared being killed. For most moonshiners, it seemed they were more worried about their stills being confiscated, the potential loss of money, or, at worst, being arrested.⁴⁰ Texas Rangers and local law enforcement did not view native moonshiners as a threat to national security like tequileros. Instead, they were viewed as a minor annoyance or a local problem. Confrontations with the law were viewed as unlikely for most moonshiners, and the likely outcome of a confrontation with the law would be an arrest at most.

Moonshiners had a greater advantage of avoiding the law that tequileros did not. Most moonshiners made their brew on their property and they could keep their operations away from the prying eyes of the law. Mexican liquor smugglers had to travel across the open fields of Texas to reach their intermediaries, where they risked a confrontation with the Texas Rangers. Sometimes tequileros would bribe ranchers to let them cross their land, but they still risked exposure. In contrast, a moonshiner operation could be somewhere in his fields, out in the forest, under a basement, or even in abandoned farmhouses.⁴¹ U.S. law enforcement and the Rangers focused heavily in

³⁸ Bill O'Neal, "Bootlegging in Northeast Texas," *East Texas Historical Journal*: Vol. 22: Iss. 2, Article 6. <https://scholarworks.sfasu.edu/ethj/vol22/iss2/6>

³⁹ "1928 Complete Texas Statutes." *1928 Complete Texas Statutes*, (Kansas City, MO: Vernon Law Book Company, 1928). <https://www.sll.texas.gov/library-resources/collections/historical-texas-statutes/>.

⁴⁰ O'Neal, "Bootlegging in North Texas."

⁴¹ O'Neal, "Bootlegging in North Texas."

south Texas, closer to the border and the larger cities. Without due cause, law enforcement would have few reasons to search someone's acres of property for a still.

Throughout the 1920s, the amount of seized liquor by federal Prohibition agents increased on average.⁴² Despite the continued growth of the black market, tequilero activity continued to decline through the latter half of the Prohibition years. The association of tequileros with the Mexican Revolution and the troubles of the 1910s led to disproportionate attention on the border region. The stereotype of tequileros being violent criminals made law enforcement much more violent in their response to the smugglers. The risk of violence, death, and the loss of money would effectively eradicate the tequileros by 1926, to be replaced by Texan moonshiners. The availability of supplies, the decreased prices of farm goods, and the comparatively lax relationship with law enforcement allowed for better business conditions for potential moonshiners.

The Great Depression and the farming recession incentivized rural Texans into the illicit trade. In the face of the depression, many rural Texans turned to moonshine as a source of income in order to survive during the hard times ahead. National Prohibition ended in 1933, followed by the end of statewide prohibition in 1935, marking the end of the noble experiment. Legalization of alcohol continued to chisel away at the few counties that continued to uphold prohibition laws. Despite the flourishing black market for smuggled Mexican liquor, tequilero activity died well before the end of national prohibition due to the crackdown by local law enforcement on the border region. Native Texans filled the gap with moonshine and became the largest source of illegal alcohol in the state. Moonshiners thrived because they did not face the same level of violence and scrutiny by local law enforcement.

⁴² Merz, *The Dry Decade*, 330-331.