On April 25, 1890, U.S. consul Warner P. Sutton wrote his superiors in Washington about the prevalence of smuggling along the Rio Grande. The alarm went up after a seemingly innocent dinner with friends in Piedras Negras, Coahuila, when Sutton discovered that the majority of the items that made up his meal had been introduced illicitly. He was literally consuming contraband. Indeed, prices for necessities in Mexico compelled the household’s servant to cross into Texas and smuggle food daily under her clothes. Stunned, Sutton warned Washington that if Mexico enforced its full import duties, its border population would either have to leave, “smuggle, or take very short rations.”¹ Like many borderlanders before and since, the woman who provided Sutton his supper chose to disregard the law rather than let it interfere with her needs and desires.

This book is about how governments regulated and prohibited trade on their borders and how border people subverted state and federal laws through smuggling, particularly along the Rio Grande, which divides Texas and northeastern Mexico. States’ creation and enforcement of borders directly led to smuggling by making a market for contraband goods. People became smugglers when they sought something that states wished to regulate or deny them. Whether borderlanders smuggled out of ignorance of the law, to save or make money, or to avoid the inconvenience of finding a customs post, states viewed unregulated trade across the border as illegal. However, many border people had a more nuanced view of illicit trade. Government interference in free trade caused local resentment, and rather than acquiesce to what they regarded as arbitrary trade regulations, borderlanders on both sides of the river developed a moral economy of
illicit trade, a contrabandista community, which accepted some forms of smuggling as just.  

When people today think of the U.S.-Mexico borderlands, they often imagine a dangerous and violent place. This image stems largely from the media and popular culture. Nightly news programs and series such as Border Wars regularly remind us that violent smugglers routinely violate national laws along the U.S.-Mexico divide. Constant exposure to these images ties an inseparable bind between smuggling and violence and creates the perception of the border as a criminal space. Yet smuggling, the root phenomenon behind these impressions, remains underresearched and poorly understood. As Consul Sutton’s story illustrates, much of the smuggling on the border was neither violent nor related to drugs. For much of the border’s history, contraband trade across the international line consisted of tariff evasion on consumer goods, not the smuggling of prohibited items. Rather than being romantic outlaws or violent offenders, contrabandistas acted more as opportunists who exploited state weakness to save money and as entrepreneurs who filled a niche created by national trade restrictions.

One of the principal aims of this book is to provide a social history of smugglers by humanizing them as consumers as well as drug traffickers. Additionally, this book seeks to historicize smuggling, an enduring borderlands issue. For all of the attention of historians to borders, none have studied smuggling along the U.S.-Mexico border in depth, though it is the most iconic thing that occurs there. Border Contraband sheds light on the rise of smuggling as a popular response to states’ border-building efforts and provides a context for understanding current debates about the drug war.

Smuggling is an elusive subject for historical scrutiny. Historians love documents, and illicit trade is by its very nature a clandestine activity difficult to research. It is therefore not surprising that some of the best work on smuggling comes from political scientists, anthropologists, and sociologists. Building on the work of James C. Scott in Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed, social scientists have made significant strides in understanding the multifaceted nature of contraband trade. For instance, in Illicit Flows and Criminal Things: States, Borders, and the Other Side of Globalization, Willem van Schendel and Itty Abraham rightfully assert that the
dominant imagery of nation-states fighting valiantly against global
criminal networks is far too simplistic[.] . . . Many transnational move-
ments of people, commodities, and ideas are illegal because they defy
the norms and rules of formal political authority, but they are quite
acceptable, “licit,” in the eyes of participants in these transactions and
flows.4

Indeed, what governments define as illegal and what people consider
wrong can differ widely. In his book Illicit: How Smugglers, Traffickers,
and Copycats are Hijacking the Global Economy, Moisés Naím expands on
the concept of the relativistic nature of illicit trade, arguing that “there is
an enormous gray area between legal and illegal transactions, a gray area
that illicit traders have turned to their advantage.”5 This gray area be-
tween illegal and licit is most felt in the borderlands. Although Naím does
not focus on the border, his comment that “the more states seek to raise
barriers against the flow of illicit goods . . . the more traffickers stand to
profit from their trade” keenly applies to the spaces where different states
meet.6 States may seek to create obstacles to illicit trade, but borders in-
advertently up the ante by making unauthorized flows more dangerous,
lucrative, and professional.

