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## White Slavery in the Northwoods: Early U.S. Anti–Sex Trafficking and its Continuing Relevance to Trafficking Reform

Bonnie Shucha

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WHITE SLAVERY IN THE NORTHWOODS: EARLY U.S.  
ANTI-SEX TRAFFICKING AND ITS CONTINUING  
RELEVANCE TO TRAFFICKING REFORM

BONNIE SHUCHA\*

INTRODUCTION

- I. A HISTORY OF WHITE SLAVERY IN THE NORTHWOODS
  - A. *The Northwoods as a Focal Point of Change*
  - B. *White Slavery and the Press*
  - C. *The Public Outcry*
  - D. *The Governors' Responses*
  - E. *The Woman's Christian Temperance Union Investigation*
  - F. *Legislatures' Responses*
  - G. *Failure to Achieve National Legal Reform*
- II. A CONTEMPORARY ANALYSIS OF WHITE SLAVERY IN THE NORTHWOODS
  - A. *The Truth About White Slavery in the Northwoods*
  - B. *The Continuing Relevance of the Northwoods Campaign Against White Slavery*

INTRODUCTION

Since the early 1990s, increasingly numerous and horrific narratives of the sexual trafficking of men, women, and children have shocked readers around the world. According to recent figures from the U.S. State Department, there are as many as twenty-seven million trafficking victims worldwide today.<sup>1</sup> Outraged by these reports, numerous organizations and governments have attempted to put an end to this traffic, yet the problem remains.

Although sex trafficking may seem a modern concern given the increased interest of the last thirty years, the problem is not a new one. Rather, the issue has troubled lawmakers and activists for more than a century. Prior to today's movement, the most well known U.S. anti-trafficking campaign occurred during the Progressive Era of the early twentieth century.<sup>2</sup> Progressives believed that scores of young

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\* Associate Director for Public Services, University of Wisconsin Law School Library. Thank you to Steve Barkan, Mitra Sharafi, Miriam Seifter, David Schwartz, Ruth Robarts, and Larry Lynch for their support and advice. An earlier edition of this Article was the winner of the 2014 *Morris L. Cohen Award* presented by the American Association of Law Libraries, Legal History, and Rare Books Special Interest Section.

1. 2013 U.S. DEPT OF STATE TRAFFICKING IN PERSONS REP. 7.

2. RUTH ROSEN, *THE LOST SISTERHOOD: PROSTITUTION IN AMERICA, 1900–1918* xi (1982).

white women were being lured from their homes by traffickers and forced into prostitution. Determined to put an end to this “white slavery,” activists engaged in a massive anti-trafficking publicity campaign. Heart-wrenching narratives of innocent girls victimized by evil traffickers appalled readers across the nation. Backed by the public support that these reports elicited, Progressives attained numerous law reforms relating to trafficking and prostitution, both locally and nationally.

Although this Progressive Era campaign may be the most well known anti-trafficking movement in United States history, it was not the first. Rather, a lesser-known campaign against white slavery developed in the Northwoods of Wisconsin and Michigan in the 1880s.<sup>3</sup> Although it failed to achieve the national success and notoriety of the Progressive Era campaign, this movement is significant not only because it was the first major anti-trafficking campaign in the U.S., but more importantly as the origin of several strategies that are still used by activists.

This Article will explore that early campaign and explain why it remains relevant to the study of trafficking today. Part I will consider why the Northwoods became a focal point for white slavery in the nineteenth century, specifically exploring the impact of the economic, demographic, and social changes occurring in the region at that time, as well as the role of the burgeoning mass media. It will also examine the escalating nature of the Northwoods white slavery allegations and the public outcry that they caused. Next, it will study the strategies developed by anti-trafficking activists, specifically the use of exaggeration and sensationalism to garner support. Finally, it will investigate Wisconsin’s and Michigan’s responses to white slavery and consider why this nineteenth-century campaign failed to generate the level of national law reform achieved by the later Progressive Era movement.

Part II will attempt to glean some truth about the existence and extent of prostitution and sex trafficking in the Northwoods in the nineteenth century, specifically acknowledging that many historians now believe that white slavery was a myth. It will conclude with a demonstration of how the exaggeration and sensationalism strategies developed by nineteenth-century anti-trafficking activists are still being used today and an inquiry into whether or not such techniques encourage effective law reform.

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3. See, e.g., W.C.T.U., *infra* note 65. It should be noted, however, that the campaign to which I refer is broader than the W.C.T.U. investigation as it included letters to governors and newspaper articles cited throughout this Article.

## I. A HISTORY OF WHITE SLAVERY IN THE NORTHWOODS

### A. *The Northwoods as a Focal Point of Change*

The nineteenth century was a time of great change in the United States. Waves of immigration from southern and eastern Europe and rapid industrial and economic expansion dramatically transformed the nation.<sup>4</sup> “By the end of the century the population had exploded, and the nature of the economy had changed.”<sup>5</sup>

Because of their rich natural resources, Wisconsin and Michigan were uniquely positioned to benefit from these changes. As Chicago grew and expansion moved west, developers created an almost insatiable demand for building and manufacturing materials such as lumber, lead, and iron, which the Northwoods region had in abundance.<sup>6</sup> At the same time, improvements in rail transportation made it possible to deliver these goods to more and farther markets.<sup>7</sup>



**Figure 1, County Map of Michigan and Wisconsin, 1860** Image source: *David Rumsey Map Collection* at <http://perma.cc/T4PJ29AX>

4. LAWRENCE M. FRIEDMAN, *GUARDING LIFE'S DARK SECRETS: LEGAL AND SOCIAL CONTROLS OVER REPUTATION, PROPRIETY, AND PRIVACY* 23 (2007).

5. *Id.* at 22.

6. JEREMY W. KILAR, *MICHIGAN'S LUMBERTOWNS: LUMBERMEN AND LABORERS IN SAGINAW, BAY CITY, AND MUSKEGON, 1870–1905* 64 (1990).

7. *See id.*

The corresponding demand for labor to harvest these raw materials attracted many immigrants, especially men, to the area. Numerous lumber and mining camps sprang up in Northern Wisconsin and Michigan's Upper Peninsula, employing large quantities of male laborers, many of them immigrants.<sup>8</sup> By 1870, twenty-two lumber mills in Northern Wisconsin employed over 1,200 men.<sup>9</sup> In Michigan, the numbers were even greater. By 1880, the Upper Peninsula boasted over 150 mills with an estimated 13,000 men.<sup>10</sup> With money in their pockets and little to do for entertainment, many laborers turned to the booming prostitution industry to fill the void. Numerous brothels emerged in the region, particularly along the state border, as these locations allowed proprietors to move back and forth as necessary to evade law enforcement.<sup>11</sup>



**Figure 2, Logging Crew in Bunkhouse**

Image source: *Wisconsin Historical Society* at <http://perma.cc/DXX8XR73>

The economic and demographic changes taking place across the country in the late nineteenth century also ushered in a dramatic

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8. *Id.* at 13, 45; LOIS BARLAND, *SAWDUST CITY: A HISTORY OF EAU CLAIRE, WISCONSIN FROM EARLIEST TIMES TO 1910*, 45 (Worzalla Publishing Co. 1960).

9. BARLAND, *supra* note 8, at 46–47.

10. KILAR, *supra* note 6, at 65.

11. *She Too Rescued*, *THE MILWAUKEE SENTINEL*, Dec. 30, 1886.

transformation in the structure of the American family. Many families who had previously functioned as self-sufficient economic units now survived only “through the combined wages of individual family members.”<sup>12</sup> For the first time, large numbers of young unmarried women left the protection and guidance of their families and entered the wage-earning ranks.<sup>13</sup> Those lucky enough to find respectable employment often encountered low wages and sexual exploitation.<sup>14</sup> For some, prostitution may have offered a more attractive, if not the only, employment option.<sup>15</sup>

As change often does, these drastic transformations raised fears for many Americans: fear of financial insecurity and loss of jobs to foreigners and recently emancipated African Americans; fear of the breakup of the family and the breakdown of traditional gender roles; and fear for unprotected daughters in the workforce realizing increased independence for the first time. With its easily vilifiable cast of unsavory characters, prostitution offered a convenient target for many of the fears brought on by industrialization.<sup>16</sup> “Citizens who felt threatened and were appalled by the trends of commercialization, dehumanization, and moral corruption in American society could see in the traffic in women a symbol of everything that they deplored,” observed prostitution scholar Ruth Rosen.<sup>17</sup>

Regardless of how or why they entered the profession, nineteenth-century prostitutes were almost always portrayed as innocent victims lured by evil traffickers into a life of sexual slavery.<sup>18</sup> For only by removing all responsibility for her own condition would the prostitute appeal to public sympathy, thereby generating support for the anti-trafficking cause.<sup>19</sup> This sex trafficking, which activists believed targeted young, white women from respectable families, was dubbed white slavery<sup>20</sup>—a phrase that strategically evoked the brutality of black slavery and placed it at the doorstep of the white American family.<sup>21</sup>

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12. ROSEN, *supra* note 2, at 3.

13. *Id.*

14. *Id.*

15. *Id.*

16. Jo Doezeema, *Loose Women or Lost Women? The Re-Emergence of the Myth of White Slavery in Contemporary Discourses of Trafficking in Women*, 18 GENDER ISSUES 23, 39–40 (2000).

17. ROSEN, *supra* note 2, at 134.

18. Doezeema, *supra* note 16, at 28.

19. *Id.*

20. The term “white slavery” was very commonly used to describe sex trafficking during this period.

21. See Doezeema, *supra* note 16, at 30.



Alongside these changes and the fears that they raised, came the development of mass media journalism in the United States. The increase in literacy rates, the affordability of papers, and the rapidly growing population caused a surge in the number of newspapers published and their overall circulation rates in the late nineteenth century.<sup>22</sup> Improvements in telegraph communications transformed newspapers into mass media vehicles through which Americans kept abreast of local, national, and world news.<sup>23</sup> White slavery provided a perfect subject for this burgeoning mass media in need of interesting and engaging stories because, as was already well known, sex sells.

This unique combination of factors—the drastic and frightening changes in the family and in society, the rapid growth of prostitution in Wisconsin and Michigan, the increasing belief that prostitutes were being trafficked against their will, and the rise of mass media communications with its desire for titillating stories—propelled the Northwoods into the national spotlight in the late nineteenth century. Increasingly horrifying narratives of respectable girls lured to area brothels spread through newspapers across the county. Soon angry voices demanded that officials do something about “the Great Wisconsin Pinerries Scandal” and put an end to white slavery in the Northwoods.<sup>24</sup>

### *B. White Slavery and the Press*

The concept of white slavery first emerged in England in 1885 with a sensational exposé entitled, “The Maiden Tribute of Modern Babylon.”<sup>25</sup> The exposé, published in London’s *Pall Mall Gazette*, described in lurid detail an underground culture where young virgins were abducted and forced into sexual slavery.<sup>26</sup> Although it was later discovered that reporter W.T. Stead manipulated the story,<sup>27</sup> the paper sold hundreds of thousands of copies, vastly exceeding its usual circulation.<sup>28</sup> The Maiden Tribute scandalized readers and sparked a wave of law reform in Britain.<sup>29</sup>

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22. GRETCHEN SODERLUND, *SEX TRAFFICKING, SCANDAL, AND THE TRANSFORMATION OF JOURNALISM, 1885–1917* 73 (U. Chicago Press, ed. 2013).

23. *See id.* at 77.

