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2010

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UNIVERSITY OF CALIFORNIA, SAN DIEGO

Claiming Victims:
The Mann Act, Gender, and Class in the American West, 1910-1930s

A dissertation submitted in partial satisfaction of the requirements for the degree Doctor of Philosophy in History

by

Kelli Ann McCoy

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2010
The Dissertation of Kelli Ann McCoy is approved, and it is acceptable in quality and form for publication on microfilm and electronically:

Chair

University of California, San Diego

2010
For
Harold and Linda McCoy
and
David Dambman
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ACKNOWLEDGEMENTS

I want to express my deepest gratitude for the work of my dissertation advisor, Rebecca Plant. I am so grateful for her support and encouragement, as well as her excellent advice and feedback. It has truly been a pleasure and a privilege to work with her. The faculty, staff, and graduate students of the UCSD History Department made the last few years a wonderful experience for me, and their knowledge and assistance made this project possible.

I also want to thank all of the archivists at the Pacific and Pacific-Alaska branches of the National Archives and Records Administration. Their expertise and help were crucial to this project, and I deeply appreciate their efforts. I particularly want to thank the archivists at the Seattle NARA, for so amiably pulling hundreds of boxes for me and putting up with my presence for months. They made the archival research both possible and enjoyable.

My family and friends sustained me throughout this process and filled my life with great joy. My grandparents always encouraged my pursuits and made sure I knew they were proud of me. Although all four lived to see me begin graduate work, two have since passed on, and they are greatly missed. I cannot say enough to thank my parents, Harold and Linda McCoy. They taught me to love history and writing and to care about the world around me. Their unfailing love, support, and belief in me brought me to this point and will continue to carry me forward. My husband, David, has literally been with me for the same length of time as this project—we went on our first date the same day I first searched for Mann Act cases in the archives. He has been an unwavering help in the
years since then, and his contributions to this project are too numerous to list. His assistance and computer expertise made my work easier, and his good humor, compassion, and love continue to make my life better than I ever imagined.
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ABSTRACT OF THE DISSERTATION

Claiming Victims:
The Mann Act, Gender, and Class in the American West, 1910-1930s

by

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Doctor of Philosophy in History

University of California, San Diego, 2010

Professor Rebecca Plant, Chair

Claiming Victims explores the relationship between law and society through an examination of the Mann “White Slave” Act. In 1910, the Mann Act made it a felony to take a woman across state lines for “immoral” purposes. Although this federal law was ostensibly aimed at ending forced prostitution, it quickly became a way of regulating sexuality. Men who traveled interstate with women while engaged in consensual,
noncommercial relationships were subject to arrest and, if convicted, often received significant prison sentences. Despite the consensual nature of many of these interstate affairs, the women were legally defined as “victims” of the men who transported them.

This study investigates gender, class, and race in the early twentieth century through an analysis of Mann Act prosecutions in the American west, where people were charged with violations at a disproportionately high rate from 1910-1930. In the West, defendants in Mann Act cases were primarily white and native-born, despite the white slavery rhetoric that envisioned foreign-born men as the main purveyors of the trade in women. *Claiming Victims* argues that the Mann Act centered on the idea that women were easily victimized and needed to be protected, particularly from the men whose sexual affairs threatened to undermine the home and family. Therefore, Mann Act prosecutions reinforced a Victorian ideal of male respectability, even as late as the 1920s. The Mann Act limited the mobility of the people who seemed to pose the greatest threat to the middle-class ideal of a respectable social order: the male and female laborers who migrated in large numbers throughout the West. The use of the Mann Act to control movement and regulate sexuality was not solely an overreaching on the part of the FBI or federal government, but was demanded by the large numbers of Americans who reported potential Mann Act violations. The level of control implemented through the Mann Act was a direct result of ordinary citizens’ requests for the intervention of the federal government. Therefore, the enforcement of the Mann Act during the 1910s and 1920s was part of a larger struggle over how to define and enforce moral behavior and respectable gender roles in the midst of rapid social change.
Introduction

In 1923, Lou Ellen Dickens, a twenty-four year old stenographer in Tulsa, Oklahoma, decided to travel to the West Coast with Glenn Tobias, her thirty-nine year old boss. She knew he was married, though he and his wife were separated at the time. They began their journey in Kansas City, where they registered for a shared hotel room as “man and wife,” and subsequently traveled together to Los Angeles, Sacramento, Portland, Seattle and then back to Portland, where they stopped permanently. They occupied the same drawing room while traveling by train, but in Los Angeles and Portland, Lou Ellen stayed at the Y.W.C.A. while Glenn lodged elsewhere. They may or may not have sustained “illicit relations” with each other along the way, as their stories diverged. Lou Ellen claimed that Glenn promised to marry her, and that she “was a quiet home-loving girl” who would not have run off with him if she did not believe that they would wed and establish a home and family together. Glenn, however, insisted that she accompanied him in a purely business capacity and that their relationship was entirely proper.¹

Nevertheless, Glenn had committed a felony by paying for Lou Ellen’s travel expenses and occasionally sharing a room with her. He was arrested in Portland, charged

¹ *United States v. Glenn C. Tobias*, Case File 10439, Judgment Roll no. 11195; Criminal Case Files; U.S. District Court for the District of Oregon; Records of District Courts of the United States, Record Group 21; National Archives and Records Administration—Pacific Alaska Region (Seattle). Tobias’s age, race, and religion are taken from: Glenn C. Tobias, 1925, no. 5205, McNeil Island Penitentiary Records of Prisoners Received, 1887-1951; (National Archives Microfilm Publication M1619, Roll 2); Records of the Bureau of Prisons, Record Group 129.
with transporting Lou Ellen for “immoral purposes,” convicted, and sentenced to three years in the federal penitentiary at McNeil Island, Washington. To prove the case against Glenn, prosecutors did not have to resolve the disputed matter of whether or not the couple actually had a sexual relationship; the fact that they had crossed state lines together and shared lodgings were enough to constitute a violation of the Mann “White Slave Traffic” Act.

The Mann Act was a federal law born of the Progressive Era preoccupation with “white slavery”—or the forced prostitution of women and girls. The white slavery hysteria was an international phenomenon, originating in late-nineteenth-century England. In 1904, representatives from the leading nations of Europe met in Paris and signed the International Agreement for the Suppression of the “White Slave Traffic,” thereby pledging that they would investigate the international trade in women and return all foreign-born “white slaves” to their countries of origin. In 1908, President Theodore Roosevelt announced that the United States would abide by this international agreement. The U.S. had also amended its immigration law in 1907, making it illegal to import a woman into the U.S. not only for the purpose of prostitution (which had been the case since 1875), but also for “any other immoral purpose.”

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3 Representatives came from the governments of the United Kingdom, Germany, Belgium, Denmark, Spain, France, Italy, the Netherlands, Portugal, Russia, Sweden, Norway, and Switzerland.

In 1910, when the white slavery hysteria was near its peak in the U.S., Congress passed an additional law ostensibly aimed at curbing the domestic traffic in women and girls. The legislation, proposed by a Republican Congressman from Chicago named James R. Mann, involved a notable expansion of federal power. Congress had no authority to regulate sexual relationships, so Mann proposed that, because “white slavery” was a traffic in women, it could be regulated by Congress’s control over interstate commerce. In 1910, the power of Congress to regulate diverse forms of interstate commerce remained less established than it would become in subsequent decades, so the Mann Act placed victims of white slaver with a relatively limited group of other commodities regulated by Congress—including obscene literature and diseased cattle.\footnote{William Seagle, “The Twilight of the Mann Act,” \textit{American Bar Association Journal} 55 (July, 1969), 642.} This law, which fundamentally concerned who could cross state lines, reflected the development of a new national identity and the extension of federal power in the early twentieth century. It legally situated women as a potential form of property, subject to regulation by the federal government, when moved around the country—with or without their consent—for certain immoral purposes. In an effort to protect women from being transported like property, Congress paradoxically identified them as property to invoke its authority to govern them through federal legislation.

The Mann “White Slave Traffic” Act was signed into law on June 25, 1910. The Act declared that “any person who shall knowingly transport or cause to be transported … in interstate or foreign commerce … any woman or girl for the purpose of prostitution or debauchery, or for any other immoral purpose … shall be deemed guilty of a felony
It decreed maximum fines of $5,000 and/or prison sentences of five years, unless the victim was under the age of 18, in which case those maximums were doubled. Although a violator of the Mann Act could be male or female, the victim could only be a “woman or girl.”

According to its stated intent, the Mann Act aimed to stop the commercial exploitation of women, but its wording enabled prosecutors and courts to interpret it more broadly. The inclusion of “immoral purposes” enabled its use in cases that were not commercial in nature. Indeed, “immoral purposes” could be attributed to any extramarital affair between consenting adults, provided it entailed the crossing of state lines. Moreover, the Mann Act stipulated that a crime took place whether or not the woman had consented to the interstate transportation. Therefore, the Mann Act negated the legal significance of a woman’s role in initiating or engaging willingly in an interstate affair; it presumed that all illicit sexual activity necessarily victimized women.

From 1910 until the start of World War II, approximately 11,250 people in the United States were convicted of violating the Mann Act. During these years, prosecutions wandered far from the stated intent of the congressmen who passed the law: to end “white slavery” and commercialized vice. Many men, and some women, were hauled before courts, convicted, and given prison sentences for transgressions against the institution of marriage. Although many of these prosecutions, especially during the first few years, did at least involve some prostitution, by the late 1910s it had become

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increasingly common to prosecute consensual, noncommercial cases. The Department of Justice insisted that noncommercial prosecutions should only happen in cases with aggravating circumstances, such as “those involving a fraudulent overreaching; previously chaste or very young women or girls…; or married women, with young children, then living with their husbands.” Prosecutors, however, did not always abide by these guidelines. Throughout the 1920s, the Mann Act was regularly used to prosecute couples who traveled interstate, despite the lack of aggravating circumstances.

The Department of Justice’s official policy was never to prosecute noncommercial, adult, consensual cases without aggravating circumstances. Rather, it was the demands of ordinary American citizens who wanted the federal government to protect women, family, and the home, and to encourage male respectability and responsibility, which helped to push prosecutors and FBI agents in this direction. Although sexual relationships between unmarried couples may seem like the very epitome of a private matter, thousands of individuals brought such affairs to the attention of representatives of the federal government in an effort to restrain “immoral” behavior or to punish those who did not honor their marital vows. In this way, private peccadilloes became public, subject to regulation by legal authorities and the community members who sat on juries.

The case of Glenn Tobias and Lou Ellen Dickens illustrates this dynamic. Legally, Glenn was guilty because he paid for Lou Ellen’s transportation and shared a room with her in what appeared to be an “immoral” fashion. However, other details about

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8 Seagle, 643.
Glenn’s life played a prominent role in the trial and demonstrate the way in which Mann Act prosecutions served to protect women and punish men who undermined the stability of family structures. Glenn was charged with transporting Lou Ellen “for the purpose of prostitution, debauchery and other immoral purposes.” Although the indictment used the word “prostitution,” the term here did not necessarily connote any economic exchange. “Prostitution,” as repeatedly defined in Mann Act cases, simply meant “that the woman is to offer her body to indiscriminate sexual intercourse with men, either for hire or without hire.” Juries were also instructed that “debauchery” meant “that the woman is to be subjected repeatedly to unlawful sexual intercourse or fornication or adultery.” Or, as the prosecutor in another case suggested, “debauchery” could be defined as the kind of life “which will lead eventually or tends to lead to sexual immorality.” While clearly very broad, the definition of “immoral purposes” generally meant immorality of a sexual nature. Therefore, Glenn—like thousands of other men in the U.S.—was charged with transporting Lou Ellen for what was, essentially, a sexual escapade.

Glenn denied that there had been any sexual component to their trip, claiming that Lou Ellen merely accompanied him for business purposes. The prosecutor, however,

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9 United States v. Glenn C. Tobias.
10 Sigmund Suslak v. United States, Case File 2315; Appeals Case Files; U.S. Circuit Court of Appeals for the Ninth Circuit; Records of the U.S. Courts of Appeals, Record Group 276; National Archives and Records Administration—Pacific Region (San Francisco).
11 United States v. Hoyd E. Younger, Case File 1791; Criminal Case Files; U.S. District Court for the District of Idaho, Southern Division; Records of District Courts of the United States, Record Group 21; National Archives and Records Administration—Pacific Alaska Region (Seattle).
12 The extant portions of the trial transcript do not list his occupation. However, the newspaper account of his arrest called him “a wealthy real estate promoter.” “News Briefs From The Entire World: New York,” The Lincoln Star, August 16, 1923. Another paper said that Tobias “told police he employed Miss Dickens as a stenographer while in Kansas City in the sale of large [sic] tract of land which he owned near Los Angeles, California.” “Tobias is Held Under Mann Act,” The Bee, Danville, VA, August 16, 1923. His intake records from the McNeil Island Penitentiary describe him as an “office man and writer,” and note that he owned “real estate.” Entry for Glenn C. Tobias, 1925, no. 5205, McNeil Island
undercut Glenn’s insistence that he never had a sexual relationship with Lou Ellen by forcing him to elaborate on his long string of intimacies with other women. At the time of his trial, Glenn was married to his third wife, but they were separated, because she had returned to the vaudeville stage. “I decided to let her go because I knew it was very near to her heart,” Glenn explained, “Her career meant more to her than anything else, because she is more of a stage woman than she is a wife at heart.” He added on another occasion, “There is no reason why she should be fettered, or me either, if she is going to have a career.” Glenn admitted to a series of sexual relationships with different women, both before and during his marriage to his current wife. On his trip with Lou Ellen, he even had them stop at Los Angeles so that he could spend a few days with his ex-wife, with whom he was “very very good friends [sic].” His primary explanation for why he should not be suspected of having had a sexual relationship with Lou Ellen was that, at the time, he was already having an affair with a married woman from Kansas City—a woman who happened to be Lou Ellen’s sister. When yet another woman’s name was brought up, the attorney asked him, “Another married woman?” To which he responded, “No. No, they are not all married.” Despite Prohibition, Glenn also talked openly about how much drinking he did in Kansas City, saying, “I was having quite a party on—drinking a good deal,” and telling the attorney, “You should have been there. I finished up about a quart of Scotch.”

Penitentiary Records of Prisoners Received, 1887-1951; (National Archives Microfilm Publication M1619, Roll 2); Records of the Bureau of Prisons, Record Group 129. His occupation is one of the few ways in which this case is not representative of the majority of Mann Act prosecutions, as most of the defendants were part of the working class. However, like them, Glenn Tobias was highly mobile and had a job that involved frequent travel around the country.

13 United States v. Glenn C. Tobias.
Although the details about Glenn’s other relationships with women were irrelevant to whether or not he violated the Mann Act by transporting Lou Ellen, the prosecutor used them to show the jury that Glenn was the type of man that the Mann Act aimed to punish—men who had little regard for the protection of women or the importance of the marriage. When pressed for details about his affair with the married woman, Glenn asked, “What do you want to do? Make a blackguard out of me or a perjurer?” To which the prosecutor replied, “You have already made a blackguard of yourself.” Indeed, Glenn Tobias—a white, native-born Protestant—must have symbolized to many of the jurors the failure of respectable, protective manhood. The Ninth Circuit Court of Appeals seemed to agree. Although the Circuit judges deemed the line of questioning about past relationships unnecessary, they also concluded that Glenn’s own testimony about transporting Lou Ellen and sharing rooms with her “so clearly established guilt that it would be little short of absurd” to overturn the lower court’s guilty verdict.\(^{14}\)

This case illustrates the ways in which the Mann Act was used to control intemperate and unrestrained masculinity. It also demonstrates the ways in which some women sought to use the Mann Act to redress their grievances. Many women, like Lou Ellen, came to the police when they believed they had been ill-treated by men. Lou Ellen claimed that she had been seduced, promised marriage, and then left destitute and abandoned thousands of miles from home. The large number of stories like hers led to the widespread belief during the 1910s and 1920s that women were using the Mann Act to blackmail naïve men, purposely luring them across state lines and then extorting money

\(^{14}\) *Tobias v. United States*, 2 F.2d 361 (9\(^{th}\) Cir., 1924).
from them. Glenn Tobias referenced that fear by claiming that Lou Ellen was trying to blackmail him because of jealousy over his relationship with her sister. It is impossible, from the extant Mann Act records, to know where the truth lay in cases like this.

However, what is most significant for this study is not to determine whether or not Glenn and Lou Ellen actually engaged in a sexual relationship, but rather to examine the ways in which ordinary people who found themselves in court tried to tell stories about their gender and sexuality that resonated with their communities. Therefore, Lou Ellen portrayed herself as a decent sort of girl, but one who was naïve, infatuated, seduced, and abused by a man she trusted. She appealed to the legal system to protect and avenge her, by emphasizing the ways in which she was a victim, and downplaying the ways in which she had been complicit in this interstate affair.

The Mann Act involved a constant negotiation over both the legal and cultural meanings of victimization. From its very inception during the white slavery panic, social reformers used white slavery narratives to argue that women were victimized by men in sexual, social, political and economic ways. This rhetoric of victimization figured in reformers’ platform for demanding greater rights and opportunities for women, but it also cast women as particularly vulnerable to exploitation by men. The legal construction of the Mann Act established that women—and only women—were victims any time that they engaged in interstate, extramarital sexual relationships with men, with or without their consent. The law therefore claimed victimization for a large number of women who did not see themselves as “victims,” but rather as career prostitutes or willing lovers.

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Other women did demand that the law view them as victims, drawing on a long tradition of seduction cases in the United States to claim that consensual affairs were retroactively non-consensual when men reneged on their promises of marriage.\textsuperscript{16} To further complicate the legal definition of victimization in Mann Act cases, in the 1915 \textit{Holte} case, the Supreme Court ruled that a woman could be charged with conspiracy to violate the Mann Act if complicit in the affair—thereby making it legally possible for her to conspire to victimize herself.\textsuperscript{17}

The Mann Act defined the transported women as “victims” in an effort to protect them, but its enforcement led other people to protest that they had been victimized, not by sexually aggressive men, but by the legal system itself. Men imprisoned for interstate affairs while their mistresses faced no consequences may be viewed as victims of the overzealous enforcement of this law. But their abandoned families—left to fend for themselves while the men served their sentences—may have been the ones who suffered the most. For instance, when Leroy Edson Elliott was sent to the McNeil Island Penitentiary in Washington for violating the Mann Act, his wife and four children found themselves left destitute in Utah. Leroy had worked for a railroad and had carried on a brief interstate affair with a young woman, letting her use his train pass to join him in

\textsuperscript{16} Seduction laws varied from state to state, but all ostensibly provided redress for young women (or their fathers) when their chastity was “stolen” from them by men who lied, manipulated, or coerced them. For more on seduction laws in the United States, and how they blurred the boundaries of consensual sex in the nineteenth century, see: Susan Gonda, “Strumpets and Angels: Rape, Seduction, and the Boundaries of Consensual Sex in the Northeast, 1789-1870” (PhD diss., University of California, Los Angeles, 1999). See also Stephen Robertson, “Seduction, Sexual Violence and Marriage in New York City, 1886-1955,” \textit{Law and History Review} 24, no. 2 (Summer, 2006), 331-373 and Lea VanderVelde, “The Legal Ways of Seduction,” \textit{Stanford Law Review} 48 (April 1996), 817-901.

\textsuperscript{17} \textit{United States v. Holte}, 236 U.S. 140 (1915). The Supreme Court later clarified that the woman could not be charged with conspiracy if she merely acquiesced to the transportation; rather, she had to have been actively involved in it. \textit{Gebardi v. United States}, 287 U.S. 112 (1932).
California and then sharing a hotel room. Their fling ended quickly, as the young woman’s mother “started raising hell” and turned him in.\textsuperscript{18} Leroy was sentenced to eighteen months in prison, during which his wife, Sadie, wrote repeatedly to the warden and her state senator asking for her husband to be paroled. She insisted that she and her four children were the true victims in this case, and that their situation could only be remedied by her husband returning to work on their farm and for the railroad.\textsuperscript{19} As one of her neighbors wrote in support of her appeal, “I know not whether [Leroy Elliott] is guilty or innocent but this much I am sure of, that the punishment is upon her and the children a great deal more than upon him; for they actually suffer and they would not need to if he was here to provide for them … if there is any hopes [sic] of getting him out, let us unite in doing so for the sake of humanity.”\textsuperscript{20}

The Mann Act revolved around competing definitions of victimization, all of which served to define and enforce appropriate relationships between men and women. In particular, the enforcement of the Mann Act established respectable manliness as that which protects women and honors marriage. It was part of a larger, ongoing effort to regulate morality and legislate the terms of marriage and licit/illicit sexuality during the

\begin{footnotes}
\item[18] United States v. Leroy Edson Elliott, Case File 8437; Criminal Case Files; U.S. District Court for the Northern District of California (San Francisco); Records of District Courts of the United States, Record Group 21; National Archives and Records Administration—Pacific Region (San Francisco).
\item[19] She also said that her husband merely made a “mistake,” and suggested that the true blame lay with the other woman and her mother. She wrote that her husband “meant no harm to anyone, but he is inclined to be led very easily…. He has always been a good and kind husband and father and intended no harm.” Letter from Mrs. E. L. Elliott to Mr. Reed Smoot, August 16, 1920, in Leroy Edson Elliott, no. 3560; Inmate Case Files; Records of the U.S. Penitentiary at McNeil Island, Washington; Records of the Bureau of Prisons, Record Group 129; National Archives and Records Administration—Pacific Alaska Region (Seattle).
\item[20] Letter from H. Killback to Mr. Thomas Maloney, January 29, 1921, in Leroy Edson Elliott, no. 3560; Inmate Case Files; Records of the U.S. Penitentiary at McNeil Island, Washington; Records of the Bureau of Prisons, Record Group 129; National Archives and Records Administration—Pacific Alaska Region (Seattle).
\end{footnotes}
early twentieth century. Laws that police intimate affairs are a way of creating and reinforcing boundaries around normative sexuality. This process was aided by the waves of “ordinary” Americans who saw the expansion of the federal legal system as a way to guard against perceived threats to their way of life in the face of rapid social change.

Although much has been written about white slavery, surprisingly little has been published about its successor, the Mann Act. The Act is best known for its use in the persecution of Jack Johnson, the African-American boxer who both defeated a white boxer and openly had white mistresses and wives. The Mann Act receives regular, but relatively brief, mention in connection to Johnson, as an example of how authorities targeted him for crossing the color line. However, the Mann Act has received very little

21 For an exploration of how laws have shaped the meanings of marriage and “moral” or “immoral” sex throughout the twentieth century, see Ariela Dubler, “Immoral Purposes: Marriage and the Genus of Illicit Sex,” Yale Law Journal 115 (2006), 756-812.


attention outside of the Johnson case, particularly by historians. What scholarly work does exist has been aimed primarily at its legal significance. Legal scholars have discussed the Supreme Court cases related to the Mann Act and the precedents they set; the relationship between the Mann Act and other U.S. laws, particularly those governing sexual and marital relationships; and the need for the Act to be revised in the light of ever-changing ideas about what behavior constitutes “immorality.”

However, only one published book-length study focuses in its entirety on the Mann Act. David Langum’s *Crossing Over the Line: Legislating Morality and the Mann Act* takes a historical as well as legal approach to detailing the arc of Mann Act prosecutions nationwide throughout the entire twentieth century.

In 1969, legal scholar William Seagle announced the “twilight of the Mann Act.” He argued that, contrary to popular opinion, the law had “not been the engine of sexual oppression.” Rather, he sided with the Department of Justice in insisting that the Mann

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26 Seagle, 641.
Act had not been used to regulate morality, and that cases of noncommercial vice had been prosecuted only when there were aggravating circumstances. Although Seagle did acknowledge that the Mann Act had become less necessary due to changing sexual mores, he praised the constitutional precedent the Mann Act had set in establishing the commerce clause as “a suitable instrument for remedying those industrial and social ills requiring treatment on a national scale.”

In her 1984 article, Marlene Beckman responded directly to Seagle, arguing that the Mann Act was indeed enforced in cases with no aggravating circumstances. She pointed out that the enforcement of the Act had diverged far from the congressional intent behind the law, due in part to a series of Supreme Court rulings that only took into account the exact wording of the law, not its legislative history. Beckman examined the prison records of the 156 women imprisoned in Alderson, West Virginia from 1927-1937 for Mann Act violations. Some of these women were charged with transporting other women for the purpose of prostitution, while others were charged with conspiracy to violate the Mann Act by acceding to their own victimization. She describes this as “an ironic twist in the enforcement of the Mann Act—the prosecution of the women victims whom the Act was designed to protect.” As an explanation for why prosecutors pursued noncommercial prosecutions that did not fall within the scope of their instructions from the Department of Justice, Beckman suggested that a “likely explanation for the

27 Ibid., 645.
overzealous enforcement was the emergence, at the same time, of the Federal Bureau of Investigation (FBI) as a national police force.”

David Langum’s study confirmed Beckman’s—finding that the Mann Act was most certainly used in ways far outside the recommendations of the Department of Justice and far removed from the “white slavery” hysteria. Langum attributes this to the rise of a moral panic, particularly during the 1920s, compounded by the Act’s broad language of “immoral purposes” and the Supreme Court’s tendency to err consistently on the side of moral regulation. Langum primarily examined appellate and Supreme Court cases, as well as FBI records, to show the major trends in Mann Act prosecutions. He argues that prosecutions centered primarily on commercial vice during the 1910s and, due to a morals crusade, shifted mainly to noncommercial affairs during the 1920s. According to Langum, noncommercial prosecutions began to decline around 1928 as sexual mores changed and juries became less likely to convict. He argues that, from the 1930s onward, prosecutions tended to be aimed at individuals specifically targeted by J. Edgar Hoover and the FBI, or they involved commercial vice, underage girls, or other aggravating circumstances. Cases involving consensual adults increasingly disappeared after the Second World War, and finally, in 1986, the Mann Act underwent significant revisions to narrow its focus, make it gender neutral, and eliminate the terms “debauchery” and “immoral purposes.”

Langum, like Beckman, suggests that the growth of the FBI is one way to explain why the Mann Act was used to regulate morals rather than only to curb the commercial

29 Ibid., 1123.
exploitation of women. When created in 1908, the Bureau had only twenty-three agents and limited responsibilities. The Mann Act created a need for a federal police force, which poured resources into the FBI, making it necessary for the FBI to find cases in order to perpetuate its existence.  

It is undoubtedly true that the passage of the Mann Act directly contributed to the FBI’s growth. However, the First World War, followed immediately by Prohibition, gave the agency plenty of other things to do. The growth of the FBI facilitated, but is not wholly or exclusively responsible for, the heavy-handed enforcement of the Mann Act. Langum does acknowledge that public sentiment tended to favor noncommercial prosecutions, and that Congress declined to amend the Act because of pressure from citizens and church groups. However, Langum’s study ultimately places the blame for this sweeping enforcement of the Act on the legal system itself—on the FBI agents, prosecutors, and judges who continued to support such a (mis)use of the law. Indeed, *Crossing Over the Line* is dedicated to “The Victims of the Department of Justice.”

No regional case study has previously been conducted of Mann Act prosecutions, with the exception of Beckman’s examination of the files of the female prisoners at Alderson. Although Langum has provided a thorough legal history of the Mann Act, no one has published any social or gender histories of this law. This has left many questions unanswered: did Mann Act prosecutions proceed fairly evenly throughout the country, or

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30 Langum, 48-50.
31 Ibid., 57, 70-71.
32 David Langum also has about two paragraphs in which he gives some specific statistics about Mann Act prosecutions in Providence, Rhode Island and Mobile, Alabama. It is brief and lacks detail—including any mention of how many cases he found there. Although it works as supporting evidence in his chapter, he obviously did not intend it to be a regional case study. Langum, 150-151.
were they more concentrated in some areas than in others? What role did race, ethnicity, immigration, and class play in the enforcement of the Mann Act, and did the significance of those factors vary from region to region? In what ways did this law shape and reflect the dominant ideas about “moral” behavior, particularly as applied to respectable womanhood and manhood? Regional case studies can begin to answer these questions, by examining the contours of Mann Act prosecutions as they played out in different communities throughout the country.

In order to answer these questions, I examined every available Mann Act case prosecuted in the western United States from 1910 to the 1930s—approximately 1,200 total. I chose to focus on these early decades of Mann Act enforcement, when noncommercial, consensual prosecutions were at their highest levels, thereby best representing how this law came to be used to enforce certain standards of morality. I centered my study on an examination of cases from the western U.S. for two primary reasons. The West was a notorious hotbed of prostitution, and therefore is a useful location for assessing the extent to which the campaign against white slavery affected the enforcement of the Mann Act. The West, particularly the Pacific Northwest, also had a disproportionately high number of Mann Act cases, making it an excellent example of how a particular region could be both consistent and inconsistent with regard to national

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33 There is no index system for Mann Act cases, so locating them requires combing through every entry in the Docket Books, for each District, for every year, in order to find those marked “Mann Act,” “White Slave Act,” or “Act of June 25, 1910.” The Docket Book provides basic information and a case number, which then allows the case file to be located. I did this for, to the best of my knowledge, all of the Mann Act cases located in the NARA—Pacific Alaska Region (Seattle), NARA—Pacific Region (San Francisco), and NARA—Pacific Region (Laguna Niguel). That covers the Mann Act cases from California, Oregon, Washington, Idaho, and parts of Nevada and Arizona. Although I looked through the vast majority of the case files, I occasionally stopped with recording the information contained in the Docket Book when it was apparent that the case was dismissed, transferred, or for other reasons would not contain additional material in the case file.
trends in Mann Act prosecutions. In many ways, the themes present in western Mann Act cases were representative of prosecutions in the country as a whole, and in my first three chapters, I treat them as such. In the final two chapters, I focus specifically on the West, demonstrating the ways in which regional variations occurred even as the federal government increasingly consolidated its power over local and state governments.

The Mann Act case files, housed by the regional branches of the National Archives and Records Administration, contain varying amounts of information. Almost all files include an indictment explaining the charges, as well as a verdict and sentence, if applicable. Many contain subpoenas and documents related to detained witnesses. Some also contain letters that were entered into evidence, witness statements, or portions of trial transcripts. Only a few contain full trial transcripts, as defendants usually only paid for these when appealing the verdict. The limitations of this source material mean that many questions about Mann Act prosecutions cannot be answered. However, these legal documents still provide a lens through which to view the experiences of ordinary Americans, albeit at extraordinary moments in their lives. In particular, a careful and critical reading of the letters, witness statements, and transcript portions can reveal some of the ways in which men and women thought about their sexual relationships and appropriate male and female behavior during the early twentieth century.

Court records are notoriously difficult sources, offering both enormous possibilities and pitfalls. They are almost the only source in which “ordinary” people left a record of their sexual experiences, and yet, their very presence in court made them the opposite of ordinary—part of a small group of Americans whose circumstances led them
to talk about the intimate details of their lives in court. Therefore, such sources must be approached with caution, and the statements people made to legal authorities cannot be taken at face value. I have primarily followed the methodology of other historians of sexuality and gender who have read legal records “against the grain,” looking not for the “truth” or “facts” of the case, but rather critically examining the ways in which individuals wrote or talked about themselves, others, and their experiences. As Sharon Ullman demonstrated, court cases are valuable for “their language and imagery…. They are evidence of a sexual culture, representations competing for primacy in the American imagination.”34 These legal documents, combined with a critical reading of FBI files, prison records, newspaper articles from around the country, and white slavery narratives, provides greater insight into the culture and conditions that led to Mann Act prosecutions, as well as the rhetoric that led to convictions. Ultimately, my examination of these legal records seeks to place law in relation to society, and society in relation to law, rather than viewing the legal system as an entity unto itself.

Examining “ordinary” case files—not those that involved celebrities or which found their way to the Supreme Court—allows for a greater understanding of who tended to be involved in Mann Act prosecutions and why. When I began this research, I expected to find a large number of cases involving defendants from racial or ethnic minority groups. But to my surprise, very few of the cases prosecuted in the western U.S. resembled the notorious Jack Johnson case. Rather, I found that a large majority of

defendants were white and most were native-born. What defendants tended to have in common were their working-class occupations. Cultural analyses, like Brian Donovan’s recent critique of white slavery narratives, demonstrate the multiple and sometimes conflicting voices of the reformers who created the context in which the Mann Act was passed. However, such cultural histories are of limited use when it comes to understanding what the law meant to average Americans in the course of their daily lives. I found that, to some extent, individuals did replicate reformers’ rhetoric, but that the enforcement of the law also deviated in many important respects from what social reformers said about “white slavery.”

Claiming Victims makes three central, overlapping arguments. The first is that Mann Act cases revolved around the persistent idea that women and, by extension, the home and family, needed to be protected, not only from abuse or exploitation, but from their own “immoral” decisions. This “protection” was really a means of controlling women’s sexuality and access to women’s—particularly white women’s—bodies. The aggressive enforcement of the Mann Act during the 1920s and into the 1930s challenges the traditional periodization of the Progressive Era, for it suggests that historians have tended to overstate the extent of cultural liberalization in regard to women’s sexuality by the early 1920s. For instance, John D’Emilio and Estelle B. Freedman have argued that, by then, “Americans were clearly entering a new sexual era…. Among the many changes during this period, two stand out as emblematic of this new sexual order: the redefinition

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35 Brian Donovan, White Slave Crusades: Race, Gender, and Anti-vice Activism, 1887-1917 (Urbana: University of Illinois Press, 2006).
of womanhood to include eroticism, and the decline of public reticence about sex.\textsuperscript{36} The trends in Mann Act prosecutions demonstrate a more complex series of social struggles over women’s sexuality from the 1910s to 1930s; although many women did indeed engage in sexual relationships outside of marriage, they faced a great deal of opposition from their communities and the legal system, which continued to hold men primarily responsible for affairs in which women were equally complicit. Therefore, this study adds to those of other scholars who have explored the meanings of sexuality and marriage for women in the U.S. during the nineteenth and early twentieth centuries.\textsuperscript{37}

The second, related, argument is that Mann Act prosecutions demonstrated an effort on the part of both individuals and the legal system to enforce a Victorian ideal of male responsibility and respectability. Several gender historians have argued that manhood underwent a crisis during the early twentieth century, in which the old Victorian ideal gave way to a new, aggressive, virile masculinity. However, as Ben Jordan argued, “The trouble with this interpretation is that virile, aggressive primitivism would have been of little help to native-born white men attempting to maintain their


supremacy over a modernizing, diversifying society and economy.”

Indeed, the rhetoric used in Mann Act cases demonstrates that, at the very least, Victorian ideals of manhood were still vying for dominance in the 1920s. The Mann Act certainly did not reward spontaneous, impetuous, “primitive,” behavior, particularly if it involved a man and a woman traveling together. The enforcement of the Mann Act entered the cultural debate about manliness on the side of a restrained, Victorian version of manhood.

Third, this study argues that the “success” of the Mann Act came from a combination of local, community support and the efforts of the federal government. Although some state surveillance existed in the form of FBI agents and local police, there was never a huge network of law enforcement officials in place to search specifically for violations of the Mann Act. Rather, a large proportion of cases came to the attention of authorities because family members, friends, and neighbors turned in people who behaved in what they saw as an “immoral” fashion. Often they had a vested interest in the situation, as they hoped to protect their daughters or locate wayward husbands. In short, the Mann Act cannot be viewed simply as a law that an increasingly powerful federal government and a handful of zealous reformers imposed on American citizens. While that was one component of the story, many ordinary people also demanded enforcement of the Mann Act for their own, often deeply personal, reasons. In this way, average Americans, by the thousands, used the law to shape and enforce their particular visions of morality, calling upon the government to intervene in intimate affairs.

The first three chapters are national in scope, and the final two chapters focus specifically on elements of Mann Act prosecutions in the western states. The first chapter examines the white slavery hysteria that was the immediate precursor to and impetus for the Mann Act. The peak years of the U.S. campaign against white slavery overlapped with the first few years of Mann Act prosecutions and created the social context in which they occurred. While the “white slavery” scare can be viewed as a moral panic about race, immigration, and a changing social order, it was also a way for female social reformers to argue for the protection of women based on their susceptibility to victimization. This latter theme would play a particularly significant role in the enforcement of the Mann Act.

The twin themes of protection and victimization run through the second and third chapters. Non-elite women had a variety of responses to the “protection” offered by the Mann Act. Some women used the Mann Act to their advantage, calling upon the federal government to vindicate them when men with whom they had sexual relationships did not fulfill their promises or act in an honorable and “manly” way. Other women resisted being legally defined as “victims” in cases where they had consensual affairs. Some of these women wanted the protection and punishment offered by the federal government; others resisted the intrusion into their lives. With or without their compliance, prosecutors sought to define these women as “victims” when they engaged in sexual liaisons. The third chapter examines the rhetoric of respectable manhood in Mann Act cases, which was linked directly to the protection of women and the home. The types and quantity of appeals to the FBI for investigations into Mann Act violations suggests that large
numbers of Americans sought to enforce this standard of manhood when men were perceived to be violating it.

The fourth chapter assesses the extent to which race, ethnicity, and immigration were significant factors in Mann Act prosecutions in the western United States. It concludes that the vast majority of prosecutions involved white, native-born men, rather than the “dark,” and “foreign” men of white slavery lore. These defendants, both male and female, tended to be part of a highly mobile working class, and the Mann Act restricted their ability to travel freely with their lovers as they sought work throughout the West. The fifth chapter provides a regional case study of the Pacific Northwest in the 1910s and 1920s, arguing that the high rate of Mann Act prosecutions there was directly related to the efforts to build respectable cities by making them “morally clean” and ridding them of vice and prostitution.

A reciprocal relationship existed between the level of control and regulation implemented through the Mann Act and individuals’ demands for this law to intervene in their lives. As Nancy Cott articulated in her history of marriage legislation, “Law and society stand in a circular relation: social demands put pressure on legal practices, while at the same time the law’s public authority frames what people can envision for themselves and can conceivably demand.”39 From 1910 to the 1930s, many Americans viewed the protection of women and the restriction of working-class male sexuality as central to creating stable families and a moral country. The enforcement of the Mann Act

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39 Cott, 8.
during these decades was a manifestation of the struggle to define and regulate gender roles and sexuality amidst rapid social change.
Chapter One:

Saving the “Bodies and Souls” of Women and Children:
The Campaign to End White Slavery

In early 1907, a frail and sick-looking young woman sat on the witness stand and told a tragic story. “Agnes” described her life as a twenty-year-old in Chicago; she worked in a downtown office building and one night made the fateful decision to attend a dance with a female friend from work. At the dance hall, she met a charming young man named John, with whom she shared several dances, and who bought her two glasses of lemonade. Unbeknownst to Agnes, John had drugged her drinks, and after the second glass she passed out. When she awoke she found herself held captive in a brothel, attended by a “dark negress” dressed like a servant and a blond, gaudily-clad madam. Agnes was then plied with alcohol and forced to wear a short red satin dress, while her clothes were held hostage as a payment for the “debt” she owed the madam who had paid John to procure her. Agnes was eventually rescued when she managed to slip out a letter to her parents, who returned with a police officer to secure her release.

At least, that was the story that Chicago attorney and anti-vice crusader Clifford Roe told in his book *Panders and Their White Slaves*. Roe used this story to explain the process through which his eyes were opened to the “insidious slave traffic” that allegedly held women and girls in bondage as sex slaves throughout the U.S. We cannot know the true motivation or actions of Agnes or any of the other characters in Roe’s tale. Not only

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2 Ibid., 17.
3 Ibid., 37.
is “Agnes” a pseudonym, but Agnes’s story comes to us through layers of interpretation. She told a certain version of her story on the witness stand that, presumably, sought to convey her own innocence and the madam’s guilt and she was undoubtedly affected by the presence of a courtroom of witnesses, including her own teary-eyed parents. Roe then took her courtroom testimony and abbreviated and paraphrased it in the way that would best fit his anti-vice purposes, emphasizing Agnes’s innocence, naïveté, and virtue. Roe’s account has Agnes begging to go home to her parents, and saying, “I have never been away from home over night in my life,” a veiled assertion of her sexual innocence. Roe describes Agnes as trembling and almost fainting on the witness stand; his later remarks suggest that her stress in court was not just because of the trauma of recalling her captivity, but also because testifying publicly about such intimate matters went against the natural modesty of a decent girl.

Roe was the prosecuting attorney for this case, and Panders elaborates on his impassioned closing arguments, which resulted in the conviction of the madam, Panzy Williams. Roe sensed that the crowd in the courtroom thought Agnes was lying to keep herself from getting in trouble with her parents, so he asserted: “Nothing is sweeter to womanhood than honour. Nothing is grander than the virtue of our American women. … Would a girl tell such a story as this to right herself with her family and her friends? Would she not rather avoid publicity? Is that not the true instinct of womanhood?” He emphasized that the madam had taken from Agnes “that which can never be restored, her

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4 Ibid., 14.
5 Ibid., 15.
6 Ibid., 24.
chastity, her honour and purity.”⁷ Therefore, in Roe’s mind, the true crime was not that Agnes’s right to control her own body was violated by her rape and kidnapping, but rather that through those she had been forced to sacrifice her greatest prize: her sexual purity. Roe then claims that he used the end of his closing remarks in this case to publicly launch his war on the white slave trade: “If girls are sold as this girl has been, it is slavery, and I shall pursue it to the very end, and if it be a system of slavery, I shall drag it from its hiding place to the light of the day.”⁸

Clifford Roe was one of the most prominent anti-vice activists in the U.S., and Agnes’s story is representative of hundreds of similar ones told by social reformers during the first two decades of the twentieth century. These tragic and sensational tales of forced prostitution typically illustrated the dangers awaiting young white women when they caroused with men in large cities. Although the narratives of “white slavery” had many common themes, they were not monolithic in structure or meaning. Some reformers’ narratives addressed real social problems faced by women, including poverty and sexual violence. Others were highly sensational tales using the trope of female victimization to decry perceived social ills, including immigration, sexual promiscuity, alcohol and drug abuse, and economic exploitation.⁹ However, whether “truth” or “fiction,” all white slavery accounts had a particularly gendered content: only women could be the victims, whereas both the perpetrators and rescuers were typically, though

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⁷ Ibid., 25.
⁸ Ibid.
⁹ Frederick K. Grittner explores “white slavery” as a cultural myth with “symbolic explanations of sexuality, morality, gender roles, and prostitution.” He connects white slavery to the genre of captivity narratives, as well as to later twentieth century literature and films that depict the sexual victimization of women. Grittner, White Slavery: Myth, Ideology, and American Law (New York: Garland Pub., Inc., 1990), 5.
“White slavery,” therefore, became a powerful discourse in which the same basic story lines were repeated over and over, but with slight revisions that in turn helped to create new meanings. This provided a discursive framework within which reformers could debate about a wide range of issues they viewed as pressing social ills. To this extent, white slavery served as a “metalanguage” in the way articulated by Evelyn Brooks Higginbotham regarding race: as a signifier that “speaks about and lends meaning to a host of terms and expressions, to myriad aspects of life that would otherwise fall outside the referential domain” of prostitution.10

Although much has been written about “white slavery,” it has not been fully considered in all of its complexity as a narrative demanding social change. Since the late 1960s, historians have tended to interpret the U.S. campaign against white slavery as an incidence of moral panic—a hysteria that grossly exaggerated the extent of the traffic in women because of anxiety about the rapidly changing contours of American life combined with racism and nativism.11 Historians who characterize white slavery as a moral panic have depicted it as a mere reaction to the fears of white, native-born Americans; such an interpretation suggests that white slavery narratives were a way of

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avoiding complex and difficult social realities in favor of a more palatable mass delusion. Although the campaign against white slavery did, at its peak, constitute a panic, focusing exclusively on that element denies the extent to which reformers also attempted to use white slavery narratives to construct a particular type of society. By viewing the uproar over white slavery only as a moral panic, historians have obscured the ways in which it was also a gendered critique of politics, capitalism, and the victimization of women.12

The white slavery discourse both predated and overlapped with the early years of Mann Act enforcement. The campaign against white slavery helped shape the system of state control that emerged with the Mann Act, enabling the regulation of morality by the federal government. It set the context for Mann Act prosecutions, and heavily influenced how Americans viewed the law’s significance. An analysis of the strain of white slavery discourse that demanded the protection of vulnerable women is essential to understanding the ways in which the Mann Act reflected cultural ideas about gender and victimization. The Mann Act deviated from white slavery in notable ways, particularly in the large number of noncommercial prosecutions that did not involve captivity or prostitution. However, the central themes of white slavery narratives—the need to protect women and restrain men—were reflected in the enforcement of the Mann Act until the 1930s and

12 Some scholars have begun to challenge the moral panic interpretation of white slavery. Mara Keire’s article, “The Vice Trust,” argued that white slave campaigns were not isolated events on the fringes of mainstream American society, but rather that they drew on the widespread anti-monopoly discourse of the Progressive Era, in this particular case manifesting itself as a belief in an international vice trust run by Russians and Jews. Brian Donovan’s recent work also critiques the moral panic theory. He argues that white slave crusaders were varied in their goals, and sought to construct particular racial and gender orders, rather than just react to social changes. My argument about white slavery aligns most closely with Donovan’s, as he demonstrated that reformers used white slavery as a way of trying to create specific, but differing, racial and gender orders. He does not, however, analyze the theme of the victimization and protection of women to the extent I do, nor does he relate such white slavery themes with the ones that manifested themselves in Mann Act cases.
helped create the cognitive and legal possibility that women could be viewed as “victims” even when they initiated consensual affairs.

The Origins of the White Slave Campaign

The campaign against white slavery involved a series of international movements beginning in the 1880s, but reached its peak in the U.S. around 1910. In 1885, William T. Stead had sent shockwaves through Europe with his exposé of child prostitution in England.\(^{13}\) The campaign against white slavery gained traction in the U.S. after Stead published *If Christ Came to Chicago* in 1894. His sensational details about Chicago’s underground economy and vice districts shocked and outraged Americans, and resulted in a variety of movements aimed at decreasing vice and corruption.\(^{14}\) The Women’s Christian Temperance Union responded to Stead’s exposé with the creation of a “Department of Social Purity,” led by the anti-white slavery activist Katherine Bushnell.\(^{15}\) The issue had gained nationwide attention in the U.S. by 1906, when the

\(^{13}\) W.T. Stead, “The Maiden Tribute of Modern Babylon,” *The Pall Mall Gazette* (July 6, 7, 8, 10, 1885). His article drew international recognition to a problem that Josephine Butler had been campaigning against, with less success, for several years. In her 1881 *Letter to the Mothers of England*, Butler recounted horrible stories of young children being taken from their homes and prostituted to rich men. As with many later works on white slavery, Butler’s account was framed as an appeal to mothers, the group supposedly responsible for the well-being of the nation’s children. Josephine Butler, “A Letter to the Mothers of England [1881],” in *The Campaigners: Women and Sexuality*, ed. Marie Mulvey Roberts and Tamae Mizuta (London: Routledge/Thoemmes Press, 1994), 1-22.

\(^{14}\) William T. Stead, *If Christ Came to Chicago* (Chicago: Laird & Lee, 1894). A series of international conferences followed Stead’s article, with the aim of suppressing the traffic in white women and girls throughout the world. This included a concern with the “white slavery” of European women in Latin America. See Donna J. Guy, *White Slavery and Mothers Alive and Dead: The Troubled Meeting of Sex, Gender, Public Health, and Progress in Latin America* (University of Nebraska Press; Reprint edition, 2000), 21-22.

\(^{15}\) Brian Donovan, *White Slave Crusades: Race, Gender, and Anti-Vice Activism, 1887-1917* (Chicago: University of Illinois Press), 39.
American National Vigilance Committee was formed. Then, in 1908, President Roosevelt declared that the United States would abide by the international white-slave treaty. The secretary of the Committee of Fifteen charged with investigating vice in New York City later reflected, “Since that time the work of breaking up the white-slave traffic has been actively pursued by both national and state governments, the federal government seeking to look after the immigrants, and the separate states dealing with the internal or domestic traffic.”

Although the fight against white slavery was international in scope, it took on a particular fervor in the American context. Progressive Era discourse about purity reform provided fertile ground for debates about women’s sexual agency, and rapidly rising rates of immigration and urbanization fueled concern about the changing contours of society. Historians of prostitution have debated the extent to which women were actually enslaved during the Progressive Era. Most of the sources for determining the number of trafficked women are either the accounts of elite social reformers or Vice Commission reports—the difficulty with both of those is that they tended to conflate all prostitution with white slavery. This obscures the distinction between those women who were willing prostitutes, those who were compelled by economic forces but were not actually held captive, and those who were imprisoned as sexual slaves. In the 1980s, historians Ruth Rosen and Mark Thomas Connelly debated the extent of the actual traffic in women. While Connelly argued that white slavery did not actually exist, Rosen argued that it did. Her examination of vice commission reports and reformers’ studies concluded that about 7.5 % of


\[17\] Ibid., Part I, 207-208.
prostitutes were “white slaves.”\textsuperscript{18} Although it did not appear to affect her statistics, Rosen did make a notably incorrect assumption about the Mann Act. She argued that her conclusions were supported by the conviction of 1,057 people for the crime of white slavery from 1910 to 1915, wrongly taking the Mann “White Slave Trade” Act at face value.\textsuperscript{19} To the contrary, the majority of Mann Act cases did not fit the definition of “white slavery,” and the enforcement of the law is no proof that white slavery was actually an extensive problem. Nevertheless, Rosen’s conclusion that sexual slavery did exist to a small extent is convincing. Such statistics also suggest that the claims of reformers about the number of white slaves were extremely exaggerated.

