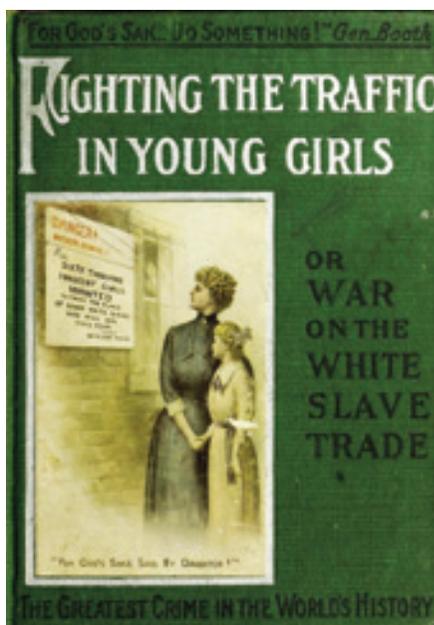


## Trafficked White Slaves and Misleading Marriages in the Campaigns Against Sex Trafficking, 1885–1927

Jessica R. Pliley

At the turn of the 20th century, activists throughout the Atlantic world expressed outrage over the rumored sexual slavery of racially white women who were imported to work in brothels, far from the protections that their homes and national communities presumably offered. As the white slavery hysteria reached a fevered pitch, it inspired reformers to host a number of international congresses to produce the first international conventions to fight the sex trafficking of women and children: the 1904 International Agreement for the Suppression of the White Slave Traffic, the 1910 International Agreement for the Suppression of the “White Slave Traffic,” and the 1921 International Convention for the Suppression of the Traffic in Women and Children.

Corresponding with these international agreements were national border control projects that fought to combat trafficking within particular countries, including, for example, the United States’ 1910 White Slave Traffic Act and Britain’s 1885 Criminal Law Amendment Act and Aliens Act of 1905. After the First World War, the League of Nations became the institutional home of the antitrafficking move-



Ernest A. Bell’s 1910 white slavery exposé highlighted the use of marriage as a trafficking tactic, mentioning it over 50 times: “the fact that the runaway marriage is the favorite device of the white slaver for landing victims who could not otherwise be entrapped.”

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ment, providing a space for civil society actors and representatives of nation states to discuss the challenges posed by sex trafficking. Ideas about legitimate marriage, marital domesticity, and women’s reproductive labors figured prominently in these discussions about sex trafficking and women’s global migrations.

This article explores the ways that marriage, slavery, and prostitution became triangulated in discourse about women’s migration, citizenship, and consent. It focuses on the rhetoric and policy implications of white slavery within the United States from the 1890s to the 1920s, examining the ways that marriage appeared in white slavery tracts and the ways that the Immigration Bureau understood the relationship between marriage and sex trafficking. It situates the U.S. experience and difficulties with the regulation of sex trafficking in a global framework, tracing how U.S. understandings helped shape international perceptions of sex trafficking in the interwar period.<sup>1</sup> The use of fraudulent marriage for the transport and illegal trafficking of women posed great practical and legal difficulties for immigration regimes worldwide. In the interwar years the League of Nations, and numerous nation states, adopted the U.S. approach of strict enforcement of marriage laws, including disputing marriages undertaken for trafficking purposes. By viewing that cooperation we gain a better understanding of the evolving international efforts and policies, the U.S. role in those developments, and the unique challenges that ideas of women’s citizenship and sexuality posed to nations building a border infrastructure to limit undesirable immigration. The marital dimensions of white slavery and trafficking provide early evidence of Julia O’Connell Davidson’s observations that the trafficking victim works “to most effect in the service of extremely conservative moral agendas on prostitution, gender and sexuality and in support of more restrictive immigration policies and tighter border controls.”<sup>2</sup>

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<sup>1</sup> David Thelen, Richard White, and Bruno Ramirez, “The Nation and Beyond,” *Journal of American History* 86, no. 3 (Dec. 1999), 965–76; Thomas Bender, ed., *Rethinking American History in a Global Age* (Berkeley: University of California Press, 2002); Thomas Bender, *A Nation among Nations: America’s Place in World History* (New York: Macmillan, 2006); Carl J. Guarneri and Jim Davis, *Teaching American History in a Global Context* (New York: Routledge, 2015); Akira Iriye, *Global and Transnational History: The Past, Present, and Future* (London: Palgrave Pivot, 2013); Ian Tyrrell, *Transnational Nation: United States History in Global Perspective since 1789* (New York: Palgrave Macmillan Education, 2015); Andrew Preston and Doug Rossinow, eds., *Outside In: The Transnational Circuitry of US History* (New York: Oxford University Press, 2017).

<sup>2</sup> Julia O’Connell Davidson, “New Trafficking, Old Binaries: Human Trafficking and the Borders of ‘Freedom,’” *Global Networks* 10, no. 2 (2010): 244–61, quote on 244.

### The Problem of Women's Citizenship

Anxieties about “bad women” infecting the national body and of vulnerable nationals being exploited in foreign brothels provoked an international conversation on women's citizenship. Linked to that conversation was the issue of marriage, since it was through marriage that women could gain entrance into other countries and gain access to citizenship.<sup>3</sup> At the turn of the 20th century, a woman's citizenship was determined in one of two ways: through the geographic territory where she was born or the nationality of her father/husband. In the United States, an 1855 federal statute declared that any woman who married a U.S. citizen became a citizen herself. The 1855 law followed the lead established by the Code Napoleon, which in 1804 declared that wives' statuses followed that of their husbands, and an 1844 British law that established the naturalizing capacity of marriage.<sup>4</sup> By the turn of the century, most European nations had followed suit. In the United States, marriage became the primary way that immigrant women could become naturalized citizens, and even if a migrating woman failed to naturalize, her presence in the country still bore on the issue of citizenship, because any children she produced would be native-born citizens of the United States. Consequently, marriage emerged as the primary state-sanctioned institution that governed the production of legitimate citizens who would be endowed with political and property rights.<sup>5</sup> As historian Martha Gardner notes, “Marriage provided the linchpin between policies of family unification and those of immigration restriction. If there was no legal marriage, there could be no legal family and thus no claim to entry or access. As long as ‘wife’ remained a privileged category under the law, immigration and judicial officials were forced to contend with the question of marriage—what exactly constituted a legal, state solemnized relationship.”<sup>6</sup> Marriage and citizenship were entangled for migrating women.

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<sup>3</sup> Donna J. Guy, “‘White Slavery,’ Citizenship, and Nationality in Argentina,” in *White Slavery and Mothers Dead and Alive: The Troubled Meeting of Sex, Gender, Public Health in Latin America* (Lincoln: University of Nebraska Press, 2000), 72–85.

<sup>4</sup> Nancy F. Cott, “Marriage and Women's Citizenship in the United States, 1830–1934,” *American Historical Review* 103, no. 5 (Dec. 1998): 1440–74, 1458.

<sup>5</sup> Nancy Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge, MA: Harvard University Press, 2000), 132–34; Nayan Shah, *Stranger Intimacy: Contesting Race, Sexuality, and the Law in the North American West* (Berkeley: University of California Press, 2011), 154.

