

# **Criminal Enterprise or Christian Charity? The Flores Family of Naranjo City, Texas**

©2010 by David Spener<sup>1</sup>

Berta and Ángel Flores and their children were a family of Spanish-speaking *tejanos* who provided sanctuary to hundreds of immigrants over the course of many years on the grounds of a business they owned in a small town in South Texas. The family's property was raided on several occasions by the Border Patrol, resulting in the arrest of dozens of immigrants who were housed on the premises after having been transported there by coyotes they had hired. Finally, as the result of an undercover investigation, four members of the family were arrested, convicted of harboring "illegal aliens," and sentenced to several years in federal prison. The government claimed that the family was part of a lucrative "alien-smuggling" network that illegally profited from the desperation of migrants. The family, as well as some members of the community, argued that they were simply offering food and a place to stay to people whose immigration status in the United States was not their concern.

One weekday in early February in the late 1990s, the U.S. Border Patrol arrested scores of undocumented Mexican and Central American migrants who were packed like sardines into a tiny apartment complex in the small town of Naranjo City, Texas. It was one of the biggest single apprehensions of migrants in one place that anyone had ever seen in South Texas. The migrants had been staying in small rooms located behind a neighborhood grocery store that also functioned as a carry-out kitchen, bar, and pool hall, as well as in some other rooms in a house and motel nearby. The store and rooms were owned and operated by a local Naranjo City couple, Ángel and Berta Flores, while the house and motel were owned by their daughter Frida and son Darío, respectively. The raid on the Flores properties occurred as part of a special Border Patrol operation intended to deter coyotes from guiding and transporting migrants through one of the principal highway corridors leading away from the Rio Grande into the Texas interior. This unauthorized movement of migrants had grown rapidly in the 1990s and the Border Patrol aimed to put a stop to it. Agents had been alerted to the migrants staying on the Flores' several premises in the course of arresting other migrants during a sweep of the streets of Naranjo City. In spite of the apprehension and subsequent deportation of such a large number of migrants, no one was criminally-prosecuted for

harboring or transporting the “aliens,” which was a felony offense (§1324 of Title 8 of the U.S. code), even though it seemed evident that migrants were not making their journeys independently.

The reason that U.S. authorities did not prosecute members of the Flores family for “harboring and transporting illegal aliens” was that they could not prove that the family actually knew that the people who were renting rooms from them were not legally in the country and that they had rented them the rooms in a conscious effort to assist in the commission of an illegal act. Following the mass apprehension, the Border Patrol secretly began an investigation in conjunction with the F.B.I. and the I.R.S. which culminated a year later in the apprehension of several dozen migrants on the premises of the grocery store and apartments and the arrest and prosecution for “smuggling and harboring undocumented immigrants” of Berta and Ángel Flores, their daughter Josefina Gómez, and their employee Daniel Montoya. Authorities identified Berta Flores as the “mastermind” of the “smuggling operation.” A priest who served the family’s church complained that the authorities had gone overboard in making a show of their arrest, with officers bursting onto the premises of the Flores store wearing bullet-proof vests and with automatic weapons drawn as if they were engaging in a SWAT-style rescue of hostages. “Where the hell did that come from?” he said. There had never been any reports of anyone in danger or distress at the Flores place. “Look,” he insisted, “it wasn’t called for. It was really like killing flies with hammers. It was all for show.”

Two of Berta and Ángel’s sons, Ángel, Jr. and Darío, and another of their employees, María Hernández, were subsequently arrested and charged. They all pleaded guilty in federal court to charges of conspiracy to transport and harbor undocumented migrants, in exchange for prosecutors dropping additional charges of money laundering. All the family members were sentenced to serve time in federal prison.

According to the U.S. authorities, this “organization” was one of the most structured they had seen in the region and the Flores family was its “nucleus”. Their “smuggling operation” had run for over a decade and was believed to have spirited thousands of undocumented immigrants past the checkpoints for traffic leaving the Rio Grande Valley. Immigrants had paid hundreds of dollars each to be smuggled into the United States, feeding a “covert industry” that everyone in Naranjo City had known about for years. The federal judge who heard the case meted out an especially harsh sentence to Berta Flores, the alleged “godmother” of the smuggling ring. At the sentencing hearing, the judge called Mrs. Flores the most culpable,

acting as a shrewd and domineering businesswoman who pressured the rest of the family to go along with her illegal project. In addition to handing out the stiff sentences, the judge ordered the confiscation of the buildings owned by the family in order to prevent them from going back into the smuggling business after their release. Nonetheless, the Border Patrol was doubtful that the Flores' incarceration had halted migrant traffic through Naranjo City, telling the press that, just as would be the case in any profitable business activity, someone else had already filled the vacuum.

### **THE FLORES FAMILY: THEIR BACKGROUND AND BUSINESS**

Ángel Flores, Sr. was born in San Benito, Texas on July 26, 1938. He was one of ten children born to a father from the Mexican state of San Luis Potosí and a mother from San Fernando, Tamaulipas. His parents met after crossing the border to work agriculture in the Lower Rio Grande Valley of Texas. Ángel moved with his family to a migrant labor camp in Naranjo City when he was six years old. A couple of years later, the family moved to Hargill, Texas, a small settlement a few miles to the west of Naranjo City, after Ángel's father got a job working as a laborer on a cotton farm there. The family was poor and Ángel and his brothers and sisters traveled around the Valley working on the farms, as well as further away to work in the fields in Arkansas. Ángel dropped out of school after completing the eighth grade and went to work full time as a farmworker with his father. In 1952 Ángel moved back to Naranjo City, where he has lived ever since. As an older teenager, he worked in local Mexican grocery stores before finding a job with a nationwide supermarket chain. In 1959, he married Berta, when he was nineteen years old and she was just seventeen. Ángel continued to work for the supermarket in Naranjo City for twenty years, eventually rising to the level of assistant manager. Although he spoke Spanish fluently and recognized himself as ethnically Mexican, Ángel had only been to Mexico a couple of times as a child to visit relatives in his mother's hometown in Tamaulipas, and he was not in touch with anyone currently living across the border at the time I interviewed him in 2002.

