The Investigation into the Traffic in Women by the League of Nations: Sociological Jurisprudence as an International Social Project

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During the interwar period, the League of Nations led an international campaign against traffic in women. Although important research about the League’s work has started to appear, historians have concentrated on the “white slave trade” in the decades before the First World War. From 1924 to 1926, the League conducted the first intercontinental study


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to determine the number of women caught up in the traffic, and to map the strategies and routes used by traffickers. Undercover investigators visited more than 100 cities across Europe, the Mediterranean, and the Americas. The investigators talked to thousands of prostitutes, pimps, brothel-keepers, and others engaged in the sex trade. The "worldwide" investigation was not only the most significant aspect of the antitrafficking campaign in the interwar years, but also of the League's effort to build an international legal regime on a foundation of sociological jurisprudence.

At the beginning of the twentieth century, sociological jurisprudence offered an exciting vision of what law could achieve. Roscoe Pound said it was possible to grasp the rules that actually governed society, rather than the rules said to govern society, by borrowing concepts from the emerging social sciences. In presenting his vision, Pound articulated one of the most evocative ideas in legal theory: the difference between "law in books" and "law in action." The story of sociological jurisprudence is usually told as an exchange among intellectuals in legal circles. Typically, the theories that comprise jurisprudence and sociology of law are characterized as schools or movements, and "history" is involved to the extent that they are arranged in chronological order. Pound gets credit


for supplanting formalism in legal theory, and received a moment of fame in the 1920s, but fell victim to the intellectual arguments of legal realists in the 1930s. When portrayed in this way, sociological jurisprudence turns into a formal exercise in legal logic that Pound was arguing against.\(^5\)

This article presents sociological jurisprudence as a social project rather than an intellectual project. Specifically, I argue that sociological jurisprudence informed a key part of the international response to the traffic in women during the 1920s.\(^6\) To conduct the worldwide investigation, the League of Nations engaged a team of investigators led by an American lawyer, Bascom Johnson. The League’s investigation involved undercover interviews in Panama, which led to sensational newspaper coverage in New York, and a standoff between Johnson and a federal prosecutor, Charles Tuttle, over the identity of a notorious trafficker known as 18-R. In other words, my story deals with a subject about which Pound had nothing to say. It covers a fact-finding investigation by the League, rather than the League’s formal role in the formation of international law, and political wrangling in New York that did not actually lead to a court proceeding, much less a significant case. However, it is the sort of story we need to cover if we are to understand the political, ideological, and cultural struggles in which legal regimes originate.

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5. Certainly, Pound was his own worst enemy in this regard. Although he called for a new "sociological legal history" to show how the law was linked to the economic and social history of the time, he did not pursue it. Instead, Pound persisted in writing a philosophical history in which he announced that sociological jurisprudence was the emerging theoretical framework in a grand pageant of legal thought. Roscoe Pound, "The Scope and Purpose of Sociological Jurisprudence III" Harvard Law Review 25 (1912): 514–15.

The argument develops in five parts: first, the origins of the League’s inquiry in the Rockefeller grand jury investigation into the white slave trade; second, the League’s decision to conduct a worldwide investigation into the traffic in women; third, the search for facts in Panama that led to 18-R; fourth, the controversy in New York and Geneva that resulted from publicity over the identity of 18-R; and fifth, the aftermath of Tuttle’s inquiry and the distinction between social and legal evidence.

**Mr. Rockefeller and White Slave Trade**

Prostitution had been on the agenda of urban reformers in the late nineteenth century, but the “discovery” of the white slave trade in the early twentieth century changed everything. In the years before the First World War, newspapers, novels, and the new medium of motion pictures portrayed sinister organizations at work to lure women into the sex trade. The “common prostitute” had been seen as a fallen woman, ultimately responsible for her own lot in life. The “white slave” was an innocent victim—a country girl or new immigrant—who had been tricked or forced into prostitution. The plight of the white slave attracted a new generation of reformers in cities across the United States who came to the rescue.7

In 1909, *McClure’s* magazine published an exposé that portrayed New York City as the capital of the international white slave trade. Under the protection of corrupt politicians, white slavers procured girls from East Side tenements and villages of Eastern Europe for distribution throughout the United States, the Caribbean, and South America.8 The white slave trade became the pivotal issue in the city elections in the autumn of that year, and in the following January, Judge Thomas O’Sullivan commissioned a grand jury investigation. O’Sullivan charged the members with determining the truth of statements that New York was a “center or clearing house for an organized traffic in women for

