

THE CONGRESS PROJECT

Assignment Prompt Sheet

The Mann Act of 1910

Overview

Act Title: The “White Slave” Traffic Act of 1910/The Mann Act of 1910

Congress: 61st Congress (1909-1911)

Session/Sessions: 2

Statute No: 36 Stat. 825-827

Public Law No: 61 PL 277

Eid: 610277

Gid: 221-003

Bill: HR 12315

Sponsor: Rep. James Robert Mann (R-IL)

House Committees: Interstate and Foreign Commerce

Senate Committees: Interstate Commerce

Companion Bill:

Related Bills: HR 11584¹

House Rules:

Past Bills:

Introduced Date- Law Date: December 6, 1909-June 25, 1910

House Floor Days: 2

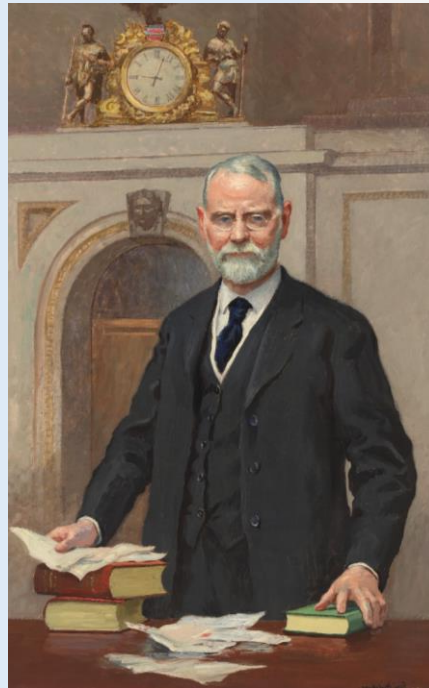
Senate Floor Days: 1

Roll Call Votes: 0

Issues: gender; criminal justice

Procedures: voice; Calendar Wednesday

Last Updated: 2/5/23



(Above) Rep. James Robert Mann (R-IL), the sponsor of the Mann Act of 1910, as well as the 19th Amendment granting women suffrage. Mann was also a leading opponent of prohibition.

¹ Introduced by Rep. Morris Sheppard (D-TX) in the first session of 61st Congress, this bill applied the Mann Act to DC. It was not acted on.

THE CONGRESS PROJECT

Legislative History Comments

The Mann Act of 1910 (61 PL 277) barred the “transportation of women and girls across state lines for ‘immoral purposes’ (Stathis 2012, 191).” As [NPR \(2008\)](#) notes, the measure was “[e]nacted during a time of great change and ‘moral panic’” and was “designed to combat forced prostitution.” However, the measure is frequently cited as being used for broader purposes. [The Washington Post \(2019\)](#), for instance, asserts that “in practice, the law ended up promoting anti-immigrant policies, harming ordinary men and women and hurting sex workers engaged in consensual acts.” The Mann Act of 1910 was rated as the fourth most influential bill passed in the 61st Congress according to Clinton and Lapinski (2006).

Consideration of this measure is remarkably straight-forward, though there was some opposition to it. It was considered on two separate days in the House under Calendar Wednesday, a somewhat obscure procedure you don’t need to worry about.² It eventually passes the House via voice vote on January 26, 1910. Senate debate is even sparser and you’re likely going to want to expand on the notes provided below with a few more quotes from the floor, the majority and minority committee reports and historical newspapers. It passes the Senate via voice shortly after reaching the floor.

Most of the interesting elements with this bill are in the Aftermath and Background sections. Today, its most frequently associated with the prosecutions of “celebrities such as Charlie Chaplin, Frank Lloyd Wright, Chuck Berry and Jack Johnson ([NPR 2008](#)).” It’s still largely being employed for those purposes, as R. Kelly and Rep. Matt Gaetz (R-FL), for example, were either charged or rumored to be charged under the Mann Act (see newspaper pieces below for more on this).

Please don’t hesitate to e-mail me with questions! [Doyle \(2015\)](#) is worth a look on this issue as well.

Assignments

For the sections below, you’re going to want to answer the questions and write-up the process sections that correspond to your assigned number. Here they are:

#1.

#2.

² Calendar Wednesday isn’t used in the modern era. However, historically, a number of important measures were considered under the procedure (for example, the Mann Act in 1910 and, perhaps most notably, the 19th Amendment in the 66th Congress). It is still provided for in Rule XV, clause 6 “Calendar Call of Committees, Wednesdays” of the House Rules. The rule allows committees to call up non-privileged bills directly from the Union calendar. It provided for two hours of debate, equally divided, on a bill called up under the procedure. Calendar Wednesday was adopted at the end of the 60th Congress after pressure from rank-and-file members who resented the power held by the “Czar” Speakers, Thomas Brackett Reed (R-ME) and “Uncle” Joe Cannon (R-IL). The idea was that it would allow committees to bypass centralized speaker and Rules Committee power (Jones 1968).