Berta Flores was born in 1940 in Las Peñitas, Texas, along the Rio Grande near Mission. Both of her parents were native *tejanos*, but her grandparents were *mexicanos*. Her paternal grandfather had owned 500 acres of land near the river, but it now belonged to her cousins, since her father had sold his portion to a brother for \$500 years ago, given there were too many children for them all to make a go of it as farmers or ranchers on their individual plots. Berta's family moved to Naranjo City when she was two years old and she had lived there ever since. She was one of eight children.

As was the case with Ángel, she and her family worked in the fields, both locally in the Valley and picking cotton in Central Texas. Berta worked in the fields as a migrant until she was sixteen. She married Ángel a year later and had all five of her children with him by the time she was twenty-five. She continued to work in the fields in the Valley until 1970, when she and Ángel opened their business together. Like her husband, Berta had little contact with anyone who currently lived in Mexico, although relatives from Mexico had visited her family in Naranjo City while she was growing up. She herself had only crossed the border into Mexico a few times and then only to visit the border towns immediately across the river. Also like Ángel, Berta spoke Spanish fluently and thought of herself as a *mexicana* in cultural terms.

Ángel and Berta opened their “mom & pop” grocery store in 1968. Ángel continued to work for the supermarket for another three years before his employers told him he had to quit because he was competing with them. The business started selling groceries and carry-out food cooked by Berta, including tamales, fajitas, chicken, rice, and beans, served with homemade tortillas. Subsequently they added pool tables and a small bar serving beer to customers and also began to rent-out modest rooms located in outbuildings they had behind their house and store. Their children, in different ways at different times, also helped out with the business. Located on a residential street in a working-class neighborhood on the north side of Naranjo City, most of their customers were from the neighborhood. Nevertheless, nearly from the time they opened, a portion of their clientele included Mexican and Central American migrants passing through Naranjo City on their journeys north into the U.S. interior. It was the evolving relationship with these customers that eventually led to the demise of their business following their arrest and imprisonment in the late 1990s.

Although the Flores family never got rich from their business, they were fairly successful in local terms and rose to some prominence in their small town of 12,000 residents. Ángel served on the city council in the early 1980s and sat on several county boards over the course of a couple of decades. When I interviewed him for the first time in 2002, he counted the current mayor and council members as his friends. Ángel bragged to me that there were 23,000 people living in Warren County and he knew just about all of them. Berta was also well-known, politically active, and had many relatives in town. According to one of Naranjo City’s prominent Anglo residents, Berta could deliver a lot of votes to her preferred candidates because of her large extended family and charismatic personality. He told

me that Berta “was a leader in the local Hispanic community” and that “the politicians benefitted from her support.”

Berta and her family were active in their local Catholic church, whose members and clergy had a strong commitment to social justice in the community, including with regard to migrants passing through. According to one prominent local politician, “Berta and Ángel always cared for the poor,” a statement with which others in the community who knew them concurred. In the late 1970s, when workers in the citrus groves around Naranjo City went on strike demanding better wages, working conditions, and recognition of their union, Berta donated plates of food she cooked to serve the strikers, bringing it straight to the picket lines. Although she no longer worked in the fields, she, too, had harvested fruit in the past and contributed the food as an act of solidarity. The citrus workers eventually won their strike, but it turned out to be a pyrrhic victory as growers subsequently cut back on production and hired far fewer workers in the groves.

Berta also battled the local school district over its treatment of Mexican American pupils, who were taught primarily by Anglo teachers that did not speak Spanish and “tracked” them into less-academically enriching programs. On behalf of her children, Berta was one of the plaintiffs in a lawsuit that challenged this discriminatory treatment of Mexican American children in Naranjo City. Berta had the following to say about the conditions that gave rise to the lawsuit:

Well, it was the discrimination. It was discriminating against the poor and the Mexicans. They didn't have no way of progressing because everybody that was in the school, it was just Anglos—teachers. They didn't have no Mexicans.

Berta told me that as a result of her activities, many “white people” in Naranjo City would not do business with Ángel and her. There weren't that many whites (i.e., non-Hispanics) living in Naranjo City, but according to Berta and Ángel, they controlled the town. “I didn't have no business here in my store with white people,” she said. “Since I was involved in helping others, you know, white people usually stay away from people like you.” Similarly, Ángel claimed that he had left the supermarket to start his own business because, as a Mexican, he would never get to be a full-fledged store manager. In addition to any money she might make from her business, it seemed that the ethnic solidarity Berta shared with Mexicans, along with her religious commitment to aiding the poor, played a significant role in the aid the Flores gave to migrants passing through Naranjo City.

### **MEXICAN AND CENTRAL AMERICAN MIGRANTS PASSING THROUGH NARANJO CITY: CONTINUITY AND CHANGE**

Mexican migrants have traveled to and through South Texas in large numbers since the beginning of the 20<sup>th</sup> century.<sup>2</sup> Through the 1960s, the farms and ranches of South Texas were one of the principal destinations of Mexicans on their work sojourns in the United States. With the mechanization of agriculture, demand for migrant labor in the Lower Rio Grande Valley diminished dramatically, so that by 1970 South Texas had gone from being a destination to a transit corridor for most Mexican migrants. By this time, however, so many Mexican migrants had settled in the region that migrants and their Spanish-speaking descendants constituted the vast majority of the local population, especially for those Texas counties located along the international boundary itself. Warren County's sociodemographic characteristics were typical for South Texas at the beginning of the 20<sup>th</sup> century. Of its approximately 30,000 residents, 8 percent were Hispanic, 14 percent were foreign born (almost all from Mexico), and 80 percent spoke a language other than English at home (almost all Spanish). The only urbanized place of any significance in the county was Naranjo City, which captured around half the county's population. Naranjo City was surrounded by largely unpopulated ranch and farmland, as indicated by the low population density of Warren County, with just 29 inhabitants per square mile.