<sup>6</sup> Martha Gardner, *The Qualities of a Citizen: Women, Immigration, and Citizenship, 1870–1965* (Princeton, NJ: Princeton University Press, 2005), 48–49.

Migrating women raised anxieties in the late 19th and early 20th centuries, even though migration in this period was markedly male. From 1890 to 1924, men made up two-thirds of the migrants to the United States.<sup>7</sup> Yet migration was so high that the specter of migrating young women still provoked concern. As Grace Abbott noted, over a half-million women under the age of 29 entered the United States from July 1, 1910 to June 30, 1915.<sup>8</sup> Yet at the same time, reformers in urban centers throughout the world worried about the stunning visibility of commercial sexuality. In cities with high immigrant populations, foreign-born women figured prominently among women arrested for selling sex. Consequently, the problem of urban prostitution became strongly associated with immigration.<sup>9</sup> The white slavery narratives of the early 20th century asserted that sex trafficking was fundamentally “a migration problem.”<sup>10</sup>

### Origins of White Slavery Rhetoric

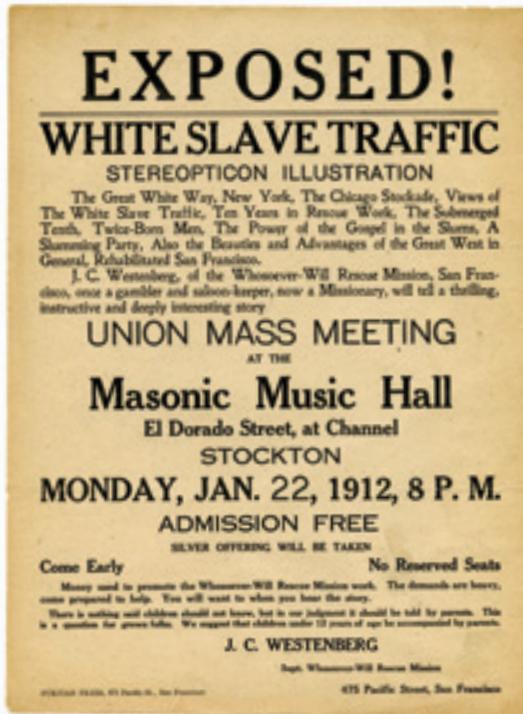
Sex trafficking, called white slavery in the parlance of the time, emerged as a public concern in the English-speaking world in 1885 after W.T. Stead published his best-selling exposé, “The Maiden Tribute of Modern Babylon,” that purported to uncover a miasma of child prostitution, vice, and sex trafficking in London. The exposé published in the *Pall Mall Gazette* led to demonstrations in Hyde Park, prompted Parliament to raise the age of consent, and gave a boost to the evangelical antiprostitution movement in England.<sup>11</sup> Significantly, publishers worldwide republished the series, including the “purest journals in the great American republic,” as Stead boasted.<sup>12</sup> Stead

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<sup>7</sup> Kathrine M. Donato and Donna Gabaccia, *Gender and International Migration* (New York: Russell Sage Foundation, 2015), 85–86.

<sup>8</sup> Grace Abbott, *The Immigrant and the Community* (New York: Century Co., 1917), 55–56.

<sup>9</sup> Mark Thomas Connolly, *The Response to Prostitution in the Progressive Era* (Chapel Hill: University of North Carolina Press, 1980), 48–66. For more on 19th- and 20th-century prostitution in the United States, see Ruth Rosen, *The Lost Sisterhood: Prostitution in America, 1900–1918* (Baltimore: Johns Hopkins University Press, 1983); Barbara Meil Hobson, *Uneasy Virtue: The Politics of Prostitution and the American Reform Tradition* (New York: Basic Books, 1987); Timothy J. Gilfoyle, *City of Eros: New York City, Prostitution, and the Commercialization of Sex, 1790–1920* (New York: W.W. Norton, 1992); and Elizabeth Alice Clement, *Love for Sale: Courting, Treating, and Prostitution in New York City, 1900–1945* (Chapel Hill: University of North Carolina Press, 2006). For antiprostitution campaigns in the United States, see Paul S. Boyer, *Urban Masses and Moral Order in America, 1820–1920* (Cambridge, MA: Harvard University Press, 1992); Gaines M. Foster, *Moral Reconstruction: Christian Lobbyists and the Federal Legislation of Morality, 1865–1920* (Chapel Hill: University of North Carolina Press, 2002); David J. Pivar, *Purity Crusade: Sexual Morality and Social Control, 1868–1900* (Westport, CT: Greenwood Press, 1973); David J. Pivar, *Purity and Hygiene: Women, Prostitution, and the “American Plan,” 1900–1930* (Westport, CT: Greenwood Press, 2002); Kristin Luker, “Sex, Social Hygiene, and the State: The Double-Edged Sword of Social Reform,” *Theory and Society* 27, no. 5 (1998): 601–34; Allan Brandt, *No Magic Bullet: A Social History of Venereal Disease in the United States since 1880* (New York: Oxford University Press, 1985).



Poster advertising an anti-white slavery public meeting held in 1912.

the commercialization of sexuality in America's urban centers.

White slavery emerged as a mainstream sensationalized hysteria and human rights issue in the United States by 1907. The term “white slavery” had been utilized since the 17th century to refer to a wide range of exploitative labor practices, ranging

established the basic narratives of antitrafficking rhetoric of the period: an emphasis on the youth and innocence of the “victims,” and a focus on the crass monetization and commercialization of female sexuality. Evangelical Christians and feminists interested in social purity regularly raised concerns about the ways that prostitution in American cities relied on debt bondage, seduction, and a double standard of sexuality that condoned male promiscuity while condemning female promiscuity.<sup>13</sup> The umbrella of “white slavery” gave purity activists broad coverage to launch a number of pointed critiques about the

<sup>10</sup> Keeley Stauter-Halstead, “Sex at the Border: Trafficking as a Migration Problem in Partitioned Poland,” in *Migration and Mobility in the Modern Age: Refugees, Travelers, and Traffickers in Europe and Eurasia*, eds. Anika Walke, Jan Musekamp, and Nicole Svobodny (Bloomington: Indiana University Press, 2016), 164–87. An increasing number of scholars are reassessing white slavery through an immigration analytic: Elisa Camiscioli, “Coercion and Choice: The ‘Traffic in Women’ Between France and Argentina in the Early Twentieth Century,” *French Historical Studies*, forthcoming; Philippa Hetherington, “Victims of the Social Temperament: Prostitution, Migration, and the Traffic in Women from Imperial Russia and the Soviet Union, 1885–1935” (Ph.D. diss., Harvard University, 2014); Liat Kozma, *Global Women, Colonial Ports: Prostitution in the Interwar Middle East* (Albany: SUNY Press, 2016); Julia Laite, *Common Prostitutes and Ordinary Citizens: Commercial Sex in London, 1885–1960* (London: Houndmills, 2012); Jessica R. Pliley, *Policing Sexuality: The Mann Act and the Making of the FBI* (Cambridge: Harvard University Press, 2014); and Mir Yarfitz, “Polacos, White Slaves, and Stille Chuppahs: Organized Prostitution and the Jews of Buenos Aires, 1890–1939” (Ph.D. diss., University of California, Los Angeles, 2012).

from the forced indentured servitude of Irish workers in the Caribbean in the 17th century to the exploitation of white male wage laborers during the birth of America's Industrial Revolution.<sup>14</sup> As scholar Gretchen Soderlund contends, "After Stead's series in London's *Pall Mall Gazette*, the meaning of the phrase began to congeal around the notion of forced domestic and international prostitution."<sup>15</sup> By the 1910s the term had been feminized, yet its exact meaning remained conveniently unclear.

