

# Pursuing Johns

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*Criminal Law Reform, Defending  
Character, and New York City's  
Committee of Fourteen, 1920–1930*

THOMAS C. MACKEY



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“To Live Correctly”:  
*Themes and the Significance of Character*

In his 1927 book of essays, *Notes on Democracy*, newspaperman and social critic H. L. Mencken turned his sharp wit and pen against social purity and social hygiene reform groups such as the Committee of Fourteen, New York City’s longest-lived antivice society and the primary focus of this study.

Puritan legislation, especially in the field of public law, is a thing of many grandiose pretensions and a few simple and ignoble realities. The Puritan, discussing it voluptuously, always tries to convince himself (and the rest of us) that it is grounded upon altruistic and evangelical motives—that its aim is to work the other fellow’s benefit against the other fellow’s will. Such is the theory behind prohibition, comstockery, vice crusading and all of its other familiar devices of oppression. That theory, of course, is false. The Puritan’s actual motives are (a) to punish the other fellow for having a better time in the world, and (b) to bring the other fellow down to his own level.<sup>1</sup>

Mencken could dismiss antivice crusaders as self-deceiving prudes but historians cannot. What follows is a history of a proposed criminal law reform of the 1920s to be achieved through statutory revision, known as “the customer amendment.” This 1924 proposal to prosecute the customers of prostitutes bound together unlikely allies in the campaign to secure a statutory amendment to New York State’s vagrancy statute. Two differing reform organizations found themselves united: the representative of traditional nineteenth-century purity reform—the Committee of Fourteen, and feminists interested in establishing new social relationships between the genders; in particular, the National Woman’s Party. As will be seen, not only did the

traditionalists and the feminists find themselves unexpectedly allied, but opposition to the criminal law proposal also arose from an unexpected source, from within the ranks of the purity reformers. New York City housing reformer Lawrence Veiller assisted in organizing the Committee of Fourteen in 1905, and he served on the committee's board of directors when it voted in 1920 to launch the campaign for the customer amendment—over his opposition. As a result, Veiller separated himself from the Committee of Fourteen and used his position as secretary of the Committee on the Criminal Courts of the Charity Organization Society (COS) to direct the opposition to the customer amendment. He found support for his organization among other influential members of New York City's governing elites such as key police department authorities and powerful members of New York City's much-celebrated bench and bar. In time, and because of Veiller's efforts, the opposition to the proposed criminal law amendment to New York's vagrancy statute blocked the reform's enactment.

Looking back at this social purity/social hygiene reform effort, it is not surprising that the proposal to prosecute men patronizing prostitutes did not become public policy in the 1920s. Intriguing, however, is the question of why proponents of this criminal law amendment believed the reform to be a viable public policy option at that time and why the opposition thought the proposed social and criminal law reform dangerous enough to work hard to defeat it. The answers come from understanding the motivations and goals of this group of social purity reformers and their associated allies.

In order to unpack the meaning and significance of this proposed purity reform, it is necessary to understand a series of overlapping issues. One such issue was the rifts (occasionally great) among the various organizations within the matrix of social purity/social hygiene and sexual reformers supporting and opposing the proposed customer amendment in the 1920s. Often in the history of early-twentieth-century reform movements the differences among reformers—progressives all—on the appropriateness or inappropriateness of any proposed reform has not been sufficiently stressed and interpreted. Historians have had a difficult time coming to grips with the 1920s as historian John Braeman details in his 1998 article reappraising the era.<sup>2</sup> This episode in New York State legal and social history reveals the divisions among the strains of the “progressive” reformers who stayed the course of reform in the 1920s. While little scholarly debate continues on whether progressivism lasted into the 1920s, and no one any longer doubts it did, this story demonstrates that at least among the purity reformers in New York City, progressivism did not decline nor was it defunct; cultural reformers concerned about the sexual politics of their era pressed on and were taken seriously at the time.<sup>3</sup>

With the exception of David Pivar in his 2002 book, *Purity and Hygiene: Women, Prostitution, and the “American Plan,” 1900–1930*, most modern historians have missed or underestimated the vibrant healthy quality to the domestic and international social purity/social hygiene reform movements in the 1920s.<sup>4</sup> Perhaps this account will continue to rectify that shortcoming in the historical literature. Efforts for and against the customer amendment provide a unique opportunity to assess the divisions and disputes within the ranks of the purity reformers themselves. For example, the customer amendment reflected the values and visions of traditional mainstream cultural reformers such as the Committee of Fourteen as well as the values and vision of one branch of the feminist reformers like the National Women’s Party. Explaining how this proposed change to New York State’s criminal code embodied those values and visions provides the legal history to be examined here. Further, an examination of this alliance between the traditionalist and feminist reformers for what that alliance suggests about cultural conflict in New York City and by implication for the larger United States culture is also presented.

Another issue this study seeks to understand is one of focus and context. This admitted microstudy rather than a national macrostudy of one purity reform proposal in New York City in the 1920s offers an interpretation of the efficacy of legal reform. With a study of this nature, an appreciation of the interplay between criminal law reform and the social purity/social hygiene movement can be highlighted and interpreted. Additionally, part of the explanation of why the old (by the 1920s) antvice efforts at purity reform no longer appealed to large constituencies involves a description of the changing nature and composition of the sex work of prostitution in 1920s New York City. Purity and sexual reformers held certain assumptions about prostitution and the women in the trade that they had acquired in their earlier antiprostitution efforts in the 1910s, assumptions that failed to change as prostitution adapted to the changing world of the 1920s. As a result, reformers’ ideas and explanations about the prostitution trade, and the reality of the trade, drifted further and further apart. As time passed, reformers’ solutions for the social problem failed to address the real-world issues, thereby inadvertently making their solutions appear extreme, even wrongheaded.

Perhaps the most important issue dealt with by this study of the proposed customer amendment is the role and use of the criminal law in moral reform—a study in twentieth-century legal instrumentalism. Some social engineering and reform goals the law cannot affect, but that truism must be learned and relearned by the waves of reformers who have struggled with the plethora of perceived social problems in the course of US history. It was no different for this group of social purity reformers in New York City during the

1920s. Although the proponents of the customer amendment possessed great faith—exactly the word—that the law could be used as the avenue to a new, more moral urban world, the law’s own standards and traditions ranging from rarefied legal rules, doctrines, and conventions down to procedural customs of the city’s vice squad all proved resistant to reform. Further, because the customer amendment meant modifying New York State’s vagrancy statute, these purity reformers faced the problem of the legislative process. They bore the burden of convincing New York State legislators to make statutory changes; therefore, the reformers had to overcome the legislators’ reluctance to alter established legal traditions in the criminal law for what appeared to the legislators to be light and transient causes. Unless reformers demonstrated a united front to the New York State senators and representatives and demonstrated the political, legal, and social need for their reform of vagrancy law, they stood little chance of legislative success. Supporters of the proposed amendment failed to meet both of these standards. Yet in spite of the split among the traditionalists, the opposition from influential social hygiene groups, the growing gap between antiprostitution rhetoric and the reality of prostitution, and the serious questions about the criminal law’s ability to act as a catalyst for social purity/social hygiene reform, the Committee of Fourteen and their allies in the National Woman’s Party pressed ahead with their reform campaign and the defense of individual character. How these cultural reformers advanced their efforts, the content and substance of their arguments regarding the various policy options they considered, and the ultimate failure of this proposed criminal law reform are the heart of this story.

Because of its unusually rich documentary heritage and its centrality to the campaign for the customer amendment, New York City’s longest-lived, privately funded antvice committee, the Committee of Fourteen, stands at the center of this narrative. As will be further described and analyzed in chapter 1, a key institution for the Committee of Fourteen in its fight to repress the trade of prostitution was New York City’s Women’s Court that met in the Jefferson Market Court House, Greenwich Village. During the 1920s, most of the city’s prostitution cases came to the bar in that high Victorian building, now a branch of the New York Public Library system. On the inside of the building’s turret, above the stairway which led to the main courtroom, is carved this epigram: “The precepts of the law are these: to live correctly, to do injury to none, and to render to everyone his own.” To aid people “to live correctly,” antiprostitution and social purity/social hygiene groups such as the Committee of Fourteen relied on the state’s criminal code to establish and enforce public standards and to oversee the moral quality of cities like New York City. Occasionally such groups decided that they needed better, more effective laws

to be more effective. This study analyzes one such social purity and criminal law reform campaign by the Committee of Fourteen and its allies to amend New York’s vagrancy statute to better prosecute the customers of prostitutes.

Moral reformers matter whether they are the anticigarette or antihandgun activists of more modern times or the antiprostitution reformers of the 1920s. Their efforts are worthy of close scrutiny. As part of the complex social and urban tapestry of New York City during approximately the first third of the twentieth century, the Committee of Fourteen ought to be better appreciated in the general history of the city. By the 1920s New York City had long been the United States’ most important cultural center for the arts, a manufacturing center as well as the center of finance, banking, and law; the nation’s cosmopolitan center.<sup>5</sup> A moral reform association operating in that environment as long-lived and influential as the Committee of Fourteen deserves appraisal. As the longest-lived of the antivice committees in the nation’s most important city, the Committee of Fourteen’s role in assisting the police monitor the moral health and quality of the city has not received enough attention. Taming the “immoral city” was a motivating factor for the Committee of Fourteen. To make the city a more moral and decent place (even if “moral” and “decent” are defined with the biases of the majority middle-class culture) formed an important goal of the committee and its proposed “customer amendment,” of the 1920s.

Just as social purity/social hygiene reform matters, so too does character. Through the customer amendment the committee sought not only to defend the individual character of the women and men involved in the sex trade of prostitution, but also to maintain the character of the city. Concerns about character motivated individuals and groups, like the earlier New York Society for the Suppression of Vice led by Anthony Comstock or the later Committee of Fourteen, to preserve and defend moral character against vice, corruption, and those persons without sufficient moral weight.<sup>6</sup> Lastly, the committee and its values suggest the limits of moral reform and the use of criminal law to achieve social purity/social hygiene reform. Moral reformers of all stripes seek to set their reforms into social concrete of the law, to nudge public policy in a direction they believe socially desirable and then freeze that change into the black-letter law of statutes. This goal of legal reform can be demonstrated throughout US history and this microstudy demonstrates how strong that impulse was in the supposedly nonreformist era of the 1920s. These reformers had influence in 1920s New York City and their mentalité, goals, and visions for a better city have become a story of a road not taken, but also a story of a road perhaps wrongly taken.

Chapter 1 reviews the founding and purposes of the Committee of Fourteen.

Their proposed customer amendment of 1924 was just one of the committee's many proposed legal actions over the course of its twenty-seven-year existence even though the customer amendment consumed the bulk of the committee's energies in the 1920s. For example, the committee lobbied successfully for the passage of New York State's 1910 Page Law, which strengthened the powers of the local Women's Court. This statute required the fingerprinting of convicted prostitutes to trace recidivism and its Section 79 required their medical examination. If found infected, the statute allowed the state to detain women for up to one year; if certified as cured, a woman could be released earlier.<sup>7</sup> Through such legal reform, the committee sought to raise the moral quality of New York City by identifying and detaining diseased prostitutes.

Of particular importance for the pro-customer amendment campaign was the action and beliefs of the committee's long-serving general secretary, Frederick H. Whitin. Whitin's personal commitment to and belief in the reform will be examined in depth as the best reflection of the committee's hopes for the proposed social purity reform. If Frederick Whitin best represented those favoring the customer amendment, then New York housing reformer and Committee of Fourteen member Lawrence Veiller best represented its opposition. Chapter 2 provides a brief overview of the National Women's Party and its members' interest in the customer amendments, then assesses the changing sex trade of prostitution in New York City. From the 1910s through the 1920s the nature of the work, composition, and location of prostitution shifted because of demography, technology, and new structures of sex work. As a result, reformers' rhetoric about the trade decreasingly reflected the reality of prostitution. Chapter 2 analyzes why this gap between reformers' rhetoric and urban reality occurred and how it affected the reformers' arguments for and against the 1924 amendment.

In chapter 3, vagrancy law and moral and social reformers' perception that society's betterment could be achieved through more efficient and effective vagrancy prosecutions are explained and analyzed. Also examined in the third chapter are police procedures regarding arrest and treatment of those accused of prostitution. In 1921, in order to test the effectiveness of New York State's vagrancy statute (Code of Criminal Procedure, §887, subdivision 4) as applied against men who paid women for sexual contact, the Committee of Fourteen organized and aided the prosecution of a test case in the city's Magistrates' Court. In *People v. Breitung* (1921), the topic of the fourth chapter, the reformers' hopes and expectations clashed with the law's standards and traditions in a City Magistrates' court opinion. What policy options to pursue in their quest to prosecute the customers of prostitutes forms the substance of chapter 5, while chapter 6 examines reformers' expectations for and opposition to the

Committee of Fourteen’s proposed reform of New York State’s vagrancy statute. Frederick Whitin, the Committee of Fourteen, and their feminist allies in the National Women’s Party convinced several New York assemblymen and senators to sponsor their proposed “Customer Amendment.” Whitin, for the proposal, and Veiller, against the proposal, appeared before the appropriate legislative committee to debate this proposed step in the repression of sexual immorality. Chapter 7 analyzes what supporters and opponents of the customer amendment told the legislators and explains why the opposition not only prevailed in the first round of hearings and arguments—as discussed in chapter 8—but also continued to thwart successfully all further endeavors to secure statutory reform through the close of the decade. Some closing remarks and suggestions on the use of social purity reform through the criminal law and its meaning or the larger culture and society constitute the substance of the final chapter. That chapter also suggests that based on recent decisions by the US Supreme Court that the clash of traditionalists and sexual reformers has not disappeared, but rather is alive and well.

This story reaffirms the old lesson that, in assessing history, it is often as important to know what did not occur as it is to know what took place. Mencken’s scorn for and dismissal of vice crusaders may have earned him praise from the newspaper-reading population and sold newspapers and books, but the antiprostitution, social purity/social hygiene crusaders of the 1920s took themselves seriously, comported themselves seriously, and were treated seriously by others. In the 1910s purity reformers Frederick Whitin and the Committee of Fourteen articulated a reform program of repression of moral threats through the state’s criminal law that was largely achieved by 1919. Their work led to the closing of the red-light districts and the onset of national prohibition. By the twenties, such cultural reformers looked forward to continuing purity reform in the new world of postwar America. New York City police arrested thousands of women over the course of the committee’s life, and thousands went to jail because of evidence gathered and used against them in the Women’s Court by the Committee of Fourteen. When conservative moral crusaders such as the committee, defending traditional moral values, joined forces with sexual reform crusaders such as the National Women’s Party, their coalition formed a potentially powerful interest group. This alliance hoped to redraw the lines of appropriate and inappropriate relations between the sexes by limiting male sexuality either as the means of strengthening “character” which would lead to a moral New York City and urban environment for the committee or as the means to changing and to equalizing power in gender relations for the feminists. Not until the late twentieth century would this coalition of the moral right and the feminist left join together again in a public attack on

sexuality generally and male sexuality in particular. But this recent coalition against pornography had already been anticipated, seventy years earlier, in the efforts to secure the social purity/social hygiene reform of the customer amendment. When industrialist and millionaire Edward Breitung visited his mistress in July 1921, his behavior constituted the type of male behavior that traditionalist and feminist reformers sought to eliminate, or at the very least, to suppress. How to apply and alter New York State's statutory criminal law and legal traditions to affect, control, transform, and reform male behavior such as Breitung's forms the starting point of the legal history of the customer amendment and the Committee of Fourteen.

Primarily this study contributes to US legal history, but it also advances the scholarly reassessment of the decade of the 1920s. Previous historical interpretations of the era have suggested new manners of conceptualizing the era and assessing those interpretations allows this work's contribution to the field to be gauged. Americans experienced a major cultural shift in the 1920s. This cultural change was both noticed and not noticed in the 1920s to the point that the author of the most influential book on the era, Frederick Lewis Allen's *Only Yesterday* (1931), glanced back in exaggerated awe, fear, loathing, and bewilderment at the rush of events of the 1920s.<sup>8</sup> Historians' explanations of the twenties as a disorganized jumble, a barely intelligible era, inherited from Allen's *Only Yesterday*, continues to the present day. George D. Moss, in his widely used textbook *America in the Twentieth Century* (1997), opens his chapter on the twenties:

The 1920s were a complex, vital, and divided decade, an era of conflict and contrast. Americans during the 1920s were forward-looking and reactionary, liberal and repressive, progressive and nostalgic. A majority of Americans enjoyed a life of unprecedented material abundance and leisure. But poverty plagued millions of small farmers, industrial workers, and nonwhite minorities. Prosperity eradicated neither poverty nor social injustice from the land.<sup>9</sup>

Frederick Lewis Allen would be pleased with Moss's description of the 1920s; but Allen's shadow is unnecessarily long. Whereas Allen and Moss describe the period too simply as one of "conflict and contrast," more recently and more accurately other historians, especially Warren I. Susman, Stanley Coben, and John Burnham, have reinterpreted the importance of the decade. In his 1984

book, *Culture as History: The Transformation of American Society*, cultural historian Susman devotes a chapter to the 1920s.<sup>10</sup> Taking his cue from Willa Cather (“The world broke in two in 1922 or thereabouts, and the persons and prejudices recalled in these sketches slide back into yesterday’s seven thousand years.”),<sup>11</sup> Susman rightly laments the image of the period inherited from Allen. “Too often,” he wrote, “historians see the decade all too simply as the consequences of involvement in World War I, or as a time of prosperity or of troubles leading to the Depression—or even as an era between two World Wars. They have been unable to present an overview that satisfactorily relates the period to the overall context of historical development.”<sup>12</sup> The context Susman sought was not the 1920s as an anomaly between periods of “good” reforms, the Progressive Era and the New Deal, but rather the 1920s as the closing decade in a long period of US cultural reform begun with the 1860 Republican election victory and perhaps begun as early as the 1820s. The 1920s saw social purity/social hygiene reform in the defense of character as the latest variation of a long reform tradition. It was the New Deal with its liberal, “modern” values of huge direct federal government intervention in the economy and culture together with the clash of interest-group politics setting policy—the brokered state—that was new, different, and out of the longer US reform tradition.

Susman’s criticism of historians and of their current understanding of the twenties is convincing, but he does not try to explain why they have not done a better job of placing and analyzing the decade in “the overall context of historical development.”<sup>13</sup> The answer lies within professional historians themselves. Too often historians of the 1920s have overlooked the continuity of the 1920s reform with reforms of earlier eras and too often historian have been too enamored with the federal government reforms of the 1930s. Additionally, Susman took insufficient account of the cultural value of “character.”

Two historians have answered Susman’s call for a reassessment and a better contextual interpretation of the 1920s. First, in his 1991 *Rebellion against Victorianism: The Impetus for Cultural Change in 1920s America*, Stanley Coben presented an intellectual history of the revolt against late-nineteenth-century convention and conception of “character.”<sup>14</sup> This key cultural concept of character led Coben to examine the arguments of reformers and elite intellectuals of the 1920s—writers, feminist leaders, black leaders, and, with complete consistency, even the leaders of the Ku Klux Klan.<sup>15</sup> What these reformers of the 1920s sought to change or to uphold was the nineteenth-century ideal of “character.” According to Coben, “the configuration of virtues” represented by character formed a “cult of character” that “went far toward defining an American Victorianism.” He provided a useful unpacking of the various meanings of “character”:

Dependably self-controlled, punctual, orderly, hardworking, conscientious, sober, respectful of other Victorians' property rights, ready to postpone immediate gratification for long-term goals, pious toward a usually friendly God, a believer in the truth of the Bible, oriented strongly toward home and family, honorable in relations with other Victorians, anxious for self-improvement in a fashion which might appear compulsive to modern observers, and patriotic.<sup>16</sup>

But not everyone who might demonstrate these values and attributes was "Victorian" or participated in the Victorian cult of "character." These standards applied only to a particular social association, one described by Coben as "the British American ethnic group." By identifying these traits with old-stock, white, male, Anglo-Saxon Protestants, other people, ethnic groups, and religious believers could be excluded from the culture of character and from serious consideration by that dominant culture. As Coben pointed out, character combined with Social Darwinism to form a power paradigm of social explanation that motivated waves of social and moral reformers in the early twentieth century either to defend this worldview or to struggle against it.<sup>17</sup>

United in an unspoken agreement about the importance of character, cultural reformers could and did disagree about the best means to support, advance, or check this paradigm. As will be seen, those purity reformers who opposed the customer amendment did so in the name of defending character while those reformers who supported the customer amendment did so as the best means to ensure that character could be protected and advanced by criminal law reform. At the same time, feminists, as reformers of the culture, supported the customer amendment as one device to level the playing field of character to include feminists as participants in the establishment of the social and sexual standards and politics of character.

Coben's assessment and critique of Victorianism and its basis in "character" as seen through the lens of the intelligentsia of the United States aids in the understanding of what changed and what lasted in the cult of character in the society. As Coben concluded, much of Victorianism has weathered away in US culture under the weight of the liberal reforms of the 1930s and since; yet, deep attachment to family and home has remained in US life and culture.<sup>18</sup> And while Coben reviewed the outsiders who struggled against Victorianism (and some who sought to uphold the ideal), he could have found exactly the tensions he describes *within* the social strata that sought to preserve and expand the cult of character. Although not an arbiter of elite culture, the Committee of Fourteen with its commitment to vice reform, social purity, and social

hygiene drew much of its strength and support from its defense of “character” against the multitude of large and small urban, social, and moral threats.

To social purity/social hygiene reformers small threats to character could, in time, be fatal to persons if not caught and checked because small moral flaws formed the edge of the wedge of larger, more dangerous social problems and individual failures. How small vices became socially acceptable over the course of the twentieth century provided the topic of historian John C. Burnham’s important 1993 book, *Bad Habits: Drinking, Smoking, Taking Drugs, Gambling, Sexual Misbehavior, and Swearing in American History*. In his reassessment of the 1920s,<sup>19</sup> Burnham shoulders an ambitious and difficult task: to explain the “inversion of values” over the course of the twentieth century.<sup>20</sup> Put another way, Burnham asked how and why it was that in 1910 what were considered major and minor vices were disdained and shunned by respectable people—vices such as drinking, smoking, taking drugs, gambling, sexual misbehavior, and swearing—would, by 1990, constitute the very standards by which the Americans judge themselves. By the late twentieth century, the lines between the respectable and unrespectable had blurred. For Burnham, the United States and its cultural values had “turned upside down”—vices became respectable and the previously respectable, the defenders of character like moral reformers, became shunned. For Burnham, like Susman and Cather, the key time frame for this shift in cultural values was the 1920s.

That this deep cultural shift occurred during the 1920s is particularly ironic because it was a time when two of the most important and long-sought-after reforms in all of US history took effect: women’s suffrage and national prohibition. It is ironic that American culture shifted in the twenties because while the reformers expected the society and culture to change (through a sober population and, particularly, through sober female ballots), the key cultural changes that did occur had little, if anything, to do with women or voting or with social drinking. Instead, change occurred as a reaction *against* both of these so-called progressive reforms. Burnham caught this shift in values in his study of the minor vices. “One of the results of the post–World War I changes in standards [of respectability] was,” he wrote, “the separation of moral reform from other kinds of social reform in the United States.” Burnham argued (and later chapters herein support), “prosocial ‘good’ people no longer presented a single front of both moral and social uplift. The ‘respectables’ often lost touch with other kinds of reformers and hence were vulnerable to arguments that they ignored social wrongs.”<sup>21</sup> In particular, 1930s liberal reformers lambasted moral reformers for their alleged intolerance of the minor vices (a direct result of prohibition’s success): even “miserable workers and exploited people deserved some gratification, however flawed,”

Burnham summarized. Therefore, instead of targeting the minor vices of the lower classes of US society, too many reformers “jettison[ed] moral uplift and de-emphasize[d] respectability” as they focused their energies on “social justice,” not on maintaining respectability and social values.<sup>22</sup> And therein lies the double irony; just as the battle against John Barleycorn was won, many of the moral reformers surrendered and thereby lost the war on setting the standards of appropriate and inappropriate behavior for the larger culture. As a result of that surrender, interest groups and corporations who profited from the minor vices stepped into the void of values and began to reestablish social and moral standards that blurred the limits and lines of respectability: cigarettes became glamorous, swearing commonplace, and gambling respectable.<sup>23</sup>

Defenders of traditional moralism such as the Committee of Fourteen constituted just one organization among the interlocking matrixes of social purity/social hygiene reform groups in the early twentieth century. Other similar groups existed that opposed a variety of ills or promoted a variety of social causes such as anti-child labor, anti-school consolidation, and antisuffragists. Such “anti’s” questioned the rise of modernity. Social critic Bill Kauffman in his 1998 book, *With Good Intentions? Reflections on the Myth of Progress in America*, interpreted these historical “losers” and examined what motivated such people. Questioning “progress,” such people and groups understood, claimed Kauffman, that progress came with social costs. Such groups, he argued, “people our forgotten history. Most have gotten a bad historiographical press—when they are mentioned at all.”<sup>24</sup> Such anti’s had lost their social standing and social suasion in the culture even though they and their social impulses lasted into the twentieth century. These antimoderns held a vision of society more appropriate for the nineteenth century than for the twentieth. As Kauffman stated the issue, such people were “Faithful to the Old Republic, motivated by agrarian bias even when they lived in cities, their bedrocks were (1) family autonomy; (2) a minimal state; and (3) human-scale communities.”<sup>25</sup> These values may have put them at odds with the emerging modern liberal US culture, but their values also motivated such groups to persevere in their quest for more moral communities. While Kauffman did not point to the antiprostitution moral reform work of New York City’s Committee of Fourteen, or the social purity/social hygiene work of the larger and better known American Social Hygiene Society, the Committee of Fourteen fits his pattern of values of concerned people with good intentions suspicious of the emerging modern world.