In addition to the small population, Naranjo City and Warren County were unpromising destinations for labor migrants, given that median household income was just \$21,000 and nearly 35 percent of the population lived below the official poverty line, while comparable figures for the United States as a whole were \$41,994 and 12.4 percent, respectively. According to a journalist who worked in the region, the Warren County economy was in dire straits by the 1990s. Citrus had been a big agricultural crop requiring many laborers to harvest, but a freeze had killed it off. The jobs picture in the area worsened in the 1990s when a couple of factories were closed, costing 400 to 500 people their jobs. Crime and poverty were endemic problems in Naranjo City and its vicinity, according to this source, with drugs sold on street corners, significant incidence of property crimes and burglaries, a large proportion of the population receiving public assistance, and a steady brain drain as ambitious and qualified people left the area in search of better opportunities elsewhere.

Although contemporary Naranjo City was no longer attractive as a destination for Mexican labor migrants, it remained quite important as a

staging area for undocumented migrants attempting to leave the Lower Rio Grande Valley. Naranjo City was the last significant human settlement migrants encountered as they left the relatively densely populated Lower Rio Grande Valley before entering the largely unpopulated ranchlands to the north. Undocumented Mexicans, once they had made it across the river, could travel relatively easily through the Lower Rio Grande Valley communities, which were numerous and densely populated with fellow Mexicans and Mexican Americans, until they got to Naranjo City. North of Naranjo City, migrants faced the most significant obstacle they would encounter on their journeys into the U.S. interior—getting past the immigration checkpoints staffed by the Border Patrol. In order to bypass these checkpoints, migrants would have to walk around them through miles of unforgiving brush. As a consequence of its location, Naranjo City became a prime layover point and staging ground for the next leg of migrants' journeys. Whether they were traveling on their own steam or being transported by coyotes, migrants would seek shelter, buy provisions, and make other needed arrangements in Naranjo City before heading further north.

In the last two decades of the 20<sup>th</sup> century, the volume of undocumented migrants passing through Naranjo City grew substantially. By the 1980s, repeated economic crises in Mexico combined with the growing Mexican migrant population in the United States brought ever more Mexicans across the border in a process of cumulative causation, in spite of the lack of legal opportunities for them to migrate. Added to this came the mass emigration of Central Americans due to warfare and the consequent displacement of thousands of citizens of El Salvador, Guatemala, Honduras, and Nicaragua in the late 1970s and early 1980s, many of whom were destined for Houston, Texas and Washington, DC, and followed the eastern corridor of Mexico to cross the border into South Texas. Finally, the crackdowns by the Border Patrol on undocumented crossings in El Paso in 1993 and in San Diego in 1994 pushed much of the flow from those two corridors east to the Northeast Mexico-South Texas corridor. This shift in the flow of migrants was reflected in the pattern of apprehensions along the border. As apprehensions fell in El Paso and San Diego, they rose dramatically in South Texas, growing from 234,000 in FY 1993 to 499,000 in FY 1997. In response to the increased "pressure" in South Texas,

the Border Patrol launched Operation Rio Grande in Brownsville in the summer of 1997, dramatically increasing the number of agents engaging in “linewatch” along the riverbank in an effort to deflect crossings away from the urban areas at the border.<sup>3</sup> Although the operation made the journey across the border and out of South Texas more arduous, migrants continued to come, in spite of the added effort and dangers implied by longer treks through the brush. It would not be until 2003 that apprehensions in the region dropped below their 1993 level. Another outcome of the Operation was dramatically increased reliance by migrants on coyotes to travel through the region. Where before the Operation, data from the *Encuesta de Migración Internacional en la Frontera Norte* indicated that just 21 percent of undocumented Mexican migrants had hired a coyote to cross the border, after the Operation was launched the figure rose to 50 percent.<sup>4</sup> Thus, it was not surprising that by the second half of the 1990s a great surge of both migrants and coyotes were arriving in the little town of Naranjo City, Texas on their way north.

According to Berta Flores, Mexican migrants had been passing through Naranjo City ever since she was a young child. It was a routine thing for the town, she said, and migrants arrived at her business from the day she and her husband opened it:

**Berta:** People have come since I was two, that I remember. And they have been coming and they are going to keep coming. They will never stop people from coming. A lot of those people that are coming already have roots over here in Texas! And in New York and anywhere over here. And all those people want to bring their families ‘cause they’re living in starvation. In Mexico there’s no life for a lot of people!

**Spener:** But I imagine when you first opened the business, our customers were just neighborhood people.

**Berta:** But Mexican people were here all the time!

**Spener:** But how did that happen? How did people know you were here?

**Berta:** People just come. People knows everybody here in a little town. People tells each other. “You should come over here. You’ll find a room there. They’ll rent it for you.” It was just word of mouth.

In the 1970s, the Flores would rent rooms for as little as \$3 per night. They didn’t rent the rooms to make money, really, but mainly just to help out indigent migrants who needed a place to stay. She added, “‘Cause some people didn’t have no shoes, no shirts, no nothing. How can you get something from somebody if they don’t have it?” Perhaps another reason word got around about the Flores’ place was Berta’s home-cooked meals.

According to her family members, she was a wonderful cook and would work all day in the kitchen, making fresh tortillas and dozens of plates of food for her customers. As late as the 1990s, Berta would sell guests a whole plate of fresh-cooked food (tamales, beans, and rice) for as little as \$2.50.