Even when reformers agreed that the term white slavery had something to do with prostitution, they differed widely in their understandings. On one end of the spectrum were those who argued that white slavery involved only forced prostitution: the tricking, trapping, and kidnapping of young women for the purposes of prostitution.<sup>16</sup> These stories imagined a young, chaste victim who fell into the clutches of nefarious procurers, often of foreign birth, who spirited the victim away from her home to a new locale where she would have no friends and could not speak the language. Other reformers suggested that all prostitutes must be white slaves, because what woman would be willing to sell sex unless they were compelled to do so? In this conception of white slavery, frequently championed by Protestant evangelicals and women's rights activists, the imagined forces were broader and included indirect compulsion. Fraud, deception, seduction, and economic desperation could force a young woman into prostitution, where she then would be subjected to the coercion of the brothel through drink, drugs, and debt bondage. This understanding of white slavery offered a pointed critique of both prostitution and the realities of the wage labor market that did not offer young women a living wage. Most activists shared a racialized understanding of the term *white*

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<sup>11</sup> Judith Walkowitz, *City of Dreadful Delight: Narratives of Sexual Danger in Late-Victorian London* (Chicago: University of Chicago Press, 1992).

<sup>12</sup> *Ibid.*, 82.

<sup>13</sup> Katherine C. Bushnell, "Working in Northern Wisconsin," *W.C.T.U. State Work* (Madison, WI) 3, no. 7 (Nov. 1, 1888); Katherine C. Bushnell, "The Wisconsin Lumber Dens," *The Philanthropist* 3, no. 12 (Dec. 1888): 3.

<sup>14</sup> Gunther Peck "Feminizing White Slavery in the United States: Marcus Braun and the Transnational Traffic in Women's Bodies, 1890–1910," in *Workers Across the Americas: The Transnational Turn in Labor History* (New York: Oxford University Press, 2011); David Roediger, *The Wages of Whiteness: Race and the Making of the American Working Class* (New York: Verso Books, 2005).

<sup>15</sup> Gretchen Soderlund, *Sex Trafficking, Scandal, and the Transformation of Journalism, 1885–1917* (Chicago: University of Chicago Press, 2013), 3.

<sup>16</sup> Theresa Billington-Greig, "The Truth about White Slavery," *The English Review* 14 (June 1913): 428–46.

*slavery*. At the center of the white slavery narrative stood young white women needing protection from the dangers of the city where they might encounter nonwhite men. The white slave hysteria peaked in the United States between 1907 and 1914 and corresponded to the period when the United States accepted the largest number of immigrants and the period of the Great Migration when Southern African Americans ventured north seeking a better life. Thus, the term *white slavery* reflected both nativist and racist anxieties, even if various activists did not agree on exactly what circumstances constituted *white slavery*.<sup>17</sup> The parameters of the definition of *white slavery* were considerably flexible and unstable.



The caption from *Fighting the Traffic in Young Girls* emphasizes romantic seduction as a favored tactic of traffickers: “The smooth tongued villain tells of his affections and undying love for her. He paints a beautiful picture of how happy they will be. She is enraptured and promises to meet him and go to dinner with him.”

### Marriage in White Slavery Narratives

Activists invoked marriage throughout the American white slavery narrative, most commonly as a method employed by sex traffickers to entrap their victims. In assessing the methods employed by sex traffickers, the top three analyzed by social reformer Maude Miner centered on marriage: promise of marriage, fake marriage, and marriage itself.<sup>18</sup> Miner was not alone in her assessment. Almost all of the white slavery writers of the 1910s pointed to false offers of marriage or actual marriages as a tactic used by sex traffickers.<sup>19</sup>

<sup>17</sup> Brian Donovan, *White Slave Crusades: Race, Gender, and Anti-Vice Activism, 1887–1917* (Chicago: University of Chicago Press, 2006); Piley, *Policing Sexuality*, 28–33.

<sup>18</sup> The other methods discussed, in order, include: Advertisement for Workers, Employment Agencies, Promise of Fine Clothes and High Wages, and Force and Violence. Maude E. Miner, *Slavery of Prostitution: A Plea for Emancipation* (New York: MacMillan Co., 1916), 88–124.

<sup>19</sup> The best-known white slavery tracts are Theodore Bingham’s *The Girl That Disappears: The Real Facts about the White Slave Traffic* (1911); Clifford G. Roe’s *The Prodigal Daughter; The White Slave Evil and the Remedy* and *The Great War on White Slavery* (1911); O. Edward Janney’s *The White Slave Traffic in America* (1911); Reginald Wright Kaufman’s *The House of Bondage*, Ernest A. Bells’ *Fighting the Traffic in Young Girls* (1910) and *The War on the White Slave Trade* (1910).

It may seem strange that marriage would be so consistently summoned by white slavery writers since, to many, the two—prostitutes and wives—represented one another’s antithesis;<sup>20</sup> yet marriage offered real protections to sex traffickers. Miner noted that “the institution of marriage means to many procurers nothing more than a better tool to gain control over the bodies and souls of their victims.”<sup>21</sup> Most states had seduction laws on the books that forbade the use of promises of marriage to seduce young women for personal or commercial purposes. For example, Clifford G. Roe, a former states’ attorney who gained fame for his prosecution of traffickers, noted that in Massachusetts, procuring a woman was only illegal if she had been previously chaste, and was *unmarried*. “If the procurer marries the girl to circumvent the law,” he wrote in 1909, “he cannot be prosecuted; if the girl makes one mistake in life, she cannot be protected from being procured. In many cities, the evidence in the cases shows that ‘cadets’ [pimps] are paid to marry girls by White Slave traders so that prosecution may be avoided and they may thus crawl through one of the many loopholes in moss-covered laws made before pandering became a curse upon civilization.”<sup>22</sup> Other white slavery activists with criminal justice backgrounds echoed this claim.<sup>23</sup>

The cynical use of marriage to enable prostitution highlighted young women’s vulnerability in both the wage labor market and the marriage market. The problem with using false marriages or, even worse, real marriages as a method to traffic women was multivalent. First, it undermined the sanctity of marriage, an arrangement that in American law depended upon the exclusive sex right of the male head of household to the female dependent to establish legitimate heirs. Second, the monetizing of her sexuality for the public negated the private and exclusive nature of the institution. Third, the legal cover that marriage offered in both local and federal law grossly revealed the patriarchal underpinnings of legal marriages that endured in the persistence of coverture, the concept of marital unity that subsumed the wife’s legal/civic identity under that of her husband’s.<sup>24</sup> Last, the fraudulent use of marriage made the state complicit in prostitution,

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<sup>20</sup> Guy, “White Slavery,” 75.