24. *See* THE GREAT WISCONSIN PINERIES SCANDAL: INFAMY, HORRORS, AND VICES OF WISCONSIN’S VILE DENS (Baldwin’s Q. Sensational Dime Ser. No. 1, 1889), *available at* <http://murphylibrary.uwlax.edu/digital/wisc/WiscPinerries/0001000A.htm> [<http://perma.cc/Z6PSL26V>].

25. SODERLUND, *supra* note 22, at 24.

26. *Id.*

27. *Id.* at 54.

28. *Id.* at 50.

29. *Id.* at 24.

The recent development of the transatlantic telegraph enabled news of the sex trafficking scandal to quickly cross the Atlantic.<sup>30</sup> Just days after its publication in the *Gazette*, the exposé was reprinted in newspapers across the United States, both fascinating and inflaming readers.<sup>31</sup> Inspired by their British counterparts, American activists soon took up the fight against white slavery.<sup>32</sup>

White slavery forged a strange, symbiotic relationship between anti-trafficking activists and the media as both groups benefitted from stories about sex trafficking and prostitution. For newspapers, the lurid narratives increased sales to fascinated readers.<sup>33</sup> For activists who otherwise objected to such titillation, the narratives helped raise awareness about white slavery.<sup>34</sup> Although open discussion about sex was otherwise discouraged in Victorian society, on the issue of white slavery, mobilizing support for the reformist cause demanded it.<sup>35</sup> Consequently, a climate of eroticism developed in the late nineteenth-century press in which sensationalized narratives could be masked as public service announcements.<sup>36</sup>

Not long after the London scandal, reports of similar practices began appearing in American newspapers, mostly centered on the mining and lumbering regions of Northern Wisconsin and Michigan.<sup>37</sup> Most of these early Northwoods narratives originated in the large Midwest newspapers, but “were reprinted and commented upon nationally.”<sup>38</sup>

The first reports, which appeared in late 1886, typically described young women being lured to the area by so-called theatrical agents with false promises of leading roles in dramatic companies.<sup>39</sup> But when they arrived, the women were presented with a bill for transportation and clothing, which they were expected to work out by performing at disreputable dance halls in nothing but tights and “flashy” clothing.<sup>40</sup> After the shows, women were expected to socialize with

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30. *Id.* at 77.

31. SODERLUND, *supra* note 22, at 77, 79.

32. ROSEN, *supra* note 2, at 116–17.

33. SODERLUND, *supra* note 22, at 50.

34. *Id.* at 86. Soderlund’s work offers an excellent examination of the symbiotic relationship between the news industry and the anti-sex trafficking movement.

35. Melissa Hayes, *Sex in the Witness Stand: Erotic Sensationalism, Voyeurism, Sexual Boasting, and Bawdy Humor in Nineteenth-Century Illinois Courts*, 32 L. & HIST. REV. 149, 201–02 (2014).

36. *Id.* at 156.

37. SODERLUND, *supra* note 22, at 89.

38. *Id.* at 69–70.

39. *The Hurley Den: A Chicago Girl Tells Her Experience in Court*, THE MILWAUKEE SENTINEL, Dec. 3, 1886, at 8.

40. *Hurley’s Disreputable Resorts*, THE MILWAUKEE SENTINEL, Nov. 18, 1886, at 2; *Murderers’ Day: Fatal Shootings and Cuttings from All Sections of Country*, ST. LOUIS



the men and entice them to buy drinks at exorbitant prices.<sup>41</sup> “If any girl declined or refused,” reported one newspaper, “she was knocked down by a brutal bartender to teach her her business.”<sup>42</sup>



**Figure 3, Pinery Den Dance Hall in Full Blast**  
Image source: *The Great Wisconsin Pineries Scandal: Infamy, Horrors, and Vices of Wisconsin's Vile Dens*. Baldwin's Quarterly Sensational Dime Series No. 1, 1889, plate between pages 14 and 15, <http://perma.cc/XZ6864HU> (available from the University of Wisconsin La Crosse Digital Collections).

The horrific tale of Minne Pine in January 1887 added an additional level of brutality to the white slavery narratives.<sup>43</sup> From a respectable family, Pine reportedly travelled to Iron Mountain,

GLOBE-DEMOCRAT, Dec. 26, 1886, at 3; *Devil's Den*, CLEVELAND PLAIN DEALER, Dec. 27, 1886.

41. *Why Dives Exist*, THE MILWAUKEE SENTINEL, Jan. 3, 1887, at 3.

42. *Murderers' Day*, *supra* note 40.

43. *Dens of Infamy: The Horrors of a Michigan Logging Camp Disclosed by One of the Victims*, ST. LOUIS GLOBE DEMOCRAT, Jan. 24, 1887, at 4.

Michigan to work as a waitress in a “lumberman’s hotel.”<sup>44</sup> She was instead brought to a heavily guarded brothel and held against her will.<sup>45</sup> There she received a sexual proposition to which she was forced to submit while held down by two other women.<sup>46</sup>



**Figure 4, Despair**

Image source: “Badger State Infamy,” *The Chicago Herald*, November 4, 1887.

Similar reports emerged from Wisconsin later that year. Julia Howden told reporters that she was also lured north by the promise of respectable employment.<sup>47</sup> But, like Pine, she was brought to a stockaded backwoods brothel in Marinette, Wisconsin, held by armed men and guard dogs, and forced to have sex with strangers.<sup>48</sup> “Treat the man right,” she was allegedly threatened, “or [you’ll] be sorry for it.”<sup>49</sup>

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44. *Id.*

45. *Id.*

46. *Id.*

47. *Wisconsin’s Disgrace*, DAILY INTER OCEAN, Oct. 28, 1887, at 6.

48. *Id.*

49. *Id.*

Incited by the scandalous narratives of Pine and Howden, newspapers across the country were soon abuzz with reports of white slavery in the Northwoods.<sup>50</sup> New allegations appeared weekly causing the *Chicago Herald* to declare that “scores of Chicago girls have been ruined, and made to live lives of shame.”<sup>51</sup> Artistic license was taken liberally in these narratives, however, interweaving “facts” with tantalizing and sensational details to attract readers and increase sales.<sup>52</sup> Most simplified the issue as good versus evil, eliciting sympathy for white slaves while casting traffickers and brothel keepers as wicked victimizers.<sup>53</sup> By positioning the prostitute as an innocent victim, the narratives legitimized otherwise questionable reading material and reassured readers of their own virtue by identifying with the anti-trafficking cause.<sup>54</sup>

### C. *The Public Outcry*

The reports about white slavery in the Northwoods sparked a wave of criticism by and about the people of the region. Letters from concerned citizens flooded into the offices of Wisconsin Governor Jeremiah Rusk and Michigan Governor Cyrus Luce.<sup>55</sup> Many writers accepted the reports at face value and were deeply troubled by them.<sup>56</sup> Others absolutely denied that prostitution, forced or otherwise, was occurring in the area.<sup>57</sup> A more moderate group acknowledged the existence of prostitution but refused to believe that women were being trafficked against their will.<sup>58</sup>

Brothel keepers, traffickers, and others directly involved in prostitution were not the only ones condemned. Some writers also blamed

50. Articles appeared in THE CHICAGO HERALD, THE CINCINNATI ENQUIRER, THE CLEVELAND PLAIN DEALER, THE GALVESTON DAILY NEWS, THE NEW YORK WORLD, THE ST. LOUIS GLOBE DEMOCRAT, and THE ST. PAUL GLOBE and PIONEER PRESS. See, e.g., *Charged with Abduction*, THE ST. LOUIS GLOBE DEMOCRAT, Oct. 30, 1887, at 8; *A Revolting Recital*, THE GALVESTON DAILY NEWS, Nov. 3, 1887, at 5.

51. *Badger State Infamy*, THE CHICAGO HERALD, Nov. 4, 1887.

52. KAREN ROGGENKAMP, NARRATING THE NEWS: NEW JOURNALISM AND LITERARY GENRE IN LATE NINETEENTH-CENTURY AMERICAN NEWSPAPERS AND FICTION xii (2005).

53. See, e.g., *Charged with Abduction*, *supra* note 50; *A Revolting Recital*, *supra* note 50.

54. SODERLUND, *supra* note 22, at 36.

55. WISCONSIN GOVERNOR, WISCONSIN GOVERNOR INVESTIGATIONS: NORTHERN WISCONSIN “WHITE SLAVE” INVESTIGATION, 1887–1889 (on file with the Wisconsin Historical Society). This collection contains numerous letters from concerned citizens to Governor Rusk and later Governor Hoard, as well as the reports of the local officials and agents who were charged to investigate.

56. *Id.*

57. *Id.*

58. *Id.*

local citizens for callously turning a blind eye to the plight of these poor victims.<sup>59</sup> “There is not a man, woman or child . . . who has not heard of the dives,” alleged the *Chicago Herald*.<sup>60</sup> “They have seen men grow rich in the business and read of the cruelties practiced in the dens, yet not a move has been made to root out the evil.”<sup>61</sup>

Beyond an unwillingness to speak out against white slavery, some critics claimed that local businessmen actively encouraged prostitution in their communities. “[M]ost of the merchants here stand up for them and claim that they are a necessity,” wrote one Northern Wisconsin resident.<sup>62</sup> The prostitutes “in turn of course spend their money with them freely paying high prices for what they get.”<sup>63</sup> Some businessmen and community leaders reportedly believed that prostitution was too profitable and too necessary to the area’s economic development to insist upon zealous law enforcement.<sup>64</sup> When fire destroyed one brothel, the local businessmen’s association allegedly encouraged the proprietor to rebuild.<sup>65</sup> After construction was complete, the group then proceeded to advertise in the paper and send invitations to each business man in town.<sup>66</sup>

#### *D. The Governors’ Responses*

As the states’ most prominent public officials, much of the criticism fell upon Governors Luce and Rusk for tolerating white slavery in their states. In Michigan, the Woman’s Christian Temperance Union attacked Luce for not doing enough to suppress places of vice in the Upper Peninsula.<sup>67</sup> In Wisconsin, incensed citizens accused Rusk of long knowing of the traffic yet doing nothing about it.<sup>68</sup> “[W]hy didn’t you stop it you infernal old Scoundrel [sic] [?] [M]ay hell give you your just reward you Damned villain.”<sup>69</sup>

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59. *Badger State Infamy*, *supra* note 51.

60. *Id.*

61. *Id.*

62. Letter from E.A. Morgan to William Hoard (Apr. 7, 1889), Wisconsin Governor Investigations: Northern Wisconsin “White Slave” Investigation (on file with the Wisconsin Historical Society).

63. *Id.*

64. KILAR, *supra* note 6, at 123.

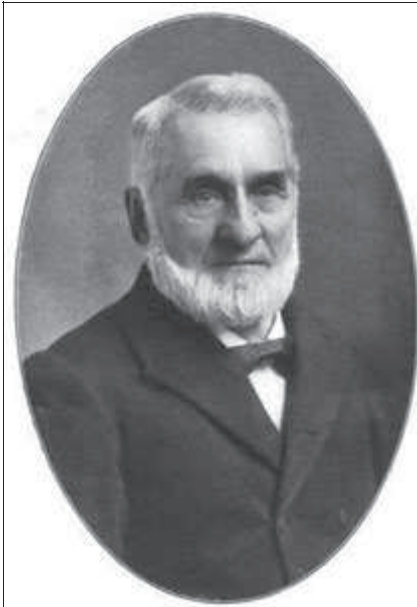
65. W.C.T.U., *Work in Northern Wisconsin*, W.C.T.U. STATE WORK 1, 3, Nov. 1888.

66. *Id.* at 3.

67. *Stockade Dens in Michigan*, DAILY INTER OCEAN, June 14, 1888, at 4.

68. Letter from unknown to Jeremiah Rusk (no date), Wisconsin Governor Investigations: Northern Wisconsin “White Slave” Investigation (on file with the Wisconsin Historical Society).