More recently still, other interpretations of law and the control of morals in the late nineteenth or the early twentieth century have come forward that examine both the US experience and the larger Western experience with

moral reform. In 1995, Mary E. Odem published *Delinquent Daughters: Protecting and Policing Adolescent Female Sexuality in the United States, 1885–1920*, arguing that both legal changes and social anxieties contributed to increased social awareness and concern about working-class female sexuality. Examining issues in the borderlands of legal and social history such as age-of-consent campaigns, statutory rape prosecutions, and the rise of juvenile courts, Odem argued, “social purity campaigns did little to address the sources of sexual exploitation.”<sup>26</sup> For Odem, instead of providing young women the social and economic tools necessary to challenge and resist sexual exploitation (in other words, to strengthen their character), new “liberal” social reformers’ efforts instead sought “to protect adolescent girls by restricting their sexual expression.” Further, while middle-class reformers created new laws and institutions to deal with delinquent daughters, it was working-class parents who participated in these new institutions of control even if those parents lacked much power within these new legal institutions. As this study argues, Odem, too, understands that American culture shifted in the 1920s and while the culture shifted, the institutions (and bias of those institutions of moral reform) of delinquent daughters continued into the twentieth century. Odem might have argued that a nongovernmental organization such as the privately funded Committee of Fourteen persisted into the 1920s and affected the lives of thousands of young women through that decade. Odem concludes that the “double standard of morality” in the law and the culture that punished women more severely than men for the same moral offense lasted long after the reforms of female delinquents occurred.<sup>27</sup> The Committee of Fourteen understood that this double standard existed, and that inequality between the genders motivated them to press on for the customer amendment in order to equalize the genders’ treatment before the law.

But was the drift of the criminal law running only against women? Research from Great Britain by historian Martin J. Wiener in his key 1998 article, “The Victorian Criminalization of Men,” suggests that “Victorianism” “culturally reconstructed” women and “subjected [them] to new gender-based disciplines in the nineteenth century.”<sup>28</sup> Less well known or understood, these same cultural values and trends affected and disciplined men as well. While historians have started to examine how the expanding nineteenth-century criminal justice system affected women, often overlooked, pointed out Wiener, was how “the law increasingly stigmatized and proscribed long accepted modes of *male* behavior.” Social hostility to traditionally aggressive male behaviors such as heavy drinking, public fighting, and the rough handling of women emerged in the nineteenth century. A new hostility to male violence began to emerge in the black-letter law as well as in the administration of justice. As Wiener

argued, “The ‘masculinization’ of crime and punishment was one of the most notable, but least noticed, facts of nineteenth-century British (and, indeed, western) criminal justice history.”<sup>29</sup> He postulated that “a long-term expansion and intensification of the legal disciplining of men relative to women” occurred over the course of the nineteenth century. His intriguing and suggestive argument has not been tested in the United States, but it certainly can be glimpsed in the goals and hopes that the Committee of Fourteen invested in its customer amendment. By equalizing the treatment of men and women in prostitution cases and prosecuting the men involved with prostitution, these proposed legal reforms placed previously unknown controls on male public power. As will be seen, the customer amendment demonstrates that Wiener’s arguments about Great Britain have an important and equally overlooked US parallel.

In the comparative context of Western European history, three works have interpreted the social purity/social hygiene impulse as a public policy issue on both sides of the Atlantic Ocean. In 1990, Alain Corbin examined the French regulationists and neoregulationists struggles about the best policies regarding prostitution in his *Women for Hire: Prostitution and Sexuality in France after 1850*. Nancy Bristow examined the federal government’s efforts to protect the morality of World War I soldiers through the establishment of the Committee on Training Camp Activities in *Making Men Moral: Social Engineering during the Great War*, and, previously mentioned, David J. Pivar revealed the intricate webs of connections and arguments between and among the social purity and social hygiene “scientists” of the early twentieth century in both the United States and Great Britain.<sup>30</sup> Working within these networks of traditional and sexual reformers was New York City’s Committee of Fourteen.

This present work provides a case study that helps to measure the strength of nineteenth-century criminal law social purity reform into the twentieth century’s third decade. It takes seriously Burnham’s argument that the moral reformers divided their ranks and conceded control of the minor vices to others in the culture and Wiener’s argument that a general criminalization of men occurred in the late nineteenth century and into the twentieth century. This fracturing among the purity reformers and their ultimate inability to sway policymakers provided an opportunity for other individuals and interest groups to seize cultural leadership and, in time, alter the meaning and diminish the importance of personal character. In pursuing this case study, the following chapter sets the context for the decade-long effort by the Committee of Fourteen on behalf of the customer amendment.

# Notes

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## NOTES TO INTRODUCTION

1. As quoted in Fred R. Shapiro, *The Oxford Dictionary of American Legal Quotations* (New York: Oxford University Press, 1993), 311. See H. L. Mencken, *Notes on Democracy* (London: Jonathan Cape, 1927), 1965. On Mencken, see Terry Teachout, *The Skeptic: A Life of H. L. Mencken* (New York: HarperCollins, 2002).

2. John Braeman, "The American Polity in the Age of Normalcy: A Reappraisal," in *Calvin Coolidge and the Coolidge Era: Essays on the History of the 1920s*, ed. John Earl Haynes (Washington, DC: Library of Congress; distributed by Hanover, NH.: University Press of New England, 1998), 14–62.

3. Arthur S. Link, "What Happened to the Progressive Movement in the 1920's," *American Historical Review* 64 (July 1959): 833–51. Link argued that the Progressive movement declined, but was not defunct in the 1920s. I doubt it declined. For some of the most recent interpretations of the progressives, see Steven J. Diner, *A Very Different Age: Americans of the Progressive Era* (New York: Hill & Wang, 1998); Leon Fink, *Progressive Intellectuals and the Dilemmas of Democratic Commitment* (Cambridge, MA.: Harvard University Press, 1997); Daniel T. Rodgers, *Atlantic Crossings: Social Politics in a Progressive Age* (Cambridge, MA.: Harvard University Press, 1998).

4. David J. Pivar, *Purity and Hygiene: Women, Prostitution, and the "American Plan," 1900–1930* (Westport, CT.: Greenwood Press, 2002). For my review of this work, see the *Register of Kentucky History* 100 (Spring 2002): 235–37.

5. For the best overview of New York City history to 1898 see Edwin G. Burrows and Mike Wallace, *Gotham: A History of New York City to 1898* (New York: Oxford University Press, 1999). Also see Milton M. Klein, ed., *The Empire State: A History of New York State* (Ithaca, NY: Cornell University Press, 2001); M. H. Dunlop, *Gilded City: Scandal and Sensation in Turn-of-the-Century New York* (New York: W. Morrow, 2000); Andrea Friedman, *Prurient Interests: Gender, Democracy, and Obscenity in New York City, 1909–1945* (New York: Columbia University Press, 2000), and William E. Nelson, *The Legalist Reformation: Law, Politics, and Ideology in New York, 1920–1980* (Chapel Hill: University of North Carolina Press, 2001).

6. Judy Hilkey, *Character Is Capital: Success Manuals and Manhood in Gilded Age America*

(Chapel Hill: University of North Carolina Press, 1997). See also Joel Schwartz, *Fighting Poverty with Virtue: Moral Reform and America's Urban Poor, 1825–2000* (Bloomington: Indiana University Press, 2000), and Alice O'Connor, *Poverty Knowledge: Social Science, Social Policy, and the Poor in Twentieth-Century U.S. History* (Princeton, NJ: Princeton University Press, 2001). For an interesting new book that interprets the social and political uses of “sin,” see James A. Morone, *Hellfire Nation: The Politics of Sin in American History* (New Haven, CT: Yale University Press, 2003), and on the 1920s see David A. Horowitz, *America's Political Class under Fire: The Twentieth Century's Great Culture War* (New York: Routledge, 2003), esp. chap. 1, “Secular Liberalism on Trial in the Turbulent 1920s,” 13–36.

7. Pivar, *Purity and Hygiene*, 100–107.

8. Frederick Lewis Allen, *Only Yesterday: An Informal History of the 1920s* (New York: Harper & Row, 1931).

9. George Donelson Moss, *America in the Twentieth Century*, 3d ed. (Upper Saddle River, NJ: Prentice-Hall, 1997), 117. For a critique of Allen and *Only Yesterday* and how an overreliance on his work has distorted the interpretations of the period, see James M. Ferreira, “Only Yesterday and the Two Christs of the Twenties,” *South Atlantic Quarterly* 80 (Winter 1981): 105–21.

10. Warren I. Susman, “Culture and Civilization: The Nineteen-Twenties,” in *Culture as History: The Transformation of American Society* (New York: Pantheon Books, 1984), 105–21.

11. Willa Cather, *Not under Forty* (New York: A. A. Knopf, 1936), v.

12. Susman, *Culture as History*, 105.

13. *Ibid.*

14. Stanley Coben, *Rebellion against Victorianism: The Impetus for Cultural Change in 1920s America* (New York: Oxford University Press, 1991). See also Kevin White, *Sexual Liberation or Sexual License? The American Revolt against Victorianism* (Chicago: Ivan R. Dee, 2000).

15. The 1920s Klan has attracted important research and interpretation. See Kathleen M. Blee, *Women of the Klan: Racism and Gender in the 1920s* (Berkeley: University of California Press, 1991), and Leonard J. Moore, *Citizen Klansmen: The Ku Klux Klan in Indiana, 1921–1928* (Chapel Hill: University of North Carolina Press, 1991). For a radical feminist critique, see Nancy MacLean, *Behind the Mask of Chivalry: The Making of the Second Ku Klux Klan* (New York: Oxford University Press, 1994).

16. Coben, *Rebellion against Victorianism*, 4.

17. For explanations of the origins, effects, and development of Social Darwinism, see Richard Hofstadter, *Social Darwinism in American Thought*, rev. ed. (Boston: Beacon Press, 1955); Glenn C. Altschuler, *Race, Ethnicity, and Class in American Social Thought, 1865–1919* (Arlington Heights, IL: Harlan Davidson, 1982); and Carl Degler, *In Search of Human Nature: The Decline and Revival of Darwinism in American Social Thought* (New York: Oxford University Press, 1991). For an excellent example of how these assumptions and values influenced public policy in the era, see Charles A. Lofgren, *The Plessy Case: A Legal-Historical Interpretation* (New York: Oxford University Press, 1987), esp. chap. 5, “The Intellectual Environment: Racist Thought in the Late Nineteenth Century,” 93–115.

18. Coben, *Rebellion against Victorianism*, 157–58. For another important interpretation of social “values,” see Gertrude Himmelfarb, *The De-Moralization of Society: From Victorian Virtues to Modern Values* (New York: Alfred A. Knopf, 1995). On the social value of “character,” see also Hilkey, *Character Is Capital*.

19. John C. Burnham, *Bad Habits: Drinking, Smoking, Taking Drugs, Gambling, Sexual Misbehavior, and Swearing in American History* (New York: New York University Press, 1993).

20. *Ibid.*, 3.

21. *Ibid.*, 13. An important recent book that highlights the divisions among women and the lack of history of conservative movements is Kenneth D. Rose, *American Women and the Repeal of Prohibition* (New York: New York University Press, 1996), especially the introduction, 1–8.

22. Burnham, *Bad Habits*, 13.

23. Concerns about what constitutes a civil society have arisen again as well as new interpretations about the origins of “modern” US culture. See Brian O’Connell, *Civil Society: The Underpinnings of American Democracy* (Hanover, NH: University of New England Press, 1999), and Christine Stansell, *American Moderns: Bohemian New York and the Creation of a New Century* (New York: Henry Holt & Co., 2000).

24. Bill Kauffman, *With Good Intentions? Reflections on the Myth of Progress in America* (Westport, CT.: Praeger, 1998), xi. On “antimodernism,” see T. J. Jackson Lears, *No Place of Grace: Antimodernism and the Transformation of American Culture, 1800–1920* (New York: Pantheon Books, 1981).

25. *Ibid.*, x.

26. Mary E. Odem, *Delinquent Daughters: Protecting and Policing Adolescent Female Sexuality in the United States, 1885–1920* (Chapel Hill: University of North Carolina Press, 1995), 188.

27. *Ibid.*, 189. Using the law and its institutions to enforce restrictions on the sexual expression of adolescent women constituted a public legalistic approach to controlling wayward daughters. Other reformers would have argued that such institutional restrictions could only reenforce positive values and that true moral reform was the inculcation of proper values in the poor and working classes. For an analysis and a strident critique of this argument that values matter, see Joel Schwartz, *Fighting Poverty with Virtue: Moral Reform and America’s Urban Poor, 1825–2000* (Bloomington: Indiana University Press, 2000). On the efficacy of using the law to bring about social change in the post-1945 United States, see Gerald N. Rosenberg, *The Hollow Hope: Can Courts Bring About Social Change?* (Chicago: University of Chicago Press, 1991).

28. Martin J. Wiener, “The Victorian Criminalization of Men,” in *Men and Violence: Gender, Honor, and Rituals in Modern Europe and America*, ed. Pieter Spierenburg (Columbus: Ohio State University Press, 1998), 198.

29. Wiener, “The Victorian Criminalization of Men,” 209.

30. Alain Corbin, *Women for Hire: Prostitution and Sexuality in France after 1850* (Cambridge MA: Harvard University Press, 1990); Nancy K. Bristow, *Making Men Moral: Social Engineering during the Great War* (New York: New York University Press, 1996); Pivar, *Purity and Hygiene*.

## NOTES TO CHAPTER 1

1. Typical of the journal literature which chronicles this story of the rise and fall of urban vice districts are David C. Humphrey, “Prostitution and Public Policy in Austin, Texas, 1870–1915,” *Southwestern Historical Quarterly* 86 (April 1983): 473–516; John S.

McCormick, "Red Lights in Zion: Salt Lake City's Stockade, 1908–11," *Utah Historical Quarterly* 50 (Spring 1982): 168–81; James R. McGovern, "'Sporting Life on the Line': Prostitution in Progressive Era Pensacola," *Florida Historical Quarterly* 54 (October 1975): 131–44; Clare V. McKanna Jr., "Holding Back the Tide: Vice Control in San Diego, 1870–1930," *Pacific Historian* 28 (Fall 1984): 54–64; Clare V. McKanna Jr., "Prostitution, Progressives, and the Police: The Viability of Vice in San Diego, 1900–1930," *Journal of San Diego History* 35 (1989): 44–65; Elizabeth C. MacPhail, "When the Red Lights Went Out in San Diego: The Little Known Story of San Diego's 'Restricted District,'" *Journal of San Diego History* 20 (Spring 1975): 1–28; Neil Larry Shumsky, "Tacit Acceptance: Respectable Americans and Segregated Prostitution, 1870–1910," *Journal of Social History* 19 (Summer 1986): 665–79; Neil Larry Shumsky, "Vice Responds to Reform: San Francisco, 1910–1914," *Urban History* 7 (November 1980): 31–47; and Stephen G. Sylvester, "Avenue for Ladies Only: The Soiled Doves of East Grand Forks, 1887–1915," *Minnesota History* 51 (1989): 290–300.

2. For example, see Rev. Charles H. Parkhurst, *Our Fight with Tammany* (New York: Charles Scribner's Sons, 1895). Also, Edwin G. Burrows and Mike Wallace, *Gotham: A History of New York City to 1898* (New York: Oxford University Press, 1999), 1167–69. For an overview of the New York City scene, see Timothy R. Gilfoyle, *City of Eros: New York City, Prostitution, and the Commercialization of Sex, 1790–1920* (New York: W. W. Norton, 1992); for a popular work, see Luc Sante, *Low Life: Lures and Snares of Old New York* (New York: Farrar, Straus, Giroux, 1991). Sante's collection of police photographs is also interesting; Luc Sante, *Evidence* (New York: Farrar, Straus, Giroux, 1992).

3. *Report of the Special Committee to Investigate the Police Department of the City of New York (January 18, 1895), Lexow Committee Report*; reprint, Gabriel J. Chin, ed., *New York City Police Corruption Investigation Commissions, 1894–1994*, vol. 1 (Buffalo, NY: William S. Hein & Co., 1997). See also, Marliynn S. Johnson, *Street Justice: A History of Police Violence in New York City* (Boston, MA: Beacon Press, 2003).

4. Jeremy P. Felt, "Vice Reform as a Political Technique: The Committee of Fifteen in New York, 1900–1901," *New York History* 54 (January 1973): 24–51. Surprisingly, this is the only article to assess this important antvice committee.

Throughout this chapter and the chapters to follow, "prostitution" refers to female prostitution. Male prostitution, meaning gay male prostitution, the committee listed as "perversion." These antvice reformers continued the American tradition of focusing upon the twin evils of alcohol violations and female prostitution. For a scholarly (and at times impenetrable) interpretation of the homosexual underworld of New York which utilized Committee of Fourteen papers, see George Chauncey, *Gay New York: Gender, Urban Culture, and the Making of the Gay Male World, 1890–1940* (New York: Basic Books, 1994).

5. William Henry Baldwin Jr. (1863–1905) graduated from the Boston public schools and Harvard College before becoming a railroad manager with the Union Pacific Railroad. He worked his way up through the ranks of corporate America before becoming president of the Long Island Railroad in 1896. Baldwin is an example of the new managers of Gilded Age America, one of the "visible hands" of management. See Alfred D. Chandler, *The Visible Hand: The Managerial Revolution in American Business* (Cambridge, MA: Belknap Press, 1977). Baldwin died in January 1905, but his wife and son continued his work in New York antvice activities and both served on the Committee of

Fourteen. For tributes to Baldwin, see John Graham Brooks, *An American Citizen: The Life of William Henry Baldwin Jr.* (Boston: Houghton Mifflin, 1910); George R. Nutter, "William Henry Baldwin, 1863–1905," in *Sons of the Puritans: A Group of Brief Biographies* (Boston: American Unitarian Association, 1908); The People's Institute, *Memorial to William Henry Baldwin, Jr.* (New York: n.p., 1905). Also see his entry in *Who Was Who in America*, vol. 1, 1897–1942 (Chicago, IL: A. N. Marquis Co., 1943), 51, and his obituary, *New York Times*, 4 January 1905, 9.

6. Committee of Fifteen, *The Social Evil, with Special Reference to Conditions Existing in the City of New York* (New York: G. P. Putnam's Sons, 1902; rpt., New York: Garland Publishing Co., 1979), especially appendix, "The 'Raines Law Hotel' and the Social Evil," 159–68. The Committee of Fourteen and G. P. Putnam's Sons reissued this work in 1910 with an update on the progress against the Raines Law hotels and vice situation in New York.

7. Senator John Raines (1840–1909) was a powerful, longtime, Republican lawyer and politician from Canandaigua, New York. Raines graduated from the Albany Law School in 1861, served in the Civil War at the rank of captain of the Eighty-fifth New York Volunteers from 1861 to 1863, and practiced law in Canandaigua until 1881. He served successively in the New York Assembly, the New York Senate, Congress (two terms), and, from 1895 until his death, the New York Senate where he was also president pro tem. See *Who Was Who in American History*, vol. 1, 1897–1942, 963.

8. See *Laws of the State of New York, Passed at the One Hundred and Nineteenth Session of the Legislature, begun January First, 1896, and Ended April Thirteenth, 1896, in the City of Albany*, vol. 1 (Albany, NY: James B. Lyon, 1896), 45–81.

9. The City Club of New York underwrote the publication of a journal at the turn of the twentieth century, *Municipal Affairs*, to carry its message of urban reform. For a useful exchange regarding the Raines Law hotels and the law-enforcement problems associated with policing such places, see John DeWitt Warner, "The Raines Liquor Tax Law: State Promotion of Vice," *Municipal Affairs* 5 (December 1901): 842–51, and (District Attorney) William Travers Jerome, "Sunday Opening by Statute," *Municipal Affairs* 5 (December 1901): 867–75.

10. Committee of Fourteen papers are housed in the New York Public Library, Rare Books and Manuscripts Division, and they take up ninety-six archival crates. Although some of the collection is in good shape, the "Investigators' Reports," Boxes 28–39, are in only fair condition due to the paper used and researchers' shuffling. See Committee of Fourteen Papers, Rare Books and Manuscripts Division, New York Public Library, New York, New York. Hereinafter cited as Committee of Fourteen Papers.

11. Rev. John P. Peters, "The Story of the Committee of Fourteen of New York," *Social Hygiene* 4 (July 1918): 347–88. John Punnett Peters graduated from Yale in 1873 and received his PhD also from Yale in 1876. He studied at the Universities of Berlin and Leipzig (1879–83) and received his Doctor of Divinity from Yale in 1895. He became a deacon in 1876 and a priest of the Protestant Episcopal Church in 1877; he tutored at Yale from 1876–1879, spent two years (1881–1883) in charge of St. Johns Church in Dresden, Germany, and was professor of Old Testament languages at the Protestant Episcopal Divinity School before becoming professor of Hebrew at the University of Pennsylvania (1885–1893). Peters also conducted archeological digs at Nippur from 1888 to 1895 and wrote frequently on ancient history, ancient languages, and religious issues. See *Who Was Who in America*, vol. 1, 1897–1942, 963.

12. Peters, "The Story of the Committee of Fourteen of New York," 348.

13. *Ibid.*, 352.

14. Committee of Fifteen, *The Social Evil*, appendix, "The 'Raines Law Hotel' and the Social Evil," 159–68.

15. Peters, "The Story of the Committee of Fourteen of New York," 360–61.

16. For information on Putnam's life and achievements, see his obituary, *New York Times*, 27 February 1930, 17; editorial, 28 February 1930, 22; 1 March 1930, 19; 4 March 1930, 30.

17. For information on Russell, see his obituary, *New York Times*, 2 July 1946, 25. For biography and assessment of Veiller's career, see his obituary, *New York Times*, 1 September 1959, 24; editorial, 2 September 1959, 28. Also, *Dictionary of American Biography, Supplement 6* (New York: Charles Scribner's Sons, 1980), 654–55. Also, "Lawrence Veiller," in *Historical Dictionary of the Progressive Era, 1890–1920*, ed. John D. Buenker and Edward Kantowicz (Westport, CT.: Greenwood Press, 1988), 493–94.

18. No biographical information on Reed can be located. For biographical information on Francis M[arion] Burdick, see *National Cyclopedia of American Biography* (New York: James T. White & Co., 1904), 12:262; *National Cyclopedia of American Biography* (New York: James T. White & Co., 1937), 26:219–20.

19. Bennet's long career and life (1870–1962) in and out of government as a Republican can be traced in *Biographical Directory of the United States Congress, 1774–1989* (Washington, DC: Government Printing Office, 1989), 608, and through his obituary, *New York Times*, 3 December 1962, 32. For information on Reverend Beattie, see his obituary, *New York Times*, 2 February 1937, 23.

20. For assessment of Simkovitch's importance in the social reform movements of early-twentieth-century New York City, see *Dictionary of American Biography, Supplement 5* (New York: Charles Scribner's Sons, 1977), 630–31 and her obituary and related stories in *New York Times*, 16 November 1951, 25; 17 November 1951, 16; 20 November 1951, 31; 13 December 1951, 39. Also her entry in Buenker and Kantowicz, eds., *Historical Dictionary of the Progressive Era, 1890–1920*, 429–30.

21. Peters, "The Story of the Committee of Fourteen of New York," 361.

22. For information on Slade, see his obituary, *New York Times*, 5 October 1944, 23; and related story, 7 October 1944, 13. Ruth (Standish Bowles) Baldwin was the widow of Long Island Railroad president and chairman of the Committee of Fifteen, William H. Baldwin Jr., who died suddenly in 1905; this is the same Baldwin for whom the Long Island city is named. Her son would eventually join the Committee of Fourteen and serve as its last treasurer; see his obituary, *New York Times*, 20 April 1960, 39, and *Who Was Who in America with World Notables*, vol. 7, 1977–1981 (Chicago, IL: Marquis Who's Who Inc., 1981), 28.

For information on Keller, see her obituary and tributes, *New York Times*, 5 January 1952, 11; 6 January 1952, 8; and her entry in Buenker and Kantowicz, eds., *Historical Dictionary of the Progressive Era, 1890–1920*, 238–39.

For information on ex-police commissioner and longtime city chief magistrate William McAdoo, see his obituary and tributes, *New York Times*, 8 June 1930, 1; 9 June 1930, 18; 19 June 1930, 19; 26 June 1930, 26 and 27.

For information on McGuire, see his obituary, *New York Times*, 5 August 1934, 26.

For information on Rabbi Mendes, see his obituary and tributes, *New York Times*, 21 October 1937, 23; 22 October 1937, 24; 24 October 1937, II, 8; 25 October 1937, 22.

For information on Isaac N(ewton) Seligman see *Dictionary of American Biography* (New York: Charles Scribner's Sons, 1935), 16:570–71; *Dictionary of American Biography* (New York: James T. White & Co., 1948), 34:570–71; *National Cyclopedia of American Biography* (New York: James T. White & Co., 1893), 3:343. On Seligman's family's adaptation to New York and American culture, see Stephen Birmingham, *"Our Crowd": The Great Jewish Families of New York* (New York: Harper & Row, 1967).

23. For information on Whitin, see his obituary and related stories, *New York Times*, 20 July 1926, 19; 21 July 1926, 19; and 23 July 1926, 13.

*Annual Reports* of the Committee of Fourteen list Walter G. Hooke as the executive secretary from 1910 until 1919 when he is listed as "on leave of absence" to serve as the executive director of the National Catholic War Council. That year he received election to the Committee of Fourteen and remained on the committee's membership list until 1928. Directors' Meeting Minutes, 6 February and 23 April 1918, Minute Book October 1916–June 1920, Box 86 "Minutes & Reports, 1905–32," Committee of Fourteen Papers. From 1910–1919, Whitin is listed as "general secretary" of the committee. But the Committee of Fourteen Papers make clear that Hooke was the committee's office manager and Frederick H. Whitin ran the day-in and day-out affairs of the committee.

Hooke had been recommended to the committee by Edward J. McGuire (Edward J. McGuire to Frederick H. Whitin, 13 May 1910, File "1910, January–June," Box 1 "General Correspondence: 1905–1913," Committee of Fourteen Papers) graduated from Colby College and had worked in business. He had also worked for the University Settlement House and the Charity Organization Society. In the 1920s, he became a New York State Athletic Commission member and, by 1930, worked for the Association against the Prohibition Amendment for which the Committee of Fourteen dropped him from their membership. Walter G. Hooke to George E. Worthington, 31 January 1930, File "1930," Box 7 "General Correspondence, 1928–1931," Committee of Fourteen Papers. In the 1930s Hooke worked for the National Recovery Administration and the Securities and Exchange Commission in New England. See his obituary, *New York Times*, 10 September 1936, 25.