<sup>21</sup> Miner, *Slavery of Prostitution*, 96.

<sup>22</sup> Clifford G. Roe, “Warfare Against the White Slave Trade,” in *War on the White Slave Trade*, Ernest A. Bell, ed. (Chicago: Charles C. Thompson, 1909), 160–61.

<sup>23</sup> Bingham, *The Girl that Disappears*, 64. Bingham served as the police commissioner in New York City from 1906 to 1909.

<sup>24</sup> Cott, *Public Vows*, 11–12. Under coverture, common law made the husband and the wife one legal entity, with the husband acting on behalf of the household in legal, civic, and political matters.

because, as stated earlier, marriage to a U.S. citizen allowed prostitutes to freely enter the country despite the numerous prohibitions against them.

### **Marriage in White Slavery Investigations: Legislative Responses**

After sensational white slavery exposés reached a fevered pitch in 1907, the federal government authorized two studies of white slavery in America: one private internal study for the Bureau of Immigration within the Department of Commerce and Labor and the other a public investigation for Congress.<sup>25</sup>

Marcus Braun, a special investigator of the Immigration Bureau, conducted the private investigation that took him to 15 cities in the summer of 1908. Braun and his assistant traveled throughout the country visiting America's quasi-legal brothels to assess the extent of foreign-born women in the population of sex workers and determine if they had been trafficked by a third party. He was also on the lookout for sex workers who were in the country illegally, since importing prostitutes had been illegal since Congress passed the Page Act of 1875 to exclude Chinese prostitutes from entry into the country. Congress reified the Page Act with the 1903 and 1907 immigration acts. The 1903 law outlawed the entry of sex traffickers, and the 1907 law prohibited the practice of prostitution within three years of entry into the United States. As Braun continued his investigation, he suspected that most of the foreign-born women he encountered had entered the country within the three-year window and could therefore be deportable.<sup>26</sup>

Foreign-born women who sold sex circumvented U.S. immigration laws by simply marrying a U.S. citizen. Braun relayed the story of Marie Ruhlmann to illustrate this problem. When Ruhlmann entered the United States at Mission Junction, Canada, the border inspector insisted that she marry the man with whom she traveled, Francois Perinet, a French immigrant who had received U.S. naturalization. A few months later, immigration agents raided a Seattle brothel and discovered Ruhlmann selling sex. After the immigration agents began the deportation proceeding against Ruhlmann, Perinet

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<sup>25</sup> For more on the Dillingham Commission and its white slavery investigation, see Katharine Benton Cohen, *Inventing the Immigration Problem: The Dillingham Commission and Its Legacy* (Cambridge, MA: Harvard University Press, 2018). The Immigration Bureau shifted its administrative home several times in the period under discussion: It started in the Treasury Department in 1891, shifted to the Department of Commerce and Labor in 1903, was moved to the Department of Labor in 1913, combined with the Bureau of Naturalization to be the INS from 1933 to 1940 in Labor, and after 1940 INS became part of the Department of Justice until the post 9/11 reorganization of the federal intelligence agencies.

<sup>26</sup> Peck, "Feminizing White Slavery" and Pliley, *Policing Sexuality*, 37–41.

arrived at the immigration office and begged to be allowed to re-marry Rulhmann “in order to save her from deportation.” Braun noted that his subsequent investigation into Perinet’s activities in the United States revealed that he had bigamously married several prostitutes in Seattle and Denver. Looking at the Rulhmann case, Braun argued that the Immigration Bureau needed to “throw as [many] serious obstacles as possible in the way of marriages of alien girls” to native-born or naturalized citizens.<sup>27</sup> At the time, the Immigration Bureau sought to encourage marriages as a way to ensure entry into the United States, something that Rulhmann and Perinet encountered when they crossed the border at Mission Junction. Allowing marriage between immoral women and U.S. citizens struck Braun as a dangerous loophole in the country’s antitrafficking immigration laws and made a mockery of the sanctity of marriage and citizenship. “I would be so jealous of our American Citizenship—that right or wrong—the moment an American Citizen stoops to be willing to marry a Prostitute as in the case of Marie Rulhmann and others,” he wrote, “I would declare him to be unworthy of his American citizenship, and if possible deprive him of it.”<sup>28</sup> He urged the Immigration Bureau to close the marriage loophole.

The public investigation was part of a larger congressionally mandated investigation into all aspects of immigration to the United States. In 1907 Congress established a nine-member committee known as the Dillingham Commission, which incorporated many of Braun’s findings into its investigation into white slavery. The commission’s white slavery report was published in December 1909 amid a growing outcry about sex trafficking and immigration. Like other reports, the Dillingham Commission’s report focused on the marriage loophole in U.S. immigration law. It declared: “To escape the penalty of deportation, the confirmed alien prostitute is sometimes ready to marry an American citizen or often a pimp or procurer, and thus by procuring citizenship secure admittance and retain residence in the country. The detection of these frauds is extremely difficult.”<sup>29</sup> According to this line of reasoning, all marriages between

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<sup>27</sup> Marcus Braun to Commissioner General, “Braun U.S. White Slavery Report,” Sept. 29, 1908, case file 52484/1-A, *Records of the Immigration and Naturalization Service, Series A: Subject Correspondence Files, Part 5: Prostitution and “White Slavery,”* ed. Alan Kraut (Bethesda, MD: University Publications of America, 1997), roll 3, p. 13 [hereinafter referred to as “Braun, U.S. White Slavery Report”].

<sup>28</sup> *Ibid.*

<sup>29</sup> U.S. Congressional Immigration Commission, “Importing Women for Immoral Purposes: A Partial Report from the Immigration Commission for the Importation and Harboring of Women for Immoral Purposes,” (Wash., DC: Government Printing Office [GPO], 1909), [hereinafter referred to as the “Dillingham Commission Report”], 8. For context on the Dillingham Commission, see Katherine Benton-Cohen, *Inventing the Immigration Problem: The Dillingham Commission and its Legacy* (Cambridge, MA: Harvard University Press, 2018).

foreign-born prostitutes and pimps were by definition fraudulent. The commission, like Braun, saw the categories of “wife” and “prostitute” as mutually exclusive. The prostitute “negated the law of marriage.”<sup>30</sup> Marriage, in the American worldview, required consent and monogamy. As legal theorist Francis Lieber wrote in 1855,

Monogamy does not only go with the western Caucasian race, the Europeans and their descendants, beyond Christianity, it goes beyond Common Law. It is one of the most primordial elements out of which all law proceeds, or which the law steps in to recognize and to protect. Wedlock . . . stands in this respect on a level with property. . . . Wedlock, or monogamic marriage, is one of the “categories” of our social thoughts and conceptions, and therefore, of our social experience. It is one of the elementary distinctions—historical and actual—between European and Asiatic humanity. . . . It is one of the pre-existing conditions of our existence as civilized white men. . . . Strike it out, and you destroy our very being; and when we say *our* we mean our race—a race which has its great and broad destiny, a solemn aim in the great career of civilization.<sup>31</sup>

In this formulation, monogamous marriage between two consenting adults generated the civilizing effects of marriage and distinguished the civilized (white) race from other peoples of the world.<sup>32</sup> Other forms of marriage became evidence of cultural backwardness. Ever since Congress debated Mormon polygamy in the 1880s, polygamy, child marriage, religious marriage, correspondence marriage, and arranged marriages had been characterized as nonwhite, usually “labeled as Asian ‘uncivilized customs’ that undercut American sexual modernity, liberalism, and the superiority of Protestant Christian values.”<sup>33</sup>

Because of the way that U.S. immigration law linked marriage and immigration for women, the Dillingham Commission raised concerns about other forms of marriage that it deemed as potentially fraudulent and as tools for sex traffickers, especially Japanese proxy marriage. Japanese prostitution, the Dillingham Commission suggested, remained a particular problem in the West with Japanese women entering illegally as picture brides, women who married husbands by proxy in Japan (and

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<sup>30</sup> Amy Dru Stanley, *From Bondage to Contract: Wage Labor, Marriage, and the Market in the Age of Slave Emancipation* (New York: Cambridge University Press, 1998), 218.