69. *Id.*



**Figure 5, Michigan Governor Cyrus Luce**

Image source: Michigan Legislature, *In memory of Hon. Cyrus Gray Luce, ex-governor of the State of Michigan: Proceedings of the Senate and the House of Representatives* (Lansing, Mich., 1905), <http://perma.cc/CT4A-VHJ8>.



**Figure 6, Wisconsin Governor Jeremiah Rusk**

Image source: *Wikipedia* at <http://perma.cc/FH9HZBTP>

In response to the public outcry, both governors launched investigations into the allegations of white slavery in their states—Rusk in fall 1887 and Luce in summer 1888.<sup>70</sup> The first order of business

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70. SODERLUND, *supra* note 22, at 90.

for both was to direct local municipal officials to investigate and report on the situation in their communities and to take action if necessary.<sup>71</sup> In Wisconsin, the investigation launched a round of political finger pointing between Governor Rusk, the district attorneys, and the local police. In a strongly worded and somewhat threatening letter to Marinette District Attorney H.O. Fairchild that appeared in the *Milwaukee Sentinel*, Governor Rusk demanded immediate attention to the matter.<sup>72</sup>

As you are well aware, this is not the first complaint that has been made. I hope, for the good name of your county and of the state, that it will be the last, and that a vigorous prosecution may be enforced against these dens, if they exist, as is alleged.<sup>73</sup>

In an equally strongly worded response, District Attorney Fairchild refuted the implication that he had neglected his duty and rebuked Rusk for

plac[ing] at my door a responsibility for all the horrors which have been reported to the public . . . I do not and did not question your right to call attention of the law officers of a county to violations of the law herein, but I resent the publication of your letters when they were so candid as to impute blame.<sup>74</sup>

Fairchild firmly denied that it was his responsibility as a district attorney to

shoulder any responsibility, whatsoever, for the existence or perpetuation of these “dens of iniquity” . . . . The law does not require me, [sic] to make the complaint and act as the prosecuting officer at the same time; and I most emphatically decline to become a complainant under the circumstances of my official position.<sup>75</sup>

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71. *Id.* at 91.

72. See *Mills Closing Up: The Northern Dens*, THE MILWAUKEE SENTINEL, Oct. 30, 1887, at 6.

73. *Id.* (quoting Jeremiah Rusk).

74. Letter from H.O. Fairchild to Jeremiah Rusk (Nov. 5, 1887), Wisconsin Governor Investigations: Northern Wisconsin “White Slave” Investigation (on file with the Wisconsin Historical Society).

75. Letter from H.O. Fairchild to Jeremiah Rusk (Oct. 31, 1887), Wisconsin Governor Investigations: Northern Wisconsin “White Slave” Investigation (on file with the Wisconsin Historical Society).





**Figure 7, Marinette District Attorney H.O. Fairchild**

Image source: Parker McCobb Reed, *The Bench and Bar of Wisconsin* (Milwaukee, 1882), 377.

As is true today, district attorneys in the nineteenth century operated on a tight schedule and limited budget, and they simply could not prosecute every case.<sup>76</sup> As Ashland County District Attorney J.J. Miles so eloquently explained to Governor Rusk, “I have not the time nor the patriotism to spend my time at four hundred dollars a year in looking up crimes to prosecute.”<sup>77</sup>

But even when district attorneys did have the desire and the resources to prosecute traffickers, most found that few citizens were willing to testify or even to make an official complaint against them. “[I]t is and has been absolutely impossible to secure the evidence necessary to convict,” wrote Florence County District Attorney J.E. Abbott, when “people are unwilling to run the risk to their families, themselves and their property incident to testifying in open court against the characters of those usually connected with disreputable callings of this class.”<sup>78</sup>

Local police officers also disclaimed responsibility for lack of citizen participation. “I stand ready at any time to raid all houses when the community desires it or any citizen shall make complaint,”

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76. Letter from J.J. Miles to Jeremiah Rusk (Jun. 1888), Wisconsin Governor Investigations: Northern Wisconsin “White Slave” Investigation (on file with the Wisconsin Historical Society).

77. *Id.*

78. Letter from J.E. Abbott to W.D. Hoard (Mar. 27, 1889), Wisconsin Governor Investigations: Northern Wisconsin “White Slave” Investigation (on file with the Wisconsin Historical Society).

declared Florence County Sheriff A.M. Parmenter.<sup>79</sup> “[But] if they fail to bring proof it surely is not my fault if the parties are not convicted . . . I know of no law compelling [a] Sheriff to swear out his own warrants.”<sup>80</sup>

None of Wisconsin’s local officials found any truth to the reports of white slavery in their communities. “I do not know the source of the many horrifying reports in circulation in regard to these places,” wrote District Attorney Fairchild.<sup>81</sup> “As often as I hear them I make inquiry into their truth or falsity [sic], and have, in every instance, found a grain of truth mixed with a bushel of falsehood.”<sup>82</sup> A Marinette physician also attested that he “has never known of an instance of an inmate of any of the paid houses being detained against their will. [I]n most instances they are persons who have led abandoned lives for several years . . . [and] they are always free to leave said houses so far as [I am] informed.”<sup>83</sup>

Michigan officials were equally unable to procure any evidence of white slavery. According to one state newspaper, Governor Luce “made active inquiries to all of the prominent officers in the northern peninsula but has not been able to locate a single den.”<sup>84</sup> Luce admonished his critics: “It is not sufficient for you to say ‘that respectable residents have told you these things are true.’ This gives me no basis upon which to predicate action or locality in which to search.”<sup>85</sup>

Although they disclaimed responsibility for it, most local officials did acknowledge the presence of prostitution in their communities. However, they steadfastly held that it was no worse in the Northwoods than it was anywhere else. “[H]ouses exist here as similar ones do in almost every community in the land, in open violation of the law,” wrote District Attorney Fairchild.<sup>86</sup> “They are no worse here than in any city, almost, in the state.”<sup>87</sup>

Receiving no reports of white slavery from his local officials, Luce was satisfied to close the matter in Michigan. In Wisconsin,

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79. Letter from A.M. Parmenter to W.D. Hoard (Mar. 26, 1889), Wisconsin Governor Investigations: Northern Wisconsin “White Slave” Investigation (on file with the Wisconsin Historical Society).

80. *Id.*

81. Letter from H.O. Fairchild to Jeremiah Rusk, *supra* note 75.

82. *Id.*

83. Dep. of Dr. Stafford P. Jones (Jan. 24, 1888), Wisconsin Governor Investigations: Northern Wisconsin “White Slave” Investigation (on file with the Wisconsin Historical Society).

84. *North Woods Dens*, JACKSON CITIZEN, June 19, 1888.

85. *Id.*

86. Letter from H.O. Fairchild to Jeremiah Rusk, *supra* note 75.

87. *Id.*

however, Rusk went a step further. In December 1887, he commissioned a detective from Madison named James Fielding to conduct an additional investigation.<sup>88</sup> Fielding was a clerk at the State Board of Charities and Reform but had previously been sheriff in Racine.<sup>89</sup> "Knowing Mr. Fielding's record, Gov. Rusk sent him privately to look up the dive question," reported the *Milwaukee Daily Journal*.<sup>90</sup>

In a letter to the Governor, Fielding reported that he had visited one of the brothels described in the newspapers and "found the place running in a very quiet way."<sup>91</sup> He confirmed that it was openly operating as a house of prostitution, but concurred with local officials that there was no trafficking taking place.<sup>92</sup> "[O]ne of the so called pimps . . . told me that the girls were all street walkers or taken from the dens or lowest houses of ill fame in Chicago and Milwaukee . . . [T]here was never a girl but that was an old timer."<sup>93</sup> Nor were they abused while at the brothel, the prostitutes apparently told Fielding.<sup>94</sup> "A girl that comes here is treated well and if not [it is] her own fault. If she don't behave she is driven away and goes to another place of the same sort," they said.<sup>95</sup> According to the proprietor, the one and only rule that prostitutes were made to live by was "to keep sober."<sup>96</sup>

Of the purported guard dogs and stockade fences, Fielding was told that their purpose was not to keep the prostitutes locked *in*, but to keep curiosity seekers *out*.<sup>97</sup> "Boys and young men come out from the city and give us a great deal of trouble."<sup>98</sup> The dogs, it was said, were "known to and petted by the inmates."<sup>99</sup> In fact, the women reportedly laughed at the stories of escapees being chased and attacked by the animals.<sup>100</sup>

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88. *Fielding in Court*, MILWAUKEE DAILY JOURNAL, Jan. 19, 1889.

89. DEP'T OF STATE, BIENNIAL REPORTS OF THE SECRETARY OF STATE, COMMISSIONERS OF PUBLIC PRINTING, AND THE SUPERINTENDENT OF PUBLIC PROPERTY OF THE STATE OF WISCONSIN 46, 121 (1888); W. HISTORICAL CO., THE HISTORY OF RACINE AND KENOSHA COUNTIES, WISCONSIN 319 (1879).

90. *Fielding in Court*, *supra* note 88.

91. Letter from James Fielding to Jeremiah Rusk (Dec. 20, 1887), Wisconsin Governor Investigations: Northern Wisconsin "White Slave" Investigation (on file with the Wisconsin Historical Society).

92. *Id.*

93. *Id.*

94. *Id.*

95. *Id.*

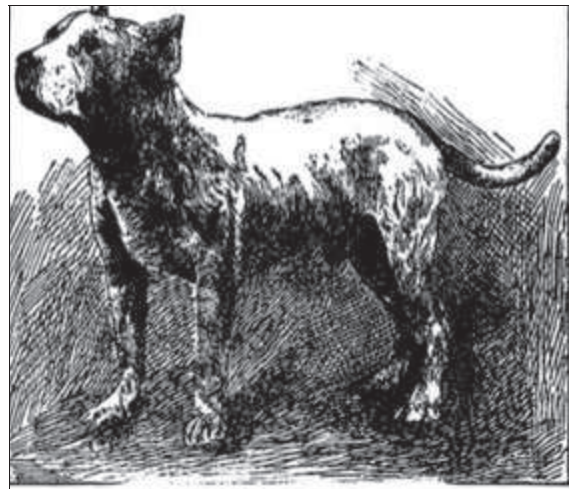
96. *Id.*

97. See P. Deyone, *The Pinery Dens: Miss Bushnell's Stories Are Exaggerated*, THE MILWAUKEE SENTINEL, Jan. 9, 1889, at 8.

98. Letter from James Fielding to Jeremiah Rusk, *supra* note 91.

99. *Id.*

100. *Id.*



ONE OF THE BULL DOGS IN MIKE LEAHY'S DEN.

**Figure 8, One of the Bulldogs in Mike Leahy's Den**

Image source: *The Great Wisconsin Pineries Scandal: Infamy, Horrors, and Vices of Wisconsin's Vile Dens*. Baldwin's Quarterly Sensational Dime Series No. 1, 1889, plate between pages 7 and 8, <http://perma.cc/5ZGGC57D> (available from the University of Wisconsin La Crosse Digital Collections).

Fielding's letter to Rusk describing his visit to the Marinette brothel was never released to the press as the Governor "preferred to keep it from the public."<sup>101</sup> However, a separate account of Fielding's investigation did appear in the *Milwaukee Daily Journal* in February 1888.<sup>102</sup> Although that article is unattributed, Fielding later acknowledged that he wrote it as the report of his investigation.<sup>103</sup>

Interestingly, the report that Fielding submitted privately to the Governor differs substantially from the public account that appeared in the newspaper. Although both assert that there was no white slavery occurring in Northern Wisconsin, the descriptions about the extent of the investigation conflict. To Rusk, Fielding reported visiting just one brothel located in Marinette, but in the article, he claimed to have visited many more, including establishments in Milwaukee, Madison, Peshtigo, Merrill and other "various mining

101. *Fielding in Court*, *supra* note 88.