24. " . . . 2. That the Finance Committee be empowered to make a tentative arrangement with Frederick H. Whitin to act as secretary of the re-organized committee. T. H. Reed, Secretary, File "Secretary Miscellaneous: Memo of Two Motions Adopted at the Committee of Fourteen, Tuesday, November 20, 1906, December 31, 1906," Box 84 "Executive Secretary's Files and Drafts of Minutes, 1915–32," Committee of Fourteen Papers.

In a letter written to ex-congressman William S. Bennet on 24 April 1926, Whitin thanked Bennet for helping him get the job with the Committee of Fourteen. Whitin wrote, " . . . I have never forgotten that it was you who secured for me the opportunity of being the Secretary of the Committee of Fourteen. It will be twenty years this August that you made the suggestion at the summer outing of the 19th A.D. Republican Club that I interview Dr. Peters." See Frederick H. Whitin to William S. Bennet, 24 April 1926, File "1926," Box 6 "General Correspondence, 1924–1928," Committee of Fourteen Papers.

25. Peters, "The Story of the Committee of Fourteen of New York," 362.

26. *Ibid.*, 363.

27. *Ibid.*, 365.

28. On funding and running an antvice business, see Thomas C. Mackey, "Anti-Vice Funding and the Apple: The Business of Anti-Vice Reform and the Committee of Fourteen in New York City, 1905–1932," *Essays in Economic and Business History* 12 (1994): 287–306.

29. Peters, "The Story of the Committee of Fourteen of New York," 365–66.

30. *Ibid.*, 366.

31. At the time, "disorderly" was a legal term meaning that the establishment housed or tolerated the three types of common law vagrants: drunkards, gamblers, and prostitutes. For a discussion of the nature of disorderly houses in late-nineteenth- and early-twentieth-century American law, see Thomas C. Mackey, *Red Lights Out: A Legal History of Prostitution, Disorderly Houses, and Vice Districts, 1870–1917* (New York: Garland Publishing, 1987), chap. 3, "These Moral Pests: Aspects of the Law of Nuisance, Disorderly Houses, and Bawdy Houses," 93–141.

32. *Ibid.*, 368.

33. *Ibid.* Information on the development of the saloon blacklist, correspondence between the committee and the city's many brewers, and agreements between managers of bars and the committee are scattered throughout the committee's holding. See Boxes 1–16 "General Correspondence, 1905–1932 and A-Z"; Boxes 17–20 "Protest List Correspondence," Committee of Fourteen Papers. Yet what specific agreement or investigation Peters referred to in this statement cannot be gleaned from the committee's records.

34. For information on Alfred R[ider] Page, see his obituary, *New York Times*, 4 February 1931, 25; *Who Was Who in America*, vol. 1, 1897–1942 (Chicago: A. N. Marquis Co., 1943), 927; *The National Cyclopedic of American Biography*, vol. 25 (New York: James T. White & Co., 1936), 230. None of these sources mentions the "Page Law" for which he is best remembered.

35. For the best scholarly review of the Page Law and the controversies surrounding it, see David J. Pivar, *Purity and Hygiene: Women, Prostitution, and the "American Plan," 1900–1930* (Westport, CT: Greenwood Press, 2002), 100–107.

36. See George J. Kneeland, *Commercialized Prostitution in New York City* (New York: Century Co., 1913; rpt., Montclair, NJ: Patterson Smith, 1969).

37. Peters, "The Story of the Committee of Fourteen of New York," 371.

38. The panorama of the committee's work, investigations, and lobbying can be gauged from reading its annual reports (aimed at the public), its Bulletin Books (for committee members only), and its investigators' reports. See *Annual Report of the Committee of Fourteen, 1909–1920* [title varies] (New York: Committee of Fourteen, 1909–1920). For its Bulletin Books, see Boxes 87–90 "Bulletin Books #1–23" and the mass of investigators' reports, Boxes 26–39, Committee of Fourteen Papers. Whitin also developed card files on both locations and on women; see Boxes 66–81, Committee of Fourteen Papers.

39. Readers will wonder about drugs, homosexual prostitution, and perhaps cigarettes as targets for antvice campaigns, but the Committee of Fourteen focused on the traditional nineteenth-century vices of alcohol and female prostitution.

40. Compare *Annual Report of the Committee of Fourteen for the Suppression of the "Raines Law Hotels" in New York City, January, 1910* (New York: n.p., 1909), n. pag., three pages from beginning; *Annual Report of 1912* (New York: n.p., 1913), 4.

41. *Ibid.*

42. For example, see the Committee of Fourteen, *Annual Report of 1913* (New York:

Douglas C. Murtree Publishers, 1914), 8, where the committee argued, “Increased responsibility of owners is recommended by all Vice Commissions as the most effective means of repressing Commercialized Prostitution.”

43. *Annual Report of 1915*, 3–4, and Ruth M. Alexander, *The “Girl Problem”: Female Sexual Delinquency in New York, 1900–1930* (Ithaca, NY: Cornell University Press, 1995), 55–56, and Laura S. Abrams, “Guardians of Virtue: The Social Reformers and the ‘Girl Problem,’ 1890–1920,” *Social Service Review* 74 (September 2000): 436–52.

44. The Vice Commission of the City of Chicago, *The Social Evil in Chicago: A Study of Existing Conditions* (Chicago, IL: Gunthorp-Warren Printing Company, 1911), 8, for date of Kneeland’s employment. Dean Walter T. Sumner served as chairman of the Chicago Vice Commission and Edwin W. Sims served as its secretary. With thanks to Dr. Claudine Ferrell of Mary Washington College who located a copy of this report and provided it to me.

45. George J. Kneeland, *Commercialized Prostitution in New York City* (New York: Century Co., 1913). Included in this volume is a “supplementary chapter” by Katherine Bement Davis, superintendent of the New York State Reformatory for Women. Rockefeller Jr. penned the introduction as chairman of the Bureau of Social Hygiene. On Davis, see Vern L. Bullough, “Katherine Bement Davis, Sex Research, and the Rockefeller Foundation,” *Bulletin of the History of Medicine* 62 (1988): 74–89.

In her book *Endless Crusade: Women Social Scientists and Progressive Reform* (New York: Oxford University Press, 1990), Ellen Fitzpatrick stated that Davis was the secretary of the Committee of Fourteen and that she was the author of *The Social Evil*; both statements are inaccurate (139). Davis never served as the secretary of the Committee of Fourteen; the Committee of Fifteen, 1900–1901, published *The Social Evil* in 1902 and the Committee of Fourteen, 1905–1932, reissued the work in 1910.

46. *Investigations of Social Evil Conditions in the United States, Under the Direction of George J. Kneeland* (New York: Sociological Information Bureau, n.d.), n. pag., first page after cover. Rockefeller Family Archives, RG2 (OMR), Rockefeller Boards, Bureau of Social Hygiene, Box 8, Folder “Rockefeller Boards, Bureau of Social Hygiene, Kneeland, George J., 1914–1924,” Rockefeller Archives Center, North Tarrytown, New York.

Kneeland is credited with aiding the Moral Survey Committee of Syracuse in their vice report of 1913. On an errata sheet in their report, just ahead of the table of contents, chairman Frederick W. Betts and secretary Paul E. Illman of the committee thanked Kneeland, saying they wished “to make special mention of the services rendered to the Committee by Mr. George J. Kneeland, Director of Investigations of the American Vigilance Association. Without his faithful and intelligent supervision and cooperation in all the details of the investigation reported in this book, our work would have been impossible.” See Moral Survey Committee of Syracuse, *The Social Evil in Syracuse: Being the Report of an Investigation of the Moral Condition of the City, Conducted by a Committee of Eighteen Citizens* (Syracuse, NY: n.p., 1913). If Kneeland was involved with over one hundred vice investigations, then that might explain why all the so-called Progressive Era vice reports look and sound alike; one person, George J. Kneeland, investigated, wrote, and/or edited many, if not most, of them.

47. Kneeland’s file in the Rockefeller Archives reveals that at some undisclosed point in his vice-fighting career he contracted syphilis and, in time, he became insane because of the disease. Rockefeller Jr., through the Bureau of Social Hygiene and its director,

Raymond B. Fosdick, paid for Kneeland's hospitalization and treatment in the early twenties. Kneeland died of syphilis on 11 December 1923, and was buried 14 December 1923, in Brookside Cemetery, Englewood, New Jersey. See Rockefeller Family Archives, RG2 (OMR), Rockefeller Boards, Bureau of Social Hygiene, Box 8, Folder "Rockefeller Boards, Bureau of Social Hygiene, Kneeland, George J., 1914–1924," Rockefeller Archives Center, North Tarrytown, New York.

48. Vice Commission of Chicago, *The Social Evil in Chicago*, 25. This same statement from the Chicago Vice Commission report is also on the title page of Syracuse's vice report. See Moral Survey Committee, *The Social Evil in Syracuse*, title page.

49. For information on Raymond B [laine] Fosdick see his obituary, *New York Times*, 19 July 1972, 41; *National Cyclopedia of American Biography* (Clifton, NJ: James T. White & Co., 1977), 57:341–43.

50. For work on the Commission on Training Camp Activities (CTCA), see Nancy K. Bristow, *Making Men Moral: Social Engineering during the Great War* (New York: New York University Press, 1996). For the relationship between the Committee of Fourteen and the commission and the work performed for the commission, see Boxes 24–25 "Military Training Camps: Correspondence and Investigators' Reports, 1917–1919," Committee of Fourteen Papers.

51. Committee of Fourteen, *Annual Report of the Committee of Fourteen of New York City* (New York: Select Printing Co., 1920), 6.

52. Executive secretaries earned the wrath of the twenties' most caustic observer, H. L. Mencken, in a piece originally published in 1927, "The Executive Secretary." See *Prejudices: Sixth Series* (New York: Alfred A. Knopf, 1927); rpt., H. L. Mencken, *A Mencken Chrestomathy* (New York: Alfred A. Knopf, 1949), in sec. 20, "Quackery," 357–60.

53. Minutes, Directors' Meeting, 28 October 1926, p. 1, Minute Book "October 22, 1925–December 27, 1929," Box 86 "Minutes & Reports, 1905–1932," Committee of Fourteen Papers. Pedersen had a long history of involvements with social reform organizations. See his obituary, *New York Times*, 13 May 1947, 25.

54. George Edmond Worthington received his undergraduate training at the University of Wisconsin, graduating in 1910. He then went to the University of Washington Law School where he received his LLB in 1912. He served in a variety of bureaucratic offices after his time with the Committee of Fourteen. His biography in *Who Was Who in America* lists his position with the committee as "gen. counsel Com. of 14, NY., 1927–32." See *Who Was Who in America*, vol. 9, 1985–1989 (Wilmette, IL: Marquis Who's Who, 1989), 387.

55. George E. Worthington and Ruth Topping, *Specialized Courts Dealing with Sex Delinquency: A Study of the Procedure in Chicago, Boston, Philadelphia, and New York* (New York: F. H. Hitchcock, 1925; rpt., Montclair, NJ: Patterson Smith, 1969). Much of this research had appeared earlier in numerous articles in the leading social hygiene/social reform journal of the day, *Social Hygiene*.

For one of his earliest articles on legal advances in repressing vice generally and prostitution specifically during the World War I years, see George E. Worthington, "Developments in Social Hygiene Legislation from 1917 to September 1, 1920," *Social Hygiene* 6 (October 1920): 557–68 and extensive, state-by-state, foldout charts listing the state, the vice, and the applicable state statutes.

56. *Annual Report for 1926*, 49.

57. The Committee of Fourteen, *Annual Report for 1929: Silver Anniversary Number, 1905–1929* (New York: n.p.: 1930).

58. Worthington's report on the historical achievements of the Committee of Fourteen runs twenty-five pages. See *Annual Report for 1929*, 13–38. His section on "Improvements in the Law" is on pages 26–31.

59. *Annual Report of 1929*, 27.

60. *Ibid.*

61. *Ibid.*, 28.

62. *Ibid.*, 29.

63. *Annual Report of 1929*, 29.

64. *Ibid.*, 30.

65. *Ibid.* On the issue of admissibility of testimony as to reputation of persons or property, see Mackey, *Red Lights Out*, chap. 4, "To Dispel the Blush of Shame: Disorderly Houses in American State Case Law," 142–212.

66. *Annual Report of 1929*, 30.

67. *Ibid.*, 31.

68. For analysis of these charges and for the best secondary works on the Magistrates' Court scandals, see William B. Northrop and John B. Northrop, *The Insolence of Office: The Story of the Seabury Investigations* (New York: G. P. Putnam's Sons, 1932), esp. chaps. 1–11; Raymond Moley, *Tribunes of the People: The Past and Future of the New York Magistrates' Courts* (New Haven, CT: Yale University Press, 1932). For Seabury, see Herbert Mitgang, *The Man Who Rode the Tiger: The Life and Times of Judge Samuel Seabury* (Philadelphia: Lippincott, 1963).

69. For the Seabury Report, see New York State, Supreme Court, Appellate Division, First Judicial Department, *In the Matter of the Magistrates' Courts in the First Judicial Department and the Magistrates Thereof, and of Attorneys-at-Law Participating in Said Courts, Final Report of Samuel Seabury, Referee, March 28, 1932*; rpt., Gabriel J. Chin, ed., *New York City Police Corruption Investigations Commissions, 1894–1994* (Buffalo, NY: William S. Hein & Co., 1997).

70. Moley, *Tribunes of the People*, 118–19, 132–35. Moley's loathing of groups such as the Committee of Fourteen can be detected in his sneering tone when describing them. He wrote, "Even before the Women's Day Court was established, there had been in operation in New York an organization of public-spirited citizens, imbued with lofty idealism, who designated themselves the Committee of Fourteen. . . . They dominated the Women's Court because they considered its business part of their special province. They wanted prostitution stamped out. They believed that law and the enforcement of law could accomplish this delicate task. They gloried in a mounting scale of arrests. The degree to which reformers have wanted to regulate people's public and private morals has varied. They have emphasized the regulation of public morals but they have, in practice, attacked private morals" (118–19).

Moley struck at the heart of the committee when he wrote referring to the Committee's *Annual Report of 1927* which highly praised the Women's Court which was found to be completely corrupt: "That such a well-intentioned agency with the wholly good purpose of ridding the world of evil may develop such myopic vision with respect to what happens in its immediate vicinity, ought to be a lesson not only to itself but to all

those who participate loosely and without a proper sense of responsibility in organizations whose protestations are of the best and whose practical operations leave much to be desired. It ought to be said, in addition, that the extent to which private agencies participate in public law enforcement is dangerous and unwise and that prosecution should be vested in a public agency. This is a principle which experience teaches us is sound and wise. Private initiative with certain restrictions is commendable; but public law should be enforced by public officials" (134–35).

For information on Moley and his importance, see his obituary, *New York Times*, 19 February 1975, 38.

71. Press Release, File "General, 1932–33," Box 83 "Executive/General Secretary's Files, Topical Files, 1912–1932," Committee of Fourteen Papers. For newspaper coverage, see *New York Times*, 25 November 1932, 17; editorial praising the committee, *New York Times*, 26 November 1932, 14. The editorial concluded, "But this single blemish on its record [the Women's Court scandals] should not outweigh the notable service it has rendered this community during the past quarter of a century."

## NOTES TO CHAPTER 2

1. Fred Metcalf, comp., *The Penguin Dictionary of Modern Humorous Quotations* (London, UK: Penguin Books, 1987), 203.

2. Sara M. Evans, *Born for Liberty: A History of Women in America* (New York: Free Press, 1989), 187.

3. For some of the major recent works on feminism, see four works by Andrea Dworkin: *Intercourse* (New York: Free Press, 1987); *Letters from a War Zone: Writings, 1976–1989* (New York: Dutton, 1989); *Our Blood: Prophecies and Discourses on Sexual Politics* (New York: Harper & Row, 1976); *Woman Hating* (New York: Dutton, 1974). See also Susan Estrich, *Real Rape* (Cambridge, MA: Harvard University Press, 1987); Susan Faludi, *Backlash: The Undeclared War against American Women* (New York: Crown, 1991); Gerda Lerner, *The Creation of Feminist Consciousness: From the Middle Ages to 1870* (New York: Oxford University Press, 1993); Gerda Lerner, *The Creation of Patriarchy* (New York: Oxford University Press, 1986); Catharine A. MacKinnon, *Feminism Unmodified: Discourses on Life and Law* (Cambridge, MA: Harvard University Press, 1987); Catharine A. MacKinnon, *Only Words* (Cambridge, MA: Harvard University Press, 1993); Naomi Wolf, *The Beauty Myth: How Images of Beauty Are Used against Women* (New York: William Morrow, 1991) and Naomi Wolf, *Fire with Fire: The New Female Power and How It Will Change the 21st Century* (New York: Random House, 1993).

For an overview of feminism applied to one of the professions, see Martha Albertson Fineman and Nancy Sweet Thomadsen, eds., *At the Boundaries of Law: Feminism and Legal Theory* (New York: Routledge, 1990).

For dissenting female voices exposing and questioning feminism, see Rene Denfeld, *The New Victorians: A Young Woman's Challenge to the Old Feminist Order* (New York: Warner Books, 1995); Noretta Koertge and Daphne Patai, *Professing Feminism: Cautionary Tales from Inside the Strange World of Women's Studies* (New York: Basic Books, 1994); Kathrine Roiphe, *The Morning After: Fear, Sex, and Feminism on College Campuses*

(Boston: Little, Brown, 1993); and Christina Hoff Sommers, *Who Stole Feminism? How Women Have Betrayed Women* (New York: Simon and Schuster, 1994).

Another important opponent of “politically correct” feminism is Camille Paglia. Her works include *Sexual Personae: Art and Decadence from Nefertiti to Emily Dickinson* (New Haven, CT: Yale University Press, 1990); *Sex, Art & American Culture: Essays* (New York: Random House, 1992); and *Vamps and Tramps: New Essays* (New York: Vintage Books, 1994).

4. Evans, *Born for Liberty*, 187. Among a wide variety of stated goals, the NWP sought better access for women into the professions that would place middle-class professional and businesswomen firmly in the mainstream of American life. Because of this mainstream goal, Evans too quickly dismisses their actions and underestimates their importance (193).

5. Alice Paul, “Declaration of Principles,” *Equal Rights* 1 (17 February 1922): 5. *Equal Rights* (1923–54) served as the public relations tool of the National Woman’s Party in the 1920s and is the best public location to find and assess feminist goals. The feminist extremists of the 1980s and 1990s listed in footnote 29 can trace their origins to the NWP and this Declaration of Principles. *The Suffragist* (1913–21) served as the public relations publication during the push for the vote.

National Woman’s Party papers have been microfilmed, thereby affording easy access to the primary sources of this important twentieth-century interest group: Thomas C. Pardo, ed., *The National Woman’s Party Papers, 1913–1974: A Guide to the Microfilm Edition* (Sanford, NC: Microfilming Corporation of America, 1979); see especially “Summary of National Woman’s Party Activities,” 7–181.

6. Paul, “Declaration of Principles,” 5.

7. In *Born for Liberty*, Sara M. Evans argues that the NWP’s efforts for the ERA “effectively narrowed the feminist vision, rejecting links to other reform issues” (187). Not so, at least not at the state level in New York State where the NWP willingly signed on to social reform efforts such as the customer amendment. For example, see the pamphlet, Burnita Shelton Matthews, comp., *How New York Laws Discriminate against Women* (Washington, DC: National Woman’s Party, 1922), series 5, “Printed Materials, 1850–1972,” pt. 2, A. “Pamphlets, 1915–1972,” Pamphlet #36, reel 149 in Pardo, *The National Woman’s Party Papers, 1913–1974*. This publication mentions the unsuccessful Breitung prosecution of 1921 (12) as did a variation of this pamphlet which appeared two years later, 1924 (15). Much more work is needed on the NWP at the state and local level. Feminist writers sympathetic to the National Women’s Party have interpreted this interest group and its goals. For current monographic interpretations, see Susan D. Becker, *The Origins of the ERA: American Feminism between the Wars* (Westport, CT: Greenwood Press, 1981); Inez H. Irwin, *Up Hill with Banners Flying* (Penobscott, ME: Traversity Press, 1964); Christine Lunardini, *From Equal Suffrage to Equal Rights: Alice Paul and the National Woman’s Party, 1916–1928* (New York: New York University Press, 1986). For articles, see Nancy F. Cott, “Feminist Politics in the 1920s: The National Women’s Party,” *Journal of American History* 71 (June 1984): 43–68; Peter Geidel, “The National Woman’s Party and the Origins of the Equal Rights Amendment, 1920–1923,” *Historian* 42 (August 1980): 557–82; Joan G. Zimmerman, “The Jurisprudence of Equality: The Women’s Minimum Wage, the First ERA, and *Adkins v. Children’s Hospital*, 1905–23,” *Journal of American History* 78 (June 1991): 188–225.

For an important dissenting view of the current interpretations see J. Stanley Lemons, *The Woman Citizen: Social Feminism in the 1920s* (Urbana: University of Illinois Press, 1973), 181–208.

8. *How New York Laws Discriminate against Women* (Washington, DC: National Woman's Party, 1922), 1.

9. MacKinnon, *Only Words*. Typical of the concerns raised by this book, see *New York Times Book Reviews*, 2 January 1994, section 7, 11. On pornography, see Catharine A. MacKinnon and Andrea Dworkin, eds., *In Harm's Way: The Pornography Civil Rights Hearings* (Cambridge, MA: Harvard University Press, 1997).

10. See the scholarship cited in note 7 for the debate.

11. C. Vann Woodward, *The Strange Career of Jim Crow*, 3d rev. ed. (New York: Oxford University Press, 1974), 102; and Thomas C. Mackey, *Red Lights Out: A Legal History of Prostitution, Disorderly Houses, and Vice Districts, 1870–1917* (New York: Garland Publishing, 1987), 213–352. For an analysis of the Houston Reservation, see Thomas C. Mackey, “Thelma Denton and Associates: Houston's Red Light Reservation and a Question of Jim Crow,” *Houston Review* 14 (1992): 139–52.

12. Neil Larry Shumsky, “Tacit Acceptance: Respectable Americans and Segregated Prostitution, 1870–1910,” *Journal of Social History* 19 (Summer 1986): 665–79. Joel Best details this policing approach in his *Controlling Vice: Regulating Brothel Prostitution in St. Paul, 1865–1883* (Columbus: Ohio State University Press, 1998).

13. For the earliest of such vice reports, see the New York City Committee of Fifteen report, *The Social Evil, with Special Reference to Conditions Existing in the City of New York* (New York: G. P. Putnam's Sons, 1902; rpt., New York: Garland, 1979). Typical of the “wave” of antvice reports which appeared in the 1910s are the Vice Commission of Chicago, *The Social Evil in Chicago: A Study of Existing Conditions* (Chicago: Gunthrop-Warren Printing Company, 1911); Moral Survey Committee, *The Social Evil in Syracuse: Being the Report of an Investigation of the Moral Condition of the City Conducted by a Committee of Eighteen Citizens* (Syracuse, NY: n.p., 1913); Vice Commission, *The Social Evil in Louisville: Report of the Vice Commission, Louisville, Kentucky* (Louisville, KY: Smith & Dugan, 1915). For an analysis of the Louisville Vice Report, see Thomas C. Mackey, “‘Learning, Deducting and Reporting’: Louisville, Kentucky's Vice Report of 1915, Part One: Methods and Recommendations,” *Filson Club History Quarterly* 74 (Winter 2000): 13–29, and “‘Learning, Deducting and Reporting’: Louisville, Kentucky's Vice Report of 1915, Part Two: Local Conditions,” *Filson Club History Quarterly* 74 (Spring 2000): 85–107.

George J. Kneeland, the author of the Rockefeller study of New York City prostitution, *Commercialized Prostitution in New York City* (New York: Century Co., 1913; rpt., Montclair, NJ: Patterson Smith, 1969), claimed to be the investigator behind and author of the Chicago vice report and to have investigated 105 different American cities and towns. See *Investigations of Social Evil Conditions in the United States, under the Direction of George J. Kneeland* (New York: Sociological Information Bureau, n.d.) in Rockefeller Family Archives, RG2 (OMR), Rockefeller Boards, Bureau of Social Hygiene, Box 8, File “Rockefeller Boards, Bureau of Social Hygiene, Kneeland, George J., 1914–1924,” North Tarrytown, New York.

14. See Norman H. Clark, *Deliver Us from Evil: An Interpretation of American Prohibition* (New York: W. W. Norton & Co., 1976), for a creative and persuasive interpretation of Prohibition as a solution for larger social tensions.

15. For an analysis of the “cult of true womanhood,” see Nancy F. Cott, “Passionlessness: An Interpretation of Victorian Sexual Ideology, 1790–1850,” *Signs* 4 (Winter 1978): 219–36.

16. On “white slavery,” see Ernest A. Bell, *Fighting the Traffic in Young Girls, Or, War on the White Slave Trade* (Chicago [?]: G. S. Ball, 1910); Theodore A. Bingham, *The Girl That Disappears: The Real Facts about White Slave Traffic* (Boston, MA: F. G. Badger, 1911); Oliver Edwards Janney, *The White Slave Trade in America* (New York: American Vigilance Committee, 1911); and Clifford G. Roe, *The Prodigal Daughter: The White Slave Evil and the Remedy* (Chicago: L. W. Walter Co., 1911).

For assessments of white slavery, see Frederick K. Grittner, *White Slavery: Myth, Ideology, and America Law* (New York: Garland, 1990); Edward J. Bristow, *Prostitution & Prejudice: The Jewish Fight against White Slavery, 1880–1939* (New York: Schocken Books, 1982); and Mary deYoung, “Help, I’m Being Held Captive!: The White Slave Fairy Tale of the Progressive Era,” *Journal of American Culture* 6 (Spring 1983): 96–99.