However, some contemporaries of the white slavery hysteria insisted that it did not exist at all. The prostitute pseudonymously called “Madeleine” detailed her lifelong experiences with prostitution all over the United States, and argued that in her wanderings she saw the whole “lost sisterhood”: “I met the public prostitute, the clandestine prostitute, and the occasional prostitute. … But the one girl I never met in all these years and in all the cities and countries that I visited was the pure girl who had been trapped and violated and sold into slavery, and held a prisoner unable to effect her escape—the so-called ‘white slave.’”\textsuperscript{20} The conclusion to her autobiography criticized the condescension of reformers, and she asserted, “I do not know anything about the so-called white-slave trade, for the simple reason that no such thing exists. I know all there

\textsuperscript{18} Rosen, 134. Kathleen Barry also argued that the white slave traffic really existed and said that we must recognize the sexual slavery of the past in order to identify and fight it today. Kathleen Barry, \textit{Female Sexual Slavery} (New York: New York University Press, 1979).

\textsuperscript{19} Rosen, 118.

is to be known about prostitution.”

Despite the doubt about the extent to which white women were enslaved, there does seem to be ample evidence that some Chinese women on the West Coast were kept in slavery as prostitutes. Reformers perceived the so-called “yellow” slavery in San Francisco’s Chinatown as a major problem, and the desire to rescue Chinese prostitutes brought missionaries like Donaldina Cameron to the Chinese Mission Home, which she ran from 1900-1934. The alleged enslavement of Chinese women in San Francisco contained more truth than the hysteria about “white slavery.” Unlike most of their white counterparts, few Chinese prostitutes could choose whether or not they continued in that line of work. Chinese prostitutes and female-brothel owners who managed to escape told of lives of oppression and slavery. One female Chinese slave owner described how easy it was to acquire young girls in China, either by buying them from poor families, or simply taking the ones who had been abandoned. After these girls passed through immigration as “daughters,” they were under the control of the owners, potentially for the rest of their lives. The reform narratives about “yellow slavery” were used both to argue for the protection of Chinese women, and to argue against Chinese immigration in general.

In attempting to understand the complex dynamics of “white slavery” discourse, many Progressive Era historians have relied on a dichotomy between white slavery and

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21 Ibid., 321.
22 Pascoe, Relations of Rescue, 78.
23 Ibid., 14-15.
25 Donovan, White Slave Crusades, 128.
prostitution, in which “white slavery” is viewed as myth and prostitution as reality. A more appropriate framework in which to discuss “white slavery” takes into account the inseparable natures of myth and reality; as Frederick Grittner concluded, myths both reflect and affect reality in that they disclose moral content, meaning, and values. The debate, therefore, over whether or not white slavery was “real” overlooks the importance of the social claims that reformers made via “white slavery” narratives. The perception of white slavery, and the discourse around it, shaped laws and public policies in the United States for decades to come, in large part through the Mann “White Slave Traffic” Act.

Until the late nineteenth century, the term “white slavery” in the U.S. was primarily used in reference to the economic enslavement of white men. An 1840 leaflet proclaimed the bold headline: “WHITE SLAVERY!! OR SELLING WHITE MEN FOR DEBT!” Historian David Roediger has argued that, in the mid-nineteenth-century U.S., the expression “white slavery” was roughly equivalent with wage slavery, and was claimed by white, working-class men as “a call to arms to end the inappropriate oppression of whites.” A survey of articles in the New York Times and San Jose Mercury News suggest that wage slavery remained the predominant meaning of the term “white slavery” at the turn of the century. In 1904 and 1905, stories about “White Slaves in Virginia Mines,” “White Slavery in Mississippi,” and “White Slavery in the South” all

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26 Grittner, 7.
27 “White Slavery!! Or Selling White Men for Debt!” (Lexington, 1840). Library of Congress, Printed Ephemera Collection; Portfolio 22, Folder 15. This leaflet was arguing against presidential candidate William Henry Harrison, and therefore referenced an Indiana state law he had signed in 1807 that allowed for the selling into slavery of white men who were convicted of crimes and were then unable to pay the required fines.
detailed forced or coerced labor of poor white men.\textsuperscript{29}

At the same time, other articles in these newspapers reveal that a shift in definition was underway. In the \textit{New York Times} in 1899, a story titled “For the Protection of Girls” discussed the international congress on white slavery, and explained to readers that the purpose was to suppress “the so-called ‘White Slave Traffic,’ as the international traffic in girls is termed.”\textsuperscript{30} In 1902, the \textit{San Jose Mercury} was still clarifying this issue for its readers, heading one story “White Girl Slaves in Philadelphia,” to distinguish it from the white male laborers who were more commonly described as white slaves.\textsuperscript{31} For the first few years of the twentieth century, both of these newspapers continued to use “white slavery” as an interchangeable term for both the sexual coercion of women and the economic oppression of men. However, by about 1907, the term “white slavery” seems to have been solidly established as applying to the forced prostitution of women; thereafter newspapers assumed that their audience understood its meaning. For instance, a 1909 article comparing slavery in Mexico and the U.S. said, “We have our peonage in southern lumber camps and sometimes in northern industries, and we have our white slavery.”\textsuperscript{32} Just a few years earlier, peonage in the south was “white slavery,” yet by the time this article was written, “white slavery” had been redefined as its own distinct social problem, and was used widely enough to need no further explanation.

Therefore, over the course of about a decade, the term “white slavery” became a

\textsuperscript{29} \textit{San Jose Mercury News}, published as \textit{The Evening News}, December 16, 1904; March 9, 1905; December 22, 1905.


signifier for a specific concept: that of the young, white woman who was coerced or forced into prostitution, resulting in her shame and degradation. While the wage labor definition of “white slavery” carried with it a sense of economic injustice, the sex trafficking version had a deep moral significance; if the former signified the victimization of bodies, the latter included bodies and souls. This meaning was constructed through a series of binary oppositions: between men and women, morality and immorality, purity and impurity, white and non-white, native and foreign.

The language of “white slavery” was meant to suggest similarities to “black” chattel slavery, while drawing on the racial and moral connotations of the word “white,” which implied the purity and innocence of the enslaved. A term like “female slavery” would have better described the proliferation of female prostitutes in urban areas who belonged to a variety of groups not considered “white” at the turn of the century, most notably African-American and Asian women—the latter, if discussed at all, were usually called “yellow slaves.” There is a telling absence of these particular groups of women in the early twentieth century discourse on white slavery. The few sources that do mention women of color make it evident that they had been excluded from consideration as white slaves by the very nature of the term. Several reports acknowledged the inadequacy of a

33 I mean “signifier” in the sense that Ferdinand de Saussure did, as words that create an impression linked to a concept, not to something material (the “signified”).

34 In Howard Woolston’s 1921 work on prostitution, he asserted that the proportion of “colored women” in prostitution in New York City was several times that of their presence in the general population. While a 1910 census showed that “Negro women over 15 years of age” were 2.4 percent of the population, Woolston asserted that black women furnished more than 16 percent of women convicted of prostitution in the Department of Correction records. Whether this really demonstrated a higher rate of prostitution, or just reflected a racist judicial system, it at least shows that there were significant numbers of women of color in prostitution, who do not seem to have been addressed in the white slavery furor. Howard Woolston, *Prostitution in the United States* (The Century Company, 1921, reprint, Montclair, New Jersey: Patterson Smith, 1969), 15-16. The abysmal treatment of Asian prostitutes on the West Coast has also been well documented. See Rosen, *The Lost Sisterhood*, 121-2.
term that suggested such slavery was limited to white women. As National Vigilance Committee Chairman Dr. O. Edward Janney commented, “The term [white slave traffic] is not fairly descriptive, since the traffic reaches to every race and color.”35 When Emma Goldman criticized the way reformers treated white slavery, she asserted that the trade in women included “not merely white women, but yellow and black women as well.”36

Reformers’ concern with women’s freedom, choice, and consent seems only to have applied to those prostitutes who could conceivably become part of a pure, white womanhood.37 White slavery was repeatedly compared to black slavery in terms designed to convince Americans that the sexual slavery of white women was a matter of the gravest severity. Only half a century after the emancipation of black slaves, white slavery was construed as being “the foulest slavery the world has ever known.”38 Clifford Roe asserted, “There is a White Slave Traffic, infinitely more inhuman than the black slave traffic.”39 Novelist Reginald Wright Kauffman proclaimed prostitutes to be “as much slaves as any mutilated black man of the Congo, or any toil-cramped white man in a factory.”40 Congress deemed white slavery to be “a thousand times worse and more

37 Reformers argued that many of these “enslaved” women were immigrants from various countries in Europe. Although racist anti-immigrant sentiment was often directed at immigrants from Southern and Eastern Europe, Mae Ngai argues that, in contrast to people from other locations, all Europeans at least had the opportunity to be “white.” She asserts that “although nativists commonly referred to southern and eastern Europeans as ‘undesirable races,’ their eligibility to citizenship as ‘white persons’ was never challenged and the legality of naturalizing European immigrants was never an issue in public and political discourse.” Mae M. Ngai, “The Architecture of Race in American Immigration Law: A Reexamination of the Immigration Act of 1924,” *The Journal of American History* 86 (June 1999), 67-92.
39 Ibid., 19.
degrading” than any other kind. Jane Addams declared that white slavery was “as old and outrageous as slavery itself and even more persistent.”

The campaign against white slavery subtly racialized purity and made white womanhood the object of protection against the alleged depravity of African-American and immigrant men. In this way, the war against “white slavery” joined with other Progressive Era movements to define a U.S. citizenry that was, among other things, hygienic, monogamous, consenting, and racially pure. “White slavery,” as a rhetorical construction, served to reinforce Progressive Era nativism and to create an image of pure white womanhood that needed protection from foreign contamination. Much of the sensational campaign against white slavery proclaimed a threat posed by villainous immigrant men. It was widely believed that a syndicate of Russian or Jewish men ran the white slave trade, despite findings to the contrary by the 1910 New York Grand Jury, headed and funded by John D. Rockefeller Jr., which investigated the organization of the trade in women. As historian Egal Feldman noted, “There was a nativist assault on prostitution which envisioned well-organized networks of vice connecting European and American cities.” McClure’s Magazine boldly proclaimed, “It is an absolute fact that corrupt Jews are now the backbone of the loathsome traffic in New York and Chicago.” McClure’s also identified some of these “procurers” living in the vice districts of large American cities: “a fraternity of fetid male vermin (nearly all of them being Russian or

41 Cott, 146.
44 Egal Feldman, “Prostitution, the Alien Woman and the Progressive Imagination, 1910-1915,” American Quarterly 19, no. 2 (Summer, 1967), 194.
Polish Jews), who are unmatchable for impudence and bestiality, and who reek with all unmanly and vicious humors. They are called ‘pimps.’”

While reformers routinely portrayed foreign men as a threat to the innocence and purity of white womanhood, they described immigrant women as particularly susceptible to victimization because of their lack of community support. As E. Norine Law wrote in *The Shame of a Great Nation*: “Some 65,000 daughters of American homes and 15,000 alien girls are the prey each year of procurers in this traffic, according to authoritative estimates.” Reformers argued that the white slave trade was, at its core, a result of unequal relationships between men and women and that this inequality was compounded in the cases of immigrant women who did not fully understand their rights in the United States. Dr. Miner estimated in her autobiography that of a sample of one thousand women she knew from New York’s Night Court, only one-fifth were born in America to American parents. These immigrant women, Miner asserted, were “more easily exploited because of ignorance of American customs, language, and agencies to which they might turn for help. … They are cowed by threats of deportation [made by procurers].” Jane Addams also proclaimed that immigrant women were most in need of legal protection. Although her demand for the protection of the “foreign girl who speaks no English” may be construed as condescending, it hardly fits within the framework of Progressive Era nativism; Addams demanded that rather than deporting immigrants who

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49 Ibid., 34.
became “criminals or paupers,” the nation should develop a less punitive policy that protected immigrants from exploitation.\textsuperscript{50}

Female social reformers also employed the white slavery discourse to position themselves as essential to the rescue and rehabilitation of prostitutes and poor women.\textsuperscript{51} They spoke of “white slavery” in ways that asserted the power, the purity, and the autonomy of women, while simultaneously portrayed some women as the passive victims of white slave traders. Reformers set virtuous wives, mothers, and daughters in contrast to the victimized women who were white slaves. Suffragist Mrs. T. Curtis reflected the themes of both victimization and rescue in her argument that women’s suffrage would effectively end white slavery. She proclaimed, “With our enfranchisement let us have women empowered [sic] to counteract this business with the end in sight that in New York City alone five thousand young girls shall not die in one year, victims to vice, and be buried mostly in nameless graves.”\textsuperscript{52} The gendered discourse on “white slavery” served as a means for white, female social reformers to demand fundamental changes to the structure of American society. They based their arguments about the white slave trade on a belief that it existed because of the physical, political, and economic exploitation of women \textit{en masse}. For female reformers, therefore, “white slavery” discourse provided an avenue through which to claim authority as those with the power to rescue and

\textsuperscript{50} Addams, \textit{New Conscience}, 26, 35.
\textsuperscript{51} To a limited extent, this relationship between social reformers and “white slaves” reflects the framework used by Peggy Pascoe to discuss the organization of rescue homes by middle class white women. Nonetheless, the two strategies differ in that the intended audience of “white slavery” rhetoric was not actually the “white slaves” themselves, but other middle and upper class white men and women. Peggy Pascoe, \textit{Relations of Rescue: The Search for Female Moral Authority in the American West, 1874-1939} (Oxford: Oxford University Press, 1990).
\textsuperscript{52} Mrs. T. Curtis, \textit{The Traffic in Women} (Boston: The Woman Suffrage Party of Boston, ca.1912), 12-13.
rehabilitate “captive” women.

**White Slavery Discourses**

During the first decade of the twentieth century, sensational white slavery stories quickly became fodder for public consumption. Alongside news media, film, novels, and the allegedly non-fictional exposés by muckrakers, reformers used white slavery rhetoric as a means of arguing for fundamental changes to American society, particularly concerning the protection of women and girls. Both male and female Progressive Era social reformers characterized prostitutes as victims; these women succumbed to the physical exploitation of men as well as the economic exploitation of society. Though some reformers acknowledged that prostitutes were rarely physically enslaved, they suggested that prostitutes were captive to a “loss of freedom of will and of action.”\(^5^3\) In *The Great War on White Slavery*, Clifford Roe suggested that all prostitutes were white slaves. He made ostensibly scientific calculations that, if there were 300,000 prostitutes in the U.S., and their average time spent in such a profession was five years, then every year 60,000 women would be required to fill the places of those who died or moved on to other occupations. This led him to conclude that white slavers were looking for 60,000 women and girls every year, which in turn resulted in a mass advertising campaign with posters warning mothers that slave traders looking to fill 60,000 empty positions posed an imminent threat to their daughters.\(^5^4\) By generally using the terms “white slavery” and “prostitution” interchangeably, reformers denied the possibility that women could consent


to something deemed to be so abhorrent. Therefore, they tended to view all prostitutes as victims, regardless of the circumstances, and to not see the women themselves as responsible—they were, after all, “slaves.” This belief about women’s sexual victimization became one of the central elements of the Mann Act. Reformers centered this argument about the victimization of women on three types of exploitation: their inability to achieve financial stability; their lack of consent and control over their own bodies; and their political disenfranchisement.

Although “white slavery” often signified physical captivity, some reformers also used the term to describe the socioeconomic forces that compelled women to enter an occupation that they would not, under other circumstances, have chosen. In that regard, use of “white slavery” paralleled the “wage slavery” definition previously used by white men. Some Progressive reformers stressed the degree to which the actual problem of prostitution was one of economics. In *House of Bondage*, Reginald Kauffman repeatedly asserted that poverty and unjust economic situations for the working class left some women with no options other than prostitution. As Jane Addams wrote in her 1912 volume on white slavery, prostitutes “epitomized that hideous choice between starvation and vice which is the crowning disgrace of civilization.”

In Ruth Rosen’s analysis of statistical data on early-twentieth-century prostitutes, she concluded that economic

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55 The middle and upper classes during the early twentieth century also made little distinction between prostitution and other types of extramarital sexual relationships. Several historians of the early twentieth century have argued that Progressive Era reformers did not commonly differentiate between women who had affairs with lovers, those who exchanged sexual favors for dinner and entertainment, and those who worked regularly as prostitutes; rather, they considered all women engaged in illicit sexual activity to be essentially prostitutes. Langum, *Crossing Over the Line*, 120-123. Also in: Barbara Meil Hobson, *Uneasy Virtue: The Politics of Prostitution and the American Reform Tradition* (New York: Basic Books, 1987); Mark Thomas Connelly, *The Response to Prostitution in the Progressive Era* (Chapel Hill: University of North Carolina Press, 1980).

factors were the primary ones in determining a woman’s decision to enter prostitution.\textsuperscript{57}

A journalist and social reformer named Clara Laughlin attempted to demonstrate in a book called \textit{The Work-A-Day Girl} that low wages led women down paths that resulted in loose sexual morals, out of wedlock pregnancy, and prostitution. In response to those who argued that women would never choose prostitution for the money, Laughlin argued that women were instead lured into making bad decisions because of economic hardship, and those decisions led inexorably to the ruin of young women:

Another curious misconception that many persons got, was that when a girl may be said to have succumbed to the evil life because she could not get along on the wages paid her, she rose one morning and said: ‘I’m tired of the struggle. I’ll go to the devil.’ They argued that a girl would not do that ‘once in a thousand times.’ Of \textit{course} she wouldn’t. \textit{That} isn’t the way they go! That isn’t the kind of relation there is between low wages and going astray.\textsuperscript{58}

Laughlin saw a direct correlation between prostitution and women’s inability to support themselves through “respectable” forms of labor. Laughlin argued that the bare minimum on which a girl could live independently—with no entertainment or luxuries—was eight dollars per week; in her study of conditions in Chicago’s department stores and restaurants, she found that women regularly went to work for just four or five dollars per week.\textsuperscript{59}

Many female social reformers and early feminists recognized that inequalities in work and pay—rather than white slavers or general immorality—often led women down

\textsuperscript{57} Rosen, \textit{The Lost Sisterhood}, 145-147.
\textsuperscript{59} Laughlin, \textit{The Work-A-Day Girl}, 202. In \textit{Cheap Amusements}, Kathy Peiss identifies the living wage for women in New York in 1910 as about $9 or $10 per week, while she notes that the majority of women in factories and retail stores made less than $8.
the path to “sexual immorality” and prostitution. They worked to expand the definition of sexual coercion to include economic forces. Women as ideologically different as Jane Addams and Emma Goldman argued that low wages and the exploitation prevalent in women’s occupations made possible the coercion of women into prostitution. Addams provided illustrations from her Hull House settlement in Chicago in which children suffered, and eventually turned to prostitution, because their mothers could not make enough money doing factory work to properly care for them.\textsuperscript{60} Emma Goldman went so far as to point out the sexual-economic exchange involved in marriage, as well.\textsuperscript{61} To her, the “traffic in women” was “merely another strain of capitalist exploitation.”\textsuperscript{62} Though this argument removed male “slave traders” from the equation, it still situated women as hopeless victims of a capitalist society. Emma Goldman, though she mocked the idea of “white slavery,” asserted: “What really is the cause of the trade in women? … Exploitation, of course: the merciless Moloch of capitalism that fattens on underpaid labor, thus driving thousands of women and girls into prostitution.”\textsuperscript{63} Even those who were not radical anarchists, including Clifford Roe, admitted that the “pressure of low wages” put many women and girls in situations that made them particularly vulnerable to the advances of disreputable men.\textsuperscript{64}

This economic argument about the forces that pushed women into prostitution did not, however, challenge the underlying premise that reformers generally believed women

\textsuperscript{60} Addams, \textit{New Conscience}, 115.
\textsuperscript{62} Haag, \textit{Consent}, 70.
\textsuperscript{63} Goldman, “The White Slave Traffic,” 344.
\textsuperscript{64} Roe, \textit{The Prodigal Daughter}, 290.
did not – indeed, could not – freely choose to engage in illicit sexual behaviors. Whether they saw illicit sex as forced by male violence or coerced by limited economic options, middle- and upper-class reformers and legislators denied the ability of women to willingly engage in prostitution and, by extension, challenged the idea that women ever freely consented to sex outside of marriage. As Pamela Haag asserts, “white slavery, in law and the popular imagination, did not so much deny ‘agency’ as it charged that a woman’s choice to ply the trade could hardly be seen as a free or meaningful, legitimate enactment of their will, given the social context in which it was made.”

Some reformers repeatedly turned a blind eye to what may really have been a matter of personal choice or economic necessity. Maude Miner demonstrated this in her record of the psychological examination of a prostitute named Evelyn at her rehabilitation home, Waverley House. Miner expressed consternation that, “in spite of our efforts to help her after her release [from a reformatory], she resumed her immoral living.” The conclusion Miner reached was that Evelyn was “feeble-minded”—thus implying that no woman in her right mind would choose prostitution over a more acceptable way of earning money. The way in which women seemed trapped in a cycle of prostitution fueled the images of captivity suggested by reformers. If women could not seem to easily escape from “the Social Evil,” it was because they were enslaved not only by individual men, but also by the disdain of society. To this effect, Mrs. T. Curtis proclaimed that “girls are kept prisoners not so much by the use of bolts and bars, perhaps, as by the fact that they know that, having been an inmate of a brothel even for a short time, they are

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65 Ibid., 66.
66 Miner, Slavery of Prostitution, 171.
forever debarred from normal association with right-minded people under wholesome
conditions.”

In Jane Addams’s work on white slavery and prostitution, *A New Conscience and
an Ancient Evil*, she demonstrated the way in which “white slavery” narratives situated
prostitutes as victims of both men and society, with female social reformers as the ones
offering them hope and rehabilitation. In discussing a girl from France who was deceived
by a white slave trader into coming to America and working as a prostitute, Addams
wrote, “It is as if the shameful experiences to which [she] was forcibly subjected, had
finally become registered in every fibre of her being until the forced demoralization has
become genuine. She is as powerless now to save herself from her subjective temptations
as she was helpless five years ago to save herself from her captors.” This was the
quintessential image of the “white slave”; she was so weak and demoralized that
eventually her captivity thoroughly pervaded her very being.

This loss of a woman’s control over her own body and soul was one of the major
issues that reformers cited in regard to the women who were “white slaves.” Prostitution
represented a woman’s lack of consent to govern her own body. As historian Nancy Cott
has demonstrated, in the late nineteenth and early twentieth centuries consent was an
essential part of American citizenship. In the minds of many Americans, therefore,
prostitutes joined the ranks of such apparently oppressed women as the wives of Mormon
polygamists. It seemed to undermine women’s rights to citizenship if they were not

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autonomous individuals in control of their own bodies.

In a paper read before the National Christian League for the Promotion of Social Purity, physician Eli Peck Miller asserted that if this social evil was to end, women must have the right to govern their own bodies. Miller portrayed women as falling victim to the insatiable lusts of men—especially their husbands. This resulted in a proliferation of unwanted children, a problem which in turn resulted in depravity and eventually prostitution. Miller therefore proposed, “it is only when women, married women, shall have a recognized right to their own bodies, a right to decide when they shall become mothers, that this terrible evil will be allayed or overcome.”

This right of women to govern their own bodies was presented differently by female reformers actively engaged in the campaign against prostitution. In “Take Warning!” Katherine Bushnell cited Josephine Butler, the prominent British social reformer and suffragist, to validate her argument against the regulation of prostitution. Bushnell asserted that the problem with regulating prostitution was the same one Butler had encountered in fighting the Contagious Diseases Act in Britain: it entailed the compulsory examination of women who were, or were suspected to be, prostitutes. All women, even those in prostitution, she argued, had the right to govern their own bodies

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Jane Addams expressed her concern that the women and girls who became “enslaved” in prostitution were often very young, and, though in a “moment of weakness” may have consented to a man, as minors they were nevertheless still legally unable to consent to sexual acts.\footnote{Addams, \textit{New Conscience}, 142-3.} This argument worked in conjunction with other “age of consent” movements in the U.S. In a 1905 letter to the editor of the \textit{Record-Herald}, Catharine Waugh McCulloch, member of the Legislative Committee of Illinois Federation of Women’s Clubs, argued that a higher age of consent was necessary to stop the “ruin” of girls. This letter asserted that the age of consent should be raised from 14 to 18 years old for women, and that any male over 16 years old should be convicted of rape if he had sex with a girl under 18, whether or not it was consensual.\footnote{Catharine Waugh McCulloch, “Stop Ruin of Girls,” Legislative Committee of Illinois Federation of Women’s Clubs, 1905? Publication of a letter to the Editor of the \textit{Record-Herald} (Jan. 8), Microfilm “History of Women” Reel 961, nos. 9874-9942, (New Haven, Conn.: Research Publications, Inc.).} Both Addams and McCulloch portrayed women as easily victimized, even by men younger than themselves.

The major political issues that social reformers linked explicitly to white slavery were demands for a living wage and for women’s suffrage. In Mrs. T. Curtis’s circa 1912 address to the Woman Suffrage Party of Boston, she asserted that women’s suffrage was the solution to the problem of “white slavery.” She combined the argument for suffrage with a critique of social situations that resulted in the quasi-slavery of many working girls in urban areas. The solution, she proposed, was the enfranchisement of women, in which case these women would vote to change the laws that oppressed their working class
sisters: “Starvation wages … contribute their quota to fill the ranks of prostitutes. Five out of the nine “free” states have the minimum wage law, which prevents the criminal underpaying of women, and the idea of mothers’ pensions, which first originated in a suffrage country, will, when successfully worked out, keep many girls from the streets.”

In this vision of “white slavery,” the enfranchisement of women would enable them to rescue their sister women who were en slave—both economically and physically—by the men who had the right to vote and did not use it properly.

Female social reformers were uniquely situated in relation to the women they felt were physically and economically exploited by the white slave trade; their class status separated them, but they shared an exclusion from full participation in the U.S. political system. While male reformers—many of whom were also politicians—did not share this sense of exclusion from full citizenship, many of them nonetheless supported the claims being made by female reformers. Dr. O. Edward Janney, Chairman of the National Vigilance Committee for the Suppression of the White Slave Traffic, briefly argued in *The White Slave Traffic in America* that a living wage was one of the surest ways to check the rapidly growing trade in women’s bodies. In proposing this solution, Janney joined the ranks of many prominent female reformers who also asserted the necessity for increased wages to make women less susceptible to the coercion of white slave traders.

The poor working conditions of women, which made them particularly vulnerable to the advances of white slave traders, enabled female reformers to assert that women’s

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suffrage would end this economic exploitation. Although most male reformers did not argue this as directly, most did assert that the “white slave traffic” was a man’s trade, not a woman’s, and revolved around men’s greed. Such an admission of men’s guilt gave female reformers room to suggest that women, if granted the right to vote, could provide the moral authority necessary to counterbalance the greed of men. This political imbalance was also demonstrated through the stories of bribery and graft told in almost every “white slavery” account. In these narratives, police and political bosses were depicted as, at best, turning a blind eye to “white slavery” and, at worst, actually supporting it. For instance, in his exposé of the administration of Oakland, California, J.C. Westenberg asserted that police, government officials, and wealthy, respected businessmen were all in league with white slave traders. Such political corruption allowed female social reformers to argue that “white slavery” would not end until women were granted full participation in the American political system. As will be seen in chapter five, this was an argument that women in the Pacific Northwest made particularly successfully, simultaneously gaining suffrage and launching a campaign to rid the city of prostitution and white slavery.

Ultimately, all three of these issues—economic exploitation, a belief in women’s inability to consent under certain conditions, and demands for suffrage—emerged in “white slavery” discourse as narratives about both the victimization of women and the unique ability of female social reformers to rescue and rehabilitate them. Most of this argument was made through the “non-fiction” works of social reformers in which they

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outlined the problems of and solutions to “white slavery.” Nevertheless, two major works of fiction about “white slavery”—one a novel and one a film—demonstrated the relationships between women as victims and women as saviors. These tools of mass media reflected the concerns of Progressive reformers by demonstrating in stark detail the primary issues involved in “white slavery.”

Reginald Kauffman’s sensational novel, *The House of Bondage*, traced the journey of a young woman who ended up as a white slave. Blue-eyed and russet-haired Mary Denbigh was a simple country girl who was deceived by a strange male into accompanying him to the city, where she was sold to a brothel owner. The young man was an “alien” with an accent who, the reader eventually finds out, had olive skin, black, curly hair and was from Hungary. Young Mary—naïve and from the countryside—had a fight with her parents, which provided the procurer with the opportunity to offer her marriage and a trip to the city. Once in the city, Mary was promptly turned over to the matron of a brothel and put to work. Eventually Mary found her way back to her mother, but was rejected because of her fallen status. The end of the novel left Mary a “human ruin” who was on the verge of death from syphilis.

Written by a journalist, this sensational novel was clearly intended to provide a moral lesson for all young women who might read it. Kauffman followed a standard theme in “white slavery” discourse by having the young white girl from the country be duped by a dark foreigner. Nonetheless, he also included significant elements of the story that spoke to the gender inequality at the root of white slavery. Kauffman’s work

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79 Ibid., 466.
provided a scathing critique of the socio-economic situation in America that gave women few viable employment options. Emma Goldman allowed that, because of this, Kauffman was the “one commendable exception” to the other reform writers who disgusted her. Goldman asserted that Kauffman “proves that our industrial system leaves most women no alternative except prostitution.”

Along with the critique of a social system that severely limited opportunities for women, Kauffman—like so many other reformers—portrayed the women in his story as playing multiple, complex roles. Besides being the victims of white slavery, the women were also the villains and heroines. Mary’s mother and the brothel owner, Rose Legere, were as culpable as Max the Hungarian in determining Mary’s fate. Mary’s mother was mean and spiteful, running “a house that exacted everything and forgave nothing,” causing her daughter to run away and then later refusing to allow her to return home. Mary’s mother, of course, may also be seen as the product of a society in which she was not allowed the luxury of a pleasant attitude; her life as mother and wife of an unpleasant man who ekes out a living in the iron mills was far from easy. Rose Legere, on the contrary, was more typically villainous and was the individual most responsible for the physical captivity of Mary Denbigh.

The women in Kauffman’s tale were also the ones who provided Mary with the opportunities for physical and moral redemption. Through Katie Flanagan, who befriended her, though she could not ultimately save her, Mary was offered a glimpse of a

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81 “Legere” must be a reference to Simon Legree, the cruel slave owner in Harriet Beecher Stowe’s *Uncle Tom’s Cabin*.
virtuous, religious, and eventually happily married, working woman. Katie struggled to earn enough money to “keep body an’ soul together,” while refusing to accept prostitution as an option. Though she was not a social reformer, Katie played the role in this novel of the virtuous, autonomous woman set in contrast to Mary, the victim of the white slave trade. The racialization of the white slave trade is evident in this novel through the Hungarian who first deceived Mary, but the rest of the novel deals with the complex gender relationships in which independent, capable women attempted to save Mary from her plight. Ultimately, they failed, but Mary does enact her own final revenge on Max, the white slave trader, by infecting him with syphilis.

Other fictional accounts of white slavery were equally sensational, but portrayed similar activism on the part of women in rescuing their “sisters” from the villains of the white slave trade. In the 1913 silent film Traffic in Souls, Mary Barton was a virtuous heroine who, through her own ingenuity and persistence (and with the added muscle of her capable fiancé Police Officer Burke), did literally save her sister from a brothel. Mary and the woman known simply as “little sister” both worked in a candy shop, as well as cared for their invalid father. In Progressive thought, women working in such public spaces were more susceptible to the bad intentions of men than were women working in more controlled factory spaces. And, indeed, “little sister” was wooed by a man who came into the candy shop and told her how beautiful she was. In spite of Mary’s warning, her sister spent a night drinking and dancing with the man, only to end up drugged and placed in a brothel. In this and other narratives, a more complete picture of victimization

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83 Ibid., 122.
84 Addams, New Conscience, 71.
is evident; the women who became victims in the Progressive imagination often had some fault to begin with—vanity, love of dancing or movies, inability to understand English, feeble-mindedness—that resulted in their victimization.85

This film portrayed Mary as her sister’s savior (fortunately she arrived in time to give her sister the happy ending that Mary Denbigh did not have) and also depicted a version of white slavery in which white, native-born Americans were the enslavers. The other significant “white slaves” in the film were two Swedish sisters, literally just off the boat, and a bewildered country girl who could not find her way around the city. All three of these were “enslaved” by white men. Traffic in Souls gave no indication that these men were foreign and, indeed, the man who masterminded the whole slave ring turned out to be the very wealthy Honorable Mr. Trubus. The vulnerability of women was compounded in this case by race and ethnicity—the Swedish girls were easily taken advantage of because of their recent arrival in the U.S. All of the white slaves in this film, whether foreign- or native-born, were made particularly vulnerable by the intersection of class and gender. The women in danger in Traffic in Souls were immigrants, members of the urban working class, and girls from the country. The only young female in the film who is never in danger is the privileged daughter of Mr. Trubus.

As with other white slavery tales, some women in this film were set in contrast to the female victims by embodying virtue and successfully combating the forces of the Social Evil. Mary Barton was the intelligent, composed working woman who caught Mr. Trubus, solved the mystery of where her sister was being held, and rushed to her aid with

the help of the police force. All of the women in this film were innocent and virtuous, with the exception of the wicked matron of the boarding house. Mary Barton demonstrated the sort of determination and autonomy that reformers believed was necessary to rescue women from prostitution. This film, therefore, displayed the major themes of “white slavery” discourse. It illustrated the economic exploitation of women through the poverty of the working Barton sisters, the physical captivity of the women kept as white slaves, and the political corruption that supported prostitution. In the midst of the victimization of women by these three forces, a particularly moral woman served as redeemer, affirming the assertion of social reformers that they were essential to the rescue of white slaves.

Female social reformers claimed that women were victims of economic, political, and physical exploitation, and that greater rights for women, including the governance of their own bodies, a living wage, and suffrage were necessary to defeat “white slavery.” Though Madeline Southard confined women’s significance largely to raising children, she wrote in her collection of purity lectures that women needed good educations as much as men, because of their unique role in teaching girls.\(^\text{86}\) This particular relationship between women and girls resembled the one elaborated by Dr. Miner in *Slavery of Prostitution*. She asserted that female probation officers were essential to her vision of “helping wayward girls.”\(^\text{87}\) These girls, she suggested, could not be entrusted to male officers, and therefore she called for more “women of strong personality, judgment, tact and faith … hope, love, spiritual insight, and a clear vision of the possibilities of the task”

\(^{87}\) Miner, *Slavery of Prostitution*, 222.
to work with the victims of prostitution.\(^{88}\)

Jane Addams—like many of her contemporaries—believed whole-heartedly in the possibility of redemption and rehabilitation for the women trapped in by the “Social Evil.” She criticized society for so readily believing in the “innate degeneracy” of prostitutes.\(^{89}\) In her chapter on “Philanthropic Rescue and Prevention,” she outlined how the Juvenile Protective Association of Chicago rescued women and girls who would otherwise remain trapped in “white slavery.”\(^{90}\) She asserted that such philanthropic organizations—mostly led by women—were able to rescue these women because of their unique closeness to the problem: “Those engaged in the rescue of the victims are able to apprehend, through their daily experiences, many aspects of a recognized evil concerning which the public are ignorant and therefore indifferent.”\(^{91}\)

Ultimately, Jane Addams’s strong belief in “youth and innocence”\(^{92}\) resulted in a narrative in which she cast herself as older and wiser: the woman fighting for the redemption of her fallen sisters. She concluded her work with a moving appeal to her generation:

> At last lead one more revolt on behalf of the young girls who are the victims of the basest and vilest commercialism. As that consciousness of human suffering, which already hangs like a black cloud over thousands of our more sensitive contemporaries, increases in poignancy, it must finally include the women who for so many generations have received neither pity nor consideration; as the sense of justice fast widens to encircle all human relations, it must at length reach the women who have so long been judged without a hearing.\(^{93}\)

\(^{88}\) Ibid.
\(^{89}\) Addams, *New Conscience*, 22.
\(^{90}\) Ibid., 145.
\(^{91}\) Ibid., 141.
\(^{92}\) Ibid., 43.
\(^{93}\) Ibid., 218.
This final plea for “the young girls who are the victims” demonstrated Addams’s faith in the possibility of re-forming the society that she claimed had left some girls with only “that hideous choice between starvation and vice which is perhaps the crowning disgrace of civilization.”\(^94\)

Although they perceived young, female prostitutes as victims of villainous men, social reformers also posited that women were the solution to the “Social Evil,” and could offer a hope of redemption to their sisters caught in the “white slave traffic.” Social reformers, both male and female, argued that prostitutes were victims of a series of social forces: the physical exploitation of individual men, the economic exploitation of the workplace, and the political exploitation of corrupt officials. Reformers, predominately female, used this victimization to make claims for increased rights for women. They asserted that increased control over their own bodies, the right to vote, and a living wage would give women the power they needed to resist the “white slave trade.” Ultimately, female reformers portrayed themselves as uniquely suited to rescue “white slaves,” and therefore as deserving full participation in the political and economic structure of the early twentieth century United States. In so doing, they repeatedly made the argument that women were particularly susceptible to victimization, and could not freely make moral choices when constrained by an exploitative system. In 1910, this latter argument became the foundation of the Mann Act.

\(^{94}\text{Ibid.}, 49\).
The Mann “White Slave Traffic Act”

Though a series of immigration laws defined the United States’ legal relationship to the international traffic in women, no federal measures before 1910 dealt with the domestic “white slave” traffic. The nationwide campaign against white slavery generated a great deal of support for a federal solution to such a grievous traffic in young women. Reformers had articulated a complex set of ideas about the victimization of women that included political disenfranchisement and the inequities of capitalism, yet the white slavery narratives primarily resulted in fear, rather than social change. They created a great deal of concern about the possibility that young, white women could fall prey to sexually exploitative men or greedy brothel owners. Instead of addressing the underlying social issues that drove women to prostitution, Americans demanded a law that would stop these perceived predatory men from fulfilling their villainous desires.

It is unsurprising that the impetus for such a law came from Chicago, the home of many of white slavery’s most vocal opponents. It was there, where movements for reform and purity collided with rapid urban, industrial, and population growth, that muckraker George Kibbe Turner had brought white slavery to national attention. There, Clifford G. Roe, the influential Chicago prosecutor who would later write *The Great War on White Slavery*, proclaimed his fight against this “actual slavery that deals in human flesh and

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95 For instance, the Immigration Acts of 1903, 1907, and 1910 (The Howell-Bennet Act) specifically excluded prostitutes from emigrating to the U.S. and made it a felony to attempt to import any woman or girl for the purpose of prostitution. Beginning with Section 3 of the 1907 Act, was added the phrase “for the purpose of prostitution or for any other immoral purpose” (italics added). This language was repeated in reference to the domestic “white slave traffic” in the 1910 Mann Act.
blood as a marketable commodity.”\textsuperscript{96} From Chicago also came Ernest Bell’s \textit{Fighting the Traffic in Young Girls}, which quickly became the authoritative text on white slavery, complete with “thirty-two pages of striking pictures” that showed innocent young white women being lured to their demise, kept behind bars, and, in some hopeful instances, talking to missionaries in vice districts and outside brothels. This book also referenced the new legal power destined to conquer white slavery, with a picture on the flyleaf of Edwin Sims, U.S. District Attorney for Chicago, described by the caption as “The man most feared by all white slave traders.”\textsuperscript{97}

James R. Mann, a Republican Congressman from Chicago and friend of Edwin Sims, came to the rescue of the country’s white slaves. Under the belief that “the traffic involves mainly the transportation of women and girls from the country districts to the centers of population and their importation from foreign nations,” Congressman Mann proposed enacting federal legislation.\textsuperscript{98} As the Chairman of the House Committee on Interstate and Foreign Commerce, Mann was in a unique position to argue that white slavery involved “interstate commerce” and therefore was subject to federal regulation. In his legal history of the Mann Act, David Langum records that the bill received little discussion in Congress, and no debate about the meaning of its most notorious phrase: “any other immoral purpose.”\textsuperscript{99} After all, the safety of women and children seemed to be a bipartisan issue. As one Congressman from Tennessee declared: “Whenever I think of a

\textsuperscript{97} Ernest Bell, ed., \textit{Fighting the Traffic in Young Girls or War on the White Slave Trade} (Chicago, 1910).
\textsuperscript{98} Langum, \textit{Crossing Over the Line}, 40-47.
\textsuperscript{99} Ibid., 43.
beautiful girl taken from one State to another… and drugged, debauched, and ruined, instead of being murdered, which would be a mercy after such treatment… I can not bring myself to vote against this bill.” 100 Few Congressmen were willing to argue against a bill that was designed to protect the innocence and purity of white womanhood.

After years of campaigning, Progressive Era reformers had achieved their goal of making the federal government intervene on behalf of the nation’s exploited women and girls. However, the creation of the Mann Act meant that the Bureau of Investigation, attorneys, judges, and juries would now be the ones rescuing female “victims,” not the female social reformers who argued for greater equality. They had based these arguments on women’s physical vulnerability, inability to make free choices in a coercive economic system, and political disenfranchisement. The result was greater “protection” for women, but not greater rights. Although it would bring the intervention of the legal system in the lives of ordinary Americans women, it carried with it no meaningful social or economic reforms.

The anti-white slavery campaigns upon which the Mann Act was based reflected the pervasive belief that women could not and would not ever freely consent to prostitution and that therefore all prostitution was coerced or forced. Indeed, according to their rhetoric, it went against the very souls and natural moral purity of women to enter willingly into a life of shame and degradation. As one Colorado reformer asserted, “No virtuous woman of any age, in her right mind, fully conscious of the consequences, ever did, or ever can, consent freely and voluntarily, without either physical or mental

100 Quoted in Connelly, The Response to Prostitution, 128.
coercion to give up the most precious jewel in the crown of her womanhood!”\textsuperscript{101} The Congressmen who passed the Mann Act conceived of prostitution as something necessarily coercive, in direct contrast to marriage, which was perceived as consensual. Prostitutes, in their coerced and therefore slave-like status, were not “considered capable of the free consent and voluntarism requisite for American political allegiance.”\textsuperscript{102} The rhetoric of white slavery therefore denied that women could consent “to a sexual-economic relation, discrediting this juncture as a site of individual choice or freedom.”\textsuperscript{103} This sense of coercion as the opposite of consent, and as being particularly embodied by prostitutes, was one that would haunt the Mann Act throughout the early twentieth century, casting women as victims, but also giving them a unique leverage over men.

\textsuperscript{101} Quoted in Odem, \textit{Delinquent Daughters}, 25.
\textsuperscript{102} Cott, \textit{Public Vows}, 137.
\textsuperscript{103} Haag, \textit{Consent}, 68.
In the fall of 1913, J. W. Welch faced a judge on charges of violating the Mann “White Slave” Act. Accused of transporting a woman from California to Washington for the purposes of prostitution, concubinage, and debauchery, Welch eventually pled guilty after most of the evidence had been presented. However, like hundreds of cases that came before and after his, the circumstances of Welch’s case differed greatly from the stories told by social reformers about “white slavery.” The “victim” in the Welch case was nothing like the innocent, naïve young women Congress ostensibly sought to protect. According to the judge’s memoranda, the woman Welch transported was a twenty-eight year old named Minnie Sepulreda, who had been “sporting” (working as a prostitute) for several years in cities on the West Coast when she met Welch. This twenty-two year old young man grew up in the country, served as a blacksmith’s apprentice, and was working in a grocery store when Sepulreda met him. The judge wrote that “she became infatuated with him” and they “sustained illicit relations with each other,” then moved together from California to Washington, using Sepulreda’s sporting money to pay their way.\footnote{\textit{U.S. v. J.W. Welch}, Case File 2510; Criminal Case Files; U.S. District Court for the Western District of Washington, (Seattle); Records of District Courts of the United States, Record Group 21; National Archives and Records Administration—Pacific Alaska Region (Seattle).} The primary motivation for their move does not seem to have been prostitution, and to whatever extent it did occur, prostitution was part of a lifestyle that predated the woman’s relationship with the defendant. In the end, the defendant received an unusually light
sentence, most likely due to the judge’s belief that the female “victim” was not truly coerced or manipulated.

The irony in the Welch case is that it plays out a classic white slavery narrative in reverse. The corrupting influence was a woman from the city who led a boy from the country down the wrong path. As the Welch case and many others demonstrate, the Mann Act institutionalized a double standard of victimization, in which the law denied any potential for men or boys to be victimized sexually, but simultaneously established that all “immoral” sexuality turned women into victims. This understanding of female victimization, combined with a broad interpretation of what it meant to be “immoral,” haunted many consensual affairs from 1910 through the 1930s in the United States. Contrary to the fears and assertions of Progressive Era reformers, the archived Mann Act cases from the western U.S. suggest that only rarely did the female “victims” of Mann Act violations experience the brutality and captivity seen in typical white slave narratives—though subtler forms of economic and emotional coercion were sometimes present. The actual experiences of women involved in Mann Act cases were widely divergent from white slavery tales, and these women interacted with the legal system in ways that undermine the assumption of women’s passivity embedded in the Mann Act. The women in these cases were not always the victims of a sexual commerce; rather, some women actively claimed to be victims in order to attain a level of power or retribution, and others ardently resisted the courts’ attempts to define them as victims.

Because the “immoral purposes” phrase of the Mann Act could be interpreted broadly, prosecutions quickly wandered far from the stated intent of ending the traffic in
women and girls for the purpose of prostitution. Although these broad interpretations resulted in the trials of thousands of people who were simply unmarried and traveling together, it also opened up an avenue of power for women who believed that they had been ill-used by male lovers or husbands, and wanted to have the law redress their grievances. Such women loudly proclaimed their alleged victimization to legal authorities, while other women tried to fend off the definition of “victim” in an effort to defend the lovers with whom they had voluntarily traveled across state lines. The ill-defined wording of the Mann Act led to thousands of prosecutions that were far removed from the stated intent of the law. These prosecutions were created by, and in turn created, several convoluted meanings of female victimization. While the Mann Act criminalized the private lives of the very women it was designed to protect, it also became one site of ordinary women’s struggle to combat the sexual double standards present in both the legal system and in their daily lives. Although social reformers and the legal system defined female victimization in ways that limited the significance of women’s choices, a close analysis of several Mann Act cases reveals that women themselves thought broadly about the options this particular law made available to them. Indeed, these cases provide a rare opportunity to view the Mann Act from the perspective of working-class women and to glimpse their hopes and expectations, often in their own words. By responding in different ways to the idea that they were victims in these cases, women subverted the central premise of the Mann Act: that their consent was irrelevant and that sexual relationships were controlled solely by men.
Consent and Coercion

An exploration of how women and the courts attempted to define victimization in Mann Act cases reveals some of the ways in which gendered ideas of consent and coercion are legally constructed. Under this law, a woman’s willingness to travel across state lines for “immoral purposes” had no bearing on whether or not the man with whom she traveled was committing a crime. As one prosecutor proposed for the jury instructions in 1914:

It is not essential under the statute that force or compulsion shall be employed…. She may go freely and voluntarily, and even of her own desire…. The woman or girl may perform the act of buying the ticket for herself or through a third person, yet if the one charged has aided or assisted her thereto by furnishing the means … for the purpose denounced by the statute, he is guilty.2

Like the age-of-consent laws which swept through the U.S. during the first two decades of the twentieth century and made consensual sex a legal impossibility for women of certain ages, the Mann Act denied adult women the legal authority to choose whether or not to travel across state lines with male lovers. As Mary Odem noted regarding age-of-consent laws, this resulted in a very ambiguous legacy; the protection of women came at the cost of their equality. Reformers sought to protect young, working-class women, but did so by relying on “an image of female passivity and victimization,” and the “moral protection offered by reformers demanded the denial of young women’s sexual desire and agency.”3

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2 U.S. v. Vinton T. Bosserman, Case File 2826; Criminal Case Files; U.S. District Court for the Western District of Washington, (Seattle); Records of District Courts of the United States, Record Group 21; National Archives and Records Administration—Pacific Alaska Region (Seattle).