Another reason that migrants in need of food and shelter wound up on the Flores' doorstep was the active role Berta and her family played in their parish church, located near the house. Starting in the 1980s, the church took on the task of tending to the many Central American migrants who began to pass through town fleeing wars in their homelands, as well as the growing stream of Mexicans heading north. One of the priests serving the church told me that word got out among migrants that the church would help them with food housing, clothing, access to showers and bathrooms, and even some limited medical treatment free of charge. Just as importantly, migrants could avoid capture by the Border Patrol in church buildings. The church became, he said, part of the migrants' Underground Railroad. One of the places that the church would put migrants up was the Flores' store and apartments. The priest I interviewed said "Any time I or any of the priests needed a place or needed a hot meal, or needed something done, I could just call the Flores family and they were taken care of. They fed and housed a lot of people." If migrants had no money, the church would give the Flores a stipend of U.S. \$12 for a night in one of their rooms and two meals. This continued right up until the time Berta, Ángel, and their children were arrested. Neither the church nor the Flores family would ever ask migrants their legal status or turn them away if migrants told them they had no papers. Not surprisingly, word got around among migrants about this. The priest summarized the situation as follows:

I was told one time by a guy in the Border Patrol that they sometimes would stop people that had a map with our church, our house, and places in Naranjo City for people to stop where they would get help. Not that they would do anything illegal, but people coming from Mexico and Central America had maps of our house, our churches, and places in Naranjo City where people would give help. ... They just knew that if they came here they would get food, shelter, and clothing or whatever it is they needed. ... And Berta was a one place stop and shop, you know what I mean? She took care of them, and literally if it was in the middle of the night would cook for them.

By all accounts, the number of migrants funneling through Naranjo City grew dramatically in the mid-1990s, after the Border Patrol launched Operations Blockade and Gatekeeper on the western stretches of the

border, diverting flows of migrants into the Northeast Mexico-South Texas corridor. An officer from the local sheriff's office said that there was suddenly "an abundance of immigrants, all over town" and that he encountered whole groups of them on the streets walking to and from the Flores' store, right past his office. "We were being overrun," he said. Although Naranjo City had always had migrants passing through, this amount of traffic was new.

The Border Patrol became aware of the situation. An agent who was involved in the investigation of the Flores family said that by 1997 agents were making 800 to 1,000 apprehensions a day in the corridor leading into Naranjo City. They came to recognize Naranjo City as a "choke point" or "bottleneck" leading away from the border. According to the agent, "Everything led to Naranjo City." He said that between Naranjo City and the nearest immigration checkpoint on the highway, "sign-cutting" crews were tracking groups of 70 to 100 migrants hiking through the brush to bypass the checkpoint. Local police complained to the Border Patrol, he said, of growing problems of loitering, along with public drunkenness and urination by migrant men in Naranjo City.

Members of the Flores' church found more migrants than ever arriving at their doorstep in search of help and also noticed that a greater number of them were being transported by coyotes than before. According to the priest quoted above, the church property began to be used by coyotes as a "dead-drop" for the vehicles they used to transport migrants:

They were leaving vehicles on our property. So that was clearly the work of *polleros* and *coyotes*. Apparently there were folks coming across the border that had gotten across the border and were to meet here at this property and pick up a vehicle. The dead drop meant that the keys were left in the vehicle. We knew it because we had so many different vehicles appearing on our property that we wound up reporting it because that would put everyone in trouble, because it was on our property. That went on for about four weeks, probably 10 to 15 different vehicles. So that was part of the transition.

He also said that the coyotes began to take advantage of the good will of both the church and the Flores family:

They set [the Flores] up, and they set the church up. I mean we knew coyotes were using us, because literally, I had a guy come and ask for buckets to be filled with water. And I said, "Well why are you here?" And he says, "Well because we're being run and where we're staying at they're not giving us any food or water." So they came to our property and were filling cans with water

and carrying cans of water. And then the next day they'd be sent by the guy, who I knew, and I moseyed down over there and found there were quite a few people there. This took place nearby. This coyote was sending people to us to feed and clothe them. So I went and talked to him. I couldn't believe how many people were there! [in a house near the church]. I told him, "You want to run people, you want to put their lives in danger, *you* feed them!" Since obviously he was getting something out of it.

Ángel Flores also described growing numbers of coyotes coming to his place to rent rooms by the mid 1990s:

The coyotes would bring them. They'd just show up and see if we had any place for them to stay. This went on for two or three years after '96. We'd be asleep at night and people would come in and say they knew the place. They'd start coming in pickups or vans and they would pile them up in the houses or rooms that we had without me even knowing it! It got so bad that it got out of control, you know! We didn't even know ourselves that people were coming in bunches. By '98 we couldn't control nothing because people were coming in vans and trucks and cars and sometimes they would just get in the rooms without us even knowing. ... There was just so many of them! Coyotes from Houston, from Matamoros, from Central America, that would come over. It was really out of control at the end there!

Berta said that one of the main reasons that coyotes and their migrants came to their place was because they knew that the Flores would not report them to the authorities:

They were coming in cars full of people and they would order a lot of food! Because, if you go to a *Whataburger*<sup>5</sup> and some of these places and they see you ordering food, they call the cops to see why people are getting so much food. So they used to come here a lot and they would order food and take it back to the rooms. That's what they wanted from me. Immigration wanted me to rent the room and then call them! That they were already renting here! How could I do that? ... Why should I do that to my own people? I'm not that type of people! They would come to the store. They would tell me, "I need a room for three people." Or four people, or five. And I would tell them where the room was. I didn't even go to the room. There was people that didn't even pay, they didn't even check in. I was so busy working and selling food that a lot of time I didn't get to go and check the rooms.

Some people in Naranjo City knew that the Flores family had been taking in migrants for years, ever since they had gone into business. By the mid-

1990s, nearly everyone in town seemed to know about the role of the Flores store and apartments as a layover stop for migrants heading north. It had become “an open secret.” After the Border Patrol identified Naranjo City as a “chokepoint”, it assigned a task force of about 30 agents to the town to monitor conditions and apprehend migrants and arrest coyotes bringing people into and out of town. They set up a toll-free number for residents to call to report suspicious activity. Agents attempted to develop relations with the local community to get more information about what was going on in the town. The parish priest complained that the Border Patrol was overly aggressive in taking action in Naranjo City.