17. Text of the Mann Act can be found at ch. 395, 36 Stat. 825 (1910), 18 U.S.C. §2421–2424 (1982). The Supreme Court upheld the constitutionality of the Mann Act, *Hoke v. United States*, 227 U.S. 308 (1913). The best work on the Mann Act is David J. Langum, *Crossing over the Line: Legislating Morality and the Mann Act* (Chicago: University of Chicago Press, 1994). For analysis of the act’s effects, see Marlene D. Beckman, “The White Slave Traffic Act: The Historical Impact of a Criminal Law Policy on Women,” *Georgetown Law Review* 72 (February 1984): 1111–42; Marlene D. Beckman, “The White Slave Traffic Act: The Historical Impact of a Federal Crime Policy on Women,” *Women & Politics* 4 (Fall 1984): 85–101; and Norbert MacDonald, “The Driggs-Caminetti Case of 1913 and Subsequent Interpretation of the White Slave Traffic Act,” *Pacific Historian* 29 (1985): 30–39. For a documentary history of the Mann Act, see Robert L. Anderson, *The Diggs-Caminetti Case, 1913–1917: For Any Other Immoral Purpose*, 2 vols. (Lewiston, NY: Edwin Mellon Press, 1990).

18. On the red-light abatement acts as legal reform, see Mackey, *Red Lights Out*, chap. 3, “These Moral Pests: Aspects of the Law of Nuisance, Disorderly Houses, and Bawdy Houses,” 93–141. For contemporary hopes for the red-light abatement acts, see Franklin Hichborn, “California’s Fight for a Red Light Abatement Law,” *Social Hygiene* 1 (December 1914): 6; Franklin Hichborn, “The Organization That Backed the California Red Light Abatement Bill,” *Social Hygiene* 1 (March 1915): 194; and Bascom Johnson, “The Injunction and Abatement Law,” *Social Hygiene* 1 (March 1915): 231. Johnson never lost his faith in the red-light abatement acts. See Bascom Johnson, “Good Laws . . . Good Tools: Injunction and Abatement versus Houses of Prostitution,” *Social Hygiene* 38 (May 1952): 204.

For a popular history of the closing of Storyville, see Al Rose, *Storyville, New Orleans: Being an Authentic Illustrated Account of the Notorious Red-Light District* (Tuscaloosa: University of Alabama Press, 1974). For the closing of the Houston Reservation, see Mackey, *Red Lights Out*, chap. 7, “This Social Sore: Closing the Houston Vice District, 1917,” 353–87.

19. For the issues and problems involved with gauging sexual activity, see Carl N. Degler, “What Ought to Be and What Was: Women’s Sexuality in the Nineteenth Century,” *American Historical Review* 79 (December 1974): 1476–90; Arthur Mitzman, “Privacy No More: Historians in Search of Nineteenth Century Intimacy,” *Journal of*

*Social History* 24 (Winter 1990): 359–70; and Vern L. Bullough, *Science in the Bedroom: A History of Sex Research* (New York: Basic Books, 1994).

20. Many cultural shifts have their origins in the pre–World War I era. See James R. McGovern, “The American Woman’s Pre–World War I Freedom in Manners and Morals,” *Journal of American History* 55 (September 1968): 315–33.

21. See Barbara Sherman Heyl, *The Madam as Entrepreneur: Career Management in House Prostitution* (New Brunswick, NJ: Transaction Books, 1979). Also, see Diana Gray, “Turning Out: A Study of Teenage Prostitutes,” *Urban Life and Culture* 1 (January 1973): 401–25; Barbara Sherman Heyl, “The Madam as Teacher: The Training of House Prostitutes,” *Social Problems* 24 (June 1977): 545–55; and Paula Petrik, “Capitalists with Rooms: Prostitution in Helena, Montana, 1865–1900,” *Montana: The Magazine of Western History* 31 (Spring 1981): 28–41. On the bawdy house as support network, see Judith R. Walkowitz, *Prostitution and Victorian Society: Woman, Class, and the State* (New York: Cambridge University Press, 1980).

22. Report of John W. Brewster, 1 May 1905, Box 28 “Investigators’ Reports, 1905–1915,” Committee of Fourteen Papers, Rare Books and Manuscripts Division, New York Public Library, New York, New York. Hereinafter cited as Committee of Fourteen Papers. All information in this paragraph is from this report.

In order to limit the use of *sic* in this and the following reports, I have not corrected spelling and grammar in the reports.

23. Report of John W. Brewster and Abel Whitehouse, 2 May 1905, Box 28 “Investigators’ Reports, 1905–1915,” Committee of Fourteen Papers. All information in this paragraph is from this joint report.

24. Report of Abel Whitehouse, 2 May 1905, Box 28 “Investigators’ Reports, 1905–1915,” Committee of Fourteen Papers. All information in this paragraph is from this report.

25. Report of John W. Brewster, 2 May 1905, Box 28 “Investigators’ Reports, 1905–1915,” Committee of Fourteen Papers. All information in this paragraph is from this report.

26. Report of John W. Brewster, 5 May 1905, Box 28 “Investigators’ Reports, 1905–1915,” Committee of Fourteen Papers. No report by Whitehouse has been found but Brewster says Whitehouse was along that night. Report of Joseph Garzausi, 5 May 1905, Box 28 “Investigators’ Reports, 1905–1915,” Committee of Fourteen Papers.

27. Report of Frank W. Huyurter, 11 May 1905, Box 28 “Investigators’ Reports, 1905–1915,” Committee of Fourteen Papers.

28. Report of W. McBride, John W. Brewster, and Abel Whitehouse, 20 May 1905, Box 28 “Investigators’ Reports, 1905–1915,” Committee of Fourteen Papers. No first name for McBride can be located.

29. Report of John W. Brewster, 20 May 1905, Box 28 “Investigators’ Reports, 1905–1915,” Committee of Fourteen Papers.

The file contains a report on the Friendly Inn by Whitehouse dated “June 8, 1905.” It describes the same conditions and routines found in the May reports. It could be that this report is misdated or that the place reopened in June. Yet reopening seems unlikely, as the committee surely would have followed up on any such step. Since no other reports on the Friendly Inn are in the files, the best explanation is that Whitehouse’s June 8 report is misdated. See Report of Abel Whitehouse, 8 June 1905, Box 28 “Investigators’ Reports, 1905–1915,” Committee of Fourteen Papers.

30. Report of unnamed investigator, 16 December 1919, Box 34 "Investigators' Reports, 1919–1922," Committee of Fourteen Papers. All information in this paragraph and the following two paragraphs are from this report.

Someone in the Committee of Fourteen office wrote on this handwritten report "copy for Miss Davis." A copy of this report may have been sent to the noted social reformer, women's prison reformer, and activist for women's causes Katherine Bement Davis. For an overview of her life and work, see Vern L. Bullough, "Katherine Bement Davis, Sex Research, and the Rockefeller Foundation," *Bulletin of the History of Medicine* 62 (1988): 74–89.

31. Report of Harry Kahan, 7 December 1919, Box 34 "Investigators' Reports, 1919–1922," Committee of Fourteen Papers. All information in this paragraph and the following paragraph are from this report.

32. Report of B, 12 January 1928, File "30th–45th Streets," Box 36 "Investigators' Reports, 1927–1929," Committee of Fourteen Papers. Box 36 is restricted; no personal names may be used. All quotations in this paragraph and the following paragraph are from this report. In the later years of the Committee of Fourteen's history, it was not unusual for the investigators to use code names like "B." In "B's" report of the next night, the woman claimed that the bellboy received \$2 and she received \$5. Report of B, 13 January 1928, File "30th–45th Streets," Box 36 "Investigator's Reports, 1927–1929," Committee of Fourteen Papers.

33. Report of B, 13 February 1929, File "56–72 Streets," Box 36 "Investigators' Reports, 1927–1929," Committee of Fourteen Papers. All information in this paragraph is from this report.

34. Report of unnamed investigator, 4 February 1927, File "Manhattan," Box 36 "Investigators' Reports, 1927–1929," Committee of Fourteen Papers.

35. Report of 5, no date, File "50–55th Streets," Box 36, "Investigators' Reports, 1927–1929," Committee of Fourteen Papers. All information in the rest of this paragraph is from this report. This report is filed with other reports from 1927, 1928, and 1929, and although this particular report is undated, it too appears to be from that same time.

36. Report of 7, 7 February 1929, File "50–55th Streets," Box 36 "Investigators' Reports, 1927–1929," Committee of Fourteen Papers. All information in this paragraph is from this report.

37. A large and growing body of literature exists on the automobile and its social, cultural, and economic importance to twentieth-century American life. For the best current overviews of the car and American culture, see Christopher Finch, *Highways to Heaven: An Auto Biography of America* (New York: Harper Collins, 1992), and James J. Flink, *The Automobile Age* (Cambridge, MA: MIT Press, 1988). Other useful monographs are Warren James Belasco, *Americans on the Road: From Autocamp to Motel, 1910–1945* (Cambridge, MA: MIT Press, 1979); Michael L. Berger, *The Automobile in American History and Culture: A Reference Guide* (Westport, CT: Greenwood Press, 2001); Michael L. Berger, *The Devil Wagon in God's Country: The Automobile and Social Change in Rural America, 1897–1929* (Hamden, CT: Archon Books, 1979); James J. Flink, *America Adopts the Automobile, 1895–1910* (Cambridge, MA: MIT Press, 1970); David L. Lewis and Laurence Goldstein, eds., *The Automobile and American Culture* (Ann Arbor: University of Michigan Press, 1983); Tom Lewis, *Divided Highways: Building the Interstate Highways, Transforming American Life* (New York: Viking, 1994); Robert S. Lynd and Helen M.

Lynd, *Middletown: A Study in Contemporary Culture* (New York: Harcourt, Brace and Co., 1929); John B. Rae, *The American Automobile* (Chicago: University of Chicago Press, 1965); John B. Rae, *The Road and Car in American Life: A Brief History* (Cambridge, MA: MIT Press, 1971); and Virginia Scharff, *Taking the Wheel: Women and the Coming of the Motor Age* (New York: Free Press, 1991).

38. Report of David Oppenheim, 17 September 1916, Box 32 "Investigators' Reports, 1917; Brooklyn, Queens, Staten Is., 1917–1920," Committee of Fourteen Papers.

39. Report of unnamed investigator, 19 February 1918, File "1918, Dancing Halls," Box 33 "Investigators' Reports, 1918," Committee of Fourteen Papers. All information in the rest of this paragraph is from this report.

40. Strikingly similar language was used to describe automobiles eleven years later in the Lynds' famous study of 1920s "Middletown" (Muncie, Indiana). Their unnamed subject referred to cars as "houses of prostitution on wheels." See Lynd and Lynd, *Middletown*, 114. For an overview of youth and their driftings in the 1920s, see Paula Fass, *The Damned and the Beautiful: American Youth in the 1920s* (New York: Oxford University Press, 1977).

41. Report of David Oppenheim, 1 November 1917, File "1918," Box 33 "Investigators' Reports, 1918," Committee of Fourteen Papers. All information in the rest of this paragraph is from this report.

42. Report of Harry Kahan, 12 July 1918, File "1918," Box 32 "Investigators' Reports, 1917; Brooklyn, Queens, Staten Is., 1917–1920," Committee of Fourteen Papers. All information in this paragraph and the following paragraph is from this report.

43. Entry 524, "A 'Call Exchange' Case," 18 November 1913, Box 87 "Bulletin Book #3, June 3, 1913 to February 2, 1914," Committee of Fourteen Papers.

44. Entry 633, "Call Exchange Case," 8 May 1914, Box 87 "Bulletin Book #4, February 3, 1914–February 13, 1915," Committee of Fourteen Papers.

45. *Annual Report of the Committee of Fourteen, 1927* (New York: n.p., 1928), 24–25.

46. *Ibid.*, 25.

47. For an accessible survey of the history of the new immigrants, see Alan M. Kraut, *The Huddled Masses: The Immigrant in American Society, 1880–1921* (Arlington Heights, IL: Harlan Davidson, 1982). Especially useful is his bibliography, 186–203.

48. Grittner, *White Slavery: Myth, Ideology, and American Law*.

49. The Great Migration is one of the key events in black American history. See John Hope Franklin and Alfred A. Moss Jr., *From Slavery to Freedom: A History of Negro Americans*, 6th ed. (New York: McGraw Hill, 1988), 277–82, 304–9.

50. Despite the large literature on American prostitution, almost none of it examines black prostitution. This paragraph is speculative but perhaps it will spur further research and interpretation of the racial composition of prostitution in the 1920s.

51. Committee of Fourteen, *Annual Report of 1927* (New York: n.p., 1928), 3. These monies flowed from the Bureau of Social Hygiene and the American Social Hygiene Association (ASHA) from 1927 into 1929 and prolonged the life of the committee since they had been experiencing trouble raising funds. Friction developed between George Worthington, the committee's secretary, and the head of ASHA, Dr. William F. Snow, over how the committee spent and accounted for ASHA's funds and ASHA stopped giving the committee money in 1929. Snow and Worthington formally terminated the affiliation agreement in 1930. See Chairman James Pedersen's Report to the Annual Meeting, 23

January 1931, File “James Pedersen,” Box 12 “General Correspondence, P-Police,” Committee of Fourteen Papers.

52. *Annual Report of 1927*, 16–24, sections on “Night Clubs and Speak-easies,” “The Hostess,” and “Increase in Prostitution.” In 1927, the committee reported that they had investigated 157 speakeasies and night clubs and found six to be respectable. Of the remaining 151, six were “suspicious” but no evidence was obtained, thirteen allowed no women to enter the place, and 132 were “identified with prostitution” (21). On the hostess issues, Worthington wrote, “The hostess of the night club and speak-easy is the modern American counterpart of the Geisha girl. She is employed by the club or speak-easy proprietor for the main purpose of increasing the sales of liquor, food and other drinks; incidentally she is to provide esthetics, social and sexual entertainment for the men customers” (21–22).

53. Committee of Fourteen, *Annual Reports of 1928* (New York: n.p., 1929), 31–34. According to this report, the unnamed investigator covered the area “from 126th Street to 152nd Street between Fifth and St. Nicholas Avenues.” He occasionally ventured as far south as 111th Street.

54. *Annual Report of 1928*, 32.

55. *Ibid.*, 33.

56. *Ibid.*

57. *Ibid.*

58. *Ibid.*, 34.

59. Timothy J. Gilfoyle, *City of Eros: New York City, Prostitution, and the Commercialization of Sex, 1790–1920* (New York: W. W. Norton, 1992).

60. See Mark Thomas Connelly, *The Response to Prostitution in the Progressive Era* (Chapel Hill: University of North Carolina Press, 1980); David J. Pivar, *Purity and Hygiene: Women, Prostitution, and the “American Plan,” 1900–1930* (Westport, CT: Greenwood, 2002); and Ruth Rosen, *The Lost Sisterhood: Prostitution in America, 1900–1918* (Baltimore, MD: Johns Hopkins University Press, 1982). For other important monographs on New York City prostitution, see Barbara Meil Hobson, *Uneasy Virtue: The Politics of Prostitution and the American Reform Tradition* (New York: Basic Books, 1987); Willoughby Cyrus Waterman, *Prostitution and Its Repression in New York City, 1900–1931* (New York: Columbia University Press, 1932); and Howard B. Woolston, *Prostitution in the United States prior to the Entrance of the United States into the World War* (New York: Century Co., 1921; rpt., Montclair, NJ: Patterson Smith, 1969).

## NOTES TO CHAPTER 3

1. *People v. Edward N. Breitung* (1921), City Magistrates’ Court, Borough of Manhattan, Fourth District, Moses R. Ryttenberg, City Magistrate, File “Magistrates Court-E.N. Breitung Case,” Box 64 “Courts & Criminal Justice System,” Committee of Fourteen Papers, Rare Book and Manuscripts Division, New York Public Library, New York, New York. Hereinafter Committee of Fourteen Papers. Only extant copy.

2. *Annual Report of the Committee of Fourteen, 1920–21* (New York: n.p., 1921), “Report of the Chairman,” 11. Title varies over time.

3. For the traditional starting points in the literature on vagrancy, see C. J. Ribton-Turner, *A History of Vagrants and Vagrancy, and Beggars and Begging* (London: Chapman

and Hall, 1887) and Sir James Fitzjames Stephens, *A History of the Criminal Law in England*, 3 vols. (London: Macmillan and Co., 1883), 3: 203–94. For a more modern treatment see, A. L. Beier, *Masterless Men: The Vagrancy Problem in England, 1560–1640* (London: Methuen, 1985).

For a treatment of vagrancy in American legal history, see Thomas C. Mackey, *Red Lights Out: A Legal History of Prostitution, Disorderly Houses, and Vice Districts, 1870–1917* (New York: Garland Publishing, 1987), chap. 2, “To Prescribe Them as a Class: Prostitutes as Vagrants,” 28–92.

4. Because of the labor shortage following the Black Death, Parliament passed the Statute of Laborers in 1349 hoping to tie workers to their jobs. 23 Edw. 3, c. 1 (1349) and amendments, 25 Edw. 3, c. 3 (1350); 25 Edw. 3, c. 7 (1350). See also, Bertha Haven Putnam, *The Enforcement of the Statute of Laborers During the First Decade of the Black Death, 1349–1359* (New York: Columbia University Press, 1908). A large literature exists on the Black Death and its ripple effects; for good overviews, see William H. McNeill, *Plagues and People* (Garden City, NY: Anchor Press, 1976); J. F. D. Shrewsbury, *A History of Bubonic Plague in the British Isles* (London: Cambridge University Press, 1970); Philip Ziegler, *The Black Death* (New York: John Day Co., 1969).

5. Sir William Blackstone, *Commentaries on the Law of England*, 4 vols. (Oxford: Clarendon Press, 1765; rpt., Chicago: University of Chicago Press, 1979), 4:169. For American adoption of Blackstone, see St. George Tucker, *Blackstone’s Commentaries: with Notes of Reference to the Constitution and Laws of the Federal Government of the United States and of the Commonwealth of Virginia*, 5 vols. (Philadelphia: William Young Birch and Abraham Small, 1803; rpt., New York: Augustus M. Kelly, 1969). For the best historical work on the adaptation of the common law in America, see William E. Nelson, *Americanization of the Common Law: The Impact of Legal Change on Massachusetts Society, 1760–1830* (Cambridge, MA: Harvard University Press, 1975; rpt., Athens: University of Georgia Press, 1993).

6. A large literature on status criminality exists in the law reviews: see Mackey, *Red Lights Out*, 79–85 and *passim*. For particularly useful analysis of vagrancy and status criminality, see Gary V. Dubin and Richard C. Robinson, “The Vagrancy Concept Reconsidered: Problems and Abuses of Status Criminality,” *New York University Law Review* 37 (January 1962): 102–36; Caleb Foote, “Vagrancy-type Law and Its Administration,” *University of Pennsylvania Law Review* 104 (March 1956): 603–50; Forrest W. Lacey, “Vagrancy and Other Crimes of Personal Condition,” *Harvard Law Review* 66 (May 1953): 1203–26; P. Michael Lahan, “Trends in the Law of Vagrancy,” *Connecticut Law Review* 1 (December 1968): 350–68; William F. Maher and William E. Williams, “Vagrants—A Study in Constitutional Obsolescence,” *University of Florida Law Review* 22 (Winter 1970): 384–415; and Arthur H. Sherry, “Vagrants, Rogues and Vagabonds—Old Concepts in Need of Revision,” *California Law Review* 48 (October 1960): 557–73. For a bibliography on the law, vagrancy, and prostitution, see Julie Brewer, “Bibliography of Sources on American Law and Literature on Prostitution,” *Wisconsin Women’s Law Journal* 4 (1988): 63–93.

7. For a lengthier discussion of the problems and issues involved in moral nuisances, see Mackey, *Red Lights Out*, 28–212. For the importance of property and property rights (and the limits to those rights including nuisance) in American history, see James W. Ely Jr., *The Guardian of Every Other Right: A Constitutional History of Property Rights*, 2d ed. (New York: Oxford University Press, 1998).

8. See the work of David J. Rothman: *The Discovery of the Asylum: Social Order and Disorder in the New Republic* (Boston: Little, Brown, 1971), and *Conscience and Convenience: The Asylum and Its Alternatives in Progressive America* (Boston: Little, Brown, 1980). Also useful is Paul S. Boyer, *Urban Masses and Moral Order in America, 1820–1920* (Cambridge, MA: Harvard University Press, 1978).

9. Neil Larry Shumsky, “Tacit Acceptance: Respectable Americans and Segregated Prostitution, 1870–1910,” *Journal of Social History* 19 (Summer 1986): 665–79.

10. Ibid. See also Jeffrey S. Adler, “Vagging the Demons and Scoundrels: Vagrancy and the Growth of St. Louis, 1830–1861,” *Journal of Urban History* 13 (November 1986): 3–30.

11. *People v. Breitung* (1921), 2–4, Committee of Fourteen Papers.

12. *General Laws of the State of New York Containing Amendments to Consolidated Laws, Code of Civil Procedure, Code of Criminal Procedure, and General Statutes, Enacted by the Legislature of 1915* (St. Paul, MN: West Publishing Co., 1915), 743.

13. *People v. Breitung* (1921), 3.

14. David J. Pivar, *Purity and Hygiene: Women, Prostitution, and the “American Plan,” 1900–1930* (Westport, CN: Greenwood Press, 2002), 105.

15. For literature on the Charity Organization Society and the development of professional social work, see Charles W. Clarke, *Taboo: The Story of the Pioneers of Social Hygiene* (Washington, DC: Public Affairs Press, 1961); Allen F. Davis, *Spearheads for Reform: The Social Settlements and the Progressive Movement, 1890–1914* (New York: Oxford University Press, 1967); Thomas L. Haskell, *The Emergence of Professional Social Science: The American Social Science Association and the Nineteenth-Century Crisis of Authority* (Champaign: University of Illinois Press, 1977); Roy Lubove, *The Professional Altruist: The Emergence of Social Work as a Career, 1880–1930* (Cambridge, MA: Harvard University Press, 1965); Roy Lubove, *The Progressive and the Slums: Tenement House Reform in New York City, 1890–1917* (Pittsburgh, PA: University of Pittsburgh Press, 1962).

For the best interpretation of, and information on, tenement-housing reformer Lawrence Veiller, see Lubove, *The Progressives and the Slums*, esp. chap. 5, “Lawrence Veiller and the New York Tenement House Commission of 1900,” and chap. 6, “The Age of Veiller,” 117–84. Lubove also wrote Veiller’s entry in the *Dictionary of American Biography, Supplement 6, 1956–1960* (New York: Charles Scribner’s Sons, 1980), 654–55. See too Veiller’s obituary in the *New York Times*, 1 September 1959, 29, and the editorial the following day, *New York Times*, 2 September 1959, 28. See also, Jared N. Day, *Urban Castles: Tenement Housing and Landlord Activism in New York City, 1890–1943* (New York: Columbia University Press, 1999).

16. Frederick H. Whitin to Lawrence Veiller, 12 June 1914, File “Veiller, Lawrence, 1905–12 [contains letters through 1930],” Box 15 “General Correspondence, T-W,” Committee of Fourteen Papers.

Whitin and Veiller corresponded with each other long before this date. In the Community Service Society Collection (the successor of the Charity Organization Society) at Columbia University is a letter from Whitin to Veiller on 22 June 1911. It deals with the striking down of a portion of the Inferior Criminal Courts Act that mandated the physical examination of prostitutes convicted in the magistrates’ courts. Their relationship, then, predated both Veiller’s joining the Committee of Fourteen and Whitin’s interest in prosecuting men. See Frederick Whitin to Lawrence Veiller, 22 June 1911, File

“Committee of Fourteen, 1911–1926,” Box 109 “C.O.S., Committee (P-Z)–Conf.,” Community Service Society Collection, Rare Books and Manuscripts Collection, Columbia University Library, New York, New York.

In his oral history, Veiller claims to have been one of the movers behind the establishing of the committee in the first place. See Lawrence Veiller, dictated February/March 1949, “The Fight against One Phase of the Prostitution Evil,” 131–38, Oral History Research Division, Columbia University, New York, New York.

17. *Annual Report of the Committee of Fourteen, 1914–1915* (New York: n.p., 1915), xxiv. For the republication of this Secretary’s Report, see Frederick H. Whitin, “Obstacles to Vice Repression,” *Social Hygiene* 2 (April 1916): 145–63.

18. *Annual Report, 1914–1915*, xxiv; Whitin, “Obstacles to Vice Repression,” 162.

19. Frederick H. Whitin to Joseph A. Conboy, 28 June 1917, File “Police,” Box 12 “General Correspondence, P-Police,” Committee of Fourteen Papers.

For information on Judge Esterbrook, see his obituary, *New York Times*, 18 September 1960, 86. No information on Conboy can be located.

20. *Annual Report of the Committee of Fourteen, 1917–1918* (New York: Arbor Press, 1918), 21–47.

21. *Ibid.*, 42.

22. *General Laws of the State of New York Passed during the Legislature of 1915* (Albany, NY: J. B. Lyon Company, 1915), Code of Criminal Procedure, Part VI, Title VI, “Of Proceedings Respecting Vagrants,” Sec. 887. “Who Are Vagrants,” 113.

23. *Annual Report, 1917–1918*, 43–44.

24. Although the committee’s records are crammed with investigators’ reports, this report related by Whitin cannot be located in the committee’s papers. While it reflects the typical procedure for the committee’s investigators, this incident may be a product of several investigations spliced together by Whitin for its emotional and didactic effect.

25. *Annual Report of 1917–1918*, 45–46. *People v. Belle Moore*, 142 App. Div. 402, 127 N.Y. Supp. 98 (First Department, 1911); *aff’d*, 201 N.Y. 570, 95 N.E. 1136 (1912).

26. *Annual Report of 1917–1918*, 46.

27. *Ibid.*, 47. On Gen. John J. Pershing’s rejection of the French offer to provide bawdy houses for the troops, see Fred W. Baldwin, “The Invisible Armor,” *American Quarterly* 16 (Fall 1964): 432–44. His title is taken from a speech by Pres. Woodrow Wilson’s secretary of war, Newton D. Baker. See Newton D. Baker, “Invisible Armor,” *Survey* 39 (November 1917): 159–60. For a more recent assessment of venereal control in World War I, see Donald Smythe, “Venereal Disease: The AEF’s Experience,” *Prologue: Quarterly of the National Archives* 26 (Anniversary issue, 1994): 119–31.