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immoral purposes or what has come to be known as 'white slave’ traffic.” Some statements, he said, may have been mere sensationalism, but others were purported to be based on investigations by persons with expert knowledge of the facts.⁹

To lead the grand jury, O’Sullivan selected John D. Rockefeller Jr. Rockefeller had been stung by accusations that his father’s fortune had been acquired through immoral and illegal methods and devoted his life to redeeming the family name through philanthropy. Initially, Rockefeller was reluctant, but he took on the issue with missionary zeal. The grand jury was sworn in January 1910 and continued until June. Working with the office of District Attorney Charles O. Whitman, Rockefeller gathered material from commissions and organizations, including immigration authorities, prosecutors in Chicago, and antivice organizations in New York. Rockefeller also put $25,000 of his own money into covert investigations in which undercover operatives tried to buy women on the underground market. Rockefeller’s investigators included two college women who posed as decoys, a private detective with knowledge of French, investigators from Whitman’s office, and several “members of the underworld.” To maintain secrecy, the investigation operated out of two private office buildings in the city.¹⁰

Rockefeller clarified the scope of his investigation with Whitman. As Rockefeller understood it, the grand jury could only regard sworn testimony as legal evidence. However, the presentment could include findings from outside persons or organizations, provided it was made clear they were not based on legal evidence. The conditions of prostitution in the city could be made part of the presentment even though none of the investigators would appear before the grand jury and none of their findings would be part of the minutes. Although Whitman’s office could not pay for collection of information that did not constitute legal evidence, this would not prevent “outside interests financing such investigation.”¹¹ Rockefeller agreed that no one should know that he was financing the investigations. In supervising the undercover investigators, the assistant district attorney assigned to Rockefeller was “acting as a private citizen, outside of office hours.” Whitman’s office would have no relation to these investigations except to those cases that came to court. Rockefeller and Whitman regarded themselves as two individuals striving to improve

¹⁰. John D. Rockefeller, Jr. “Statement to Judge O’Sullivan” May 11, 1910, 2. Rockefeller Archives (RG 2, Series 0, Box 8, Folder 56).
¹¹. John D Rockefeller Jr. to Charles O Whitman, March 4, 1910, 1–2. Rockefeller Archives (RG 2, Series 0, Box 8, Folder 56).
moral conditions in the city. However, Rockefeller did not want to surrender the idea that he was providing cases for prosecution. "It is understood that in all of these investigations the object will be to get legal evidence and indictments."\(^\text{12}\)

In the end, the Rockefeller grand jury turned up "no evidence" of any organization in the country engaged in the traffic, nor evidence of "an organized traffic in women for immoral purposes."\(^\text{13}\) They found evidence for 54 indictments: 22 for rape, sixteen for abduction, ten for maintaining disorderly houses, and six for compulsory prostitution of women. Further, they concluded that there was some reality to the white slave trade. "A trafficking in the bodies of women does exist and is carried out by individuals acting for their individual benefit," individuals known to each other, and "more or less informally associated."\(^\text{14}\) But, because of the publicity surrounding their work, it was difficult to secure legal evidence against individual traffickers. The investigators obtained agreements from five "self-declared" dealers in women, and completed purchases in two cases: $60 in one and $75 in the other.\(^\text{15}\)

The Rockefeller grand jury reflected the progressive view of law. During the Progressive Era, coalitions of reformers attacked social ills: the power of big business, corruption in government, trade union disputes, child labor, urban poverty, immigrant socialization, and delinquency, not to mention prostitution.\(^\text{16}\) Alarmed by social changes brought about by market forces, progressive reformers championed government as an alternative. They sought an active, interventionist state and officials who based their policies on social science evidence. They formulated mixed public–private initiatives for regulation and reform. The progressive view of law downplayed individual rights in favor of government action for the public. Progressives did not believe that individual rights should prevent action taken in the name of "public welfare," "social justice," and the "common good."\(^\text{17}\)

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12. "Memorandum" (no date). Rockefeller Archives (RG 2, Series 0, Box 8, Folder 56).
15. Ibid., 6.
At the same time, Rockefeller was not the most likely Progressive Era reformer. Above all else, progressive reformers shared a belief that only government, advised by nonpartisan experts, could solve the problems of industrial/urban society. Rockefeller considered the idea of a public commission to continue the work of the grand jury, but decided to wage a "private war" instead. In 1911, he incorporated the Bureau of Social Hygiene, his own research foundation, to underwrite moral purity organizations. The Bureau provided financial backing for the American Social Hygiene Association (ASHA), which was formed 3 years later from an amalgamation of several organizations set up to promote public health. The ASHA was one of a number of private organizations that conducted social surveys of vice in leading cities. To break down the collusion between corrupt officials and criminal elements within the city, the investigators used covert methods. Generally, their strategy was to make unannounced visits to boarding houses, dance halls, and massage parlors. The investigators prepared reports, which were then presented to city officials with the understanding that they would be given to the press if the officials refused to act.