The Mann Act extended this “protection” to all white women—of any age and marital status—who engaged in illicit sexual activity and crossed state boundaries. Even being married to the man did not keep a Mann Act prosecution at bay; when a woman allegedly engaged in prostitution both before and after crossing state lines with her husband, prosecutors in Seattle attempted to hold him responsible for it. As the prosecutor argued, “The character of the woman transported is immaterial. The fact that she was the defendants [sic] wife is immaterial.”\textsuperscript{4} This legal understanding of women’s victimization resulted from a widespread belief that women never willingly chose to engage in “immoral” sexual behavior. This perspective was challenged—but not entirely eliminated—by the 1915 Holte decision in which the Supreme Court determined that women could be tried for conspiracy to violate the Mann Act.\textsuperscript{5}

During the nineteenth and early twentieth centuries, cases of female victimization were dealt with at the state level, primarily through various “seduction laws,” which handled the sexual assault cases that were more ambiguous than rape—cases in which women were coerced by men’s promises or positions of authority, rather than through physical force. The historical work on seduction laws makes it clear that they allowed for a level of nuance, taking into account that sometimes women pursued men and were therefore not victims; Brian Donovan demonstrated that by the early twentieth century, these trials also took great pains to ascertain a woman’s level of consent or resistance to a

\textsuperscript{4} U.S. v. Roland Phillips, Case File 2986; Criminal Case Files; U.S. District Court for the Western District of Washington, (Seattle); Records of District Courts of the United States, Record Group 21; National Archives and Records Administration—Pacific Alaska Region (Seattle).

man’s advances. Although white slavery was the legal and intellectual heir of “seduction,” the Mann Act diverged from seduction laws in significant ways. While the discourse of “seduction” acknowledged the grey area between a freely chosen relationship and rape, the Mann Act did away with those distinctions altogether. Unlike in seduction cases, in Mann Act prosecutions a woman’s previous level of chastity was irrelevant, and the extent to which she willingly traveled across state lines with a man made her no less a victim in the eyes of the law. By the early twentieth century, seduction cases pivoted on the question of a woman’s consent. In contrast, white slavery narratives suggested that women were generally incapable of consent.

These contradictions about consent and victimization were entrenched in and legitimized through the Mann Act in particularly gendered ways. The wording of the Act—“with or without her consent”—simultaneously acknowledged that women had the ability to consent and rendered that consent irrelevant and invalid. The Mann Act, therefore, reified the Victorian sexual double standard that identified men as sexual aggressors and women as “victims” who would not voluntarily sacrifice their virtue for pleasure or economic gain.

**The Economics of Victimization**

Unlike the reformers and politicians who pushed for the creation of the Mann Act, the vast majority of “victims” in these cases were part of the working class. While middle and upper class Americans conflated all of women’s extramarital sexual activity with

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prostitution, young working-class women had a much more fluid definition of respectable sexuality. At the same time, the working-class women in these cases aspired toward middle-class ideals, complete with all the trappings of a marriage and home. As Kathy Peiss has demonstrated, working class women supplemented their meager incomes with a “treating” system, in which men would provide them with food, entertainment, or gifts, and would generally expect to receive sexual favors in return. These “charity girls” viewed themselves as distinct from prostitutes, although economic motives were still the primary factor: “Women’s wage labor and the demands of the working-class household offered daughters few resources for entertainment. At the same time, new commercial amusements offered a tempting world of pleasure and companionship beyond parental control.”

Working class women, therefore, viewed respectable sexuality in a distinctly different light from those in the middle and upper classes; while the latter sought to define all illicit sexual activity as prostitution, and all prostitutes as victims, the lives of working-class women actively challenged such dichotomies. For instance, in one Mann Act case, a woman went back and forth with the prosecutor and the judge about whether or not she had been practicing prostitution. To them, it seemed clear from her answers that she had been. However, she maintained a distinction between occasionally

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“entertaining” men and working as a career prostitute. As she explained, “I was making just enough to live on. I was not practicing prostitution.”

Because of the very nature of the crime, Mann Act cases almost always involved women who were economically dependent on men, and had relied on them to purchase the tickets and pay for the hotel rooms necessary for interstate travel. The letters exchanged between female “victims” and their lovers provide a snapshot of the various economic forces that constrained the lives of working women, and which made it more likely that they would end up in a set of circumstances that the middle and upper classes deemed immoral and unacceptable. The woman who—whether through social custom or economic necessity—relied on a man to pay her travel expenses was at greater risk of exploitation, and the man at greater risk of prosecution.

In the construction and enforcement of the Mann Act, the economic dependence of women was intimately linked to their physical and sexual vulnerability. Economics were also at the heart of working women’s dreams for their lives. The 1921 case of Emma Robinson and Frank Levitt Arnold illustrates this tension between economics and sex that so powerfully shaped the lives of many young working-class women. During the summer of 1920, Emma Robinson wrote almost daily to Frank Arnold, detailing her life and work in Atlantic City, New Jersey. Like the young women described by Kathy Peiss in Cheap Amusements, Robinson enjoyed many leisure and entertainment opportunities while on outings with her female friends from work. She also insisted to her long-

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10 U.S. v. Joe Posner, Case File 5578; Criminal Case Files; U.S. District Court for the Northern District of California (San Francisco); Records of District Courts of the United States, Record Group 21; National Archives and Records Administration—Pacific Region (San Francisco).
distance sweetheart, Frank, that she was not going out with any guys while she enjoyed
the pleasures of Atlantic City in the summertime. Robinson’s letters, however, reveal
much more about economic hardship than they do about leisure. As a twenty-five year
old waitress, she made just enough money to sustain herself, and not enough to save
much. Her letters were filled with two primary economic concerns: saving the money she
needed to divorce her husband, and getting enough money to join Frank Arnold in the
state of Washington. 11

Though Emma Robinson and Frank Arnold were just acquaintances when the
summer began, their friendship grew quickly into romance through their extensive
correspondence over the course of several months during 1920. Emma’s letters told the
painful story of her infant son’s death two years previously, and her subsequent
abandonment by the husband who had treated her “like a dog.” 12 As she described to
Frank, “Since I saw you last Frank I have had a lot of trouble Mr. Robinson left me last
April for another he thinks he likes better and I have not quite got over the shock as it
was so sudden but am at home now and trying to forget about it.” 13 Emma’s letters
frequently returned to her running problem: how to save the $75 required to obtain a
divorce from the husband she had not seen in over a year.

Her letters reveal of mix of excitement about starting a new life with Frank,
melancholy about moving so far from her parents and siblings in Philadelphia, and worry
about the stresses of life on a meager income. When Frank hurt his foot and could not

11 U.S. v. Frank Levitt Arnold, Case File 5901; Criminal Case Files; U.S. District Court for the
Western District of Washington, (Seattle); Records of District Courts of the United States, Record Group
21; National Archives and Records Administration—Pacific Alaska Region (Seattle).
work for a few months, she expressed much concern about his physical well-being, but also responded to what was obviously a grave concern about their financial prospects. In a couple of letters she answered questions that Frank had apparently posed about whether or not they could be married given their poverty; she assured him that she wanted to marry him regardless of their finances: “In the first place I didn’t expect to marry a man of well means for I am only of a poor man’s family and have to work for a living … If I come out there I am willing to work and help to get a start in life then afterwards we may take it easier that is in our older years.”

In another letter, she continued trying to assuage his fears: “Yes I think us two can live as cheap as one and when I come out I would be willing to work until we would have a little laid aside for a rainy day as I believe all women should work and help their husbands until they have a little laid aside then it would be alright for her to quit. Am I right?”

Emma repeatedly expressed a desire to be officially divorced before she joined Frank, which she viewed as the only respectable way to begin their lives; then they “could get our home to-gether and go right to it and will bother no one.” However, as the months dragged on and Emma did not have the money to acquire a divorce, she eventually urged Frank to send her a train ticket so that she could join him in Washington. Frank did pay for a train ticket for her, and their correspondence ended as they were at last reunited in person. That was, however, far from the end of the story. Emma put her feelings about Frank to paper in a much different situation just four months later.

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16 Ibid.
In February of 1921, while staying at the Pacific Coast Rescue and Protection Society in Seattle, Emma gave an official statement to an agent of the Bureau of Investigation. Although it is impossible to know how “true” her version of events was, her statement is useful in showing how women shaped their narratives of victimization to elicit support from the legal system, and to potentially punish the men who allegedly victimized them. Emma’s statement also reiterated some of the themes of her earlier letters to Frank: the crushing burden of poverty, from which she was always struggling to escape, and the ways in which that poverty forced her into a less “respectable” life than the one she wanted. As Emma told the agent, Frank “has coaxed me to come to Charleston, Washington, for the purpose of marrying him, stating *that we would have a home of our own there.*”\(^\text{17}\) Emma’s letters and her statement to the FBI make it clear that she was desperate to get married for more than just romantic reasons; for her, and many other women, marriage was the key to respectability, to financial stability—or at least survival, to dignity, and to the creation of a *home*, with all of its physical and emotional connotations. When this dream collapsed, Emma—like many other women—sought to use the legal authority of the Mann Act to punish Frank.

According to Emma, she lived with Frank at his parents’ house for about four months after she arrived in Washington. She claimed that Frank only worked for about three weeks during that time, and that she was responsible for doing all of the housework and laundry in exchange for her room and board. Meanwhile, Frank and his mother allegedly harassed her about finding a job, and although she looked, she could not secure

\(^{17}\) Emphasis added. Frank Arnold, (#31-1586), Bureau Section Files, 1909-21, Investigative Reports of the Bureau of Investigation 1908-1922, National Archives and Records Administration M1085.
one. When she felt sick, Emma went to the doctor and found out that she was four months pregnant. According to her, Frank’s response to that news was to deny that the baby was his and stop speaking to her. After quarreling with Frank’s family, Emma found a room with a sympathetic woman across the street, who said she would hold Frank responsible for the cost of the rent; Frank then left town.\textsuperscript{18}

Although there is no record of how or why Emma ended up at the Pacific Coast Rescue and Protection Society (PCRPS), the usual function of such organizations was to help single, impoverished women through their pregnancies—and to “reform” them at the same time. We do know one thing about Emma’s stay at the PCRPS: that a blood test confirmed she had syphilis. No transcript exists of Frank Arnold’s trial, but Emma had told the FBI agent that Frank insisted that the child was not his, and that he believed Emma was pregnant before she came west. Perhaps Frank’s lawyer used this argument; or maybe he emphasized that Frank could not legally marry Emma, because she still had not finalized her divorce. Regardless, the jury found enough reason to doubt Emma’s story, and returned a verdict of not guilty.\textsuperscript{19}

Although there is no way of knowing what truly transpired between Frank and Emma, her story does offer a look at the economic hardships that pushed working-class women to cross the bounds of what they believed to be respectable behavior. Emma apparently never engaged in anything approximating professional prostitution, but she did live with a man to whom she was not married, which seemed a similar offense to early-twentieth-century Americans. Other working-class women, however, did clearly

\textsuperscript{18} Ibid.
\textsuperscript{19} Ibid.
use prostitution as a way of making ends meet. While some women worked regularly as prostitutes, many others used occasional prostitution to fill the gaps in their meager incomes. When Edna O’Neil and Bob Armstrong exchanged a series of letters in 1912, they expressed their love and longing for each other. She was in Vancouver, British Columbia, and he was in Seattle, and they looked forward to when they could be together again. She wrote to Bob that when she was having trouble paying her expenses, she “turned a trick for $5.”

Although there is no suggestion that Bob Armstrong coerced her into doing that, they apparently had an understanding that turning tricks was a viable way of making ends meet. Rather than Armstrong paying for her transportation, she wrote to him about her sending him money so that he could come join her. In spite of that, Bob was convicted of enticing her to come from Seattle to Vancouver for prostitution and “the purpose of concubinage with him,” and was sentenced to two years in the state penitentiary.

These stories show working women in both their vulnerability to economic forces and in their determination to pursue their lives and loves in spite of their poverty. Many early-twentieth-century social reformers argued that economic forces were some of the primary factors holding women in “bondage” as prostitutes and white slaves. Recall that reformer Clara Laughlin had determined that women needed a bare minimum of eight dollars per week to live independently, but that most working women made only four or five dollars per week. These limited options for women’s work clarify the choices

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20 U.S. v. Bob Armstrong, Case File 2548; Criminal Case Files; U.S. District Court for the Western District of Washington, (Seattle); Records of District Courts of the United States, Record Group 21; National Archives and Records Administration—Pacific Alaska Region (Seattle).
facing women like Edna O’Neil: her letters suggested that she was neither a white slave nor a career prostitute, but rather occupied a space in the middle, in which turning one trick for five dollars made a whole week’s worth of wages.

Many of the female “victims” in Mann Act cases were not, however, commercial sex workers; these women were the apparently voluntary and often long-term lovers of men to whom they were not married. The involvement of women like Emma Robinson in Mann Act prosecutions blurred the distinction between “consent” and “coercion,” and called into question the categories of “victim” and “victimizer.” For some women, the status of “victim” allowed them an opportunity for legal action through allegations of Mann Act violations; for other women, their words and actions defied this definition of victimization. The primarily working-class women who found themselves caught up in these cases acted in a variety of ways that refined and challenged legal understandings of the specific conditions in which men sexually exploited women. Through either working with the legal system or against it, women found various ways to shape the Mann Act to their own ends, thereby subverting both the narratives of reformers and the legal construction of victimization embedded in the Mann Act.

**Mobilizing Victimization**

On December 9, 1913 the Los Angeles Police Department received a letter from Bertha Lake requesting “a little protection,” and declaring her the “Queen of the White slaves.”\(^\text{22}\) The police chief who received Lake’s plea for help certainly would have

\(^{22}\text{U.S. v. Robert Ciboch, Case File 724; Criminal Case Files; U.S. District Court for the Central District of California (Los Angeles); Records of District Courts of the United States, Record Group 21;}\)
recognized the significance of this language, since the white slavery scare was then at its peak. Typically, white slave narratives evoked an image of a naïve, young white girl lured to a big city by a predatory male, then deprived of her virtue through force and left to a life of shame and disease in a brothel. Bertha Lake’s account, however, differed significantly from those white slave tales, while simultaneously drawing on the recently established legal authority of the Mann “White Slave Traffic” Act. Lake invoked the language of white slavery to demand that the law assist and avenge her when her lover refused to marry her. Though the Mann Act characterized women as passive victims, incapable of consent, women throughout the United States, like Bertha Lake, found ways to use the law for their own purposes.

Why did Bertha Lake designate herself a white slave, despite the fact that she had willingly moved into the home of her lover, Robert Ciboch? An analysis of Lake’s statements, and those of other women, reveals that some women in Mann Act cases relied on accepted ideas about the victimization of women in order to maneuver themselves within the legal system; in particular, these women sought to punish their wayward lovers, get themselves out of trouble, or both. The women who used Mann Act prosecutions in an attempt to redress their grievances faced a legal system in which women had little power: they did not serve on juries, and were almost never police officers, FBI agents, lawyers, judges, or legislators. These women used the power of their narratives to make bargains across class and gender lines. In exchange for the protection of the law, they offered their compliance with white middle-class norms and gave their
assent to a law that limited their sexual freedom.\footnote{23}{This method of negotiating within a gendered legal system is similar to what Deniz Kandiyoti has described as a “patriarchal bargain.” Kandiyoti argues that one of women’s strategies for dealing with various forms of patriarchy is to make bargains within the boundaries of their social contexts; these bargains are the ways in which “men and women resist, accommodate, adapt, and conflict with each other” within patriarchal systems that place limits on women’s options. As Kandiyoti notes, “These patriarchal bargains exert a powerful influence on the shaping of women’s gendered subjectivity and determine the nature of gender ideology in different contexts. They also influence both the potential for and specific forms of women’s active or passive resistance in the face of their oppression.” Deniz Kandiyoti, “Bargaining With Patriarchy,” Gender and Society 2, No. 3, Special Issue to Honor Jessie Bernard (Sep., 1988), 285, 275. Although, as Judith Stacey suggests, it might be more appropriate to think of this as a “quasi-patriarchal bargain,” given its modern context, which was less overtly patriarchal than the societies Kandiyoti described. Either way, the point remains that women who actively pursued Mann Act prosecutions were engaged in a set of implicit negotiations with the legal system. Judith Stacey, “What Comes After Patriarchy? Comparative Reflections on Gender and Power in a ‘Post-Patriarchal’ Age,” Radical History Review 71 (1998), 68.}

Bertha Lake addressed her letter to the Chief of Police and requested “a little protection.” She explained that the man with whom she was living, Robert Ciboch, wanted her to be his mistress instead of marrying her, and that she was a “good girl” who did not want to live “an unhonest life.” Through this language, Lake identified herself with the moral standards of the middle class, thereby establishing herself as an innocent victim despite her complicity in the situation. She asserted that she desired to work if she could find a job, but wrote that since she had just traveled to Los Angeles from Providence, Rhode Island, she did not yet know her way around California. Having made no allegations against Robert Ciboch other than that he would not marry her, she signed this plea for help with her name and self-assigned title: “Queen of the White slaves.”\footnote{24}{U.S. v. Robert Ciboch, Case File 724.}

When the Los Angeles Police Department received Bertha’s plea for help in 1913, those familiar with the narratives of “white slavery” probably expected this letter to contain an account of brutal victimization—particularly a drugging, kidnapping, beating, or rape, since these were the alleged instruments of white slavers in their quest to conquer
and exploit young women. Bertha’s narrative, however, did not replicate these popular story lines. Indeed, it did not even resemble them, except for the final claim to enslavement. Her letter illustrates the relationship between popular and legal understandings of victimization; Lake seized the power of federal legislation (and presumably the sympathy of the Los Angeles Police Department) when she situated herself within the framework of white slave narratives.

Bertha’s letter to the Los Angeles Police Chief drew on her understanding that “white slaves” were women who had been sexually victimized by men, though she entirely neglected the commercial aspect of standard white slavery narratives. Her letter instead relied on expectations for manhood and lawful sexual behavior that, unfulfilled, enabled her to use the Mann Act to both punish Robert and reclaim her virtue and respectability. Her letter said:

Dear Sir being a stranger in a strange land I am very sad and would like to call on you for a little protection as I have made a big mistake in coming here two weeks ago I came to Los Angeles to be a bride as I got off the train of course I had written and told him I wanted to be married as soon as I got here but instead he wants me to be his mistress I am a good girl and do not consider it my Duty now what I wish to ask am I obliged to live under such and in such an unlawful way I am not accustomed to the by laws of California and wish very much for advice will you be so kind as to answer my questions as he has been so unmanly as to make me believe in this mode of living I am willing to work for myself but do not know how to go around in this place I can do any kind of work and will not live an unhonest life Please tell me what to do I am an ever heart broken girl from the east I am from Providence. R. I. Hoping for a good reply I am Respectfully

Miss Bertha Lake
Queen of the White slaves
#1774 E 43rd St
Los Angeles Cal

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\(^{25}\) Ibid.
Bertha’s cry for help seems at first to be more an admission of her own folly than a claim of victimization. After all, she admitted that she “made a big mistake” when she decided to get on the train to Los Angeles. Her primary complaint against Robert was that he been “unmanly” by obliging her to live in an “unlawful way” and to lead an “unhonest life.” And how, exactly, had he kept her captive as his white slave? By refusing to get married and making Bertha “believe in this mode of living.” Bertha appropriated the language of white slavery in an instance that – contrary to the white slavery narratives of social reformers – apparently included no physical captivity or commercial sexual exploitation. Instead, Bertha drew on the long tradition, hashed out during seduction cases, of viewing a false promise of marriage as a form of coercion.

Although no transcripts of testimony exist in the case against Robert Ciboch, the letters that were admitted into evidence give some sense of why Bertha chose to make this appeal to the police. Bertha’s claim to “white slavery” seems to be both an attempt at punishing Robert Ciboch, with whom she was apparently no longer in love, and a way of saving herself from the poverty and stigma that could accompany a woman in her position. In either case, Bertha used the language of victimization—clearly learned from the widespread and popular narratives about white slavery—to actively seek punishment for the man she felt had betrayed her.

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26 There were actually two cases: the first was dismissed, the second resulted in Ciboch’s conviction and imprisonment.
27 Bertha may have heard the title “Queen of the White Slaves” from a Melodrama which toured in Providence in 1905. The plot of this Melodrama was stereotypical white slavery fare—a beautiful woman is abducted and kept in a harem by a Chinese merchant. “Theatrical Openings,” *New York Times*, December 8, 1903, p.2; Ben Singer, *Melodrama and Modernity: Early Sensational Cinema and Its Contexts* (New York: Columbia University Press, 2001), 315 n.4. For a discussion of how popular literature can interact with women’s requests for help, see Regina Kunzel, “Pulp Fiction and Problem Girls: Reading
This story ended with imprisonment, but began with romance. A series of letters which were admitted into evidence outline the emotions, expectations, and plans of both Robert and Bertha. Bertha’s long and frequent letters to Robert are marked with all the signs of a young woman’s infatuation. The first two letters in the file from her, dated October 22 and 29, 1913, include her improvised love poems at the end. Lines such as “The roses are red/ The violets blue/ The pinks are sweet/ And so are you/ If you love me/ As I love you/ No knife can cut our love in two” start to hint at what would end in a Mann Act prosecution only weeks later—Bertha’s profound disillusionment when she came to believe that her “own Dear boy Robert” did not love her as she loved him.

In these letters Bertha wrote of her love for Robert and her hope that they would be together soon and that she would be his wife. She wrote that her mother “sends her love to you and says she hopes some day that she will have the pleasure of calling you her son for she likes your letters and your picture and she no you will make a good husband to any girl that is good to you [sic].” Bertha’s inclusion of her mother in her


28 A thorough search of the 1910 and 1920 census data has turned up no Bertha Lake or Bertha Perry that looks like she could be the one in this case. That leaves me with no explanation for why her name changes suddenly, except that she mentions a stepfather in one letter, which may mean that one of the last names was his and one was her father’s. The lack of census data also means that Bertha’s age at the time of this case is unknown, but since most cases involving underage women did include a mention of that fact, it can be presumed that she was at least 18. However, she also repeatedly refers to herself as a “girl,” and in one letter mentions sending Robert an old picture that was taken when she was 15. This may have put her age in the late teens. Robert’s age may be assumed from the census. Although no Robert Ciboch or Cibock appears anywhere in the U.S. in the 1910 census, the 1920 census reveals one Robert Ciboch living in San Francisco and working as a manufacturer and iron worker. If this is the same man, he was 34 in 1920, which would have made him about 28 at the time of this case. That is confirmed by one of his letters which says he’ll turn 28 on Nov 7, 1913.

29 U.S. v. Robert Ciboch, Case File 765; Criminal Case Files; U.S. District Court for the Central District of California; Records of District Courts of the United States, Record Group 21; National Archives and Records Administration—Pacific Region (Laguna Niguel).

30 Ibid.
plans to marry Robert made this case very different from the white slave narratives in which naïve country girls were lured away from their families. For example, in Reginald Kauffman’s anti-white slavery novel, *The House of Bondage*, the young victim neither tells her family when she leaves with a man, nor is allowed to return home afterward. \(^{31}\) Though Bertha’s next letter scolded Robert for not writing to her, it also catalogued her wedding preparations. She sent Robert sleeve garters for his birthday, and promised to make more for him soon; she planned to “make sheets and pillow cases and stand covers and bueruer scarfs I am sewing all the time my Mother is going to make me a silk dress to be married in it is fine I wish you could see it now [sic].”\(^{32}\) She asked him to let her know how many windows were in his cottage so she could begin making curtains—Bertha’s letters reveal her in a flurry of activity and anticipation as she imagined getting married soon. There were, however, some practical matters to be considered. Bertha lived in Rhode Island and Robert in California. Despite the apparent support of Bertha’s mother, she did not have the money to travel to California on her own, and anxiously reminded Robert, “you say you have got some money saved up I have not got any now … I am a poor girl myself.”\(^{33}\) The economic dependency of women was central to the Mann Act—though women were expected to be dependents within marriage, it was a felony when men provided interstate transportation for women to whom they were not married but with whom they cohabitated.


\(^{33}\) Ibid.
Robert responded immediately to Bertha’s assertion of her poverty with an anxiety-laden account of his finances and work situation. Explaining that he recently lost his job and would have to drain his savings to pay his bills, he promised that as soon as he got another job he would send Bertha a ticket to California. He wrote that, once Bertha was in California, if he could “secure a good work so as to pay all of our expenses and save a little beside, them wee are going to be Merried [sic].”\(^{34}\) This letter suggests what, it seems, came to pass—that Bertha and Robert would not be married immediately upon her arrival.

Robert did indeed find the money to send Bertha a ticket in November, and, after her mother hosted a wedding shower for her, she boarded a train to Los Angeles on the twentieth. By November 27\(^{th}\), Bertha seemed happily settled into her home with Robert. On that date, she wrote a Thanksgiving letter to Robert’s parents, in which she addressed them as “Dearest Mother & father [sic],” and explained that she was very happy to be Robert’s wife, as he was “the best husband in the world and we both love each other very much,” then signed her name “Mrs Robert B Ciboch.”\(^{35}\) What happened in less than two weeks to take Bertha from Mrs. Ciboch to Queen of the White Slaves?

Given this series of letters, it seems most likely that Bertha became disillusioned when the two did not wed as quickly as she had expected. Perhaps, also, the strain on Robert’s finances that did not allow for their marriage also made Bertha reconsider her options. Clearly Bertha originally intended to be Robert’s wife—even a few days after her arrival when, while living with him, she claimed to his parents that they were

\(^{34}\) “Merried” is bold in the original. *U.S. v. Robert Ciboch*, Case File 765.

\(^{35}\) Ibid.
married. But was disillusionment really enough of a reason to press Mann Act charges? For some women, it was. Newspaper reports from the 1910s and 1920s have numerous accounts of women who “punished” ex-lovers and wayward husbands by using the Mann Act against them. In this case, Lake’s claim to victimization also served an added purpose—it was a way of demanding aid from the police department. By casting herself in her letter to the police as a penniless, jobless, hopeless girl from the East Coast—but one who desired to live a virtuous life—she secured the help of the city. Indeed, the subpoenas in the court records show Bertha to have been in the care of Police Matron Nellie Tarbell by the time of the proceedings.

After Bertha’s plea for help, Robert was indicted on charges of knowingly persuading, inducing, enticing, and coercing Bertha Lake “to go from one place to another in interstate commerce … for the purposes of prostitution, debauchery, and for an immoral purpose, namely, to cohabit with the said Bertha Lake without being married to her.” On March 12, 1914 the jury found him guilty of these charges, and he received the relatively light sentence of three months in the Los Angeles County Jail.36 With her claim to victimization, made particularly through her (mis)appropriation of the term “white slave,” Bertha brought to her aid federal law as well as local police officers. This was a new sort of white slave tale, in which the “victim” ultimately used the power of her narrative to imprison the alleged violator.

Bertha Lake was just one of hundreds, perhaps even thousands, of women who used the Mann Act to seek retribution for their perceived victimization. As part of their

36 The 1920 census shows that Robert Ciboch had moved to San Francisco, and was still single.
negotiation with the legal system, women played up the parts of their stories that appealed to middle-class sensibilities. Hence Bertha emphasized her moral goodness, and her desire—most likely genuine—for a marriage and the trappings of a respectable, middle-class life. Bertha’s narrative reinforced the idea that women needed special protection from the courts, but simultaneously undermined that notion by actively demanding that the law assist her and prosecute Robert.

Celia Frances Trindle also wrote a letter begging for help—this time to the Federal Bureau of Investigation. Like Bertha Lake, Celia was a poor woman who sought the aid of the Mann Act both to punish a man and to make her future more economically secure. In the summer of 1918, Celia and her husband, Bert, separated and stopped living together. They were still legally married, and Bert agreed to send her $50 a month to support her. He continued to do this as he moved throughout Oregon, Washington, and British Columbia, traveling and living with another woman and her son. However, two years later the payments stopped, and an irate Celia turned to the Federal Bureau of Investigation. Celia wrote to the FBI pleading for their help and asking if there was no way “a woman can get her rights,” and if there was “no hopes [sic] for a truthful woman.” Celia, like Bertha, emphasized her own morality in contrast to that of her husband. She argued that because he took his mistress across state lines, he had violated the Mann Act and therefore it was the responsibility of the FBI to locate and apprehend him. What is telling about this case, however, is that Celia’s primary motivation was financial, rather than moral. She had no objections to her husband’s travel until he stopped paying her fifty dollars a month. By invoking the Mann Act, Celia not only tried
to force her husband to pay her monthly allowance; she also sought to have him convicted of a felony and, presumably, sent to prison. Like many other abandoned lovers in the 1910s and 1920s, Celia took advantage of this law when she wrote to the FBI, asserting: “Now I do not know what more I should tell you but I know they ought to be punished [italics added].”

While some women claimed that they were victims in order to punish wayward lovers and establish their own moral purity as innocent victims, other women used similar narratives in an attempt to escape charges themselves. In a prominent 1912 case in Seattle, an admitted prostitute was charged with transporting another prostitute from Vancouver to Seattle. Although Florence Hazel Moore was the defendant, she argued that she was a victim of the same social and economic forces that turned other women into prostitutes and white slaves.

After her arrest, Moore fought back by writing her life story for publication in the Seattle Star newspaper. Entitled My Confession, this four-page account portrays Moore as the victim, rather than the villain. It provides a fascinating look into the life of a woman who experienced multiple hardships and ultimately turned to prostitution, but its greater significance lies in its parallels to the narratives written by social reformers about the social ills that put women at risk for exploitation, sexual and otherwise.

Framed as a frank appeal for “sympathy” and a “square deal,” Moore’s confession told a story that had begun to sound familiar—at least to social reformers—by the second

37 Bertrand Trindle, Case No. 31-2257, Bureau Section Files, 1909-21, Investigative Reports of the Bureau of Investigation 1908-1922, National Archives and Records Administration M1085.
decade of the twentieth century. Moore told of her sheltered, rural upbringing in a convent, and her sudden marriage at the age of fourteen. These two teenagers from Kentucky were “wild to see Life [sic],” and so ran off to that place of wonders: New York City. Moore’s husband soon fell ill with tuberculosis, and, left alone with a baby, she found work as an actress in the musical theater industry. After she had “been through the mill,” Moore wrote that the “scales fell from my eyes. I saw life as it is. But there was no going back. The convent child was dead. The show girl had her way to make.”

Describing tragedy after tragedy, Moore attempted to explain her descent into prostitution to the newspaper’s audience. On a traveling theater tour that stopped in Seattle, Moore fell ill and was left behind at the hospital. Now alone and penniless in a strange city, she was befriended by a woman who paid Moore’s hospital bills and then took her to the brothel she ran. Moore cast some blame for this situation on the citizens of Seattle, when she expressed that if, instead, “a woman from ‘above the line’ had befriended me, I might not now be the ‘notorious’ Hazel Moore.” She also offered another reason for her life as a prostitute: “It was that or starve.” Moore then became the mistress of a wealthy, married man, who showered her with good food, fine gowns, diamonds, and automobiles to ride in. When this man went to prison for a crime not named in the newspaper story, Moore returned to prostitution and made the fateful trip to and from Vancouver with a fellow prostitute that resulted in her arrest for violating the Mann Act.

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38 Seattle Star, September 18, 1912, front page.
39 Ibid.
40 Seattle Star, September 19, 1912, front page.
41 Ibid.
42 Seattle Star, September 20, 1912, front page.
Though Moore was the one accused of violating the Mann Act, her story bore much greater resemblance to the stories about white slaves than to the descriptions of the villains who enslaved them. As legal scholar Marlene Beckman, whose work analyzed cases in which women were convicted of conspiracy to violate the Mann Act, argued, “In reality, the female ‘violators’ of the Mann Act were victims of their own hard lives and the morals of the time.” Hazel Moore’s tale aimed to elicit sympathy from an audience that was most likely familiar with Stephen Crane’s *Maggie: A Girl of the Streets*, Theodore Dreiser’s *Sister Carrie*, or Reginald Kauffman’s *The House of Bondage*. Moore’s story contained various elements similar to these works of literature, from the rural upbringing, to the corruption of the big city, to the powerful social and economic forces that led a desperate woman astray. By situating herself as a victim in this article, Moore called into question the whole premise of the Mann Act; if women like her were dragged down into prostitution by forces beyond their control, why then were they prosecuted by the very law designed to protect them? In Moore’s case, her appeal to the public seems to have worked—she was eventually found not guilty.

Portraying female defendants as victims of social and economic forces beyond their control may have been a common line of defense in cases where women were accused of transporting other women. In one set of proposed jury instructions, the defendant’s lawyer asserted: “The purpose and object of the statute upon which this prosecution is based, is to prevent and break up an infamous traffic in women and girls for immoral purposes. If you believe that the defendant was merely the victim, rather than

the procurer and promoter, of such traffic you should return a verdict of not guilty.\textsuperscript{44} In Mann Act cases that had both male and female defendants, and both were convicted, judges in the Pacific Northwest consistently gave more harsh sentences to the male defendants. In three such cases: the male defendant received eighteen months at the McNeil Island State Penitentiary, while the female defendant received only 53 days in the King County Jail; the male defendant received thirteen months at McNeil Island while the female defendant received six months in the King County Jail; and the male defendant received ninety days in jail and a five hundred dollar fine, while the female defendant only had to pay the five hundred dollar fine.\textsuperscript{45} No transcripts exist in these cases, so no one can know what their lawyers argued, but these sentencing discrepancies may demonstrate the success of female defendants’ arguments that they, too, were victims.

Though some women in Mann Act cases assumed the stance of victims, they were not the helpless girls pictured behind bars in white slavery lore; rather, they used their (alleged) victimization to claim the legal power and social retribution afforded them by federal law. In many cases, women reacted to a broken promise of marriage by urging the police and prosecutors to pursue Mann Act charges. Mary Brady, in Chicago, pushed for

\textsuperscript{44} \textit{U.S. v. Bobbie White}, Case File 2983; Criminal Case Files; U.S. District Court for the Western District of Washington (Seattle); Records of District Courts of the United States, Record Group 21; National Archives and Records Administration—Pacific Alaska Region (Seattle). She was found guilty and sentenced to fifteen months at the San Quentin State Penitentiary.

\textsuperscript{45} \textit{U.S. v. Clarence Hunt and Rita Cadwell}, Case File 9861; Criminal Case Files; U.S. District Court for the Western District of Washington (Seattle); Records of District Courts of the United States, Record Group 21; National Archives and Records Administration—Pacific Alaska Region (Seattle); \textit{U.S. v. William H. Norton and Alice Stapleton}, Case File 8287; Criminal Case Files; U.S. District Court for the Western District of Washington (Seattle); Records of District Courts of the United States, Record Group 21; National Archives and Records Administration—Pacific Alaska Region (Seattle); \textit{U.S. v. John J. Kinney and Anna White}, Case File 7967; Criminal Case Files; U.S. District Court for the District of Oregon (Portland); Records of District Courts of the United States, Record Group 21; National Archives and Records Administration—Pacific Alaska Region (Seattle).
Mann Act charges when the man with whom she had been living refused to marry her.\textsuperscript{46} Edna Dopler, who had followed her lover from San Francisco to Boston, lived with him while waiting for him to divorce his current wife and marry her. When that did not happen, she sought a Mann Act prosecution, not, as she said, out of spite, but rather “because this man refused to keep his promise to marry me or to do the right thing by his own wife.”\textsuperscript{47} She went on to note that this man had acquired a new girlfriend, instead of sticking with her. In another case of retribution by a woman scorned, Mann Act charges were made against William Riddle by his ex-fiancée as soon as she found out that he had married another woman—combined with the subsequent realization by police that William was a suspected New York jewel thief, the new bride was not pleased.\textsuperscript{48}

The women in these cases may have been “victims” of men who did not fulfill their promises of marriage, but they were not the young women envisioned drugged or kept behind bars in white slavery novels and films. In the vast majority of cases, there was no allegation that the woman’s sexual activity was physically coerced or forced, though she may have been enticed by promises of marriage or by economic opportunities. Nevertheless, many of these women clearly felt disillusioned and abandoned by their male lovers, and sought punishment for them, which in many cases the law subsequently provided. As the previously discussed case of Bertha Lake and Robert Ciboach demonstrated, an unfulfilled expectation of marriage could quickly turn a loving “wife” into the “Queen of White Slaves.”

\textsuperscript{47} Clipping from unidentified newspaper, “GOB Branded White Slaver by Divorcee,” in U.S. v. \textit{Edward Ridgeway}, Case File 7970; Criminal Case Files; U.S. District Court for the Northern District of California (San Francisco); Records of District Courts of the United States, Record Group 21; National Archives and Records Administration—Pacific Region (San Francisco).
The broad language of the Mann Act, and the willingness of prosecutors to indict in noncommercial cases, gave some women the opportunity to bend the definitions of victimization and “immoral purposes” to their own ends. Bertha Lake claimed her status as a “white slave” in an attempt to receive help from the police department, while other women exploited the willingness of the court to disregard the “white slavery” origins of the law, and achieved a sort of inverted power through allegations of victimization. Simultaneously, many other women actively resisted the idea of victimization, and asserted that they had willing and consensual affairs with the men accused of “immoral purposes.” Whether women were forced into the role of “victim” or chose to claim victimization as a way of gaining power or escaping punishment, the Mann Act created a complicated and contradictory set of legal identities for the women who found themselves caught up in these cases.

**Resisting Victimization**

While some women actively claimed victimization, others attempted to resist being defined as victims by police officers and prosecutors. As cases involving consensual, unmarried couples were prosecuted with increasing regularity by the late 1910s, prosecutors attempted to force women who bore little resemblance to “white slaves” into the role of “victim.” Many of these women were clearly willing lovers of the men accused of victimizing them, and most had to be detained so that prosecutors could force them to testify against the defendants. Their stories show a significant departure from the stated intent of the Mann Act, as the FBI and prosecutors sought out cases involving “illicit” and “immoral” sexual behavior, rather than forced prostitution. By the
1920s, the vast majority of indictments on the West Coast charged men with coercing women into “debauchery,” “concubinage,” “cohabitation” or “immoral purposes,” rather than prostitution. This reflected the growing emphasis on prosecuting men for having consensual affairs, not for being engaged in commercial sex trafficking.

One of the primary ways in which women resisted being identified as victims was by attempting to escape testifying against the defendants. Without the “victim” as the primary witness, prosecutors usually could not get a conviction, and indeed many of the dismissed cases involved victim-witnesses who could not be found and subpoenaed. The “victims” in Mann Act cases were regularly imprisoned as material witnesses, in order to force them to testify against the defendants. This long-standing legal tradition is employed when a material witness is uncooperative, or when there is reason to believe that the witness will not show up to trial in response to a subpoena. The detained witness had the opportunity to post bail, but if she could not (as was almost always the case), she was imprisoned until her role in the trial was over. This highly coercive measure was used not only to keep material witnesses within the jurisdiction of the court, but also to force them to cooperate, and to punish them for their resistance. This was a regular occurrence for women in western Mann Act cases.

The following example is typical of the arguments made by prosecutors about why the women who were listed in the indictments as “victims” should be detained. An affidavit from a Special Agent for the Department of Justice swore that the alleged victim, Lizzie Tito, “is a material and competent witness on behalf of the plaintiff in the

above entitled cause, and unless detained by this court will leave the district, and that it will be impossible to secure her as a witness on the trial of said cause; that the testimony of said witness is necessary to secure a conviction of the defendant above named.”

The women who resisted cooperating with the prosecution faced this inconvenient, financially difficult, and often humiliating ordeal, in which they were imprisoned much like the men accused of victimizing them. Although they were given the option of bail, it was usually set at a minimum of one thousand dollars, which was far out of reach for working-class women. Women under the age of eighteen were usually sent to a juvenile detention facility or a home for unwed mothers while they awaited trial. The court did pay women for the duration of their detention, usually at the rate of one dollar per day. However, as Mary Odem has demonstrated regarding age-of-consent cases, such detentions were often a grueling and punitive experience for women, as police officers interrogated them about the minute details of their sexual histories. These detentions regularly lasted for over a month, as the women were detained for the duration of the court proceedings, and were often only released once the verdict was reached.

One female witness’s experience illustrates the extremely coercive nature of these detentions. During the pre-trial proceedings before a Commissioner, the “victim” refused to answer the questions posed to her. She insisted repeatedly that she wanted to speak with a lawyer, but the prosecutor refused, grilling her with, “Why don’t you want to

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50 U.S. v. Pedro Roco, Case File 2888; Criminal Case Files; U.S. District Court for the Western District of Washington (Seattle); Records of District Courts of the United States, Record Group 21; National Archives and Records Administration—Pacific Alaska Region (Seattle).
51 Odem, Delinquent Daughters, 65.
testify? Why don’t you want to talk?” She reiterated that she had not had an opportunity to speak long enough with an attorney. The Commissioner then asked, “You understand you can be punished for your attitude?” After her affirmative response, he said, “Very well, then, Miss Wood, this is probably what will happen to you unless you do testify. You will probably have to go to jail for an indefinite time, if you prefer to do that rather than answer simple questions.” When she continued to refuse to cooperate, it was decided that she should, indeed, be committed to the county jail with a bond fixed at $2,500. Faced with her impending imprisonment, she began to answer the questions.52

Maxine Evans, another “victim” who was arrested and detained as a witness, filed an affidavit requesting her release. This document offers her reasons for refusing to testify, and references the primary reason for women’s detention: the effort of prosecutors to coerce them into testifying. Evans swore upon oath and said that she was detained because the prosecutor wanted her to testify and that she would not do so because it involved “privileged matters” and her testimony “would have a tendency to incriminate her.” She claimed that the District Attorney said he would continue to detain her so that she would change her mind about testifying for the plaintiff. The affidavit continued, “Deponent says that she is unable to secure bail for her release and she believes that it is the purpose of the officers in insisting upon her detention to deprive her of and deny her by coercion of such detention her constitutional privilege of not appearing and testifying to matters of self incriminating nature.”53 Evans’ affidavit

52 U.S. v. Jacob Gronich, Case File 5660, Judgment Roll 5238; Criminal Case Files; U.S. District Court for the District of Oregon (Portland); Records of District Courts of the United States, Record Group 21; National Archives and Records Administration—Pacific Alaska Region (Seattle).
53 U.S. v. Jack Valdez, Case File 2942; Criminal Case Files; U.S. District Court for the Western
demonstrates the efforts of prosecutors to force women into the position of “victim” so that they would testify in court; at the same time, the high rate of women’s detention by the court shows that women regularly resisted being identified as victims in these cases.

The following two cases offer a glimpse of the kinds of circumstances that could lead a man to be prosecuted and a woman to be detained in Mann Act cases. The female “victims” in these cases were willing participants in interstate affairs, and also occasionally engaged in prostitution. Both of these women had to be kept in jail in order to force them to testify against the men accused of victimizing them. Viola Newman was over 30 years old – hardly the young, naïve girl of white slavery lore—and had been “living in adultery” with J.B. Moore as they traveled throughout the Northwest and British Columbia. She did practice prostitution at the various places they lived, but it is unclear whether that was a constant profession for her, or just a way of occasionally making ends meet. The commissioner wrote a statement explaining why he set an unusually high bail for her, because she was the prosecution’s primary witness, and he did not believe she would stay in the district and testify if she was not forced to. He described her as “a person without moral character and primarily responsible to a great extent for the wrong doing of the defendant.”

Nevertheless, when the man Viola had been living with pled guilty and was sentenced to seven months of hard labor, she became legally defined as a victim, regardless of the true circumstances of their affair.

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District of Washington (Seattle); Records of District Courts of the United States, Record Group 21; National Archives and Records Administration—Pacific Alaska Region (Seattle).

54 U.S. v. J.B. Moore, Case File 2195; Criminal Case Files; U.S. District Court for the Western District of Washington (Seattle); Records of District Courts of the United States, Record Group 21; National Archives and Records Administration—Pacific Alaska Region (Seattle).
Vernon Goldy and Lucile Goldy exchanged a series of love letters, calling themselves “wifey” and “hubby” and expressing their love, commitment, and desire to be together. Lucile Goldy seemed to have worked as a prostitute on at least a couple of occasions, but was now trying to make an “honest living,” and he promised her that she’d never have to work again unless she wanted to, but not as a prostitute. When Lucile moved from Portland to join Vernon in Seattle, he was accused of transporting her for the purpose of prostitution, concubinage, debauchery, and immoral purposes. In a rare outcome, Mr. Goldy was found not guilty. These cases are representative of the effort to prosecute cases that were fundamentally about interstate love affairs with little or no commercial motive. In these cases prosecutors attempted to force women who did not see themselves as victims into that position by imprisoning them when they refused to cooperate with the trial.

In spite of all of the cases in which abandoned wives or jilted ex-lovers pressed Mann Act charges, many other women fought them. In 1916, the Los Angeles Times reported that, in a situation that “defies convention,” 17 year old Loy Ransford was devastated to have Mann Act charges pressed against her lover. With a baby in one arm and another on the way, she clung to him and kissed him good-bye as he was taken to jail; the fact that he had a wife waiting to testify against him in Indiana may provide a clue as to why charges were pressed. In a 1923 case, an unmarried couple took a cross-country road trip. They quickly wed after their arrest in Wyoming, but Bert Minch was

55 U.S. v. Vernon Goldy, Case File 2853; Criminal Case Files; U.S. District Court for the Western District of Washington (Seattle); Records of District Courts of the United States, Record Group 21; National Archives and Records Administration—Pacific Alaska Region (Seattle).
still indicted for violating the Mann Act. His victim-turned-wife, Mrs. Doris Minch, repeatedly appeared in court demanding that the case be dismissed. As fifteen-year-old Elsie Mattes said about the married twenty-two year old who took her across state lines with him: “Lloyd has always treated me real good. … I don’t think he did right in getting me to go away with him when he couldn’t marry me, but I don’t blame him and I don’t want him to be prosecuted.”

Gladys Allen also fought for the dismissal of Mann Act charges against her husband, in spite of the fact that this was one of the rare situations in which prostitution really does seem to have occurred. Gladys’s letters to her husband provide a useful contrast to the letters of Bertha Lake. Gladys’s husband was indicted less than three months before Bertha wrote to the Police Chief, and both recorded their own narratives of victimization in their letters. Nevertheless, their stories are vastly different—while Bertha Lake claimed victimization to punish Robert Ciboch, Gladys Allen denied that she had been a victim of her husband and instead tried to use her letters to fight his imprisonment.

On September 27, 1913, Martin Allen was indicted for coercing Gladys Allen to go from Los Angeles to Yuma, Arizona “for the purpose of engaging in, and submitting to, prostitution and debauchery … and of living in said state of Arizona in immoral relations with one Charles H. Duvel.” Gladys’s letters to her imprisoned husband asserted his innocence, but also suggested the truth of the charges involving Charles

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58 U.S. v. Lloyd J. Meredith, Case File 22719; Criminal Case Files; U.S. District Court for the Northern District of California (San Francisco); Records of District Courts of the United States, Record Group 21; National Archives and Records Administration—Pacific Region (San Francisco).
59 U.S. v. Myrten C. Allen, Case #673; Criminal Case Files; U.S. District Court for the Central District of California (Los Angeles); Records of District Courts of the United States, Record Group 21; National Archives and Records Administration—Pacific Region (Laguna Niguel).
Duvel. She wrote to Martin reminding him that “it is all Charles fault and he ought to get all the blame for it and even broke us up when we could have been happy together,” and pleaded with him to get the witnesses “to prove that Charley was the whole doing as there is so many that know he was the one and those people one local train going to Yuma asked me if he was my husband and I wished would of said know [sic].”

Gladys’s letters express longing to be reunited with her husband, and frequent demands that he be released, though she incorrectly assumed that Martin had some control over whether or not that happened. She instructed him to “write to the Chief of police or else get your lawyer to get you out right away hurry,” and in another letter, “Now write right away to the lawyer and have him release you.” After a few months, Martin’s case was dismissed, perhaps because of Gladys’ lack of cooperation as a witness. Meanwhile, Charles Duvel had pled guilty in the case against him, and had been given the relatively harsh sentence of four years at the San Quentin State Penitentiary in California.

The women involved in Mann Act prosecutions dealt with the themes of victimization and consent in varied ways; while some women actively claimed to be victims as a way of gaining leverage within a patriarchal legal system, others resisted being defined as victims and were uncooperative with prosecutors. Through active forms of resistance, like the letters or affidavits sent by some women, or more passive forms, like fleeing the jurisdiction before they could be subpoenaed, many women rejected the court’s authority to determine for them whether or not they were victims. Meanwhile, the courts found a convoluted way of bridging the gap between the Mann Act’s definition of
victimization, and the overwhelming evidence that many women willingly went along with interstate affairs. The Supreme Court created the legal possibility that women could be tried for conspiring to violate the Mann Act by cooperating in their own victimization.

**Conspiracy**

Conspiracy cases blurred the legal line between victim and perpetrator, by making it possible for one woman to be both. During the first few years of Mann Act prosecutions, the courts struggled with how to understand Mann Act cases in which the woman may not have been a “legitimate” victim, but rather be trying to blackmail a certain man. This was discussed particularly in relation to professional prostitutes, who were already “immoral,” and therefore might try to make even more money by seducing a man, traveling across state lines with him, and then blackmailing him. In response to this fear, and in recognition of the growing number of consensual affairs passing through the courts, the Supreme Court decided in the 1915 *Holte* case to allow for the possibility that women could be charged with conspiracy to violate the Mann Act.

Within a few years of the 1910 passage of the Mann Act, newspapers were reporting that women—both as individuals and as part of organized crime rings—were blackmailing men who violated the Mann Act. Both the *New York Times* and *San Francisco Chronicle* carried stories in 1914 about the arrest in Chicago of a “brilliant brunette beauty” named Jessie E. Cope, accused of trying to blackmail a wealthy, married capitalist for $50,000.60 The belief that the Mann Act was particularly fertile ground for

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blackmailers became so prevalent that in 1914 newspapers produced a series of articles and editorials condemning it and calling for an amended version of the law.