THE CONGRESS PROJECT

Background Questions

1. Discuss the broader political context this bill was considered in. Who controlled the House? The Senate? By how many? Who was President? Was this part of the President's agenda? What other pieces of legislation were being considered/passed in this Congress? The Stathis (2014) piece might worth a citation here.

What does this act actually do? Who was pushing for it? Was it significantly altered during consideration? What were the problems it was trying to rectify?

2. What motivated consideration of this legislation in this specific Congress? Was it in response to a specific event? Or was this a slower build over time? What happened in previous congresses regarding this? Had Congress considered comparable legislation? You might want to contextualize this bill by discussing some of the other landmark laws relating to this issue.

What did existing federal policy look like in this specific issue area? Why did reformers feel it needed to be changed?

Process Sections

Please write-up the sections that correspond to your number. Feel free to incorporate any notes I might have dumped in the margins.

**H. R. 12315—To further regulate interstate and foreign commerce by prohibiting the transportation therein for immoral purposes of women and girls, and for other purposes.
Mr. Mann; Committee on Interstate and Foreign Commerce 8.—Reported with amendment (H. R. Report 47) 286.—Debated 804–823, 1030–1041 [Appendix 11].—Amended and passed House 1041.—Referred to Senate Committee on Interstate Commerce 1062.—Reference changed to Committee on Immigration 1322.—Reported back (S. Report 886) 8623.—Debated and passed Senate 9037.—Examined and signed 9032, 9108.—Presented to the President 9117.—Approved [Public, No. 277] 9118.**

#1. House Consideration of HR 12315 (January 19, 1910; January 26, 1910)

On January 19, 1910, Rep. James Mann (R-IL) called up HR 12315 under calendar Wednesday. After Rep. Everis Hayes raised a “question of consideration,” the House agreed to consider HR 12315 by voice vote (*Congressional Record*, 61st Congress, January 19, 1910, 804).”

After the measure was read, a lengthy debate and discussion occurred.

HR 12315 was not passed on January 19th. The following week, on Calendar Wednesday, Mann moved the House consider the pending business, which was HR 12315. Once again, an animated debate occurred. Some members, like Rep. William Adamson (D-GA), opposed the measure on grounds that it infringed on the rights of the states. Adamson protested “against the reckless

THE CONGRESS PROJECT

injustice of piling up work here impossible for this Government to perform, never intended for it to perform, and which it is never called upon to perform except through ignorance or improper motive (*Congressional Record*, 61st Congress, January 26, 1910, 1032).³

Despite some opposition, HR 12315 was amended and passed the House by voice vote.

#2. Senate Consideration of HR 12315 (June 25, 1910)

HR 12315 was sent to the Senate Committee on Interstate Commerce on January 27, 1910. On February 1, 1910, Sen. Henry Cabot Lodge (R-MA), Chairman of the Committee on Immigration asked “that the committee be discharged from its further consideration, and that it be referred to the Committee on Immigration. The whole subject is under the control of the Committee on Immigration (*Congressional Record*, 61st Congress, February 1, 1910, 1322).”

There was no objection, so Vice President James S. Sherman referred the bill to the Committee on Immigration. On June 21, 1910, Lodge, reported the bill out of his committee without any amendments.⁴ It became the pending business on June 25th, 1910.

On June 25th, 1910, after minimal debate, the measure was adopted by voice vote.⁵

Member Spotlight

Choose one of the following for your member spotlight:

#1. Rep. James Robert Mann (R-IL); Rep. Gordon Russell (D-TX); Rep. Everis Hayes (R-CA); Rep. Edgar Dean Crumpacker (R-IN); Rep. William Adamson (D-GA); Rep. C. L. Bartlett (D-GA); Rep. Morris Sheppard (D-TX)

#2. Sen. Henry Cabot Lodge (R-MA); Sen. Charles Curtis (R-KS); Sen. Weldon B. Heyburn (R-ID); Sen. William Paul Dillingham (R-VT); Sen. Norris Brown (R-NE); Sen. Lee Slater Overman (D-NC)

Commented [AJM1]: Good amount of floor debate to expand on here.

Commented [AJM2]: Very little floor debate here. Give me historical newspapers and take a look at the majority and minority reports printed in the record after the bill passes on page 9037.

³ Good amount of floor debate to expand on here.