<sup>31</sup> Quoted Cott, *Public Vows*, 114–15.

<sup>32</sup> For more on the civilizing effects of marriage, see Melissa Murray, “Marriage as Punishment,” *Columbia Law Review* 100, no. 1 (2011): 101–68.

<sup>33</sup> Nayan Shah, *Stranger Intimacy*, 176.

Korea) and then joined their husbands who lived and worked abroad. American immigration officials remained very suspicious of marriage by proxy and insisted that the practice allowed Japanese prostitutes to enter the country. From 1908 to 1920 it is estimated that over 10,000 picture brides entered the United States from Japan.<sup>34</sup> The commission admitted that some Japanese women may have been entering the country to meet their new legitimate husbands, but it warned that the custom was liable to abuse and that most immigration inspectors believed that the “large majority of the women coming in this way are intended for purposes of prostitution.”<sup>35</sup>

The problem of proxy marriage for the Dillingham Commission lay not only in the way that the system was vulnerable to fraud, but also in the way that proxy marriages seemed to discount consent. In explaining the tradition, the commission noted that the marriages tended to be arranged by “parents or trusted relatives,” that the marriage ceremony was conducted in Japan with a stranger standing in as the “groom,” and that when the “wife” arrived in the United States she met her husband “whom she has known before only by reputation and whom she has seen only by photograph.”<sup>36</sup> The question posed was how can a woman freely consent to a marriage when she has no knowledge of her husband? Immigration officials began requiring dockside weddings to legitimate these marriages. The commission argued that “without such a ceremony, it might well be that the woman was being imported for the purposes of prostitution.”<sup>37</sup> The dockside wedding transformed the potential prostitutes into a devoted wife, and the categories of prostitute and wife were kept distinct.

The Dillingham Commission also singled out Chinese marriages as especially suspicious. After the passage of the Chinese Exclusion Act of 1882, the wives of merchants, students, or diplomats could enter the country. The Commission argued that “doubtless in many instances women are brought in as wives of members of these exempt classes, and are then sold to keepers of houses. Under the conditions ruling in the Chinese quarters of our cities, such women become really slaves; doubtless in many cases they have been slaves at home.”<sup>38</sup> As Erika Lee has demonstrated, U.S. immigration officials had long suspected that *all* Chinese

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<sup>34</sup> “Braun U.S. White Slavery Report,” 23–24; Kei Tanaka, “Japanese Picture Marriage and the Image of Immigrant Women in Early Twentieth-Century California,” *Japanese Journal of American Studies*, 15 (2004): 115–38.

<sup>35</sup> Dillingham Commission Report, 17–18.

<sup>36</sup> *Ibid.*, 18.

<sup>37</sup> *Ibid.*, 18.

women were prostitutes-in-hiding. In 1895, John H. Wise, a customs collector in San Francisco, proclaimed he would “do as much as I can to discourage Chinese from sending for their alleged wives and children. I am satisfied that . . . many women and young girls [would be] brought for immoral purposes.”<sup>39</sup> Chinese marriages were looked at with suspicion as a tactic used to circumvent exclusion laws and to traffic women. The Dillingham Commission, according to Nayan Shah, “developed racial taxonomies to predict male predisposition to polygamy, or to procure and traffic women for illicit purposes, and for unmarried or widowed women to serve as prostitutes or concubines.”<sup>40</sup> For them, non-Protestant marriage practices formed the link for connecting immorality, racial degeneration, and exclusion. The Dillingham Commission and the Immigration Bureau’s critiques of Asian marriage practices shored up white marriages as especially legitimate, while racializing sexual slavery as a practice facilitated by foreign, deviant marriages.

Concern about sex trafficking, prostitution, and marriage quickly prompted legislative action. The 1910 Immigration Act discarded the pesky prohibition against selling sex within three years of entry and replaced it with a general prohibition against the selling of sex by noncitizens. Prostitution after entry into the United States became a deportable offense, regardless of how long one had lived in the country. Then, in the 1917 Immigration Act, Congress prohibited the practice of prostitution for *any* foreign-born woman, regardless of her naturalization status. In other words, marriage would no longer protect women from deportation, and indeed sex workers who married American citizens but found themselves deported were essentially rendered *stateless*. Foreign-born women who chose to sell sex lost the privileges of citizenship that marriage accorded. The law further shattered the traditional legal concept of marital unity when it declared that “the testimony of a husband or wife shall be admissible and competent evidence against each other” in all prosecutions connected with the prohibition of importing, harboring, and profiting from prostitution.<sup>41</sup>

The processes of immigration control constituted the category of the “illegal immigrant,” who was defined, in part, by the threat, if not the reality, of deportation. Prostitutes were one of the first categories of migrants to be declared illegal. Yet,

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<sup>38</sup> *Ibid.*, 17–18.

<sup>39</sup> Erika Lee, *At America’s Gates: Chinese Immigration During the Exclusion Era, 1882–1943* (Chapel Hill: University of North Carolina, 2003), 93–94.

<sup>40</sup> Shah, *Stranger Intimacy*, 208.

<sup>41</sup> U.S. Department of Labor, “Immigration Laws, Act of February 5, 1917,” (Wash., DC: GPO, 1922), 8. For more on the concept of marital unity and spousal testimony, see Hendrik Hartzog, *Man and Wife in America: A History* (Cambridge, MA: Harvard University Press, 2000), 54.

prostitutes and the larger class of “immoral aliens” is a unique category in U.S. immigration law and administration. First, it is the longest established excludable class, dating back to 1875. Second, the gendered and sexualized rationale of the exclusion points to a narrow reading of female citizenship that was grounded in seeing women as economic dependents of male breadwinners.<sup>42</sup> But it is also unique because, whereas most deportations depend on the deportee being a member of a class whose unlawful entry creates the conditions for deportation, it is the behavior, engaging in prostitution *after* entry, that produces the cause for deportation in the case of the immoral classes. Therefore, prostitution has a different temporal relationship to the border than other classes of deported (or deportable) peoples. Immigration officials often contended that deporting prostitutes was akin to deporting immigrants who had been found to have been criminals prior to their entry. However, as William C. Van Vleck noted in his 1931 study of the INS’s administrative procedures, for prostitution, “the ground for expulsion is the commission of the act and not the conviction.”<sup>43</sup> Antitrafficking immigration laws formed some of the first policies of what historian Daniel Kangstrom calls “post-entry social control.”<sup>44</sup>