An editorial in the *Chicago Daily Tribune* offered a scathing response to Representative Mann’s resistance to any revision of the Mann Act. It argued that the law had been construed far too broadly, and accurately noted that the law had become a tool for regulating various types of sexual behavior, not just “white slavery”:

> It is because mistaken reformers wish to make this statute an instrument to punish voluntary, non-commercial sexual offenses that they object to amendment restricting its application strictly to … cases of traffic in women, called ‘white slavery.’ It is the confident opinion of *The Tribune* that the Supreme court [sic] at least will restrict the operation of the Mann act to this field and will refuse to dump upon the central authority responsibility for correcting the private morals of the individual throughout the country. … The Mann act is bad public policy and, we believe, bad law. It is an excuse to local communities to shirk what they are responsible for in our system of government and what they are best fitted to correct. It is one of the most conspicuous instances of the zeal of some reformers who, in their passionate confidence in the efficacy of legislating righteousness, see only one phase of a subject and strike at it without considering what the real consequences will be.\(^\text{61}\)

The *New York Times* agreed. In an editorial entitled “Uncle Sam, Blackmailer,” it noted that only men bore the guilt of consensual interstate affairs, creating a situation that was particularly conducive to women blackmailing men. It argued that the Mann Act “is in itself an absurdity, but that is less serious that its direct incitement to crime.”\(^\text{62}\) Within a few months the Supreme Court responded to the blackmail question, but not with the revision to the Mann Act for which the *Chicago Daily Tribune* hoped.

\(^{61}\) “A Reform in Need of Reform,” *Chicago Daily Tribune*, April 3, 1914, pg. 6. Mann “act” is lowercase in the original.

On February 1, 1915 the Supreme Court announced its decision in the case of *United States v. Holte*. Clara Holte was a married forty-one year old who had engaged in an interstate affair with a twenty-one year old man. The indictment alleged that the young man transported Clara for the purpose of “illicit sexual intercourse,” but also had an added component: a conspiracy charge against Clara for aiding in her own transportation, because she traveled with her lover of her own free will. It was then left to the Supreme Court to decide whether or not a woman could conspire in a crime *against herself*. The law of conspiracy generally applies when two or more people make plans to break the law. This does not, however, apply in situations where the crime itself requires two participants. Legal historian David Langum uses the example of a duel: the crime itself must, by definition, involve two people, and therefore cannot be a conspiracy. A third person would have to be involved in the planning of the duel in order for a conspiracy to have occurred. How then could one woman, violating the Mann Act with one man, be charged with conspiracy?

The Supreme Court found a convoluted way of justifying the decision to try female “victims” with conspiracy. The decision written by Justice Holmes argued that the crime could occur without a woman’s consent, if she were taken by force. Therefore, the crime did not necessarily have to involve two *consenting* persons, and if a woman did consent it would then act as a third element and create a conspiracy. This decision separated women’s physical bodies from their will; in either scenario, the woman’s body would be victimized, but in the latter case, she would have been complicit in that

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63 Langum, *Crossing Over the Line*, 79.
64 Ibid.
65 Ibid., 80.
victimization. In no scenario would the body cease to be victimized simply because the woman agreed with how her body was transported and treated. Although this decision meant that women’s consent could be a criminal offense, it still did not take consent seriously enough to see it as a meaningful extension of an individual woman’s right to determine where she would travel and with whom. Nevertheless, the same newspapers that had recently criticized the Mann Act issued editorials hailing the end of the blackmail problem. The *New York Times* rejoiced that the Supreme Court had again “come to the rescue against the fanatical enforcement of a bungling law.”\(^{66}\) The *Chicago Daily Tribune* celebrated that the decision “in all likelihood will end the use of the Mann white slave act [*sic*] for purposes of blackmail.”\(^{67}\)

The *Holte* decision did indeed cut down on the volume of cases of alleged blackmail, though some still occurred.\(^{68}\) It also became a useful tool for prosecutors who wanted to threaten female victims and force them to testify against their male lovers. More significantly, the decision reinforced the idea that women could not make their own rational decisions about their bodies. The *Holte* decision meant that a woman could be put on trial for conspiring to victimize herself, while at the same time a man would be on trial for victimizing her. This refined the theme of victimization, but did not negate it. Rather than suggesting that no Mann Act violation had occurred in cases where the woman clearly consented to—or even instigated—the “immoral purposes,” the court’s ruling firmly established that women were still subject to the coercion of men, even when


\(^{68}\) Langum, *Crossing Over the Line*, 81-82.
those women participated in their own victimization. Pamela Haag’s analysis of consent
is particularly useful in understanding how the Supreme Court could envision a woman
as simultaneously victim and conspirator. While allowing for the possibility of
aggressively immoral women who would blackmail unsuspecting men, this ruling also
maintained the idea that all women were necessarily victimized by all forms of illicit sex.
The *Holte* decision reflected the idea that no sex worker could or would freely choose
that business; it “treats the woman who has been transported for use in the business of
prostitution as victim—often a *willing victim*, but nevertheless *a victim*.“\(^\text{69}\)

Relatively few cases of conspiracy were ever actually brought to trial, but the
legal possibility remained to threaten women who came forward with allegations of
Mann Act violations. Only two cases of conspiracy were brought before the Southern
California district court in the years before 1925, and in neither case was the woman
convicted. For instance, because Charles Taylor and Genevieve Huffman Sargent
traveled together in 1920 and occupied hotel rooms “as man and wife,” they were
indicted on charges of conspiring to violate the Mann Act. The charges directed at
Sargent accused her of “knowingly procuring and obtaining tickets to be used by
[herself]” for “immoral purposes.” In a separate case, Charles Taylor was charged with
an actual Mann Act violation, though both cases were eventually dismissed.\(^\text{70}\) Although
women throughout the U.S. were on rare occasion actually convicted of conspiracy to

\(^{69}\) Haag, *Consent*, 67-68. Italicis in the original.

\(^{70}\) U.S. v. Charles W. Taylor, Jr., and Genevieve Huffman Sargent, alias Jean Sargent, Case #2020
and U.S. v. Charles W. Taylor, Jr., Case #2005; Criminal Case Files; U.S. District Court for the Central
District of California (Los Angeles); Records of District Courts of the United States, Record Group 21;
National Archives and Records Administration—Pacific Region (Laguna Niguel). The U.S. Census taken
in January of 1920 showed “Geneva” Sargent and Charles W. Taylor, Jr. living next door to each other in a
boarding house. They were 22 and 24, and single and divorced, respectively.
violate the Mann Act, the threat of charges were much more commonly a tool of prosecutors, who would drop the charges once women agreed to act as cooperative witnesses. As David Langum notes, FBI agents received memos as late as 1949 saying “that complaints were ‘usually filed against victims charging conspiracy to keep them in custody,’” and that such charges should be dropped once women fulfilled their valuable roles as government witnesses.⁷¹

The history of the Mann Act tends to be the story of the men with direct legal involvement in the cases—those who were the defendants, the prosecutors, the judges, and the lawmakers. However, by definition, every Mann Act prosecution had at its center a female victim. The wording of the law, together with the decisions of judges and the actions of the women themselves shaped the meanings of victimization for the various individuals involved. Some saw themselves as victims, some did not, and others were defined as both victims and victimizers (of themselves) by the legal system.

By operating within, and sometimes pushing at, the boundaries of the Mann Act, many women successfully turned this law into a tool for their defense, while at the same time reinforced its overall premise about the ways in which men victimized women. Examining the actual experiences of the women who found themselves caught up in Mann Act cases provides a working-class response to the elite social reformers who had so much rhetorical power over the definition of “victim.” The experiences of the women in Mann Act cases represent a microcosm of the greater class, gender, and generational struggles of the 1910s and 1920s, as young women sought a new level of economic and

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⁷¹ Langum, Crossing Over the Line, 172.
sexual freedom, while at the same time the middle class sought to maintain its gendered standards of sexual and social respectability. The ways in which the Mann Act was enforced created a location for both assent and dissent about the meanings of appropriate feminine and masculine behavior; a public venue for debating the meanings of private actions.
For the Fourth of July holiday in 1925, Justus Bonness, John Grimes, and two women decided to take a vacation together. They traveled by automobile from Seattle, Washington, to Vancouver, British Columbia, and got two hotel rooms. They explored the city, went out to dinner, drank some alcohol, and drove home the next day. A year later, when the men found themselves in court on Mann Act charges, they recalled innocently sharing one room, while the young women stayed in the other. However, the women testified that the men had not stayed in their own room on that fateful night, but had instead split up and each stayed in a room with one of the girls. Like many other Mann Act cases in the first decades of the twentieth century, this one revolved around a crucial detail involving the hotel rooms: was there at least the appearance of sexual impropriety between the men and the much younger women, to whom they were not married? The answer to that question stood to determine the difference between freedom and incarceration for the men, who were each ultimately convicted and sentenced to 18 months in prison. There would be no legal consequences for the women.¹

Though the Mann “White Slave Traffic” Act was ostensibly meant to end forced prostitution, it very quickly became a way of prosecuting men involved in a variety of

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¹ U.S. v. Justus I. Bonness and John R. Grimes, Case File 10116; Criminal Case Files; U.S. District Court for the Western District of Washington Northern Division (Seattle); Records of District Courts of the United States, Record Group 21; National Archives and Records Administration—Pacific Alaska Region (Seattle).
noncommercial relationships. These noncommercial cases are particularly useful as a way of investigating culturally dominant ideas about masculinity and femininity. In particular, the Mann Act provided a tool for enforcing middle-class standards of sexual normativity in the face of perceived threats from “sexual deviants,” the working class, immigrants, and the younger generation.

Defendants in Mann Act cases were generally charged with crimes that fell into one of three basic categories. The first two categories of Mann Act violations most closely resembled the original stated intent of the law: to end the “white slave” traffic in women. The first included the situations in which women were transported entirely against their will, by men who kidnapped, drugged, or raped them and forced them to work in brothels. Such cases occurred very rarely. The second category included the situations in which no physical force had been used, but neither had the women truly consented, because they had been tricked or coerced. This type of case was relatively common in the 1910s through 1930s. Some of these cases involved male or female business owners who encouraged women to move across state lines to work in brothels or bars as prostitutes or dancers; other cases involved men who lured women with false promises of marriage. All of these types of cases at least resembled the situations reformers described as “white slavery”—scenarios in which otherwise virtuous young women were corrupted or exploited, usually for commercial gain.

However, by the late 1910s, prosecutions had become common in a third category of noncommercial cases far removed from the context of “white slavery.” Indeed, as early as 1913, The Washington Post criticized the broad wording of the Mann Act for
swamping the Department of Justice with “so-called white slave cases which bear no resemblance to the traffic in girls and women” and creating a situation in which “any misconduct incident” that involved a woman crossing a state line could be considered a crime.  

This third type included all of the cases in which men and women willingly and consensually traveled across state lines together while involved in sexual affairs. This category usually involved one of two different scenarios. In the first, men and women in long-term relationships (but unmarried) made interstate moves together. In the second, men and women made brief jaunts across state lines while engaged in relatively short-lived or casual affairs. Though there were, of course, hundreds of individual variations, this third category generally includes all of the noncommercial, consensual cases. The Bonness and Grimes case represents this group of noncommercial prosecutions, which were the most common type from the late 1910s through the 1930s.

The noncommercial, consensual cases belied the “white slavery” rhetoric that underlay the Mann Act and revealed that, from the 1910s-1930s, this law was most actively employed as part of an effort to construct and reinforce normative sexuality and gender roles in the United States. When men engaged in consensual interstate affairs, some factors increased the likelihood that they would face prosecution for violating the Mann Act: if they or the women had spouses or children, or if the women had parents or

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3 There is no way to determine for sure whether every Mann Act case belonged in the “commercial” or “noncommercial” category. Therefore, the conclusion that the noncommercial cases were more common is admittedly an educated guess. However, David Langum and I both reached this conclusion independently, as I examined cases from the West Coast, and he included a brief discussion of cases from two different regions: Providence, Rhode Island, and Mobile, Alabama. He concluded that, from 1910-1944, more of the prosecutions were for noncommercial than commercial cases in both of these locations. Langum, Crossing Over the Line, 150. My statistics will be discussed further in the following chapters.
guardians who objected to their daughters running off with the men. These particular extenuating circumstances not only made prosecutions and convictions more likely, but also increased the chances that the FBI would even find out about the “crime” to begin with. For instance, the FBI case files from 1921 alone include dozens of letters from abandoned spouses or concerned family members that pled for investigations into the men who, by leaving town with women who were not their wives, aided in the destruction of the family structure that was supposed to protect and shelter women and children.4

The large number of consensual cases prosecuted from the late 1910s through early 1930s reveals an emphasis on the ideal of Victorian manhood. Many gender historians have characterized the early twentieth century as a period of transitioning masculinity, during which the middle-class ideal of Victorian, self-controlled manhood was overturned by a more aggressive manliness that celebrated physical prowess and romanticized “savage” or “primitive” qualities in men. 5 This crisis theory suggests that Victorian manhood was no longer the dominant ideal for middle-class men by the 1920s. To the contrary, noncommercial Mann Act prosecutions demonstrate that Victorian manhood was still encouraged—indeed, enforced—well into the 1920s. In consensual,

4 Bureau Section Files, 1909-21, Investigative Reports of the Bureau of Investigation 1908-1922, National Archives and Records Administration M1085.

noncommercial cases, prosecutors emphasized the ways in which defendants had allegedly failed to behave in respectable, controlled ways. Far from celebrating spontaneity or an aggressive physicality, the Mann Act punished men who let physical desires take precedence over the protection of women and the home. These cases exhibit a tension between the belief that men had naturally base instincts and the ideal of restrained, respectable manhood that was supposed to keep such desires in check.

**The Caminetti Decision and Noncommercial Prosecutions**

Although the Mann Act was created as a result of the white slavery panic, prosecutors began pursuing noncommercial cases far removed from “white slavery” very soon after the passage of the law in 1910. A case soon emerged to test the broad application of the Mann Act to purely consensual, adult affairs. In 1917, the Supreme Court’s *Caminetti* decision established that noncommercial, consensual interstate affairs did indeed fall under the purview of the Mann Act.

Drew Caminetti and Maury Diggs were friends who lived in Sacramento, California, in 1913. Both men were in their mid-twenties and had wives; Drew had two children, and Maury had one. They had respectable jobs and were from wealthy, powerful families. Drew’s father had been a state senator in California and was then a newly-appointed Commissioner of Immigration for the Wilson administration.\(^6\) In September of 1912, the two men met and eventually became romantically involved with two unmarried young women, aged nineteen and twenty, whom newspapers described as

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\(^6\) Langum, *Crossing Over the Line*, 98.
“members of prominent local families,” “society girls,” and “sorority girls.” They traveled around locally in Maury’s automobile and at one point had an excursion to the Bay Area together. By February 1913, Marsha Warrington was pregnant by Maury Diggs.8

By early March, many people in Sacramento knew about the affairs, and the pressure on the four was growing intense. Maury’s father came to Sacramento and for days pursued his elusive son while accompanied by policemen. He was presumably trying to get Maury arrested on state adultery charges, so that he could shock his son into straightening up his behavior. Meanwhile, both of the wives of Maury and Drew had become aware of the affairs and were threatening to drag the girls before the Juvenile Court, which had jurisdiction until the age of twenty-one. On March 10, in a frenzied effort to escape the growing scandal—and the possibility of legal action—the foursome decided to leave town together. Though they had considered taking a train south, to Los Angeles, the first departing train they could board was headed east, to Reno, Nevada. Going east instead of south, and thus crossing a state line, would drastically alter the next several years of their lives.9

Newspapers immediately picked up the story. By March 13, the Los Angeles Times announced that state charges of abandoning their wives and children were pending

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8 Langum, Crossing Over the Line, 99.
9 Ibid., 101-102.
against the men.\textsuperscript{10} After the four were arrested across the state line in Reno, the charges were changed to Mann Act violations. The case received much attention in newspapers nationwide, largely due to the prominence of the families involved and the (mostly untrue) allegations that members of the Wilson administration were trying to tamper with the case.\textsuperscript{11} Drew and Maury had separate trials in San Francisco and—although there was not even the hint of commercial motive or of force used on the girls—both were convicted. During their sentencing on September 17, 1913, Judge William C. Van Fleet acknowledged that their crime was not as serious as ones motivated by commercial interests, but he argued that it was nevertheless a serious breach of moral behavior. “This was a crime of opportunity,” he declared:

\begin{quote}
The laxity of social conditions and the lack of parental control made it possible. All through this case there is evidence that drink had its paralyzing influence upon the morals and the minds of these men and the young girls with whom they went on that trip to Reno. The terrible, debasing influence of the saloon and the roadhouse is too disgustingly apparent, and I make the observation here that society must pay the price for permitting the existence of these highly objectionable places.\textsuperscript{12}
\end{quote}

The judge sentenced Maury Diggs to a fine of $2,000 and two years in the federal prison at McNeil Island, Washington, and Drew Caminetti to a fine of $1,500 and eighteen months at McNeil.

Diggs and Caminetti appealed their cases to the Ninth Circuit Court, which upheld the verdicts, and then to the Supreme Court. Their attorney argued that the Mann

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“White Slave” Act did not apply in cases that were solely noncommercial in nature, and that the very definition of “white slavery” implied victims who did not go along willingly.\(^\text{13}\) The Supreme Court, however, disagreed. It said that once a law goes into effect, the interpretation of that law relies solely on its wording, and not on the intention of Congress. Therefore, the words “immoral purpose” could mean any number of things, including debauchery and illicit sex.\(^\text{14}\) As the *Chicago Daily Tribune* put it, this meant that the Mann Act could now be used to target “private escapades as well as commercialized vice.”\(^\text{15}\) The *Caminetti* decision threw open the door for prosecutions based entirely on noncommercial, consensual sex.

In the wake of the *Caminetti* decision, conversations took place within the Department of Justice about how best to select which noncommercial cases to prosecute. In 1917, the Attorney General issued some guidelines to prosecutors that were reissued in similar form three more times by 1935. He instructed prosecutors to give particular consideration to cases with “aggravating circumstances.” These included cases that involved a “fraudulent overreaching,” which meant an abuse of power on the part of an authority figure, like a minister, when used to seduce a woman. These also included cases that involved “previously chaste” or “very young” women, and “married women (with young children) then living with their husbands.”\(^\text{16}\) Prosecutors, however, had a great

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\(^\text{13}\) Langum, *Crossing Over the Line*, 112-113.

\(^\text{14}\) Ibid., 113-114.

\(^\text{15}\) “Mann Act Given Wide Scope by Supreme Court,” *Chicago Daily Tribune*, January 16, 1917.

\(^\text{16}\) Quoted in Langum, *Crossing Over the Line*, 140.
deal of discretion in the enforcement of the Mann Act, and regularly ignored these recommendations during the 1920s.\textsuperscript{17}

Mann Act cases in the early 1910s, which more closely resembled the rhetoric of white slavery, pivoted on questions of consent, coercion, and commerce. The first two categories of Mann Act prosecutions reflected the influence of the white slavery hysteria. Even the early cases that seemed to be consensual in nature relied on the rhetoric of male coercion and female innocence, as in the case of Bertha Lake in the preceding chapter. In such cases, female “victims” and prosecutors shaped their accounts of victimization in ways that would appeal to popular understandings about the nature of male and female sexuality and reinforce the connection, however tenuous, to white slavery. As Stephen Robertson argued regarding statutory rape cases, even when it was not strictly necessary according to the law, officers and prosecutors portrayed “victims” as passive in order to make the narrative of the crime fit with “jurors’ understandings of childhood, and, by so doing, to have them extend to [the young woman] the protection from sexual violence that they were only prepared to offer to children.”\textsuperscript{18} Similarly, early Mann Act prosecutions tended to emphasize the lack of (or impossibility of) the woman’s consent to her transportation.

\textsuperscript{17} David Langum terms the Mann Act prosecutions during the 1920s a “morals crusade.” While I agree that the noncommercial prosecutions were, fundamentally, about competing ideas of what was “moral,” I disagree with the implication in his work that this morals crusade was merely some sort of mass hysteria on the part of a group of overly-Puritanical Americans. As he writes, “The Progressives and religious zealots foolishly wished to force men and women to be good, whether they wanted to be or not,” and “The morals crusade of the Mann Act essentially arose out of a spirit of angry vindictiveness” that made “decent, middle-class, God-fearing Americans feel good.” Langum, \textit{Crossing Over the Line}, 146, 166. I argue that there were more complex motivations behind the noncommercial prosecutions. Such cases reflected a deeper concern with preserving an increasingly threatened “traditional” social and gender order, and were largely initiated by members of the working class, not just by moralistic middle-class do-gooders, though certainly middle-class standards of respectability were central to these cases.

However, after the Caminetti decision, it was no longer as necessary for prosecutors to explicitly try to fit “victims” into stock narratives of exploitation or white slavery. The influence of white slavery panic essentially ended with the advent of the First World War, thereby diminishing the relationship between white slavery and the Mann Act. However, this did not mean that women’s consent or sexual agency was acknowledged in Mann Act cases, with the exception of the occasional conspiracy charges. Rather, it meant that women’s consent could be ignored altogether. No longer did prosecutors have to make the case that women were coerced or forced into their transportation; their consent was simply irrelevant and legally unnecessary. This served not only to negate any sort of initiative on the part of the women, but also to place the primary site of moral responsibility or sexual deviance on the male.

**The Bonness and Grimes Trial: A Noncommercial Prosecution**

The case of Justus Bonness and John Grimes contains several elements that are representative of the noncommercial, consensual cases that made up the majority of Mann Act prosecutions in the 1920s. In 1926, almost a year after their Fourth of July outing, the men and women who traveled together from Seattle to Vancouver sat in court and told their version of the events. At the time of the trip, Justus and John were both in their early forties. The women who traveled with them, Grace Holland and Mildred Sites, were ages sixteen and eighteen, respectively. Like the vast majority of men accused of

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19 Most of the Mann Act cases tried in the 1920s do not have a complete trial transcript. This transcript exists because the case was appealed, and therefore a transcript had to be created. Justus Bonness was an atypical Mann Act defendant in terms of his financial well-being, and he had the resources to appeal his case.

20 There is some question about their actual ages in the trial transcript, but these are the ages the women claimed to be at the time of the trip. The other ages presented during the case are that Grace may
Mann Act violations on the West Coast, both of the defendants were white, as were their female companions; at least three—possibly all four—were native-born Americans, not immigrants. The four of them were linked by a web of relationships. Justus and John had been friends for over twenty years, and at the time of the trip, John was working as a clerk in the grocery store Justus owned and ran. Grace was the younger sister of Mamie Holland, to whom Justus had been married from 1911 until her death in 1915. She was, therefore, his former sister-in-law, and the aunt of the three children he had with Mamie. Meanwhile, Grace was friends with Mildred because they both lived at the Ruth School for girls, a Protestant reformatory home and school for girls over the age of sixteen who had been declared “misfits” or were wards of the Juvenile Court. During the trip, Justus allegedly coupled up with Grace, and John with Mildred.

have been either 16, 17, or 18, and that Mildred may have been either 18 or 19. Bonness and Grimes Trial Transcript, 110, 131.

John was born in Iowa, and Justus was born in Kansas. Although I could find no record of Grace Holland in any Federal Census, the 1930 census does have a record of her mother, Lenora Holland. Lenora’s race is listed as white, and she was born in Missouri. Also, the children that Justus had with Grace’s sister are all listed in the 1920 census as “white,” and their mother’s place of birth is listed as “Kansas.” That suggests that their deceased mother (Lenora’s daughter and Grace’s sister) was a white, native-born American. Therefore, it seems safe to say the same about Grace, though nothing about her paternity is known. No record of Mildred Sites was found in any Federal Census, so it is impossible to definitely ascertain her race, ethnicity, or country of origin. However, no mention of her race or nationality were made in the case against Bonness and Grimes, which suggests that she was white and was not an immigrant, since information to the contrary was usually mentioned. Lenora Holland, sheet no. 10A, line 15, Enumeration District 17-81, Seattle City, King County, Washington Census of Population; (National Archives Microfilm Publication T626); Fifteenth Census of the United States, 1930; Records of the Bureau of the Census, Record Group 29; Justus Boness, sheet no. 22A, line 23, Enumeration District 331, Seattle City, King County, Washington Census of Population; (National Archives Microfilm Publication T625);Fourteenth Census of the United States, 1920; Records of the Bureau of the Census, Record Group 29; McNeil Island Penitentiary Intake Volume Index (Microfilm Portion M1619), National Archives and Records Administration—Pacific Alaska Region (Seattle).

Bonnness and Grimes Trial Transcript, 94-96.

Ibid., 11-12 and 114.

None of the four travelers was married at the time of the trip. When they went on their jaunt, Justus’s second wife had recently passed away, and he had four children at home.\textsuperscript{25} By the time of the trial a year later, Justus had married his third wife.\textsuperscript{26} John Grimes also no longer lived with a wife at the time of their trip. In his testimony, he answered in the affirmative when asked if he and his wife had separated in 1920.\textsuperscript{27} The U.S. Census from 1930 seems to confirm this with a “D” (for “divorced”) in the column listing John’s marital status.\textsuperscript{28} There is no evidence to suggest that John had children; if he did, they were not recorded as living with him. Neither of the young women was married, nor did they live permanently with their parents.

Instead, the women were overseen by a guardian—an official from the Juvenile Court—who apparently reported the alleged Mann Act violation. The role played by a “protective” family member or guardian makes this case consistent with the other consensual Mann Act cases in the 1910s through 1930s. In most of the Mann Act cases prosecuted throughout the U.S., the lack of records makes it impossible to determine who actually reported the alleged crime. However, the hundreds of files of FBI investigations into potential Mann Act violations do occasionally contain information about the complainant. These make it clear that, in consensual cases, men and women were usually reported by a family member—a deserted spouse, anxious parent, or a sibling left supporting an abandoned woman and her children.

\textsuperscript{25} Three children with his first wife and one with his second.
\textsuperscript{26} Bonness and Grimes Trial Transcript, 113.
\textsuperscript{27} Ibid., 95. John also said he had been a “widower” since 1920, but since this was followed by the question about him separating from his wife, he seems to have meant it more in the sense of not having a wife, rather than of her having died.
\textsuperscript{28} John R. Grimes, sheet no. 1A, line 21, Enumeration District 34-12, Cochran, Washington County, Oregon Census of Population; (National Archives Microfilm Publication T626); Fifteenth Census of the United States, 1930; Records of the Bureau of the Census, Record Group 29.
Because of the generally secretive nature of Mann Act crimes, the FBI relied on such informants to report possible violations. For instance, a sampling of FBI files from 1921 reveals that informants were usually closely connected to the parties involved and often contacted the FBI for help in locating and returning their loved ones. One “respectable” husband reported that his wife had taken their two young sons and ran off with a man he described as a “pimp”; he was hoping to at least secure the return of his children.29 Another husband hired private detectives to find his wife, who was living with her lover.30 A man reported that his wife had taken their young daughter and was living with another man.31 In another investigation, “Two irate husbands made the complaint,” alleging that one man had run off with both of their wives at the same time.32 Another man wrote to the FBI that his own brother had taken off with his wife, leaving him with five children and a step-daughter. He did not want his wife to be charged with anything, but rather to “return to her home & family,” and he wanted his brother to “get the full extent of the law, not for revenge, but for Justice for his unmanly acts [sic].”33

The complainants could also be women in a variety of roles. Sometimes they were the “victims” themselves, like the woman who ran off with a married man and then

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32 Ivan Dakin (#31-1983-1), Bureau Section Files, 1909-21, Investigative Reports of the Bureau of Investigation 1908-1922, National Archives and Records Administration M1085.
33 Francis J. Scrivens (#31-2346-1 Bureau Section Files, 1909-21, Investigative Reports of the Bureau of Investigation 1908-1922, National Archives and Records Administration M1085.
reported him when he reneged on his promise to secure a divorce and marry her.\textsuperscript{34}

Sometimes they were abandoned wives, seeking monetary support or punishment, as with
the wife described by one agent as “somewhat vindictive,” because she had submitted an
affidavit to him “citing eighteen specific acts of subject’s alleged misconduct.”\textsuperscript{35} At other
times, friends, relatives, or social workers reported a desertion on the wife’s behalf,
especially if she and her children had been left destitute.\textsuperscript{36} One man who was supporting
his sister-in-law and her child wrote to the parents of the husband who deserted her,
saying that if they or their son did not start providing financial assistance soon, he would
turn the man in for a Mann Act violation.\textsuperscript{37}

Officers of the Juvenile Court also reported potential Mann Act violations when
they came across them in the course of their jobs. For instance, when a young woman
was committed to a “home for delinquent girls,” officials might seek to prosecute the
man with whom the woman had been sexually involved; or they might search for a
mother who had allegedly abandoned her family, leaving her children in the care of a

\textsuperscript{34} Edwin Bovell (#31-2398-1), Bureau Section Files, 1909-21, Investigative Reports of the Bureau
of Investigation 1908-1922, National Archives and Records Administration M1085.

\textsuperscript{35} U.S. v. Charles Alfred Reinhart, Case File 22355; Criminal Case Files; U.S. District Court for
the Northern District of California (San Francisco); Records of District Courts of the United States, Record
Group 21; National Archives and Records Administration—Pacific Region (San Francisco).

\textsuperscript{36} Various (#31-2257), Bureau Section Files, 1909-21, Investigative Reports of the Bureau of
Investigation 1908-1922, National Archives and Records Administration M1085. Investigation of Bertrand
Trindle; Various (#31-1642-1), Bureau Section Files, 1909-21, Investigative Reports of the Bureau of
Investigation 1908-1922, National Archives and Records Administration M1085. Investigation of John
Sbario.

\textsuperscript{37} U.S. v. Brickell, Case File 5705; Criminal Case Files; U.S. District Court for the Northern
District of California (San Francisco); Records of District Courts of the United States, Record Group 21;
National Archives and Records Administration—Pacific Region (San Francisco).
husband whom the Juvenile Court officer described as a “disreputable character” and “undoubtedly a moral degenerate.”

Strangers, neighbors, employers, and business owners also reported possible Mann Act violations. Hotel owners were particularly situated to notice suspicious activities between men and women, including interactions that looked like prostitution or couples who registered as man and wife and then were discovered to not actually be married. In addition, officials in various capacities—immigration officers, local police, social workers—also reported potential Mann Act violations when they came across them in the course of other investigations. Of course, many of the FBI investigations stemming from these informants concluded that no Mann Act violation had occurred, or at least that not enough evidence existed for a prosecution. Indeed, most of the investigations listed above did not end in a prosecution, but they demonstrate the ways in which ordinary Americans saw the federal legal system as an avenue through which to resolve their disputes and family troubles.

A similar process most likely occurred in the case of Justus Bonness and John Grimes. The Supervisor of the Ruth School, who was court-appointed to oversee the young women, apparently reported the men to the FBI. In this she not only did her job as a member of the legal system, but also acted as a surrogate parent who aimed to protect

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38 Amos Matthews (#31-2891-1), Bureau Section Files, 1909-21, Investigative Reports of the Bureau of Investigation 1908-1922, National Archives and Records Administration M1085; Various (#31-2195-1), Bureau Section Files, 1909-21, Investigative Reports of the Bureau of Investigation 1908-1922, National Archives and Records Administration M1085. Investigation of Harry Davis.

39 Harry Eugene Roggy (#31-1382), Bureau Section Files, 1909-21, Investigative Reports of the Bureau of Investigation 1908-1922, National Archives and Records Administration M1085; Littleton C. Edwards (#31-1278), Bureau Section Files, 1909-21, Investigative Reports of the Bureau of Investigation 1908-1922, National Archives and Records Administration M1085.
the women entrusted to her. After some character witnesses testified to the good reputations of Justus and John in their West Seattle community, the trial began in earnest with the testimonies of the two adults who had authority over Grace and Mildred. First came Lenora Holland, Grace’s mother and Justus’s former mother-in-law. When the trip happened in July 1925, Lenora and Grace had both been living in the Bonness household. Lenora was there to keep house for Justus and help care for her grandchildren. This was not a permanent arrangement; Lenora had come to help out in May, when Justus’s second wife had become ill and died. She just lived there for a few months, departing in August when Justus could apparently no longer afford to pay her.  

Meanwhile, Lenora either did not notice, did not care, or did not understand what was happening when Grace and Justus both disappeared for three days over the course of the Fourth of July weekend. However, something happened to alert Lenora to the trip her daughter had taken, and in September, she accompanied Miss Janette Hagen, Superintendent of the Ruth School, to confront Justus and John about it.

As Superintendent, Janette was responsible for the general supervision of Grace and Mildred. Although the judge did not allow a detailed discussion of why the young women were at the Ruth School, some clues emerged from Janette’s testimony. The Juvenile Court had sent both of the girls there, and they were wards of the Juvenile Court until they reached age twenty-one. From the meager details Janette provided, it seems likely that Grace was originally sent to the Ruth Home because of homelessness, poverty, and parental neglect—all of which were reasons for young women to end up in the

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40 Bonness and Grimes Trial Transcript, 9-13.
41 Ibid., 16.
42 Ibid., 18, 21.
Juvenile Court system. Janette said that Grace was not there for a misdemeanor, but rather because she could not find work and wanted to go to school. When asked if the Ruth Home was “for wayward girls,” Janette responded, “I would not call them wayward. Some of them are just dependent.”

The social reformers who created the Juvenile Court system in the U.S. at the turn of the twentieth century usually used the term “dependent” to mean something distinct from “delinquent.” Delinquents were those young people whose actions had violated the law or common morality in the same way; for female delinquents, this often meant that they had engaged in illicit sexual behaviors. Dependency described a range of situations that were not necessarily the fault of the young person, including homelessness, poverty, and a dysfunctional or abusive home life. The Juvenile Court that began in Seattle in 1906 was formed, like most others, at the insistence of women’s organizations, who even paid all of the expenses of the probation officers for the first eighteen months. The focus of Juvenile Courts around the country on identifying and institutionalizing

43 Ibid., 17.
44 Ibid., 22. Janette Hagen’s assertion that Grace was not necessarily at the Ruth School for committing a crime seems consistent with what the writers working for the Work Projects Administration recorded about the Ruth School: “Ruth School for Girls, Seattle, is maintained by women of the Protestant denominations, for the benefit of young girls who are wards of the Juvenile Court, but whose delinquencies are not serious enough to warrant commitment to the State School for Girls.” Federal Writers’ Project, Washington: A Guide to the Evergreen State, sponsored by the Washington State Historical Society (Portland, OR: Binfords and Mort, 1941), 106.
45 Odem, Delinquent Daughters, 95-97.
“dependent” women reflected the belief that dependency, if left unchecked, would lead
more or less directly to delinquency.48

Though they had been assigned to the Ruth Home under the supervision of Janette
Hagen, neither Grace nor Mildred lived there full time, as they apparently moved back
and forth depending on whether or not they could find employment elsewhere. When
they could find jobs, they worked as “house girls” (domestic servants), and sometimes
attended school part-time. During the July when they traveled to Vancouver, both of the
women were out of school and working.49 This is consistent with the nationwide trend in
women’s reformatories that, beginning with the 1910s, emphasized rehabilitation rather
than punishment. Domestic work was not an overwhelmingly successful strategy for
Grace and Mildred, as both were back at the Ruth Home by the time of the trial.50

48 In Cook County, Illinois, where the first Juvenile Court was created, more dependent girls than
delinquent girls were sent to institutions and associations in every year from 1904-1927. See Anne Meis
Knupfer, Reform and Resistance: Gender, Delinquency, and America’s First Juvenile Court (New York:
Routledge, 2001), 188, Table 4.
49 Bonness and Grimes Trial Transcript, 18. This is consistent with the nationwide trend in
women’s reformatories that, beginning with the 1910s, emphasized rehabilitation rather than punishment.
For instance, at Sleighton Farm in Pennsylvania, which became a national model for girls’ reformatories, a
central goal “was to train girls to become good housewives and mothers, to channel their misguided sexual
energy into preparation for marriage and motherhood.” This domestic training culminated in the placement
of girls as domestic servants when they were paroled, with the goal that their female, middle-class
employers would be good models for them and would encourage them in the direction of “respectable
womanhood by changing their attitudes about sex and fostering in them a desire for home, marriage, and
family.” Odem, Delinquent Daughters, 116-118. This was true of reformatories in the American West, too,
as matrons saw domestic work as an extension of the safe, protected space of the reform home, in contrast
to potentially dangerous and tempting public workplaces like restaurants. Encouraging working-class
young women to become domestic servants also reinforced the idea that respectable young women should
aim to one day have homes and families of their own. Of course, many of these girls had few economic
alternatives, and the rhetoric about the virtues of domestic service hardly lived up to the drudgery and
exploitation that was all too often part of the job. Peggy Pascoe, Relations of Rescue: The Search for
Female Moral Authority in the American West, 1874-1939 (New York: Oxford University Press, 1993),
166-168.
50 Bonness and Grimes Trial Transcript, 22-23.
Janette explained Mildred’s return to the Ruth Home in 1926 by saying that she “has no home” and that “we generally take them in when they need a home,” which suggests that Mildred was no longer working as a domestic servant.\(^{51}\) Although Janette did not specifically say why Grace returned to the school, it seems likely that the same factors applied to her. The testimony of Grace’s mother, Lenora, shows that she, too, worked as a domestic servant, living with the family for whom she worked in the summer of 1925—that is, in the home of Justus Bonness. There was not at that time any permanent place for her sixteen-year-old daughter to live, as Lenora recounted asking Justus for his permission to let Grace live in his home and subtract her room and board from her pay while Lenora worked for him. A few years after the trial, Lenora was still employed as a maid, working at Seattle’s Orthopedic Hospital and living in employee housing there.\(^{52}\) This suggests that Grace’s life was part of a cycle of poverty and homelessness, which kept her tied to the Ruth Home.

While working during the summer of 1925, Grace and Mildred leapt at the opportunity for a free vacation—a trip which their youth, poverty, and status as unmarried women would have made very difficult if attempted on their own. Working-class women like Grace had little access to the pleasure of various leisure activities unless they relied on men to “treat” them, and some level of sexual exchange was understood by

\(^{51}\) Ibid., 24.

\(^{52}\) Lenora Holland, sheet no. 10A, line 15, Enumeration District 17-81, Seattle City, King County, Washington Census of Population; (National Archives Microfilm Publication T626); Fifteenth Census of the United States, 1930; Records of the Bureau of the Census, Record Group 29. Although it is impossible to say with absolute certainty that this is the same Lenora Holland, she is the only one listed with that name in King County in 1930, and all of the information about her seems consistent with the Lenora Holland in this case. This census entry also lists Lenora as divorced, which may explain why no discussion of a husband for Lenora or father for Grace appears in the trial transcript.
many working women and men to be part of the dating system.\textsuperscript{53} According to Grace, who was at that time living in Justus’s home, he invited her to go to Vancouver and to bring along a girl friend—who she understood to be a companion for John—so she invited Mildred.\textsuperscript{54} Grace seems to have understood the potentially sexual nature of this trip; at the least, she understood that they could get in trouble for going and needed to keep the trip a secret. In preparation, she told her mother that she would be staying with Mildred that weekend.\textsuperscript{55} Though Mildred’s testimony closely resembled Grace’s, they differ on this significant point.

Grace’s testimony suggested that the girls had understood the impropriety and, to some extent, the potential trouble involved in driving up to Canada with Justus and John. As she testified: “I told Mildred’s people she was going to stay with me, and Mildred told my mother that I was going to stay with her.”\textsuperscript{56} Mildred, however, directly contradicted Grace’s account and insisted that she had been honest with her employer about going to Vancouver. During the cross examination, Mildred was asked: “Miss Sites, you and Grace arranged you would tell your people, the people you were living with, you were going to stay with Grace, and Grace was going to tell her people she was going to stay with you, is that a fact?” To which Mildred simply answered, “No sir.” When asked what she did tell her employer about where she was going, she responded, “I told them I was going to Vancouver.”\textsuperscript{57}

\textsuperscript{54} Bonness and Grimes Trial Transcript, 26.
\textsuperscript{55} Ibid., 27.
\textsuperscript{56} Ibid., 38.
\textsuperscript{57} Ibid., 57-58.
contradicted Grace’s. Either one of them forgot what actually happened, or one of them was lying.

This is an important detail for multiple reasons. If the young women lied to their guardians about their plans to take the trip, it suggests that they knew it was not an innocent vacation, and that they not only went along willingly, but were also complicit in the planning. Though the girls may not have been aware that their trip could potentially be a federal crime, their lies about it would at least demonstrate that they understood the possibility of getting in trouble with their guardians or the Juvenile Court. Grace’s testimony on this matter seems to corroborate one part of the story told by Justus and John; that the men’s deception was an effort not to protect themselves, but to protect the girls from getting in trouble—presumably with Superintendent Janette Hagen at the Ruth Home.

If Mildred was lying, she may have done so for a couple of reasons. Having been honest about her trip to Canada made it seem as though she went into the trip with innocence and naïveté, unaware of the trouble that could befall her. It also meant that she would be unlikely to suffer punishment for her complicity in this affair—which certainly could have happened either through a charge of conspiracy to violate the Mann Act or through the Juvenile Court of which she was already a ward.58 As discussed in the preceding chapter, prosecutors could use the threat of conspiracy charges to pressure women to testify against the men accused of victimizing them. Most significantly, Mildred’s insistence that she told the truth about going on the trip undercut the defense of

58 The Supreme Court’s 1915 Holte decision said that women could be charged with conspiracy to violate the Mann Act when they went along willingly and therefore contributed to their own victimization.
Justus and John: that they used false names and denied taking the trip not in order to protect themselves, but out of concern for Mildred, who feared that she would get in trouble for going. In short, Mildred’s testimony served to make her look more like an innocent victim than like a conspirator.

The other significant details in Grace’s and Mildred’s versions of events match up with each other. At a hotel in Bellingham, Washington, the men registered them all under assumed names, and then, according to the young women, Grace and Justus stayed in one room while Mildred and John had another room. Grace testified that she and Justus had “sexual relations together” that night, and Mildred claimed that “sexual immoralities occurred” between her and John.59 They arrived in Vancouver around midday on the Fourth of July, and had to drive around town until they found a hotel with vacant rooms. The men registered them at the Abbotsford Hotel, again using false names. They toured the town and saw the sights, and the men bought alcohol—four quarts of wine and twelve bottles of beer—that the four of them consumed in the hotel that night. Grace and Mildred both testified that they again slept in rooms with Justus and John, respectively, and engaged in “sexual immoralities.”60 Throughout the trial, neither girl suggested that these sexual relationships were anything less than consensual.

When they arrived back in Seattle on July fifth, the men went home, while the women spent one more night in a hotel, which was paid for with five dollars that John gave to Mildred.61 John explained that he did this because, “Mildred told me on the way

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59 Bonness and Grimes Trial Transcript, 28, 51.
60 Ibid., 30, 53.
61 Ibid., 67.
she did not know where to go, and did not have no job, and did not have any place to
go.”  

For a few more days, John and Mildred continued to see each other. John again
paid for Mildred to stay in a hotel in Seattle on the night of July sixth, but claimed that he
did not spend the night with her there, though he had signed the hotel register with two
assumed names: “Mr. and Mrs. J.P. Brown.” John also testified that a few days before
the Vancouver trip, he had taken Mildred to Tacoma for an outing, and that after the trip
they went to shows together and he took her riding. This suggests that the Vancouver
trip may have been merely one episode in a broader dating relationship between John and
Mildred.

The men’s testimonies agreed with the women’s in most of the details. However,
on three major points their versions of events differed: who invited the women, where
they slept, and who drank the alcohol. While Grace and Mildred had testified that the
men invited them on the trip, the men testified that the women had begged to go along.
Justus said that when Grace overheard him talking about the trip, she asked if she could
go, too, and then invited her friend Mildred. At the time, John had also invited another
female friend—his former landlady—to go along with them, which would have provided
a chaperone for the younger women. This third woman, Lulu McKew, corroborated this
story, and said that John originally invited her to go along with a group of people, and she
said yes. She had to back out of the trip a couple of days before the Fourth of July, when
her sons decided not to take a fishing trip that weekend and would be staying home

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62 Ibid., 102-103.
63 Ibid., 111-112, 140-141.
64 Ibid., 110-111.
65 Ibid., 118.
instead. Lulu described John as an “honest, upright man,” and seemed very upset by the charges against him and Justus; she even went to Superintendent Janette Hagen to ask her to settle the case out of court for the sake of Justus’s children.\textsuperscript{66} Both Justus and John said that when they found out Lulu could not accompany them, they decided to cancel the whole trip. However, according to the men, Mildred came to their grocery store “and she pleaded, and said she wanted to take [the trip], and was all prepared to go and cried,” so they changed their minds and decided to still take the girls to Vancouver.\textsuperscript{67}

The men asserted that their weekend jaunt was a completely innocent vacation, meant simply to explore a new city. They testified that they did not have any sexual intercourse with the young women on either side of the line, and that at both hotels they slept in a room together while the women had their own room.\textsuperscript{68} Not only that, but both men denied having “any intention or desire to have sexual relations with either of these girls.”\textsuperscript{69} When Justus was asked if he intended to have sex with the girls, he replied, “No sir, I did not. I was too badly broken up over the loss of my wife, for anything like that... I just wanted to get away from Seattle and forget.”\textsuperscript{70} His wife had died less than two months before the Fourth of July trip; however, the prosecutor pointed out, he was not too broken up over the loss of his wife to remarry within months of her death.

All four of the primary witnesses were questioned about their alcohol consumption while in Vancouver. In the midst of Prohibition in the United States, the men were able to legally acquire twelve bottles of beer and four quarts of wine in British

\begin{itemize}
\item \textsuperscript{66} Ibid., 87-90.
\item \textsuperscript{67} Ibid., 98, 119-120.
\item \textsuperscript{68} Ibid., 99, 100, 103, 106, 121, 123-124
\item \textsuperscript{69} Ibid., 103, 105, 123.
\item \textsuperscript{70} Ibid., 123.
\end{itemize}
Both girls testified that they drank some of this alcohol. In contradiction, both men testified that the girls drank almost none of it.\textsuperscript{71} Justus said that he drank all of the beer himself, and that he did not see the girls drink any of the beer or wine. John said that he and Justus drank almost all of the alcohol, and that the girls merely “tasted it… they drank scarcely any.”\textsuperscript{72} In white slavery narratives, the villains had often plied young women with alcohol to lower their resistance before robbing them of their virtue. Combined with the rhetoric and legal reality of Prohibition in the U.S., which was in full swing in the mid-1920s, it is no wonder that who consumed the alcohol and under what circumstances was a persistent question in this trial.

The men returned the young women to Seattle after their three-day journey, and, according to Grace, admonished them not to tell anyone about the trip.\textsuperscript{73} The first sign of trouble came in September, when Janette, Lenora, and Mildred showed up at the grocery store where Justus and John were working.\textsuperscript{74} Janette and Lenora, with Mildred in tow, then went to confront Justus and John about what had transpired between them and the young women. The various accounts of what happened during this conversation were one of the pivotal elements of the trial. By their own admission, the men lied to Lenora and Janette about taking the young women on the trip; the only question was why they lied.

\textsuperscript{71} Ibid., 29, 62, 133, 109.
\textsuperscript{72} Ibid., 109.
\textsuperscript{73} Ibid., 31.
\textsuperscript{74} Janette seems to have heard about Grace and Mildred’s trip to Vancouver at some point in early September through her position as Superintendent of the Ruth School. During her testimony, Janette said, “I had a conversation with one of my girls that I brought back from the Juvenile Court--” at that point an objection interrupted her, and she was unable to finish. However, that statement suggests that she heard about the trip from a girl who may have known Grace and Mildred and had possibly lived with them at the Ruth School. Regardless, Janette then had a conversation with Mildred that was presumably about this situation. Bonness and Grimes Trial Transcript, 19-20.
Throughout the trip and its aftermath, did the men lie to protect themselves, or to protect the young women?

Justus and John both claimed that their series of deceptions was designed to protect the women, who could have gotten in trouble from the Juvenile Court or their guardians for leaving without permission. At each hotel on their trip, the men registered using false names. Back in Seattle, John also used false names when registering himself and Mildred at the Warminster Hotel. On this matter, Grace’s testimony agreed with the men’s. She confirmed that while they were on their trip, the stated reason for using assumed names was because the girls had lied to people about where they were going for the weekend and they did not want to be caught, and also so that “if any trouble came up about it” all four of them would be harder to track.

Justus and John also originally lied to Janette Hagen, Lenora Holland, and the FBI agents who questioned them about their trip. Though this seemed like damning evidence that something untoward had happened on their travels, the men continued to insist that they lied to protect the young women. Justus said that once the foursome was on the road, Mildred told them that she did not have permission to take the trip, and that it was

75 Entered into evidence was a hotel register from Bellingham, Washington, where the men had signed the party in as “J.R. Wilson, J.W. Brown, Seattle, 49” and “Minnie Wilson and Grace Jamison, Seattle, Washington, 25.” No discussion was had during the trial about why they made both themselves and the women a few years older than they actually were, but it may demonstrate their recognition that two men traveling with teenagers would raise red flags for the hotel employees. Justus surely had a more accurate sense of Grace’s age; he had known her since she was about two years old, when he married her sister in 1911. The register of the Abbotsford Hotel in Vancouver read “J.R. Wilson, J.W. Brown” and “Grace Jamison and Barbara McClure.” Bonness and Grimes Trial Transcript, 67-68. Hotel and steamship registers were regularly used as evidence to prove “immoral purposes” by showing that a couple stayed in the same room together, usually under assumed names.