102. *Where Satan Rules*, MILWAUKEE DAILY JOURNAL, Feb. 7, 1888.

103. W.C.T.U., *supra* note 65, at 1.

and lumber towns.”<sup>104</sup> Of the two accounts, it is likely that the private report to Rusk is more credible since Fielding had little reason to under-report the details of his investigation to the Governor. However, he would have had incentive to embellish the scope of his investigation in the newspaper, as it would have lent credibility to his report and spice to the story.

Such journalistic exaggerations were not uncommon in the late nineteenth century. “[U]rban newspapers felt pressure to create prose that entertained, and the urge to spin attractive and popular tales sometimes came at the expense of factual information.”<sup>105</sup> Fielding himself recognized this. Despite likely having exaggerated the details of his own investigation, he concurrently accused the press of manufacturing the whole white slavery crisis in the first place by publishing sensationalized narratives “painted . . . in lurid colors, distorting and embellishing facts” and then “[d]espite their improbability . . . found silly people to believe them.”<sup>106</sup>

Fielding’s reports, however inconsistent, along with the findings of numerous local officials, were enough for Governor Rusk. In January 1889, he declared the matter closed in a statement to the *Milwaukee Sentinel*:

After all the thorough investigations made by myself, and a vast deal of correspondence on the subject, I have been unable to arrive at any other conclusion except that there had been more smoke than fire. Newspaper reports of the condition of affairs have been greatly exaggerated. . . . I am convinced that no such deplorable and infamous condition of affairs exists and that there is no call for interference on the part of the state.<sup>107</sup>

#### *E. The Woman’s Christian Temperance Union Investigation*

Although neither Governor Rusk nor Governor Luce believed that there was further cause for concern, some critics, most notably the Woman’s Christian Temperance Union, were unconvinced.<sup>108</sup> In Michigan, the WCTU continued to pressure Luce to curb white slavery by conducting mass public meetings drawing attention to the issue.<sup>109</sup> In Wisconsin, the WCTU went so far as to commission its own investigation of white slavery in the Northwoods, not to “corroborate or refute the specific charges” made by the press, but rather “to

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104. *Where Satan Rules*, *supra* note 102.

105. ROGGENKAMP, *supra* note 52, at xii.

106. *Where Satan Rules*, *supra* note 102.

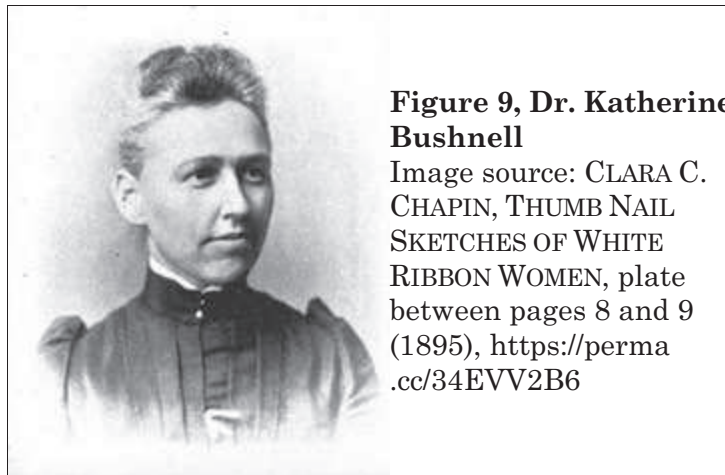
107. Deyone, *supra* note 97.

108. SODERLUND, *supra* note 22, at 94.

109. *Id.*

carefully collect evidence so well corroborated that . . . it would be convincing to every reasonable mind . . . ”<sup>110</sup>

Dr. Katharine Bushnell, Superintendent and National Evangelist for the WCTU’s Social Purity Department, was recruited to lead the Wisconsin investigation. Bushnell was a medical doctor, missionary, and social activist from Chicago who frequently spoke out against the ill effects of a male-dominated society.<sup>111</sup> Although widely recognized as a “remarkable woman . . . of brains and education,” she was openly mocked by the state press, as this description from the *Milwaukee Daily Journal* illustrates: “[H]er appearance, which is not what one would call an artist’s dream, unless the artist had lunched on mince-pie and pickles before going to sleep on a rail-pile. She is tall, angular and earnest; wears spectacles, and has a voice like a boy who is just bursting into manhood . . . ”<sup>112</sup>



In contrast to Fielding’s cursory investigation, Bushnell spent four months interviewing almost six hundred prostitutes, as well as numerous local physicians, lawyers, ministers, public officers, and officials.<sup>113</sup> She personally visited most of the cities of Northern Wisconsin, returning multiple times to several of them.<sup>114</sup> Upon concluding her investigation in November 1888, Bushnell presented her

110. W.C.T.U., *supra* note 65, at 1.

111. DANA HARDWICK, OH THOU WOMAN THAT BRINGEST GOOD TIDINGS: THE LIFE AND WORK OF KATHARINE C. BUSHNELL 13, 15–16, 18 (2002).

112. *She Rides a Hobby: Kate Bushnell’s Homely Face and Angular Figure*, MILWAUKEE DAILY JOURNAL, Jan. 16, 1889.

113. W.C.T.U., *supra* note 65, at 1–2.

114. *Id.*



report at the national meeting of the WCTU, which was later reprinted in Wisconsin's monthly *W.C.T.U. State Work*.<sup>115</sup> The report, which depicted a vast network of vice and corruption throughout the state of Wisconsin, created a sensation.<sup>116</sup>

Bushnell contended that prostitution and white slavery were rampant in the Northwoods and that numerous individuals were illicitly profiting from prostitutes. Brothel keepers, she asserted, were taking advantage of prostitutes to amass large fortunes, then using their money to buy off the press, local businessmen, police, and political officials.<sup>117</sup> Police and other municipal officials were corrupt, Bushnell alleged, some even delivering women back to the very brothels from which they had attempted to escape.<sup>118</sup> Others, she claimed, had themselves "kept dens of infamy, saloons or gambling houses in times past."<sup>119</sup> Physicians were also profiting unethically, reported Bushnell, by accepting payment for medically examining prostitutes whereby "each girl was equipped for her shameful traffic by a physician's certificate."<sup>120</sup>

According to Bushnell, prostitutes were routinely held against their will by threats of violence and legal action.<sup>121</sup> Any woman who attempted to leave could be turned over to the authorities on prostitution charges.<sup>122</sup> Although she could, in turn, report brothel keepers to police, the relatively small fine for this offence lessened the impact of this response.<sup>123</sup> Prostitutes had little legal recourse against alleged sex traffickers because under Wisconsin law at that time, it was only a crime to entice a woman into prostitution if she was of "previous[ly] chaste character."<sup>124</sup> Since a single act was enough to prove unchastity, traffickers simply had to supply a past sin for the woman, true or not, to avoid prosecution.<sup>125</sup>

Understanding that shock was a useful publicity tool, Bushnell made liberal use of sensationalism in her report to engage readers. One narrative about a young woman attempting to escape from a brothel is particularly melodramatic:

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115. *Id.* at 1.

116. KATHARINE C. BUSHNELL, DR. KATHARINE C. BUSHNELL: A BRIEF SKETCH OF HER LIFE WORK 4 (1932) (ebook), [http://godswordtowomen.org/bushnell\\_brief\\_sketch.pdf](http://godswordtowomen.org/bushnell_brief_sketch.pdf).

117. W.C.T.U., *supra* note 65, at 3.

118. *Id.* at 7.

119. *Id.* at 6.

120. *Id.* at 4.

121. *Id.* at 3.

122. *Id.* at 6.

123. W.C.T.U., *supra* note 65, at 3.

124. WIS. STAT. § 4581 notes of decision (1889).

125. *Id.*

Her eyes stood out with horror. . . . [S]he was holding in her hands a ball that was fastened around her ankle by the chain that I heard rattling. She was running as hard as she could. She was across the track just in front of a train that was coming, and there was a cutter with two men in it just behind her. . . . [T]he men drove on and overtook her there and thrust her into the sleigh and took her back to Le Claire's den.<sup>126</sup>



**Figure 10, An Inmate of a Wisconsin Den Making an Effort to Escape**

Image source: *The Great Wisconsin Pineries Scandal: Infamy, Horrors, and Vices of Wisconsin's Vile Dens*. Baldwin's Quarterly Sensational Dime Series No. 1, 1889, plate between pages 3 and 4, <http://perma.cc/3VHHKAF5> (available from the University of Wisconsin La Crosse Digital Collections).

Sensationalism, however, was a double-edged sword for activists, as Bushnell later discovered. Some disapproved of the titillating

126. W.C.T.U., *supra* note 65, at 7.

nature of such accounts and recognized that they could damage their credibility.<sup>127</sup> Others rationalized that sensationalism attracted readers and, with them, sympathy for their cause.<sup>128</sup> “Remember ladies,” advised one social purity activist, “it is more important to be aroused than it is to be accurate. Apathy is more of a crime than exaggeration in dealing with this subject.”<sup>129</sup>

Recognizing this dichotomy, Bushnell walked the fine line between reporting the facts and flavoring them with enough sensational detail to create reader interest.<sup>130</sup> As a result, her report is inconsistent in several places, as the *Milwaukee Sentinel* was quick to point out.<sup>131</sup> In one section, she corroborates the sensationalistic reports of stockade fences, armed guards, and attack dogs: “Many of these houses are defended by ‘stockades,’” she writes,

which prove at a glance that the keeper either designs resistance to the officers of the law and indignant citizens, or else designs to prevent the escape of the victims within. Either argument shows a bold equipment to challenge the laws of the state, and the “stockades” and bull-dogs, *which do exist* are equally useful for both purposes.<sup>132</sup>

In another part of her report, however, she contends that such claims are exaggerations:

The “stockade” is simply an unusually high-board fence; the dogs, so far as I know are limited to two or three, when they are kept . . . and it is a question whether they are as dangerous as a timid girl would fear they were. . . . I have never encountered an armed door keeper.<sup>133</sup>

After the publication of her report, Bushnell became an overnight sensation. As she had hoped, her report did indeed attract attention and sympathy to the cause. Letters expressing outrage at the situation once again flooded the Wisconsin Governor’s Office

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127. Laura E. Luepke, *Prostitution in the Pinerias: Commercial Sex in the Logging Regions of Northern Wisconsin and the Discourse on White Slavery, 1886–1913*, 55 (2009) (unpublished M.A. thesis, University of Wisconsin) (on file with the University of Wisconsin, Milwaukee library).

128. *Id.*

129. SODERLUND, *supra* note 22, at 18.

130. Luepke, *supra* note 127, at 57.

131. *Miss Bushnell’s Report, Again*, THE MILWAUKEE SENTINEL, Jan. 9, 1889.

132. *Id.* (*emphasis added by THE MILWAUKEE SENTINEL*); see also W.C.T.U., *supra* note 65, at 3.