They had Border Patrol everywhere in Naranjo City. And this street, you just came down our street, they'd be driving 70 miles per hour down here heading towards [the Flores store]. We'd always see them fly by, and at high speeds, and with no lights or anything. And then one time I was driving to visit somebody who was sick and they were armed out on the street all around the place, which was like a DMZ, which really seemed to me to be overkill. And it really put kids in the schools near our church in danger.

Although the Flores store was the most obvious place in town where migrants were laying over before heading towards the checkpoint, there were many other places where migrants were being housed by coyotes coming through town. A Border Patrol agent recalled a situation in which he arrested a group of “aliens” following a tip received on the 800 number that had been set up:

The 800 number would get redirected to our cell phones. And I got a call one time that says this lady and these two sisters just came and they bought a hundred hamburgers and a hundred fries. And they're having a party? No, they're putting the bags in through a broken window, handing them to somebody. At the abandoned factory. An alley in the back. We sent some agents and there were 60 to 70 aliens inside that abandoned building with the rest of the hamburgers waiting for the other people to arrive. It generated calls like that.

Following a tip they received from a local informant, Border Patrol agents headed to the Flores store. As an agent spoke with Berta in the bar area, other agents outside began to see people running into the rooms to hide. One of the agents described the scene as follows:

There were people running all over the place. Running inside houses, inside rooms. We had an apartment on the outside, but it was all a bunch of rooms on the inside. There were maybe a hundred people inside that thing. It was unbelievable to me! So

we went inside this place with agents on the outside guarding the doors. As soon as you got to the door, you felt the heat, the body heat, and you smelt the body odor. Maybe a hundred people crammed into this place! You walked in, they were apartments that were for rent, mattresses on the floor, couches with holes, there is no coffee tables, nothing else, one working bathroom for all those people. You had used toilet paper stacked up this high next to the bathroom. Women, kids, babies, they were just soaking wet, because someone had locked them in from the outside with a padlock. You would see loads of bread, baloney, and jugs of water. They would throw the food in and then lock the door from the outside. The apartments across the streets, there, you couldn't get out. We had to break the door just to get in. Every single one of the apartments were full. You had cars parked in the driveway, people in them, laying down in plain view, in the cars.

After this incident, it was politically impossible for the Border Patrol to turn a blind eye to the situation at the Flores store and apartments. An officer with the Warren County sheriff's department told me, "It was so much, it had to collapse." Ángel Flores himself, in retrospect, said "The government had to do something, I guess," but he and Berta, as well as some of their allies at the church did not believe that going after the Flores business as a criminal enterprise was the right thing to do.

The Border Patrol did not have enough evidence to prosecute the Flores for "harboring and transporting" violations, however, since it could not come up with any migrants as material witnesses who would testify in court that members of the family knew that they were in the country illegally and were being transported by coyotes. The reason for this was that it was not the migrants who were actually negotiating the rental of rooms and the purchasing of food face-to-face with members of members of the Flores family. Rather, it was the coyotes that brought them to stay on the premises and made all arrangements with the Flores. It would take a lengthy undercover investigation for the government to establish that the Flores were actively and knowingly colluding with the coyotes before it would be able to successfully prosecute them.

**THE ROLES PLAYED (AND NOT PLAYED) BY THE FLORES FAMILY IN THE MIGRATION PROCESS**

The press and the authorities portrayed the arrest of the Flores and their associates as the breaking up of one of the largest organized “alien smuggling” operations that they had ever encountered in South Texas. Berta Flores was characterized not only as the matriarch of the family and its business but also as the “mastermind” and “godmother” of a major smuggling operation that had been active for over a decade and had been responsible for the smuggling of thousands of “illegal aliens” out of the Lower Rio Grande Valley.

The judge that sentenced Mrs. Flores viewed her as heading a lucrative illegal business. Although no cash assets or investments were ever located and seized by the government, the authorities were suspicious that the Flores had money hidden somewhere, given the number of migrants they had served over the years and the significant amounts of money that migrants were paying to their coyotes, as much as \$900 per person (in 2008 dollars). Berta Flores, however, steadfastly maintained that she was doing nothing illegal, even after having completed her prison sentence. In her view, her business was selling groceries, renting rooms, and cooking food for her customers. It was not her responsibility to check the immigration status of her customers any more than was the case for any other restaurant or motel in the region, all of whom, she insisted, also routinely rented rooms and sold food to undocumented migrants and the people who transported them.

The Border Patrol brought the FBI and the IRS into the investigation. They hired undercover informants wearing wires to get inside information from the Flores about their business. They conducted video surveillance of the premises to monitor the comings and goings of the Flores, their employees, and their customers. On several occasions, they also used agents posing as coyotes to pick up groups of migrants from other coyotes at the river and drive them to the Flores establishment where they rented rooms and purchased food for them. The objective of the investigation, according to one of the FBI agents involved, was the following:

We wanted to prove that somebody, a smuggler, would come to them and say, “I’ve got X amount of people and I need a place to put them, and they are illegal aliens” and for that service they would be paid. So that was the goal of the undercover objective. And in doing that we met the standard of harboring, they were active participants, not just people providing rooms. They were physically controlling the harboring. And they knew what they

were doing. And through our investigation we were able to establish that.