76 Bonness and Grimes Trial Transcript, 140-141.
77 Ibid., 47-48.
actually her suggestion to register under assumed names.\textsuperscript{78} John also explained that they registered using false names because Mildred was afraid she would get in trouble for taking the trip.\textsuperscript{79}

When Janette and Lenora first came to confront the men about the trip, they left Mildred waiting outside. In response to their questions, the men first denied taking the girls anywhere with them. Both men said that they lied because they did not know why Janette and Lenora were asking about the trip, and did not know what Mildred had told them about it. John explained that it was possible that Mildred “had told her folks something else, and we did not want to get her in bad, if she had told some other story.”\textsuperscript{80} Justus added, “The reason we denied [taking the girls] was because the girls said they were not supposed to go. We thought it would help them out.”\textsuperscript{81} They had a similar explanation for their lies to the FBI agents, who came to the grocery store and questioned the men while they were busy trying to help customers and load deliveries. John said that he denied taking the trip because he “did not know what it was about, if they were trying to make trouble for the girls or something, I did not know.”\textsuperscript{82} Justus’s statement was similar; he could see no object to their questioning other than “to get the girls in trouble.”\textsuperscript{83}

Is it possible that the men were telling the truth about why they lied to the hotel owners and investigators? Two of Mildred’s statements offer some indirect support for

\textsuperscript{78} Ibid., 120.
\textsuperscript{79} Ibid., 99.
\textsuperscript{80} Ibid., 104.
\textsuperscript{81} Ibid., 125.
\textsuperscript{82} Ibid., 105.
\textsuperscript{83} Ibid., 127.
the men’s explanations. She testified that John told her “that if I liked a man real well, never to go across a state line, but it was alright to go across the foreign line… because going across a state line would be a violation of the Mann Act.” This suggests that the men may have been mistaken about the parameters of the Mann Act, wrongly believing it to only apply to interstate transportation, and not to international transportation as well. Therefore, the men may have genuinely believed that they could not get in legal trouble for their jaunt with the women. However, this does indicate that “ordinary” men by the 1920s had at least a limited awareness of the Mann Act and understood that trouble could come from interstate affairs. Mildred also made a statement that seems to confirm Justus and John’s testimonies that they lied to protect her. Mildred said that John spoke to her privately after the confrontation with Janette and Lenora, and said, “You are a little fool, aren’t you?” To which she replied, “Yes, when I am trying to get myself out of trouble.”

Mildred’s own testimony, which in every other way was designed to show her innocence and naïveté, here suggests that she turned the spotlight on Justus and John after her court-appointed guardian at the Ruth School found out about the trip and she stood to get in trouble for it. In this way, Mildred may have been among the women discussed in the preceding chapter who claimed the status of “victim” in order to avoid negative consequences for themselves.

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84 Ibid., 53-54.
85 Given the large quantity of newspaper coverage of “white slave” cases in the 1910s, it is unsurprising that men would have at least heard rumors about where they could legally take their female lovers.
86 Bonness and Grimes Transcript, 55.
Respectable Manhood

Unfortunately, most of the closing arguments in this trial were not included in the transcript. However, the part that remains, as well as the instructions to the jury, expound on many of the themes that ran through the witness testimony and tie this case to the larger context in which Mann Act cases occurred. Because this transcript was created as part of the appeals process, the only extant segment of the prosecutor’s closing argument was one paragraph to which Justus’s lawyer had objected, but which the judge had apparently allowed to stand.\textsuperscript{87} It was therefore included as part of the argument about why the Ninth Circuit Court should overturn the verdict against Justus and John; the appeal was ultimately unsuccessful. In this snippet of the closing arguments, the prosecutor argued not about the facts, but about how the jury should interpret the moral responsibility of a man in Justus’ position:

Now, Grace Holland’s mother was keeping house for Mr. Bonness and he married the sister of Grace Holland, and he had known Grace Holland from her youth up. His influence should have been thrown around her, to protect her, and his should have been the last hand to drag her down, but not even the thought of his dead wife, not even the thought of his own children, could stay his evil design against these girls, and any man that would stoop to such depravity deserves no pity from a jury. If you believe these men had a right to prey on these girls to satisfy their lust, let them go, but the next time it might be somebody near and dear to you and then it would be an altogether different story.\textsuperscript{88}

\textsuperscript{87} I say “apparently,” because it wasn’t noted in the transcript, but the very fact of its existence suggests that it was allowed to stand. This transcript was created because Bonness was appealing his case, and therefore his attorney included this piece of the closing arguments as part of his appeal. It therefore stands to reason that the judge had overruled his objection.

\textsuperscript{88} Bonness and Grimes Transcript, 144.
According to the prosecutor, because Justus was older than Grace and was intimately acquainted with her family—indeed, because he was a man—it was his moral obligation to guard the young woman’s virtue.

The implication in these arguments is that “any man” who would fail to protect a young woman is really no man at all. Without disputing the facts of the case—that the two young women traveled and slept willingly with these men—the prosecutor emphasized the threat these actions posed to the moral and social order. They demonstrated an overturning of proper, respectable roles. Particularly because Justus was so intimately acquainted with Grace’s family, his was the responsibility of the adult male to shelter her from the evil of the world, to defend her against those who would seek to deprive her of her virtue. The attorney’s comments leave no room for the possibility of Grace’s consent, despite her testimony about having gone willingly with Justus; because of her age, sex, or both, Grace is portrayed as the passive victim of Justus’ “evil design.” In this context, both protection and predation are portrayed as existing solely at the discretion of the man.

No mention was given to the lack of protection by Grace’s mother or the Juvenile Court system; no part of the sexual affair was credited to Grace. According to the prosecutor, Justus should have thrown a protective arm around her, not a depraved one. He should have used his influence for good, not lust. The prosecutor here relied on an understanding of manliness that revolves around the protection of women and children; an understanding based on the idea of men’s authority over women and, therefore, on the potential for men’s power to do either great good or great harm to women. This passage
suggests that the respectable man’s essential nature is one of protection and positive influence, especially regarding the members of his household. The respectable man should be particularly governed by thoughts of his dear wife and children. In this understanding of manliness, the actions of Justus were a vile aberration from the natural order of things—something evil, depraved, predatory, and lustful. However, this definition of manliness was in tension with—though not necessarily in direct contradiction to—the ideas that were conveyed shortly thereafter in the jury instructions. There, masculinity was portrayed as consisting of irresistible sexual urges and base desires, requiring social controls in place of the internal controls men supposedly lacked.

This trial contained one surprising omission: it lacked any significant discussion about the age of consent and the large age difference between the women and the men. It is possible that this was addressed in the missing section of the prosecutor’s closing arguments, and may also partially be due to the confusion over the actual ages of the Grace and Mildred, who described themselves as 16 and 18, respectively. Regardless, questions about the girls’ ages played little role in the testimony, and the judge hardly mentioned it during his lengthy instructions to the jury. It was not legally necessary for the prosecutor to address the issue of the women’s consent, because the Mann Act made the transportation a crime regardless of whether the women went willingly—or even if they instigated the trip. Like the state statutory rape laws that said no woman under a certain age was capable of consenting to sexual acts, the Mann Act decreed that no woman of any age was able to consent to transportation for “immoral” purposes. However, the Mann Act did recognize the particularly grievous nature of sexual offenses
against minors; it stipulated that in cases involving women under eighteen, the sentences could be doubled from 5 years and/or a fine of $5,000 to 10 years and/or a fine of $10,000. Nevertheless, no serious discussion about the significance of the age of the young women—or the much higher age of the men—is present in the trial transcript.\(^8^9\) There was also no suggestion that Justus exploited his role as Lenora’s employer or took advantage of Grace while she lived with him. Instead, Grace’s own testimony portrayed her as a mature woman who went along willingly and knowingly.

**Unmanly Intentions**

The jury instructions from the judge—which should theoretically have been an impartial recounting of the relevant legal definitions—demonstrated many of the same presumptions about respectable manhood as the prosecutor’s closing argument. During the nineteenth century, judges often inserted their own thoughts on the case into their jury instructions, which was sometimes helpful and sometimes involved long, convoluted tangents. By the late nineteenth century, this was an increasingly standardized process, in which judges were expected to write out their instructions ahead of time, consider input from the attorneys, and then read the finished instructions to the jury. If the judge elaborated too much on points not strictly required by the law, the case could potentially be overturned on appeal.\(^9^0\)

\(^8^9\) The age of consent for both women and men in Washington was eighteen. Although Grace was under this age, Mildred was not, and their ability to consent seems equally irrelevant in this case. Arthur Remington, *Remington’s Compiled Statutes of Washington Annotated*, Vol I (San Francisco: Bancroft-Whitney Co., 1922), 1167. Regarding age-of-consent campaigns, see also Mary Odem, *Delinquent Daughters: Protecting and Policing Adolescent Sexuality in the United States, 1885-1920* (Chapel Hill: University of North Carolina Press, 1995), 36.

\(^9^0\) Lawrence M. Friedman, *Crime and Punishment in American History* (New York: BasicBooks,
By the time of the Bonness and Grimes trial in 1926, judges had much less leeway in terms of how they instructed the jury. Nevertheless, the instructions delivered by the Honorable Jeremiah Neterer reflected what he understood to be common ideas about masculinity, and encouraged the jury to think about how the men’s actions—particularly with regard to sex—should be interpreted in their particular social context. Though the defense attorney for Justus Bonness objected to how the jury instructions were delivered, the appeals court did not overturn the verdict. This implies that Judge Neterer’s assumptions about masculinity were in line with the accepted ideas about gender in the 1920s. These jury instructions can therefore serve as a window into how the federal courts and juries were interpreting the actions and intentions of men charged with violating the Mann Act.

The jury instructions implied that there was no reasonable presumption of innocence where male sexuality was concerned; the judge suggested that men essentially always had the intention of having sex with women. Therefore, the two ideas about manliness present in the comments of the prosecutor and the judge were in tension with each other: the one, an ideal of respectability in which men protected women, and the other, an assumption that men naturally had a vigorous, out-of-control sexuality. Though the jury instructions reflect the judge’s own opinions about what it means to be a “man,” they also reflect what he thought the men on the jury would believe. This demonstrates that while ideas about masculinity were undergoing a transformation during the early twentieth century, Victorian manhood still remained a powerful standard for appropriate male behavior.

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1993), 245-247.
Justus and John had been charged with transporting the women for “prostitution, debauchery, concubinage and other immoral purposes,” and in the jury instructions the judge first set about giving the legal definitions of these terms. He explained that “prostitution” applied to women who “offer their bodies to indiscriminate sexual intercourse with men,” whether or not they were hired. This very broad understanding of prostitution—in which no exchange of money was necessary—left very little distinction between any sex outside of marriage and sex for economic gain. The judge did go on to note that there was no evidence of prostitution in this case which, given his stated definition, seems to have exonerated the women’s moral character rather than the men’s.

The judge also defined “debauchery” quite broadly, saying that it “means to corrupt, to lead into unchastity, and has been defined as being seduction from virtue or purity [sic]. A person who would have intercourse unlawfully with a woman would be debauching the woman, because he would be taking her from the path of purity, and corrupting her character or morals. It would be polluting the woman.” This left no distinction between debauchery and sex with a previously chaste woman; they were one and the same. The only way in which extramarital sex would not be debauchery, therefore, was if the woman had previously engaged in indiscriminate sexual intercourse and had thus already fallen off the “path of purity.” Like many of the other elements of the Bonness and Grimes case, this definition left no room for the will of the woman:

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91 Bonness and Grimes Transcript, 145.
92 Ibid., 145.
93 Ibid., 145.
debauchery was defined as something done to a woman, not with her, and was certainly not something a woman could do to a man.

The explanations of “concubinage” and “immoral purposes” were further elaborations on the definitions already given for “prostitution” and “debauchery.” The judge simply said that concubinage meant “cohabitation with a woman without legal marriage.” Immoral purposes, then, described all of the intentions that led to the aforementioned actions: the purpose of having a concubine, the purpose of indulging “in sexual intercourse not under the sanctity of legal marriage,” and the purpose of transporting a woman in order to fornicate with her. None of these definitions required force or coercion, and they all presumed a lack of consent on the part of the woman.

After he gave these definitions, the judge went on to explain how the law related to the facts of the case. He addressed the issue that had been raised during the testimony about whether or not the girls initiated the trip and “solicited” the men, arguing that under the law it was not material “that the girls went voluntarily or willingly. It is not necessary that any force or compulsion shall be employed to induce or bring about the transportation of the women for the purposes denounced by the statute.” That is, a Mann Act violation required only that women were transported for immoral purposes, not that they were transported against their will. Indeed, the travel itself was the physical act that constituted the crime, when combined with a certain mindset.

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94 Ibid., 146.
95 Ibid., 146.
96 Ibid., 146.
Therefore, the crime itself involved two key components: intent and transportation. The Mann Act was by no means unique in identifying both physical and mental dimensions of the crime. A certain class of criminal offences requires both a guilty state of mind (mens rea) and a physical action (actus reus) in order for a crime to have occurred. For instance, thieves break the law when they take things that they know do not belong to them; if they did not know that the objects were not theirs, then their actions alone would not necessarily have broken the law. Hence the phrase “knowingly and willfully” was included in all Mann Act indictments, since the law required that the defendant purposefully transported the woman. However, something more than just willfully transporting a woman was necessary for a Mann Act violation; the transportation also had to be accompanied by a specific intent to lead the woman into immorality. Indeed, according to the judge, “Intent is the ingredient of the offense.” Only the man’s “impure” thoughts needed to be present at the precise moment that the woman crossed the state line. His intentions both before and after she crossed the state line were not legally relevant, only his thoughts at the time of the crossing. This meant that in Mann Act trials, the physical act of transportation could be proven fairly easily, but it was left up to judges and juries to use their own good sense to discern the man’s intentions. And since any jury’s “good sense” operates in a specific historical context characterized by certain understandings about masculinity and femininity, their verdict tell us something about how a man’s intent was perceived in the 1920s.

Even when prosecutors could prove that a couple had traveled together, how could they prove that there were “immoral purposes” or intentions? The intentions and

97 Ibid., 150.
immorality were assumed from the travel itself—in a sort of circular reasoning, a man who traveled alone with a woman, and perhaps even stayed in the same hotel room with her, had done something that looked immoral, and therefore was immoral in that the appearance of immorality tarnished a girl’s reputation. This appearance of immorality, generated by traveling together, made the travel itself a criminal act. Merely the potential for immorality to occur when men and women were alone together, away from the watchful eyes of relatives and neighbors, was evidence enough of a man’s bad intentions. After all, a respectable man would not go calling a girl’s reputation into question by driving her off in his automobile.

In the jury instructions for the Bonness and Grimes case, the judge elaborated on the question of intent, reasoning that the jurors could determine the intentions of the men from what they understood about the nature of masculinity. He reminded the jurors that the men were not charged with having sex with the women, but rather with transporting them with the intention to have sex. The testimony of the girls about their sexual relationships with the men was only allowed to show “the intent of the parties at the time, the object and purpose of taking the girls over there. If they were fornicating on this side and fornicating on that side in direct sequence, then the jury would have the right to conclude that the intent and purpose of going was for the purpose of having the illicit relations.” Illicit sexual acts in and of themselves fell under the laws of Washington state or Canada. Instead, under the Mann Act, the jury was charged with deciding whether or not the girls’ claim that they had sex on both sides of the line necessarily meant that the men crossed the line for the specific purpose of having sex with the

98 Ibid., 147.
women. If the men did not transport the women for that reason—if instead their intent was to see Vancouver and the sex was merely incidental to their trip (or did not happen at all, as the men claimed)—then they would be innocent of the Mann Act charges.

However, juries in the 1910s through 1930s rarely acquitted male defendants charged with violating the Mann Act even in noncommercial, consensual cases, and Judge Neterer’s opinion about how to interpret the men’s intent helps to explain why.

The judge encouraged the jury to think about what “any man” would be thinking in this situation and expressed his skepticism that a man could be pure minded under such circumstances:

Then if you believe that they fornicated that night in Bellingham [Washington] … and they got up the next morning pure minded without evil intent, and with pure purposes took the girls across the line, then after they got across the line they became vile again and began to form the desire and intent of fornication, and if they were pure minded without any evil intent when they went across the line, of course they would not be guilty; but it is for you to say, as a question of fact, whether any man would be impure just on this side with the same woman, and pure going across the line, and impure just after he got across the line on the other side.99

Judge Neterer asked the jury to think of the behavior of Justus and John in light of how they believed that all men would behave, as though male characteristics were a matter of “fact.” He clearly implied that he did not believe it was possible for a man to commit these acts and follow them with a “pure” mind. The judge seems to just assume here that the men did actually have sex with the women, in spite of the men’s testimony to the contrary, and Justus’ protestation that he was too upset about the recent death of his wife to be romantically engaged with anyone. Although he begins by saying “if you believe

that they fornicated,” he quickly slips into speaking as though the “impure” actions were a matter of certainty. The judge’s assumption was in keeping with his apparent perspective on masculinity—that male sexual urges are uncontrollable, and therefore that the men must have had sex with the women they took on vacation to Vancouver.

This view of masculinity presumed guilt where male sexuality was concerned. In tension with the characteristics of respectable manhood, in which men were supposed to protect women and exert self-control, it implied aggression and a complete lack of self-control. In the rhetoric of the judge, “any man” would be “evil,” “vile,” and “impure” if he took a similar trip with a woman. He reminded the jurors that John had registered for a hotel in Seattle with Mildred under assumed names, but that John claimed not to have slept in the hotel with her. The judge openly criticized such an assertion. As he said to the jurors in disbelief, “Now then, would a man, -- what would be the conclusion to be drawn. The natural inference would be deduced from conduct such as that … he registered her in the hotel as Mr. and Mrs. Taylor, and he said she stopped there but he did not; now do you believe it? Now, were these men pure minded?”

And in describing the alcohol that the men purchased and shared with the women in their hotel room, the judge asked, “What deduction is to be made from these circumstances?”

In an echo of what the prosecutor said in his closing arguments—that Justus should have thrown his protection around Grace—the judge told the jury that pure-minded men would have guarded the virtue of these girls, rather than exposing them to shame. “If the intent of the men was pure,” the judge argued, they would not have taken

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100 Ibid., 148.
101 Ibid., 150. Emphasis mine.
the girls to a hotel under questionable circumstances, but rather would have “placed them where there could have been no question as to … the immediate physical protection of the girls, and likewise their names and reputations.” In these instructions, respectable manhood and aggressive masculinity existed in tension with each other and the latter could easily and uncontrollably take over if men were not properly restrained by laws and social mores. Therefore, in this particular line of thought, men who traveled with women intended to have sex with them simply because men were men. As Judge Neterer suggested, it was not reasonable to assume that a man would not intend to have sex with a woman with whom he traveled—particularly if that man and woman had sex either before or after the travel. As he asked the jury, rhetorically, would the men have done all of these things “if their purpose had been a proper one?”

The judge’s instructions to the jury did not emphasize the innocence or previous condition of chastity of the young women. His comments were not aimed at making the young women seem like victims, but rather at making the men seem like violators of a moral code of manliness to which they should have adhered despite the “natural” passions that would have tempted “any man.” Perhaps the judge understood that juries by the mid-1920s were increasingly aware of women’s sexual agency, and may have been less likely to convict on the idea of women’s victimization alone. He seemed to address some dissatisfaction with the Mann Act when he encouraged the jury to base their decision solely on the facts and on the law, saying that the judge and jury have nothing

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102 Ibid., 150.
103 Ibid., 151.
“to do with the policy of this law; the Congress disposes of that.”\textsuperscript{104} The judge’s emphasis on the men’s culpability, rather than the women’s innocence, was probably a response to changing ideas about women’s sexuality in the 1920s.\textsuperscript{105} However, the end results were more similar than not. Both lines of argument—that of women’s victimization or that of men’s predation—still ultimately placed the moral responsibility on men and denied any meaningful level of consent to women.

The prosecutor and judge both relied on the girls’ claim that they had sex with the men, as a way of “proving” that the men had immoral purposes in mind when they traveled with the women. However, conviction under the Mann Act itself did not depend on sexual intercourse having actually occurred. Sex need never occur, as long as the man could be assumed to have \textit{thought} about it while transporting a woman—and, indeed, the very act of the transportation suggested the intent. Therefore, after the Supreme Court’s \textit{Caminetti} decision, the courts consistently interpreted the most fundamental element of a Mann Act violation to be the transportation itself, rather than the sexual acts that may or may not have accompanied it.\textsuperscript{106}

When Justus Bonness and John Grimes took Grace and Mildred from Seattle to Vancouver, all four of them evaded the prying—and potentially protective—eyes of neighbors, family members, and the officials of the girls’ reformatory school. In the end, both men were convicted of Mann Act violations and were each sent to the federal penitentiary at McNeil Island, Washington, for eighteen months. The women, meanwhile,

\textsuperscript{104} Ibid., 153.
\textsuperscript{106} Langum, \textit{Crossing Over the Line}, 64-65.
were legally defined as “victims,” despite their complicity in the affair. The conviction reinforced the idea that men were the guardians of women’s virtue, and that they would be held legally responsible for the social transgression of extramarital sex in which both partners of a couple participated. As Bertha Lake put it after cohabiting with the man who apparently refused to marry her: “he has been so unmanly as to make me believe in this mode of living.”

The men who violated the Mann Act did more than just walk into a brothel and spend an hour with a prostitute. These men deviated much more seriously from the early twentieth century ideals of masculinity; they abandoned their wives and children, or they posed the danger of abandoning women and children in the future by not legally binding themselves to those with whom they had sexual relationships. As the superintendent of the Oregon Prisoners’ Aid Society said about one such Mann Act violator when he refused to help pay for treatment for the disease that a 16 year old had contracted from him, as well as the baby she bore: “Men of his type… surely need to be taught the lesson that they cannot play with innocent, simple womanhood.” When men took advantage of the anonymity provided by large cities and the ease of long-distance travel, they threw off the protective cloak of community supervision that was supposed to ensure women were provided for by the men who had sex with them.

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107 *U.S. v. Robert Ciboch*, Case File 724; Criminal Case Files; U.S. District Court for the Central District of California; Records of District Courts of the United States, Record Group 21; National Archives and Records Administration—Pacific Region (Laguna Niguel).

108 Letters from Superintendent W. G. MacLaren to Warden O.P. Halligan, October 23 and 28, 1914, in David Westman, no. 1971; Inmate Case Files; Records of the U.S. Penitentiary at McNeil Island, Washington; Records of the Bureau of Prisons, Record Group 129; National Archives and Records Administration—Pacific Alaska Region (Seattle).
The particular ways in which the Mann Act was enforced show the tension between 19th century ideas about respectable, gentlemanly behavior, and the rapidly changing contours of 20th century American life which were threatening to undermine Victorian ideals. At the same time, the understanding of “intent” in these cases lent itself to the belief that men were naturally sexually aggressive and required social and legal structures to ensure that women and children were protected and provided for. These cases demonstrate attempts at both defining and regulating masculinity, as the Mann Act made it a crime to engage in the “unmanly” behavior of interstate travel with a woman to whom the man was not married.
Chapter Four:

“Outlaws of Commerce”:
Policing Mobile Male Laborers in the West

In May and June of 1910, the imminent passage of the Mann Act was not particularly big news. Though announcements of its passage appeared briefly in the papers, it was overshadowed by the frequent reports on various “white slave” cases, and the ongoing drama of the Rockefeller grand jury’s investigation into the white slave traffic.\(^1\) However, all of these stories paled in comparison to the most anticipated boxing match of the year. On the Fourth of July, Jack Johnson, the first African-American world heavyweight boxing champion, would fight Jim Jeffries, the white former heavyweight champion. Americans explicitly discussed the match as a fight between the races. Jeffries was known as the “Hope of the White Race,” and Johnson as the “Negroes’ Deliverer.”\(^2\) When Johnson defeated Jeffries, it outraged white Americans and ultimately resulted in his prosecution and conviction for violating the Mann Act.

Much has been written about the Jack Johnson case, and the role that racial prejudice played in his prosecution and conviction.\(^3\) However, little is known about

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\(^1\) This was the grand jury organized by the New York City court to determine whether or not there was an organized traffic in “white slaves.” It was headed by John D. Rockefeller, Jr. The Rockefeller grand jury report issued in 1910 found no evidence of a white slave syndicate or organized conspiracy to enslave women, but that there was evidence of white slavery perpetrated by individuals.


whether or not racial or ethnic persecution was a common element in Mann Act cases. The heavily racialized language of white slavery narratives would seem to suggest that race and ethnicity played a significant role in Mann Act prosecutions. Judging by the white slavery hysteria and the moral panic theory, it seems particularly plausible that both white immigrant men and men of color were the main targets of this law. However, no thorough study of the demographics of Mann Act defendants and “victims” has been published. That is largely due to the extremely difficult nature of identifying personal information about the people involved in these prosecutions. While the details about sensational cases like Jack Johnson’s are known in depth, little—if anything—is known about the masses of ordinary Americans who found themselves caught up in Mann Act cases. And yet, such information is crucial to understanding the factors that drove such prosecutions.

If defendants were discovered to be disproportionately immigrants or men of color, that finding would support the theory that this law was a tool of social control, aimed like many other pieces of Progressive Era legislation at reinforcing the dominion of white, native-born Americans. If, however, race, ethnicity, and country of origin were not driving factors in Mann Act prosecutions, then it begs the question of why Mann Act prosecutions happened at such a significant rate well into the 1930s. A close examination

of Mann Act enforcement in the American West reveals that race and immigration did 
not figure as prominently as white slavery narratives and the historiography on Jack 
Johnson would suggest. The earliest prosecutions in the western U.S. did involve a 
relatively high proportion of immigrant defendants, but within a few years the vast 
majority of defendants were native-born white men. What most of the men and the 
women in western Mann Act cases had in common was that they were white and part of a 
highly mobile working class. They were also members of families and communities that 
proved very willing to call upon the policing power of the federal government to enforce 
their ideas about manliness, respectability, and the protection of white womanhood.

Considering the virulent anti-Asian sentiment in the West during the early 
twentieth century, it is surprising that very few Asian immigrants faced Mann Act 
prosecutions there. Although I found no explicit explanation for this, it seems most likely 
that they did not seek the “help” of the FBI as freely as native-born white Americans. 
Asian-Americans had already experienced the tribulations of intense government 
surveillance and regulation, and had very little to be gained from encouraging the FBI to 
investigate them. For female immigrants, seeking help from the FBI was particularly 
risky. Immigration laws allowed for the deportation of women who worked as prostitutes, 
and, indeed, some foreign-born women who were “victims” of Mann Act violations were 
subsequently deported after the trial. That gave foreign-born Americans, particularly 
those in as precarious a position as Asian-Americans, very little incentive to report 
potential violations. The enforcement of the Mann Act centered on those groups who 
reported the possible Mann Act violations of their family or associates. In different
regions with different demographics, the role of race and ethnicity in Mann Act prosecutions may have played out very differently. For instance, in places like Detroit and Chicago—where the Jack Johnson case was tried—African-Americans may have been targeted more often than they were in the West. Only through more regional case studies can those questions be answered.

The Jack Johnson Case

The Jack Johnson case is by far the most frequently discussed case in the Mann Act historiography. Not only was Johnson a superior boxer, but he also outraged whites by regularly and openly engaging in relationships with white women. Therefore, both Johnson’s physical prowess and his lifestyle were a challenge to ideas of white manliness and white supremacy. The racist motivations for his prosecution were so painfully clear, and he was such a notorious figure, that his contemporaries left plenty of information about why he was arrested and how they felt about it. The case makes for a stunning example of the workings of early-twentieth-century racial and gender ideologies. The role of the Mann Act as a weapon of control and punishment in Johnson’s life is clear. What is less clear, however, is the position of this single—albeit prominent—case within the larger body of Mann Act cases. Some elements of Johnson’s experience with the Mann Act were typical, but others were not. A deeper understanding of where the Johnson case fits within the history of the Mann Act begins to shed light on the complicated relationships between race, gender, and class in these prosecutions.

In the spring and summer of 1910, the upcoming Johnson-Jeffries fight was the subject of almost daily articles in the New York Times and papers throughout the country.
During the month of May, the Times kept readers updated about Johnson’s training schedule—noteing that he was running long distances while also suggesting that he was lazy and unconcerned about preparing for the match.\textsuperscript{4} Readers were also kept apprised of the ongoing debate regarding the best venue for the fight; some cities and organizations clamored to host it, while churches in California organized opposition to it.\textsuperscript{5} The New York Times hired famed heavyweight champion John L. Sullivan to not only report on the fight itself, but to send daily reports on “the training and condition of the two fighters for two weeks before the contest.”\textsuperscript{6}

As the July Fourth fight approached, the country fairly simmered with excitement over the event. E.L. Blackshear, a prominent African-American principal in Texas, wrote to the editor of the New York Times that “this ring contest is assuming a magnitude far surpassing any similar previous event in recent times,” and that “the degree of interest is growing and accumulating intensely from week to week.” He noted that the fight had taken on enormous racial significance, particularly for white Americans, and that they viewed Jeffries as “the Anglo-Saxon David against the African Goliath. Even the children and the women of all the varied American nationalities are taking the matter up, and it is White versus Black.” He argued that the fight ought to be cancelled, because racist sentiment in the U.S. was already “stretched to the snapping point.” If Johnson were to win, he predicted with great accuracy, “the anti-negro sentiment will quickly and

dangerously collect itself ready to strike back at any undue exhibition of rejoicing on the part of negroes.”

On the day of the big match, 20,000 people were gathered in Reno, Nevada, to watch the fight. Tens of thousands of others around the country gathered in places where they could hear blow-by-blow reports. When Johnson resoundingly defeated Jeffries, the outcome was much as Blackshear had anticipated. Race riots erupted in several states, and newspapers reported that in cities like St. Louis, “Negroes filled the streets, pushing whites from the sidewalks and insulting men and women. They seemed worked to a high pitch of excitement by the victory of their champion and to have lost all respect for the police.” In fact, white men instigated most of the violence, attacking African-Americans as they celebrated.

Both before and after the Jeffries fight, Johnson had several brushes with the law that did not result in serious charges. The Bureau of Investigation was looking for a way to punish him for his flagrant disregard of the color line, and they got their opportunity in 1912. One of Johnson’s many white mistresses was Lucille Cameron, an eighteen-year-old former prostitute. When her mother reported their relationship to the Bureau of Investigation, authorities gladly charged him with violating the Mann Act. Johnson’s arrest, prosecution, and conviction were met with almost unanimous approval by white Americans, and by some African-Americans, who decried his preference for white

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women. As Johnson was vilified in the press, Lucille Cameron was increasingly described as a victim, despite her previous life of prostitution, her insistence that she loved Johnson, and her denial that Johnson was involved in any sort of white slave ring.

Like many other female “victims,” prosecutors kept Cameron locked up in jail both before and after her testimony to the grand jury, because she was proving to be an unwilling witness.

When it became clear that Johnson could not be successfully convicted using the Lucille Cameron story, the Bureau of Investigation began searching through Johnson’s past and talking with his former acquaintances in an effort to find some instance in which he had crossed state lines with a mistress. They were exuberant when they discovered Belle Schreiber—a prostitute and one of Johnson’s frequent travel companions. By the time the Bureau discovered her, she was working at a house of prostitution in Washington D.C. She readily told all of the details about her long-standing affair with Johnson to the grand jury, and this time they realized they had a convincing case against him.

Meanwhile, when Lucille Cameron was released from jail, she went straight to Johnson and married him. In May of 1913, Johnson was tried and convicted of transporting Schreiber for prostitution and immoral purposes and sentenced to a year in prison and a fine of $1,000. In explaining the relatively heavy sentence, the judge said, “The circumstances in this case have been aggravating. The life of the defendant by his own admissions has not been a moral one. The defendant is one of the best-known men

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12 Ibid., 146.
13 Ibid., 147.
14 Ibid., 153.
of his race and his example has been far-reaching.”

Newspapers from coast to coast proclaimed his conviction in ways that celebrated his downfall and commented on his alleged disregard for legal and social conventions, as in the announcement in the Hawaiian Gazette that the “Brute Johnson” was joking and “in a happy frame of mind today, despite his sentence.”

The end of Johnson’s story is a sad one: he fled the U.S.; lost his heavyweight title; returned to the U.S. to serve his sentence in 1920, his career ruined; and died in a car accident in 1946.

The Jack Johnson case is by far the most frequently referenced Mann Act prosecution. It was sensational, involved a nationally-prominent celebrity, and invoked themes of white supremacy and miscegenation. The charges were clearly trumped-up as a racial weapon, both to punish Johnson for physically defeating a white man, and for blatantly having sex with white women. Scholars have repeatedly cited this case as an example of the virulent racism in the Progressive Era United States—in the north and west as well as the south.

It has also been cited as a significant representation of concerns about white manliness, gender relations, and interracial sex in the early twentieth century. As historian Kevin Mumford argued, “Changing gender relations and particularly anxiety about female sexual excess made Johnson’s persecution possible. Through the harassment and persecution of Johnson—and his lover and eventual wife—

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17 In July 2009, the U.S. Congress passed a resolution urging a posthumous presidential pardon for Jack Johnson in recognition that his trial and conviction were wrongfully motivated by racial prejudice.
18 Nevertheless, many white Southerners noted that Johnson was “lucky” he was arrested and tried in Chicago: they proudly announced that in the South he would be lynched. For instance, one group of white Louisianans asked if people in Illinois knew what “seagrass ropes were made for.” Quoted in Roberts, Papa Jack, 158.
19 See especially Bederman, Mumford, and Pascoe.
the beginnings of a new gender/sexuality system were symbolically or ideologically installed. In the process, white male sexual prerogative was also reinforced.\textsuperscript{20} The Johnson prosecution was, undoubtedly, part of a concerted effort to establish a particular racial and gender order in the United States.

However, the prominence of the Johnson prosecution has led to a common misconception about the ways in which the Mann Act was ordinarily used. Because it is the most widely discussed example of a Mann Act case, both scholarly and popular opinion has tended to assume that Johnson’s was a representative case, and that men of color—particularly those who had sex with white women—were disproportionately targeted with Mann Act prosecutions.\textsuperscript{21} That is not to say that many scholars have argued explicitly that Johnson’s case was representative—in fact, a few have argued exactly the opposite.\textsuperscript{22} However, the lack of other significant examples of Mann Act violations has created a \textit{de facto} link between Johnson’s case and the Mann Act, which is reinforced by their constant (and warranted) association with each other. Therefore, some scholars have suggested that the Mann Act “was designed to protect white men’s access to white women against the presumed desires of black men,” or that the use of the Mann Act to teach moral lessons “tilted toward black men who did not know their place.”\textsuperscript{23}

\textsuperscript{20} Mumford, \textit{Interzones}, 4.
\textsuperscript{21} I say “popular opinion,” because an informal survey of discussions by “ordinary” Americans online shows the persistent belief that the Mann Act was used frequently or even primarily to prosecute black men, as well as the fallacy that Johnson’s was the first Mann Act prosecution.
\textsuperscript{22} Two notable examples of this are Gail Bederman (\textit{Manliness and Civilization}) and Randy Roberts (\textit{Papa Jack}), both of whom correctly note that Johnson’s prosecution was unusual, but incorrectly assume that the Mann Act was usually only used for cases of commercialized vice.
\textsuperscript{23} Roderick Ferguson, \textit{Aberrations in Black: Toward a Queer of Color Critique} (Minneapolis: University of Minnesota Press, 2004), 39; James A. Morone, \textit{Hellfire Nation: The Politics of Sin in American History} (New Haven: Yale University Press, 2003), 268. My research suggests that these scholars, and others who make similar arguments, are half-right: although the Mann Act was not used
Despite these assumptions, no one has published any systematic study of the defendants’ races in Mann Act cases. Indeed, quite a bit of uncertainty exists around this issue in the historiography. As legal historian David Langum wrote, “Black men who dared to date white women were also on the government hit list. It is hard to definitely prove this, since defendants’ racial status are generally not noted in the judicial records. But racial motivation can be clearly shown in two spectacular cases with black defendants.”

He goes on to argue that the Jack Johnson case and the 1960 prosecution of Chuck Berry, the African-American rock-and-roll pioneer, support this theory. Indeed, nearly every reference anywhere to the way in which the Mann Act was used to persecute African-American men cites one or both of these examples. However, these two examples—separated by nearly fifty years—offer no clue as to how commonly Mann Act cases were based on race or ethnicity.

Some of the elements of the Jack Johnson case were representative of the larger body of Mann Act prosecutions, but they are not the ones typically emphasized in accounts about him. For instance, it was not—as some historians have argued—unusual for a man to be prosecuted for a purely noncommercial jaunt across state lines with a lover. In discussing the Johnson case, some historians have suggested that although “the government usually invoked the Mann Act only to combat white slavery and commercial

primarily as a weapon against African-American men, it was most certainly used to “protect” and control white women’s sexuality, and was almost never used to protect women of color from exploitation. So, while I argue that they have misinterpreted the role of race in Mann Act prosecutions to some extent, that does not mean that race was an insignificant component of the prosecutions.

24 Langum, Crossing Over the Line, 179. Langum does, however, make it clear in this chapter that he is describing types of cases in which the FBI specifically targeted individuals. He notes in another chapter that in neither of his studies of cases in Providence, Rhode Island, or Mobile, Alabama, is there any evidence “that Mann Act prosecutions were used to control racial minorities.” Langum, 151. Other than that, he does not address in more than an incidental way the race, ethnicity, or country of origin of the defendants and “victims.”
Prostitution, officials made an exception for Johnson.”

In his biography of Johnson, Randy Roberts emphasized that the Mann Act was used almost exclusively for commercial cases which, according to him, made the Johnson case an aberration. Roberts argued that Belle Schreiber was more of a mistress than a prostitute, and “the spirit of the Mann Act clearly distinguished between such niceties…. As later cases involving the Mann Act would demonstrate, the act does not prohibit illicit sexual relations, nor does it deny to those who engage in such activity the right to travel across interstate lines.”

As was demonstrated in the preceding chapter, the Mann Act did indeed deny couples that right, even when they were engaged in noncommercial, consensual affairs.

Non-commercial Mann Act prosecutions were not isolated events, even as early as 1913. Although they were not as prominent then as they would become, they were still widely occurring. After all, it was only one month after Johnson’s conviction that the trial would begin for two prominent white men—Diggs and Caminetti—accused of having an interstate love affair with their mistresses. Although the Supreme Court would not rule on the Caminetti case until 1917, by early 1913 they had already issued one decision that set a precedent for the Johnson case. In Athanasaw v. United States, the Court decided that the phrase “immoral purposes” extended to more than just prostitution—indeed, to more than sex. The case involved a seventeen-year-old girl from Georgia who was hired to

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26 Roberts, Papa Jack, 151. Roberts does make the point that the Mann Act rewarded consistently immoral behavior, because if a person was generally immoral within the state lines, there was little reason to believe that the whole intent of the interstate travel was for “immoral purposes.” Within this line of reasoning, the Johnson case would be an unusual conviction, because he was widely known to have sexual relationships with white women within state lines; he did not have to cross them for the purposes of illicit sex. Although for some other Mann Act defendants that was a successful line of defense, it was not so common or so overwhelmingly successful as to impact the Johnson case one way or the other. Indeed, most cases that used that line of defense came later than Johnson’s.
sing, dance, and hustle drinks at a theater. There was no suggestion that she engaged in any sexual activity there; she was only employed for one evening and then left because she did not like the environment. The judge instructed the jury to think about what intentions a man had when he put a girl into an environment where alcohol, tobacco, and coarse language was commonplace—could that man intend for the girl to “live an honest, moral and proper life?” The Supreme Court agreed, ruling that a woman need not be transported merely for prostitution in order for a Mann Act violation to occur.

Thus, although the racial motivation behind the Johnson prosecution and conviction may have been atypical, the actual substance of the case against him was not all that dissimilar from other Mann Act cases in the 1910s through 1930s. Like other cases, Johnson’s alleged violation was first brought to the attention of authorities by the mother of the “victim,” who was troubled by her adult daughter’s sexual relationship. However, the concerted effort on the part of the Bureau of Investigation that followed the initial allegations certainly was unusual, if not unprecedented. Although the rhetoric around the Johnson case was sensational and racist, it is important to note that similar evidence was used to convict him as was used in hundreds of other cases around the country: the locations and dates of hotel stays with his mistress. And, like other cases, the consent of the woman and her previous state of chastity (or lack thereof) was deemed irrelevant.

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27 From the judge’s instructions, quoted in Langum, *Crossing Over the Line*, 73.
This is not to say that the Johnson case was ordinary, or to minimize the enormous role of racial prejudice in his conviction; far from it. Rather, it is to demonstrate how this case fits within the larger fabric of Mann Act cases, in ways that both were and were not an aberration. Although there is little evidence to suggest that the Mann Act was regularly used to control men of color or immigrants, it was consistently used to “protect” white womanhood. The “victims” in these cases were overwhelmingly white, and they were, by definition, female. Therefore, just as significant as Johnson’s blackness was his mistresses’ whiteness. This interpretation of the Johnson case supports a shift in understanding the interaction of race and gender in the entire compendium of Mann Act cases: the social and legal regulation enabled by the Mann Act revolved around controlling access to white women’s bodies, and the prosecution of men of all races, ethnicities, and classes occurred in relation to that objective.29

Race, Immigration, Ethnicity and the Mann Act

Many of the white slavery narratives in the U.S. emphasized that dark, foreign, immigrant men corrupted young women and were particularly likely to be “procurers” of white slaves. Although this was by no means the only thread of social or economic critique present in tales of white slavery, it was one that resonated with white, middle-class Americans who saw the racial and ethnic make-up of the U.S. change dramatically in the first years of the twentieth century. From the 1890s through 1910s, millions of

29 Kevin Mumford argues that the rhetoric of white slavery and the Mann Act suggested that black women were not worth protecting. He writes, “The fact remains that, at this stage of research, there is not one case of Mann Act prosecution in which the defendant is a white man charged with endangering the morals of a black woman.” Interzones, 17. I did find a few cases in which the FBI at least investigated potential Mann Act violations involving women they described as “colored,” or a “negress.” However, I agree that these cases are extremely rare, unlikely to involve a white man, and rarely prosecuted.
immigrants flooded into the U.S. at an unprecedented rate. Many of these “new immigrants” came from different countries than had immigrants in previous decades—Russia, Poland, Greece, Italy, Romania, and Japan, among others.\textsuperscript{30} They came speaking a variety of languages, and with a variety of religions—especially Judaism and Catholicism—that seemed both foreign and inferior to many white, Protestant, native-born, middle-class Americans. Many of these “old” Americans feared that the “new” ones brought with them radical ideologies, like anarchism, and fomented labor unrest. Others argued that these immigrants took jobs that “belonged” to them. Still others, aligning themselves with the growing “science” of eugenics, believed that these immigrants belonged to a physically and morally inferior branch of humanity and would corrupt the white race in America.

White slavery narratives had linked immigration—particularly of Jews and Eastern Europeans—to the traffic in women. On the West Coast, Donaldina Cameron’s missionary organization had famously worked to end the purported slavery of Chinese women in San Francisco. Reformers in the Pacific Northwest also made the association between immigration and vice. In 1913, the Portland Vice Commission reported the findings from its extensive investigations. After sending “operatives” to a total of 547 apartments, hotels, and lodging houses, they found 98 to be “moral,” 18 to be “doubtful,” and 431 to be “immoral.”\textsuperscript{31} The immoral places included ones specifically dedicated to prostitution, as well as those that encouraged or tolerated “immoral” tenants.

\textsuperscript{30} Immigration from China had been severely limited by this time by the Chinese Exclusion Act of 1882.

\textsuperscript{31} Report of the Portland Vice Commission to the Mayor and City Council of the City of Portland (Portland, OR?: s.n., 1913), 7.
consumption of alcohol, presence of gambling, lack of female modestly, and overall absence of cleanliness were details regularly included in the accounts of the “immoral” lodging houses. Operatives also noted the presence of unkempt, “degraded,” foreign-born men and, occasionally, women.

One investigator detailed a “dirty, shabby, and altogether undesirable” hotel where men could find prostitutes and rent rooms for “immoral purposes.” Run by a Japanese man, rooms were rented by Japanese, Greeks, and Italians, and two prostitutes lived there permanently: “one a white woman, the other a negro, both as degraded and obscene creatures as can be imagined.” In the next account, the immoral lodging house was run by a woman with the appearance of a “Jewess.” The following house of prostitution worked in conjunction with a saloon, run by a Greek. Another case brought the investigator to a “disreputable and degraded institution.” There the whole place was “crowded with an uncleanly, low-bred, vicious lot of human beings, among which were Greeks, Italians, Japs and Swedes.” Four prostitutes were mentioned in this house—two Jewish girls, one “a Swede,” and the other “an American.” The next hotel contained more of the same—“the drunken class of Greeks and men of that order.” Some of the proprietors of these houses were described as having also operated in Denver, Spokane,

\[32 \text{Ibid., 34.}\]
\[33 \text{Ibid., 35.}\]
\[34 \text{Ibid., 37.}\]
\[35 \text{Ibid., 39.}\]
\[36 \text{Ibid., 40.}\]
\[37 \text{Ibid., 41.}\]
Seattle, or San Francisco, thereby suggesting the existence of a large web of vice and prostitution in the Pacific Northwest.\(^{38}\)

In Seattle, cases involving immigrants and white slavery made the news, like when the *Seattle Star* announced in a front page story: “Quaint Buddhist Wedding Ceremony Ends in a Big White Slave Exposure in Seattle: Educated Jap Dentist is Now Under Arrest.” The article went on to tell about how M. Nakashima married a Japanese woman and then allegedly “farmed her out” in Tacoma; it said that he kept meticulous records of all the young women he tried to enslave, including copies of letters he wrote to three Polish girls, aged 19, 17, and 14. Without many other specifics, the article proclaimed that he had “an unending chain of slaves” made up of women of all nationalities. His arrest had led officials to “believe that they have unearthed one of the very centers of the white slave trade.”\(^{39}\)

Responding to the rising tide of immigration—and the constantly reported links between foreign-born Americans and vice—the Seattle Federation of Women’s Clubs announced that one of its most important departments was “that of Americanization. Its first aim is to cooperate with other organizations interested in this work. Its object is to teach Americanization to our foreign-born people.”\(^{40}\)

It seems reasonable enough to assume that race and ethnicity were major factors; after all, white slavery narratives, the impetus behind the Mann Act, had played on native-born Americans’ fears and encouraged their nativism. On the West Coast,

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\(^{38}\) Ibid., 51-52.


\(^{40}\) “Clubs Try to Be Help to Seattle: Chairman of Publicity for Seattle Federation Outlines Organization’s Work,” unidentified newspaper clipping from the records of the Seattle Federation of Women’s Clubs, 5175-001, Box 5, Folder 1915-1924, Special Collections, University of Washington Libraries, Seattle.
nativism often manifested itself in a virulent anti-Chinese sentiment that resulted in multiple large-scale acts of violence, including an 1886 episode in Seattle in which white working-class men and women forced 200 Chinese residents to board a ship for San Francisco. In his study of same-sex affairs in the early-twentieth-century Pacific Northwest, Peter Boag argues that immigrant and working-class men were particularly targeted by police. As he explained, the same-sex relationships that were prosecuted did not stem from an objective application of the law, but rather from purposeful police surveillance used to “persecute working-class men of racial and ethnic minority backgrounds, particularly the foreign-born. The urban middle class perceived these men as sexual threats … to the middle-class American family.”

There were notable similarities between the Mann Act and the laws against same-sex relationships in the West; both primarily involved working-class men and were used to reinforce certain ideas about the family. There were, however, some significant differences between these laws. Unlike the laws prohibiting same-sex sexual relationships, the Mann Act did not rely primarily on the police to seek out potential violators. Although the Mann Act did depend on a system of FBI surveillance to some extent, it was primarily enforced at a grass-roots level, in which family and community members sought governmental help in policing each other. The other major difference was that men of racial and ethnic minority backgrounds and foreign-born men were not disproportionately prosecuted under the Mann Act in the West.

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Given the tone of white slavery narratives, and the intensity of anti-immigrant sentiment, one of the most surprising things about Mann Act cases in the American West is that immigrants and men of color do not appear unusually frequently. Indeed, on average, foreign-born men appear at a rate consistent with or even lower than the proportion of foreign-born adult men in the overall population. The vast majority of men charged with—and convicted of—violating the Mann Act in the western states were white, native-born Americans. What most of these men had in common were their occupations; they tended to be part of a highly mobile, property-less working class. Their high level of geographical mobility made them more likely to undermine ideas about respectable manliness. And their very search for work, which moved them from state to state, made them more likely to violate the Mann Act as they were sometimes accompanied by girlfriends, prostitutes, or women who were also traveling around in search of work.