133. W.C.T.U., *supra* note 65, at 7.

and the issue began to receive regular attention as a serious topic of concern in the press.<sup>134</sup>

But like any double-edged sword, her sensational claims also generated some negative consequences for Bushnell and her cause. Many newspapers, rushing to get in on the uproar, either exaggerated her claims or discredited her investigation.<sup>135</sup> The Wisconsin press was particularly critical, attacking Bushnell's credibility and the veracity of her charges.<sup>136</sup> "Miss Bushnell's most effective work," wrote the *Milwaukee Sentinel*, "seems to have been in listening to rumors and working them up in the most sensational style."<sup>137</sup> This troubled Bushnell, who later claimed that the Wisconsin newspapers "abused [her] roundly for slandering their State" and deliberately distorted the facts "to arouse indignation against [her], and to throw discredit upon [her] own truthful statements."<sup>138</sup>

In addition to the assault on her work, Bushnell's personal character was also attacked.<sup>139</sup> One notable incident resulted from an altercation with Detective James Fielding. Bushnell was highly critical of Fielding's report and publically impugned his methods and credentials.<sup>140</sup> "[He] is not a professional detective by any means, but an elderly man who is employed to sweep, dust and do a little writing . . ." for the State Board of Charities, she charged.<sup>141</sup>

In her report, she accuses Fielding of exaggerating the extent of his investigation in the press—and rightly so, it seems.<sup>142</sup> She claims that he admitted to her that he had only visited one brothel during this investigation and that he knew that he was the only detective commissioned to investigate the issue.<sup>143</sup> "In view of these facts elicited by me from Mr. Fielding, this report of his . . . needs very little discussion. He never made the tour he describes."<sup>144</sup>

134. WISCONSIN GOVERNOR, *supra* note 55; Luepke, *supra* note 127, at 30.

135. See, e.g., *Miss Bushnell's Report, Again*, *supra* note 131.

136. *A Woman's Scorn: Kate Bushnell Creates Another Sensation*, MILWAUKEE SENTINEL, Jan. 19, 1889.

137. *Id.*

138. HARDWICK, *supra* note 111, at 30; BUSHNELL, *supra* note 116.

139. HARDWICK, *supra* note 111, at 30.

140. W.C.T.U., *supra* note 65, at 1.

141. W.C.T.U., *supra* note 65, at 1. There is some truth to Bushnell's statement. In 1888, records show that Fielding worked as a clerk, janitor, and messenger for the State Board of Charities. However, he had also previously served as sheriff of Racine, city marshal and chief of police. BIENNIAL REPORTS, *supra* note 89, at 121; *Fielding in Court*, *supra* note 88.

142. W.C.T.U., *supra* note 65, at 1.

143. *Id.*

144. *Id.* Fielding's letter to the Governor reporting the details of his investigation seems to confirm that he did, indeed, only visit one brothel. However, Bushnell never saw this letter since the Governor refused to publicly release it.



**Figure 11, Wisconsin Governor William Hoard**

Image source: *Wisconsin Historical Society*,  
<http://perma.cc/A586SDMT>

In 1889, William Hoard succeeded Jeremiah Rusk as Governor of Wisconsin.<sup>145</sup> After the publication of her report, Bushnell visited the newly elected governor to discuss the issue.<sup>146</sup> Hoard, however, summarily dismissed her, asserting that no further action from the chief executive was warranted.<sup>147</sup> He later expressed frustration that the expectations placed upon the Governor's Office in this matter by Bushnell and others were unrealistic:

Many earnest, well-meaning people actually believe that if I just wave the executive wand over those vast, interminable forests of our Northern border, and mutter incantation, the den-keepers will be punished and the victims restored to friends, home and society . . . .

They seem to think that the governor can make all things right if he only will, when in fact he can only act as the instrument of law. It is "Governor do this," and "Governor do that," when in reality I have no more the right nor the power to do the one thing or the other than you have, or any other private citizen has.

The people are forever clamoring for more laws of a stringent moral character, when the best sentiment of the state or community is not in sympathy with them and will not insist on their enforcement. When will the people learn that the source of all real law is within themselves? A community is what the people

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145. *Points for Dr. Bushnell: Gov. Hoard Informs Her that Her Evidence Is Very Weak*, MILWAUKEE DAILY JOURNAL, Jan. 12, 1889.

146. *Id.*

147. *Id.*

themselves make it, and not what the revised statutes or the voluminous session laws say it is or ought to be.<sup>148</sup>

Unwilling to accept this dismissal, Bushnell requested a copy of Fielding's report to Rusk but Hoard refused stating that it was a private matter intended for use only by the governor.<sup>149</sup> Bushnell next called upon Fielding for a copy of the report and was again refused.<sup>150</sup> Although it is uncertain exactly what occurred at the meeting, tensions clearly erupted. According to the *Milwaukee Sentinel*, Bushnell repeated the charges that she had made against Fielding and accused him of filing a false report to keep his job.<sup>151</sup> "Fielding resented this statement," reported the *Sentinel*,

and becoming somewhat angry he told her of a story that he had heard about her while she was on her investigating trip. The story was one reflecting on her virtue and he said that he didn't believe it. However, he said there was as much truth in it as what she said about him.<sup>152</sup>

Bushnell's supporters described the incident a little differently. They claimed that Fielding insulted Bushnell without provocation "by calling her a liar and telling a story he [had] heard from the lips of Mike Leahy, the dive keeper, charging her with unchastity."<sup>153</sup>

However the tensions began, Bushnell was apparently "insulted beyond measure" by the aspersions cast on her virtue.<sup>154</sup> Fielding was arrested and charged with "using obscene language to Dr. Kate Bushnell, an unmarried female, without provocation."<sup>155</sup> However, after a series of prosecutorial mishaps and delays lasting almost six months, the case was eventually dropped and Fielding was exonerated of the charge against him.<sup>156</sup>

#### *F. Legislatures' Responses*

Despite the attacks against Bushnell, the WCTU continued to pressure both Wisconsin and Michigan to do something about prostitution and white slavery in the Northwoods. The problem, they

148. *Gov. Hoard in His Office*, THE MILWAUKEE SENTINEL, Feb. 1, 1889, at 8.

149. *Points for Dr. Bushnell*, *supra* note 145.

150. *See Fielding in Court*, *supra* note 88.

151. *A Woman's Scorn*, *supra* note 136.

152. *Id.*

153. HARDWICK, *supra* note 111, at 30.

154. *A Woman's Scorn*, *supra* note 136.

155. *Fielding in Court*, *supra* note 88; *see also A Woman's Scorn*, *supra* note 136.

156. *The Case Against James Fielding, Who Was Charged with Using Obscene Language to Dr. Kate Bushnell Was Dismissed at Madison Yesterday*, WIS. ST. REG., May 11, 1889.



believed, resulted from both weak enforcement of existing laws and from inadequate legislation to punish brothel keepers and white slavers.<sup>157</sup> Receiving no further support from either governor on the enforcement end, the WCTU turned next to the state legislatures, lobbying for tougher penalties for prostitution and sex trafficking.

Prior to 1886, there were few laws related to prostitution in Wisconsin and Michigan. In both states, sex between unmarried men and women was illegal.<sup>158</sup> Although these laws were not limited to acts of prostitution, they certainly included them.<sup>159</sup> In Wisconsin, the penalty was imprisonment in the county jail for up to six months or a fine of up to \$100 for both men and women;<sup>160</sup> in Michigan, jail time was up to one year and the maximum fine was \$500.<sup>161</sup>

It was also illegal, in both states, to keep a brothel. In Michigan, a keeper could be imprisoned in the county jail for up to one year or fined up to \$300.<sup>162</sup> Wisconsin's penalty was almost identical, although there, the maximum fine was \$500.<sup>163</sup> Michigan had an additional law that, on its surface, could have applied to sex trafficking: "[I]t shall be unlawful for any person or persons, for any purpose whatever, to take or convey to, or to employ, receive, detain, or suffer to remain" any female under seventeen at a house of prostitution.<sup>164</sup> However, the penalty for this crime was extremely low: a fine of up to \$100 or imprisonment in the county jail for up to ninety days, which was even less than for extramarital sex.<sup>165</sup> This low penalty combined with the enactment of a later law that very specifically and very harshly addressed sex trafficking suggest that this early law was not intended to address a crime as serious as white slavery.

The WCTU and other critics were troubled that penalties for these crimes could be limited to a fine only. Given the lucrative nature of the business, even the maximum fines were a weak deterrent for a brothel keeper. "What would that notorious dive keeper, Jack Mahoney, lately shot at Ashland, have cared for an occasional fine—even the highest provided by law?" suggested a Wisconsin pastor.<sup>166</sup>

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157. *Miss Bushnell's Charges*, *infra* note 166; BASCOM, *infra* note 168, at 50.

158. See MICH. GEN. STAT. § 9282.6 (1882); WIS. STAT. § 4580 (1878). In Wisconsin, sex between unmarried individuals was called fornication. In Michigan, it was referred to as lewd and lascivious cohabitation.

159. *Id.*

160. WIS. STAT. § 4580 (1878).

161. MICH. GEN. STAT. § 9282.6 (1882).

162. MICH. GEN. STAT. § 9286.10 (1882).

163. WIS. STAT. § 4589 (1878).

164. An Act to promote morality and to prevent crime, Mich. Pub. Acts, No. 209 § 2 (1885).

165. Mich. Pub. Acts, No. 209 § 3 (1885).

166. *Miss Bushnell's Charges*, THE MILWAUKEE SENTINEL, Jan. 28, 1889.

“Fines would not have embarrassed him in the least, but imprisonment sure and quick would have driven him from the business.”<sup>167</sup> A fine was often worse than no penalty at all, contended the WCTU, for “[the] criminal pays his fine, and forthwith proceeds to make it good by greater activity in his wicked deeds.”<sup>168</sup>

After the initial newspaper reports about white slavery in the Northwoods in 1886–87, both the Wisconsin and Michigan legislatures enacted additional anti-prostitution laws.<sup>169</sup> Both states strengthened the punishment against brothel keepers by significantly raising the maximum fine and adding the option of detention in the state prison for as much as three or five years.<sup>170</sup> Such imprisonment, however, was still only optional.<sup>171</sup>

Both states also directly outlawed sex trafficking, making it illegal to entice a woman by force, fraud, or deceit to a brothel for the purposes of prostitution.<sup>172</sup> In Wisconsin, however, the elements of fraud or deceit only applied if the woman was “of previous chaste character” which could be disproven by a single act of “illicit connection.”<sup>173</sup> Bushnell contended that this “previous chaste character” clause created a loophole for traffickers as they could simply claim that a woman was unchaste, true or not.<sup>174</sup> This not only provided a defense if a trafficker was prosecuted, but it also discouraged victims from complaining in the first place as “the threat is constantly made by the keeper to enter complaint in court, against a girl for making trade in her virtue, and see that she gets the full penalty of the law, unless she remains under his protection as an inmate of his den,” alleged Bushnell.<sup>175</sup>

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167. *Id.*

168. EMMAC. BASCOM, WCTU OF WISCONSIN ANNUAL REPORT, REPORT OF DEPARTMENT FOR THE PROMOTION OF SOCIAL PURITY 50 (1887).

169. See An Act relative to offenses against chastity, morality and decency, Mich. Pub. Acts, No. 34 § 10 (1887) [hereinafter Mich. No. 34]; An Act relating to house of ill-fame, and amendatory of section 4589, of the revised statutes, Laws of Wis., Ch. 116 (1887) [hereinafter Wis. Ch. 116].

170. See Mich. No. 34; Wis. Ch. 116.

171. See Mich. No. 34; Wis. Ch. 116.

172. Mich. No. 34, § 10. The exact language of the acts is as follows: Mich. No. 34: “[E]very person who shall solicit, or in any manner induce a female . . . or shall by force, fraud, deceit, or in any like manner procure a female . . . for the purpose of prostitution . . . shall be deemed guilty of a felony. . . .”; Wis. Ch. 214, § 1: “Any person who shall fraudulently and deceitfully entice, abduct or take an unmarried woman of previous chaste character . . . for the purpose of [becoming a prostitute] . . . shall be punished . . . .”; Wis. Ch. 214, § 2: “Any person who shall detain any woman by force and against her will at a house of ill fame or assignation, for the purpose of prostitution . . . shall be punished . . . .”