No one embodied the progressive approach to law more than Roscoe Pound. Pound, who was born in Nebraska, studied botany before turning to law. At first, Rockefeller urged the mayor to set up a commission to be led by an investigator, probably a lawyer, who would make an investigation into prostitution in the largest cities in the United States and Europe. The commissioners would pursue a "practical, fearless and far-reaching" project to curtail prostitution and establishing proper standards of sexual conduct, realizing that this would require several generations to achieve. They would coordinate the efforts of private and public authorities to collectively implement a shared and coherent administration and legislative agenda.

20. "The Origin, Work and Plans of the Bureau of Social Hygiene," January 27, 1913. Rockefeller Archives (Series 1, Box 2, Folder 25). The publicity surrounding Rockefeller's grand jury report, as well as the political wrangling over its findings, convinced him to rely on private efforts instead of relying on the mayor's office. A private organization would continue, generation after generation, in the fight against the social evil, unaffected by elections, campaigns, and political careers.

to law. He graduated from the University of Nebraska in 1888, studied law at Harvard University, then returned to Lincoln where he practiced law and taught at the university. He held professorships in law at the University of Nebraska, Northwestern University, and the University of Chicago before settling at Harvard in 1910 where he served as head of the law school for 20 years. Pound seems to have seen his mission in legal education as inspiring others through ideas, and did have considerable success in doing this.\textsuperscript{22} He achieved a national reputation in 1906 with a speech to the American Bar Association in which he suggested that public disrespect for the administration of justice was deserved. Legislators, judges, and lawyers had not done their duty. He also previewed his theory of law. In a series of articles published during the next few years, Pound urged the legal profession to pursue "sociological jurisprudence."\textsuperscript{23} He encouraged lawyers to see the law as a social institution, and proposed the methods of sociology, economics, and politics that should be used to study it. He did not reject the traditional case study method of learning legal skills, but insisted that law schools supplement this by teaching "law in relation to society." He believed that judges should not limit themselves to the demands of individual cases, but should recognize their responsibility to direct the ends of justice to social interests.\textsuperscript{24}

These were the heroic years of American sociology when the new discipline appeared as the most exciting and innovative contribution to the emerging social sciences. Pound conceived of sociological jurisprudence in the tradition of positivist sociology. He read the foundational texts by Comte, Durkheim, Tarde, Spencer, and Weber and cultivated friendships with


colleagues in sociology. He joined the American Sociological Society, wrote articles for sociology journals, and taught a course in the sociology of law. Years later, he remarked that he had been “brought up on Comtian positivism” in the 1880s, and turned to “Comtian sociology” after 1900.25

**Americans in Geneva**

During the 1920s, the Rockefeller grand jury investigation became the model for the first intercontinental investigation into the traffic in women. According to Article 23c of its Constitution, the League of Nations assumed responsibility for monitoring compliance with treaties concerning the white slave trade agreed to in Paris and Madrid before the war. In 1921, delegates from 34 nations gathered in Geneva for a conference on the traffic in women. The conference produced a set of resolutions, known as the Final Act, which put into place an organizational structure to carry the antitraffic agenda forward.26

The Final Act created the Advisory Committee on the Traffic in Women and Children, a “technical committee” within the League framework. It was composed of representatives from the member states and nongovernmental organizations (NGOs). The Advisory Committee was placed under the leadership of Rachel Crowdy, head of the Social Section, who had been named Dame of the British Empire for organizing nursing stations during the war. Susan Pedersen refers to the work of these technical committees as a “third” League of Nations because of their disproportionate contribution to what the League actually did. The individuals at the head of these committees proved to be effective “institutional entrepreneurs” who successfully navigated the political agendas of states and the interests of international voluntary organizations (NGOs) with strong records of practical accomplishment.27


26. The Conference created the language of trafficking. The Final Act replaced the language “white slave trade” with “traffic in women.” See Magaly Rodríguez García’s comparison of the language used by League investigators with that of the people they investigated. Members of the Advisory Committee and the Special Body of Experts constructed “traffic in women” out of ambiguous terms used by persons involved in the sex trade. Rodríguez García, “The League of Nations,” 99–100.