28. Frederick H. Whitin to Charles G. Davis, 6 October 1919, File “Committee of Thirteen: Minneapolis, 1921,” Box 10 “General Correspondence, B-C,” Committee of Fourteen Papers.

29. *Ibid.*

30. George E. Worthington to Frederick H. Whitin, 17 November 1919, File “American Social Hygiene Association 1917, 1919,” Box 9 “General Correspondence, A,” Committee of Fourteen Papers.

31. *Ibid.*

32. Frederick H. Whitin to George E. Worthington, 25 November 1919, File “American Social Hygiene Association, 1917, 1919,” Box 9 “General Correspondence, A,” Committee of Fourteen Papers.

33. *Ibid.*, 5.

34. *Ibid.*

35. *Ibid.*

36. *Ibid.*, 6.

37. W. Bruce Cobb to Frederick H. Whitin, 25 April 1920, File “Women’s Court,” Box 59 “Legislation, Unsorted, 1912–27,” Committee of Fourteen Papers. Handwritten and emphasis in the original. For information on Judge Cobb, see his obituary, *New York Times*, 13 November 1959, 29; for Judge Koenig, see *New York Times*, 2 December 1939, 17, with portrait, also editorial, *New York Times*, 5 December 1939, 26.

38. *People v. Beatrice Edwards*, 180 N. Y. Supp. 631, 632 (Gen. Sess., N. Y. County, 1920). Moskowitz gave his address as 621 West 135th Street and Goodwin as 435 West 129th Street.

39. *Ibid.* A graduate of Phillips Academy (1892), Yale College (1896), and the Harvard Law School (1899), Judge William H. Wadhams developed a reputation as a reforming Republican and fusionist. For more information on Judge Wadhams, see his obituary, *New York Times*, 26 June 1952, 29, and *Who Was Who in America With World Notables*, vol. 5, 1969–1973 (Chicago, IL: Marquis Who’s Who Company, 1973), 749.

40. *People v. Beatrice Edwards*, 633.

41. *Ibid.*

42. *Ibid.*

43. *Ibid.*, 634.

44. *Ibid.* Wadhams then mentioned that the legislature had recently revised vagrancy to include not only a person “who in any manner induces, entices, or procures a person who is in any thoroughfare or public or private place, to commit any such acts,” but also a person “who in any way aids or abets or participates in the doing of any of the acts or things enumerated.” See Code of Criminal Procedure, Section 887, as amended by chapter 502 of the Laws of 1919, in *Laws of the State of New York, Passed at the One Hundred and Forty-Second Session of the Legislature* (Albany, NY: J. B. Lyon Company, 1919).

Interestingly, while the Committee of Fourteen strongly supported these amendments and the broadening of New York’s vagrancy statute, the Association of the Bar of the City of New York did not. Arguing that the broadening of the vagrancy was, at least, unneeded and, at worse, an invitation to police blackmail of men, the Committee on the Amendment of the law disapproved of this revision throughout its legislative history. See The Association of the Bar of the City of New York, The Committee on the Amendment of the Law, *Bulletin*, #2, 1919, Item No. 62, p. 79; *Bulletin*, #5, 1919, Item No. 160, pp. 225–29; *Bulletin*, #7, Item No. 248, pp. 376–77; and *Bulletin*, #9, Item No. 288, pp. 436–41.

45. *People v. Beatrice Edwards*, 634–35.

46. *Ibid.*, 635.

47. Wadhams also noted that Broomhead and Edwards were charged with this offense *before* the legislature enacted the 1919 statutory revisions of vagrancy, and since “The law is not retroactive” and since the men were not produced, the court only took notice of the change in statute and public policy.

His *New York Times* obituary, 26 June 1952, 29, stated that Wadhams was “known for as an advocate . . . of equal justice for men and women in cases involving immorality.” Continuing with a possible reference to *People v. Beatrice Edwards*, “From the bench, Judge Wadhams severely criticized police vice squad methods he considered acts of

'provocation.' A number of times he freed women whom he considered wrongfully accused of immorality by the police."

48. *People v. Alexander Williams*, Borough of Brooklyn, 21 June 1920, File "Customer Cases," Box 56 "Customer Laws," Committee of Fourteen Papers. For information on Judge Geismer, see his obituary, *New York Times*, 22 May 1939, 17.

49. File "Customer Cases" for fragments of other cases of prosecuting men for vagrancy in Brooklyn, Box 56 "Customer Laws," Committee of Fourteen Papers.

50. See Charles Loring Brace, *The Dangerous Classes of New York and Twenty Years' Work among Them* (New York: Wynkoop & Hallenbeck, 1872; reprint of 3d ed., Montclair, NJ: Patterson Smith, 1967).

51. Whitin drafted the Chairman's Report each year and that year's chairman edited and approved the Report. Boxes 82 and 83, "Topical Files, 1912–32"; Box 85 "Drafts and Correspondence Re Annual Reports, 1917–32"; and Box 86 "Minutes and Reports"; and scattered letters and drafts in Boxes 1–16, "General Correspondence," Committee of Fourteen Papers. The *Annual Report of 1918–1919* contains no mention of pursuing customers.

Little can be discovered about Percy S. Straus. The *Annual Report of 1917/1918* printed short biographies of the major members of the Committee of Fourteen and in that listing Straus's resume listed "Merchant, R. H. Macy & Company, Vice-President, Jewish Agricultural and Industrial Aid Society, 1909–. Chairman, Committee of Fourteen, 1918–." See *Annual Report of 1917/1918* (New York: Arbor Press, 1918), 72.

52. Minute Book "October 1920–May 1925," Box 86 "Minutes & Reports, 1905–32," Committee of Fourteen Papers. *Annual Report of 1919/1920* (New York: Select Printing Company, 1920), "Report of the Chairman," 8–9.

53. Frederick H. Whitin to Dr. James D. Pedersen, 19 January 1921, File "1925," [misfiled], Box 6 "General Correspondence, 1924–28," Committee of Fourteen Papers.

54. Minutes, Directors' Meeting, 20 January 1921, Minute Book "October 1920–May 1925," Box 86 "Minutes & Reports, 1905–32," Committee of Fourteen Papers.

55. For biographical information on Dr. William Freeman Snow, see *Dictionary of American Biography, Supplement 4, 1946–1950* (New York: Charles Scribner's Sons, 1951), 758–59; *National Cyclopaedia of American Biography* (New York: James T. White & Co., 1954), 262–63; *Who Was Who in American History*, vol. 3, 1951–1960 (Chicago, IL: A. N. Marquis Co., 1960), 802, and his obituary, *New York Times*, 13 June 1950, 27.

56. Minutes, Special Meeting of the Committee of Fourteen, January 30, 1921, held at the home of the chairman, Percy S. Strauss, 875 Park Avenue, Minute Book "October 1920–May 1925," Box 86 "Minutes & Reports, 1905–1932," Committee of Fourteen Papers. A copy of Snow's recommendations is also in Whitin's files, see File "Secretary, Special Meeting, January 30, 1921," Box 84 "Executive Secretary's Files," Committee of Fourteen Papers.

57. Frederick H. Whitin to Rev. John P. Peters, 7 February 1921 (misfiled), File "1925," Box 6 "General Correspondence, 1924–1928," Committee of Fourteen Papers.

58. Minutes, Special Meeting, 30 January 1921, Minute Book "October 1920–May 1925," Box 86 "Minutes & Reports, 1905–32," Committee of Fourteen Papers.

59. Whitin to Reverend Peters, 7 February 1921, File "1925," Box 6 "General Correspondence, 1924–28," Committee of Fourteen Papers.

Whitin sounded pleased with the meeting. He wrote, "There was very good attendance

at the Sunday meeting and in the language of the country newspaper was apparently 'enjoyed by all.' I wish we might have more meetings of this kind. I am sure they increase the interest of the Committee members in the Committee's work and problems. . . ."

60. Minutes, Special Meeting, 30 January 1921, Minute Book "October 1920–May 1925," Box 86 "Minutes & Reports, 1905–32," Committee of Fourteen Papers.

61. Minutes, Legislative Committee Report, 2 February 1921, Minute Book "October 1920–May 1925," Box 86 "Minutes & Reports, 1905–32," Committee of Fourteen Papers.

62. *Ibid.*

63. *Annual Report of 1912* (New York: n.p., 1913), title page with list of committee members. Columbia University's Oral History Research Division possesses an oral history produced by Lawrence Veiller in February and March 1949. Understandably, Veiller spent the great bulk of his oral history talking about his housing reform work, his work with the Charity Organization Society, and his work with the COS's Committee on Criminal Courts Committee. When Veiller spoke about the social problem of prostitution in tenement houses, he mentioned the Committee of Fourteen, as well as its predecessor, the Committee of Fifteen. He described the problem with the "Raines Law Hotels," the lobbying of State Senator John Raines for amendments to the liquor tax law that carried his name, the work of the Committee of Fifteen to expose the hotel problem, and the founding of the Committee of Fourteen. See "Lawrence Veiller" transcript, February/March 1949, 131–38, Oral History Research Division, Columbia University, New York.

64. See note 15 above and text.

65. Lawrence Veiller to Frederick H. Whitin, 8 November 1914, and response, Whitin to Veiller, 14 November 1914, File "Veiller, Lawrence, 1905–12 [30]," Box 15 "General Correspondence, T-W," Committee of Fourteen Papers.

66. Lawrence Veiller to Frederick H. Whitin, 8 April 1916, File "Veiller, Lawrence, 1915–16," Box 15 "General Correspondence, T-W," Committee of Fourteen Papers.

67. Frederick H. Whitin to Lawrence Veiller, 1 February 1921, File "Veiller, Lawrence, 1917–21," Box 15 "General Correspondence, T-W," Committee of Fourteen Papers. Interestingly for later developments, Whitin mentions that the assistant district attorney for the Women's Court, Miss Rothenberger, had a disagreement with Magistrate Jean Norris, the only woman magistrate on the Women's Court. Replacing Rothenberger, the district attorney's office appointed John C. Weston. When the scandals of the Women's Court became known in the late twenties and early thirties, scandals that included payoffs to court officials and the vice squad and the framing of innocent women for prostitution, it was Weston who admitted receiving payoffs not to prosecute some prostitution cases. In time, Magistrate Norris would be removed from the bench for her unjudicial behavior such as endorsing a facial cream. Whitin mentions in this letter that he had met Weston a couple of times and that he felt "quite pleased at the change" since Whitin thought that Rothenberger's performance as assistant DA had been "unsatisfactory."

68. Lawrence Veiller to Frederick H. Whitin, 8 February 1921, File "Veiller, Lawrence, 1917–21," Box 15 "General Correspondence, T-W," Committee of Fourteen Papers.

69. Frederick H. Whitin to Lawrence Veiller, 8 February 1921, File "Veiller, Lawrence, 1917–21," Box 15 "General Correspondence, T-W," Committee of Fourteen Papers. Notice that at this point Whitin explicitly rejected the feminist argument regarding legal

discrimination. By “segregation,” Whitin meant the establishment of an urban vice district either through formal municipal ordinance or through informal tradition and custom.

70. *Ibid.*

71. See Nancy K. Bristow, *Making Men Moral: Social Engineering during the Great War* (New York: New York University Press, 1996).

72. See generally Boxes 24–25, “Military Training Camps: Correspondence and Investigators’ Reports, 1917–19,” Committee of Fourteen papers, NYPL, NY, and *Annual Report of 1917–1918* and *Annual Report of 1918–1919*.

73. On the importance of constitutional amendments and how inextricably bound together are America and its Constitution, see Richard B. Bernstein with Jerome Agel, *Amending America: If We Love the Constitution So Much, Why Do We Keep Trying to Change It?* (New York: Random House, 1993), 128–34, on the Nineteenth Amendment.

74. Robert A. Woods, “Prohibition and Social Hygiene,” *Social Hygiene* 5 (April 1919): 144.

## NOTES TO CHAPTER 4

1. Edward Nicklas Breitung (1871–1924), like his father for whom he was named, made his fortune in the mining business, first in Michigan, where he was born, and eventually throughout the world. He also diversified his holdings to include shipping and property interests in the US Midwest as well as in South America. Breitung came to public attention in 1915 when he bought the ship *Dacia*, a confiscated German vessel, which he loaded with cotton and planned to sail to neutral Holland, testing the British blockade. In spite of Britain’s warning that the ship would be seized, the *Dacia* sailed, was seized by the French off Brest, and held as a prize of war. The French turned the ship into a troop carrier and the Germans torpedoed and sank it the next year. France purchased Breitung’s cotton and eventually compensated him for the loss of his ship. For a fuller biographical sketch of Breitung, see *The National Cyclopedic of American Biography* (New York: James T. White & Co., 1929), 20: 425 (and photograph) and his obituary, *New York Times*, 3 October 1924, 21, which mentions his 1921 prosecution for vagrancy when he was fifty years old. The *Times* did not specify the cause of death, saying only that he had died the day before “after an illness of several months.” On American neutrality problems when Europe was at war but the United States was not, see John W. Coogan, *The End of Neutrality: The United States, Britain, and Maritime Rights, 1899–1915* (Ithaca, NY: Cornell University Press, 1981).

2. Magistrates Court Docket Books, Item 862, Magistrates Minutes, Borough-Manhattan, District 9, vol. 27, 26 December 1919–6 February 1922, microfilm roll # 28, p. 246, New York City Municipal Archives, New York, New York. Hereinafter cited as Municipal Archives. The Ninth Magistrates’ Court District formed the Women’s Court. Many thanks to New York City Municipal Archivist Kenneth Cobb for his assistance and patience. Although no case papers from any of the magistrates’ courts have survived, the courts’ docket books provide at least an outline of the cases against the women. Entries for Jean Whitney, Nellie Kift, and Edna Clark can be found together with the arresting officer’s name, “Raihl” of “spl serc” (special services of the Police Department, the vice squad).

Magistrate Jean H. Norris was the only female magistrate to serve on the New York City Magistrates' Court. She would be one of the judges removed from the bench by the Seabury Committee for misusing her office. See Raymond Moley, *Tribunes of the People: The Past and Future of the New York Magistrates' Courts* (New Haven, CN.: Yale University Press, 1932), 48, 235–36.

3. *Laws of the State of New York, Passed at the One Hundred and Forty-Second Session of the Legislature* (Albany, NY: J. B. Lyon Company, 1919), Code of Criminal Procedure, chapter 502, sub-division 4 (e), 1344.

4. *General Laws of the State of New York containing Amendments to Consolidated Law, Code of Civil Procedure, Code of Criminal Procedure, and General Statutes, Enacted by the Legislature of 1915* (St. Paul, MN.: West Publishing Co., 1915), 743.

5. *New York Times*, 13 September 1921, 19.

6. Fullest and best coverage of the trial of the women and the later trial of Breitung can be found in the *New York Times*. The city's other newspapers devoted less space to these trials. Their coverage of the trials can be found on approximately the same days as the *Times's* coverage. Docket books listed an appearance for the women in July 1921, most likely dealing with their bail issues. The newspapers did not cover their July appearance.

7. *New York Times*, 7 September 1921, 8, "Says Woman Made \$2,000 Bribe Offer." This article mentions that Breitung lived at 16 East Seventy-sixth Street and that Clark was from Chicago.

8. *Ibid.*

9. *New York Times*, 8 September 1921, 15.

10. *Ibid.*

11. *Ibid.* Kift's second husband next took the stand and testified that he had served in the Navy during the First World War and was then employed in the merchant marine; he served on ships owned by Breitung in the trans-Atlantic trade.

12. Frederick H. Whitin to Samuel Thrasher, September 8, 1921 and September 9, 1921, File, "Committee of Fifteen (Chicago)," Box 10, "General Correspondence, B-C," Committee of Fourteen Papers, Rare Book and Manuscript Division, New York Public Library, New York. Hereinafter cited as Committee of Fourteen Papers. Ten years earlier, the Chicago Vice Commission (with the help of George J. Kneeland who got his start in anti-vice work with the Committee of Fourteen before moving on to Chicago) issued its report on Chicago's vice. See The Vice Commission of the City of Chicago, *The Social Evil in Chicago: A Study of Existing Conditions* (Chicago: Gunthrop-Warren printing Company, 1911). Thrasher eventually became the Executive Secretary of the Chicago Vice Commission.

13. Frederick H. Whitin to Samuel Thrasher, September 8, 1921, Committee of Fourteen Papers.

14. Frederick H. Whitin to Bascom Johnson, September 9, 1921, File, "American Social Hygiene Association," Box 9, "General Correspondence, A," Committee of Fourteen Papers. For biographical information on Johnson, another one of the key players in the social hygiene, anti-vice community, see *Who Was Who in America, Vol. 3, 1951–1960* (Chicago: A. N. Marquis Co., 1960), 450 and his obituary, *New York Times*, 21 October 1954, 27.

15. Frederick H. Whitin to Bascom Johnson, September 9, 1921, File, "American Social Hygiene Association," Box 9, "General Correspondence, A," Committee of Fourteen Papers.

16. For information on Judge McIntyre, see his obituary, *New York Time*, 10 January 1927, 1. For Judge Corrigan, see *New York Times*, 10 January 1935, 19.

17. Frederick H. Whitin to Samuel Thrasher, September 9, 1921, File, "Committee of Fifteen (Chicago)," Box 10, "General Correspondence, B-C," Committee of Fourteen Papers.

18. *New York Times*, 10 September 1921, 22.

19. *Ibid.*

20. *Ibid.*

21. This forfeiture is confirmed in the docket book entry that lists Clark's bail as "Forfeited" on "9.9.21." Magistrates' Court Docket Books, Item 862, Magistrates Minutes, Borough-Manhattan, District 9, vol., 27, Dec. 26, 1919–Feb. 6, 1922, microfilm roll #28, p. 246, Municipal Archives. That Whitin continued to work behind the scenes gathering evidence in this case is revealed in a letter he wrote on September 10, 1921, to Rev. L. E. Sunderland of the City Mission Society. Whitin apologized for missing a lunch date with him but added that he had been busy with Kift/Breitung case. He wrote, "The case involves possibilities for the Committee of great importance and it has been necessary for me to assist the District Attorney and the Police in securing evidence upon which to secure a conviction." See Frederick H. Whitin to Rev. L. E. Sunderland, September 10, 1921, File, "1921," Box 22, "Tenement House Correspondence, 1919–1932; Complaints from Citizens, 1905–32," Committee of Fourteen Papers.

22. *New York Times*, 13 September 1921, 19.

23. *Ibid.*

24. *New York Times*, 15 September 1921, 19.

25. Confirmed by the docket book entries for Kift and Whitney, see Magistrates Court Docket Books, Item 862, Magistrates Minutes, Borough-Manhattan, Dist. 9, Vol. 27, Dec. 26, 1919–Feb. 6, 1922, microfilm roll #28, p. 246, Municipal Archives. Whitney's probation was for six months. See also *New York Times*, 15 September 1921, 19. This story also mentioned that a woman probation officer told the court that Kift had been arrested nineteen times in Chicago. Kift dismissed the arrests, saying "her troubles in Chicago were due to police persecution growing out of her efforts to aid her daughter in keeping her child."

26. *New York Times*, 15 September 1921, 19.

27. *Ibid.*

28. *New York Times*, 22 September 1921, 19. Magistrates Court Docket Books, Item 862, Magistrates Minutes, Borough-Manhattan, vol. 27, Dec. 26, 1919–Feb. 6, 1922, microfilm roll #28, p. 246, Municipal Archives.

29. *New York Times*, 15 September 1921, 19.

30. Frederick H. Whitin to Samuel Thrasher, September 15, 1921, File, "Committee of Fifteen (Chicago)," Box 10, "General Correspondence, B-C," Committee of Fourteen Papers.

31. *Ibid.* In a letter that reached Whitin too late to use at Kift's trial, Samuel Thrasher wrote that in Chicago Kift had the "notorious reputation" of a "pervert and blackmailer." "Pervert" was the euphemism used by respectable people in that era for oral sex. Thrasher went on to relate a story that Kift once held off a police raiding party and drove them off with a gun. Thrasher also seems to have searched for Chicago court records on Kift but discovered that the files were missing. Wrote Thrasher, "I would like to know who stole

the file. There seems to be some manipulation also in the police precinct where she was arrested because the records do not check up with the facts. However, that is not an unusual thing for Chicago.” See Samuel Thrasher to Frederick H. Whitin, September 17, 1921, File, “Committee of Fifteen (Chicago),” Box 10, “General Correspondence, B-C,” Committee of Fourteen Papers.

32. *Ibid.*

33. *Ibid.*

34. In order to combat venereal disease in New York State and as a measure to try to protect the service personnel moving through New York during World War I, the legislature added Article 17-B, “Regulation of Certain Contagious Diseases,” to the state’s Public Health Law. Sections 343-m through 343-t defined suspected persons who had to submit to a physical exam for V.D., defined convicted persons who had to submit to the exam, defined the treatment and who could treat infected persons, and provided for free treatment for indigent persons. In particular, § 343-n, “Convicted persons,” stated that

*Every person convicted of vagrancy under subdivision three or four of section eight hundred and eighty-seven of the code of criminal procedure or under section one hundred and fifty of the tenement house law or under any statute or ordinance for any offense of the nature specified in subdivision four of section eight hundred and eighty-seven of the code of criminal procedure, or any person convicted of frequenting disorderly houses or houses of prostitution, shall be reported by the court or magistrate before whom such conviction is had to the board of health or health officer of the health district in which the offense occurred, and shall not be released from the jurisdiction of such court or magistrate until the person so convicted has been examined as provided in the preceding section. (§ 343-m, emphasis added)*

*General Laws of the State of New York . . . Enacted by the Legislature at the Extra Session of 1917 and the Regular Session of 1918* (St. Paul, MN: West Publishing Co., 1918), 491–92.

35. Frederick H. Whitin to Samuel Thrasher, September 15, 1921, File, “Committee of Fifteen (Chicago),” Box 10, “General Correspondence, B-C,” Committee of Fourteen Papers.

36. *Ibid.*

37. *Ibid.*

38. Magistrates Court Docket Books, Magistrates Minutes, Borough–Manhattan, District 4, Vol. 47, April 1, 1921–Jan. 24, 1922, Microfilm Roll #28, p. 221, Municipal Archives. Vice squad Office Frank Raihl is listed as Breitung’s arresting officer; Breitung was 50 years old.

39. *New York Times*, 22 September 1921, 19.

40. *Ibid.*

41. *Ibid.*

42. *People v. Beatrice Edwards*, 180 N.Y. Supp. 631 (1920). See the discussion of this case in chapter 3.

43. *New York Times*, 22 September 1921, 19.

44. Charles G. Davis to Committee of Fourteen, September 23, 1921; clipping attached

from Minneapolis *Journal*, September 22, 1921, File, "Committee of Thirteen, Minneapolis, 1921," Box 10, "General Correspondence, B-C," Committee of Fourteen Papers.

45. Frederick H. Whitin to Charles G. Davis, September 26, 1921, File, "Committee of Thirteen, Minneapolis, 1921," Box 10, "General Correspondence, B-C," Committee of Fourteen Papers. Whitin also explained to Davis that in New York a tenement house was defined as "any building in which three or more families are living and doing their cooking separately and apart; hence, it is not to be understood that a tenement house is occupied only by the poor; this we call, 'cold water walk up flats.'"

46. *Ibid.*

47. *Ibid.*

48. *Ibid.*

49. File, "Magistrates Court - E. N. Breitung Case," Box 64, "Courts & Criminal Justice System," Committee of Fourteen Papers. Hereinafter cited as "Brief for Breitung," "Brief for People," or *Breitung*. A covering memo for the Committee members is also in this file.

50. Lawyer George E. Worthington worked in the Law Enforcement Division of the A.S.H.A. under Bascom Johnson, and when Whitin unexpectedly died in 1926, Worthington changed jobs and became the Committee of Fourteen's second (and last) Executive Secretary and Counsel.

Worthington is best remembered as the author, with Ruth Topping, of a book analyzing and assessing specialized courts for sex offenders. See George E. Worthington and Ruth Topping, *Specialized Courts Dealing with Sex Delinquency: A Study of the Procedure in Chicago, Boston, Philadelphia, and New York* (New York: F. H. Hitchcock, 1925; reprint, Montclair, NJ: Patterson Smith, 1969). Worthington mentions the *Breitung* case and his brief to the court, but he does not provide either his arguments or his brief (302–304).

The Committee of Fourteen did not submit a brief. Whitin and Worthington had known each other for a couple of years by this time and the Committee's and Whitin's views on this matter probably found their way to the Court through Worthington's brief.

51. "Brief for Breitung," p. 29, File, "Magistrates Court—E. N. Breitung Case," Box 64, "Courts & Criminal Justice System," Committee of Fourteen Papers.

52. *Ibid.* For support Medalie cited *People v. Lorlys Elton Rogers*, 183 App. Div. 604; 37 N.Y.Cr.R. 13, 170 N.Y. Supp. 825 (First Department, 1918), an appeal from a conviction for compulsory prostitution (Penal Law, § 2460, subdivisions 2 and 3). Judge Walter Lloyd Smith severely criticized the statute as being "bunglingly drawn" and therefore too vague to sustain this conviction. The first requirement of criminal statutes is that they be drawn clearly, and the court found that this one was not clear; therefore, Rogers' demur to the indictment was upheld.

53. "Brief for Breitung," pp. 29–30, File, "Magistrates Court—E. N. Breitung Case," Box 64, "Courts & Criminal Justice System," Committee of Fourteen Papers.

54. *Ibid.*, 30.

55. *People v. Beatrice Edwards*, 180 N.Y. Supp. 631, (Gen. Sess., N.Y. County 1920). See chapter three for a discussion of this case and Judge Wadhams's arguments.

56. "Brief for People," File "Magistrates Court—E.N. Breitung Case," Box 64, "Courts & Criminal Justice System," Committee of Fourteen Papers.

57. *Ibid.*, 5 (emphasis in the original).

58. *Ibid.*, 5–6. For support, the People cited *People v. Beatrice Edwards*, 180 N. Y. Supp. 631 (Gen. Sess., N.Y. County 1920).

59. No record of the debates, therefore legislative intent, regarding this statutory provision can be located.

60. "Brief for People," 8–9.

61. *Ibid.*, 9.

62. *New York Times*, 29 September 1921, 10.