173. Wis. Ch. 214; WIS. STAT. § 4581 notes of decision (1889).

174. HARDWICK, *supra* note 111, at 29.

175. W.C.T.U., *supra* note 65, at 6.

Bushnell and the WCTU asserted that these laws did not do enough to deter and punish brothel keepers and sex traffickers. Particularly dissatisfied with Wisconsin's "previous chaste character" loophole, the WCTU decided to focus its energies there, while allowing the Michigan anti-trafficking campaign to taper off. In Wisconsin, they lobbied the legislature for three changes to state law: 1) "to put a stop to the transportation of lewd women from Chicago and other large cities to Northern Wisconsin"; 2) "to wipe out the 'previous chaste character' clause from the existing statute"; and 3) "to include imprisonment as well as fine in the punishment provided for keepers of such houses."<sup>176</sup>

Over the objections of some legislators who believed that her report was nothing but unsupported "filth," Bushnell was invited to speak before the Wisconsin Legislature on January 17, 1889.<sup>177</sup> Her appearance, as later described in her autobiography, was as dramatic as the rest of her investigation:

I appeared before the State Legislature . . . and told my story, with policemen about in numbers to see that nothing happened to me. I was alone and trembling inwardly (for I feared I had not the wisdom to present the case effectually) as I ascended the platform to speak to a crowded house, in large part angry at me. There was not another woman in the room, as I looked about. . . .

Then the door opened quietly, and about fifty ladies of the highest social position at the State Capital filed in, and stood all about me. There were no seats for them; they stood all the time I talked—and I had plenty of courage as I realized how good God was to send them!<sup>178</sup>

Flanked by the ladies of the WCTU, Bushnell spoke for over an hour.<sup>179</sup> As in her earlier report, she combined the sensationalistic with the factual to elicit attention and sympathy from legislators. "A striking and suggestive feature of the gathering was a large crayon illustration" depicting one of the stockaded brothels described in her report.<sup>180</sup> To bolster her findings, Bushnell described her investigative techniques in detail and corrected some of the exaggerations reported by the press.<sup>181</sup> The WCTU had commissioned her to gather evidence

176. *Devoted to Dives*, THE MILWAUKEE SENTINEL, Jan. 17, 1889.

177. *She Rides a Hobby*, *supra* note 112; *Resented by All: Kate Bushnell's Slanders on Wisconsin*, THE MILWAUKEE SENTINEL, Jan. 16, 1889, at 1.

178. BUSHNELL, *supra* note 116, at 5.

179. *Devoted to Dives*, *supra* note 176.

180. *Those Alleged Dives*, WISCONSIN STATE JOURNAL, Jan. 18, 1889, at 5; *Devoted to Dives*, *supra* note 176.

181. *See Those Alleged Dives*, *supra* note 180.

about prostitution and white slavery in Northern Wisconsin.<sup>182</sup> Now, she challenged, it was time for the legislature to act.<sup>183</sup>

The Wisconsin Legislature, however, was unmoved. “Miss Bushnell was given a very attentive hearing and was applauded as she concluded speaking,” reported the *Milwaukee Sentinel*,

but her talk did not carry with it the impression that it was borne out by actual facts as much as by hearsay evidence. Members expressed themselves as having been curious to listen to a woman who was the means of branding Wisconsin as a sink hole of iniquity, but they now wanted some of the stories proved before their committee.<sup>184</sup>

To that end, a joint resolution was introduced recommending the creation of a legislative committee “to make a thorough investigation of the condition of affairs mentioned in the lecture of Miss Dr. Kate Bushnell.”<sup>185</sup> Governor Hoard was asked to submit all reports, evidence and letters on file in his office pertaining to the matter.<sup>186</sup> After approval in the Assembly, the matter moved to the Senate where it was referred to the Committee on State Affairs.<sup>187</sup>

After deliberating for several weeks, the Committee concluded that another investigation was not warranted and recommended non-concurrence with the resolution.<sup>188</sup> “From authority undoubted by us,” which was likely the Governor’s files, “we are satisfied that the reports relative to such places have been grossly exaggerated. That houses of ill-fame exist, cannot be denied; but the charges of cruelty on the part of the keepers, or previous innocence of the inmates, are not substantiated by any evidence presented to this committee.”<sup>189</sup> Laws for the suppression of prostitution already existed and no further legislative action on the issue of white slavery was necessary, the Committee declared.<sup>190</sup>

To “those so-called reformers in other states, who affect such horror over sensational allegations as to the lack of morals in Northern Wisconsin,” the Committee respectfully suggested that they mind their own business.<sup>191</sup> “Looking with indignation at alleged crimes

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182. W.C.T.U., *supra* note 65, at 1.

183. *Id.*

184. *Devoted to Dives*, *supra* note 176.

185. WIS. ASSEMBLY JOURNAL, 39th Sess. 245, at 33 (1889).

186. STATE OF WIS. JOURNAL, 39th Sess. 41 (1889).

187. *Id.*

188. *Id.* at 198.

189. *Id.* at 197.

190. *Id.*

191. *Id.* at 198.

from one to ten hundred miles distant, through glasses that magnify a thousand fold, will not benefit humanity half as much as a disposition to correct the immoral, licentious and criminal condition of their own immediate localities.”<sup>192</sup> Ultimately, the Senate accepted the Committee’s recommendation not to concur with the joint resolution and no additional legislative investigation was conducted.<sup>193</sup>

Despite the hostility toward Bushnell’s allegations, the Wisconsin Legislature did ultimately act upon all three of her recommendations. In what reportedly became known as the “Kate Bushnell Bill,” although she had no role in drafting it, the legislature passed several reforms addressing prostitution and white slavery in 1889.<sup>194</sup> Although it did not remove the “previous chaste character” clause from the existing statute as requested, the legislature did enact a separate statute that made it illegal to entice *any* woman for the purpose of prostitution.<sup>195</sup> The penalty was mandatory detention in the state prison, although for considerably less time than for enticement of a previously chaste woman.<sup>196</sup> The law also made it illegal to detain any woman at a brothel by force and against her will.<sup>197</sup>

The new statute also stopped the transportation of “lewd women” from Chicago and other large cities to Northern Wisconsin.<sup>198</sup> Without the “previous chaste character” loophole to shield them, traffickers could now be prosecuted for bringing known prostitutes into the state.<sup>199</sup> And, as requested, the law was revised to include the mandatory detention of brothel keepers for one to three years in the state prison or six months to one year in the county jail in addition to a fine of \$200 to \$500.<sup>200</sup>

### *G. Failure to Achieve National Legal Reform*

Although the Northwoods campaign against white slavery did bring about legislative reform in Wisconsin and, to a lesser extent, in Michigan, it ultimately failed to induce change on a national level. As horrific as the narratives were, they were simply too remote to

192. STATE OF WIS. JOURNAL, 39th Sess. 198 (1889).

193. *Id.* at 208.

194. An Act to amend chapter 214, of the laws of 1887, entitled “An act to prevent crime and prevent the abduction of women,” 1889 Wis. Laws, Ch. 420 [hereinafter Wis. Ch. 420]; SODERLUND, *supra* note 22, at 93–94.

195. Wis. Ch. 420 at § 2.

196. *Id.* The sentence for enticing a previously chaste woman was five to fifteen years, whereas the sentence for enticing any woman was one to five years.

197. *Id.*

198. *Devoted to Dives*, *supra* note 176.

199. Wis. Ch. 420 at § 5.

200. 1889 Wis. Laws, Ch. 338.

alarm Americans on a wider scale. Because the allegations of white slavery were primarily directed at those two states, there was no need and no call to take up the issue elsewhere. Nor does it appear that white slavery was an issue of federal concern at this time. Under the doctrine of federalism, the U.S. government rarely intervened in such social problems in the nineteenth century, rather leaving them to the domain of state and local governments.<sup>201</sup>

While the “wires had grown hot” with sensational tales of hounds and stockade fences, and of kidnapping and lost innocence, the general apathy toward white slavery on a national level disappointed anti-trafficking activists.<sup>202</sup> The following domestic exchange between a man and his wife, as imagined in the WCTU’s *The Union Signal*, is illustrative:

John read this to his wife, between sips of coffee, remarking: “The papers couldn’t live without a little spice of this sort once in a while.” . . . Mary answered: “But wouldn’t it be terrible if it should be true?” and her husband, by this time deep in the reports of the Board of Trade meeting, replies without looking up, “What? Oh yes.” Such is the stolidity of the American reader, . . . when the subject is one in which he has no moneyed interest.<sup>203</sup>

Over the next thirty years, however, the national response toward white slavery would change dramatically. Issues that had previously been left to the states became candidates for federal regulation in the Progressive Era.<sup>204</sup> “It is plainly to be seen that the people of the country are coming to the conclusion that in certain important respects the local laws of the separate states . . . are inadequate,” declared U.S. Secretary of State Elihu Root in 1906.<sup>205</sup> “[The] power of regulation and control is gradually passing into the hands of the national government.”<sup>206</sup>

Under this new national reform climate, Progressives launched a massive publicity campaign against white slavery. No longer just directed at Wisconsin and Michigan, allegations of sex trafficking in cities across the nation appeared in the press with alarming frequency.<sup>207</sup> Alarmed by the brutality in their own communities, this time angry

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201. PETER ZAVODNYIK, *THE RISE OF THE FEDERAL COLOSSUS: THE GROWTH OF THE FEDERAL POWER FROM LINCOLN TO F.D.R.* 233 (Jon L. Wakelyn et al., eds., 2011).

202. SODERLUND, *supra* note 22, at 91.

203. Bessie Cushman, *Another Maiden Tribute*, *THE UNION SIGNAL*, Feb. 17, 1887, at 8–9.

204. ZAVODNYIK, *supra* note 201, at 279.

205. *Id.* at 280.

206. *Id.*

207. See SODERLUND, *supra* note 22, at 102.



citizens from around the country demanded and received legislative action.<sup>208</sup> By the end of the Progressive Era, many states had enacted new and stronger penalties for sex-related crimes, and in 1910, the federal Mann Act barred the interstate transportation of women for “immoral purposes.”<sup>209</sup>

## II. A CONTEMPORARY ANALYSIS OF WHITE SLAVERY IN THE NORTHWOODS

### A. *The Truth About White Slavery in the Northwoods*

Because of the underground nature of sex trafficking, obtaining accurate statistics on the extent of the crime is very difficult.<sup>210</sup> The Department of State’s annual *Trafficking in Persons Report* illustrates this uncertainty. According to the first TIP Report in 2001, the estimated number of trafficking victims worldwide was 700,000, but by 2002, the figure reached as high as four million.<sup>211</sup> In 2003, the estimate was back down to 800,000–900,000, and then in 2004, it rose again to two to four million.<sup>212</sup> That same year, the *Christian Science Monitor* reported that there were twenty-seven million trafficking victims worldwide—and this was by “conservative estimates.”<sup>213</sup> Perhaps in response to this higher figure, the TIP Report estimate climbed to 12.3 million in 2005 and held steady there until 2011. Then in 2012 and 2013, the TIP number rose to twenty-seven million, mirroring the earlier *Christian Science Monitor* estimate.<sup>214</sup>

This uncertainty is not a new problem. Accurately measuring the existence and extent of sex trafficking was as challenging in the nineteenth century as it is today, and, unfortunately, there are no known reliable figures from that period. However, we can speculate

208. White-Slave Traffic (Mann) Act, Pub. L. No. 61-277, 36 Stat. 825 (1910) (codified as amended at 18 U.S.C. § 2421–2424) (2012) [hereinafter Mann Act]; ROSEN, *supra* note 2, at 116.