⁴ Lodge acted on behalf of Sen. William Paul Dillingham (R-VT), the leader of the Joint Immigration Commission. In fact, the need for this bill was sparked by the Commission’s findings. However, it was eventually learned, “The Dillingham Commission’s report and recommendations, however, were not scientific or impartial and indeed were permeated with the contemporary belief in the racial inferiority of the ‘new immigration.’” See Connelly, Mark. 1980. *The Response to Prostitution in the Progressive Era*. Chapel Hill: The University of North Carolina Press. p. 55.

⁵ Very little floor debate here. Give me historical newspapers and take a look at the majority and minority reports printed in the record after the bill passes on page 9037.

THE CONGRESS PROJECT

Aftermath Questions

1. How was this act viewed upon passage? What did the newspapers say? How did the final measure differ from the one reformers were pushing?

How has this act been viewed by scholars? Did it achieve its stated goals? Do scholars highlight any major limitations? Are there aspects of the bill that are viewed more favorably than others?

Discuss the relevance of this act as it pertains to contemporary policy. How has federal policy on the broader issue of sex trafficking changed?

2. How has this law evolved over time? Has it been featured in any major Supreme Court cases? Significantly altered by subsequent legislation? On the Supreme Court point, see [*Caminetti v. U.S.*](#)

How relevant is this law currently? Are there additional issues related to it that reformers have been pushing to change? How was this measure expanded to prosecute as many people as it has been? With this question, feel free to discuss some high profile prosecutions.

THE CONGRESS PROJECT

Suggested Sources

Scholarly Articles

Conant, Michael. "Federalism, the Mann Act, and the imperative to decriminalize prostitution." *Cornell JL & Pub. Pol'y* 5 (1995): 99.

Langum, David J. *Crossing over the line: Legislating morality and the Mann Act*. University of Chicago Press, 1994.

Vohs, Megan. "Sex and the City: The Women's Christian Temperance Union and the Mann Act of 1910." (2018).

Beckman, Marlene D. "The White Slave Traffic Act: The Historical Impact of a Criminal Law Policy on Women." *Geo. LJ* 72 (1983): 1111.

Beckman, Marlene D. *The White Slave Traffic Act: Historical Impact of a Federal Crime Policy on Women*. Routledge, 2018.

Hill, Cecil J. "White Slave Traffic Act--Intent and Purpose within the Meaning of the Act." *NCL Rev.* 23 (1944): 147.

Fishbein, Leslie. "White Slave Crusades: Race, Gender, and Anti-vice Activism, 1887–1917." (2006): 908-909.

Hunter, Ronald D. "Policing Sexuality: The Mann Act and the Making of the FBI." (2016): 116.

Doyle, Charles. 2015. "Sex Trafficking: An Overview of Federal Criminal Law." *Congressional Research Service Report R43597*. <https://sgp.fas.org/crs/misc/R43597.pdf>

THE CONGRESS PROJECT

Newspaper Pieces

- <https://www.npr.org/templates/story/story.php?storyId=88104308>
- <https://www.history.com/news/white-slave-mann-act-jack-johnson-pardon>
- <https://www.washingtonpost.com/outlook/2019/03/04/why-laws-fight-sex-trafficking-often-backfire/>
- <https://www.vox.com/22367933/matt-gaetz-investigation-child-sex-trafficking>
- <https://www.pbs.org/kenburns/unforgivable-blackness/mann-act/>
- <https://www.theatlantic.com/ideas/archive/2018/05/a-pardon-arrives-105-years-too-late/561407/>
- <https://www.theatlantic.com/magazine/archive/2022/01/children-sex-trafficking-conspiracy-epidemic/620845/>
- <https://slate.com/news-and-politics/2008/03/which-federal-laws-did-eliot-spitzer-break.html>
- <https://www.nytimes.com/1917/01/17/archives/the-mann-act-upheld.html>
- <https://www.washingtonpost.com/outlook/2021/08/12/claims-protecting-sex-workers-have-long-been-used-punish-them/>
- <https://slate.com/culture/2017/03/rock-n-roll-legend-chuck-berry-has-died-at-90.html>
- <https://www.nytimes.com/2021/09/27/nyregion/r-kelly-charges-racketeering.html>
- <https://www.vox.com/the-big-idea/2017/5/23/15680508/firing-fbi-directors-comey-trump-hoover-sessions>
- <https://www.vox.com/2018/5/24/17390112/jack-johnson-pardon>
- <https://www.washingtonpost.com/news/made-by-history/wp/2018/04/12/president-trump-signed-a-new-law-that-aims-to-fight-online-sex-trafficking-heres-why-thats-bad/>