63. *New York Times*, 6 October 1921, 11.

64. *New York Times*, 9 November 1921, 22.

65. Magistrates Court Docket Books, Magistrates Minutes, Borough-Manhattan, District 4, Vol. 47, Ap. 1, 1921–Jan. 24, 1922, Microfilm Roll #28, p. 221, Municipal Archives. Notation under "Disposition of Case," "11/9- Discharged."

66. *People v. Edward N. Breitung*, File, "Magistrates Court - E. N. Breitung Case," Box 64, "Courts and Criminal Justice System," Committee of Fourteen Papers. No published report of this case can be located. This decision is dated "July, 1921," even though the case ended on November 9, because cases were dated from the time of the entry in the court's docket book.

67. *People v. Breitung*, 4.

68. *Ibid.*, 5.

69. *Ibid.* (Emphasis in the original.)

70. *Ibid.*

71. *State of Iowa v. James Gardner*, 174 Iowa 748 (1916). This case actually combined and disposed of another case as well, *State v. James Devinney*. *Devinney* merely restated the legal definition of the word "prostitution" in nineteenth-century appellate decisions. See Thomas C. Mackey, *Red Lights Out: A Legal History of Prostitution, Disorderly Houses, and Vice Districts, 1870–1917* (New York: Garland Publishing, 1987), chapter 2, "To Prescribe Them as a Class: Prostitutes as Vagrants," 28–92.

72. *State v. Gardner*, 174 Iowa 748, 751 (1916).

73. The most important state appellate cases cited by Salinger and Ryttenberg are *Carpenter v. The People*, 8 Barb.(N.Y.), 603 (1850); *Commonwealth v. Cook*, 12 Met. (53 Mass.) 93 (1846); *Davis v. Sladden*, 17 Or. 259, 21 Pac. 140 (1889); *People v. Demouset*, 71 Cal. 611, 12 Pac. 788 (1887); *Sheebey v. Cokley*, 43 Iowa 183 (1876); *State v. Clark*, 78 Iowa 492, 43 N.W. 273 (1889); *State v. Gibson*, 111 Mo. 92, 19 S.W. 980 (1892); *State v. Rice*, 56 Iowa 431, 9 N.W. 343 (1881); *State v. Ruhl*, 8 Iowa 447 (1859); *State v. Stoyell*, 54 Me. 24 (1866) and *State v. Thuna*, 59 Wash. 689, 109 Pac. 331 (1910); rehearing, 111 Pac. 768 (1910).

74. *People v. Blanche Berger*, 169 N. Y. Supp. 319, 321 (General Sessions, New York County, 1918).

75. *People v. Breitung*, 7.

76. *Tenement House Department of the City of New York v. Lucy A. McDevitt*, 165 App. Div. 367 (1914); 215 N.Y. 160, 164 (1915), Judge Benjamin N. Cardozo for a unanimous Court of Appeals. For this case at the Supreme Court level, see *Tenement House Department of the City of New York v. McDevitt*, 85 Misc. Rep. 429, 147 N. Y. Supp. 941 (App. Div. 1st Dep't, 1914). Ryttenberg also cited *People ex rel. Howey v. Warden*, 152 App. Div. 912 (1912); 207 N.Y. 354 (1913); *People v. Draper*, 169 App. Div. 479, 154 N. Y. Supp. 1034 (App. Div., 3rd Dep't, 1915); *People v. McKinley Realty & Construction Co.*, 182 App. Div. 772, 778 (1919).

77. *People v. Zucker*, 20 App. Div. 363, 365, (1897); *aff'd.*, 154 N.Y. 770 (1898).

78. See *People v. Bright*, 140 App. Div. 945, 203 N.Y. 73 (1911).

79. *People v. Breitung*, 8.

80. *Ibid.*, citing *People ex rel. Burke v. Fox*, 150 App. Div. 114, 205 N.Y. 490 (1912) and *People v. Mary O'Neill*, 117 App. Div. 826 (1907).

81. *Ibid.*, 9. See also Mackey, *Red Lights Out*, chapter two and the state appellate opinions in 69 *supra*.

82. *People v. Smith*, 28 Hun.(N.Y.) 626 (1883); *aff'd*, 92 N.Y. 664 (1888), for the analogy.

83. *People v. Breitung*, 9.

84. *Ibid.*, 10.

85. *People v. Edwards*, 180 N.Y. Supp. 631, 634 (first quote), 635 (second quote) (General Sessions, New York County, 1920). The particulars of this case are discussed in chapter 3.

86. *People v. Breitung*, 10.

87. *Ibid.*, 11, quoting Judge Morris Koenig in *People v. Wasserman*, unreported, (1920). For biographical information on Judge Koenig, see his obituary, *New York Times*, 2 December 1939, 17, and the editorial praising him, 5 December 1939, 26.

88. *People v. Breitung*, 12.

89. *Ibid.*, 12–13.

90. *Ibid.*, 13. See “Brief for Breitung,” p. 30, File, “Magistrates Court—E.N. Breitung Case,” Box 64, “Courts & Criminal Justice System,” Committee of Fourteen Papers. In “Brief for Breitung,” Medalie argued, “That provision of the law no more applies to a man who gives money or a gift to a prostitute than it would to a married woman who gives her paramour a gift.”

91. *People v. Breitung*, 13.

92. Randolph E. Bergstrom, *Courting Danger: Injury and Law in New York City, 1870–1910* (Ithaca, NY: Cornell University Press, 1992), 177. His last chapter, “Conclusion: A Change of Mind,” 167–96, is particularly challenging and suggestive. See also Kenneth Allen De Ville, *Medical Malpractice in Nineteenth-Century America: Origins and Legacy* (New York: New York University Press, 1990), especially chapter 5, “Community, Providence, and the Social Construction of Legal Action,” 114–37. For a review of Bergstrom’s book and further elaboration on this point, see Thomas C. Mackey, “The Jury Got Wise, But the Plaintiff Got Naught,” *Rutgers Law Review* 46 (Winter 1994): 1041–47.

93. DeVille found a similar parallel in his study of medical malpractice. By the late nineteenth century, patients expected the doctor to aid and improve their conditions—not hurt them. If their condition did not improve, patients no longer blamed fate or resigned themselves to the will of God, they sued their doctors, and in greater and greater numbers. DeVille, *Medical Malpractice in Nineteenth-Century America*, 114–37.

## NOTES TO CHAPTER 5

1. Memo “To Committee,” November 16, 1921, File, “Magistrates Court—E. N. Breitung Case,” Box 64, “Courts & Criminal Justice System, Committee of Fourteen papers, Rare Books and Manuscripts Division, New York Public Library, New York, New York. Hereinafter cited as Committee of Fourteen Papers.

2. Legislation Subcommittee Minutes, November 1921, Minute Book “October 1920–May 1925,” Box 86, “Minutes & Reports, 1905–32,” Committee of Fourteen Papers. Veiller is suspected as the author of this language because he would emerge more clearly in later documents as the chief opponent of the Committee’s efforts to secure a change in the Code of Criminal Procedure. The Legislation Subcommittee of 1921 consisted of Edward J. McGuire (chair), George W. Alger, Judge Charles W. Appleton, Walter Hooke (assistant secretary), Mrs. Mortimer M. Menken, Judge Howard P. Nash, and Lawrence Veiller. See *Annual Report of 1920–1921* (NY: n.p., 1922), 2. McGuire, Hooke, Menken, and Veiller were not lawyers.

3. *Annual Report of 1920–1921* (New York: n.p., 1922), 5–13.

4. *Ibid.*, 11. See also Nancy K. Bristow, *Making Men Moral: Social Engineering during the Great War* (New York: New York University, 1996).

5. Abraham Flexner, *Prostitution in Europe* (New York: Century Company, 1914). Flexner is best known for his critical report of 1910 on the state of medical education in the United States. See *Medical Education in the United States and Canada: A Report to the Carnegie Foundation for the Advancement of Teaching* (New York: Carnegie Foundation for the Advancement of Teaching, 1910). John D. Rockefeller Jr. sponsored a series of investigative report of this sort, including George J. Kneeland, *Commercialized Prostitution in New York City* (New York: Century Co., 1913). Rockefeller Jr. provided the introduction to both prostitution volumes.

6. *Annual Report of 1920–1921*, 11.

7. *Ibid.*, 13.

8. *Ibid.*

9. Minutes, Director’s Meeting, 16 January 1922, Minute Book “October 1920–May 1925,” Box 86, “Minutes & Reports, 1905–1932,” Committee of Fourteen Papers.

10. *Ibid.*

11. Stenographic transcript, 20 February 1922, File “Secretary—Special Comm. Meeting, February 20, 1922,” Box 84 “Executive/General Secretary Files: Administrative Files and Drafts of Minutes, 1915–32,” Committee of Fourteen Papers. Hereinafter cited as Stenographic transcript, 20 February 1922. Even though the stenographic record refers to this subcommittee as both the “legislative” and “legislation” committee, for clarity’s sake, it will be referred to here as the “Legislation” Committee. This transcript circulated among the committee members with the notation “When read please return to the Committee’s office.”

In the entire twenty-seven-year life of the Committee of Fourteen, this 20 February meeting is the only time a stenographer recorded their discussions and arguments. It forms a unique record of how such antivice, moral reform groups decided on the public policies they did and for what reasons.

12. Information on McGuire, a lawyer, can be found in his obituary, *New York Times*, 5 August 1934, 26.

13. Stenographic transcript, 20 February 1922, 1–2.

14. For information on social worker Mrs. Mortimer M. Menken, see *New York Times*, 2 January 1934, 25; 4 January 1934, 17; and 16 January 1934, 16.

15. For a review of Judge William H. Appleton’s long career, see his obituary, *New York Times*, 11 January 1945, 23.

16. Stenographic transcript, 20 February 1922, 3. See the previous chapter for the chronology of events in the prosecution of the women and Edward Breitung.

17. Credited with helping bring about child labor legislation and with helping to draft the 1910 New York Workman's Compensation Act, George W. Alger stayed involved in both reform movements and politics throughout his life. He joined the committee in 1911, being listed as a member for the first time in the 1912 *Annual Report*, and remained a member for the rest of the committee's existence. For an assessment of his life and contributions, see his obituary, *New York Times*, 20 April 1967, 43; *National Cyclopaedia of American Biography* (New York: James T. White & Co., 1971), 53:407–408; *Who Was Who*, vol. 4, 1961–1968 (Chicago: Marquis Who's Who, Inc., 1968), 21; *The Searchlight: Voters Directory Published by the Citizen's Union of New York* 20 (October 1930): 3.

18. Stenographic transcript, 20 February 1922, 4.

19. *Ibid.*, 4–5.

20. Alger referred to an 1809 article by Rev. Sydney Smith regarding the Society for the Suppression of Vice. See Rev. Sydney Smith, "An Address to the Public from the Society for the Suppression of Vice, Instituted in London, 1802," *Edinburgh Review* 8 (1809): 333–34. For a comprehensive overview of Smith and his writings, see Howard Mackey, *Wit & Whiggery: The Reverend Sydney Smith, 1771–1845* (Washington, DC: University Press of America, 1979).

21. Stenographic transcript, 20 February 1922, 5. Alger used the law of bastardy to demonstrate both the legal difference between the United States and Great Britain and how much further ahead of the British the Americans were in equalizing the treatment of women before the law.

22. *Ibid.*, 6.

23. *Ibid.*

24. *Ibid.*, 7.

25. *Ibid.*, 8.

26. *Ibid.*, 8–9. "Gimlet eyed" in this context means that Ryttenberg should have employed a more piercing logic.

27. *Ibid.*, 9.

28. *Ibid.*, 10.

29. *Ibid.*, 11.

30. *Ibid.*

31. See Brown's obituary, *New York Times*, 16 December 1943, 27; 17 December 1943, 27; and 19 December 1943, 48, for interest in reforms and his legal career.

32. Stenographic transcript, 20 February 1922, 12. For information on social activist Rev. Lee W. Beattie, see his obituary, *New York Times*, 22 February 1931, 23.

33. Stenographic transcript, 20 February 1922, 13.

34. *Ibid.*

35. *Ibid.*, 14–15.

36. *Ibid.*, 15–16.

37. For the background to Prohibition, see Richard F. Hamm, *Shaping the Eighteenth Amendment: Temperance Reform, Legal Culture, and the Polity, 1880–1920* (Chapel Hill: University of North Carolina Press, 1995); Catherine G. Murdock, *Domesticating Drink: Women, Men, and Alcohol in America, 1870–1940* (Baltimore, MD: Johns Hopkins University Press, 1998); Thomas R. Pegram, *Battling Demon Rum: The Struggle for a Dry America, 1800–1933* (Chicago: Ivan R. Dee, 1998).

38. *Ibid.*

39. *Ibid.*, 17–18.
40. “Prostitution,” *Survey* 47 (7 January 1922): 571–72.
41. Stenographic transcript, 20 February 1922, 19–21.
42. *Ibid.*, 20–21.
43. *Ibid.*, 21–22.
44. *Ibid.*, 25–28 (quote on 28).
45. *Ibid.*, 28–29.
46. *Ibid.*, 31.
47. Minutes, Special Meeting, 20 February 1922, Minute Book “October 1920–May 1925,” Box 86 “Minutes & Reports, 1905–1932,” Committee of Fourteen Papers.
48. Stenographic transcript, 20 February 1922, 36.
49. *Ibid.*, 37.
50. *Ibid.*, 37–38.
51. Marin J. Wiener, “The Victorian Criminalization of Men,” in *Men and Violence: Gender, Honor, and Rituals in Modern Europe and America*, ed. Pieter Spierenburg (Columbus: Ohio State University Press, 1998), 198.

## NOTES TO CHAPTER 6

1. Frederick H. Whitin to George E. Worthington, 16 March 1922, File “U.S. Interdepartmental Social Hygiene Board,” Box 15 “General Correspondence, T-W,” Committee of Fourteen Papers, Rare Books and Manuscripts Division, New York Public Library, New York, New York. Hereinafter cited as Committee of Fourteen Papers.

The United States Interdepartmental Social Hygiene Board was the peacetime successor to the War Department’s Commission on Training Camp Activities (CTCA). Worthington (and for that matter most of the major people in the American Social Hygiene Association such as Dr. William F. Snow and Bascom Johnson) served in the CTCA headed by Raymond B. Fosdick.

For Worthington’s book, see *Specialized Courts Dealing with Sex Delinquency: A Study of Procedure in Chicago, Boston, Philadelphia and New York* (New York: F. H. Hitchcock, 1925; rpt., Montclair, NJ: Patterson Smith, 1969). Also see Worthington, “Developments in Social Hygiene Legislation From 1917 to September 1, 1920,” *Journal of Social Hygiene* 6 (October 1920): 557–68, plus foldout charts, entitled “Commercialized Aspects of Prostitution,” comparing and contrasting state antiprostitution legislation.

2. For New Jersey’s statute, see *Acts of the One Hundred and Forty-sixth Legislature of the State of New Jersey and Seventy-eighth Under the New Constitution* (Trenton, NJ: MacCrellish & Quigley, 1922), chap. 24, 419–20. Approved 13 March 1922. For information about antiprostitution and venereal disease advocate Bascom Johnson, see his obituary, *New York Times*, 21 October 1954, 27.

3. Minutes, Directors’ Meeting, 27 April 1922, 2, Minute Book “October 1920–May 1925,” Box 86 “Minutes & Reports, 1905–1932,” Committee of Fourteen Papers.

4. Minutes, Directors’ Meeting, 25 May 1922, 2, Minute Book “October 1920–May 1925,” Box 86 “Minutes & Reports, 1905–1932,” Committee of Fourteen Papers. No biographical information can be located on Magistrates Walsh and McClusky.

5. Minutes, Annual Meeting, 26 October 1922, 5, Minute Book “October 1920–May 1925,” Box 86 “Minutes & Reports, 1905–1932,” Committee of Fourteen Papers.

6. Minutes, Directors’ Meeting, 23 November 1922, 3, Minute Book “October 1920–May 1925,” Box 86 “Minutes & Reports, 1905–1932,” Committee of Fourteen Papers.

7. *Annual Report of the Committee of Fourteen*, 1921–1922 (New York: n.p., 1923), 6.

8. *Ibid.*, 7.

9. [Assistant Surgeon General] C. C. Pierce, “Prostitution: A Community Problem,” *American City* 27 (September 1922): 217–18. Late in this article, Pierce summed up public opinion as he saw it, saying that the public believed that “the male partner is equally guilty.”

10. Minutes, Directors’ Meeting, 4 January 1923, 3, Minute Book “October 1920–May 1925,” Box 86 “Minutes & Reports, 1905–32,” Committee of Fourteen Papers. No first name or biographical information on Mrs. Billings can be located.

11. New Jersey’s revised prostitution statute of 1922 also followed the American Social Hygiene Association’s suggested definition of prostitution: “The term ‘prostitution’ shall be construed to include the giving or receiving of the body for sexual intercourse for hire, and, shall also be construed to include the giving or receiving of the body for indiscriminate sexual intercourse without hire.” See *Acts of the One Hundred and Forty-sixth Legislature of the State of New Jersey and Seventy-eight under the New Constitution* (Trenton, NJ: MacCrellish & Quigley Co., 1922), chap. 240, §2, 420.

12. Minutes, Directors’ Meeting, 1 February 1923, 2, Minute Book “October 1920–May 1925,” Box 86 “Minutes & Reports, 1905–32,” Committee of Fourteen Papers.

13. *Ibid.* This subcommittee of the Committee of Fourteen is also referred to as the “Legislative” Committee, the “Legislation” Committee, and the “Law and Legislation” Committee. Regardless of title, it is a single subcommittee.

14. Frederick H. Whitin to Paul L. Blakely, 1 March 1923, File “A, 1916–1926,” Box 9 “General Correspondence, A,” Committee of Fourteen Papers.

15. Minutes, Directors’ Meeting, 22 March 1923, Minute Book “October 1920–May 1925,” Box 86 “Minutes & Reports, 1905–1932,” Committee of Fourteen Papers.

16. Minutes, Special Meeting, 10 May 1923, Minute Book “October 1920–May 1925,” Box 86 “Minutes & Reports, 1905–1932,” Committee of Fourteen Papers. Treasurer Slade continued to worry about the seeming lack of action by the committee on the customer issue into the fall. On the day before the Law and Legislation Subcommittee presented its report on the Committee of Fourteen’s customer amendment, Slade wrote chairman Straus to express his unhappiness with the apparent drift of the committee. “I believe that this is the next step if there is to be effective repression,” wrote Slade; perhaps the committee ought to reconsider its resolutions of 1921 and 1922. Slade still wanted another test case to override Ryttenberg’s decision and he told Straus that he saw little reason for continuing to raise money for the committee unless it did “more than it has in the last year or so.” See Francis Louis Slade to Percy S. Straus, 15 October 1923, File “Slade, 1923,” Box 14 “General Correspondence, S,” Committee of Fourteen Papers.

Whitin responded to Slade for Straus on 14 November 1923. Whitin reviewed the evidentiary problems of securing evidence against the customer without the use of “stool

pigeons.” Whitin thought that the use of such informers was appropriate, but asked Slade to suggest the idea to the general committee because the vice situation demanded strong measures. Whitin also asked Slade if he could prepare a pamphlet to explain any proposed amendments the full committee accepted. See Frederick H. Whitin to Francis Louis Slade, 14 November 1923, 1–2, File “Slade, 1923,” Box 14 “General Correspondence, S,” Committee of Fourteen Papers. In his search for options, Whitin asked Rabbi Bernard Drachman, the only rabbi on the committee, if he knew of a specialized “Court of the Women” in Hebrew law. No response from Drachman can be located. See Frederick H. Whitin to Rev. Dr. [Rabbi] Bernard Drachman, 15 June 1923, File “1924,” Box 6 “General Correspondence, 1924–1928,” Committee of Fourteen Papers. Drachman joined the Committee of Fourteen in 1913 and remained a member until 1922 when he resigned for health reasons. For information on Drachman’s religious and reform interests, see his obituary, *New York Times*, 13 March 1945, 23; 15 March 1945, 23; and 12 April 1945, 23.

17. Minutes, Subcommittee on Law and Legislation, 16 October 1923, 1, Minute Book “October 1920–May 1925,” Box 86 “Minutes & Reports, 1905–1932,” Committee of Fourteen Papers. Not present at the meeting were Mrs. Mortimer Menken and Judge Howard P. Nash. Although Walter G. Hooke was listed as a member of the committee, his name does not appear as present.

18. *Ibid.* Whitin may have consulted with the Legislative Drafting Bureau at Columbia University in the preparation of this proposed amendment. In an undated letter, Joseph P. Chamberlain of the Bureau wrote back to Frederick Whitin giving his comments on the *Breitung* decision and suggesting possible statutory revisions in broad terms. See Joseph P. Chamberlain to Frederick H. Whitin, n.d., File “Chamberlain, Joseph P.,” Box 10 “General Correspondence, B-C,” Committee of Fourteen Papers.

19. Minutes, Annual Meeting, 20 November 1923, 4, Minute Book “October 1920–May 1925,” Box 86 “Minutes & Reports, 1905–32,” Committee of Fourteen Papers.

20. *Ibid.*, 5.

21. *Ibid.*, 5–6.

22. *Ibid.*, 6.

23. Easiest places to find the proposed amendment are *Annual Report of 1922–1923* (New York: n.p., 1924), 7–8, and a pamphlet published by the Committee in 1924 to sell the amendments, The Committee of Fourteen, *Customer Amendment: A Proposal to Widen the Vagrancy-Prostitution Law of New York State to Include Men Who Consort with Prostitutes* (New York: n.p., 1924), 23, 32. Clause (i) would be changed to this form under pressure from the National Woman’s Party. They objected to the word “herself” in the non-amended statute as proof of sex discrimination in that men could not, under the clause, be prostitutes.

24. Francis Louis Slade to Frederick Whitin, 21 November 1923, 1, File “Slade, 1923,” Box 14 “General Correspondence, S,” Committee of Fourteen Papers.

25. *Ibid.*, 2.

26. Identified in Slade’s letter only as “Mrs. Slade.”

27. *Ibid.*, 3.

28. *Ibid.*

29. Minutes, Directors’ Meeting, 18 December 1923, 2, Minute Book “October

1920–May 1925,” Box 86 “Minutes & Reports, 1905–1932,” Committee of Fourteen Papers. The date of this meeting is not recorded but it had to have been between the Annual Meeting of 20 November and the Directors’ Meeting of 18 December.

30. *Ibid.*, 2–3.

31. *Ibid.*, 3. For information on Republican politico Charles D. Hilles, see his obituary and related stories, *New York Times*, 29 August 1949, 17; editorial, 1 September 1949, 20; 1 September 1949, 21; 22 September 1949, 15; 2 September 1949, 16. Mrs. Clarence M. [Jane N.] Smith was one of the founders of the National Woman’s Party. See her obituary, *New York Times*, 4 September 1953, 15.

32. No definitive identification of Mr. Arndt can be established. Senator Dr. William Lathrop Love also cannot be identified. For more information on Assemblyman Jenks, see his obituary, *New York Times*, 12 February 1953, 28.

33. Minutes, Directors’ Meeting, 18 December 1923, 3–4, Minute Book “October 1920–May 1925,” Box 86 “Minutes & Reports, 1905–1932,” Committee of Fourteen Papers.

34. Frederick H. Whitin to Alison Neilens, 24 December 1923, 1, File “Neilens,” Box 11 “General Correspondence, C-N,” Committee of Fourteen Papers.

35. *Ibid.*

36. Frederick H. Whitin to Mrs. Helen Hartley Jenkins, 3 January 1924, File “1924,” Box 6 “General Correspondence, 1924–1928,” Committee of Fourteen Papers. Jenkins joined the Committee in 1922, became a director in 1925, and served on the committee until its end in 1932. For information on Jenkins, see her obituary and related stories *New York Times*, 25 April 1934, 22; editorial, 26 April 1934, 22; 30 April 1934, 14; 13 May 1934, II, 2; 16 June 1934, 6.

37. See note 22 and text.

38. Minutes, Directors’ Meeting, 22 January 1924, 2, Minute Book “October 1920–May 1925,” Box 86 Minutes & Reports, 1905–1932,” Committee of Fourteen Papers.

39. For information on Esmond see his obituary, *New York Times*, 12 January 1944, 23.

40. For information on Assemblyman Hackenberg, see his obituary, *New York Times*, 11 January 1952, 11.

41. Minutes, Directors’ Meeting, 1 January 1924, 2, Minute Book “October 1920–May 1925,” Box 86 “Minutes & Reports, 1905–1932,” Committee of Fourteen Papers.

For information on Assemblyman Lattin see his obituary, *New York Times*, 25 May 1937, 27.

State senator and later mayor of New York City, James J. (Jimmy) Walker remains one of the best known of all New Yorkers. For a nice review and assessment of his political career and life, see his obituary, *New York Times*, 19 November 1946, 1, 21.

42. Minutes, Directors’ Meeting, 1 January 1924, 2, Minute Book “October 1920–May 1925,” Box 86 “Minutes & Reports, 1905–32,” Committee of Fourteen Papers. For information on Hay’s life and reform interests, see her obituary and related stories, *New York Times*, 31 August 1928, 19; editorial, 1 September 1928, 12; 13 September 1928, 13; 29 September 1928, 19; 7 October 1928, II, 8; 11 October 1928, 14; and 11 October 1928, 26.

43. Minutes, Directors' Meeting, 1 January 1924, 2, Minute Book "October 1920–May 1925," Box 86 "Minutes & Reports, 1905–32," Committee of Fourteen Papers. Whitin had been aware that the National Woman's Party was interested in such legislation and he might actually have been embarrassed that they beat him and his customer amendment in getting their bill introduced in the legislature. See note 34 and text.

44. *Journal of the Assembly of the State of New York at Their One Hundred and Forty-Seventh Session* (Albany, NY: J. B. Lyons, Co., Printers, 1924), 1:34.

45. *Annual Report of the Committee of Fourteen, 1922–1923* (New York: n.p., 1924), 3.

46. *Ibid.*

47. *Ibid.*, 4.

48. *Ibid.*

49. *Ibid.*, 5.

50. *Ibid.*, 5–6. Text of "Proposed Amendment Vagrancy-Prostitution Law" on 7–8.