209. Mann Act, ch. 395.

210. Peter Andreas, *The Politics of Measuring Illicit Flows and Policy Effectiveness* 32–33, in *SEX, DRUGS, AND BODY COUNTS: THE POLITICS OF NUMBERS IN GLOBAL CRIME AND CONFLICT* (Peter Andreas & Kelly M. Greenhill, Cornell U. Press eds., 2010).

211. 2001 U.S. DEPT OF STATE TRAFFICKING IN PERSONS REP. 1; 2002 U.S. DEPT OF STATE, TRAFFICKING IN PERSONS REP. 1.

212. 2003 U.S. DEPT OF STATE TRAFFICKING IN PERSONS REP. 7; 2004 U.S. DEPT OF STATE TRAFFICKING IN PERSONS REP. 23.

213. Susan Llewelyn Leach, *Slavery Is Not Dead, Just Less Recognizable*, *CHRISTIAN SCIENCE MONITOR* (Sept. 1, 2004), <http://www.csmonitor.com/2004/0901/p16s01-wogi.html> [<http://perma.cc/TR5LFD68>]. With a worldwide population of seven billion, this would mean that over one in three hundred people were sex trafficking victims.

214. 2013 U.S. DEPT OF STATE TRAFFICKING IN PERSONS REP. 7 (2013). No worldwide trafficking victim figures appear in the 2014 TIP Report.

based on what we do know. There is little doubt that prostitution was occurring in the Northwoods—not even state officials denied that. What is less certain, though, is whether this prostitution was voluntary, as state officials claimed, forced, as the press and activists suggested, or whether it existed somewhere in between.

According to prostitution scholar Ruth Rosen, many historians today assume that white slavery was merely a myth borne of the tensions, fears and conflicts affecting society around the turn of the century.<sup>215</sup> Indeed, historian Mark Thomas Connelly has suggested that white slavery was simply a sensational oversimplification of prostitution, reducing it “to the cardboard dimensions of a modern-day morality play, with beautiful . . . girls debauched by swarthy immigrants, lurid descriptions of brothels, and last-minute rescues from a fate worse than death.”<sup>216</sup>

However, before drawing any conclusions about the existence and extent of white slavery in the Northwoods in the late nineteenth century, we must first define the nature of the crime. Many historians have focused on the violence associated with white slavery, emphasizing *force* as a central element of the crime.<sup>217</sup> Viewed in this light, they are right to be skeptical of contemporary claims about the severity of white slavery. It is probable that many, if not most, of the nineteenth-century white slavery narratives exaggerated the extent of the violence to further the authors’ objectives. Recall the words of the social purity activist who counseled, “it is more important to be aroused than it is to be accurate. Apathy is more of a crime than exaggeration in dealing with this subject.”<sup>218</sup> W.T. Stead, author of *Pall Mall*’s “The Maiden Tribute,” also advised that the issue “transcended facts, demanding a form of engagement that stood above issues of verification.”<sup>219</sup> The press, too, benefited from exaggeration as sensational and titillating stories typically increased newspaper sales.<sup>220</sup>

Further, it appears that some of the brutal narratives may have been fabricated completely. Recall Julia Howden who told a Chicago newspaper that she was trafficked to a Northwoods brothel and prostituted against her will. Not long after that report, the case against her captor was dropped for lack of evidence.<sup>221</sup> In fact, it was discovered

215. ROSEN, *supra* note 2, at 113–14.

216. MARK THOMAS CONNELLY, *THE RESPONSE TO PROSTITUTION IN THE PROGRESSIVE ERA* 133 (U.N.C. Press, Chapel Hill ed. 1980).

217. ROSEN, *supra* note 2, at 113.

218. SODERLUND, *supra* note 22, at 18.

219. *Id.* at 66.

220. See ROSEN, *supra* note 2, at xii, 114.

221. See *Wisconsin’s Disgrace*, *supra* note 47; see also *Badger State Infamy*, *supra* note 51.

that Howden was a known prostitute who came north voluntarily to practice her trade. "[T]he young and innocent virgin about whose abduction so much stir was made, is 29 years of age, with a five-years' police record in Milwaukee," reported Governor Rusk.<sup>222</sup> A fellow prostitute at the brothel where Howden was supposedly held captive declared that she was "the dirtiest kind of street walker" and "the meanest drunken whore I ever saw."<sup>223</sup> Not only was she *not* being held against her will, the brothel keeper contended, but rather he couldn't get her to leave and "had to drive her out."<sup>224</sup> In light of this additional information, one wonders if Howden's allegations emanated more from a desire for fame, sympathy, or retribution than from actual truth.

Operating under the assumption that force was a central element of the crime, it is unsurprising that historians have been skeptical about the extent of the white slavery. However, a review of Northwoods law reveals that force was, in fact, *not* a requirement of the crime under the legislative reforms of the late 1880s. As shown, the enticement of a woman for the purposes prostitution by *fraud or deceit* was also illegal in both Wisconsin and Michigan and merited the same penalty as enticement/retention by the use of force.<sup>225</sup> Nor is force a required element under today's federal Trafficking Victims Protection Act, which outlaws the recruitment of a person for the purpose of a commercial sex act by force, fraud, or coercion.<sup>226</sup>

When considered without the requirement of force, contemporary claims about white slavery in the Northwoods suddenly become much more credible. Evidence suggests that a fair number of women were indeed trafficked into prostitution in Wisconsin and Michigan by fraudulent and/or deceitful means. In Wisconsin, a man named Charles Graves confessed to fraudulently luring several women to Eau Claire brothels for a fee in 1889.<sup>227</sup> Unfortunately, he also happened to be the detective hired to investigate the city's brothels in response to Governor Rusk's investigation.<sup>228</sup> Not the most scrupulous of men, Graves later skipped town after accepting \$1,500 from a brothel keeper for refraining from testifying against him.<sup>229</sup>

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222. *The Hurley Dens*, DAILY INTER OCEAN, Nov. 26, 1887, at 3.

223. Letter from James Fielding to Jeremiah Rusk, *supra* note 91.

224. *Id.*

225. Mich. No. 34 § 10; Wis. Ch. 420.

226. Sex Trafficking of Children or by Force, Fraud, or Coercion, 18 U.S.C.A. § 1591 (2015).

227. Bonnie Ripp-Shucha, "This Naughty, Naughty City": Prostitution in Eau Claire from the Frontier to the Progressive Era, 81 WIS. MAG. OF HIST. 31, 49 (1997).

228. *Id.* at 49.

229. State of Wisconsin v. A.H. Hamilton, No. 4394 (Eau Claire Cty. Circuit Ct. 1889); see also Ripp-Shucha, *supra* note 227, at 49.

False job advertisements were also a consistent theme among the white slavery narratives and, according to Michigan Representative Bartley Breen, “brought victims by the dozen.”<sup>230</sup> Michigan Judge C.B. Grant confirmed that women were indeed enticed by such ads which he acknowledged looked “all right upon [their] face.”<sup>231</sup>



**Figure 12, Sample Advertisement to Lure Women to Northwoods Brothels**

Image source: “Michigan’s Horrors,” New York Herald, January 30, 1887.

While it does appear that sex trafficking was a reality in the Northwoods in the nineteenth century, evidence also suggests that some women knowingly chose prostitution, albeit likely only from among various unattractive alternatives. “When you were asked to come here did you know what kind of work you had to do?” Fielding asked a Marinette prostitute.<sup>232</sup> “You bet I did,” was her reported reply.<sup>233</sup> Low wages and sexual exploitation in the workforce probably led some women to seek more lucrative employment as prostitutes.<sup>234</sup> Others appear to have chosen prostitution to escape troubled homes.<sup>235</sup> One young woman who was seeking work as a prostitute told a friend that she had no home and that her mother was mean to her.<sup>236</sup> “I wanted to leave town and did not care where I went.”<sup>237</sup>

Just as women entered into prostitution by various means, so did they remain. Once working as prostitutes, women often found it difficult to leave the profession, not because they were being held by force, but rather for more pragmatic reasons. Commonly, women stayed because they had incurred significant debt, often of fraudulent origin.<sup>238</sup> Most brothels operated on a credit system charging exorbitant rates for room and board, clothing, accessories, alcohol,

230. *Michigan’s Horrors*, NEW YORK HERALD, Jan. 30, 1887, at 11.

231. *The Pinery Horrors*, UNION SIGNAL, Jan. 26, 1888.

232. James Fielding to Jeremiah Rusk, *supra* note 91.

233. *Id.*

234. ROSEN, *supra* note 2, at 3.

235. *Id.*

236. *State of Wisconsin v. John Miller*, No. 7050, 13 (Eau Claire Cty. Circuit Ct. 1899).

237. *Id.* at 14.

238. ROSEN, *supra* note 2, at 130.

and other items.<sup>239</sup> Like sharecropping, this system was designed to perpetually keep women in debt.<sup>240</sup>

Both Fielding and Bushnell observed this system at work during their investigations. Immediately upon her arrival at the brothel, a prostitute would find herself obliged to the owner for her clothing, medical examination, traveling expenses and even repayment of the fee paid to a trafficker for her procurement, reported Bushnell.<sup>241</sup> Having paid all of these “startup” costs, brothel keepers were understandably reluctant to forfeit their financial investment. “When they come they are dirty and diseased,” one told Fielding.<sup>242</sup> “[It] costs us about seventy five dollars to cure and dress each of them before they are fit for business and we don’t want to let them go if we can prevent it.”<sup>243</sup> In addition, fines were routinely assessed and earnings withheld for infractions, according to Bushnell.<sup>244</sup>

A ledger uncovered in an 1888 raid on a Michigan brothel confirmed the existence of this debt system.<sup>245</sup> In the book, which extended over quite a long period of time, “appeared an account with each girl who had been an inmate,” reported Judge C.B. Grant. “In each case they were charged with drinks, cigars and fines, and were always in debt.”<sup>246</sup>

As reprehensible as it was to fraudulently keep a woman in debt to prevent her departure from a brothel, it was not actually illegal to do so under nineteenth-century Wisconsin and Michigan anti-trafficking law.<sup>247</sup> Only Wisconsin outlawed the retention of a woman for prostitution, and then, only if such retention was by force.<sup>248</sup> Therefore, because fraud or deceit only applied to enticement, not retention, this debt system cannot be classified as white slavery.

Additionally, a woman might remain in prostitution for other, non-fraudulent reasons. Realistically, once she became a prostitute, few other paths remained open to her. Many were estranged from their families after, if not before, becoming prostitutes. Others likely suffered from alcohol or other drug dependency. “From the very start, drunkards are made of them,” wrote Bushnell.<sup>249</sup> “The girl, knowing this fact, looks upon all efforts at reformation as perfectly hopeless . . . because she could not live soberly enough to enter the industrial

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239. *Id.*

240. *Id.*

241. W.C.T.U., *supra* note 65, at 5.

242. Letter from James Fielding to Jeremiah Rusk, *supra* note 91.

243. *Id.*

244. W.C.T.U., *supra* note 65, at 3.

245. *The Pinery Horrors*, *supra* note 231.