If the diplomats gathered in Geneva wanted to adopt sociological jurisprudence as a guide their work, they would have had more than Pound’s version available to them. There was a “French school” associated with Nicholas Politis, and a German tradition, as well as the work of Austro-Hungarian legal theorist Eugen Ehrlich, but Pound’s version had particular meaning in relation to the traffic in women, given the role of Grace Abbott. Although the United States did not join the League and had no official representative, the Advisory Committee invited the United States to send an unofficial representative. The Harding administration appointed Grace Abbott, head of the Children’s Bureau in Washington, DC, and she became the first American to join the administration of the League of Nations. Abbott had become known for her work in Chicago: she took up residence at Hull House, directed the Immigrants Protective League, and taught at the University of Chicago.

Abbott was originally from Nebraska. Before moving to Chicago, she completed her degree at the University of Nebraska and enrolled in a graduate course in law taught by Roscoe Pound. She maintained correspondence with Pound throughout her career, sought his advice on child labor litigation, and would be considered a member of his network of “progressive-pragmatists.” Abbott arrived in Geneva in 1923 with an ambitious proposal. She urged the Advisory Committee to conduct an inquiry to establish the “facts of the traffic”: whether there was an international traffic in women for prostitution, to learn the methods traffickers used in procuring and transporting women, and to weigh the effectiveness of national measures to eliminate the traffic. Skilled investigators would need to visit cities suspected of being key sites of the traffic. It would be difficult, even dangerous, but absolutely necessary to quash sensational exaggerations in the press and to establish an “intelligent basis” for international cooperation. Further, Abbott suggested that the study

32. Grace Abbott, “Recommendations submitted as a possible subject for discussion by the Committee on Traffic in Women and Children,” Edith and Grace Abbott Papers, Regenstein Library, University of Chicago (Box 61). In his 1908 critique of the
could be paid for by a private source. She was on the executive board of Rockefeller's Bureau of Social Hygiene and she felt sure that it would extend substantial assistance to the traffic investigation. When the Bureau confirmed that it would provide $75,000, the Council agreed to Abbott's proposal with only slight amendments.

Although the Council insisted that the investigation should be led by a committee of experts, to be selected from names submitted by member states to the Secretariat, it accepted the appointment of Dr. William Snow to preside over the committee. Snow, a trained physician, was a professor of preventive medicine at Stanford University. He was also head of ASHA, a situation that was less than ideal from Abbott's point of view, as the inquiry would "not seem to the outsider to be quite such a detached job." To manage the fieldwork, Snow appointed his colleague at the ASHA, Bascom Johnson. Johnson had completed his law degree at the University of Pennsylvania in 1903 and practiced in Philadelphia. Later, he became secretary of the Recreation Committee of New York City, and in 1913, joined ASHA as assistant legal counsel. During the First World War, Johnson served with the United States Commission on Training Camp Activities. He campaigned with Snow to close down red light districts adjacent to military training camps along the Mexican border, and in cities of the western United States, including San Francisco.

Johnson deployed eight investigators, most of whom had worked on ASHA investigations in New York and elsewhere, to conduct "on the philosophical understanding of law, Pound said that American legislation had failed because it had "not been the product of preliminary study for the conditions to which it was to apply." Roscoe Pound, "Mechanical Jurisprudence," Columbia Law Review 8 (1908): 613.


34. Grace Abbott to Raymond Fosdick, January 8, 1924. Edith and Grace Abbott Papers, Regenstein Library, University of Chicago (Box 61). The Council added three more names to the committee, which made the Special Body of Experts on the Traffic in Women and Children a committee of eight: Alfred de Meuron, head of the International Bureau for Suppression of the White Slave Traffic; Princess Cristina Guistiniani Bandini, social worker and leader of the Catholic women's movement; Isidore Mauss, head of the child welfare division of the Belgian government; Joseph Louis Hennequin, director of the French Antitraffic Society; Yotaro Sugimura, from the Japanese ministry of foreign affairs; Paulina Luisi, physician and professor at the University of Montevideo; and Sidney Harris, a specialist in child welfare at the British Home Office. When Hennequin died in 1926, he was replaced by Pierre Le Luc, a French official with expertise in police administration. Also, Tadakatsu Suzuki, chief of Japanese legation in Paris, joined two sessions.