51. Lawrence Veiller to Frederick H. Whitin, 16 February 1924, File "Correspondence, 1923–24," Box 56 "Customer Laws, 1920s," Committee of Fourteen Papers.

As part of the "professional" social services which sprang up in the country in the late nineteenth and early twentieth centuries, the Charity Organization Society (COS) oversaw the distribution of welfare (both public and private) to the poor. It also sponsored and organized "friendly visitors," young college-educated women who visited the poor and the new immigrants in order to aid their development and uplift them into American society. One of its interests was housing for the poor; in New York that meant tenement houses, and through his interest in housing, Veiller joined the COS, eventually becoming the secretary of the COS Committee on the Criminal Courts. This committee oversaw developments in criminal law matters, lobbied the legislature regarding proposed changes in the criminal law, and recommended approval or disapproval of proposed legislation. See their papers, Charity Organization Society, Community Service Society Collection (CSSC), Rare Books and Manuscripts Library, Columbia University, New York, New York. Hereinafter cited as CSSC Papers.

52. Minutes, 21 February 1924, File "Criminal Courts Committee, 1924–1932," Box 112 Charity Organization Society, Committee on Criminal Courts 1936 and Minutes, 1910–1936, CSSC Papers.

53. *Ibid.*, 1–2.

54. *Ibid.*, 2. For information on Inspector Daly's checkered political and police career, see his obituary, *New York Times*, 10 September 1938, 17.

55. Association of the Bar of the City of New York, Committee on State Legislation, *Bulletin #1* (1924): 28.

56. *Ibid.*, 29.

57. For information on Antin, see his obituary, *New York Times*, 23 October 1956, 33. Antin submitted the bill to the senate on 21 January 1924. See *Journal of the Senate of the State of New York at Their One Hundred and Forty-Seventh Session* (Albany, NY: J. B. Lyons, Co., Printers, 1924), 1:47. It was read twice in the senate and sent to the senate's Code Committee for consideration.

58. Minutes, Directors' Meeting, 26 February 1924, 2, Minute Book "October 1920–May 1925," Box 86 "Minutes & Reports, 1905–1932," Committee of Fourteen Papers.

59. Ibid.

60. *Journal of the Assembly of the State of New York at Their One Hundred and Forty-Seventh Session*, 1:403.

61. Minutes, Directors' Meeting, 26 February 1924, 2, Minute Book "October 1920–May 1925," Box 86 "Minutes & Reports, 1905–1932," Committee of Fourteen Papers.

62. Ibid., 2–3.

63. Frederick H. Whitin to Inspector Thomas McDonald, 27 February 1924, File "1924," Box 6 "General Correspondence, 1924–1928," Committee of Fourteen Papers. McDonald's response, if any, has not survived.

64. Frederick H. Whitin to William H. Baldwin Jr., 29 February 1924, File "1924," Box 6 "General Correspondence, 1924–1928," Committee of Fourteen Papers. For information on Baldwin and his reform and philanthropic interests, see his obituary, *New York Times*, 20 April 1960, 39.

65. Minutes, Committee on Criminal Courts, 29 February 1924, File "Criminal Courts Committee, 1924–1932," Box 112 "Committee on Criminal Courts, 1936 and Minutes, 1910–1936," CSSC Papers.

66. Mrs. Fred Lee Woodson to Frederick H. Whitin, 1 March 1924, File "Correspondence 1923–24," Box 56 "Customer Laws, 1920s," Committee of Fourteen Papers.

67. Ibid.

68. Ibid. No response to this letter exists, implying that Whitin probably talked to Woodson about these issues and ideas either on the phone or in person at some later meeting.

An article in the NWP's magazine, *Equal Rights*, notes Woodson's lobbying for the bill and the nature of the opposition mentioning Lawrence Veiller by name. See "Equal Rights Campaign in New York," *Equal Rights* (29 March 1924): 54–55.

69. Flyer, *Proposed Amendment to Legal Definition of "Vagrant" to Include the Customer of the Prostitute* (New York: n.p., n.d.), File "Antin Customer Bill—1924," Box 56 "Customer Law, 1920s," Committee of Fourteen Papers, NYPL, NY.

The committee supplanted this three-page flyer with the proposed revised statute with a twenty-seven-page pamphlet, *Customer Amendment: A Proposal to Widen the Vagrancy-Prostitution Law of New York State to Include Men Who Consort with Prostitutes* (New York: n.p., 1924). This pamphlet was republished in almost its entirety in the committee's 1924 *Annual Report*, 15–35.

70. *Proposed Amendment to Legal Definition of "Vagrant" to Include the Customer of the Prostitute*, 1. Unfortunately, the *Annual Report* of 1923 does not report 2,200 cases of prostitution, only 1,879. *Annual Report of 1922–23*, 34.

71. Ibid., 2. Their percentages do not add up: 72 percent of women convicted are first-time convictions, 10 percent are recidivists, leaving 18 percent of women convicted unaccounted for. This sloppy accounting is not addressed in this three-page flyer and this confusing mistake is not repeated in the longer pamphlet.

72. Ibid.

73. Ibid.

74. Ibid., 3.

75. Lawrence Veiller to Percy S. Straus, 4 March 1924, 1–2, File "L.V. Statement and Answers," Box 56 "Customer Laws, 1920s," Committee of Fourteen Papers.

76. *Ibid.*, attached “Statement of Lawrence Veiller at Board of Directors’ Meeting[,] Committee of Fourteen, 26 February 1924, with reference to the Proposal to penalize the ‘Customer’ (A. Int. 110),” 1.

77. *Ibid.*, 2.

78. *Ibid.*

79. *Ibid.*, 2–3.

80. *Ibid.*, 3–4.

81. *Ibid.*, 4.

82. *Ibid.*, 5.

83. *Ibid.*

## NOTES TO CHAPTER 7

1. Minutes of the Committee on Codes of the Senate of the New York Legislature, 11 March 1924, File “Minutes-Hearing, 1924,” Box 56 “Customer Laws, 1920s,” Committee of Fourteen Papers, Rare Books and Manuscripts Division, New York Public Library, New York, New York. Hereinafter cited as Committee of Fourteen Papers. William T. Byrne represented the Thirtieth Senatorial District. See *Journal of the Senate of the State of New York at Their One Hundred and Forty-Seventh Session* (Albany, NY: J. B. Lyon Company, Printers, 1924), 1:3.

2. Besides Chairman Byrne, the other members of the committee present on 11 March were Henry G. Schackno (21st District), Thomas I. Sheridan (16th District), Benjamin Antin (22d District), Meyer Levy (17th District), Ellwood M. Rabenold (13th District), Philip M. Kleinfeld (4th District), James A. Higgins (6th District), James L. Whitley (45th District), Walter W. Westall (25th District), and Arthur Bouton (29th District). Appearing before the committee in addition to Veiller, Whitin, Woodson, and Worthington were Miss Dorothy Kenyon of the Women’s City Club of New York, Miss [no first name identification] Penrose the General Secretary of the Church Mission of Health of the [Roman Catholic?] Diocese of Albany, and Dr. Joseph F. Lawrence of the State Department of Health. These other speakers testified briefly to support narrow points made by those favoring the proposal.

Regarding Miss Fred Lee Woodson: Every effort has been made to locate her given name but without success. Even when she is mentioned as a lobbyist for the NWP in New York in *Equal Rights*, she is referred to as “Miss Fred Lee Woodson.” See *Equal Rights* (29 March 1924): 54–55. Therefore, I continue to use the only name I have for her even though this decision means identifying her by her father.

3. For information on Judge Alfred R. Page, see his obituary, *New York Times*, 4 February 1931, 23; 6 February 1931, 21.

4. Minutes of Hearing before the Senate Codes Committee, 11 March 1924, 4, File “Minutes-Hearing, 1924,” Box 56 “Customer Laws, 1920s,” Committee of Fourteen Papers.

5. *Ibid.*, 5–6.

6. A new reliance on and a deference to “experts” is one of the hallmarks of the Gilded Age and Progressive Era. The modern era’s beliefs that through experts applying

their discreet and specialized “scientific” skills to social and technical problems remedies can be found. A good place to begin in this literature of the rise of professions and the culture of professionalism is the important work of Thomas L. Haskell, *The Emergence of Professional Social Science: The American Social Science Association and the Nineteenth-Century Crisis of Authority* (Urbana: University of Illinois Press, 1977), esp. chap. 1; *The Authority of Experts: Studies in History and Theory* (Bloomington: Indiana University Press, 1984); and *Objectivity Is Not Neutrality: Explanatory Schemes in History* (Baltimore, MD: Johns Hopkins University Press, 1997).

7. Minutes of the Hearing before the Senate Codes Committee, 11 March 1924, 8–9, File “Minutes-Hearing, 1924,” Box 56 “Customer Law, 1920s,” Committee of Fourteen Papers.

8. *Ibid.*, 9–10.

9. *Ibid.*, 10–11.

10. *Ibid.*, 11–12.

11. *Ibid.*, 12–13.

12. *Ibid.*, 16–17.

13. *Ibid.*, 19–20.

14. *Ibid.*, 21–22.

15. *Ibid.*, 26–27.

16. Groups supporting the committee’s efforts were the Committee of Twenty of Utica, New York; the Moral Survey Committee of Syracuse; Children’s Aid and the Society for the Prevention of Cruelty to Children of Erie, New York; the Social Service Commission; the Diocese of New York; and the Women’s City Club of New York. By submitting these letters, Whitin hoped to demonstrate statewide pressure for the customer amendment.

17. Minutes of the hearing before the Senate Committee on Codes, 11 March 1924, 34, File “Minutes-Hearing, 1924,” Box 56 “Customer Laws, 1920s,” Committee of Fourteen Papers. For the National Woman’s Party principles see Alice Paul, “Declaration of Principles,” *Equal Rights* 1 (17 February 1922): 5.

18. *Ibid.*, 35–36.

19. *Ibid.*, 36.

20. *Ibid.*, 36–37.

21. *Ibid.*, 37.

22. *Ibid.*, 38. The twelve states to adopt their definition of prostitution are listed in the National Woman’s Party pamphlet on state legal discriminations against women. They were Connecticut, Delaware, Maryland, Maine, New Hampshire, North Carolina, North Dakota, Ohio, Illinois, Rhode Island, Vermont, and New Jersey. New Jersey revised its antiprostitution statute in 1922: §2 of chap. 240 of the New Jersey laws reads, “The term ‘prostitution’ shall be construed to include the giving or receiving of the body for sexual intercourse for hire, and, shall also be construed to include the giving or receiving of the body for indiscriminate sexual intercourse without hire.” This definition exactly matches the language in the first sentence proposed by the National Woman’s Party in New York in 1924. See *Acts of the One Hundred and Forty-sixth Legislature of the State of New Jersey and Seventy-eighth under the New Constitution* (Trenton, NJ: MacCrellish & Quigley, State Printers, 1922), 419–20, and see chap. 6.

23. Minutes of Hearing before the Senate Codes Committee, 11 March 1924, 65–71,

(quote on 71), File “Minutes-Hearing, 1924,” Box 56 “Customer Law, 1920,” Committee of Fourteen Papers.

24. *Ibid.*, 72–81.

25. Frederick H. Whitin to Hon. Charles W. Appleton, 13 March 1924, File “1924,” Box 6 “General Correspondence, 1924–1928,” Committee of Fourteen Papers.

26. Lawrence Veiller to Francis Louis Slade, 14 March 1924, File “L. V. Statement and Answer,” Box 56 “Customer Laws, 1920s,” Committee of Fourteen Papers. Veiller’s letter of resignation from the Committee of Fourteen cannot be found in the committee’s papers. In the Committee’s *Annual Report* for 1923, his resignation was reported as mentioned in the committee’s annual meeting of December 10 along with the resignations of Mrs. Barclay Hazard and Dr. Henry Sloane Coffin. See *Annual Report of the Committee of Fourteen* (New York: n.p., 1925), 13.

27. Minutes, Directors’ Meeting, 25 March 1924, 1, Minute Book “October 1920–May 1925,” Box 86 “Minutes & Reports, 1905–1932,” Committee of Fourteen Papers.

28. Lawrence Veiller to Francis Louis Slade, 14 March 1924, 4–5, File “L. V. Statement and Answer,” Box 56 “Customer Laws, 1920s,” Committee of Fourteen Papers.

29. Francis Louis Slade to Lawrence Veiller, 22 March 1924, 1, File “L. V. Statement and Response,” Box 56 “Customer Laws, 1920s,” Committee of Fourteen Papers.

30. *Ibid.*, 1–2.

31. Report of Committee on Law and Legislation on Mr. Veiller’s Memorandum on the Customer Amendment, 22 March 1924, 1, File “L. V. Statement and Answer,” Box 56 “Customer Laws,” Committee of Fourteen Papers.

32. *Ibid.*, 2–3.

33. *Ibid.*, 3–4.

34. *Ibid.*, 4.

35. *Ibid.*, 5.

36. Minutes, Directors’ Meeting, 25 March 1924, 1, Minute Book “October 1920–May 1925,” Box 86 “Minutes & Reports, 1905–1932,” Committee of Fourteen Papers.

37. *Ibid.*

38. Frederick H. Whitin to William Adams Brown, 4 April 1924, File “1924,” Box 6 “General Correspondence, 1924–1928,” Committee of Fourteen Papers.

39. Frederick H. Whitin to Mrs. Vladimir G. (Mary Melinda Kingsbury) Simkovitch, 4 April 1924, File “1924,” Box 6 “General Correspondence, 1924–1928,” Committee of Fourteen Papers.

40. “The Proposed Customer Law, Method of Enforcement,” 9 April 1924, 1, File “Supporting Memo,” Box 56 “Customer Laws, 1920s,” Committee of Fourteen Papers.

41. *Ibid.*, 6. No discussion of fornication again occurred in the committee, but that did not stop Whitin from occasionally asking his fellow antvice reformers about the prosecution of fornication. On 23 June 1924, Whitin wrote the secretary of the New England Watch and Ward Society, J. Frank Chase, asking if there had been any recent cases charging fornication in Boston. See Frederick H. Whitin to J. Frank Chase, 23 June 1924, File “1924,” Box 6 “General Correspondence, 1924–1928,” Committee of Fourteen Papers.

42. Minutes, Directors’ Meeting, 6 May 1924, 2, Minute Book “October 1920–May 1925,” Box 86 “Minutes & Reports, 1905–1932,” Committee of Fourteen Papers.

43. Chairman Percy S. Straus to William F. Snow, 14 May 1924, File “American Social Hygiene Association,” Box 9 “General Correspondence, A,” Committee of Fourteen Papers. Straus wrote Snow asking if the American Social Hygiene Association could fund Whitin’s investigation. Snow wrote back on 18 June 1924, and offered \$1,000 cash “or equivalent services of Mr. Worthington or other members of our staff.” *Ibid.*, William F. Snow to Percy S. Straus, 18 June 1924. These two groups cut some deal because Worthington wrote Whitin on 24 July 1924, sending over his time sheets, outlining his expenses, and expressing a desire to discuss their cooperation. He suggested that they study the enforcement of customer laws in the following eleven states: Connecticut, Delaware, Maine, New Hampshire, North Carolina, Ohio, Vermont, New Mexico, New Jersey, Wyoming, and North Dakota. *Ibid.*, George Worthington to Frederick H. Whitin, 24 July 1924.

44. Frederick H. Whitin to William Adams Brown, 8 May 1924, File “1924,” Box 6 “1924–1928,” Committee of Fourteen Papers. Frederick A. Wallis had managed Mayor Hylan’s campaigns and had been appointed by Hylan to be a deputy police commissioner. Wallis eventually moved to Kentucky, was defeated for the 1935 Democrat Party nomination for governor by A. B. “Happy” Chandler, and ended up becoming the commonwealth’s welfare commissioner. See *New York Times*, 23 December 1951, 22, for more personal information.

Bird S. Coler spent his public career irritating Tammany Hall from a variety of positions in the city’s government and administration. See his obituary, *New York Times*, 14 June 1941, 17, and 15 June 1941, 36.

45. Frederick H. Whitin, “Law Enforcement and Sexual Delinquency,” *Proceedings of the Twenty-Fifth New York State Conference of Charities and Correction held in Syracuse, New York, November 11–13, 1924* (New York: n.p., 1924): 215–19.

46. George E. Worthington, “Vice in Atlantic City,” *National Municipal Review* 13 (September 1924): 515–22. For the transformation of Atlantic City from fishing village to resort, see Martin Paulsson, *The Social Anxieties of Progressive Reform: Atlantic City, 1854–1920* (New York: New York University Press, 1994).

47. Frederick H. Whitin to H. W. Dodge, 9 May 1924, File “1924,” Box 6 “General Correspondence, 1924–1928,” Committee of Fourteen Papers. Whitin also suggested that he could put together for the *Review* an article on New Jersey’s revised prostitution statute but nothing came of this offer either.

48. Frederick H. Whitin to Royal R. Scott, 1 August 1924, File “1924,” Box 6 “General Correspondence, 1924–1928,” Committee of Fourteen Papers. Because of his knowledge and control of the legislature, one suspects that Gov. Al Smith knew all along that the bill would never get out of committee. Scott started his career as the district attorney of Ontario County, New York, before becoming the chief of the Legal Division of the New York State Excise Bureau in Albany from 1905 to 1909. It was probably during those years, when the Committee of Fourteen was just beginning, that Scott and Whitin became friends. Scott ended up as the secretary and legal advisor to the Willys-Overland Company in Toledo, Ohio. For information on Scott, see his obituary, *New York Times*, 12 September 1931, 14.

49. Minutes, Annual Meeting, 12 November 1924, 3, Minute Book “October 1920–May 1925,” Box 86 “Minutes & Reports, 1905–1932,” Committee of Fourteen Papers. This section of the *Annual Report* became a separate pamphlet. See Committee of

Fourteen, *Customer Amendment: A Proposal to Widen the Vagrancy-Prostitution Law of New York State to Include Men Who Consort with Prostitutes* (New York: n.p., 1924). This pamphlet is subtitled “The Arguments of the Proponents; The Objections of the Opponents; The Answers of the Proponents.”

50. National Women’s Party questionnaire, “List of Senator and Assemblymen ‘probably favorable’ to the Customer Amendment,” no pagination, File “L. V. Statement and Answer,” Box 56 “Customer Laws, 1920s,” Committee of Fourteen Papers. Some candidates, like Republican Frank Jordan, did not answer the question directly but did write on his questionnaire, “If you can in any way assist me to be elected you can rest assured I will do all in my power to carry out your wishes.” He was not elected in 1925 nor was Republican Louis White Fehr, who wrote, “I am uncompromising and realistic advocate of absolute sex equality. I would not only remove from the law discriminations which make it possible for men safely to exploit ignorant women, but those which enable shrewd women to victimize men under new forms of law.”

51. “Committee on Law and Legislation, November 1924,” 1, File “Subcommittee on Legislation,” Box 58 “Legislation, Unsorted, 1908–1929,” Committee of Fourteen Papers.

52. *Ibid.*, 2.

53. *Ibid.*

54. *Ibid.*, 3.

55. Edward J. McGuire to Frederick H. Whitin, 28 November 1924, File “Committee on Legislation: Draft of Sec. 887, Sub. 4 amendment, 1924,” Box 58 “Legislation, Unsorted, 1908–1929,” Committee of Fourteen Papers.

56. Charles W. Appleton to Frederick H. Whitin, 29 November 1924, File “Committee on Legislation: Draft of Sec. 887, Sub. 4 amendment, 1924,” Box 58 “Legislation Unsorted, 1908–1929,” Committee of Fourteen Papers.

57. George W. Alger to Frederick H. Whitin, 2 December 1924, File “Committee on Legislation: Draft of Sec. 887, Sub. 4 amendment, 1924,” Box 58 “Legislation Unsorted, 1908–1929,” Committee of Fourteen Papers. Alger was a named partner of the law firm Alger & Coughlin.

58. Minutes, Adjourned Annual Meeting, 10 December 1924, 2–3, Minute Book “October 1920–May 1925,” Box 86 “Minutes & Reports, 1905–1932,” Committee of Fourteen Papers.

59. *Ibid.*, 3.

60. Frederick H. Whitin to Dr. James Pedersen, 15 December 1924, File “1924,” Box 6 “General Correspondence, 1924–1928,” Committee of Fourteen Papers.

61. Mrs. Clarence B. Smith to Frederick H. Whitin, 30 December 1924, File “Committee on Legislation: Draft of §887, subdivision 4 amendment, 1924,” Box 58 “Legislation, Unsorted, 1908–1929,” Committee of Fourteen Papers.

Mrs. Clarence Meserole (Jane N.) Smith helped found the National Woman’s Party in 1921, and the New York State branch of the National Woman’s Party elected her Chairman in 1923. See *New York Times*, 22 July 1923, 1. See also her obituary, *New York Times*, 4 September 1953, 15.

National Woman’s Party papers have been microfilmed, thereby affording easy access to the primary sources of this important twentieth-century interest group. Thomas C. Pardo, ed., *The National Woman’s Party Papers, 1913–1974: A Guide to the Microfilm*

*Edition* (Sanford, NC: Microfilming Corporation of America, 1979). Especially see "Summary of National Woman's Party Activities," 7–181.

## NOTES TO CHAPTER 8

1. Frederick H. Whitin to Dr. James Pedersen, 26 January, 1924, File "1925," Box 6 "General Correspondence, 1924–1928," Committee of Fourteen Papers, Rare Books and Manuscript Division, New York Public Library, New York, New York. Hereinafter cited as Committee of Fourteen Papers.

2. Dr. James Pedersen to Frederick H. Whitin, 29 January 1924, File "1925," Box 6 "General Correspondence, 1924–1928," Committee of Fourteen Papers.

3. Committee of Fourteen, *Annual Report for 1924* (New York: n.p., 1925), 3. For public coverage of the *Annual Report*, see *New York Times*, 31 March 1925, 5.

4. For example, see Mayor Hylan's letter to the *New York Times* of 10 July 1923, where he chastises the Anti-Saloon League and the Republicans for not better enforcing prohibition and cites the Committee of Fourteen as a well-meaning but do-nothing-about-the-problem group. See "Hylan Again Scores Anti-Saloon League," *New York Times*, 10 July 1923, 21.

5. *Annual Report of 1924*, 5.

6. *Ibid.*, 5.

7. *Ibid.*, 11.

8. *Ibid.* For a review of these concerns in the era, see Frederick Lewis Allen, *Only Yesterday: An Informal History of the 1920s* (New York: Harper & Row, 1931), esp. chap. 5, "The Revolution in Manners and Morals," 73–101.

9. See Paul L. Murphy, *World War One and the Origin of Civil Liberties in the United States* (New York: Norton, 1979), and Louis D. Brandeis and Samuel D. Warren, "The Right to Privacy," *Harvard Law Review* 4 (December 1890): 193–220.

10. *Annual Report of 1924*, 11–12.

11. *Ibid.*, 15–35. For the pamphlet, see Committee of Fourteen, *Customer Amendment: A Proposal to Widen the Vagrancy-Prostitution Law of New York State to Include Men Who Consort with Prostitutes* (New York: Committee of Fourteen, 1924). It is subtitled "The Arguments of the Proponents; The Objections of the Opponents; The Answers of the Proponents," which also describes the pamphlet's organization.

12. *Ibid.*, 16.

13. *Ibid.*, 18.

14. *Ibid.*, 23.

15. *Ibid.*, 25.

16. *Ibid.*, 25–33.

17. *Ibid.*, 33–34.

18. *Ibid.*, 35.

19. Frederick H. Whitin to Mrs. John M. Glenn, 6 April 1925, File "1925," Box 6 "General Correspondence, 1924–1928," Committee of Fourteen Papers.

20. Frederick H. Whitin to Percy S. Straus, 27 January 1925, File "Straus, Percy S., 1921–1925," Box 14 "General Correspondence, S," Committee of Fourteen Papers.

*Journal of the Senate of the State of New York at Their One Hundred and Forty-Eighth Session* (Albany, NY: J. B. Lyons Company, Printers, 1925), 1:68. *Journal of the Assembly of the State of New York at Their One Hundred and Forty-Eighth Session* (Albany, NY: J. B. Lyons Company, Printers, 1925), 1:89.

21. Although the Committee of Fourteen and especially Whitin must have been in contact with the supporters of the amendment, such as the National Woman's Party and the American Social Hygiene Association, between January and March, no record of those meetings, phone calls, or correspondence can be located.

22. Minutes, Director' Meeting, 8 April 1925, 2, Minute Book "October 20–May 1925," Box 86 "Minutes & Reports, 1905–1932," Committee of Fourteen Papers. No transcripts were apparently made nor has the state retained any joint committee minutes.

23. *Ibid.* Pecora had a long and distinguished career in New York City law and politics and influenced the national scene during the early 1930s. For a useful review of his life and career, see his obituary, *New York Times*, 8 December 1971, 40.

Although Manhattan borough president Marcus M. Marks is occasionally called the "father of daylight savings time," it was really his wife's suggestion. She read about it in a German newspaper and suggested it to her husband. Mrs. Marcus M. Marks worked for women's suffrage, served as chairman of the New York branch of the National Woman's Party, worked in the National Civic Federation, and was active in the birth control movement and in a variety of other welfare causes. See *New York Times*, 23 April 1931, 21, for her obituary.

24. Minutes, Directors' Meeting, 8 April 1925, 2, Minute Book "October 20–May 1925," Box 86 "Minutes and Reports, 1905–1932," Committee of Fourteen Papers.

25. *Ibid.* Belton spent most of his time as an officer in the West Forty-seventh Street precinct until Mayor Hylan picked him to head Special Services. As head of Special Services, Belton was responsible for closing the city's speakeasies, but the job was not as easy as some thought because of the difficulty of obtaining evidence and search warrants. Just before Hylan left office, he promoted Belton to full inspector and placed him on the retirement list. At times during his retirement, Belton could be found handing out a clothing store's business cards to old friends, and if a friend bought a suit from the store, Belton received 10 percent of the price of the suit. See his obituary, *New York Times*, 11 February 1958, 31.