The agent said that in the course of the investigation, the team was able to document welfare fraud, money laundering, and identification fraud violations by the Flores and their employees. The infractions the FBI uncovered were not as grandiose as they might sound at first blush. The welfare fraud consisted of the defendants purchasing food stamps<sup>6</sup> at 50 cents to the dollar from their designated recipients and using them to buy groceries to resell in their store. This, the FBI agent explained to me, constituted both welfare fraud and money laundering. The ID fraud, the agent said, consisted of the Flores buying Social Security cards and birth certificates and selling them to migrants for several hundred dollars a set. The investigation was able to establish this by having a collaborator sell such documents to the Flores that investigators were later able to recover on the premises. The agent said that the Flores were involved in wire fraud insofar as they would accept payment for lodging and food provided by having their coyote-customers wire it to them from places like Houston and North Carolina.<sup>7</sup>

According to members of the Flores family, the accusation of identity fraud was not true. One of the daughters claimed that prosecutors brought this and the welfare fraud and money-laundering charges in order to pressure her mother Berta, who continued to insist on her innocence, to plead guilty. The daughter had this to say about the identify fraud charge in particular:

She knew everybody's transactions that were going on and one of the charges that they had on her was her selling Social Securities. Papers. Well, she knew who to send you to. She knew who was dealing the bad things. So, she would say, "Go with that guy. He'll take care of you. He knows what to do. That's what he does." Well, in her charges, when they arrested her, they put that she was responsible for Social Securities. For selling fake Social Security cards. And the charges were so elaborate and they had already done the investigation and they had their case. And so, here, they're saying all these things and you're going to have to fight against them. When we went to the attorney, the attorney goes "Well, you're going to have to spend lots more money than you've already spent so that we can fight against what the government is saying."

One thing the Flores family, their friends around town, and the law enforcement authorities agreed about with regard to the family business

was that their “rates” were quite cheap. The FBI agent said that the family would only charge \$10 to \$15 dollars a person a day for a place to sleep and two hot meals. It was, he said, “a volume business.” Another source who was familiar with the case concurred with this agent’s assessment. The source thought that the Flores place generated a great deal more revenue than a typical “mom & pop” store would, perhaps as much as \$200,000 a year at its peak, but that did not mean the Flores were getting rich. Rather, they plowed most of the money they were making back into their business.

Another thing that was clear was that whatever the Flores knew about how the migrants they lodged and fed had arrived at their door, the Flores themselves were not, in fact, “running” a “smuggling ring” or a “smuggling operation.” They did not actively recruit migrant customers, make arrangements for their transportation to and from the border, nor did they effect migrants’ unlawful entry of the United States. The Flores did not direct any set of coyotes in their employ nor were they under the direction of any organized criminal “syndicate.” Their businesses was owned and directed by their family alone and consisted primarily, if not exclusively, of the renting of lodging, the selling of food, and running a small pool hall that served beer on the premises. The Flores family did not appear to actively seek out either migrants or coyotes as customers, even as their business became increasingly dependent upon them in the latter half of the 1990s as the migratory flow through Naranjo City grew precipitously. Moreover, it appeared that many different sets of coyotes availed themselves of the services offered by the Flores family leading up to the time of their arrest. In other words, in spite of the large number of migrants that had been apprehended on their premises, the Flores business did not, in fact, consist of a single, integrated, large-scale “human smuggling” organization. They were, rather, one of many independent participants in a far-flung network of individuals and groups that facilitated the migration of Mexicans and Central Americans into the United States.<sup>8</sup>

If the Flores business was not a large-scale, tightly-integrated “smuggling” organization, what explains the very large number of migrants apprehended on their premises. Reading between the lines of the transcripts of interviews with a number of informants leads to the following explanation. As noted above, Naranjo City, Texas represented a “choke point” or “bottleneck” in the Northeast Mexico-South Texas migratory corridor. It was the last place for migrants and their coyotes to regroup before the immigration checkpoints further up the road. The next leg of the journey was the most crucial and problematic, since it typically involved migrants being marched through the forbidding brush country around the

checkpoints before being picked up on the other side by vehicles arranged by their coyotes. Once past the checkpoints, migrants were unlikely to be apprehended by the Border Patrol as they were driven further into Texas. Rather than indicating a large-scale operation moving large numbers of migrants, it seems more likely that a number of different coyotes continued to arrive in Naranjo City with new loads of migrants before they were able to move migrants already housed with the Flores beyond the immigration checkpoints. It wouldn't take long for the Flores apartments and outbuildings to be filled to bursting as migrants continued to arrive by the carload over the course of several days. Something similar appears to have happened in May 2003 in the tragic deaths of 19 migrants in the back of a tractor trailer rig loaded with 75 to 100 people brought across the border by a number of different coyotes who contracted with a woman in Harlingen, Texas for the provision of the truck to carry their customers out of the Lower Rio Grande Valley.<sup>9</sup> In other words, the very lack of coordination and organization of the transport of migrants by a single enterprise may be responsible for the large number of migrants housed with the Flores, rather than a large-scale, tightly-integrated operation under a unified command.

#### **THE DISCOURSE OF COYOTE-ASSISTED CLANDESTINE BORDER-CROSSING**

The rhetoric employed by agents of the state with regard to coyote-assisted clandestine border-crossings is overwhelmingly negative and this rhetoric is largely reproduced uncritically by the news media. Agents of the state typically describe the service provided by coyotes as an organized crime phenomenon, emphasizing its illegality and the exploitation and victimization of migrants by their "smugglers" or "traffickers." At the same time, Border Patrol agents tend to describe themselves as the protectors and rescuers of migrants, ignoring their own role in creating conditions that place migrants at risk and render them vulnerable to abuse.<sup>10</sup> Much of what was written in the press about the Flores and said by law enforcement agents was consistent with the general rhetoric about coyotes from government sources. For example, a local law enforcement officer in Naranjo City said that "it's just wrong" for "smugglers" to "take advantage of migrants, either monetarily, physically or sexually or whatever." Such people, he said, "need to get put away." A Border Patrol agent said that it was hard for anyone to understand how "alien smugglers" could be "actually thriving on somebody else's misery, misfortunes, somebody being poor, indigenous, and illiterate. It's just hard. How could you do something like that?" One of the FBI agents who investigated the Flores' business said

he believed that “alien smugglers” were even more morally reprehensible than drug traffickers:

The people that are involved in alien smuggling, I believe are the worst exploiters of other individuals. Even more so than drug traffickers. Obviously drug traffickers put their product out on the street, but they don't necessarily have direct involvement other than the sale between one person and another, and they don't necessarily see the direct result. But these individuals bring them into their facilities, and exploit them from that minute on, until they're moved on. So when people say their doing nothing more than trying to help them, get them into the United States, well, I don't believe that because it's all a profit-based motive and they do nothing to make their life better at all.