Howard Campbell examines present-day illicit flows across the U.S.-
Mexico border directly. Using ethnographic techniques, Campbell’s Drug
War Zone: Frontline Dispatches from the Streets of El Paso and Juárez pro-
vides an unparalleled look into the lives of those directly involved in the
drug war. Oral histories allow Campbell to open a window to the “cultural
world of drug trafficking,” which he refers to as a “drug war zone,” where
the lives of those touched by the narcotics trade intersect and “transcend
international boundaries, moral categories,” class, and ethnicity.7 I argue
that this cultural world of drug trafficking exists as an extension of an
older and broader world of border people's common practice of smug-
gling. Drugs, although the most conspicuous items smuggled across the
border today, are but a part of a wide milieu of illicit flows that border
people, and even states, view with varying degrees of criminality.

Using varying methodologies, a handful of historians have reached
back to trace the development of smuggling over time. Eric Tagliacozzo’s
Secret Trades, Porous Borders: Smuggling and States Along a Southeast Asian
Frontier, 1865–1915 does an excellent job examining how states’ bound-
ary enforcement programs were linked intimately with border people’s
boundary transgressions, but no similar work exists on the U.S.-Mexico
divide.8 Despite smuggling’s ubiquitous connection to the U.S.-Mexico
border, with the exception of notable works by James Sandos, Gabriela Recio, and Peter Andreas, very little scholarship considers its history there.9 Rachel St. John’s rightfully acclaimed Line in the Sand: A History of the Western U.S.-Mexico Border, although not focused on smuggling, is similar to Tagliacozzo’s work in that it examines how state efforts transformed a poorly defined boundary into a patrolled and fenced, flexible barrier that states could see. On illicit trade St. John writes, “Smugglers created an underground economy that allowed them to profit by evading state regulations.”10 I develop this concept further, arguing that customs enforcement directly led to commercial trafficking because greater policing made the circumvention of state authority profitable. Moreover, I argue that border people did not regard smugglers’ trades as something altogether underground, but in many cases as a licit practice.

Throughout history, entrepreneurs have sought to profit from dodging state law. Robert Chao Romero’s The Chinese in Mexico, 1882–1940 richly illustrates how merchants in the Pacific Rim capitalized on U.S. Chinese exclusion laws to create sophisticated transnational human trafficking rings and provides great detail on the many ruses that smugglers of migrants used to cross borders and evade authority.11 Border Contraband tackles a scholarly gap by considering the movement of goods in equal detail. Elaine Carey and Andrae Marak’s edited collection, Smugglers, Brothels, and Twine: Historical Perspectives on Contraband and Vice in North America’s Borderlands, to which Robert Romero and I both contribute chapters, offers a fascinating series of examinations about the many ways border people sought to exploit North America’s emerging boundaries and points to new avenues for scholars to follow.12 This book follows one of these avenues by directly examining the history of smuggling across the U.S.-Mexico border. Aside from providing a transnational model of a persisting and prevalent borderland phenomenon, my work provides a theoretical framework with which to understand it.

Smuggling occurs across both sides of the U.S.-Mexico border and it must be considered transnationally. Historians have made great strides in revealing states’ relationships with their borderlands, but it is important to point out that the U.S.-Mexico border is a place where two states meet. Historically, border communities crossed borders. As Kelly Lytle Hernández’s Migra! A History of the U.S. Border Patrol strikingly shows, sporadic collaboration between Mexico and the United States allowed the “boundary to function as a bridge” between state systems of migration control.13 Mexico, like the United States, had concerns about its national security at the border. Like U.S. efforts, however, the Mexican gov-
government’s best efforts to regulate its territory were frustrated by border people’s desire to trade freely.

Indeed, states’ peripheral people showed remarkable persistence in trading freely despite federal dictates. By the 1880s the lower Rio Grande borderlands had passed to the “bordered lands” phase of state control that Jeremy Adelman and Stephen Aron discuss in their highly influential article “From Borderlands to Borders: Empires, Nation-States, and the Peoples in Between in North American History.” Nevertheless, border people on both sides of the river continued to routinely subvert state authority through smuggling. The hardening of borders did not prevent smuggling as much as make illicit trade more lucrative. Models of state consolidation of borders in the late nineteenth and early twentieth centuries proposed by Elliott Young, Friedrich Katz, and Eric Tagliacozzo argue that state authorities ultimately prevailed in imposing order at their nation’s edge. While it is not debatable that states greatly increased the policing of their boundaries, smuggling endured and in many cases flourished due to Mexico’s and the United States’ efforts to enforce laws on their borders.