spot” inquiries. Mostly, he relied on the ASHA’s chief undercover operative, Paul Kinsie. Kinsie, who attended the University of Kentucky, became an investigator for ASHA in 1914 and worked with Johnson on the wartime campaign to discourage prostitution at military bases. Over the years, he developed an impressive portfolio of cover stories and false identities. Snow and Johnson relied on him for knowledge of “the underworld,” which they considered to be an essential counter balance to official statements by government officials. So, while Johnson and his translator conducted formal interviews with immigration, police, and welfare authorities, Kinsie and other undercover operatives visited clubs and cafés, cabarets, and music halls. Kinsie would make his observations, then write out narratives with an enviable level of detail. These were then typewritten and handed to Johnson to compare against official statements.36

Pound did extend his thinking to international law. In a lecture given at the University of Leiden in 1922, he argued that international law did not present a separate form of law, and that international lawyers had made so little progress because they conceived of international law as a “closed metaphysical system.” He encouraged international lawyers to borrow concepts from the social sciences and to take up active social engineering.37 As David Wigdor pointed out, although Pound’s reputation continued to grow after the First World War, he had exhausted his fund of new ideas. Although he applied his theories more widely, he failed to think them through more deeply. Unable to move beyond the vision he had articulated before the war, his interwar theory echoed earlier answers.38 If sociological jurisprudence could move beyond the American context to the international context, it would depend upon the efforts of lawyers such as Johnson, and non-lawyers such as Abbott and Snow working for the Advisory Committee on the Traffic in Women and Children.

Trouble in Panama

The Advisory Committee on the Traffic in Women and Children was convinced about the threat to women presented by employment at overseas theaters, music halls, and cabarets. Sidney Harris, the British representative, said it was “not an uncommon practice” for women to accept theatrical engagements overseas with very unfavorable contracts that left them stranded abroad, where they drifted into immorality. Despite the growing popularity of cinema after the First World War, venues for variety artistes continued. Music halls, cabarets, and jazz clubs became seen as a source of low-grade entertainment, associated with sexual danger, narcotic drugs, and foreign criminality. The narrative of the innocent girl trapped into white slavery fused with the narrative of drug addiction. The venues for nighttime entertainment became, as Catherine Carstairs phrases it, the “gateway to the underworld,” where innocent young women descended into a dark cellar of drug addiction and sexual slavery.

In an early draft of the Report of the Special Body of Experts on the Traffic in Women and Children, Johnson identified the “special risk” to women who earned their living as singers and dancers. There was a great demand for women artistes throughout the Atlantic World and troupes constantly moved about music halls, cabarets, and jazz clubs. Using bogus newspaper advertisements, white slave traffickers lured would-be singers and dancers to foreign locations where they became trapped in immoral lives. Music hall owners supplemented their profits with prostitution by requiring the artistes to drink with patrons. The artistes enticed young men into a sexual encounter, either by prostituting themselves after hours or by referring the young men to professionals waiting nearby. Because of the influence of alcohol, drugs, and dancing, women who started on the stage found themselves among those walking the streets.

Knowledge of these behaviors was representative of what Pound said was essential to understanding law in action. As Pound explained in


1912, the main problem to be solved by sociological jurisprudence was "to take more account, and more intelligent account, of the social facts upon which law must proceed and to which it is to be applied."42 The "social fact" was a foundational idea in sociology. In the late nineteenth century, Emile Durkheim taught that individual behavior could only be understood in its social context. Social facts had an independent existence, apart from the interpretation of the observer, as well as from the consciousness of the observed. Through statistical trends and inductive reasoning, the sociologist could gather objective information that would reveal the fundamental organizational categories of civilization.43 Establishing the "facts of trafficking," was, as Grace Abbott explained to Crowdy's Advisory Committee, the primary purpose of the League's investigation, but Abbott did not anticipate, and Pound never imagined, how difficult this would be.