The attitude taken towards the Flores by these law enforcement agents was strongly influenced by the conditions they found on the family's premises at the time of the initial mass apprehension of migrants and their subsequent arrest. For example, the FBI agent quoted immediately above had the following to say about the conditions he encountered at the time of the Flores' arrest:

It was horrible...They would be forced to live in these tiny little apartments where they would have 20 people in a little room. And there would be a mattress and they wouldn't have any furniture. There would be typically no running water or toilet facilities. There would be an unusable toilet that everybody would use and so the human waste would build up. They would never clean. It was just a mess. They would send their minions to provide the food, but one of the problems that we discovered in talking to some of the people was that if a coyote came in, some of the ones they dealt with on a regular basis, they would give him credit basically, so they would allow him to put their people in the room and pay later. Well, if they didn't pay, they would basically lock the aliens in the room. They would come in and put a padlock on the outside of the room so those aliens were locked inside. You can imagine! Sometimes they were inside there for days! If the smuggler didn't pay for the food, the Flores wouldn't feed them. So these people would be in there with no food or water as well. There had been reports of physical and sexual abuse amongst the aliens, because they would commingle men, women, and children in some of these rooms. We were never able to document or prove that, but there were constant rumors circulating about younger women being sexually abused while they were locked in these rooms.

Although the apartments in which migrants stayed were razed around the time the Flores went to prison, videotapes of the apartments were taken

by the authorities as part of their investigation. The tapes showed a number of small rooms, some of them dirty and quite run down. One cement block room was empty except for a bare mattress on the floor with a pair of men's pants laid across it. The shower and the toilet attached to the room were dirty and stained. A box of used toilet paper was next to the toilet. A handwritten note on the wall asked, in Spanish, for any leaks to be reported to the management. Another small, dark room had a bed with dirty sheets on it. Some of the rooms had curtains that appeared to be made of old sheets nailed to the walls. Other rooms looked a bit brighter and cleaner, and one had a television in it. In that room, a cardboard tray lay on a mattress and was filled with styrofoam, carry-out food containers, with a gallon-jug of water next to it and a can of soda sitting on the floor. Other rooms also had similar carry-out food debris in them. Under the sink in one of the apartments dozens of empty gallon milk jugs could be seen, presumably to be used to carry water as migrants walked through the brush around the immigration checkpoints on the next leg of their journey. An agent in the video said to the camera that "dope" had been found in one of the rooms and in another scene showed a plastic zip-loc baggie partially filled with what appeared to be a small amount of marijuana. Most of the rooms did not appear to be heated or cooled, although one room did have a window-unit air conditioner in it. Graffiti on the wall of one room appeared below a decal of Jesus and another of the Mexican flag. It read "Rudi Serrano, José Huerta, Costa Chica," indicating that migrants from that Pacific Coast region of the states of Guerrero and Oaxaca had stayed there. Graffiti in another room said "Chapines, Guatemala, VIVA." The conditions depicted in the video, while they certainly looked grimy and uncomfortable, did not appear to be intrinsically unsanitary or inhumane. Much would depend on the number of people in each room, the outdoor temperature, the length of time people would stay in them, and how often they were cleaned. Nevertheless, conditions were certainly far worse than those that would be found in even the shabbiest of motels in the United States.

The parish priest was not especially concerned about bad conditions at the Flores place. The church continued to refer migrants to the Flores right up to the time they were shut down. Conditions were not great, he acknowledged, but he did not believe they were dangerous, either, especially relative to the alternatives available to migrants in Naranjo City:

Berta's was better than sleeping in the streets. There were a large number of migrants during the winter, so getting them out of the rain and bad weather was more critical. ... It was a way we could afford to help more people. We knew they were getting a good hot meal. That was the most important thing. It was better than

them sleeping out in the rain, which they did, or on the railroad tracks, which they also did.

He went on to point out that people staying with the Flores did not typically stay very long in the rooms. Most people, he said, moved on quickly, so sleeping on the floor for a night or two was not that bad. In the priest's opinion, Berta Flores, rather than being the "mastermind" of a criminal enterprise, was a good-hearted Christian who took care of people regardless of their circumstances. An additional illustration of this, he said, was that when Berta was arrested, one of her biggest concerns was that a street person that had been staying with her would be taken care of by the local sheriffs. The priest believed that Berta Flores and her family were made into scapegoats for failed U.S. immigration policies. He argued that the Flores family was no more culpable of aiding migrants than he himself was.

Another source familiar with the Flores case believed that Berta and Ángel had probably never made a conscious decision to "cross the line" and actively collude with coyotes to profit from the migrant traffic through Naranjo City. Rather, they continued to provide the services they always provided, and for very low prices—as little as \$5 per person per night and \$2 to \$4 for a plate of hot food. Their services to migrants had long been an open secret in Naranjo City and the Flores made no serious effort to hide what they were doing. Berta and the rest of the family members were aware of the fact that they were being investigated by the authorities. Ángel and other family members thought they should desist from renting rooms to people they knew or suspected were in the country illegally, but Berta steadfastly refused, always arguing that they were not doing anything wrong. Some people around town believed that after the first mass arrest, Berta was "in denial" about the legal jeopardy she was placing her family in.

Surprisingly, the F.B.I. agent quoted above also believed that Berta Flores and her family had begun to aid migrants for all the right reasons and had only later become what he regarded as a criminal enterprise:

I would say that they got involved for good reasons, that they believed they were just trying to help people out. That was their initial interest. Because they saw the plight of these people, they probably did it for the humanitarian purposes in the beginning. They were truly genuine in their desires to help the people. Then it went from there, unfortunately, to the business that it became. I think it just evolved over the years. I probably would say they were trying to do the right thing. It was an eye opener for me. And you see the plight of these people, and you sympathize with them, you almost want to turn the other way, and let them do

what they're trying to do, but you know you can't. I think there's a lot of people in the business that truly do want to help them, but when it becomes bastardized to the point it did with them it becomes a problem obviously. It's illegal obviously.