Examining the persistence of smuggling both advances and complicates the image of the U.S.-Mexico border as a “fugitive landscape,” or a place of marginal state control. Although smugglers’ success could be seen as an example of states’ failures, government attempts to regulate borders made smuggling a viable trade. Thus smuggling, specifically the profits that smuggling brought, demonstrates how border people at times used international boundaries to their own benefit. National laws pushed illicit activities to borders, and the creation and enforcement of an international boundary made many aspects of everyday border commerce illegal. Shopping for bargains on one side of the border was often rendered pointless unless transborder shoppers evaded national tariffs by smuggling their goods across, and this social reality made many acts of smuggling popularly accepted.

In his classic 1978 essay “The Problem of Identity in a Changing Culture: Popular Expressions of Culture Conflict along the Lower Rio Grande Border,” noted ethnographer and pioneering ethnomusicologist Américo Paredes wrote that border people engaged in smuggling as a “libertarian practice” against excessive customs laws. Paredes elaborated that border people “paid little attention to the requirements of the law” when crossing regulated goods and casually smuggled as part of their common practice. I expand on Paredes’s concepts by arguing that illicit trade was a nuanced process where smugglers negotiated their needs and desires with
U.S. and Mexican laws. Those that chose to violate these laws, whether to save money on a few cans of tomatoes or to make money transporting large amounts of tequila across the Rio Grande into Texas, became smugglers in the eyes of the state but not necessarily their community.

For the purpose of this book I divide smuggling into two forms: low-level contraband trade for personal consumption (petty smuggling) and professional smuggling for profit (trafficking). It is important to point out that not everything smuggled was inherently illegal. Borderlanders routinely smuggled perfectly licit items such as food and clothing to avoid paying tariff duties. Other items such as narcotics and arms, however, were largely prohibited by states, and merely possessing them was illegal by U.S. and Mexican law. The interplay between border people’s need and desire to acquire goods regulated or prohibited by U.S. and Mexican law and states’ efforts to enforce sovereignty and law on their borderlands shaped a moral economy of smuggling on the international divide. To borrow from E. P. Thompson and Karl Jacoby, I argue that rather than accept state laws at face value, border people negotiated state laws with their own conceptions of what was and was not acceptable transnational trade.20 Like Jacoby, I write a “bottom up” history of a secret trade. I argue that local views on smuggling often contrasted sharply with those of states. Whereas the Mexican and U.S. governments considered smugglers as criminals and threats, border people regarded many of these same individuals as simple consumers, merchants, or folk heroes. I often use the metaphor of speeding to illustrate the moral economy of smuggling. Individuals driving forty-five miles per hour on a stretch of road with forty miles per hour posted as the limit break the law but are generally accepted by society. Drivers traveling sixty miles per hour in a school zone while parents are picking up their children violate both laws and social mores. Smuggling is like that. For instance, border people generally accepted the smuggling of rationed sugar or wool for personal consumption during the First World War but not the trafficking of opium through their community. Smuggling, like speeding, had its limits of social acceptance.

State law saw smuggling in black and white terms, but the social reality of life on the ground came in various shades of gray. Deborah Kang, Rachel St. John, and Samuel Truett in particular have had success revealing the hidden history of informal relations between state agents and the community they policed.21 For example, Truett provides a story of two amicable U.S. and Mexican federal agents in 1890 who agreed to forego state-mandated tariffs on cattle that “Crossed the Imaginary Line”
between Arizona and Sonora. Finding when and what Customs agents of both the United States and Mexico conceded to, and why, helps reveal the inner workings of the moral economy of illicit trade on the border.

Unraveling the history of smuggling across the Rio Grande offers a host of challenges. Smugglers themselves sought to avoid detection, and we mostly know of them for the occasions on which they were caught. The best smugglers, however, were never apprehended. Given the fragmented nature of sources on illicit trade, I have decided to forgo what could only be conjectural statistical analysis of smuggling. Still, U.S. and Mexican government attempts to police their borderlands did leave a window into smugglers’ secret trades. Oral histories also inform my work, particularly ethnic Mexican folk ballads, or *corridos*, which recount smugglers’ exploits. Whereas court cases, customs records, and newspapers were primarily controlled by elites and the state, oral histories provide insight into popular perceptions and offer a fascinating counternarrative to that of those in power. By examining when locals reported smugglers, when juries decided to find suspects guilty or innocent, and why border people celebrated certain smugglers in song, we can see how borderlanders expressed their own views of acceptable and unacceptable trade as part of a moral economy of smuggling.