When Kinsie stopped in Panama for a few days in August 1924, on the return trip from South America, he took a peek at the musical theatre.44 Kinsie reasoned that Panama City and Colon were "places of demand" for prostitutes, particularly during those times of the year when the Atlantic and Pacific Fleets of the United States Navy were in port. During these visits, officers and crews spent much time ashore. The cities and towns attracted all kinds of undesirables: prostitutes and souteneurs, some from as far away as Paris. At first, Panamanian officials denied that trafficking took place, but when pressed, Kinsie reported, they modified their statements to say: "If there is any, it is very little."45

In Panama City, Kinsie toured the Coconut Grove, the main vice district since construction of the canal. Most of the women he saw were "natives and negresses," along with some middle-aged white women, all of whom had been in Panama for many years. The remaining prostitutes occupied

44. The idea for including Panama in the investigation appears to have originated with Katharine Bement Davis. She was director of the women's reformatory at Bedford, New York, and member of the board of directors of ASHA. On learning of the Bureau of Social Hygiene's decision to fund the League's investigation, she told Rockefeller about her idea for a study of prostitution in the "island possessions of the United States": Hawaii, the Philippines, Puerto Rico, and Panama. She also spoke with Snow and Johnson, and they let Rockefeller know that they were both in favor of it. Katharine Bement Davis to John D Rockefeller Jr., March 1, 1924; and Raymond Fosdick to John D Rockefeller Jr., March 11, 1924. Rockefeller Archives (RG 2, Series 0, Box 9, Folder 71).
two-room houses, scattered throughout the city. They sought to attract passers-by, "white, colored or yellow" who could afford 25¢. Most of these women were Panamanians. The foreign prostitutes were French, Italians, and Spanish, none under 25 years of age. All "old time prostitutes," they had practiced in cities across Central and South America; they had come to Panama in the hope of making money from the sailors. The cluster of houses around Calle Street was known as the "three way section" because all the prostitutes "indulge in pervert practices." Customers made their selection from menus of indecent photographs of preferred encounters priced from 50¢ to $2. All of these areas were "out of bounds" for sailors and soldiers. On the streets, sanitary and military police made regular patrols. But when, on August 14, the battleship USS Henderson arrived, the commander granted shore leave without restriction, and Calle Street was so crowded that prostitutes from across the city set up in temporary rooms to meet demand. Kinsie had heard that it was like this every time a ship arrived.46

One afternoon, 2 days later, Kinsie went to Kelly's Cabaret on the Avenida. In a conversation with a "colored waiter," he said that he was a theatrical manager returning to the United States after touring clubs in South America. He went back to the cabaret the following day, and the waiter introduced him to "a nice little American girl." Maurissa Camick stood 5 feet, 7 inches (1.7 meters), and weighed 140 pounds (63.5 kilograms). She was 21 years old but appeared older. She had bobbed brown hair, and brown eyes set in a wide face with even, white teeth. She wore a black dress, trimmed with white brocade, and a straw hat. She said she had been born in Russia and had come to the United States as a small girl. She had gone on the stage at 18 years of age. It was from Camick that Kinsie first learned of the man to become the notorious 18-R. Given the significance of their conversation later on, it is worth quoting exactly what Kinsie said was said.

Kinsie: How did you ever land down here?
Camick: I had a hard time getting a booking, so I went to my agent and he sent me down here.
Kinsie: Who is your agent?
Camick: Harry Walker. Do you know him?
Kinsie: Slightly. Is he still on Broadway?
Camick: Yes. Broadway and 51st Street.
Kinsie: Do you like it here?
Camick: Now I do, but the first few months—I hated the place.

Kinsie: Why?
Camick: I was down in the mouth anyhow. I had a friend in New York and we a nice apartment at the Clintona Apartments on 57th Street. We got into a spat, so I told Harry Walker to send me any place. Mr. Kelly was in New York. I saw him and we signed a contract for three months. So I got here and I would have beat it back but I couldn’t because we don’t get our fare until our contract expires. I figured I’d wait until I’d get my first pay and then go back, but that wouldn’t get me there so I stuck.
Kinsie: What did you dislike about it?
Camick: Everything! I never worked a cabaret before. The boys are very nice to me now so I can’t complain.
Kinsie: Didn’t you know what kind of a place it was?
Camick: Yes, but I didn’t think it was quite so rough. Now I like it. I’ve signed my second contract.47

The conversation gradually changed, Kinsie said, and Camick offered to spend the night with him for $20. She said she could not leave the premises until closing, but that they could get a room at the International Hotel. They could not go upstairs, she explained, because Mr. Kelly did not allow the singers to use the rooms. Kinsie noted that during the course of the conversation, she stated that before she had come to Panama she had not prostituted herself. During the next 2 days, Kinsie met all of the women artistes at Kelly’s cabaret; there were eight altogether. He learned that all of them practiced prostitution. He also learned that Harry Walker had made it clear to them before sending them to Panama that “plenty of extra money can be picked up” in the cabarets. All of the girls had been prostitutes prior to coming to Panama with the exception of Camick.48