Unfortunately, the official court documents in Mann Act cases almost never alluded to the race, ethnicity, or country of origin of the defendant or the victim.\textsuperscript{43} However, clues about race, ethnicity, and nationality do exist in other sources. The hundreds of FBI files investigating potential Mann Act violations sometimes included comments describing the alleged perpetrator or victim. When these individuals can be located in the U.S. census—which is not always possible—their races are available. Some of them can also be found in newspaper articles. The intake records for the federal penitentiary at McNeil Island list the most details, but only about the men who were

\textsuperscript{43} Occasionally the witness statements or other miscellaneous materials in the file provide some information, but the vast majority of files have little more than an indictment and judgment in them.
convicted and sent there. Taken together, these pieces of information allow for an investigation into the demographic make-up of the men and women involved in Mann Act cases in the American West.

One of the ways in which the race, ethnicity, and national origin of defendants and victims in Mann Act cases can be determined is through their absence. In the official legal documents, it was standard to not include descriptive details about the parties involved in the case. However, in the FBI case files, the agent could describe the defendant or victim with words like “colored,” “negro,” “Italian,” or “Greek.” Out of dozens of randomly selected files, only a minority of cases from around the country included such descriptions of race or ethnicity. The absence of identifying information in the remaining files suggests that the defendants and victims were native-born whites; the agents assumed that the normative American was white and native-born, only noting those people that differed.

For example, one agent’s notes list a Bullawa Citawayo as “colored” and born in Natal; his alleged victim, Mrs. May Reid, is also described as “colored.”44 In another case, the agent also noted that the subject and alleged victim were “colored,” and later went into more detail about the man: “his mother is white, father colored.”45 The only times people were described as “white” were in situations where the reader could not safely assume that all involved parties were white. For instance, on one occasion three witnesses were questioned: “Arch Edwards (colored) and W.E. Ivory (colored), and also

44 Bullawa Citawayo (#31-1581-1), Bureau Section Files, 1909-21, Investigative Reports of the Bureau of Investigation 1908-1922, National Archives and Records Administration M1085.
45 Charlie Jackson (#31-1855-1), Bureau Section Files, 1909-21, Investigative Reports of the Bureau of Investigation 1908-1922, National Archives and Records Administration M1085.
the Superintendent… (a white man).” In another instance, two girls were described as “white,” because the man under investigation was a “negro.”46 Most of the investigation files, however, simply gave the names of those involved, their ages, and described where they lived and to whom they were married, without detailing their race, ethnicity, or national origin. Since agents wanted to provide as much pertinent information as possible, it seems unlikely that they simply forgot to include physical descriptions. Rather, it suggests that when subjects and victims met with agents’ preconceived ideas about who constituted an “ordinary” American—that is, white and native-born—they did not see it necessary to include such obviously information.

This was true of newspapers, as well; when the Mann Act case involved non-white or was foreign-born individuals, reporters made sure to mention it. For instance, the Chicago Daily Tribune reported in the same section of an article that “Paul Schoop… [was] charged with trafficking in women,” as was “Edward Powers, a negro,” whose wife was “a white woman.”47 No description was necessary for Paul Schoop—readers could assume he was white. The only reason that “white” was used in conjunction with the wife of Edward Powers was because readers would otherwise incorrectly assume she was “a negro,” like her husband. Therefore, the large number of Mann Act cases mentioned in American newspapers without any discussion of race or national origin suggests that those cases involved white, native-born defendants and victims.

46 James Clark (31-32444), Bureau Section Files, 1909-21, Investigative Reports of the Bureau of Investigation 1908-1922, National Archives and Records Administration M1085.
The intake records for the McNeil Island Penitentiary allow for a more systematic examination. These records provide some of the most detailed information about the men who were convicted of violating the Mann Act in the western states. Not all of those convicted were sent to McNeil Island—only the ones whose sentences exceeded one year, which means that, legally speaking, they were the worst offenders. Men sentenced for one year or less served their time in the local jail. Because McNeil Island was the only federal penitentiary west of Kansas until the 1930s, its records represent the most complete cross-section of men convicted of Mann Act violations in the West.

The McNeil Island intake records show the notes that prison officials made about each man as he entered the penitentiary. This included information about his physical appearance—complexion, scars—as well as his birthplace and date, the address of his parents, the address of his wife if married, his occupation, religion, whether or not this was his first offense, and whether or not he owned any property. The information on the form was produced by prison officials in conjunction with the prisoners, but it was ultimately officials’ words that were preserved. Almost every entry in the “number of offenses” column notes “claims first offense,” which reminds the reader that we are not viewing what these men wrote about themselves, but rather what prison officials wrote.

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48 McNeil Island Penitentiary Records of Prisoners Received, 1887-1951; (National Archives Microfilm Publication M1619, Roll 2); Records of the Bureau of Prisons, Record Group 129.
49 With the “Three Prisons Act” of 1891, Congress established the federal prison system, and the first three U.S. penitentiaries were built at Leavenworth, Kansas, and Atlanta, Georgia. McNeil Island, located just off the coast from Seattle, had been a territorial jail for decades and was turned into a federal penitentiary in 1909, just in time for it to start receiving Mann Act violators in 1910. No other federal penitentiaries were built until the increasing number of federal laws, like Prohibition, required more prisons in the late 1920s. Mary Bosworth, The U.S. Federal Prison System (Thousand Oaks, CA, Sage Publications, 2002), 4.
about them. Some answers to straightforward questions—like time and place of birth—can be presumed to have objective answers that were dictated by the prisoner and recorded by the official. However, at other times, the official used his own judgment about what to enter, and nowhere is this more true than in the column labeled “complexion.”

In the “complexion” category, the officer described the skin color, race, or ethnicity of the man standing before him. If a description did not seem readily evident to the officer, he likely asked the prisoner about his race or the country where he or his parents were born. This register does not tell how prisoners thought of their own identity in terms of race, ethnicity, or nationality. What it does provide, though, is a glimpse of how other people in the early-twentieth-century United States may have seen these men. After all, perceptions mattered when an officer saw a young couple traveling together, or when a hotel owner registered a man and woman as husband and wife. Even in extreme cases like Jack Johnson’s, it was not how he defined his race that ultimately led to his Mann Act conviction, but how others perceived it, particularly in relation to how they perceived the race of his mistresses.

The most common descriptions in the complexion category were, in the words of the officers: dark, fair, medium, ruddy, Chinese, Negro, Japanese, Indian, or Mexican, with an occasional sallow, sandy, and at least one yellow (for a man born in the West Indies). The words “dark,” “fair,” “medium,” and “ruddy,” seem to have been used to describe “white” Americans, whether they were native- or foreign-born. This is consistent with the ways in which FBI agents described subjects, as they noted race or
country of origin only when it differed from their idea of normative Americanness. In the case of ostensibly white prisoners, officers at McNeil Island attempted to describe the differences in physical appearance in relatively nuanced ways—through the use of words like “fair” or “ruddy”—without referencing an overarching racial or national identity. However, in the case of immigrants from Asia or Mexico, or native-born Americans of color, officials collapsed a description of physical appearance into one big category of racial or national designation.

From its passage in 1910 through the 1930s, 724 men were imprisoned at McNeil Island for violating the Mann Act. Whether or not these men were foreign-born is easy to determine from their birthplaces. This helps to answer the question of whether or not immigrant men were disproportionately targeted with Mann Act prosecutions. Of the over seven hundred men represented in this study, approximately 80% were native-born Americans, with the 20% of foreign-born prisoners coming from a wide array of places around the globe [Chart 4.1 and Table 4.1]. After those born in the various U.S. states, the second-largest group, consisting of only twenty-three prisoners and making up only 3% of the total, was born in Mexico. Mexican-born prisoners were followed by those born in Italy and Greece, at seventeen and sixteen prisoners respectively, and then Canada and Russia, each with eleven. Even if the Southern and Eastern Europeans are grouped together, since they were part of the much-denigrated class of “new” immigrants in the early-twentieth century, they only number fifty-seven, or about 8% of the total Mann Act prisoners at McNeil.\footnote{I included Italy, Greece, Russia, Poland, Czechoslovakia, Hungary, Yugoslavia, Bohemia, Bulgaria, and Romania.} When the Northern and Western Europeans are grouped
together it results in forty people, or about 5.5% of the total.\textsuperscript{51} This means that the largest number of foreign-born Mann Act prisoners at McNeil Island were from Southern and Eastern Europe, but they still represented only a small fraction of the total, and their size was in close proportion to their part of the overall population in the western United States. Of the foreign-born Mann Act convicts, no single nationality stands out as having been particularly targeted; the largest single nationality, consisting of men born in Mexico, is still just 17% of the total foreign-born population [Chart 4.2].

Prisoners were sent to McNeil Island primarily from California, Oregon, Washington, Idaho, Utah, Nevada, and Alaska, and as far away as Hawaii and the Philippine Islands.\textsuperscript{52} The U.S. Census from 1900, 1910, 1920, and 1930 allows for an estimation of what proportion of the population in the West was white and foreign-born, meaning essentially that they came from one of the European countries, Canada, or Australia [Table 4.2]. People born in China, Japan, or Mexico were usually listed in a separate category, as were native-born, non-white Americans: “Indians” and “Negroes.” Over the course of these forty years, the foreign-born white population in the West averaged about 15% of the total population. When the Mann Act convicts at McNeil Island from Canada and Australia are included with all of the Europeans, they average almost exactly 15% of the total number of men at McNeil Island convicted of violating

\textsuperscript{51}I included England, Austria, Spain, Germany, Ireland, Finland, France, Portugal, Austria-Hungary, Denmark, Norway, Scotland, Sweden, and Switzerland.

the Mann Act. Therefore, their numbers were in direct proportion to foreign-born white immigrants within the population at large.

Even more telling is how the number of white, foreign-born men imprisoned at McNeil Island related to the proportion of white, foreign-born men within the adult male population in the western U.S. as a whole. According to the 1910, 1920, and 1930 censuses, the percentage of adult males in western states who were white and foreign-born was about 25% on average throughout this period [Table 4.3]. That means that foreign-born white men sentenced to McNeil Island for violating the Mann Act were actually significantly underrepresented in proportion to their presence in the total adult male population.

This finding is particularly significant, because some kinds of sex-related prosecutions in the West clearly did target immigrants. As previously noted, in Peter Boag’s study of the prosecution of same-sex sexual relationships in the Pacific Northwest, he uses a similar process to conclude that immigrants were disproportionately targeted by police. As he says, “While foreign-born white males were less than 20 percent of the male population of Portland through the years 1900–1920, they made up more than 44 percent of those arrested for same-sex crimes between 1870 and 1921. Similarly, African Americans and men of Chinese, Japanese, and ‘other’ origins constituted about 4 percent of the Portland male population during this era, but they represented about 13.5 percent of these arrests.”

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53 Boag, Same-Sex Affairs, 50. A major difference between the police records Boag used and the McNeil Island intake register is that his study covers all of those arrested, while the intake register only contains information about those who were also tried, convicted, and given a lengthy sentence. However,
men of color were particularly likely to face prosecution for same-sex relationships, the same was not true in regard to the crime of transporting a woman for “immoral purposes.”

The nativity of the McNeil Island prisoners is relatively easy to determine, since their countries of birth were noted in the intake register. That still leaves a significant question about race, however, as the relative lack of foreign-born white convicts does not preclude the possibility that native-born African-Americans, Asian-Americans, or Mexican-Americans were disproportionately targeted because of their race or ethnicity, as was Jack Johnson. Though the race or ethnicity of native-born prisoners is more difficult to identify, it can generally be determined by a careful reading of the “complexion,” “place of birth,” and “religion” categories in the intake records. Two representative years from the McNeil Island register provide good examples what information is available about the prisoners and how race and ethnicity can be gleaned from it.

The first of these years, 1912, represents the early waves of Mann Act prosecutions, when the quantity of cases was near its peak for the 1910s, and when there were still relatively few noncommercial cases. Of all Mann Act prosecutions, cases from these years should most resemble the classic white slavery narratives, since they took place while the white slavery hysteria was at its most intense. The second year, 1926,
represents the mid-1920s surge in Mann Act prosecutions, at which point noncommercial prosecutions were commonplace. 1912 and 1926 are the years when the following prisoners were registered at McNeil Island; for some of them, their arrests would have occurred during the previous year.

Forty men entered McNeil Island in 1912 on Mann Act convictions, with an average age of thirty [Table 4.4].\textsuperscript{54} Twenty-two of them were born in the U.S. (including one in the territory of Hawaii), and eighteen were born outside of the U.S. The largest numbers of foreign-born prisoners in this group came from Russia and Italy; only one came from China. In 1912, therefore, the prosecution of white immigrant men did happen at a disproportionately high rate; they made up 45% of this sample, and were just under 30% of the total adult male population in 1910. Although immigrant men may have actually been underrepresented as proportion of Mann Act convicts over the course of thirty years, the nativity of the 1912 prisoners suggests that immigrants were more likely targets in the earliest years of prosecution. Indeed, the proportion of immigrants within the Mann Act convicts at McNeil Island steadily decreased throughout the subsequent decades [Chart 4.3].

The officer noted that twenty-four of these men—over half—had “fair” complexions; another four were “ruddy,” five each of “medium” and “dark,” one “swarthy” and one “Chinese.” Those perceived as racially nonwhite, like the man labeled “Chinese,” were given a race- or country-based description. For instance, one of the first entries after this list, for 1913, listed the prisoner’s complexion as “Negro med. light.”

\textsuperscript{54} This average age is very similar to the one Peter Boag found when studying arrests for same-sex affairs. He found an average age of 32 and a median age of 29. Boag, \textit{Same-Sex Affairs}, 49.
When other categories on the register are taken into account, it is clear that the viewer’s ideas about ethnicity, religion, and national origin were part of how he identified these men’s physical characteristics. Of the six people identified as “dark” or “swarthy,” not a single one was Protestant, and none were born in a U.S. state. One was a Catholic from Hawaii, one a Catholic from Greece, and two Catholics from Italy. The other two were Russian Jews. Being Jewish did not necessarily indicate “darkness” to the guards filling in the register, as two other Russian Jews and an Austrian Jew were listed as “fair.” Another Russian Jew was “ruddy,” while another from Austria was described as “medium.” All told, there were seven Jewish men out of the forty, and eleven Catholics—other than the man born in Hawaii, only three of the Catholics were born in the U.S.

In 1926, thirty-six men were registered at McNeil Island for having violated the Mann Act, and they had an average age of thirty-three [Table 4.5]. Unlike the group from 1912, these men were overwhelmingly native-born. Twenty-nine of them had been born in various U.S. states, plus one born in the Philippines. The other six came from Mexico, Poland, Italy, Yugoslavia, Germany, and Australia. This means that only 16.7% of the men in this sample group were foreign-born whites, well under the proportion of foreign-born whites in the total male population. The native-born Americans also seem to have been perceived by the prison official as overwhelmingly “white,” as twenty-nine of them were described as either “fair,” “ruddy,” or “medium.” It is impossible to determine for

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55 Judging by the surname of the man from Hawaii, “Ferreira,” he was likely descended from one of the large numbers of Portuguese laborers who migrated to Hawaii in the late 19th and early 20th centuries. In many of the statistics throughout this chapter, people born in Hawaii, Puerto Rico, and the Philippines are treated as “native-born,” since that is how the census categorized them due to Hawaii’s territorial status. However, the guard at McNeil Island may still have viewed such people as “foreign.”
sure the race or ethnicity of the four men described as “dark,” but, in 1912, it was most likely used to describe men who were still considered “white.” This conclusion is reached in part from the presence of “negro” as a descriptor for one of the other men, and “Filipino” for the man born in the Philippines. These two entries suggest that the viewer saw them as racially distinct, while not reaching the same conclusion about all of the men labeled with “fair,” “ruddy,” or “dark.” Unlike the 1912 sample, no Jewish men were recorded here, and only about a third of the total (eleven in all) were Catholic. Seven had “none” recorded for their religion, and eighteen were listed as either “Protestant” or “Methodist.”

Therefore, in 1926, the men convicted of violating the Mann Act and sentenced to the McNeil Island Penitentiary were overwhelming white, native born, and predominantly Protestant. The cases from 1912 and 1926 represent the shift from prosecuting foreign-born white men at a disproportionately high level in the first few years of Mann Act prosecutions, to prosecuting them at a disproportionately low level during the 1920s and 1930s. There is no evidence in either case to suggest that native-born men in racial minority groups were particularly targeted. This finding is consistent with what Marlene Beckman discovered in her study of women convicted of violating, or conspiring to violate, the Mann Act. She examined the records of 156 women committed to the federal prison at Alderson, West Virginia, between 1927 and 1937, which encompasses 87% of the total women incarcerated for Mann Act violations during these 10 years.\footnote{Marlene D. Beckman, “The White Slave Traffic Act: The Historical Impact of a Criminal Law}
Beckman found that the average age of the women was twenty-eight years, “with the most pronounced age cluster… in the twenty-four to thirty-year-old bracket.” Of the 156 women in her study, 150 were white, and the other six were black. She also argues that, in contrast to the anxiety about the prostitution of “alien women,” only six women “were of foreign citizenship and, of those, five were “procurers” rather than “victims.” Although it has yet to be proven definitively, Beckman’s study adds weight to the evidence that both the female victims and violators of the Mann Act were usually white. However, some cases and investigations from earlier than 1927 show that white, foreign-born women were occasionally identified as the “victims” of male defendants, despite their lack of presence at Alderson in the late 1920s and 1930s.

Despite the anti-immigrant messages embedded in the white slavery hysteria and the persecution of Jack Johnson for his “unforgivable blackness,” an examination of the race and nativity of Mann Act convicts makes clear that the Mann Act was not merely used to control a growing immigrant population; indeed, prosecutions of native-born, white men actually increased dramatically throughout the 1910s and 1920s, both in terms of real numbers and as a proportion of the total cases. What these men had in common was not that they were racial or ethnic minorities, but rather that they tended to be part of highly mobile working-class.

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Policy on Women,” *Georgetown Law Journal* (February, 1984), 1111-1142. Alderson was the first federal prison for women; before 1927, female prisoners were housed in state institutions.


Work and Movement in the American West

The male convicts housed at McNeil Island for Mann Act violations in 1912 and 1926 came from a wide variety of states and countries, spanned multiple generations, and committed offenses ranging from a weekend vacation with a lover to forcing their wives into prostitution. But in one area these men were remarkably similar: their occupations. The vast majority of these men were part of a property-less, migratory, working class. In the register column marked “Property,” only two of the seventy-six men represented in the 1912 and 1926 intake records answered in the affirmative—one entry simply says “yes,” and another says “farm.” With the exception of a few blank spaces, every other entry says “none.” Of these seventy-six men, at least fifty-nine had working-class occupations, making them almost 78% of the total. For thirty of the men, about 40% of the total, at least one of their jobs was listed as: cook, baker, bartender, waiter, or barber. Although such occupations did not require movement around the country, they did allow for it. They were positions easily occupied by men who traveled around in search of work or fortune. Other occupations required a high level of mobility: nineteen of the men were teamsters, construction workers, miners, steel workers, mechanics, or worked on railroads in some capacity. For instance, when one man who eventually served time at

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59 The lack of property ownership is not a perfect indicator of class standing, as the entries for Diggs and Caminetti—both sons of wealthy and powerful families—also say “none.” The entries for Bonness and Grimes, however, do list their property. Although the “Property” column cannot be taken as evidence of working-class status or poverty in and of itself, when combined with the “Occupation” column, it offers a window into the economic lives of these men.

60 For the purposes of this study, a “working-class” occupation is one in which the worker does not control the means of production, and is also not a “professional” position, like teacher, doctor, or police officer. I have used a conservative estimate of how many working-class occupations are listed. Based on the brief register entries, it is impossible to determine whether or not some of the jobs were working-class ones. For instance, I did not classify a vague entry like “musician” as working class. I counted occupations like “baker” or “barber” as working class if there was no property listed, as that suggested that those men did not own the means of production.
McNeil was arrested for a Mann Act violation, he described his occupation as: “Most any kind of work; general laborer, section foreman, locomotive fireman, blacksmith, I am an all around railroad man.”

Not only did their jobs not allow these men to accumulate property, but the very lack of such property enabled their high level of mobility as they freely traveled from state to state in search of the next opportunity. Although these migrating workers were generally male, women also traveled in search of work. Recall that the very nature of Mann Act cases required that both a man and a woman (or two women) be on the move together; in many cases both of them were hunting for jobs. This high level of mobility made it particularly easy for unmarried men and women to slip away together, but also created the context in which family and community members called on the long arm of the federal government to reach, return, and punish men and women whose travels violated standards of morality and respectability.

The following cases illustrate some of the ways in which people moved about the West in conjunction with their search for work, and found themselves facing Mann Act charges as a result. Some of the women traveling about in search of work were professional prostitutes, who were frequently on the move to escape law enforcement, jealous lovers, or were simply searching for greener pastures. Such may have been the case for Della McDermott, who corresponded via telegram in 1914 with H.L. Morrison, inquiring about the job opportunities in Boise, Idaho. From San Francisco, she wrote:

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61 U. S. v. Leroy Edson Elliott, Case File 8437; Criminal Case Files; U.S. District Court for the Northern District of California (San Francisco); Records of District Courts of the United States, Record Group 21; National Archives and Records Administration—Pacific Region (San Francisco).
“Howard telegraphed tickets for my neice [sic] … as we want work. My niece is 18 and just graduated, and I know she could do the work that Ethel did, and if things turned up that you didn’t want me I would go to some other town. … Do something at once.”

Authorities saw her cryptic telegrams as evidence that she was trying to transport women for prostitution; she claimed that she was talking about waitressing jobs. Regardless, she saw opportunities in Idaho for both herself and other women.

Another case involving professional prostitution demonstrates the high level of interstate movement engaged in by both men and women. In 1911, an Austrian citizen wrote a statement in the presence of the U.S. Immigration Inspector explaining how he knew his “victim,” a prostitute named Etta:

My name is S. Postel. I am 26 years of age … My occupation is a designer and fitter. I have been in San Francisco Cal 7 months … I knew [Etta] first in New York City. I next met her in New Orleans L.A. I met her in a sporting house in New Orleans- LA. She was practicing prostitution I then met her again about 8 months ago in Houston Texas—where she was practicing prostitution. I wrote to her to come to San Francisco Cal. I sent her $15.00 to help her pay her passage…. [sic]

The Immigration Inspector then reported Postel for violating the Mann Act; Postel was tried, found guilty, and sentenced to 7 months in the Alameda County Jail. Although there is no evidence that immigrant men were particularly targeted for Mann Act prosecutions, the increasing level of surveillance on the part of immigration authorities during the early twentieth century made it particularly likely that they would get caught if they traveled with women to whom they were not married.

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62 U.S. v. Dolly McDermott, Case File 5507; Criminal Case Files; U.S. District Court for the Northern District of California (San Francisco); Records of District Courts of the United States, Record Group 21; National Archives and Records Administration— Pacific Region (San Bruno).

63 U.S. v. Sam Postel, Case File 4987; Criminal Case Files; U.S. District Court for the Northern District of California (San Francisco); Records of District Courts of the United States, Record Group 21; National Archives and Records Administration— Pacific Region (San Bruno).
When women traveled domestically and internationally in search of work, they jeopardized their potential to freely continue their romantic relationships. In 1914, an Italian citizen named Antony Ginnetti was working as a smelter in British Columbia, Canada. He left a wife and child in Italy, and was presumably in Canada because of the work opportunities. Meanwhile, Angelena Trambetti, who had no relatives in Canada, had also struck out on her own to find work—in this case, selling milk. Also of Italian ancestry, she was a U.S. citizen because her father, who lived in the state of Washington, had been naturalized. While working in British Columbia, Ginnetti and Trambetti began living together. Their open cohabitation disturbed people in their little town, and police told the woman—but not the man—that she had to leave town because of her “immoral” behavior. Antony Ginnetti then bought her a train ticket to Washington state and told her that within the next day or two, once he could get his affairs in order, he would meet her in Spokane and they would resume living together. Neither Ginnetti nor Trambetti seem to have known that these actions potentially violated the Mann Act, as they each frankly related these events and their future plans to live together and travel to New York to U.S. immigration officials stationed near the border between British Columbia and Washington. Ginnetti was then denied entry because he “brought the Trambetti woman to the United States for immoral purposes.” In response to this information they also labeled him a “procurer,” essentially meaning a white slaver, and turned his case over to officials in Spokane who charged him with a Mann Act violation.  

64 U.S. v. Antony Ginnetti, Case File 2098; Criminal Case Files; U.S. District Court for the Eastern District of Washington (Spokane); Records of District Courts of the United States, Record Group 21; National Archives and Records Administration—Pacific Alaska Region (Seattle). He was eventually found not guilty.
Two additional cases show how both working-class men and women viewed themselves and their jobs as highly mobile. When M.O. Goodner was arrested in San Francisco, he was living in a hotel as “man and wife” with a woman to whom he was not married. The woman, it turned out, was his former employee from Houston, Texas. Goodner, who was married with two children, had been an agent for a brewing company in Houston, and the woman was his stenographer. Authorities accused him of transporting her to San Francisco for the immoral purpose of cohabiting with her. She, however, claimed that she quit her job because the company was in financial trouble, and that she had then traveled in search of work. Within a matter of weeks, she had gone from Houston to Waco, Texas, then on to Denver, where she said she just coincidentally happened to see Goodner, and then to San Francisco.65 Her story takes for granted that it would be a reasonably common, and even respectable, course of action for a single woman to travel about the West in search of work.

The story of another man who violated the Mann Act shows how frequently and freely some men moved about in search of work; his travel was not restricted until it included a young woman. When Kenneth Hodge was a young man, he attended college in Florida, then worked for the Goodyear Rubber Company and the Quaker Oats Company in Akron, Ohio, for five months in 1917. He then served in the Naval Reserve during the First World War, stationed in Florida. After that, he moved to California and found work as a shipwright’s helper in a naval yard. He then went on to Anchorage, Alaska, and

65 U.S. v. M.O. Goodner, Case File 5009; Criminal Case Files; U.S. District Court for the Northern District of California (San Francisco); Records of District Courts of the United States, Record Group 21; National Archives and Records Administration—Pacific Region (San Bruno). This trial was moved to the Southern District of Texas, so the verdict is not known from the records of the San Francisco court.
worked on a railroad. Then to Seattle and, ultimately, back to California, where he
alternated between teaching and doing farm work during the 1920s. In 1930, he was
teaching in Sacramento County and, at the age of thirty-one, he ran off with one of his
fifteen-year-old students, abandoning his wife and three children in the process. He again
traveled throughout the country and worked, including a stint picking cotton in Big
Springs, Texas. Both his deserted family and the girls’ relatives sought legal action
against him and, after a short time, he sent the girl back to her parents and then turned
himself in.\footnote{U.S. v. Kenneth W. Hodge, Case File 22752; Criminal Case Files; U.S. District Court for the
Northern District of California, Southern Division (San Francisco); Records of District Courts of the United
States, Record Group 21; National Archives and Records Administration— Pacific Region (San Bruno).}

As prosecutions of noncommercial Mann Act cases increased throughout the
1910s and 1920s, so did the number of native-born, white men convicted of violating the
act. Some of these men, like Bonness and Grimes or Diggs and Caminetti, had stable,
stationary jobs and just went on weekend jaunts with their girlfriends. However, many
other noncommercial prosecutions involved couples who traveled in search of work or in
the interest of starting a new life together. The enforcement of the Mann Act existed in
this context, in which both men and women participated in a highly mobile working class
for whom interstate movement was a common, necessary means of finding work. These
men and women were an essential segment of the workforce, particularly in the American
West, where much of the work was seasonal or temporary. But they were also a socially
disruptive force, moving on rather than setting down roots, preferring, like Antone
Ginnetti and Angelena Trambetti, to leave town rather than adhere to social conventions.
The readiness with which this group of people, particularly young men and women in
their twenties, engaged in interstate travel eroded the ways in which communities could regulate their behavior. Therefore, individuals who believed that they witnessed a transgression against morality and respectability could ask the government to enforce moral standards by tracking down and punishing couples deemed too freewheeling in their sexual affairs.

**Restricting Mobility**

The Mann Act created a legal category for a form of travel that was immoral and criminal—not because such travel involved any specifically illegal sex act, but because the travel itself was illegal for people with a certain set of “immoral” ideas or intentions. The physical action over which this federal law had authority was movement, not sex; sexual acts themselves fell under state laws. As the judge in the Bonness and Grimes case noted, “These men are not indicted for fornicating with the women on this side, or fornicating with the women on that side. That is an offense against the local laws. Under this Act of Congress the offense is the transportation.”

The language of the law itself revolved around travel, making the felony not the “immoral” acts or purposes themselves, but rather the geographical movement that accompanied them; to be guilty of this law, a man need only have given the woman money with which to buy a ticket for a train or ship, or have provided the automobile for her to ride in. The jury could then simply make a determination about whether the man’s purposes were immoral. For this reason, Mann Act trials often revolved around the details that proved said transportation had taken place: the ticket stubs and hotel registries.

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67 Bonness and Grimes Trial Transcript, 147. Emphasis mine.
that showed the couple had traveled and boarded together as “man and wife.” In order to get past the careful scrutiny of hotel clerks, usually the woman would assume the man’s last name, or they would both register under false names. In trial after trial, these large, leather-bound registries were subpoenaed and brought to court to prove that a man had violated the sacred bounds of marriage and broken the law by pretending to be married to someone he was not.

The Mann Act specified that the man must have provided the transportation for the woman, in broad language that included having directly transported her, having assisted in her transportation, having purchased or assisted in purchasing the tickets for her transportation, or having persuaded, induced, enticed, or coerced the woman into traveling interstate for immoral purposes. With such a definition, any man who accompanied a woman on an interstate trip—especially if he contributed financially to that trip—could very well have violated the Mann Act.

The element of transportation was clear in the Bonness and Grimes case; the men directly transported the women in John’s automobile. However, in the vast majority of the cases before the 1920s, the couple traveled by rail or ship. In such situations, a woman may have purchased her own ticket, but with money the man gave her; or a man may have purchased the woman’s ticket, but with money she gave him. Or, the man may have just bought the woman’s ticket himself, with his own money. Any of these (if accompanied by immoral purposes) were Mann Act violations, as the man had assisted in the process of transporting the woman. Even if she bought her own ticket with her

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68 These represent parts of Sections 2 and 3 of the Mann Act. Defendants could be charged with one or more counts of violating the Mann Act.
own money, it could still be a Mann Act violation if the man had encouraged her to travel with him.\(^6^9\) It was important in these cases for the prosecutor to demonstrate the man’s involvement in the transportation. In a 1912 case in Portland a man was accused of transporting his wife for the purpose of prostitution, and the prosecutor grilled the uncooperative wife about the train tickets:

Q: Who got the ticket for you and your husband to travel West?
A: I don’t remember.
Q: Did you buy it? Did you buy the ticket?
A: I don’t remember.
Q: Did you ever see that ticket before?
A: Yes, sir.
Q: Where did you see it?
A: That was the ticket we traveled on.
Q: Whose signature is that on the line marked “Purchaser” for self and party?
A: It is not my signature?
Q: I asked you whose signature it was. Is that your husband’s?
A: I think it must be.
Q: … Isn’t that your husband’s? Look at it carefully.
A: It must be.
Q: And you recognize that to be his, don’t you?
A: Yes.
Q: Now, you didn’t buy that ticket, did you?
A: No, sir.
Q: Your husband bought it, didn’t he?
A: Yes, sir.
…
Q: You traveled with him on that ticket, didn’t you?
A: Why, yes.
Q: You came from Cleveland, Ohio, to Portland, Oregon, did you not?
A: Yes, sir. \(^7^0\)

\(^{69}\) These were also the situations in which women could be prosecuted for violating the Mann Act, because occasionally female brothel owners or prostitutes would pay for the transportation of other women who were looking for work as prostitutes.

\(^{70}\) *U.S. v. Jacob Gronich*, Case File 5660, Judgment Roll #5238; Criminal Case Files; U.S. District Court, Oregon (Portland); Records of District Courts of the United States, Record Group 21; National Archives and Records Administration—Pacific Alaska Region (Seattle).
That conversation was at the core of the Government’s case, as it showed that the husband had provided for the wife’s transportation. The defendant later plead guilty and received the longest sentence possible: five years in the federal penitentiary at McNeil Island.

It was only through the element of interstate transportation that Congress was able to regulate “immoral purposes,” by broadly interpreting the Congressional power to regulate commerce. By defining a “traffic in women,” Congress could regulate this transportation in much the same way as it would the interstate commerce in meat or stolen automobiles. The Supreme Court upheld the right of Congress to use the commerce clause in this fashion in the 1913 *Hoke* case. As one Seattle prosecutor argued, referencing *Hoke*, the Mann Act prohibited the movement of the people who were “outlaws of commerce.” Another lawyer argued that the Mann Act was unconstitutional because Congress had far overstepped its authority with this use of the commerce clause. He said, “That the purpose of the act is not to regulate interstate commerce, but does attempt to regulate the movements of undesirable characters from state to state, and thereby invades the inherent police powers” of the states.

As that attorney recognized, the Mann Act not only functioned to regulate morals or “protect” women, but also to restrict the mobility of certain types of “undesirable” people. In this sense the Mann Act was similar to the laws against vagrancy and

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71 *U.S. v. Vinton T. Bosserman*, Case File 2826; Criminal Case Files; U.S. District Court for the Western District of Washington Northern Division (Seattle); Records of District Courts of the United States, Record Group 21; National Archives and Records Administration—Pacific Alaska Region (Seattle).

72 *U.S. v. George Marlowe*, Case File 1416; Criminal Case Files; U.S. District Court for the Eastern District of Washington (Spokane); Records of District Courts of the United States, Record Group 21; National Archives and Records Administration—Pacific Alaska Region (Seattle).
tramping, which made it a crime for certain types of people to move about the country in certain types of ways. Vagrancy laws may have been ostensibly about work, but they were actually about controlling people based on their class, race, and sex. As Linda Kerber said, “vagrancy is a status offense; the crime is not what a person has done but what the person appears to be.” And what a person appeared to be was shaped by gender and race, so that a white housewife who traveled to visit relatives would not be considered a vagrant for being unemployed, while a black man or woman under the same circumstances could have been arrested for vagrancy.

In the late-nineteenth and early-twentieth century, many state vagrancy laws gave way to tramp laws. This was in response to a “tramp scare” that ensued when millions of American men and women took to the rails as “hobos” or “tramps”—migratory workers and non-workers, respectively. The series of depressions in the U.S. from the 1870s through 1930s sent people “restlessly riding the boxcars from ‘no place in particular to nowhere at all.’” Tramps were believed to be exclusively male, and were legally defined as such in some states, meaning that a woman who hitched a ride on a railroad car would not be considered a tramp, but a man would be. This resulted in a panic that envisioned tramps as a moral and physical danger to women and the home. Part of the fear about tramps was due to their high level of mobility; they could be in your home, with your wife, while you work, and be out of town before nightfall. As Tim Cresswell explained, “A tramp was defined as an idle person who roamed from place to place and

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who had no lawful occasion to wander. Making the tramp-railroad connection explicit, the vagrancy law of Massachusetts made riding a freight *prima facie* evidence of tramhood.\(^75\) Therefore, a tramp was defined by his movement, and his movement defined him.

The Americans who supported tramp laws and, later, the Mann Act, were fighting against a world in which they believed that the ideals of nineteenth century manliness—like honor, respectability, and restraint—were being degraded by the forces of modernity: cities, railroads, automobiles, and mass migrations of people. Railroads and automobiles changed American culture, law, and gender norms; automobiles altered the relationships between young men and young women, threatened to undermine family unity, and allowed for the creation of sprawling cities.\(^76\) These increasingly available modes of transportation provided plenty of opportunities for a man to abandon his family or engage in extramarital affairs. As Lawrence Friedman noted in his article on “Crimes of Mobility,” Americans had a great deal of anxiety about the unprecedented level of geographic mobility in the late-nineteenth and early-twentieth centuries: “This was a society that had shucked off certain old and traditional fixities—fixities of place, of station in life, of thought, and of ideas. … It was a society of immigrants, but also a


society of migrants—of restless, transient people who shuttled across the vast face of the landscape.”

The increased mobility afforded by trains and automobiles resulted in a widespread fear that men would abandon their families or corrupt “decent” women whom they had no intentions of marrying. Alongside the tramp laws, Progressive Era Americans sought ways to ensure that men stayed at home and did not desert their families. Michael Willrich detailed the growth of legislation in the Progressive Era aimed at “the criminalization, regulation, and punishment of able-bodied male breadwinners who failed to support their families.” He argues that these laws were a means of legislating and governing masculinity, and that while they privileged men as breadwinners, they also created consequences for men who failed to properly fulfill their role. Therefore, “the breadwinner norm empowered private charities, state agencies, and local courts to police the behavior of workingmen, holding them liable, to their wives and the state, for family poverty in industrial America.”

Willrich’s study of husbands who deserted or did not provide for their families, and the criminalization of their behavior, demonstrates that the obligation of a man to take care of his family was one of the central concerns for a large number of Progressive Era reformers. The legislative effort to force male breadwinners to provide for their families came from a “growing awareness of the moral and fiscal costs of desertion” and out of a desire “to preserve traditional gender roles when the new realities of wage labor

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79 Ibid., 462-463.
threatened to turn those roles into obsolete legal fictions.\textsuperscript{80} Like the tramp and breadwinner laws that regulated the movement of men when it seemed to undermine the social and family structure, so also the Mann Act attempted to regulate sex in its most socially disruptive form: when it involved the interstate movement that posed a threat to men’s presumed role as husbands and providers. Although the Mann Act allowed for the possibility that women as well as men could be prosecuted for transporting a woman, there were very few female defendants; like tramp laws and breadwinner legislation, the Mann Act was effectively a law aimed at men.

\textsuperscript{80} Ibid., 467.
<table>
<thead>
<tr>
<th>Birthplace</th>
<th>Prisoners</th>
</tr>
</thead>
<tbody>
<tr>
<td>U.S. States</td>
<td>577</td>
</tr>
<tr>
<td>U.S. Territories</td>
<td></td>
</tr>
<tr>
<td>Philippines</td>
<td>5</td>
</tr>
<tr>
<td>Alaska</td>
<td>1</td>
</tr>
<tr>
<td>Hawaii</td>
<td>1</td>
</tr>
<tr>
<td>Puerto Rico</td>
<td>1</td>
</tr>
<tr>
<td>Mexico</td>
<td>23</td>
</tr>
<tr>
<td>Italy</td>
<td>17</td>
</tr>
<tr>
<td>Greece</td>
<td>16</td>
</tr>
<tr>
<td>Canada</td>
<td>11</td>
</tr>
<tr>
<td>Russia</td>
<td>11</td>
</tr>
<tr>
<td>England</td>
<td>7</td>
</tr>
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<td>Austria</td>
<td>6</td>
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<td>Spain</td>
<td>6</td>
</tr>
<tr>
<td>Germany</td>
<td>5</td>
</tr>
<tr>
<td>Ireland</td>
<td>4</td>
</tr>
<tr>
<td>Poland</td>
<td>4</td>
</tr>
<tr>
<td>China</td>
<td>3</td>
</tr>
<tr>
<td>Australia</td>
<td>2</td>
</tr>
<tr>
<td>Czechoslovakia</td>
<td>2</td>
</tr>
<tr>
<td>Finland</td>
<td>2</td>
</tr>
<tr>
<td>France</td>
<td>2</td>
</tr>
<tr>
<td>Hungary</td>
<td>2</td>
</tr>
<tr>
<td>Japan</td>
<td>2</td>
</tr>
<tr>
<td>Portugal</td>
<td>2</td>
</tr>
<tr>
<td>Yugoslavia</td>
<td>2</td>
</tr>
<tr>
<td>Austria - Hungry</td>
<td>1</td>
</tr>
<tr>
<td>Bohemia</td>
<td>1</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>1</td>
</tr>
<tr>
<td>Denmark</td>
<td>1</td>
</tr>
<tr>
<td>Norway</td>
<td>1</td>
</tr>
<tr>
<td>Romania</td>
<td>1</td>
</tr>
<tr>
<td>Scotland</td>
<td>1</td>
</tr>
<tr>
<td>Sweden</td>
<td>1</td>
</tr>
<tr>
<td>Switzerland</td>
<td>1</td>
</tr>
<tr>
<td>Unknown</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>724</strong></td>
</tr>
</tbody>
</table>
Chart 4.1:
Birthplace of Prisoners Convicted of Mann Act Violations at McNeil Island, 1910-1939
Chart 4.2:
Birthplace of Foreign-Born Prisoners Convicted of Mann Act Violations at McNeil Island, 1910-1939
### Table 4.2:
Race and Nativity of Total Population in Western States, 1910-1930

#### 1900: Percentage of Total U.S. Population

<table>
<thead>
<tr>
<th>State</th>
<th>Native-born white with native-born parentage*</th>
<th>Native-born white with foreign or mixed parentage*</th>
<th>Foreign-born white*</th>
<th>Other (“Negro,” “Indian,” Chinese, Japanese, etc.)*</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>43.4</td>
<td>29.7</td>
<td>21.3</td>
<td>5.6</td>
</tr>
<tr>
<td>Idaho</td>
<td>55.5</td>
<td>26.4</td>
<td>13.5</td>
<td>4.6</td>
</tr>
<tr>
<td>Nevada</td>
<td>35.7</td>
<td>27.7</td>
<td>20.3</td>
<td>16.3</td>
</tr>
<tr>
<td>Oregon</td>
<td>61.9</td>
<td>20.5</td>
<td>13</td>
<td>4.6</td>
</tr>
<tr>
<td>Utah</td>
<td>37.6</td>
<td>41.8</td>
<td>19.1</td>
<td>1.5</td>
</tr>
<tr>
<td>Washington</td>
<td>51.2</td>
<td>24.9</td>
<td>19.7</td>
<td>4.2</td>
</tr>
<tr>
<td>Average</td>
<td>47.5%</td>
<td>34.2%</td>
<td>17.8%</td>
<td>6.1%</td>
</tr>
</tbody>
</table>

#### 1910: Percentage of Total U.S. Population

<table>
<thead>
<tr>
<th>State</th>
<th>Native-born white with native-born parentage</th>
<th>Native-born white with foreign or mixed parentage</th>
<th>Foreign-born white</th>
<th>Other (“Negro,” “Indian,” Chinese, Japanese, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>46.5</td>
<td>26.8</td>
<td>21.8</td>
<td>4.8</td>
</tr>
<tr>
<td>Idaho</td>
<td>62.5</td>
<td>23.1</td>
<td>12.4</td>
<td>2</td>
</tr>
<tr>
<td>Nevada</td>
<td>43.1</td>
<td>25.5</td>
<td>22</td>
<td>9.2</td>
</tr>
<tr>
<td>Oregon</td>
<td>62</td>
<td>20.1</td>
<td>15.3</td>
<td>2.6</td>
</tr>
<tr>
<td>Utah</td>
<td>46</td>
<td>35.2</td>
<td>17</td>
<td>1.8</td>
</tr>
<tr>
<td>Washington</td>
<td>51.3</td>
<td>24.7</td>
<td>21.1</td>
<td>2.8</td>
</tr>
<tr>
<td>Average</td>
<td>51.9%</td>
<td>25.9%</td>
<td>18.3%</td>
<td>3.9%</td>
</tr>
</tbody>
</table>

*Note for Figures 3 and 4: these categories were selected because they were the ones used by the Census Bureau. All of these numbers are taken from the state population information in the Thirteenth (1910), Fourteenth (1920), and Fifteenth (1930) United States Census. Some of the percentages, and all of the averages, are based on the author’s own calculations. Some of the rows do not add up to 100, because of rounding.¹

Table 4.2:
Race and Nativity of Total Population in Western States, 1910-1930, continued

1920: Percentage of Total U.S. Population

<table>
<thead>
<tr>
<th>State</th>
<th>Native-born white with native-born parentage</th>
<th>Native-born white with foreign or mixed parentage</th>
<th>Foreign-born white</th>
<th>Other (“Negro,” “Indian,” Chinese, Japanese, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>49</td>
<td>26.8</td>
<td>21.8</td>
<td>4.7</td>
</tr>
<tr>
<td>Idaho</td>
<td>68.1</td>
<td>21.4</td>
<td>9</td>
<td>1.4</td>
</tr>
<tr>
<td>Nevada</td>
<td>46.9</td>
<td>25.3</td>
<td>19.1</td>
<td>8.6</td>
</tr>
<tr>
<td>Oregon</td>
<td>63.5</td>
<td>21.6</td>
<td>13</td>
<td>1.8</td>
</tr>
<tr>
<td>Utah</td>
<td>54.7</td>
<td>31.1</td>
<td>12.6</td>
<td>1.4</td>
</tr>
<tr>
<td>Washington</td>
<td>52.5</td>
<td>26.4</td>
<td>18.1</td>
<td>2.7</td>
</tr>
<tr>
<td>Average</td>
<td>55.8%</td>
<td>21%</td>
<td>15.6%</td>
<td>3.4%</td>
</tr>
</tbody>
</table>

1930: Percentage of Total U.S. Population

<table>
<thead>
<tr>
<th>State</th>
<th>Native-born white with native-born parentage</th>
<th>Native-born white with foreign or mixed parentage</th>
<th>Foreign-born white</th>
<th>Other (“Negro,” “Indian,” Chinese, Japanese, Mexican, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>51.6</td>
<td>22.9</td>
<td>14.3</td>
<td>10.6</td>
</tr>
<tr>
<td>Idaho</td>
<td>71.9</td>
<td>12.5</td>
<td>6.8</td>
<td>8.8</td>
</tr>
<tr>
<td>Nevada</td>
<td>52.2</td>
<td>23.7</td>
<td>13.5</td>
<td>10.5</td>
</tr>
<tr>
<td>Oregon</td>
<td>66</td>
<td>21.1</td>
<td>11.1</td>
<td>1.6</td>
</tr>
<tr>
<td>Utah</td>
<td>62.7</td>
<td>26.3</td>
<td>8.6</td>
<td>2.3</td>
</tr>
<tr>
<td>Washington</td>
<td>55.9</td>
<td>25.8</td>
<td>15.6</td>
<td>2.3</td>
</tr>
<tr>
<td>Average</td>
<td>60.1%</td>
<td>22.1%</td>
<td>11.7%</td>
<td>6%</td>
</tr>
</tbody>
</table>

Table 4.3:
Race and Nativity of Males over Age 21 in Western States, 1910-1930

1910: Percent of Total Males Age 21 and Older

<table>
<thead>
<tr>
<th>State</th>
<th>Native-born white with native-born parentage</th>
<th>Native-born white with foreign or mixed parentage</th>
<th>Foreign-born white</th>
<th>Other (“Negro,” “Indian,” Chinese, Japanese, Mexican, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>40</td>
<td>19.7</td>
<td>32.3</td>
<td>7.9</td>
</tr>
<tr>
<td>Idaho</td>
<td>53.2</td>
<td>20.4</td>
<td>23.3</td>
<td>3</td>
</tr>
<tr>
<td>Nevada</td>
<td>38</td>
<td>21.6</td>
<td>31.9</td>
<td>8.5</td>
</tr>
<tr>
<td>Oregon</td>
<td>54.9</td>
<td>15.6</td>
<td>24.8</td>
<td>4.2</td>
</tr>
<tr>
<td>Utah</td>
<td>31.7</td>
<td>33.4</td>
<td>31.4</td>
<td>3.5</td>
</tr>
<tr>
<td>Washington</td>
<td>45.3</td>
<td>17.1</td>
<td>33.4</td>
<td>4.1</td>
</tr>
<tr>
<td>Average</td>
<td>43.85%</td>
<td>21.3%</td>
<td>29.5%</td>
<td>5.2%</td>
</tr>
</tbody>
</table>

1920: Percent of Total Males Age 21 and Older

<table>
<thead>
<tr>
<th>State</th>
<th>Native-born white with native-born parentage</th>
<th>Native-born white with foreign or mixed parentage</th>
<th>Foreign-born white</th>
<th>Other (“Negro,” “Indian,” Chinese, Japanese, Mexican, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>43.4</td>
<td>21.2</td>
<td>29.4</td>
<td>6.1</td>
</tr>
<tr>
<td>Idaho</td>
<td>57.4</td>
<td>23</td>
<td>17.6</td>
<td>2</td>
</tr>
<tr>
<td>Nevada</td>
<td>39.6</td>
<td>21.7</td>
<td>30.6</td>
<td>8.2</td>
</tr>
<tr>
<td>Oregon</td>
<td>56.6</td>
<td>19.3</td>
<td>21.7</td>
<td>2.4</td>
</tr>
<tr>
<td>Utah</td>
<td>37.6</td>
<td>35.7</td>
<td>23.8</td>
<td>2.8</td>
</tr>
<tr>
<td>Washington</td>
<td>45.8</td>
<td>21.1</td>
<td>29.7</td>
<td>3.3</td>
</tr>
<tr>
<td>Average</td>
<td>46.7%</td>
<td>23.7%</td>
<td>25.5%</td>
<td>4.1%</td>
</tr>
</tbody>
</table>