26. Minutes, Committee on Criminal Courts, 31 October 1924, 2–3, File "Criminal Courts Committee (1924–1932)," Box 112 "Charity Organization Society, Courts, Committee on Criminal, 1936 and Minutes, 1910–1936," Community Service Society Collection, Rare Books and Manuscripts Library, Columbia University, New York, New York. For a copy of Whitin's paper (which retraced the arguments set forth in the pamphlet he wrote in support of the customer amendment), see "Enforcing the Vagrancy-Prostitution Law," State Association of Magistrates, 10 October 1924, File "Correspondence, Reports, Statistics, 1907–1929," Box 64 "Courts & Criminal Justice System," Committee of Fourteen Papers.

27. Frederick H. Whitin to Mrs. John M. Glenn, 6 April 1925, File "1925," Box 6 "General Correspondence, 1924–1928," Committee of Fourteen Papers.

28. Committee of Fourteen, *Customer Amendment*, 12. Groups excluded were the New York League of Women Voters, State Department of Health, Morals Survey Committee of Syracuse, Committee of Twenty of Utica, Council of Social Agencies of Buffalo, Social

Service Commissions of the Diocese of Albany and the Diocese of New York, City Club of New York, Women's City Club of New York, Rotary Club of Buffalo, New York Federation of Women's Clubs, Church Mission of Help, Diocese of Albany and Diocese of New York, Social Service Committee of the New York Federation of Churches, and the Federation for Child Study. The list incorrectly included the Committee on the Amendment of the Law of the Association of the Bar of the City of New York.

29. Frederick Whitin to John M. Glenn, 6 April 1925, File "1925," Box 6 "General Correspondence, 1924–1928," Committee of Fourteen Papers.

30. Minutes, Directors' Meeting, 8 April 1925, 2, Minute Book "October 20–May 1925," Box 86 "Minutes & Reports, 1905–1932," Committee of Fourteen Papers.

31. *Ibid.* Whitin had written Straus on 13 April saying only, "We did not make progress at Albany this year on the Customer Amendment." Frederick H. Whitin to Percy S. Straus, 13 April 1925, File "Straus, Percy S.," Box 14 "General Correspondence, S.," Committee of Fourteen Papers.

32. Minutes, Directors' Meeting, 8 April 1925, 2–3, Minute Book "October 20–May 1925," Box 86 "Minutes & Reports, 1905–1932," Committee of Fourteen Papers. Changing the bill's wording from "vagrants" to "disorderly persons" was intended to meet the criticism of Judge Frederick Kernochan.

33. S. John Block started his legal/political career as a member of the New York Socialist Party; in time, he became the party's chairman and was elected to the state assembly. In 1920, he became caught up in the post–World War I red scare and was one of five assemblymen suspended from the New York Assembly and denied their seat. Benjamin Gitlow became the most famous of those assemblymen because of his communist affiliations and because of the important First Amendment case that bears his name, *Gitlow v. New York* 268 U.S. 652 (1925). But by the late twenties and into the thirties and forties, Block had become just another respected member of the bar, even receiving the Republican Citizens Union endorsement for justice of the state supreme court. He also served on the commission that produced a new charter for New York City in 1936. See his obituary, *New York Times*, 1 June 1955, 33.

34. Frederick H. Whitin to S. John Block, 3 July 1925, File "1925," Box 6 "General Correspondence, 1924–1928," Committee of Fourteen Papers.

35. *Ibid.*, all quotes.

36. Minutes, Directors' Meeting, 22 October 1925, 2–3, Minute Book "October 1925–December 1929," Box 86 "Minutes & Reports, 1905–1932," Committee of Fourteen Papers.

37. Emphasis added. Frederick H. Whitin, "The Enforcement of the Vagrancy-Prostitution Law and the Proposed Amendment," [23 October 1925], Box 64 "Courts & Criminal Justice System: Correspondence, Reports, Statistics, 1907–1929," Committee of Fourteen Papers. For his 1924 paper to the State Association of Magistrates, see note 25 above.

38. *Ibid.*

39. Frederick H. Whitin to Mrs. Mortimer M. Menken, 26 October 1925, File "1925," Box 6 "General Correspondence, 1924–1928," Committee of Fourteen Papers.

40. Frederick H. Whitin to Lawrence Veiller, 29 October 1925, 1–2, File "Veiller, Lawrence, 1922–1925," Box 15 "General Correspondence, T-W," Committee of Fourteen Papers.

41. Minutes, Directors' Meeting, 3 December 1925, 2, Minute Book "October 1925–December 1929," Box 86 "Minutes & Reports, 1905–1932," Committee of Fourteen Papers.

42. *Ibid.*, 2–3.

43. Minutes, Directors' Meeting, 7 January 1926, 3, Minute Book "October 1925–December 1929," Box 86 "Minutes & Reports, 1905–1932," Committee of Fourteen Papers.

44. Minutes, Directors' Meeting, 25 February 1926, 2, Minute Book "October 1925–December 1929," Box 86 "Minutes & Reports, 1905–1932," Committee of Fourteen Papers.

45. *Journal of the Senate of the State of New York at Their One Hundred and Forty-Ninth Session* (Albany, NY: J. B. Lyons, Co., 1926), 1:69. No other mention or documentation of a possible third public hearing has been located. Copies of these bills can also be found in Thomas C. Pardo, ed., *The National Woman's Party Papers, 1913–1974: A Guide to the Microfilm Edition* (Sanford, NC: Microfilming Corporation of America, 1979), Series V, "Printed Materials, 1850–1972," Part G, "State Records, 1913–1973," reel 141.

46. Minutes, Director's Meeting, 25 February 1926, 2, Minute Book "October 1925–December 1929," Box 86 "Minutes & Reports, 1905–1932," Committee of Fourteen Papers. Whitin had also asked the chairman of the Program Committee of the Grand Jurors' Association for a meeting to discuss the customer amendment but had been turned down.

For information on former district attorney Charles Albert Perkins, see his obituary and related story, *New York Times*, 17 January 1930, 23; 19 January 1930, II, 7. For information on former district attorney William Travers Jerome, see his obituary and related stories, *New York Times*, 14 February 1934, 19; editorial, 15 February 1934, 18; 16 February 1934, 19. For information on former governor Charles S. Whitman, see his obituary and related stories, *New York Times*, 30 March 1947, 1; editorial, 31 March 1947, 22; 31 March 1934, 23.

47. Frederick H. Whitin to James S. Cushman, 16 March 1926, File "Cushman, James S.," Box 11 "General Correspondence, C-N," Committee of Fourteen Papers. An entrepreneur and investor, Cushman also donated to and became involved in a wide variety of civic and social reforms. See his obituary, *New York Times*, 20 March 1952, 29.

48. See *New York Times*, 20 July 1926, 19; 21 July 1926, 19; and 23 July 1926, 13. Whitin is buried in Greenwood Cemetery, Brooklyn. For typical tributes to Whitin, see Committee of Fourteen, *Annual Report for 1926* (New York: n.p., 1927), 7–16; Alan Johnstone Jr., "Frederick H. Whitin," *Journal of Social Hygiene* 12 (October 1926): 408–10.

49. Minutes, Special Directors' Meeting, 22 July 1926, 1, Minute Book "October 1925–December 1929," Box 86 "Minutes & Reports, 1905–1932," Committee of Fourteen Papers.

50. Minutes, Special Directors' Meeting, 14 September 1926, 1, Minute Book "October 1925–December 1929," Box 86 "Minutes & Reports, 1905–1932," Committee of Fourteen Papers.

51. Minutes, Directors' Meeting, 28 October 1926, 1, Minute Book "October 1925–December 1929," Box 86 "Minutes & Reports, 1905–1932," Committee of Fourteen Papers.

52. Minutes, Annual Meeting, 9 December 1926, 3–4, Minute Book “October 1925–December 1929,” Box 86 “Minutes & Reports, 1905–1932,” Committee of Fourteen Papers.

53. Minutes, Directors’ Meeting, 27 January 1927, 1, Minute Book “October 1925–December 1929,” Box 86 “Minutes & Reports, 1905–1932,” Committee of Fourteen Papers.

54. *Ibid.*, 2. See also, *Journal of the Assembly of the State of New York at Their One Hundred and Fiftieth Session* (Albany, NY: J. B. Lyons, Printers, 1927), 1:28. Jenks introduced the bill on Monday, 10 January 1927.

55. George Worthington to Directors of the Committee of Fourteen, 23 February 1927, Minute Book “October 1925–December 1929,” Box 86 “Minutes & Reports, 1905–1932,” Committee of Fourteen Papers. In the *Annual Report for 1927*, Worthington stated that “the Codes Committee proved to be very hostile to it and the bill was not reported out” (of committee). Committee of Fourteen, *Annual Report for 1927* (New York: n.p., 1928), 28–29.

56. Committee of Fourteen, *Annual Report of 1926* (New York: n.p., 1927), 24–25. See also the report on the customer amendment and 1926 on 36.

57. *Ibid.* Also, Minutes, Directors’ Meeting, 1 December 1927, 2, Minute Book “October 1925–December 1929,” Box 86 “Minutes & Reports, 1905–1932,” Committee of Fourteen Papers.

58. *Ibid.*

59. Minutes, Annual Meeting, 26 January 1928, 2, Minute Book “October 1925–December 1929,” Box 86 “Minutes & Reports, 1905–1932,” Committee of Fourteen Papers.

60. *Ibid.*, 4.

61. *Ibid.*

62. Minutes, Directors’ Meeting, 22 November 1928, 2, emphasis added, Minute Book “October 1925–December 1929,” Box 86 “Minutes & Reports, 1905–1932,” Committee of Fourteen Papers.

63. Minutes, Directors’ Meeting, 27 December 1928, 1–2, Minute Book “October 1925–December 1929,” Box 86 “Minutes & Reports, 1905–1932,” Committee of Fourteen Papers.

64. *Ibid.*

65. Minutes, Directors’ Meeting, 22 March 1929, 3, Minute Book “October 1925–December 1929,” Box 86 “Minutes & Reports, 1905–1932,” Committee of Fourteen Papers. The Committee’s *Annual Report for 1928* includes no mention of the customer amendment. Committee of Fourteen, *Annual Report for 1928* (New York: n.p., 1929).

66. Minutes, Directors’ Meeting, 22 November 1929, 2, Minute Book “October 1925–December 1929,” Box 86 “Minutes & Reports, 1905–1932,” Committee of Fourteen Papers.

67. Minutes, Directors’ Meeting, 23 May 1930, 2, Minute Book “October 1925–December 1929,” Box 86 “Minutes & Reports, 1905–1932,” Committee of Fourteen Papers.

68. Minutes, Special Director’ Meeting, 30 December 1930, 3, Minute Book “October 1925–December 1929,” Box 86 “Minutes & Reports, 1905–1932,” Committee

of Fourteen papers, NYPL, NY. The Committee's *Annual Report for 1929* does not mention the customer amendment. See Committee of Fourteen, *Annual Report for 1929* (New York: n.p., 1930). This issue was the silver anniversary of the Committee of Fourteen, 1905–1929.

A customer amendment bill was introduced into the New York legislature in 1931 but only in the assembly. See Thomas C. Pardo, ed., *The National Woman's Party Papers, 1913–1974*, Series V, "Printed Materials, 1850–1972," Part G, "State Records, 1913–1973," reel 141.

69. No biographical information on Assemblyman Langdon W. Post can be located.

On the scandals in the Women's Court, see New York State, Supreme Court, Appellate Division, First Judicial Department, *In the Matter of the Magistrates' Courts in the First Judicial Department and the Magistrates Thereof, and of Attorneys-at-Law Practicing in Said Courts, Final Report of Samuel Seabury, Referee, March 28, 1932*; rpt., Gabriel J. Chin, ed., *New York City Police Corruption Investigation Commissions, 1894–1994*, vol. III, "Seabury Investigation Report" (Buffalo, NY: William S. Hein & Co., 1997); Raymond Moley, *Tribunes of the People: The Past and Future of the New York Magistrates' Courts* (New Haven, CT: Yale University Press, 1932); William B. Northrop and John B. Northrop, *The Insolence of Office: The Story of the Seabury Investigations* (New York: G. P. Putnam's Sons, 1932). Judge Samuel Seabury conducted the investigations into the problems in the Women's Court and his results were known as the "Seabury Investigations." For Seabury, see Herbert Mitgang, *The Man Who Rode the Tiger: The Life and Times of Judge Samuel Seabury* (Philadelphia: Lippincott, 1963).

70. Lawrence Veiller to George E. Worthington, 21 January 1931, 1, File "Legislation, 1932," Box 57 "Legislation, Unsorted, 1917–1932," Committee of Fourteen Papers.

71. George E. Worthington to Burton D. Esmond, 9 February 1931, and George E. Worthington to Burton D. Esmond, 24 February 1931, File "Legislation, 1932," Box 57 "Legislation, Unsorted, 1917–1932," Committee of Fourteen Papers.

72. *Ibid.*, 24 February 1931. Neither the customer amendment nor these revisions of the standards of evidence in prostitution cases received a mention in the *Annual Report for 1930*. In this report (the committee's last), Worthington spent most of his space defending the committee in the wake of criticism due to the Women's Court scandals and trying to explain the purpose and methods of the Committee of Fourteen. See Committee of Fourteen, *Annual Report for 1930* (New York: n.p., 1931).

73. *New York Times*, 25 November 1932, 17; editorial, 26 November 1932, 14. See also Press Release, William H. Baldwin Jr., File "General, 1931–32," Box 83 "Executive/General Secretary's Files: Topical Files, 1912–1932," Committee of Fourteen Papers.

## NOTES TO CHAPTER 9

1. Committee of Fourteen, *Annual Report of the Committee of Fourteen* (New York: Select Printing Company, 1921), 6, 37.

2. For analysis of the problems and issues in fund-raising and supporting reform committees such as the Committee of Fourteen, see Thomas C. Mackey, "Anti-Vice Funding

and the Apple: The Business of Anti-Vice Reform and the Committee of Fourteen in New York City, 1905–1932,” *Essays in Economic and Business History* 12 (1994): 287–306.

3. The literature on Progressivism is broad, deep, conflicted, and well known. For a sampling of this important literature, see Sean Dennis Cashman, *America in the Age of the Titans: The Progressive Era and World War I* (New York: New York University Press, 1988); James J. Connolly, *The Triumph of Ethnic Progressivism: Urban Political Culture in Boston, 1900–1925* (Cambridge, MA: Harvard University Press, 1998); Eldon J. Eisenach, *The Lost Promise of Progressivism* (Lawrence: University Press of Kansas, 1994); Richard Hofstadter, *The Progressive Movement, 1900–1915* (Englewood Cliffs, NJ: Prentice-Hall, 1963); Morton Keller, *Regulating A New Society: Public Policy and Social Change in America, 1900–1933* (Cambridge, MA: Harvard University Press, 1994); Gabriel Kolko, *The Triumph of Conservatism: A Re-Interpretation of American History, 1900–1916* (Chicago: Quadrangle Books, 1967); and Robert H. Wiebe, *The Search for Order, 1877–1920* (New York: Hill and Wang, 1967).

4. See Mayor John F. Hylan’s outburst against the Anti-Saloon League and the Committee of Fourteen, *New York Times*, 10 July 1923, 21, under the headline, “Hylan Again Scores Anti-Saloon League.”

5. *John Geddes Lawrence and Tyron Garner v. Texas*, 539 U.S. (2003).

6. The topic of “professionalism” has begun to receive some important analysis and interpretation. For good places to start understanding the development of the near “cult” of professionalism in America, see the work of Thomas L. Haskell, *The Emergence of Professional Social Science: The American Social Science Association and the Nineteenth-Century Crisis of Authority* (Urbana: University of Illinois Press, 1977); *The Authority of Experts: Studies in History and Theory* (Bloomington: Indiana University Press, 1984); *Objectivity Is Not Neutrality: Explanatory Schemes in History* (Baltimore, MD: Johns Hopkins University Press, 1997).

For the twists and turns of “professionalization” in history see Peter Novick, *That Noble Dream: The “Objectivity Question” and the American Historical Profession* (New York: Cambridge University Press, 1988).

7. Arguing from within self-justifying worlds while remaining unchanged by other arguments or evidence reminds one of the controversy surrounding the National Endowment for the Humanities in the late 1980s and early 1990s. For a review of that *Kulturkampf*, see Richard Bolton, ed., *Culture Wars: Documents from the Recent Controversies in the Arts* (New York: New Press, 1992).

8. The classic work on how persons conceptualize community and self is Peter L. Berger and Thomas Luckmann, *The Social Construction of Reality: A Treatise in the Sociology of Knowledge* (Garden City, NY: Doubleday, 1966; rpt., New York: Anchor Books, 1989). Along the same lines of argument but drawn from the history of science is Thomas S. Kuhn, *The Structure of Scientific Revolutions*, 2d ed. (Chicago: University of Chicago Press, 1970).

9. In the 1990s, William J. Bennett led the traditionalists in arguing that moral character mattered for children and the larger culture. See William J. Bennett, *The Book of Virtues: A Treasury of Great Moral Stories* (New York: Simon & Schuster, 1993) and *The De-Valuing of America: The Fight for Our Culture and Our Children* (New York: Summit Books, 1992). His arguments drew a response for his opponents; see Colin Greer and Herbert Kohl, eds., *A Call to Character: A Family Treasury* (New York: Harper Perennial,

1995). On the collapse of standards and culture during the 1960s see, Allen J. Matusow, *The Unraveling of America: A History of Liberalism in the 1960s* (New York: Harper & Row, 1984). See also, David A. Horowitz, *America's Political Class under Fire: The Twentieth Century's Great Culture War* (New York: Routledge, 2003).

10. *The Book of Saints: A Dictionary of the Servants of God Canonized by the Catholic Church*. 4th ed. (New York: Macmillan, 1947), 60. Saint Anthony (251–356) came from a well-to-do family at Coma in Egypt, but at age twenty he gave away his wealth to the poor and became a hermit. Anthony is credited with starting the monastic religious life when, in 305, he gathered hermits together in one place to live alone together in the service of God. Exactly why erysipelas came to be identified with Anthony is not known but sufferers of the condition came to ask him to intercede on their behalf against the condition. Erysipelas causes the skin to turn red which probably accounts for the term “St. Anthony’s fire.”

11. For an analysis of the need for the interaction of social change and legal change in the post-1945 United States, see Gerald N. Rosenberg, *The Hollow Hope: Can Courts Bring About Social Change?* (Chicago: University of Chicago Press, 1991).

12. In particular the work of Stanley Coben is important here. See chapter 2, “Drifted,” for elaboration on his work. Stanley Coben, *Rebellion against Victorianism: The Impetus for Cultural Change in 1920s America* (New York: Oxford University Press, 1991), 3–35.

13. The phrase is in Susan D. Becker, *The Origins of the Equal Rights Amendment: American Feminism between the Wars* (Westport, CT: Greenwood Press, 1981), 242. Feminism contains a long-standing “distrust” of men that needs further research, interpretation, and exposure. This distrust has been noticed by others working in the borderlands of the history of the law and sexuality. See William E. Nelson, “Criminality and Sexual Morality in New York, 1920–1980,” *Yale Journal of Law & the Humanities* 5 (Summer 1993): 265–341.

14. Typical of the feminist scholarship on the issue of equality with men is Sandra Lipsitz Bem, *The Lenses of Gender: Transforming the Debate on Sexual Inequality* (New Haven, CT: Yale University Press, 1993). For a feminist interpretation of the “big picture” of women’s history in the United States, see Sara M. Evans, *Born for Liberty: A History of Women in America* (New York: Free Press, 1989), 145–96 and the discussion of feminism in chap. 1.

Alice Paul, leader of the National Woman’s Party, included in her party’s “Declaration of Principles” “that a double moral standard shall no longer exist, but one code shall obtain for both men and women.” Her next “Principle” stated, “That exploitation of the sex of women shall no longer exist, but women shall have the same right to the control of their persons as have men.” Alice Paul, “Declaration of Principles,” *Equal Rights* (17 February 1922): 5.

15. Martin J. Wiener, “The Criminalization of Men,” in *Men and Violence: Gender, Honor, and Rituals in Modern Europe and America*, ed. Pieter Spierenburg (Columbus: Ohio State University Press, 1998), 209.

16. For the New York experience in revising the state’s prostitution statute in the 1960s and 1970s, see Pamela Ann Roby, “Politics and Prostitution: A Case Study of the Formulation, Enforcement, and Judicial Administration of the New York State Penal Laws on Prostitution, 1870–1970” (PhD diss., New York University, 1971); Pamela A. Roby,

“Politics and the Criminal Law: Revision of the New York State Penal Law on Prostitution,” *Social Problems* 17 (Summer 1969): 83–109; Pamela A. Roby, “Politics and Prostitution: A Case Study of the Revision, Enforcement, and Administration of the New York State Penal Laws on Prostitution,” *Criminology* 9 (February 1972): 425–47; Pamela A. Roby and Virginia Kerr, “The Politics of Prostitution,” *Nation* (10 April 1972): 463–66.

Empirical research on whether “john” laws have actually deterred men from seeking out women in prostitution suggest that staff problems and funding have not deterred men seeking sex in exchange for money and that recent “gender neutral” laws are not administratively neutral. My impression from newspapers and scholarship is that purchased heterosexual sex is alive and well. See Frances Bernat, “New York State’s Prostitution Statute: Case Study of the Discriminatory Application of a Gender Neutral Law,” *Women & Politics* 4 (Fall 1984): 103–20.

17. Although the history of women has been long under way (and dominated by one interpretation, feminist), the history of men and manhood, too, is under way with less but growing attention. For a sampling of work on the history of men and masculinity, see Thomas Augst, *A Clerk’s Tale: Young Men and Moral Life in Nineteenth Century America* (Chicago: University of Chicago Press, 2003); Harry Brod, ed., *The Making of Masculinity: The New Men’s Studies* (Boston: Allen & Unwin, 1987); Mark C. Carnes, *Secret Ritual and Manhood in Victorian America* (New Haven, CT: Yale University Press, 1989); Mark C. Carnes and Clyde Griffen, eds., *Meaning for Manhood: Constructions of Masculinity in Victorian America* (Chicago: University of Chicago Press, 1990); Kenneth C. Clatterbaugh, *Contemporary Perspectives on Masculinity: Men, Women, and Politics in Modern Society* (Boulder, CO: Westview Press, 1990); Kathleen Gerson, *No Man’s Land: Men’s Changing Commitments to Family and Work* (New York: Basic Books, 1993); Michael Kaufman, ed., *Beyond Patriarchy: Essays by Men on Pleasure, Power and Change* (New York: Oxford University Press, 1987); Michael S. Kimmel and Michael A. Messner, eds., *Men’s Lives* (New York: Macmillan, 1992); Anne S. Lombard, *Making Manhood: Growing Up Male in Colonial New England* (Cambridge, MA: Harvard University Press, 2003); Angus McLaren, *The Trials of Masculinity: Policing Sexual Boundaries, 1870–1930* (Chicago: University of Chicago Press, 1997); J. A. Mangan and James Walvin, eds., *Manliness and Morality: Middle-Class Masculinity in Britain and America, 1800–1940* (New York: St. Martin’s Press, 1987); Ted Ownby, *Subduing Satan: Religion, Recreation, and Manhood in the Rural South, 1865–1920* (Chapel Hill: University of North Carolina Press, 1990); Elaine F. Parsons, *Manhood Lost: Fallen Drunkards and Redeeming Women in Nineteenth-Century United States* (Baltimore, MD: Johns Hopkins University Press, 2003); Clifford Putney, *Muscular Christianity: Manhood and Sports in Protestant America, 1880–1920* (Cambridge, MA: Harvard University Press, 2001); E. Anthony Rotundo, *American Manhood: Transformations in Masculinity from the Revolution to the Modern Era* (New York: Basic Books, 1993); Peter N. Stearns, *Be a Man!: Males in Modern Society* (New York: Holmes & Meier, 1979); Kevin White, *The First Sexual Revolution: The Emergence of Male Heterosexuality in Modern America* (New York: New York University Press, 1993).

Much is still to be done. For example, the connection between the market and masculinity is not well understood as historical construct. For a sampling of the work on the subtle yet important ripple effects of the market economy, see Thomas L. Haskell and Richard F. Teichgraber, eds., *The Culture of the Market: Historical Essays* (New York:

Cambridge University Press, 1993) and the enormous scholarship on the rise and effects of the market economy.

18. The new standard would be the feminist standard with its “distrust” of men. See Becker, *The Origins of the Equal Rights Amendment*, 242. The feminist standard of behavior has been rising for a long time in American history as noticed by Ann Douglas in her book *The Feminization of American Culture* (New York: Knopf, 1977). For an example of judging men and sports by the standards of feminism, see Michael A. Messner and Donald F. Sabo, eds., *Sport, Men, and the Gender Order: Critical Feminist Perspectives* (Champaign, IL: Human Kinetics Books, 1990), 1–15. For an extreme example of feminist distrust of men, see Valerie Solanas, “SCUM (Society for Cutting Up Men) Manifesto,” in *Radical Feminism: A Documentary Reader*, ed. Barbara A. Crow (New York: New York University Press, 2000), where she argues:

It is now technically possible to reproduce without the aid of males (or, for that matter, females) and to produce only females. We must begin immediately to do so. The male is a biological accident: the *y* (male) gene is an incomplete *x* (female) gene that has an incomplete set of chromosomes. In other words, the male is an incomplete female, a walking abortion, aborted at the gene stage. To be male is to be deficient, emotionally limited; maleness is a deficiency disease and males are emotional cripples. (201)

19. See Louis D. Brandeis and Samuel D. Warren, “The Right to Privacy,” *Harvard Law Review* 4 (December 1890): 193–220.

20. On abortion and its history, see James C. Mohr, *Abortion in America: The Origins and Evolution of National Policy* (New York: Oxford University Press, 1978). For important writings on the problems involved with abortion, public policy, and individual rights, see Ronald Dworkin, *Life's Dominion: An Argument about Abortion, Euthanasia, and Individual Freedom* (New York: Knopf, 1993); David J. Garrow, *Liberty and Sexuality: The Right to Privacy and the Making of Roe v. Wade, 1923–1973* (New York: Maxwell Macmillan International, 1994); and Laurence H. Tribe, *Abortion: The Clash of Absolutes* (New York: W. W. Norton, 1990).

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