While in Panama City, Kinsie also visited the Hotel Metropole, which operated a cabaret featuring jazz. The singers mingled with the guests, danced with them, and encouraged them to buy drinks. Most of the guests were commissioned officers stationed in the Canal Zone. All of the girls came from New York; all had been sent by Harry Walker. According to the banjo player, Jack Reed, the women had it “pretty soft” and received a “good salary.” The owner counted on them to go to bed with customers otherwise the hotel would not have been able to attract the officers. “You see,” Reed said, “this place and Mr Kelly’s are the only two places where a fellow who is a little particular can get himself a piece of tail. The other cabarets usually have niggers and there ain’t a real joint in town.”49

In November 1926, Kinsie called at the Harry Walker Theatrical Booking Agency in New York City: Room 205 at 1674 Broadway.

48. “Panama City,” August 18, 1924, 12.
49. Ibid., 9.
Kinsie told a story about his plans to set up a cabaret in Panama City with a partner there. He knew Walker handled all the business at Kelly's cabaret and wanted to find out if he would supply his new business as well.

Kinsie: I may be frank. I am green in this game. My partner knows it from beginning to end. We want to open a cabaret, nothing exclusive, but a medium-priced place. Of course to get the boys in we want to have five girls who can sing and entertain the guests—

Walker: Now listen to me. I know just what you want! It's a damn shame you wasn't in here about five minutes ago. You would have seen the swellest flock of blondes that you ever saw... I'll tell you exactly what you want. You don't want virgins do you? No! You don't want whores, do you? No! But you want girls that fuck. Ain't that it? And you don't want squealers do you?

Kinsie: What do you mean by squealers?

Walker: Those damn girls that go down there and after they are in a joint raise hell because they got to sit around and drink and mingle with people. You know what I mean? The kind that fuck. Ain't that it?

Kinsie: Yes, you know how it is. Fellows are not coming in and spending money on a lot of straight-laced Sunday-school girls...

Walker: Damn it that's what I'm telling you! These girls I can get for you are not whores that would make the place a whore house. Now I will tell you what my prices are: I can give you girls from $125 to $200 a piece per month. It's all according to their ability...

Kinsie: Ability don't mean anything. It's the looks that count.

Walker: I can give you lookers—I told you before, it will cost you $125 to $200 each for the gals. That's their salary for the month. I get ten bucks bonus for every girl I get for you and 5 percent of their monthly salary. According to my contracts that I draw up, you must give me that bonus in advance and also the 5 percent of the first month's salary for the each gal...You will also have to pay their transportation there and return. Now that's the whole dope. All I need is two weeks' notice to round them up. Now I tell you: there ain't no son-of-a-bitch in town who can get better stuff than I can, and I don't give a fuck who he is...

Kinsie: I'll be back once my partner arrives.

Walker: ...They'll be lookers. When you are ready, you know where I am. Let me have your name. Just come in and ask for me. Call me Harry. That's what they all do...50

The conversation took place in a small office next to a waiting room for entertainers and others, Kinsie noted. There were about 15 girls, between 20 and 25 years of age, and about five young men. Walker spoke very

loud and did not bother to close the door. He was an American, 37 years of age, with dirty blonde hair parted to one side. He spoke through tobacco stained, crooked teeth, in a loud and fast voice. Kinsie thought Walker came across like a hawker at a fairground side show. He did not think Walker was a white slave trafficker.51

Kinsie took his reports to the ASHA office in New York to be typewritten, then sent them to Johnson with a cover letter. "I may as well confess that I was very backward about following the original lead on the Harry Walker case." Although he worried that it would be a hard case to break, he found it one of the easiest cases he had dealt with. Walker was very busy. The interview was only 20 minutes, but effective, because as soon as he asked a question, Walker answered and anticipated just the information he wanted. Regarding "underworld conditions," Kinsie admitted to Johnson that the information was rather general. "But I am sure that the persons I interviewed knew what they were talking about, and if there was or is a possibility of girls being brought into or taken out of the United States for immoral purposes, I am sure that none of the persons interviewed would be pursuing their present semi-professional vocations."52