246. *Id.*

247. Mich. No. 34; Wis. Ch. 420.

248. Wis. Ch. 420.

249. W.C.T.U., *supra* note 65, at 6.

world again.”<sup>250</sup> Excavations of several nineteenth-century brothels support this theory. Numerous beer and liquor bottles were unearthed in the backyards of these brothels.<sup>251</sup> Because prostitutes would have spent their free time in the yard, this suggests that women were drinking personally as well as professionally.<sup>252</sup>

Like sex trafficking today, the white slavery of the nineteenth and early twentieth centuries was a very complicated issue. Conclusions about its existence and extent based solely upon whether or not force was involved overlook many of the legal and social complexities of the problem. As prostitution scholar Ruth Rosen has suggested, it may be more useful to imagine white slavery as a continuum along which varying means brought a woman to prostitution.<sup>253</sup> At one end were the sensationalistic narratives filled with violence and exaggeration. In the middle were women lured north by false promises, only to find themselves deeply in debt and with no way to return home. On the other end were those who chose prostitution with open eyes.

While we will never know exactly how many prostitutes there were in the Northwoods in the late nineteenth century and where exactly they existed on this continuum, it seems clear that white slavery did, in fact, exist—at least to some extent. It is highly unlikely that it occurred to the violent extreme suggested by anti-trafficking activists and the press, for we know that they often exaggerated and sensationalized reports for their own purposes. Rather, reason and evidence suggest that most trafficking probably tended toward the middle of the spectrum with the false promises made to lure women to Northwoods brothels and strand them there.

Likewise, it is clear that not all Northwoods prostitutes were victims of white slavery, for we also know that some women did knowingly choose prostitution.<sup>254</sup> Yet, here too, reason and evidence suggest that such a choice was unlikely a true free-will decision. Rather, those women who did choose prostitution probably did so as the least unattractive, or maybe even the only viable option available to them.

### *B. The Continuing Relevance of the Northwoods Campaign Against White Slavery*

Although it is not well known, the nineteenth-century Northwoods campaign against white slavery was the first major attempt

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250. *Id.*

251. Luepke, *supra* note 127, at 163.

252. *Id.*

253. ROSEN, *supra* note 2, at 113.

254. See *The Hurley Dens*, *supra* note 222; see also W.C.T.U., *supra* note 65, at 5.



to reform sex trafficking law in the United States.<sup>255</sup> It is noteworthy that the strategies developed by activists during this campaign, particularly the use of exaggeration and sensationalized violence, have been continually used by every anti-trafficking campaign since then, from the Progressive Era to today.<sup>256</sup>

The continued use of exaggeration about the extent and severity of white slavery to gain support for the anti-trafficking cause is shown in the following illustration. In September 2010, an officer of a national women's organization testified before Congress that trafficking in young girls had risen exponentially in the prior six months—by twenty, forty, even sixty percent in some states—due to classified listings on sites like Craigslist.<sup>257</sup> These figures were picked up by several national newspapers and repeated without question.<sup>258</sup> Soon after, in an apparent victory for activists, Craigslist closed its adult section under tremendous pressure from government and advocacy groups.<sup>259</sup>

Months later, it was revealed that the source of these shocking figures was a dubious study commissioned by an anti-prostitution group and conducted by a business-consulting firm with absolutely no prior experience studying prostitution.<sup>260</sup> Consultants simply looked at photos of women appearing in the listings and guessed at their ages. When questioned about the findings, the director of the anti-prostitution group explained candidly:

We pitch it the way we think you're going to read it and pick up on it . . . . If we give it to you with all the words and the stuff that is actually accurate—I mean, I've tried to do that with our PR firm, and they say, "They won't read that much."<sup>261</sup>

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255. See, e.g., W.C.T.U., *supra* note 65.

256. Anne Elizabeth Moore, *Special Report: Money and Lies in Anti-Human Trafficking NGOs*, TRUTHOUT (Jan. 27, 2015, 11:26 AM), <http://www.truth-out.org/news/item/28763-special-report-money-and-lies-in-anti-human-trafficking-ngos> [<https://perma.cc/58QT2NCE>].

257. *Domestic Minor Sex Trafficking Hearing Before H.R. Judiciary Subcomm. on Crime, Terrorism, and Homeland Security*, 111th Cong. (2010) (statement of Deborah Richardson, Chief Program Officer, Women's Funding Network).

258. Nick Pinto, *Women's Funding Network Sex Trafficking Study Is Junk Science: Schapiro Group Data Wasn't Questioned by Mainstream Media*, THE VILLAGE VOICE (Mar. 23, 2011), <http://www.villagevoice.com/news/womens-funding-network-sex-trafficking-study-is-junk-science-6434306> [<http://perma.cc/JF6986N3>].

259. *Id.* Far from a victory, some critics argue that closing Craigslist's adult section has only driven trafficking further underground making it more difficult for law enforcement to catch offenders. Danah Boyd, *How Censoring Craigslist Helps Pimps, Child Traffickers and Other Abusive Scumbags*, THE HUFFINGTON POST (Sept. 6, 2010, 8:15PM), [http://www.huffingtonpost.com/danah-boyd/how-censoring-craigslist-\\_b\\_706789.html](http://www.huffingtonpost.com/danah-boyd/how-censoring-craigslist-_b_706789.html) [<http://perma.cc/FK8KH8HX>].

260. Pinto, *supra* note 258.

261. *Id.*

As in this example, once such exaggerations are published, they frequently get cited and reprinted without question. “[T]rafficking of girls and women is one of several highly emotive issues which seem to overwhelm critical faculties,” explains trafficking statistics expert David Feingold.<sup>262</sup> “Numbers take on a life of their own, gaining acceptance through repetition, often with little inquiry into their derivations.”<sup>263</sup>

In addition to the use of exaggeration, we have also seen how nineteenth-century activists strategically employed emotive language and sensationalized violence to garner support. Recall this description from Bushnell’s 1888 Report:

Her eyes stood out with horror . . . and she was holding in her hands a ball that was fastened around her ankle . . . She was running as hard as she could. . . . [T]here was a cutter with two men in it just behind her . . . [which soon] overtook her there and thrust her [back] into the sleigh and took her back to Le Claire’s den.<sup>264</sup>

Now compare it to these narratives from the Progressive Era and of today:

*Fighting the Traffic in Young Girls, 1910:*

At this time she was about sixteen years old, innocent and rarely attractive . . . . Where these two men took her she did not know—but by the most violent and brutal means they quickly accomplished her ruin. . . . [S]he was subjected to unspeakable treatment and made to feel that her degradation was complete and final.<sup>265</sup>

*2013 Trafficking in Persons Report:*

Mauri was only 16 years old when she was prostituted on the streets . . . . For her, there was no escape; her pimp threatened to kill her family if she did not go out on the street night after night to make him money. If [she] tried to use some of the money to buy food, she was severely beaten.<sup>266</sup>

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262. David A. Feingold, *Trafficking in Numbers: The Social Construction of Human Trafficking Data*, in *SEX, DRUGS, AND BODY COUNTS: THE POLITICS OF NUMBERS IN GLOBAL CRIME AND CONFLICT* 46, 52 (Peter Andreas & Kelly M. Greenhill eds., 2010).

263. *Id.*

264. W.C.T.U., *supra* note 65, at 7.

265. ERNEST A. BELL, *FIGHTING THE TRAFFIC IN YOUNG GIRLS, OR, WAR ON THE WHITE SLAVE TRADE* 55 (1910).

266. U.S. DEP’T OF STATE, *supra* note 214, at 9.

Note the similarities in all three accounts. “Then, as now, the narratives feature young, innocent victims forced by evil traffickers into a life of sordid horror from which escape is nearly impossible.”<sup>267</sup> Such sensationalized violence was and is still used to elicit sympathy and outrage and to generate support for the anti-trafficking cause.

The continued use of exaggeration and sensationalism to tell the story of sex trafficking is significant. As discovered by nineteenth-century activists, such strategies can be very effective in stimulating law reform. More than the actual occurrence of the crime, these narratives and the attention that they generated moved the issue from the general social agenda to one of “active and serious consideration” by the government.<sup>268</sup> This is as true today as it was more than a century ago.

It is perhaps even more significant that late nineteenth and early twentieth centuries’ white slavery is now frequently regarded as a myth specifically because such techniques were used. As trafficking discourse scholar Jo Doezema has observed, attempts “to verify the trade through using its own terms”—i.e., the sensational descriptions provided by white slavery narratives—have come up short, unearthing “scant evidence” of the horrors described therein.<sup>269</sup> As a result, many historians have dismissed the whole concept of white slavery. This conclusion is unfortunate because, as shown, white slavery did actually exist in the Northwoods, although more often through fraud and deceit than from physical violence. Evidence uncovered by prostitution scholar Ruth Rosen also suggests that white slavery existed in the Progressive Era as well, although, again, to a much smaller degree than was claimed by contemporaries.<sup>270</sup>

Although white slavery is rarely mentioned in connection with anti-trafficking today, the continued use of exaggeration and sensationalized violence, as first developed in the nineteenth-century Northwoods campaign, and the subsequent mythification of white slavery raise important questions about the current anti-trafficking movement. While exaggeration and sensationalism may raise public awareness and encourage law reform, will their continued use, especially when combined with a lack of reliable statistics, raise doubts

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267. Doezema, *supra* note 16, at 24.

268. FREDERICK K. GRITTNER, *WHITE SLAVERY: MYTH, IDEOLOGY, AND AMERICAN LAW* 133 (Garland Publishing, Inc. ed. 1990).

269. JO DOEZEMA, *SEX SLAVES AND DISCOURSE MASTERS: THE CONSTRUCTION OF TRAFFICKING* 15 (Zed Books, ed. 2010).

270. In her reexamination of over 6,000 interviews with Progressive Era prostitutes, prostitution scholar Ruth Rosen concludes that it may be “safely assumed” that some women were involuntarily introduced to prostitution at that time, although probably less than ten percent of the total prostitute population. ROSEN, *supra* note 2, at 133.

about the seriousness of sex trafficking and the wisdom of trafficking reforms as they did with white slavery? In fact, this has already occurred.<sup>271</sup>

As the origin of strategies still used by the current anti-trafficking movement, the Northwoods campaign against white slavery has continuing relevance to the study of sex trafficking today. Like Doezenia, I believe that there are lessons to be learned by tracing anti-trafficking movements back over time and that “light could be shed on contemporary debates around trafficking if we look at the ways in which positions on prostitution have been developed and articulated over time.”<sup>272</sup>

Although the strategies developed during the Northwoods campaign—exaggeration and sensationalism—can be powerful motivators for law reform, responsible lawmakers should be wary of such techniques and critically examine reports of sex trafficking before acting upon them. “In the face of the often horrific reports of violence that occur when women migrate for work in the sex industry, it may seem an unaffordable luxury to step outside and examine ‘trafficking in women’ as a discourse, rather than to campaign for policies to stop it,” observes Doezenia.<sup>273</sup> Yet the consequences of failure to do so may be severe if legal reforms do not address the real issues or, worse yet, exacerbate the hardships of the very people that they are attempting to help. By studying the nineteenth-century Northwoods campaign against white slavery, today’s activists and lawmakers can learn from the mistakes and build upon the successes of that movement to improve the quality and effectiveness of law reform efforts today.

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271. See, e.g., Ronald Weitzer, *Sex Trafficking and the Sex Industry: The Need for Evidence-Based Theory and Legislation*, 101 J. CRIM. L. & CRIMINOLOGY 1337, 1348 (2011); Janie A. Chuang, *Rescuing Trafficking from Ideological Capture: Prostitution Reform and Anti-Trafficking Law and Policy*, 158 U. PA. L. REV. 1655, 1699 (2010); Feingold, *supra* note 262, at 52; Frances M. Shaver, *Sex Work Research: Methodological and Ethical Challenges*, 20 J. INTERPERSONAL VIOLENCE 296, 296 (2005).

272. DOEZENIA, *supra* note 269, at 17.

273. Doezenia, *supra* note 16, at 47.