While the U.S. Congress amended its immigration laws to fight sex trafficking, it also passed national legislation to address domestic sex trafficking. The 1910 White Slave Traffic Act, known as the Mann Act, prohibited the transportation or inducement of transportation of women or girls over state lines for the purpose of prostitution, debauchery, or “any other immoral purpose.” After the Supreme Court upheld the constitutionality of the law in 1917—especially that vexing “any other immoral purpose” clause—the Mann Act became a tool for the federal government to police marriage. Following the 1917 Supreme Court decision, the Department of Justice advised U.S. attorneys and FBI

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<sup>42</sup> Deirdre M. Moloney, “Women, Sexual Morality, and Economic Dependency in Early U.S. Deportation Policy,” *Journal of Women’s History* 18, no. 2 (Summer 2006): 95–112; Eithne Luibhéid, *Entry Denied: Controlling Sexuality at the Border* (Minneapolis: University of Minnesota Press, 2002); Gardner, *Qualities of a Citizen*; Deirdre M. Moloney, *National Insecurities: Immigrants and U.S. Deportation Policy since 1883* (Chapel Hill: University of North Carolina Press, 2012); Margot Canaday, *The Straight State: Sexuality and Citizenship in Twentieth-Century America* (Princeton, NJ: Princeton University Press, 2011); Pliley, *Policing Sexuality*, chs. 1–2.

<sup>43</sup> William C. Van Vleck, *The Administrative Control of Aliens: A Study of Administrative Law and Procedure* (New York: Commonwealth Fund, 1931), 118.

<sup>44</sup> Quoted in Daniel Kangstrom, *Deportation Nation: Outsiders in American History* (New York: Cambridge University Press, 2007), 91–130. See also Andrew Urban, *Brokering Servitude: Migration and the Politics of Domestic Labor During the Long Nineteenth Century* (New York: New York University Press, 2018), 138–87.

agents that they should continue to investigate Mann Act cases that involved bigamy, “previously chaste, or very young women or girls,” and “married women (with young children).”<sup>45</sup> With these guidelines, U.S. attorneys and FBI agents enthusiastically pursued these cases of “interstate immorality.” Mann Act investigations constituted the largest part of bureau agents’ caseloads during the 1920s, with over 47,500 cases launched from 1921 to 1936.<sup>46</sup> Policing disorderly homes frequently meant monitoring women’s mobility and regulating men’s respectability.

### **International Action—The League of Nations and Marriage**

Since the emergence of the anti-white slavery movement in the late 19th century, sex trafficking had been conceived as an international crime that required international cooperation. The first international meeting on the white slave traffic was held in Geneva in 1877, followed with meetings in London in 1899, Paris in 1902, Madrid in 1910, and London in 1913.<sup>47</sup> International conferences quickly paved the way for international cooperation in the fight against sex trafficking. This cooperation first existed on the civil society level, but soon gave way to official governmental cooperation embodied in the 1904 International Agreement for the Suppression of the White Slave Traffic—which sought to set out the parameters for countries to share information about cases

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<sup>45</sup> Department of Justice Circular No. 647, Jan. 26, 1917, Miscellaneous Records, 1865–1968, Box 3, Circulars, 1916–1917, Administrative Orders, Circulars and Memoranda, 1856–1968, General Records of the Department of Justice, Record Group (RG) 60, National Archives at College Park, MD (NACP).

<sup>46</sup> Special Agent in Charge to J. Edgar Hoover, Mar. 22, 1929, 31-03-25; Special Agent in Charge to J. Edgar Hoover, Apr. 19, 1929, 31-03-28; File 31-03, Box 1, FBI Headquarters Case Files, Classification 31, Records of the Federal Bureau of Investigation, RG 65, NACP [hereinafter FBI White Slave Files]; J. Edgar Hoover quoted in “White Slave Traffic Gains: Hoover Asks Public Aid to Wipe Out Violations,” *Boston Evening Recorder*, Aug. 17, 1936.

<sup>47</sup> For Canada, see Mariana Valverde, *The Age of Light, Soap, and Water* (Toronto: McClelland and Stewart, 1991), 92; for the U.S. see David Pivar, *Purity Crusade: Sexual Morality and Social Control, 1868–1900* (Westport, CT: Greenwood Press, 1974) and Philey, *Policing Sexuality*, 19–20; for France, see Karen Offen, “Madam Ghénia Avril de Sainte-Croix, the Josephine Butler of France,” *Women’s History Review* 17, no. 2 (Apr. 2008): 239–55; for the Netherlands, see Petra De Vries, “Josephine Butler and the Making of Feminism: International Abolitionism in the Netherlands (1870–1914),” *Women’s History Review* 17, no. 2 (Apr. 2008): 257–77; and Stephanie Limoncelli, “International Voluntary Associations, Local Social Movements and State Paths to the Abolition of Regulated Prostitution in Europe, 1875–1950,” *International Sociology*, 21, no. 1: 31–59; Anne Summers, “Which Women? What Europe? Josephine Butler and the International Abolitionist Federation,” *History Workshop Journal* 62, no. 1 (2006): 214–31; League of Nations, *Report of the Special Body of Experts*, Vol. I (Geneva: League of Nations Publications, 1927), 7–9.

of trafficking.<sup>48</sup> The 1910 International Congress for the Suppression of the White Slave Trade soon fortified the 1904 agreement. The 1910 agreement mandated state legislation to criminalize the prostitution of women by force or fraud and prohibited the prostitution of women under the age of 21.<sup>49</sup> The agreements would come under the umbrella of the League of Nations after World War I, which became the premier site of anti-sex trafficking activism during the interwar period.

The League hosted an international conference on the trafficking of women and children held in Geneva in the summer of 1919. The most important outcome of this conference, attended by representatives from 33 countries, was the establishment of the Committee on the Traffic in Women (TWC) that would meet annually to address the ongoing fight against sex trafficking. The 1921 Convention for the Suppression of the Traffic in Women and Children emerged out of this conference, calling for the repatriation of foreign women under the age of 21 from licensed brothels. The convention signaled a preference towards more race-neutral terminology in the antitrafficking movement, even as the migration of white European nationals still prompted the most significant anxiety.<sup>50</sup>

The most significant outcome of the TWC was its 1927 study that constituted the first attempt to systematically study the extent of sex trafficking throughout the globe, though it was limited in scope to Europe, North Africa, and South and North America. The results of the League's groundbreaking 1927 study, overseen

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<sup>48</sup> The convention also established travelers' aid relief in railway stations and ports, set up protocols for the repatriation of foreign prostitutes, and regulated employment agencies that operated in more than one country. Over 20 countries, including the leading imperial powers, eventually signed the world's first international antitrafficking treaty. The original signatories of the 1904 agreement included Belgium, Denmark, France, Germany, Italy, the Netherlands, Portugal, Russia, Spain, Sweden, Norway, Switzerland, and the United Kingdom. Later adherents included Australia, Austria, Brazil, Bulgaria, Canada, China, Cuba, Czechoslovakia, Finland, Hungary, India, Japan, Luxembourg, Monaco, New Zealand, Poland, Siam, Uruguay, and the United States.