Rather than focus on exceptional cases of large contraband seizures or violent confrontations with state law enforcement, this book examines trafficking and violence within a larger process of common smuggling. Unauthorized activity across the U.S.-Mexico border was typical, not atypical. Aside from being a study of smuggling, this book is also a social history of border people, particularly in regard to how they conducted business and consumption across international lines, how they resisted state efforts to impose restrictions on their free trade, how they formed their own values about breaking laws, and how they exploited state laws for self-gain. Few of the people or groups of people examined in this book would have called themselves smugglers or even conceived of themselves in such a way at all. I use the term “smuggler” when describing someone who attempted to cross regulated or prohibited goods from one side of the border to the other. Those who smuggled professionally or in commercial amounts I refer to as “traffickers.” The Spanish word for smuggler is *contrabandista*. For the purposes of this book, I use contrabandista to describe the community of petty smugglers and traffickers. The interplay between states, petty smugglers, and traffickers forms the contrabandista community whose story follows.
Part I examines the period between 1848 and 1910 when the United States’ and Mexico’s trade concerns focused on tariff collection. In the late nineteenth century Mexico and the United States relied heavily on tariffs for their national revenue. Tariffs not only protected domestic industries, tariff proceeds served as the principal source of income for the U.S. government prior to the institution of the federal income tax in 1913.24 Similarly, import duties provided the majority of Mexico’s revenue until internal taxes overtook them in the first decade of the twentieth century.25 With federal revenue dependent on tariff collection, both governments levied duties on the commercial and noncommercial crossing of goods and livestock. Border people on both sides of the river in turn resented what they considered the arbitrary taxation of what was once local commerce and formed a moral economy that accepted some forms of illicit trade.

Part II examines the period between 1910 and 1945 when national customs and other security forces in the region shifted their emphasis from tariff collection to the interdiction of prohibited items that threatened the state. Beginning roughly with the onset of the Mexican Revolution in 1910 and lasting until the end of the Second World War in 1945, a succession of national and international crises and new drug and alcohol prohibitions altered the way states guarded against the illegal movement of goods across their borders. While the years preceding the revolution had also been contentious, new national security concerns after 1910 coupled with Mexico’s and the United States’ move away from tariff revenues as their primary source of income made prohibiting the entry of national threats—particularly arms and controlled substances—states’ primary objective on the border. With the ethical and structural basis for modern trafficking in place by the end of the Second World War, 1945 serves as a fitting moment to end an initial history of smuggling on the U.S.-Mexico border. The moral economy’s endurance and place within the twenty-first-century drug war is considered in the book’s epilogue.

Laredo and Nuevo Laredo provide an excellent locale in which to examine the formation of borderlands and borders through the practice of smuggling. Unlike many of the border cities between Brownsville and San Diego, Laredo predates the formation of the U.S.-Mexico divide. Over time, state laws and borders came down upon these communities, upsetting local practices and creating new ones. Founded in 1755, Laredo evolved from what
Adelman and Aron describe as a borderland to a bordered land. The advantageous location near a ford of the Rio Grande made the two Laredos a hub of commerce and international trade. With the arrival of the railroad in the 1880s the twin communities grew immensely in population and importance, and by 1893 los dos Laredos had each become the greatest inland ports of their respective countries, earning them their titles as “gateway” cities. Los dos Laredos based their existence on international trade, yet much of this commerce was illicit. Indeed, the sheer volume of commercial traffic made customs inspection cursory. On February 23, 1895, Frank B. Earnest, U.S. customs collector for Laredo, complained that “petty smuggling is constantly carried on . . . and it is almost impossible to prevent.” These cases happened every day along the border. Laredo and Nuevo Laredo can be called contrabandista communities. Members of the contrabandista community regarded petty smuggling as a common right. What borderlands historiography lacks, and what my study provides, is an in-depth examination of the common violation of state laws on the U.S.-Mexico divide. Border people routinely violated Mexican and U.S. law by smuggling, but with certain exceptions this practice did not seriously threaten either government. That contrabandistas continued to smuggle in spite of the state not only shows the limits of state power on the border, but also demonstrates border people’s ability to bring the state into accommodation with local values. Although both the United States and Mexico significantly improved their border enforcement efforts by the mid-1940s, borderlanders on both sides of the river continued to subvert state authority through smuggling. Despite what federal laws dictated, this moral economy of illicit trade persisted through war, revolution, and the best efforts of the U.S. and Mexican governments.