1930: Percent of Total Males Age 21 and Older

<table>
<thead>
<tr>
<th>State</th>
<th>Native-born white with native-born parentage</th>
<th>Native-born white with foreign or mixed parentage</th>
<th>Foreign-born white</th>
<th>Other (“Negro,” “Indian,” Chinese, Japanese, Mexican, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>47</td>
<td>20.8</td>
<td>21.2</td>
<td>10.8</td>
</tr>
<tr>
<td>Idaho</td>
<td>61</td>
<td>23.6</td>
<td>13.4</td>
<td>.2</td>
</tr>
<tr>
<td>Nevada</td>
<td>45</td>
<td>21.7</td>
<td>22.3</td>
<td>11</td>
</tr>
<tr>
<td>Oregon</td>
<td>59</td>
<td>21</td>
<td>17.8</td>
<td>2.1</td>
</tr>
<tr>
<td>Utah</td>
<td>46.4</td>
<td>34</td>
<td>16</td>
<td>3.6</td>
</tr>
<tr>
<td>Washington</td>
<td>48.5</td>
<td>23.9</td>
<td>24.7</td>
<td>2.9</td>
</tr>
<tr>
<td>Average</td>
<td>51.5%</td>
<td>24.2%</td>
<td>19.2%</td>
<td>5.1%</td>
</tr>
</tbody>
</table>
### Table 4.4: Mann Act Violations: Intake Records of Federal Penitentiary at McNeil Island, Washington, 1912

<table>
<thead>
<tr>
<th>Birthplace</th>
<th>Complexion</th>
<th>Married</th>
<th>Occupation</th>
<th>Property</th>
<th>Religion</th>
<th>Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>Russia</td>
<td>dark</td>
<td>yes</td>
<td>jewelry salesman</td>
<td>none</td>
<td>Jewish</td>
<td>32</td>
</tr>
<tr>
<td>Virginia</td>
<td>fair</td>
<td>yes</td>
<td>merchant</td>
<td>none</td>
<td>Protestant</td>
<td>69</td>
</tr>
<tr>
<td>Nebraska</td>
<td>fair</td>
<td>no</td>
<td>ice business/com labor [sic]</td>
<td>none</td>
<td>Catholic</td>
<td>28</td>
</tr>
<tr>
<td>Arkansas</td>
<td>fair</td>
<td>yes</td>
<td>farmer</td>
<td>none</td>
<td>none</td>
<td>44</td>
</tr>
<tr>
<td>California</td>
<td>fair</td>
<td>no</td>
<td>waiter/bartender</td>
<td>none</td>
<td>none</td>
<td>22</td>
</tr>
<tr>
<td>California</td>
<td>fair</td>
<td>no</td>
<td>[illegible]/engineer</td>
<td>blank</td>
<td>none</td>
<td>44</td>
</tr>
<tr>
<td>Italy</td>
<td>fair</td>
<td>blank</td>
<td>blacksmith</td>
<td>none</td>
<td>Catholic</td>
<td>23</td>
</tr>
<tr>
<td>Russia</td>
<td>ruddy</td>
<td>yes</td>
<td>[illegible]</td>
<td>none</td>
<td>Hebrew</td>
<td>52</td>
</tr>
<tr>
<td>Idaho</td>
<td>fair</td>
<td>yes</td>
<td>waiter/farmer</td>
<td>none</td>
<td>Protestant</td>
<td>25</td>
</tr>
<tr>
<td>New York</td>
<td>medium</td>
<td>yes</td>
<td>druggist</td>
<td>none</td>
<td>Protestant</td>
<td>34</td>
</tr>
<tr>
<td>Russia</td>
<td>fair</td>
<td>blank</td>
<td>tailor/coatmaker</td>
<td>none</td>
<td>Jewish</td>
<td>21</td>
</tr>
<tr>
<td>Washington</td>
<td>fair</td>
<td>no</td>
<td>barber/restaurant man</td>
<td>none</td>
<td>Protestant</td>
<td>32</td>
</tr>
<tr>
<td>England</td>
<td>fair</td>
<td>blank</td>
<td>electrician</td>
<td>none</td>
<td>Protestant</td>
<td>27</td>
</tr>
<tr>
<td>Hawaii</td>
<td>dark</td>
<td>blank</td>
<td>musician/ [teamster?]</td>
<td>none</td>
<td>Catholic</td>
<td>26</td>
</tr>
<tr>
<td>Russia</td>
<td>fair</td>
<td>yes</td>
<td>waiter/tailoring</td>
<td>none</td>
<td>Jewish</td>
<td>23</td>
</tr>
<tr>
<td>Oregon</td>
<td>fair</td>
<td>yes</td>
<td>hardwood floor layer</td>
<td>blank</td>
<td>Catholic</td>
<td>31</td>
</tr>
<tr>
<td>France</td>
<td>medium</td>
<td>no</td>
<td>cook</td>
<td>none</td>
<td>Catholic</td>
<td>36</td>
</tr>
<tr>
<td>Austria</td>
<td>fair</td>
<td>yes</td>
<td>painter</td>
<td>none</td>
<td>Jewish</td>
<td>30</td>
</tr>
<tr>
<td>Ireland</td>
<td>ruddy</td>
<td>yes</td>
<td>cook/waiter</td>
<td>blank</td>
<td>Catholic</td>
<td>32</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>fair</td>
<td>no</td>
<td>bushelman</td>
<td>none</td>
<td>none</td>
<td>17</td>
</tr>
<tr>
<td>Greece</td>
<td>swarthy</td>
<td>yes</td>
<td>cook</td>
<td>none</td>
<td>Catholic</td>
<td>26</td>
</tr>
<tr>
<td>Denmark</td>
<td>fair</td>
<td>no</td>
<td>bartender</td>
<td>none</td>
<td>Protestant</td>
<td>22</td>
</tr>
<tr>
<td>North Carolina</td>
<td>fair</td>
<td>no</td>
<td>cook</td>
<td>none</td>
<td>none</td>
<td>22</td>
</tr>
<tr>
<td>Washington</td>
<td>ruddy</td>
<td>no</td>
<td>[nursery?]/sailor</td>
<td>blank</td>
<td>Protestant</td>
<td>21</td>
</tr>
<tr>
<td>Illinois</td>
<td>fair</td>
<td>yes</td>
<td>boiler maker/steel construction</td>
<td>blank</td>
<td>Protestant</td>
<td>23</td>
</tr>
<tr>
<td>Kansas</td>
<td>fair</td>
<td>yes</td>
<td>bartender</td>
<td>none</td>
<td>Catholic</td>
<td>30</td>
</tr>
<tr>
<td>Norway</td>
<td>fair</td>
<td>no</td>
<td>car repairer</td>
<td>none</td>
<td>Protestant</td>
<td>23</td>
</tr>
<tr>
<td>Michigan</td>
<td>fair</td>
<td>no</td>
<td>[illegible] and barber</td>
<td>none</td>
<td>none</td>
<td>21</td>
</tr>
<tr>
<td>Minnesota</td>
<td>fair</td>
<td>yes</td>
<td>miner/saloonkeeper</td>
<td>none</td>
<td>none</td>
<td>40</td>
</tr>
<tr>
<td>Italy</td>
<td>dark</td>
<td>no</td>
<td>barber</td>
<td>none</td>
<td>Catholic</td>
<td>26</td>
</tr>
<tr>
<td>North Carolina</td>
<td>fair</td>
<td>blank</td>
<td>baker</td>
<td>none</td>
<td>none</td>
<td>27</td>
</tr>
<tr>
<td>Russia</td>
<td>dark</td>
<td>yes</td>
<td>clothing merchant</td>
<td>none</td>
<td>Russian Jew</td>
<td>29</td>
</tr>
<tr>
<td>Italy</td>
<td>fair</td>
<td>no</td>
<td>bartender/waiter</td>
<td>none</td>
<td>Catholic</td>
<td>23</td>
</tr>
<tr>
<td>Austria</td>
<td>medium</td>
<td>no</td>
<td>waiter/salesman</td>
<td>none</td>
<td>Hebrew</td>
<td>27</td>
</tr>
<tr>
<td>Illinois</td>
<td>fair</td>
<td>no</td>
<td>barber</td>
<td>none</td>
<td>none</td>
<td>29</td>
</tr>
<tr>
<td>Maine</td>
<td>medium</td>
<td>yes</td>
<td>telegrapher</td>
<td>none</td>
<td>none</td>
<td>35</td>
</tr>
<tr>
<td>Italy</td>
<td>dark</td>
<td>yes</td>
<td>coal miner/cook</td>
<td>none</td>
<td>Catholic</td>
<td>25</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>medium</td>
<td>yes</td>
<td>gasoline engineer</td>
<td>none</td>
<td>none</td>
<td>25</td>
</tr>
<tr>
<td>Iowa</td>
<td>ruddy</td>
<td>yes</td>
<td>horse trainer</td>
<td>none</td>
<td>Protestant</td>
<td>29</td>
</tr>
<tr>
<td>China</td>
<td>Chinese</td>
<td>yes</td>
<td>cook/laundryman</td>
<td>none</td>
<td>none</td>
<td>50</td>
</tr>
</tbody>
</table>

1 Occasionally the register has blank spaces, or, more commonly, lines drawn through boxes. Since I do not know exactly what such a line was meant to indicate, I have called all non-answers of any form “blank” in the table. The entries that say “none” actually had the word “none” in the register. The ages were not listed in the register; they are my approximations of age, based on the year (but not the month and day) of the prisoner’s birth.
### Table 4.5:
**Mann Act Violations:**
**Intake Records of Federal Penitentiary at McNeil Island, Washington, 1926**

<table>
<thead>
<tr>
<th>Birthplace</th>
<th>Complexion</th>
<th>Married</th>
<th>Occupation</th>
<th>Property</th>
<th>Religion</th>
<th>Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oklahoma</td>
<td>ruddy</td>
<td>yes</td>
<td>baker</td>
<td>none</td>
<td>Protestant</td>
<td>23</td>
</tr>
<tr>
<td>Illinois</td>
<td>ruddy</td>
<td>divorced</td>
<td>writer</td>
<td>none</td>
<td>Protestant</td>
<td>40</td>
</tr>
<tr>
<td>Tennessee</td>
<td>fair</td>
<td>yes</td>
<td>cook</td>
<td>none</td>
<td>Protestant</td>
<td>46</td>
</tr>
<tr>
<td>Illinois</td>
<td>fair</td>
<td>yes</td>
<td>hotel keeper</td>
<td>none</td>
<td>Methodist</td>
<td>34</td>
</tr>
<tr>
<td>New York</td>
<td>dark</td>
<td>divorced</td>
<td>stationary engineer/fireman</td>
<td>none</td>
<td>Protestant</td>
<td>36</td>
</tr>
<tr>
<td>Washington</td>
<td>light</td>
<td>divorced</td>
<td>entertainer</td>
<td>none</td>
<td>Catholic</td>
<td>24</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>ruddy</td>
<td>yes</td>
<td>baker</td>
<td>none</td>
<td>Catholic</td>
<td>18</td>
</tr>
<tr>
<td>Illinois</td>
<td>ruddy</td>
<td>yes</td>
<td>musician</td>
<td>none</td>
<td>Protestant</td>
<td>44</td>
</tr>
<tr>
<td>Kentucky</td>
<td>ruddy</td>
<td>yes</td>
<td>plasterer</td>
<td>none</td>
<td>none</td>
<td>46</td>
</tr>
<tr>
<td>Kansas</td>
<td>negro</td>
<td>yes</td>
<td>waiter</td>
<td>none</td>
<td>Protestant</td>
<td>31</td>
</tr>
<tr>
<td>Oregon</td>
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<td>yes</td>
<td>waiter</td>
<td>none</td>
<td>Protestant</td>
<td>20</td>
</tr>
<tr>
<td>Nebraska</td>
<td>ruddy</td>
<td>no</td>
<td>teamster/waiter</td>
<td>none</td>
<td>Catholic</td>
<td>30</td>
</tr>
<tr>
<td>Florida</td>
<td>ruddy</td>
<td>yes</td>
<td>cook/waiter</td>
<td>none</td>
<td>Catholic</td>
<td>25</td>
</tr>
<tr>
<td>Idaho</td>
<td>dark</td>
<td>yes</td>
<td>carpenter and stationary engineer</td>
<td>none</td>
<td>Catholic</td>
<td>22</td>
</tr>
<tr>
<td>Oregon</td>
<td>fair</td>
<td>blank</td>
<td>carpenter and stationary engineer</td>
<td>none</td>
<td>Catholic</td>
<td>18</td>
</tr>
<tr>
<td>Indiana</td>
<td>ruddy</td>
<td>yes</td>
<td>musician</td>
<td>none</td>
<td>Protestant</td>
<td>44</td>
</tr>
<tr>
<td>Kentucky</td>
<td>ruddy</td>
<td>yes</td>
<td>plasterer</td>
<td>none</td>
<td>none</td>
<td>46</td>
</tr>
<tr>
<td>Kansas</td>
<td>negro</td>
<td>yes</td>
<td>waiter</td>
<td>none</td>
<td>Protestant</td>
<td>31</td>
</tr>
<tr>
<td>Oregon</td>
<td>light</td>
<td>yes</td>
<td>waiter</td>
<td>none</td>
<td>Protestant</td>
<td>20</td>
</tr>
<tr>
<td>Nebraska</td>
<td>ruddy</td>
<td>no</td>
<td>teamster/waiter</td>
<td>none</td>
<td>Catholic</td>
<td>30</td>
</tr>
<tr>
<td>Florida</td>
<td>ruddy</td>
<td>yes</td>
<td>cook/waiter</td>
<td>none</td>
<td>Catholic</td>
<td>25</td>
</tr>
<tr>
<td>Idaho</td>
<td>dark</td>
<td>yes</td>
<td>blacksmith helper and farmer</td>
<td>none</td>
<td>Catholic</td>
<td>22</td>
</tr>
<tr>
<td>Mexico</td>
<td>dark</td>
<td>no</td>
<td>laborer</td>
<td>none</td>
<td>Catholic</td>
<td>blank</td>
</tr>
<tr>
<td>Washington</td>
<td>fair</td>
<td>yes</td>
<td>sailor/lumber grader/cabinet maker</td>
<td>none</td>
<td>Protestant</td>
<td>28</td>
</tr>
<tr>
<td>Poland</td>
<td>fair</td>
<td>yes</td>
<td>miner/farmer</td>
<td>none</td>
<td>Catholic</td>
<td>37</td>
</tr>
<tr>
<td>Oregon</td>
<td>fair</td>
<td>yes</td>
<td>physician/surgeon</td>
<td>none</td>
<td>Protestant</td>
<td>40</td>
</tr>
<tr>
<td>California</td>
<td>ruddy</td>
<td>no</td>
<td>painter</td>
<td>none</td>
<td>none</td>
<td>35</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>sallow</td>
<td>no</td>
<td>plumber's helper</td>
<td>none</td>
<td>Catholic</td>
<td>25</td>
</tr>
<tr>
<td>New York</td>
<td>ruddy</td>
<td>yes</td>
<td>mechanic</td>
<td>none</td>
<td>Catholic</td>
<td>28</td>
</tr>
<tr>
<td>Italy</td>
<td>ruddy</td>
<td>no</td>
<td>moulder/barber</td>
<td>none</td>
<td>blank</td>
<td>32</td>
</tr>
<tr>
<td>Iowa</td>
<td>ruddy</td>
<td>yes</td>
<td>rancher</td>
<td>yes</td>
<td>none</td>
<td>59</td>
</tr>
<tr>
<td>Michigan</td>
<td>ruddy</td>
<td>divorced</td>
<td>hotel clerk</td>
<td>none</td>
<td>Protestant</td>
<td>36</td>
</tr>
<tr>
<td>Oregon</td>
<td>ruddy</td>
<td>blank</td>
<td>police officer</td>
<td>farm</td>
<td>Protestant</td>
<td>42</td>
</tr>
<tr>
<td>California</td>
<td>ruddy</td>
<td>no</td>
<td>waiter/farmer</td>
<td>none</td>
<td>blank</td>
<td>29</td>
</tr>
<tr>
<td>Colorado</td>
<td>dark</td>
<td>yes</td>
<td>barber and waiter</td>
<td>none</td>
<td>none</td>
<td>31</td>
</tr>
<tr>
<td>Iowa</td>
<td>fair</td>
<td>no</td>
<td>printer</td>
<td>none</td>
<td>Methodist</td>
<td>25</td>
</tr>
<tr>
<td>Yugoslavia</td>
<td>medium</td>
<td>yes</td>
<td>miner</td>
<td>none</td>
<td>Protestant</td>
<td>40</td>
</tr>
<tr>
<td>Germany</td>
<td>ruddy</td>
<td>no</td>
<td>ba[k]er</td>
<td>none</td>
<td>Catholic</td>
<td>46</td>
</tr>
<tr>
<td>Australia</td>
<td>fair</td>
<td>yes</td>
<td>steam fitter</td>
<td>none</td>
<td>Protestant</td>
<td>46</td>
</tr>
<tr>
<td>Kansas</td>
<td>medium</td>
<td>no</td>
<td>teamster</td>
<td>none</td>
<td>Protestant</td>
<td>25</td>
</tr>
<tr>
<td>Georgia</td>
<td>fair</td>
<td>blank</td>
<td>waiter</td>
<td>none</td>
<td>Methodist</td>
<td>24</td>
</tr>
<tr>
<td>Washington</td>
<td>fair</td>
<td>blank</td>
<td>baggage man</td>
<td>none</td>
<td>Methodist</td>
<td>44</td>
</tr>
<tr>
<td>Michigan</td>
<td>fair</td>
<td>yes</td>
<td>steel worker and chauffeur</td>
<td>none</td>
<td>blank</td>
<td>32</td>
</tr>
<tr>
<td>Philippine</td>
<td>Filipino</td>
<td>blank</td>
<td>cook</td>
<td>none</td>
<td>Catholic</td>
<td>21</td>
</tr>
<tr>
<td>Islands</td>
<td>Filipino</td>
<td>blank</td>
<td>cook</td>
<td>none</td>
<td>Catholic</td>
<td>21</td>
</tr>
</tbody>
</table>
Chart 4.3:
Percentage of Men at the McNeil Island Penitentiary Convicted of Violating the Mann Act Who Were Foreign-Born
1910-1939

Note: This graph shows a general trend toward having fewer foreign-born men convicted of violating the Mann Act only as a proportion of the total. For instance, in 1910, two of the three prisoners at McNeil Island on Mann Act convictions were foreign-born, making them 66% of the total. In 1922, two were again foreign-born, but out of a total of eleven, making them only 18% of the total.
Chapter Five:

**Moral Regulation and Respectable Cities in the Pacific Northwest**

The Mann Act by design extended throughout all of the states and territories of the U.S. Like other federal laws, it was created, enforced, and interpreted by people working for the federal government. Alleged violators were investigated by agents working for the Federal Bureau of Investigation, under guidelines distributed by the Department of Justice, and within the parameters established by the Supreme Court in a long series of decisions related to the Mann Act. However, its enforcement also depended to a large extent on local and regional conditions. Mann Act prosecutions required a high degree of cooperation from local communities. Someone had to report the alleged violators to the Bureau or local officers, a grand jury made up of local citizens needed to approve the prosecutor’s request for an indictment, and the trial jury ultimately chose whether or not to convict. Therefore, despite efforts by the Department of Justice to standardize Mann Act prosecutions, local and regional conditions still shaped the context in which Mann Act violators were reported and prosecuted.

However, no regional case studies have been published of Mann Act prosecutions. The most thorough examination of the Mann Act, David Langum’s *Crossing Over the Line*, takes a national approach to the law.¹ To further understand the dynamics of Mann Act prosecutions, case studies are also necessary. Examinations of

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¹ David Langum, *Crossing Over the Line: Legislating Morality and the Mann Act* (Chicago: University of Chicago Press, 1994). Langum does include a couple of paragraphs specifically about Mann Act cases in Providence, Rhode Island, and Mobile, Alabama, and offers some statistics from what he found there, but does not provide a detailed case study of either region.
specific regions are particularly revealing about the cultural contexts that influenced enforcement of the law. However representative any given region may be of the national trends, no specific locale will ever be in complete accord with others. The ways in which individual regions vary reveals the tensions embedded in the Mann Act between commercial and noncommercial prosecutions—between the protection of allegedly exploited women and the regulation of what were clearly consensual, adult affairs.

This particular study focuses on the first two decades of Mann Act enforcement in the Pacific Northwest, where Mann Act prosecutions occurred at a disproportionately high rate compared to national averages.\(^2\) Taken as a whole, the types of prosecutions in the Pacific Northwest were not fundamentally different from those nationwide, but they occurred more frequently. Not only were there relatively more cases, but prosecutions based on noncommercial affairs began to appear sooner than in most other regions. Both the quantity and type of prosecutions were linked to the massive social transformation taking place in the Pacific Northwest during the early twentieth century; they reflect the heightened nature of social conflict, rapid urban growth, and powerful reform movements in this region. Both Oregon and Washington were states at the vanguard of the early-twentieth-century progressive movements. Seattle is exemplary in this regard, for the effort to build a respectable city out of a wild, frontier town led directly to the targeting of

\(^2\) For the purposes of this study, the “Pacific Northwest” is defined as the states of Oregon, Washington, and Idaho.
the vice industry—conveniently, for reformers, at the very moment that the Mann Act was enacted.³

The Department of Justice led the national effort to end “white slavery” by enforcing the Mann Act. Soon after the law’s passage, it announced that a “federal campaign against traffickers in women, country wide in its scope, will be started at once.” Chicago’s District Attorney Sims added with confidence, “It is safe to say that this fall an active move against [Mann Act violators] will be made in all parts of the country.”⁴ The plan put forth by the Department of Justice called for an organized “force of special investigators,” who would conduct a “nation-wide round-up of the men who traffic in ‘white slaves,’” but would only target the leading offenders and not attempt any moral regulation by trying to “clean up” cities.⁵ Besides agents working for the Bureau of Investigation, the Department of Justice also hired “a corps of local white-slave officers, who are stationed at most of the principal cities of the country and through whom a large amount of useful information has been obtained.”⁶ In 1913, the Attorney General

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³ Only through additional regional case studies can more questions about the Mann Act be answered: Were cases distributed fairly evenly throughout the country, or were they clustered in specific regions? Were those regions, like the Pacific Northwest, undergoing dramatic transformations, and heavily influenced by female-led reform organizations? The Mann Act included the U.S. territories and Washington D.C.; were cases prosecuted in Alaska, Hawaii, the Philippines, and Puerto Rico at rates similar to those in the continental U.S.? Were race, ethnicity, and immigration larger factors in some regions than others? Future comparative case studies could provide the answers to these questions, and help to identify the ways in which the Mann Act was shaped by the dynamics of particular places.


declared that this plan had achieved “very material progress … in suppressing the most vicious features of the traffic.”

However, the statistics the Attorney General included in his annual reports for 1912 and 1913 tell a more complete story. Though the Department of Justice did successfully prosecute hundreds of cases nationwide during these years, progress proceeded very unevenly throughout the country. While a few district courts boasted dozens of Mann Act convictions by 1913, most of them—three full years after the passage of the law—only had between one and ten convictions, and even fewer acquittals. With just a handful of cases occurring in most districts during the first few years, those districts that did have a significant number of cases stand out as exceptional. In terms of total cases prosecuted, the 1913 Annual Report shows the eastern district of Michigan (Detroit) in the lead, with 62 cases. Western Washington (Seattle) was second, with 56 cases, followed by the northern district of Illinois (Chicago) with 50, eastern Washington (Spokane) with 46, and Oregon with 45. Two districts viewed as prime locations for white slavery—New York City and San Francisco—lagged far behind, with 34 and 31 cases, respectively. That means that Washington and Oregon had three of the top five districts in terms of quantity of Mann Act prosecutions. No other single state had as many prosecutions as Washington by 1913. During these early years, only the Midwest rivaled the Pacific Northwest in terms of quantity of cases.

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7 Ibid., 51.
8 These totals include convictions, acquittals, and pending cases where applicable.
Unfortunately, the Attorney General’s *Annual Report* contains state-by-state statistics for Mann Act prosecutions only for the years 1912 and 1913. For all other years, it lists just nationwide totals, which do not allow for any comparisons between districts, only a comparison between a district and the national total. The statistics from 1912 and 1913, however, are enough to confirm that rates of prosecution varied dramatically by region. Even allowing for differences between individual District Attorneys and judges, the number suggests that regional social and political contexts significantly affected the rates of prosecutions.

Indeed, contemporary observers complained that the culture of New York City had a negative influence on the ability to prosecute Mann Act cases there. Reformers found that the Mann Act was not strongly enforced in New York, though the city was allegedly the largest bastion of white slavery in the U.S. Frederick H. Whitin, Secretary of the Committee of Fourteen in New York City, wrote that judges needed more of an education about “the moral sentiment of the day.” He suspected that, because federal judges were “men of the older generation,” they did not “look upon the commercializer of prostitution, if he is not a white slaver in the stricter meaning of that term, with the abhorrence which is growing so rapidly in the younger generation.”

Even the famed prosecutor and anti-white slavery crusader Clifford Roe found New York a tough market for Mann Act prosecutions. The *New York Times* reported:

> If public sentiment is to be estimated by its juries, says Mr. Roe, there is great need of a moral awakening here. He has found it next to impossible to indict, not to say anything about convicting, a white slaver in New York if his victim happens to be over 17 or 18 years of age. Moreover, if the girl

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10 Quoted in Langum, *Crossing Over the Line*, 60.
has made one misstep, the prevailing sentiment among jurors, he finds, is to let her look out for herself, and they will not protect her.

Roe also found that, even when he put together “unqualifiedly strong” cases, still the Grand Juries failed to indict. “In almost any other American city,” he said, “these cases would have resulted in convictions,” but in New York he discovered that even in the cases that did reach the courts, “the juries failed to convict with one or two possible exceptions.” This left Roe with the distinct impression that “the moral conscience of New York is deadened and that there is need of a widespread awakening to the extent of the white slave trade in this community.”

The comments of such observers make it clear that regional differences mattered in terms of how ordinary citizens perceived the utility of the Mann Act, while also affecting juries’ decisions about whether or not to convict defendants.

Just as significant as the rapid pace with which cases were prosecuted in the Pacific Northwest was the nature of the Mann Act “crimes” committed there. In the country as a whole, between 1910 and 1917, prosecutions progressed slowly and inconsistently along the path from commercial prosecutions—those cases most closely resembling “white slavery”—to noncommercial prosecutions. The turning point was the Supreme Court’s Caminetti decision in 1917, which stated definitively that cases involving no commercial gain whatsoever were admissible under the Mann Act. This launched a dramatic increase in prosecutions around the country during the 1920s, particularly of couples engaged in consensual, interstate affairs. Such prosecutions were far removed from the hysteria about “white slavery.” In contradiction to this national

narrative, interstate affairs with little or no commercial component were prosecuted from the very beginning in the Pacific Northwest, well before the Supreme Court’s *Caminetti* ruling. This aggressive stance on the Mann Act—in terms of both numbers and types of prosecutions—is linked to the extremely active reform and woman suffrage movements in the Pacific Northwest, and to the attempts to build respectable, clean, moral cities. Nowhere was this more true than in Seattle.

**Building a Respectable West**

In the early twentieth century, the cities of the Pacific Northwest were undergoing immense and rapid changes, and therefore became some of the most fertile grounds for “progressive” reforms and policy changes. Indeed, the Pacific Northwest was at the vanguard of many of the Progressive Era movements, including woman suffrage and labor reform. It is no coincidence that enforcement of the Mann Act was also particularly “successful” there. The Pacific Northwest was therefore both representative and unique; the concerns of its citizens and their responses resembled those of other Americans throughout the country during the 1910s, but they also experienced these concerns and responses at a heightened level as a consequence of their particular regional development. The Progressive Era in the Pacific Northwest was much like it was elsewhere, but accelerated. As John Putman said about his study of gender and politics in Seattle during the 1910s, “Seattle seemed to be the perfect city to study, because it offered the chance to
test the idea that rapid growth in a short time span would expose in greater relief the conflicts and struggles Americans faced in the industrial age.”

The cities of the Pacific Northwest came of age during a time when the relationships between Americans and their economy, government, and social fabric were undergoing enormous changes. Although geographically removed from the centers of urban reform in Chicago and New York City, residents of the Pacific Northwest lived amongst conditions that were almost perfectly suited to experimentation with governance and city organization. As Earl Pomeroy argued in his history of the American West, “In the early years of the new century … few states were ahead of those on the Pacific slope in conditions that historians of the progressive movement have cited as predisposing electorates to interest in reform.” These western states were more city-centered than the rest of the nation, with their populations tending to cluster around urban areas. At the turn of the twentieth century, even those who did not live in cities oriented themselves in relation to them, seeing their towns more as satellites of the major urban centers in the West than as members of a particular state: “The prospective settler headed for Salt Lake City, San Francisco, Portland, or one of their later rivals…. Economically and culturally, the most significant divisions were not state boundaries but the watersheds of urban allegiance and control.” Though the majority of the western population still did not live in cities (defined by the census as having more than 2,500 inhabitants), they looked to nearby urban areas for economic, political, and cultural authority.

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14 Ibid., 120.
At the turn of the twentieth century, easterners could have been forgiven for viewing the Pacific Northwest as a turbulent, wild place; in many ways it was. And it was just barely stepping out of its frontier stage—Washington and Idaho transitioned from territory to state in 1889 and 1890, respectively. Oregon was the old-timer in the mix, having achieved statehood in 1859. Therefore, Portland was more established than Seattle, Tacoma, Spokane, or Boise, and until the early twentieth century it was the undisputed economic center of the Pacific Northwest. By the 1910s, however, the population of Seattle surpassed that of Portland, and the city’s economic dominance began to erode. In many ways, the railroads were responsible for this transformation, as they built lines in the late nineteenth century to Tacoma, just south of Seattle, and to Spokane, in eastern Washington. With the railroads came the advancement of industry and a rapid increase in population; they also brought with them the large numbers of migratory laborers who would pass through the Pacific Northwest in these decades.

Spokane, for instance, was just a tiny town until the railroads arrived in 1881, turning it into a booming city and making it the primary destination for the men headed to the mines in Idaho, as well as the raw materials coming out of the mines and forests of northern Idaho and eastern Washington. When gold was discovered in Alaska at the end of the nineteenth century, Seattle became the main layover and outfitter for all men bound for the Yukon. Therefore, both life and work in the Pacific Northwest in the early twentieth century revolved around the migration of people, and all of the major cities in that region saw enormous rates of growth. From 1900 to 1910, Boise, Portland, Tacoma, Seattle, and Spokane all more than doubled their populations. During that decade, the
nation’s population grew only 21 percent, but the population of Oregon increased by 62.7 percent, Idaho by 101.3 percent, and Washington by 120.4 percent.\textsuperscript{15}

This was a region full of migrants and immigrants, and dotted with brand-new cities struggling to create stable, moral governance. In Washington, for example, the 1910 census reported that, of the state’s U.S.-born population, 70.3 percent had been born outside the state of Washington; in some urban areas the percentage was even higher. The citizens of the Pacific Northwest were faced with both the challenge and opportunity of creating modern, respectable cities almost overnight. To that end, they embraced, shaped, and furthered many of the tenets of the Progressive Era movements that were sweeping the country—including the Mann Act. This was particularly true in Seattle, where various reform organizations engaged in a decades-long battle with the so-called vice interests over what type of city they would inhabit.

In the early twentieth century, Seattle had a persistent—and not totally undeserved—image problem, largely as a result of its thriving vice and prostitution industries.\textsuperscript{16} The city teemed with saloons, gambling parlors, and brothels. Seattle’s vice district, which catered to the mass of single men who moved through town on their way to Alaska or the next lumber camp, was notorious nation-wide. The Alaska-Yukon-Pacific Exposition of 1909 was supposed to be Seattle’s coming-out party, and politicians and reformers hoped to make a good impression on the world by cleaning up their city.


\textsuperscript{16} The vice and prostitution district was located in the very heart of Seattle—in the Pioneer Square, Belltown and Downtown area (south of Yesler Way). The restricted area was known as the Tenderloin, Skid Road, or the White Chapel District (after the one in London). Mildred Tanner Andrews, \textit{Woman’s Place: A Guide to Seattle and King County History} (Seattle: Gemil Press, 1994), 209.
Leading citizens wanted Seattle to have a good, clean image that would attract outside investment. They demanded that the mayor deal with the prostitution issue, and “make an effort to have our city morally clean.” These efforts were not particularly successful, and the more reform-minded citizens of Seattle continued to wage the fight for purity over the next two decades. A 1911 *McClure’s Magazine* article described Seattle’s rough-and-tumble reputation:

> In all large cities the most vexatious problem is the handling of prostitution and its attendant evils; but in Seattle this problem is especially difficult. The city is brand-new; its population has grown, in fifteen years, from fifty thousand to two hundred and fifty thousand. … In other words, in spite of the fact that Seattle is a great modern metropolis… it is still a city in a wilderness. A frontier town inevitably attracts a wild and undisciplined population, and, in addition, Seattle is the gateway of Alaska. At certain times of the year the city is overrun with sailors, miners, and loggers, all plentifully supplied with money and eagerly on the scent for the crudest forms of dissipation.”

Related to Seattle’s ongoing problem with prostitution was the allegation that white slavery was rampant in the city. Although most of the rhetoric about white slavery originated in Chicago and New York, it had traveled quickly throughout the country. By the time the Mann Act was signed into law in 1910, the residents of Seattle were well aware that their city was considered one of the country’s most fertile grounds for white slavery. Conditions there fostered such a reputation: Seattle received immigrants from both land and sea, underwent rapid industrialization, and was a major urban center with a booming vice district. These were the major factors that reformers had identified as contributing to white slavery.

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The 1909 report of the Immigration Commission had listed Seattle as one of the most significant ports of entry for prostitutes and procurers, second only to the ports of New York and Montreal, Canada. As Clifford Roe, the famed opponent of white slavery, wrote, “Some communities were rudely awakened by the report of the Immigration Commission.” In the 1910s, residents of Seattle saw the following poster—evidently modeled after a similar one designed by Roe—in their city:

Danger!! Mothers Beware
60,000 Innocent Girls Wanted to take the place of 60,000 White Slaves who will Die this year in the U.S.
Will you sacrifice your Daughter?

The citizens of western Washington were clearly no strangers to the white slavery hysteria. Indeed, when a woman from Tacoma, just south of Seattle, disappeared the night before she was supposed to get married, newspapers reported that her fiancé and family concluded she must have “been a victim of ‘white slave’ traffickers.”

The year 1910 was an especially turbulent one for the citizens of Seattle. The city was in the midst of a heated mayoral election campaign, which primarily revolved around the city’s relationship to the vice district. One of the candidates, Hiram Gill, boasted of his support for the vice district and promised not to outlaw prostitution, but rather to

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20 Clifford Roe, Panders and Their White Slaves, 214.
21 Putman, Class and Gender Politics, 99. Putman found this poster in a scrapbook of Seattle material from 1911-1917 (see Putman, n66, p. 242). From the description of the poster, it sounds like a variation on Clifford Roe’s famous “Wanted” poster, which said: “Wanted: Sixty Thousand Girls to Take the Place of 60,000 White Slaves Who Will Die This Year.” Roe’s estimated number of white slaves—60,000—was repeated throughout his books and the works of other anti-white slavery activists in the 1910s. Clifford Roe, The Great War on White Slavery, 1911.
regulate it within the restricted area. An editorial in the *Seattle Star* entitled “Gill and the White Slaves” criticized Gill’s stance on vice and made it clear how important it was to the writer to live in a city with a good reputation: “Neither a city nor an individual can have any more valuable asset than a good name. … With cities nothing else is so efficacious in inspiring its citizens with an enthusiasm for public service of the highest type as the conviction that their home city has a world-wide reputation for moral or intellectual supremacy.” The editorial bemoaned the embarrassing report that Seattle “stood first among American cities as the headquarters of the white slave traffic,” and proclaimed that this news did serious injury to “Seattle’s moral standing among her sister cities.”

The editorial drew a clear connection between a respectable city, the eradication of white slavery, and the authority of the federal government: “Closely following the publication of this report impugning Seattle’s good name came the arrest in this city of two of these white slave owners—Max Turner and Joseph Herman. Every mother and father in Seattle felt a momentary personal joy when the press carried the news that the strong hand of the federal government had clutched these two human beasts by the throat.” In this case, the government probably prosecuted the men under immigration laws, since the passage of the Mann Act was still a few months away. According to the editorial, the good citizens of Seattle—especially parents of daughters—should rejoice at the power offered by the federal government to eliminate the vice that plagued their city. Indeed, the writer asserted, “In the whole of Seattle there could not be a person of

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23 The editorial does not name the report, but it most likely referred to the 1909 report of the Immigration Commission, which was made public just weeks before the editorial.
decency and manhood who would step forth to extricate these wretches [the arrested men] from the government’s meshes.” But, the editorial continued, there was a villain in their midst: Hiram Gill, an attorney, president of the city council, and candidate for mayor. The citizens of Seattle “who thought that the federal government would not be obstructed in its work of crushing the white slave owner were mistaken.” Gill, it proclaimed, “wanted the white slaves’ money,” though it was “stamped with woman’s shame and woman’s tears.” A vote for Gill, it concluded, would be a vote in favor of the report that had declared Seattle one of the worst centers of white slavery in the country.24

Certainly not all the residents of Seattle agreed with the Seattle Star’s position on Hiram Gill, or its insistence that a healthy city required the elimination of prostitution. The Star was only Seattle’s third most popular paper until the First World War, when it became the city’s largest-selling one. It tended to be pro-labor, pro-Prohibition, and generally to support “progressive” reforms.25 And it failed in its effort to encourage voters not to elect Gill. After his successful campaign, Gill followed through on his promise not to drive prostitutes out of town, and Seattle’s vice industry flourished. He appointed the corrupt Charles “Wappy” Wappenstein as Chief of Police, who was happy to encourage the vice industry as long as it lined his pockets.26 A muckraking article in McClure’s Magazine declared that the appointment of Wappenstein “was the signal for a sinister migration of undesirables from all over the country. … According to conservative estimates, not far from two thousand characters of this kind were added to the population

26 After Gill was recalled, a grand jury indicted Wappenstein and ultimately convicted him for the payments he took from prostitutes.
of Seattle in a few weeks.”27 Within a few months of Gill’s election, a group of investors openly began construction on a large crib house where about two hundred prostitutes could work out of small rooms.28 The flourishing vice district horrified a segment of Seattle’s population, as even “respectable” ladies had to walk past these regions of downtown in the course of their daily lives.

Meanwhile, the 1910 elections had brought with them another kind of social change: the triumph of woman suffrage in the state of Washington. Coming fourteen years after the last states to vote in favor of woman suffrage—Idaho and Utah—this was an enormous victory, and signaled the beginning of a wave of suffrage wins in western states. Woman suffrage had long been connected to the ongoing cycles of vice and reform in Washington. In 1883, women gained the vote in the territory of Washington, with the idea that they would “swing the balance of power to the side of virtue.” It worked, and for a time “sin in Seattle was dealt a stunning blow. Brothels and saloons were suddenly closed. Sunday blue laws were enforced, and perpetrators of vice were prosecuted.” This led to an economic slump, and in short order the reform politicians were voted out and the Territorial Supreme Court in 1887 yielded to pressure to declare woman suffrage unconstitutional. Women did not regain the right to vote until 1910.29

The suffrage campaign in the Pacific Northwest, much like in the rest of the nation, had revolved to a large extent around ideas of women’s moral purity. Suffrage leaders in Washington argued that women needed the ballot to protect women, children,

28 Putman, Class and Gender Politics in Progressive-Era Seattle, 98.
and the home. The Seattle Suffrage Club declared that women required “every means of self-defense, including the ballot. It is not true that men protect women. The 300,000 ‘white slaves’ in this country disprove it.”

In 1910, every county in Washington passed the suffrage amendment, including Seattle’s King County. Within Seattle, the only ward to oppose it was the First Ward—home of the vice district. Seattle became the largest city in the country in which women could vote. In his history of class, gender, and politics in Seattle, John Putman argued that the campaign for woman suffrage proved successful in Washington precisely because of women’s respectable and moral image at a time when vice was so rampant. He suggested that, because they were already “disposed to perceive women as moral saviors and faced with the political and social crisis engendered by the tenderloin [vice district], Seattle residents likely needed little persuasion to accept woman suffrage as the best medicine for their ill city.”

With the aid of newly enfranchised women, reform-oriented citizens of Seattle believed that they could finally clean up the city for good. They began by ousting Mayor Gill, using a new Progressive-Era tool for fighting political corruption: the recall. As Burton J. Hendrick explained to readers of McClure’s, a “recall” is “one of those newfangled devices which, in the opinion of many serious people, are overturning our most sacred institutions and substituting anarchy for the orderly social and political system that now exists.” He, however, believed that the recall had been a successful tool in the hands of reformers and female voters in Seattle, when “the community had

31 Ibid., 112.
32 Ibid., 99.
awakened, had determined to clean house and administer suitable discipline to those who had betrayed its real interests." The recall brought debates about morality and the goal of a respectable city to the fore. Hendrick believed that these issues “naturally” appealed to female voters, who were particularly interested in “protecting the home” and “eliminating the vices from which women are the greatest sufferers.”

Women’s enfranchisement did, indeed, seem to make the difference, and in their first act as voters the women of Seattle kicked Gill out of office, electing in his stead a man who promised to eliminate the vice district.

After Seattle’s voting women successfully ousted Mayor Gill, they declared that they had won a huge victory for decency and morality in the city. Some observers claimed that a thousand prostitutes left the city within a year, and that “Seattle had been transformed from ‘one of the most immoral cities on the continent’ to one of the cleanest.” Throughout 1911, a “purity squad” organized by the new Mayor roamed the vice district, arresting prostitutes and shutting down illegal activity; by the end of the year, this squad had “reportedly arrested more than 1,200 women, including 119 teenage girls.” It is no coincidence, then, that Mann Act prosecutions occurred at such a high rate in Seattle in 1911 and 1912. The social and political emphasis on ridding the city of prostitution created an environment in which “white slavers” were not only more likely to be reported and arrested, but in which the “good” citizens of Seattle—those who

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34 Ibid., 660.
35 Ibid.
36 Ibid., _Class and Gender Politics in Progressive-Era Seattle_, 119-120.
37 Ibid., 121.
supported decency, morality, and the protection of the home—would be unlikely to acquit men who carried on interstate affairs with women of ill repute.

Throughout the 1910s and 1920s, the work of women in the Pacific Northwest to create a morally pure environment received high praise. Reformers around the country cited Seattle as an excellent example of the effort to clean up a city. The *Herald of Gospel Liberty* said that the city “accomplished splendid results, although in Seattle they had to remove from office the mayor of the city and elect a new mayor before the citizens could have the law enforced.”  

The *Central Law Journal* reported in a 1914 article entitled “What Have Women Done With the Vote?” that the “equal suffrage metropolises,” including Seattle, had “stamped out their ‘bad lands,’ and put an end to municipal sanction of commercialized vice.” A 1918 letter from a hotel owner in Seattle to a hotel manager in Massachusetts cited the virtues of living in a “dry state” where alcohol was prohibited. “In this State we thank the Lord, and the women’s votes, for the changed and really pleasant surroundings we enjoy at this time,” he wrote, “this city is unusually clean and healthy, and morally right, and is a real Home town.”  

In 1915, George Piper, the Washington state senator who helped to force the suffrage bill through the state legislature, wrote a letter to the editor of the *New York Tribune* explaining why he continued to support woman suffrage. His reasons revolved around the moral purity that women allegedly brought to politics:

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38 “A Brief Account of the Men and Religion Campaign Against Commercialized Vice in Atlanta, Ga.,” *Herald of Gospel Liberty* (August 14, 1913), 799.


40 H.E. Maltby to C. King, February 20, 1918, Seattle Federation of Women’s Clubs, 5175-001, Box 5, Folder 1915-1924, Special Collections, University of Washington Libraries, Seattle. Maltby was a hotel magnate in the Pacific Northwest; his hotels later became part of the Westin chain.
Since visiting [New York] I have been asked if I am still for suffrage and why. I wish to say that I am, and, in brief, the following are a few reasons: First—Every ‘white slaver’ in the state is against it. … Seventh—The fact that it brought the Supreme Court and the Legislature to a just appreciation of the duty they owed to women. Eighth—The fact that it brought more power to the home, the shrine of purity and liberty.41

This rhetoric proved central to the mayoral campaign of Bertha Landes, who in 1926 became the first female mayor of a major city in the U.S.42 According to historian Doris Pieroth, Landes was part of a progressive tradition “intent on the moral regeneration of a society becoming increasingly urban, industrial, and multicultural;” she “espoused moral uplift, public decency, and effective civic management in such areas of urban life as health, safety, and wholesome recreation.” In keeping with this agenda, Landes was also serious about supporting and enforcing the Prohibition Amendment.43

She had been the president of the Seattle Federation of Women’s Clubs in 1921, and in 1922 the support of Seattle’s club women had been instrumental in getting her elected as one of the first two women on the Seattle City Council. The Seattle Federation of Women’s Clubs mailed an announcement reminding its members to vote for their “sister club woman… because of the principles of civic betterment for which she stands.”44

Indeed, while on the city council, Landes “spearheaded the move for an ordinance that provided for the tighter regulation of cabarets and dance halls.”45

44 “Dear Club Woman,” 1925, Seattle Federation of Women’s Clubs, 5175-001, Box 5, Folder 1915-1924, Special Collections, University of Washington Libraries, Seattle.
45 Pieroth, “Bertha Landes,” 142.
By the time Landes decided to run for mayor, the problem of prostitution in Seattle had reemerged—hundreds of women were working as prostitutes downtown, with no other means of supporting themselves.\(^46\) Given Seattle’s history of turning to women during times when the public demanded a city clean-up, it is not surprising that Seattle’s reputation as a respectable city had once again fallen into question when Landes was elected. During her campaign, Landes emphasized that she saw the city as merely an extension of the home, calling one of her nationwide lecture tours “Adventures in Municipal Housekeeping.” Her husband affirmed that there would be nothing revolutionary about her approach to politics: “It’s simply the natural enlargement of her sphere. Keeping house and raising a family are a woman’s logical tasks, and, in principle, there’s no difference between running one home and a hundred thousand.”\(^47\) Landes did make some strides in restricting vice in the city during her term as mayor, but she failed to be re-elected two years later.

The ebb and flow of moral reform movements in Seattle, which were deeply connected to women’s political work and the efforts to build a respectable city, can be viewed as unique only in the grandiosity of their dimensions; similar social and cultural tensions existed throughout the Pacific Northwest. During the Progressive Era, Oregon also saw many challenges to political corruption that resulted in a spate of new legislation. For instance, historian David Peterson del Mar has written about an unusual whipping-post law in Oregon that allowed wife beaters to be whipped as a punishment.

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\(^{47}\) Quoted in Pieroth, “Bertha Landes,” 140.
He argued that this law “constituted a reaction by well-to-do Portlanders to shifts in class, ethnicity, and gender that seemed to be transforming their city.”\textsuperscript{48}

Like Seattle, Portland was also the site of urban reform efforts led largely by women. Women in Oregon had gained the franchise in 1912, shortly after the women of Washington. Peterson del Mar has linked laws that punished abusive husbands to the growing power and independence of women in Portland, where gender roles shifted more dramatically than in rural areas. He notes that in 1910, the census showed that just over half of Portland women above the age of fifteen were married, despite a sex ratio in which men far outnumbered women; Portland women also divorced at higher rates than women elsewhere, and the anti-suffrage \textit{Oregonian} linked this trend to women’s “developing individuality.”\textsuperscript{49} Progressive-Era Portland also witnessed the persecution of individuals involved in the same-sex sexual subculture, particularly those who belonged to the racially diverse working class. As historian Peter Boag has shown, legal authorities and reformers accused these men of “imperiling white youths and therefore the middle-class family.”\textsuperscript{50} Both the whipping-post law and the laws against same-sex relationships took part in a larger effort to define men’s and women’s roles and restore a perceived “traditional” gender order.

As part of the reaction to rapidly changing social conditions, the Ku Klux Klan gained a powerful foothold in the Pacific Northwest, and particularly in Oregon, during


\textsuperscript{49} Ibid., 60.