<sup>49</sup> Stephanie A. Limoncelli, *The Politics of Trafficking: The First International Movement to Combat the Sexual Exploitation of Women* (Stanford, CA: Stanford University Press, 2010), 9. The original signatories of the 1910 agreement included Austria, Belgium, Denmark, France, Germany, Italy, the Netherlands, Portugal, Russia, Spain, Sweden, Switzerland, and the United Kingdom. Later adherents included Bulgaria, Canada, China, Cuba, Czechoslovakia, Finland, Japan, Monaco, New Zealand, Norway, Poland, Siam, South Africa, and Uruguay.

<sup>50</sup> Donna J. Guy, *Sex and Danger in Buenos Aires: Prostitution, Family, and the Nation* (Lincoln: University of Nebraska Press, 1994).



League of Nations' Committee on the Trafficking of Women and Childrens' Special Body of Experts. The Special Body of Experts was comprised of national representatives to the League who oversaw the investigation conducted by the American Social Hygiene Association. From left to right: Maria Cristina Giustiniani Bandini (Italy), Paulina Luisi (Uruguay), Sidney Harris (United Kingdom), Bascom Johnson (ASHA), unknown, William F. Snow (ASHA), Rachel Crowdy (Social Section of the League), Alfred de Meuron (Switzerland), Tadakatsu Suzuki (Japan), Félicien Hennequin (France), Isadore Maus (Belgium).

by a Special Body of Experts and conducted by American investigators from the American Social Hygiene Association (ASHA), mercilessly implicated state-regulation of prostitution as *the* primary cause of trafficking throughout the world. They called on the elimination of licensed brothels and stricter immigration controls.

The ASHA investigators conducting the undercover study had extensive experience in the white slavery investigations in the 1910s, had enforced U.S. antiprostitution policy during World War I in both the United States and France, and were fully committed to border control as one of the primary mechanisms for fighting trafficking and prostitution.<sup>51</sup> At the launch of the

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<sup>51</sup> The nine known investigators include Bascom Johnson, Paul Kinsie, Samuel Auerbach, George Worthington, Walter Clarke, F. H. Whithin, Walter Brunet, Christina Galitz, and Chloe Owing. They were led by ASHA President William F. Snow. Jean-Michel Chaumont, Magaly Rodríguez García, and Paul Servais, eds., *Trafficking in Women, 1924–1926: The Paul Kinsie Reports for the League of Nations, Vol. 1* (Geneva: United Nations, 2017), 9–15; Eva Payne, “Purifying the World: Americans and International Sexual Reform, 1865–1933,” Ph.D. diss. (Cambridge: Harvard University, 2017), 229–84; Scott Wasserman Stern, *The Trials of Nina McCall: Sex, Surveillance, and the Decades-Long Government Plan to Imprison “Promiscuous” Women* (Boston: Beacon Press, 2018).

investigation, investigator Samuel M. Auerbach proclaimed that “America is the land of opportunity,” but that the “foreign-born criminal or immoral alien should be dealt with according to the law.” In other words, Auerbach argued that U.S. immigration law should be strictly enforced and even exported to other countries.<sup>52</sup> ASHA’s Bascom Johnson concurred. He advised the American delegate on the TWC, head of the Children’s Bureau Grace Abbott, that ASHA welcomed “any move by various governments designed and calculated to restrict the importation of alien prostitutes into any country.”<sup>53</sup> Before ASHA even launched the ambitious study that took investigators to 112 cities in 28 countries, where they conducted 6,500 interviews with police officers, city officials, reformers, women who sold sex, madams, pimps, and traffickers, it embraced an immigration restrictionist stance that would again raise the entangled nature of marriage and migration.

The 1927 study sought to distinguish its tone from the hyperbolic sensationalistic reporting that had characterized earlier white slavery investigations. It noted that the stories of “unsuspecting and defenceless women . . . still linger in the popular imagination in a highly-coloured form.”<sup>54</sup> But it went on to repeat many of the same narratives, declaring that it uncovered “conditions of slavery which are implicit in the traffic.”<sup>55</sup> It also claimed that marriage was the primary tactic used by procurers (*souteneur* in the report) to entrap “greenies,” or “inexperienced girls.” According to the study, “The *souteneur*, after a hasty courtship, offers marriage and takes her to his alleged home in a foreign country. Frequently, he is aided in finding the girl and in carrying out this plan by a marriage broker. This method can be more readily used in countries where there are ritual marriages having no legal significance; but the *souteneur* does not hesitate to contract a legal marriage if the girl is worth the trouble and he can induce her to go abroad.”<sup>56</sup> The American investigators who conducted the 1927 study shared an attitude of suspicion towards religious and proxy marriages that U.S. immigration officials held. The report repeated many of the same claims

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<sup>52</sup> Eva Payne makes the argument that ASHA exported U.S. policy to other countries in “Purifying the World,” 231. Samuel M. Auerbach to Bascom Johnson, “Deportation of Immoral Aliens,” June 20, 1922, pages 1 and 13, Folder: United States—Immigration Statistics and Laws, Box S180, League of Nations Archives, Geneva.

<sup>53</sup> Bascom Johnson to Grace Abbott, Feb. 21, 1923, Box S190, League of Nations Archives, Geneva.

<sup>54</sup> League of Nations, *Report of the Special Body of Experts*, 18.

<sup>55</sup> *Ibid.*, 9–10.

<sup>56</sup> *Ibid.*, 21.

that non-Protestant marriages could be cover for illicit trafficking networks. The report approvingly noted that “Many countries have adopted a policy of refusing to admit foreign women whom they have reason to believe are prostitutes, and many countries deport foreign women found practicing prostitution.”<sup>57</sup> Fundamentally, the report celebrated stricter immigration controls modeled on the type that had been developed by the United States.

In 1928, English reformer H. Wilson Harris published a shorter, popular (and sentimental) version of the League’s study entitled *Human Merchandise*, which proclaimed that “there is nothing alluring about these drab pictures of the degradation of womanhood. They are uniformly sordid and repellent.”<sup>58</sup> Harris went further than the League report in implicating marriage: “The marriage-age is another question, and it affects the international traffic more directly, for it has been shown that not only fictitious marriages, but those legally contracted, form part of the trafficker’s regular armory.”<sup>59</sup> He argued that countries with low age of consent laws contributed to the trafficking problem because traffickers could easily pressure immature young women into marriage. Special opprobrium was given to India and the Mediterranean countries that typically set age of consent (or in the case of India, age of consummation for marriages contracted at birth) at 12 years old.<sup>60</sup>

Though the 1927 study represented a high-water mark for anti-state regulated legal prostitution in the League, opposition to the undercover methods utilized by ASHA investigators blunted its impact.<sup>61</sup> Its indictment of the state-regulated prostitution system could be easily dismissed, but its recommendation for stricter immigration controls suited the national agendas of many nations, and this suggestion emerged as the lasting legacy of the study. As early as 1924, calls came forth in the TWC to ban foreign women from working in legal brothels.