### **GIVING THE LAST WORD TO THE MATRIARCH**

After serving several years in prison, Berta Flores still maintained that she had done nothing wrong, even though she had been convicted of a crime and harshly punished for it. In spite of what the papers had said, Berta insisted that she never had been a smuggler: "Whatever they put in the paper, it wasn't nothing true, because I was not smuggling. I *did* help [the migrants] and I don't feel sorry that I did help them because those are my people." When I asked her what her impression was of the coyotes that had brought people to her business, she said that she thought of the coyotes and the migrants as being the same group of people—fellow Mexicans, like her. At the same time she insisted that she had no knowledge of the coyotes' business: "My impression was that [both the migrants and the coyotes] were my brothers and I was there to help them. My business was just to rent and sell here. What the coyotes did, what they had in their cars, I had no knowledge."

In South Texas, Berta argued, she was not alone in her willingness to help migrants out even at considerable risk to herself. "Some people will take you," she said, "even though it's hard and they might go to prison. And some people don't do it for money. They do it because they *care* for you! There's a lot that do it for money, but there's a lot that do it because they care for you." She denied that she or anyone in her family had ever locked anyone in a room, as the prosecution had claimed. Rather, she and Ángel pointed out that the government had detained several migrants as material witnesses to testify against them in court and that none of them ever testified that they had been mistreated while staying on the Flores premises. Berta said she had known that she was being investigated but was never afraid of going to jail for running her business the way she had. She firmly believed that she had nothing to be afraid of because she was not doing anything wrong by providing services to migrants. Her religious convictions also allowed her to continue to do what she regarded as being the right thing, in spite of any risks she faced by doing so. "I believe in the Holy Spirit," she told me, and I believe that I'm here to help others. I wasn't ever afraid. And I don't regret what I did. ... God lives in my heart. And if he wants me to do something, I'm going to do it." Then she added, "If I get in trouble for doing good, I have to pay the price. That's all I can tell you."

At the same time, Berta Flores, who identified herself as *mucha parte mexicana*, believed that the evil in the situation she had lived could be found in the laws of the United States. When I asked her what she thought about U.S. immigration policy, she told me she thought it was “very wrong”:

Why can't people come without hiring somebody and putting up all their money? And dying on the way just because the law says they can't come over here? People come, leaving everything behind! I feel very bad about this. ... There's a lot of laws that needs to be changed. I believe that if you're doing it for drugs and all that—that's wrong! But just for coming? For people coming across? And getting killed and getting shot by these people that have the power and control? I think that these laws are *demoníacos* [demonic, evil]. And it's going to be like this from now on. There's no heart. There's no feelings. There's nothing any more! There's no remorse for anybody. If you have it, and if another doesn't, that's okay. As long as you have it, you don't care about your brother that needs you.

It seems, then, that Berta Flores, the fallen smuggling “mastermind,” saw herself not as a criminal, but rather as her brother’s keeper.

## Notes

---

<sup>1</sup> Stories posted on this website complement research reported in the book *Clandestine Crossings: Migrants and Coyotes on the Texas-Mexico Border*, written by David Spener and published in 2009 by Cornell University Press. Research and writing for the book and this collection of stories was made possible by generous support from Trinity University and the John D. and Catharine T. MacArthur Foundation. The names of people and places in this story have been changed to protect the anonymity of my informants. Some minor alterations to the story have also been made for the same reason.

<sup>2</sup> For more a extensive discussion of the history of Mexican migration in South Texas, see *Clandestine Crossings*, Chapter 1, “The Unfolding of Apartheid in South Texas.”

<sup>3</sup> For further discussion of Operation Rio Grande and its effects on migrants, also see *Clandestine Crossings*, Chapter 1.

<sup>4</sup> For additional information on increased use of coyotes by migrants following the launch of Operation Rio Grande, see *Clandestine Crossings*, Chapter 2, “Clandestine Crossing at the Beginning of the Twenty-First Century.”

---

<sup>5</sup> Whataburger is a popular fast-food hamburger chain in Texas.

<sup>6</sup> In Texas, food stamps come in the form of the so-called “Lone Star” debit card, which can be used at stores to purchase food items only. Some recipients of this form of government transfer payments sell their cards for cash in order to be able to purchase other items besides the foodstuffs that may be purchased with the cards.

<sup>7</sup> This was in keeping with the typical practice of coyotes to not collect the full fee from their customers until they delivered the migrants to their final destination. At that point, migrants’ friends and family members would come forth to pay the remainder of the money owed to the coyotes. For additional information about this C.O.D. system for payment of coyotes, see *Clandestine Crossings*, Chapter 5, “Trust, Distrust, and Power: The Social Embeddedness of Coyote-Assisted Border Crossings.”

<sup>8</sup> For more detailed information on the structure of such networks, see *Clandestine Crossings*, Chapter 4, “Coyotaje and Migration in the Contemporary Period.”

<sup>9</sup> For additional information on this tragic incident, see *Clandestine Crossings*, pages 5-7, 132-133, and 143-146.

<sup>10</sup> For a more extensive discussion of the rhetoric of clandestine border-crossing in South Texas, see *Clandestine Crossings*, Chapter 6, “Passing Judgment: Coyotes in the Discourse of Clandestine Border-Crossing.” See also Spener, David. 2008. “El apartheid global, el coyotaje y el discurso de la migración clandestina: Distinciones entre violencia personal, estructural y cultural.” *Migración y Desarrollo* 10:1:127-156. An English version of this article is available on line at <http://www.migracionydesarrollo.org/>.