\textsuperscript{50} Peter Boag, \textit{Same-Sex Affairs: Constructing and Controlling Homosexuality in the Pacific Northwest} (Berkeley: University of California Press, 2003), 3.
the 1920s. They envisioned themselves “as knights responsible for the moral welfare of
the community,” and particularly targeted Catholics and immigrants.51 Viewing
themselves as moral authorities, Klansmen supported the prosecution of all those who
undermined the social order they sought to establish—including Mann Act violators. As
one pastor speaking to a congregation in Pullman, Washington, argued in support of the
Klan:

How much more is [the KKK] necessary now in these days of moral laxity
when law breaking is open and unashamed. The Klan claims to stand for
the tenets of the Christian religion. White supremacy. Protection of pure
womanhood. … much needed local reforms and law and order. … It is
going to break up roadside parking and see that the young man who
induces a young woman to get drunk is held accountable. It is going to
enforce the laws of this land; it is going to protect homes…. It means the
return of the old time southern chivalry and defense to womanhood; it
means that the married man with an affinity has no place in our midst.52

This is consistent with what historian Nancy MacLean has argued about the Klan of the
1920s throughout the United States—that it opposed anything that seemed to threaten
conventional family life, including alcohol and teenage sexuality, and maintained a strict
sense of what constituted proper manhood and womanhood. Klan members were
expected to focus on cleaning up the morals of their cities and towns; they swore “to
correct evils in my community, particularly vices tending to the destruction of the home,
family, childhood and womanhood.”53

51 David Horowitz, “Order, Solidarity, and Vigilance: The Ku Klux Klan in La Grande, Oregon,”
The Invisible Empire in the West: Toward a New Historical Appraisal of the Ku Klux Klan of the 1920s, ed.
52 “Pullman Needs Klan Says Local Pastor: Failure of Churches to Function as Unified Agency for
Good Cited by Rev. H. J. Reynolds as Justification for Existence of Klan,” The Pullman Herald, December
22, 1922.
53 Quoted in Nancy MacLean, Behind the Mask of Chivalry: The Making of the Second Ku Klux
Therefore, throughout the Pacific Northwest in the 1910s and 1920s, both the “progressive” reform movements and the reactionary ones seemed to agree that the protection of women and the regulation of morality constituted a crucial part of establishing the right sort of social order and building respectable cities. Many of those who either supported or opposed women’s increasing independence converged on the point of women’s protection. The women and men fighting for woman suffrage argued that they needed laws like the Mann Act to protect vulnerable women. Likewise, those who opposed social changes and wanted to preserve a traditional gender order supported laws like the Mann Act as a way of enforcing a Victorian standard of morality and male responsibility. Those who cried out that woman suffrage would signal the destruction of the home called upon moral reform laws to ensure the protection of the home. The women engaged in city- and state-wide efforts to end vice and create a “clean” society called upon many of the same laws. The tension between these two motivations is evident in the Mann Act, as the initial impulse to “protect” women from prostitution quickly gave way to an effort to regulate the morality of the men and women who posed a threat to the stability of the family structure.

The enforcement of the Mann Act in the Pacific Northwest during these decades was part of a much larger struggle involving the social, cultural, and political formation of this region. Although the Department of Justice had to be involved in the enforcement of the Mann Act to some extent, the inordinately high number of prosecutions and convictions in the Pacific Northwest indicates that ordinary citizens in this region were particularly supportive of the Act. Although both reform and reactionary movements
tended to be led by middle-class Americans, they also drew a high level of support from working-class citizens. For instance, the woman suffrage campaign in Washington involved cross-class alliances, and many working-class men saw involvement in the Second Ku Klux Klan as a marker of respectability and upward mobility. Therefore, these two decades of cultural conflict created an environment in which both working-class and middle-class residents of the Pacific Northwest saw laws that regulated morality as a way of creating a better society, and they accessed the power of the federal government via the Mann Act to supplement the efforts made within their states. Indeed, they may have been even more willing than their eastern counterparts to summon the federal government, due to the migratory nature of their populations and their lack of long-standing state identities. At the very moment that significant city and state development was underway in the Pacific Northwest, the federal government offered a “solution” to what many saw as a pressing social problem: sexual promiscuity and the disintegration of family life.54

Mann Act Prosecutions in the Pacific Northwest

The government prosecuted about 9,500 total Mann Act cases nationwide from 1910-1930, including convictions, acquittals, and dismissals.55 Almost exactly a tenth of

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54 This is consistent with the argument Lawrence M. Friedman makes, that the western states had weaker state identities, and therefore were quicker to embrace the role of a strong central government in the late nineteenth century. Friedman, American Law: An Introduction (New York: W.W. Norton, 1984), 127.

55 The number of total Mann Act cases in the U.S. is approximate. David Langum compiled the yearly statistics from all of the Attorney General’s Annual Reports, but some of the reports did not have as much information as others. For instance, while total nationwide convictions were listed for every year, a few of the years from 1910-1930 did not list the total number of acquittals and dismissals. Since most of the years did include those numbers, I averaged them to use to fill in where the real information was missing. Therefore, a total of 8,774 cases are actually represented in Langum’s compilation of the annual statistics, but I believe that the true total is closer to 9,543. See Langum, Crossing Over the Line, 61, 150, 168.
these—or about 912 cases—were in the Pacific Northwest [Table 5.1]. Compared to the proportion of the U.S. population that lived in the Pacific Northwest, this was a dramatically high rate of prosecution. The Pacific Northwest had merely 2.2 percent of the population of the United States, yet it had almost a tenth of the country’s total Mann Act cases, and at least 8 percent of the total convictions. Of those convicted, the majority pled guilty. They had a good incentive to do so, since the average sentence length for those who pled guilty was almost half of what it was for those who pled not guilty [Tables 5.2 and 5.3]. The high rate of dismissed cases reflects the crucial role of the “victim” as a witness in Mann Act prosecutions. In most case files where information could be found about why a case was dismissed, it was because the “victim” could not be found. Anecdotal evidence from several cases suggests that many women, in order to avoid testifying, tried to disappear when charges were pending against the men with whom they had traveled. Sometimes they did not want the defendant convicted and at other times they hoped to spare themselves or their husbands the humiliation of a trial that would publicly air details about their sexual escapades.

The general prosecutorial trends in the Pacific Northwest from 1910-1930 resemble those for the country as a whole, but at a heightened level. In all of the districts within the Pacific Northwest, the number of prosecutions peaked around 1913 and then dropped off dramatically during the war years. Prosecutions then picked up again after

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56 According to the Thirteenth, Fourteenth, and Fifteenth censuses, from 1910-1930 the U.S. population averaged about 118,659,377 people, while the average populations of Oregon, Idaho, and Washington combined totaled about 2,558,146. I used the population statistics for the U.S. that included “outlying possessions,” since the Mann Act also covered the territories. Even if the Pacific Northwest is compared to just the population of the Continental U.S., it is still a mere 2.4% of the total. The proportion of convictions in the Pacific Northwest may have been even higher, but many of the verdicts were unknown due to incomplete docket or file records.
the war, spiking during the mid-1920s, after which the rates of prosecution once again began to trend downward. These trends held true for the country as a whole. The statistics from the annual reports of the Attorney General show an early spike in prosecutions around 1914 and then a later, larger increase in prosecutions during the mid-1920s. The Pacific Northwest, however, had a steeper decline in prosecutions during the war years than did the country as a whole [Chart 5.1].

The cases prosecuted in the Pacific Northwest, while greater in number, resembled those elsewhere in the country. Men and women were both charged with transporting prostitutes to work in brothels, and men were charged with transporting women for “immoral purposes” in a wide range of other scenarios. Some traveled with women who were prostitutes, but where the prostitution was incidental to—and not the reason for—their journey. Others simply carried on interstate affairs with mistresses or girlfriends. A few did actually involve actions that would have been deemed criminal regardless of the Mann Act—abuse, rape, extreme coercion, bigamy—the kinds of crimes allegedly perpetrated by “white slavers.” These cases, however, were a small minority. Overall, the types of prosecutions in the Pacific Northwest were fairly consistent with the national trend David Langum described, in which prosecutions at first primarily targeted commercialized vice, and then gradually moved to noncommercial prosecutions, with the latter making up the majority of the cases in the 1920s.57 However, the most significant difference was the speed with which this transition happened, for in the Pacific Northwest, noncommercial prosecutions began to occur very early.

57 Langum, Crossing Over the Line, 48-76 and 139-160.
Within the Pacific Northwest, the state of Washington took an early lead, prosecuting 134 cases from 1910 to 1914. About half of these cases were from the western part of the state, and most of them originated in Seattle. It is no coincidence that Seattle’s prosecutions reached such a high rate while city clean-up efforts climbed to a frenzy. During these first few years, Washington’s number of prosecutions far outpaced that of Oregon, which had only 74 cases during the same period. However, Oregon more than caught up during the 1920s—at the same time that reactionary movements like the Ku Klux Klan gained a significant foothold there. From 1918 to 1930, Oregon had 281 cases to Washington’s 207. This is particularly significant given that Oregon’s population on average was only about 60 percent the size of Washington’s. Idaho’s number of Mann Act cases throughout these two decades remained more consistent and was relatively proportional to the small size of its population [Charts 5.1-5.5].

Mann Act cases in the Pacific Northwest tended to revolve around urban areas and migration between cities. The people in these cases were usually arrested for traveling some of the well-beaten paths between Butte, Boise, Salt Lake City, San Francisco, Los Angeles, Portland, Spokane, Seattle, and Vancouver, B.C. Occasionally smaller towns are mentioned as the departure or arrival point, but not often. This is largely because most of the defendants rode on railroads or steamships, which traversed the main thoroughfares between major urban areas. In the 1920s, increasing numbers of cases involved transportation by automobile, again along the main roads connecting these urban areas. These cities had drawn many of the defendants and “victims” searching for work; this was particularly true in cases where the woman really was a prostitute. For
those looking to enjoy a getaway with an illicit lover or to desert a spouse, cities also held
the potential of anonymity.

Out of the approximately 900 cases in the Pacific Northwest, a mere 52 had
female defendants. Of these, seven verdicts are unknown, three indictments were refused
by the grand jury, six were found not guilty, twenty-four were convicted, and twelve
were dismissed. It is stunning that less than half of the female defendants were convicted;
by way of comparison, about two-thirds of the cases involving male defendants in the
Pacific Northwest resulted in a conviction. Female defendants also had a much higher
rate of dismissal than their male counterparts. This is almost certainly because
prosecutors used the threat of a prosecution to coerce women into testifying against men;
if they agreed, the charges against them would be dropped. Of the cases involving female
defendants, fifteen were charges of conspiracy to violate the Mann Act, which meant that
the defendant herself was the “victim.” Of the conspiracy cases, six were dismissed and
one was found not guilty. The rest of the female defendants were charged with actual
Mann Act violations, meaning that another woman was the “victim.” Such cases always
alleged a commercial motive. Female defendants on average fared much better than male
defendants. Of the twenty-four convictions, six were given fines instead of jail time. In
contrast, only about 4% of the convicted men received fines or probation instead of
prison sentences.\(^{58}\) When sentenced to prison, women also received shorter sentences on
average: fifteen months compared to an average of seventeen and a half months for male
convicts in the Pacific Northwest.

\(^{58}\) Out of 561 total men convicted, 538 received prison sentences.
The low rates of prosecution of female defendants underscores assumptions about responsible manliness and female vulnerability that underlay the Mann Act, as well as the tendency to prosecute cases that were not solely commercial in nature. Theoretically, a woman could violate the Mann Act just like a man, by transporting prostitutes to work in brothels. Indeed, the first Mann Act prosecution in the country involved such a case. The *New York Times* reported the arrest of a “Miss M. Jenkins, a resort keeper … just after she had bought tickets and boarded a train with five girls” whom she allegedly intended to take to her brothel.\(^5^9\) The first prosecution in western Washington occurred for a similar offense. Nels and Laura Paulsen both found themselves convicted of transporting a group of women from Washington to Idaho for the purpose of prostitution in what they claimed was a “dance hall.”\(^6^0\) As in these cases, transporting another woman for the purpose of vice, or in an aggravated circumstance like kidnapping, were the only ways in which a woman could be convicted of violating the Mann Act. If a woman aided in her own transportation, she could only be charged with *conspiracy* to violate the Mann Act. The low number of female defendants is significant, because they were usually only charged with Mann Act violations that were commercial in nature, that is, for transporting women for prostitution.\(^6^1\) If the Act’s enforcement had really been focused on commercial vice, then a greater number of defendants would have been women. The

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\(^6^0\) *U.S. v. Nels Paulson and Laura Paulson*, Case File 4489 (1911); Criminal Case Files; U.S. District Court, Western District of Washington, Northern Division (Seattle); Records of District Courts of the United States, Record Group 21; National Archives and Records Administration—Pacific Alaska Region (Seattle).

\(^6^1\) Although it may have been technically possible for a woman to be charged with transporting another woman for an “immoral” interstate sexual affair, it was not conceptually possible for most early-twentieth century Americans. To the best of my knowledge, no one ever suggested the possibility that women could be noncommercial violators for having same-sex affairs across state lines. It simply would have almost never occurred to contemporary observers that women traveling on trains together or sleeping in the same hotel room might be engaged in interstate love affairs, even if some were.
relative lack of female defendants reflected the high number of noncommercial prosecutions that aimed at protecting women’s purity and shoring up a social order that was purportedly endangered when unwed men and women traveled together.

A willingness to prosecute noncommercial cases emerged in the Pacific Northwest well before the Supreme Court declared such cases valid in the 1917 *Caminetti* decision. Immediately after the passage of the Mann Act in 1911, the Attorney General said that the purpose of the law was to break up the traffic in women, and that merely interstate love affairs between adults did not fall under the “true intent of the White Slave Traffic Act.”62 The decision as to whether or not to prosecute noncommercial cases was therefore left up to individual U.S. Attorneys, and in different regions prosecutors, judges, and juries reacted differently to the possibility of using this law to regulate common, noncommercial immorality. The heightened context of moral reform and regulation in the Pacific Northwest made them particularly receptive to a broad interpretation of “immoral purposes” that included mere illicit sex between adults.

The lack of information generally available in Mann Act case files from this time period makes it impossible to determine actual numbers for how many of the cases were commercial or noncommercial. Besides, in many of the cases there was only a minor distinction between the two, as the couple may have traveled for noncommercial reasons, but the woman may have occasionally engaged in prostitution before, during, or after the trip. However, the indictments combined with anecdotal evidence from the cases that contain more information than others, makes it clear that a significant number of the

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cases in the Pacific Northwest in the early 1910s were not entirely commercial in nature. By the 1920s, noncommercial cases were a regular occurrence.

The wording of indictments changed subtly over time, as prosecutors began to charge defendants in noncommercial cases. The western district of Washington (Seattle) provides an excellent example of this. The first few indictments in 1911 charged the defendants with transportation “for the purpose of prostitution.”63 However, within a few months, words like “concubinage,” “debauchery,” and “other immoral purposes” began showing up in addition to the prostitution charge. These three additional terms connoted noncommercial, illicit sexual relationships. “Debauchery” and “other immoral purposes” were catch-all terms that could represent a wide array of circumstances and indicate either a commercial or noncommercial motivation. As one prosecutor explained in his proposed jury instructions, “Other immoral purposes is not limited to … offenses having a financial aspect, but includes sexual debauchery involving no financial element.”64 The term “concubinage,” and less frequently “cohabitation,” referred specifically to situations in which an unmarried man and woman were living together. Therefore, when an indictment used only the word “prostitution,” it meant that the alleged violation was specifically commercial in nature, but when it also used the word “concubinage,” it suggested that the defendant was living with the “victim” and had a significant—perhaps

63 For example, U.S. v. Nels Paulson and Laura Paulson, Case File 4489; U.S. v. Harry Weiss, Case File 4491; U.S. v. Hugh Cline, Case File 4744; U.S. v. B.C. Stoneman, Case File 4750. All from: U.S. District Court for the Western District of Washington (Seattle); Records of District Courts of the United States, Record Group 21; National Archives and Records Administration—Pacific Alaska Region (Seattle).
64 U.S. v. Vinton T. Bosserman, Case File 2826; Criminal Case Files; U.S. District Court for the Western District of Washington (Seattle); Records of District Courts of the United States, Record Group 21; National Archives and Records Administration—Pacific Alaska Region (Seattle).
even primarily—noncommercial motivation, whether or not she also worked as a prostitute.

As early as 1911, in both Washington and Oregon, indictments began regularly appearing in which the alleged purposes were: “prostitution and an immoral purpose, namely, that she live with him as his concubine,” or “prostitution and concubinage with him,” or, in one 1912 case, “immoral purposes, to-wit: for the purpose of living with him in open adultery and unlawful co-habitation.” The word “prostitution” was almost always included for good measure, but it did not necessarily signify much when combined with other alleged purposes; the jury only had to find that one of the purposes was true in order to convict. Over time, these types of charges became increasingly common, and by the 1920s, almost every indictment in the Pacific Northwest included the phrase “other immoral purposes” to cover all possible situations. In some indictments, “immoral purposes” were clarified to mean “that she become his mistress and concubine,” or that she engaged in “the practice of illicit sexual intercourse with him.” Therefore, even before the landmark Caminetti decision, lower courts in the Pacific Northwest were willing to interpret living together—“concubinage”—as a valid form of prosecution under the “immoral purposes” part of the Mann Act.

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65 U.S. v. A.F. Sylvester, Case File 1507; Criminal Case Files; U.S. District Court for the Eastern District of Washington (Spokane); Records of District Courts of the United States, Record Group 21; National Archives and Records Administration—Pacific Alaska Region (Seattle).
66 For example: U.S. v. Harris J. Dickson, Case File 4654, and U.S. v. Conrad Berglund, Case File 4820, both in Criminal Case Files; U.S. District Court for the Eastern District of Washington (Spokane); Records of District Courts of the United States, Record Group 21; National Archives and Records Administration—Pacific Alaska Region (Seattle).
67 The legal definition of “concubinage” had been established by the Supreme Court in 1908, before the passage of the Mann Act. The Immigration Act of February 20, 1907, had made it illegal to import women to the U.S. for the purpose of prostitution “or for any other immoral purpose.” In 1908, the case of John Bitty went to the Supreme Court challenging this law. John Bitty had been convicted of
One such case of alleged “concubinage” is remarkable in that its file contains a detailed memorandum from the judge explaining why he decided to direct the jury to return a verdict of not guilty. Although this defendant was not convicted, the judge’s reasoning reveals how, when unmarried couples lived and traveled together, the man could end up facing Mann Act charges. In late 1911, Abe Hannan and Lena Klausner, both young immigrants, resided in New York City. Lena was seventeen, and her parents lived in Austria; Abe was “a subject of the Ottoman Empire” and “apparently of legal age,” meaning probably in his early twenties. The couple had been living together as husband and wife for four months, though they were not legally married. Abe asked Lena to marry him, and she agreed, accepting the engagement and wedding rings he gave her, though they did not have a marriage ceremony. They did, however, live openly as a married couple, kept house in a two-room apartment, and were considered married by their family and friends. In early 1912, they decided to move to Seattle, for the same reason that drew thousands of others: to find work. Abe hoped that in Seattle he “might better his condition,” and found employment as a barber, working “from early in the morning until late at night.”

transporting a woman from England with the immoral purpose “that she should live with him as his concubine.” His attorneys argued that Bitty intended to live with the woman, not to prostitute her, and had therefore not broken the law. The Court disagreed, defining concubinage as “illicit intercourse, not under the sanction of a valid or legal marriage,” and said that this did indeed fall under the phrase “other immoral purpose.” The Court decided that concubinage was “in the same general class” as prostitution, declaring that “the prostitute may, in the popular sense, be more degraded in character than the concubine, but the latter nonetheless must be held to lead an immoral life if any regard whatever be had to the views that are almost universally held in this country as to the relations which may rightfully, from the standpoint of morality, exist between man and woman in the matter of sexual intercourse.” United States v. Bitty, 208 U.S. 399-402 (1908).

68 U.S. v. Abe Hannan, Case File 2203; Criminal Case Files; U.S. District Court for the Western District of Washington, Northern Division (Seattle); Records of District Courts of the United States, Record Group 21; National Archives and Records Administration—Pacific Alaska Region (Seattle).
Abe and Lena continued to live as husband and wife, just as they had in New York City. In Seattle, they consulted a Jewish rabbi about getting married and then went to get a marriage license. They were turned away because Lena was not yet eighteen and could not obtain a marriage license without parental consent. They resumed living together and then began to have arguments about another man with whom Lena was apparently spending time. Soon thereafter, Abe was charged with violating the Mann Act by transporting Lena “for the purpose of prostitution” and “for the purpose of concubinage with him.” There is no way of knowing how Abe came to be arrested, but the judge in the case seemed to suspect that Lena turned him in so that she could marry the other man. At the very least, she seems to have readily cooperated with the prosecution—even to the point of lying about what transpired between her and Abe. As the judge wrote, “I attribute her conflicting statements rather to a desire on her part to be free to marry the man above referred to—with whom I entertain no doubt she sustained improper relations.” The judge also implied that Lena was not telling the truth when she claimed that Abe forced her into prostitution.

It was not, however, the consensual nature of their relationship or the ridiculousness of prosecuting people who had lived together for months with a charge of “concubinage” that caused this judge to order a not guilty verdict. Instead, it was a legal technicality. Under New York state law, Lena and Abe had established a common law marriage before they left New York City. Once their testimonies confirmed this, the charge of concubinage became impossible—the two were totally incompatible. As the judge put it simply, “If the prosecuting witness was the common law wife of the
defendant, she could not be his concubine.” On another technical point, the judge pointed out that, since Lena alleged that she began working as a prostitute several weeks after their arrival in Seattle, the length of time elapsed meant that prostitution could not reasonably be seen as one of Abe’s intentions when they crossed the state line. Rather than being critical of the prosecution of noncommercial, consensual cases, the judge reaffirmed through his memo that concubinage was a valid and reasonable cause for prosecution, so long as the couple met the criteria. And his assessment of the case demonstrates how easily a couple could meet that criteria; Abe may very well have found himself in prison if he had not given Lena a ring in New York City and lived with her long enough there to establish a common law marriage.

At least one notable case in the Pacific Northwest illustrates the types of noncommercial cases the Department of Justice deemed most important to pursue. In March of 1914, Albert Dahlstrom was charged with transporting Edna Englund to Seattle from Fresno, California, for the purposes of “prostitution, debauchery, and concubinage.”69 The complaint had been filed by Emil Englund, who appears to have been Edna’s father. As it turned out, this was exactly the kind of noncommercial case that met with the Department of Justice’s definition of “aggravated circumstances.” Albert had been in trouble with the law repeatedly, and espoused ideas that seemed to pose a grave threat to the home and family. A native of Sweden, he founded a religious sect he

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69 U.S. v. Albert Dahlstrom, Case File 2649; Criminal Case Files; U.S. District Court for the Western District of Washington, Northern Division (Seattle); Records of District Courts of the United States, Record Group 21; National Archives and Records Administration—Pacific Alaska Region (Seattle).
called “Heliga,” which boasted of 10,000 members in the U.S. One of the group’s core tenets was polygamy, and newspapers around the country followed the sensational case through the Associated Press dispatches from Seattle.

The agent investigating Albert proclaimed that the “self-styled ‘saint’ … has married and deserted probably a score of women in various parts of the United States.” A decade before, his unorthodox religious beliefs and propensity for running away with young women had gotten him in trouble in St. Paul, where he narrowly escaped being lynched by an angry mob, and where his “relations with a young girl so enraged the people of this district that they drove him away.” He had then moved his followers to Granite Falls, Washington, where they established a colony. Authorities were already looking to arrest him when they heard that he was living on a farm with two sisters, Edna and Hilda Englund. According to the San Francisco Chronicle, Edna and Hilda took different sides during the trial. Edna “turned against Dahlstrom because he showed a preference for her sister Hilda…. Hilda testified for him, saying that she herself bought

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the ticket on which Edna traveled from Fresno. The mother of the girls, who are young and attractive, was a witness for the Government."

As with almost all the other cases in the Pacific Northwest during the 1910s, the indictment had listed “prostitution,” alongside “debauchery and concubinage,” despite the clearly noncommercial nature of the charges. The jury noted this when it returned a guilty verdict, writing “for the purpose of debauchery” on the sheet to indicate that they found him guilty of that, specifically. The note seems intended for the purposes of clarification, not as a request for leniency. And, indeed, the judge must have found Albert’s debauchery to be particularly egregious, because he gave him the maximum sentence: five years at the McNeil Island Penitentiary. Albert never served this time, however; his followers raised the money to post bond while his appeal was pending, and he fled to Sweden.

In other cases, however, juries in the Pacific Northwest proved early on that they would willingly convict in noncommercial cases between consenting adults, where no aggravating circumstances were present. Harry Toy was one of the few Asian Americans prosecuted for a Mann Act violation in the Pacific Northwest, and—perhaps surprisingly, given the anti-Asian sentiment in the West—the jury recommended leniency because of

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76 In 1946, the Supreme Court ruled on the question of whether or not principles of religious freedom applied to Mormon fundamentalists arrested for transporting plural wives across state lines. The Court’s Cleveland decision said that polygamy was, indeed, an “immoral purpose” and that the defendants were guilty of violating the Mann Act. John A. Huston, “Criminal Law: Prosecution of Mormon ‘Fundamentalists’ under the Mann Act: Doctrine of Caminetti v. United States,” Michigan Law Review, vol. 45, no. 6 (April 1947), 785-787.
the clearly noncommercial nature of the case.\textsuperscript{77} The indictment against Harry alleged that in March 1913, he transported Goldie Goodell from Portland to Seattle for the purposes of “prostitution, debauchery and other immoral purposes.” Goldie was the sister of Harry’s deceased wife, Christie. According to newspaper accounts, he had created a scandal when he married Christie Goodell, “a white girl and daughter of a Portland clergyman,” who had worked in a Portland mission where Harry had attended school.\textsuperscript{78} Newspapers called Harry “a wealthy Americanized Chinese” and a “wealthy Chinese merchant,” who had “induced” or “lured” Goldie to come to Seattle and live with him.\textsuperscript{79} The dispatches from Seattle printed in San Francisco papers portrayed Harry as a white slaver, who kept Goldie locked up in a brothel and threatened to kill her when she tried to escape. This version of events was belied by the telegram entered into evidence that showed Goldie asking Harry to send her money so that she could come to Seattle, as well as by the fact that she had to be detained to force her to testify.

There is no record of the testimony at the trial, but the jury obviously did not find Harry to be a “white slaver.” They returned a guilty verdict, but added a handwritten note at the bottom of the page that says: “But in view of the fact that we find the defendant did not bring the girl to Seattle for prostitution but for ‘Other immoral purposes’ the jury recommends that the Court take this fact into consideration.” They jury had probably

\textsuperscript{77} \textit{U.S. v. Harry Toy}, Case File 2613; Criminal Case Files; U.S. District Court for the Western District of Washington, Southern Division (Tacoma); Records of District Courts of the United States, Record Group 21; National Archives and Records Administration—Pacific Alaska Region (Seattle).
been given instructions, like those in other Mann Act cases, that said, “Under the Act, though the indictment reads ‘for the purposes of prostitution, debauchery and other immoral purposes’, the Government is not required to prove that the transportation was for all these purposes; if it proves that the transportation was for any one of such sexually immoral purposes the defendant would be guilty as charged.” The jury’s note confirms that although the indictment included the term “prostitution,” it was actually “debauchery and other immoral purposes” that most accurately represented the crime. This rare request for leniency also demonstrates that, while juries did convict their neighbors in cases involving merely illicit sex, some individuals felt uncomfortable with the lack of distinction between commercial vice and noncommercial affairs. The judge heeded their request and gave Harry the relatively light sentence of eight months in the King County Jail and a fine of $500.

Another case is particularly noteworthy for what the indictment alleges—that the defendant transported the woman for “the purpose of fornication,” without even a hint of commercial motivation. Early in 1913, J. Archie Hess wrote a series of longing letters to Agnes Stewart, which were later preserved as evidence in the Mann Act case against him. Archie was a divorced thirty-seven year old, and a native-born, white Protestant originally from Pennsylvania. By 1913, he lived in Seattle, while Agnes had moved

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80 U.S. v. Vinton T. Bosserman, Case File 2826; Criminal Case Files; U.S. District Court for the Western District of Washington (Seattle); Records of District Courts of the United States, Record Group 21; National Archives and Records Administration—Pacific Alaska Region (Seattle).

81 U.S. v. J. Archie Hess, Case File 2467; Criminal Case Files; U.S. District Court for the Western District of Washington, Northern Division (Seattle); Records of District Courts of the United States, Record Group 21; National Archives and Records Administration—Pacific Alaska Region (Seattle).

82 Information about Archie’s race, religion, age, marital status, and birthplace is from the McNeil Island Intake Register. I say he was “white” because the prison official listed his complexion as “fair.” His occupation was listed as “teacher and auto man.” Entry for J. Archie Hess, 1913, no. 2350, McNeil Island
from Washington to Los Angeles, California—apparently with another man. Archie poured out his feelings for her, urging her repeatedly to write him every day, even if just a brief note on a postcard. At one point he mailed her stamps to encourage her to correspond. He desperately wanted her to return “home,” by which he clearly meant Washington. “Come back to one who loves you,” he pleaded, “Why not come back at once? … I want you to come just right away.” Archie wrote that he was lost without her and felt “just like a strange chicken in a strange land …. I just wander around and around.” The night she left, he had been devastated, and it seemed that “all the world had turned to darkness.” Their relationship before her departure had apparently been rather intimate, as Archie unabashedly and repeatedly referenced his desire for her, with exclamations like these: “Oh! how I wish you were here tonight!! Say, we would have some good time,” “How I wish you were here to-night!! We wouldn’t sleep much,” and “I would love to have you here to-night—to cuddle up close.”

Archie regularly, though not very forcefully, inquired about the other man in Agnes’s life. Unfortunately, there is no record of her responses. But from his questions, it seems that Archie received unclear or changing answers about the status of her other relationship. He asked, “Agnes, dear, why don’t you come back at once, if you have turned him down? Have you seen him since?” He went back and forth on whether or not he believed that she had married this other man, first saying: “Not wishing Mr. Stewart any trouble, yet I am so glad you did not get married.” Then, a few days later, he said he was glad to receive a letter from her, because he had thought she was “married for sure,”

Penitentiary Records of Prisoners Received, 1887-1951; (National Archives Microfilm Publication M1619, Roll 2); Records of the Bureau of Prisons, Record Group 129.

83 All of the letters are from: U.S. v. J. Archie Hess, Case File 2467.
and had heard that her mother said she was “sure married.” The receipt of her letter, which seemed to suggest that she had not wed after all, left him feeling conflicted. For all his passionate declarations of love, he said he hoped he had not been the cause of the break up, because he did not “want to marry at present.” Regardless, he concluded, if Agnes was not indeed married, he wanted her to write to him every day.

Along with urging Agnes to return home, Archie also considered traveling to Los Angeles to join her. “I have a great notion to come down [to California]. Shall I?” he wrote. He also made her a fateful offer—“If you want any money to come back, I’ll loan it to you.” On the letter, this particular sentence was marked, presumably by the attorney who entered these letters into evidence during Archie’s trial. Though Archie may have seen little distinction between him traveling to Los Angeles to join Agnes, or her taking the train back to Seattle to join him, legally it meant the difference between a lawful action and a felony. If he had taken the journey to visit Agnes, no federal law would have been broken; her travel, however, resulted in Archie’s arrest. Because there is no transcript for this trial, we have no way of knowing Agnes’s version of events. However, her only extant words, preserved in the form of a telegram sent from Los Angeles, suggest that she took Archie up on his offer to provide for her transportation: “Please wire me money for ticket to return on or let me know immediately what to do.” It was signed “Agnes M. Hamren.” In all of the court documents, Agnes’s last name is listed as “Stewart,” the same last name as the man she was with in Los Angeles. Despite Archie’s hope that she had not married Mr. Stewart, she may have done so and then decided to
return to Archie, hiding her marital status from him. Regardless of what he did or did not know, Archie sent Agnes the ticket.

Although there is no record in this case of who reported Archie and Agnes to the authorities, it could have been Mr. Stewart. Jilted spouses were one of the largest groups of people to report potential Mann Act violations, calling upon the power of the FBI to locate, return, or punish those who abandoned their families and disappeared out of state. In any case, someone found out about Agnes’s journey, and Archie was arrested for violating the Mann Act. In early 1913, most Mann Act prosecutions around the country were still for cases with a commercial motivation—that is, prostitution or other commercialized vice. Therefore, Archie’s indictment stands out as a surprising example of a noncommercial prosecution; he was charged only with transporting Agnes from Los Angeles to Seattle “for the purpose of fornication.” The use of the word “fornication” in Mann Act indictments in Washington was quite rare, but other similar words did come to be used with regularity as a way of describing noncommercial relationships: “concubinage,” “cohabitation,” “illicit sex.” Although it is impossible to know what stories Archie, Agnes, and the attorneys told about their relationship, the wording of the indictment—“for the purpose of fornication”—makes clear that there was no suggestion that Archie transported Agnes for commercial gain.

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84 Other commercialized vice could include things like transporting a woman across state lines for her to work as a chorus girl or risqué dancer, particularly if it was in a place of ill repute that served alcohol. In February 1913, about a month before Agnes Stewart traveled from California to Washington, the Supreme Court had decided in the Athanasaw case that placing a woman in an environment not conducive to moral purity and which could ultimately lead to “debauchery” was an acceptable grounds for prosecution under the Mann Act. In other words, this ruling established that transporting a woman for any kind of commercialized vice—not just prostitution—could violate the Mann Act.
Agnes must have been an unwilling witness, as documents show that the U.S. Attorney had to request that she be arrested and detained so that she could be used as a witness for the prosecution. He argued that her testimony was necessary for conviction, and that “unless detained by this court” she would flee the district, making it “impossible to secure her as a witness.” When Agnes appeared before the judge, she was ordered to post $1,000 bond, which she could not do, and was subsequently held in custody. The brief outline of the trial shows that Archie pleaded not guilty, but after hearing Agnes’s testimony, changed his plea to guilty. He was sentenced to one year and a day in the federal penitentiary at McNeil Island.

What is particularly significant about the preceding cases is how early they were prosecuted. Similar types of prosecutions later occurred throughout the country, but generally not until the late 1910s and 1920s. The willingness of the citizens of the Pacific Northwest to report cases like these to the federal government, and then to convict the defendants, reflects their regional preoccupation with enforcing certain standards of morality as a way of building a respectable west in which women and families were protected. Particularly in cases involving consensual, noncommercial affairs, ordinary citizens played a significant role in determining whether or not standards of decency and manliness had been violated. They consistently decided that illicit sex was indeed a transgression against a peaceful and moral social order.
Table 5.1:  
Total Mann Act Cases in the Pacific Northwest, 1910-1930

<table>
<thead>
<tr>
<th>District</th>
<th>Total Cases</th>
<th>Convictions</th>
<th>Acquittals</th>
<th>Dismissed</th>
<th>Not a True Bill(^a)</th>
<th>Unknown Verdict</th>
<th>Female Defendant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Western WA</td>
<td>182</td>
<td>106</td>
<td>18</td>
<td>37</td>
<td>4</td>
<td>17</td>
<td>26</td>
</tr>
<tr>
<td>Eastern WA</td>
<td>192</td>
<td>120</td>
<td>24</td>
<td>18</td>
<td>17</td>
<td>13</td>
<td>7</td>
</tr>
<tr>
<td>Oregon</td>
<td>382</td>
<td>263</td>
<td>16</td>
<td>51</td>
<td>20</td>
<td>32</td>
<td>11</td>
</tr>
<tr>
<td>Idaho</td>
<td>156</td>
<td>97</td>
<td>10</td>
<td>35</td>
<td>1</td>
<td>13</td>
<td>8</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>912</strong></td>
<td><strong>586</strong></td>
<td><strong>68</strong></td>
<td><strong>141</strong></td>
<td><strong>42</strong></td>
<td><strong>75</strong></td>
<td><strong>52</strong></td>
</tr>
</tbody>
</table>

\(^a\) Means that the grand jury did not approve the indictment.

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\(^1\) These statistics are compiled from docket books and case files in the National Archives and Records Administration—Pacific Alaska Region (Seattle). There are no indexes for Mann Act cases, so locating them means going through every page of the docket book for each year, identifying the Mann Act cases, and then requesting to view the file. Because of occasional incorrect or unclear docket entries or, rarely, the absence of the case file, all of these statistics for the Pacific Northwest have a small margin of error. Each “case” here represents a distinct defendant. Some defendants had two or more cases started against them for the same alleged crime, which were then consolidated by the court into one case. I have only counted such instances once. Some cases had two or more defendants, and I have counted those as one case per defendant, in order to represent all of the individual people who faced Mann Act charges.
Table 5.2:  
Types of Convictions

<table>
<thead>
<tr>
<th>District</th>
<th>Plea Unknown</th>
<th>Plea Not Guilty</th>
<th>Plea Guilty</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Western WA</td>
<td>8</td>
<td>30</td>
<td>68</td>
<td>106</td>
</tr>
<tr>
<td>Eastern WA</td>
<td>9</td>
<td>17</td>
<td>94</td>
<td>120</td>
</tr>
<tr>
<td>Oregon</td>
<td>92</td>
<td>43</td>
<td>128</td>
<td>263</td>
</tr>
<tr>
<td>Idaho</td>
<td>4</td>
<td>23</td>
<td>70</td>
<td>97</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>113</strong></td>
<td><strong>113</strong></td>
<td><strong>360</strong></td>
<td><strong>586</strong></td>
</tr>
</tbody>
</table>

Table 5.3:  
Average Sentence Lengths

<table>
<thead>
<tr>
<th>District</th>
<th>Average Sentence</th>
<th>Average Sentence for Guilty Plea</th>
<th>Average Sentence for Not Guilty Plea</th>
</tr>
</thead>
<tbody>
<tr>
<td>Western WA</td>
<td>14.39</td>
<td>10.77</td>
<td>20.72</td>
</tr>
<tr>
<td>Eastern WA</td>
<td>12.01</td>
<td>9.00</td>
<td>26.70</td>
</tr>
<tr>
<td>Oregon</td>
<td>23.15</td>
<td>20.12</td>
<td>31.79</td>
</tr>
<tr>
<td>Idaho</td>
<td>11.42</td>
<td>9.16</td>
<td>16.04</td>
</tr>
<tr>
<td><strong>All</strong></td>
<td><strong>17.44</strong></td>
<td><strong>13.40</strong></td>
<td><strong>24.94</strong></td>
</tr>
</tbody>
</table>

*a These averages are from the convictions in which a defendant was actually sentenced to some length of imprisonment. In a small number of other cases, the defendant was just given a fine, and in some cases, a prison sentence was combined with a fine.
Chart 5.1: Total Mamm Act Cases in Washington, Oregon, and Idaho 1910-1930
Chart 5.3:
Total Mann Act Cases in Eastern Washington, 1910-1930
Chart 5.5:
Total Mann Act Cases in Idaho, 1910-1930
Conclusion

From its passage in 1910 through the end of the 1920s, the Mann Act was used to regulate morality, enforce ideas of respectable manhood, and “protect” women by limiting their options and minimizing the significance of their choices. It also gave people who felt they had been mistreated—particularly women—a way of demanding assistance from the federal government. This was possible because the Mann Act reinforced a sexual double standard; men who transported female lovers were held responsible for the perceived breakdown of social order that occurred when families were abandoned or young women lost their “virtue,” while women were rarely punished for their complicity. Although it was also used to combat commercial vice and prostitution during its first two decades, the Mann Act provided a tool for those who believed that the moral cleanliness of their communities were undermined by interstate sexual escapades. In so doing, it both responded to and helped to shape ideas about normative sexuality. This regulation came through the growing power of the federal government, the decisions of prosecutors, and the judgments of the Supreme Court. However, what really made the prosecution of noncommercial, consensual cases possible was the support of the large number of Americans who turned to the federal legal system for aid. In this way, non-elite Americans policed the behavior of others in their communities and reinforced standards of respectability.

During the 1930s, Mann Act prosecutions began to shift away from noncommercial, consensual cases. This transition did not occur overnight, as Marlene
Beckman demonstrated in her study of female prisoners; some women continued to be sentenced for conspiracy in noncommercial affairs.\(^1\) However, the overall trend in Mann Act prosecutions changed noticeably during this decade, and in some ways actually came to more closely resemble the stated intent behind the law. In the 1930s and 1940s, charges of Mann Act violations tended to center around commercial vice—particularly organized prostitution rings—or noncommercial transportation that involved aggravating circumstances such as kidnapping, rape, or the young age of the victim.\(^2\) The average annual number of Mann Act cases actually increased slightly during the 1930s, due largely to the FBI’s widespread “vice war” against prostitution, particularly when connected to organized crime.\(^3\) The widely publicized raids—some led by J. Edgar Hoover himself—netted hundreds of arrests.\(^4\)

A survey of newspaper articles about the Mann Act from the mid-1930s through 1940s illustrates this transition. Almost all Mann Act prosecutions reported in the papers during these years were either commercial in nature or noncommercial with aggravating circumstances. The vast majority of the reports related to the FBI’s concerted effort to eliminate prostitution or “white slave” rings, first in New York and then in other major American cities.\(^5\) Even those reports involving African American men arrested for Mann


\(^2\) The Department of Justice had advocated that prosecutors pursue only those noncommercial cases with “aggravating circumstances” since the 1910s, but the policy was not widely followed during the 1910s and 1920s.

\(^3\) By my calculations, there were on average about 350 Mann Act convictions annually from 1911-1929, and about 400 convictions annually from 1930-1940. These figures are based on the annual reports of the Attorney General found in David Langum, *Crossing Over the Line: Legislating Morality and the Mann Act*, (Chicago: University of Chicago Press, 1994), 61, 150, 168.


\(^5\) “Vice Raiders Seize Woman in Park Av.,” *New York Times*, February 6, 1936; “Federal Agents
Act violations with white women alleged that the men ran commercial prostitution
rings—not that they were merely interstate lovers, as in Jack Johnson’s case two decades
earlier. The relatively few noncommercial cases generally involved aggravating
circumstances, including kidnapping and scenarios in which religious authorities abused
their power over young women. In some noncommercial cases that involved consensual
affairs, the FBI was clearly targeting specific people. For instance, sometimes prosecutors
charged suspected gangsters with Mann Act violations, when no evidence of other crimes
could be obtained to imprison them. Charlie Chaplin was charged with a Mann Act
violation in 1944 because J. Edgar Hoover disliked his “radical” political ideas, and the
African American rock-and-roll star Chuck Berry found himself targeted in 1960 because
he regularly dated white women. Chaplin was acquitted; Berry was convicted.

Seize 5 in Vice War in Florida: Inquiry Into White Slave Traffic Is Revealed as Covering U.S.,” The
Washington Post, February 8, 1936; “U.S. Agents Act to Wipe Out Vice All Over Nation,” Chicago Daily
Tribune, February 9, 1936; “Alleged ‘Vice Queen’ Indicted with Man: Violations of Mann Act and
at Vice Trial Session: Only Half Get Into Court to Hear Testimony of Girls in the Scheible Case,” New
York Times, April 3, 1936; “G-Men Enter White Slave Drive in City,” The Washington Post, August 20,
1936; “4 Indicted in Jersey in Federal Vice War: Woman and Two Men Here Among First Accused as
Accused in Federal Drive on Jersey Traffic,” New York Times, November 2, 1937; “U.S. Opens Drive
Against 3 State White Slave Ring,” Chicago Daily Tribune, August 9, 1942; “‘That House’ in Hagerstown
Hit by FBI White Slave Drive,” The Washington Post, December 3, 1947; “17 Indicted as White-Slave

6 “Charge Colored Ring Preys on White Women,” Chicago Daily Tribune, April 26, 1936; “Two
Playboys Held in White Slave War,” Afro-American, October 8, 1938. There were far fewer reports about
men identified as African American than there were about men whose race was not identified.

7 “Two Woman Held in Girl Kidnap Case,” Los Angeles Times, August 25, 1935; “Second Daddy
Grace Jailed: Preacher Receives 18 Months on Charges Preferred by Girl,” The New York Amsterdam
News, October 26, 1935; “Zion Minister Fails to Post Mann Act Bail,” Chicago Daily Tribune, May 28,
Divine’s Aide Hunted on Assault Charge: Girl Claims ‘Assistant God’ Said She Was Second Virgin
Mary,” The Washington Post, April 1, 1937; “Cultist Given 3 Years on Mann Act Charge,” The

8 “Charge Filed Against Asserted Chase Aide,” Los Angeles Times, January 1, 1935; “‘Machine
Gun’ M’Gurn Slain: Capone Chief Shot Down in Bowling Alley,” Chicago Daily Tribune, February 15,
1936; “Arrests Reveal Inside Story of Birth of a Gang: 3 Ex-Convicts and Girl Seized by Police,” Chicago
Daily Tribune, April 3, 1942.
Some people still sought assistance via the Mann Act when family members behaved in ways they disliked, but prosecutors rarely pursued the matter in the absence of aggravating circumstances. In 1938, Doris, a seventeen year old girl from Missouri, eloped with a twenty-seven year old man from Iraq. In order to stop the couple from moving to Iraq, her father alerted the FBI and alleged a Mann Act violation. Doris’s parents claimed that he had plied their daughter with some sort of “love potion” and was intending to send her to an Arabian harem. Charges like these would probably have been pursued a decade or two earlier—particularly given the widespread belief that the “white slave traffic” involved the seduction of young white women who were then taken abroad and kept in sexual slavery. However, in this case, the U.S. Attorney summarily dismissed the charges, saying that the couple was legally married and that “it was up to Doris whether she preferred an Arabian to a Missourian.”

Changing sexual mores were the primary reason for the rather dramatic shift in Mann Act prosecutions in the early 1930s. The decline of Victorianism made it increasingly unlikely that juries would find defendants guilty of trafficking in women simply because they traveled together and shared hotel rooms. As prosecutors found convictions less easy to obtain in cases of consensual affairs, they declined even to prosecute them. For example, legal historian David Langum found that numerous FBI

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10 Langum, Crossing Over the Line, 161-167. Langum notes here that the people from the young generation prosecuted for liberal attitudes toward sex in the 1920s were serving on juries in the 1930s.
reports from around the country in the 1930s ended with words similar to these:

“Assistant United States Attorney ... declined prosecution for the reason that no commercialism or aggravating circumstances were involved.”\(^{11}\) This change in communities’—and therefore jurors’—attitudes would become even more pronounced after World War II. As legal scholar William Seagle wrote in 1969, “The act has been growing increasingly unpopular as sexual mores have changed over the years. The sexual standards of the age of Comstock are hardly acceptable in the age of Kinsey.”\(^{12}\)

Other factors also contributed to the decrease in prosecutions of noncommercial, consensual affairs. J. Edgar Hoover, director of the FBI from 1924 to 1972, turned the Bureau’s energies in the 1930s toward fighting gangsters and organized crime.\(^{13}\) In addition, beginning with the 1932 *Gebardi* case, the Supreme Court proved increasingly divided on Mann Act cases.\(^{14}\) The Court never actually overturned the notorious *Caminetti* decision, which had established the legitimacy of noncommercial prosecutions. However, dissenting Justices repeatedly challenged *Caminetti* in the 1940s and 1950s, sending the message to lower courts and prosecutors that they should be hesitant to pursue similar cases.\(^{15}\) The drastic social changes wrought by the Great Depression and World War II, accompanied by high rates of geographical mobility, may also have made

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\(^{11}\) Ibid., 163-164. This was true even in some cases involving teenaged girls.


\(^{13}\) Athan G. Theoharis, *The FBI and American Democracy* (Lawrence: The University Press of Kansas, 2004), 38-43.

\(^{14}\) *Gebardi v. United States*, 287 U.S. 112 (1932). *Gebardi* held that a woman must have actively aided, not merely acquiesced, in her transportation across state lines to be convicted of a conspiracy to violate the Mann Act. This was a more narrow view of conspiracy in Mann Act cases than had been decided in the 1915 *Holte* case.

\(^{15}\) Seagle, “The Twilight of the Mann Act,” 646-647.
it simply impractical to attempt to investigate or prosecute all men and women who
traveled around the country together.

After World War II, the average number of Mann Act cases per year fell steadily,
even as the population of the U.S. grew. By the late 1960s, the law was rarely enforced
except in cases involving rape. Until 1986, however, none of this curtailment stemmed
from legislative action or from any specific Supreme Court decision. Rather, it reflected
the growing unpopularity of the law in society at large. Although the Mann Act was
never repealed, it did undergo significant revisions in 1986 that made the law gender
neutral and replaced “debauchery or any other immoral purpose” with “any sexual
activity for which any person can be charged with a criminal offense.” Since then the
Mann Act has been used only for cases involving aggravating circumstances like a young
victim, kidnapping, rape, or prostitution.

Law and society exist in a reciprocal relationship, each influencing and altering
the other. From 1910 to 1986, the wording of the Mann Act hardly changed, and the
Supreme Court never overruled the 1917 Caminetti decision. However, the types of
prosecutions changed dramatically over time, primarily as a result of a transformation in

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16 In the decade after World War II, there were on average about 233 convictions per year. The
following decade had about 172 convictions annually, and 1966 and 1967 each had an average of about 75
convictions. Figures from Seagle, “The Twilight of the Mann Act,” 647. By 1974, there were only 48
17 Langum, *Crossing Over the Line*, 242.
18 Congress had also amended the Mann Act in 1978, but this revision was less sweeping and only
19 In 2008, when New York Governor Eliot Spitzer allegedly hired a prostitute to travel from New
York to Washington D.C., there were rumors of a potential Mann Act charge against him. That such a
charge never materialized is one testament to how drastically Mann Act prosecutions changed over the
March 11, 2008.
social and sexual norms. The type of cases prosecuted between 1910 and the 1930s differed markedly from those prosecuted in later decades, but that difference cannot be attributed to an anomalous overreaching on the part of prosecutors or the FBI. Rather, early Mann Act prosecutions participated in a broader cultural struggle over the norms governing sexuality and gender roles in America during the first third of the twentieth century.
Bibliography

Archival Sources


Records of the Seattle Federation of Women’s Clubs. Special Collections, University of Washington Libraries, Seattle.

Government Reports and Documents


Department of Commerce and Labor. *Immigration Laws and Regulations of July 1, 1907,*

Published Primary Sources


Bell, Ernest. *Fighting the Traffic in Young Girls or War on the White Slave Trade*. Chicago, 1911.


———. “The Maiden Tribute of Modern Babylon.” *The Pall Mall Gazette* (July 6, 7, 8, 10, 1885).


**Secondary Sources**