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<sup>57</sup> *Ibid.*, 11.

<sup>58</sup> H. Wilson Harris, *Human Merchandise: A Study in the International Traffic in Women* (London: Ernest Benn Limited, 1928), x.

<sup>59</sup> Harris, *Human Merchandise*, 255.

<sup>60</sup> *Ibid.*, 255–57.

<sup>61</sup> Jean-Michel Chaumont, *Le mythe de la traite des Blanches: enquête sur la fabrication d’un fléau* (Paris: la Découverte, 2009); Paul Knepper, “The Investigation into the Traffic in Women by the League of Nations: Sociological Jurisprudence as an International Social Project,” *Law and History Review*, 34(1), 45–73.

Uruguayan delegate Paulina Luisi objected to the proposal, pointing out that it would limit the employment and mobility of all women, raise questions about jurisdiction and national sovereignty in countries where prostitution was legal, and introduce a whole set of issues related to repatriation and deportation. She contended: “I would like to know how my Government could expel women merely on the grounds that she is a foreign prostitute? Is prostitution a crime? In my country [of Uruguay] only people guilty of offenses against the law can be deported. The foreign women are to be expelled because they commit a crime in leading a life of prostitution? In that case prostitution is a crime; then why should we allow our nationals to commit crimes?”<sup>62</sup> In the face of such critiques, the proposal was shelved, but it was soon followed by another proposal that sought to achieve the same end by eliminating the age demarcation in the 1921 Convention that had prohibited the employment by brothels of foreign-born women under the age of 21.

After the publication of the 1927 study, the proposal became the basis for the 1933 Convention for the Suppression of the Traffic in Women of Full Age.<sup>63</sup> The goal of this treaty was to stop the international migration of women who sold sex (either on a forced or voluntary basis) while mandating their repatriation, which was really their deportation. Alison Neilans of the British Branch of the International Abolitionist Federation (IAF) noted: “The Anti-Traffic in Women movement is less and less inclined to touch the Regulation system and more and more disposed to protect women as though they were children, with the net result that if they had their way it would be difficult for women under 21 to move about Europe [and elsewhere] at all.”<sup>64</sup> In practice, the convention codified, on the international level, a trend toward increasing immigration controls and the construction of a border control infrastructure built, in part, on the policing of women’s morality and sexuality, and thus women’s marriages.<sup>65</sup>

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<sup>62</sup> Quoted in Guy, “White Slavery,” 80.

<sup>63</sup> Jessica R. Pliley, “Claims to Protection: The Rise and Fall of Feminist Abolitionism in the League of Nations Committee on the Traffic in Women and Children, 1919–1936,” *Journal of Women’s History* 22, no. 4 (2010): 90–113, citation on 101–2; Rodríguez García, “The League of Nations and the Moral Recruitment of Women,” *International Review of Social History* 57, no. S20 (2012): 97–128, citation on 117.

<sup>64</sup> Alison Neilans to Mrs. Horton, Dec. 2, 1930, 3AMS/B/11/04, Association for Moral & Social Hygiene Papers, Box 70, Women’s Library, London School of Economics, London, UK.

<sup>65</sup> Pliley, *Policing Sexuality*, 186–87.



This map illustrates the diffusion of immigration restrictions related to prostitution, venereal disease, and respectability.

### **Conclusion**

In the late 19th and early 20th centuries, immigration restriction and deportation policies emerged, as Adam McKeown notes, as a way to promote civility and modernity. Indeed, the 1904, 1910, 1921, and 1933 international antitrafficking agreements were key parts of this broader societal trend. Adoption of models of immigration restriction, coupled with the invention and embracing of international humanitarian

norms such as antitrafficking, “demonstrated an intention to participate in the global order while simultaneously reinforcing the legitimacy of that order.”<sup>66</sup> The “international regulatory regime” that emerged out of the League of Nations favored state-based solutions that constructed a rationalized border-control infrastructure that would perceive immoral women and wives as two distinct entities: one subjected to the whims of the state and the other safely contained in a male-headed household.<sup>67</sup> The regular invocations of marriage as a method employed by traffickers to trap innocent women, of non-Protestant marriages as suspect, and of marriage loopholes in criminal and immigration law demonstrates the extent to which women’s citizenship has been bound by their sexuality, reproductive potential, and marital status. U.S. policy denied the possibility of an immigrant wife selling sex; after 1917 she could not be both wife and prostitute.

U.S. policy makers and antiprostitution reformers in ASHA favored immigration restriction as a tactic for fighting prostitution and trafficking. These reformers exported the U.S. understanding of trafficking as a problem related to immigration to the League of Nations when ASHA was tasked with conducting the investigation into trafficking. The study generated headlines like “Secret Shame Told to World,” “Girls Lured Revealed,” and “League Finds White Slavery” when it was published in 1927.<sup>68</sup> But more importantly, the trend towards stricter border control gained momentum as a way to combat trafficking. By 1936, for example, of the 37 countries, colonies, and territories in the Americas, 12 barred the immoral and diseased, 18 required proof of good conduct and health, 1 demanded good health, and 6 had no health or behavior requirements; essentially 30 (81 percent) of the countries had some sort of legislation allowing for the deportation or repatriation of women who sold sex.<sup>69</sup> American policy makers in ASHA who supported the United States’ strict immigration stance toward “immoral” women and led the League of Nations investigation into

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<sup>66</sup> Adam M. McKeown, *Melancholy Order: Asian Migration and the Globalization of Borders* (New York: Columbia University Press, 2008), 320, 322.

<sup>67</sup> McKeown, *Melancholy Order*, 335; Guy, “White Slavery,” 81–83; Gardner, *Qualities of a Citizen*; Candice Lewis Bredbenner, *A Nationality of Her Own: Women, Marriage, and the Law of Citizenship* (Berkeley: University of California Press, 1998).

<sup>68</sup> “Secret Shame Told to World,” *Los Angeles Times*, Dec. 10, 1927, 18; “Girls Lured Revealed,” *Los Angeles Times*, Dec. 6, 1927, 1; “League Finds White Slavery,” *The Austin American*, Mar. 13, 1927, 2.

<sup>69</sup> Harry H. Laughlin, *The Codification and Analysis of the Immigration-Control Law of Each of the Countries of Pan America* (Wash., DC: Eugenics Records Office of the Carnegie Institution of Washington, 1936), 45–84.

sex trafficking urged the rest of the world to adopt a similar policy of border control that excluded women suspected of promiscuity and prioritized the respectable wife as the ideal female migrant. Furthermore, by using the mantle of the League's internationalist authority to publicize its ideology, the American investigators encouraged a type of policy diffusion around the issue of sex trafficking: exclusion of suspect women, suspicion of non-Christian marriage practices, and the reification of women as wives and mothers.

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*Picture credits:* Book cover, man and woman, *Fighting the Traffic in Young Girls* (1910); poster, "Exposed! White Slave Traffic," California Historical Society; TWC Special Body of Experts, League of Nations Archive, Geneva; Immigration Restriction and Immorality Map, 1936, author's creation.

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