Unlike Kinsie, Johnson believed that Camick had been trafficked by Walker. The difference was not the facts as revealed in her interview with Kinsie, but in how Johnson interpreted these in light of his belief in the link between music halls and sexual exploitation. Johnson did not offer statistics to support his theory, but concluded that the "facts obtained in this survey" indicated that women were being taken from Europe to South and Central America for prostitution "in considerable numbers." Governments needed to regulate girls employed as entertainers in cabarets because advertisements in newspapers amounted to "thinly veiled methods of inducing girls to enter an immoral life."53 Camick was by definition a trafficking victim. There were wide national differences in conceptualization of traffic in women, and a "somewhat legalistic interpretation" active in parts of Europe. The on-the-spot investigation, Johnson said, set aside the "narrow definition" of "traffic," which had included an age of consent. Johnson stressed that no woman, even an experienced prostitute, could

51. In his reports of the interviews, Kinsie gave Walker the codename of 18-R, using the system he devised: T for "trafficker," M for "madam," O for "official," and G for "prostitute." R was for "respectable person."
“possibly understand and therefore consent in advance” to the “virtual slavery” that she would be subjected to in a foreign country.54

Further, Johnson decided to include the case of 18-R in the final report, Report of the Special Body of Experts on the Traffic in Women and Children distributed to the press. It said that the research extended across 112 cities in 28 countries in Europe, the Mediterranean, and North and South America. Investigators conducted 6,500 interviews, including 5,000 with prostitutes, pimps, brothel-keepers, and other figures involved in the sex trade. Although the investigation could not produce statistics, judging from the numbers of foreign prostitutes in cities such as Buenos Aires and Cairo, trafficking in women was extensive. It also said, in the part of the report concerning the United States, that the manager of a cabaret in Panama told an investigator that a certain theatrical employment agent in New York, 18-R, had furnished him with all the American girls he used in his establishment. The cabaret encouraged the artistes to drink with customers and accompany them to hotels afterward. The investigator subsequently called on 18-R in New York, and, posing as a businessman thinking about setting up in Panama, asked about acquiring girls for a music hall. Johnson reported that 18-R claimed to have “sent over 300 down there.”55

Searching for 18-R

Pound called for the production of sociological knowledge of the law and for the diffusion of this to the public. He urged those responsible for the legal system, especially judges, to incorporate social science knowledge in their decision making. It was essential for legal professionals not to isolate themselves along the lines of “legal monks,” but to engage the public. But beyond sharing his dreams, he did not specify how this should be accomplished. “It ought to be someone’s duty to advise the people of the progress of juridical science and to make its results public property.”56 He imagined laboratories to examine the application of sociological principles to state and municipal life, and to study scientifically how to make legislation more effective. “There are no laboratories dedicated to legal science whose bulletins shall make it possible for the scholar to obtain authoritative data and for the lay public to reach sound conclusions.”57

57. Ibid.
Publicity was very important to the Advisory Committee’s strategy. Although the Advisory Committee expected to receive the consent of governments that had signed treaties, they also engaged in “normative projects”—as Stephen Legg has put it—that appealed to domestic populations. Publicity conveying a language of trafficking was essential to creating the League’s authority.\(^{58}\) Johnson and Snow prized newspaper coverage in getting their message across and naively believed they could control the timing and content of stories. Originally, the plan was to prepare two reports. The first, for circulation to journalists, would offer general conclusions along with an overview of the findings and recommendations. To avoid creating difficulties for undercover investigators and their informants, it would be anonymized along the lines what had been done in American cities. Proper nouns would be replaced with Kinsie’s coded system of letters and numbers. The second report, to remain confidential, would contain all the identifying information, including persons and places, obtained from the field studies. Officials who had questions, or needed to be convinced, would be shown this information. Rockefeller had provided a vault specifically for this purpose for his grand jury inquiry.\(^{59}\)

Release of the first report, *Report of the Special Body of Experts into the Traffic in Women and Children*, generated tremendous interest and it was decided to anonymize the second report and release it as Part 2. Part 1 appeared in February 1927 and Part 2 appeared in December of that year. Governments were allowed to see the information in Part 2 before it became public, which led to considerable speculation about the reasons for the delay in releasing it. Newspaper editors, delegates to the League, leaders of women’s organizations, and political leaders charged that the report had been sanitized to protect political sensibilities, and urged release of the “complete” findings. The French Foreign Minister, Aristide Briand, objected to publication of material that could not be substantiated. Much of the information had been “received by unauthorized agents” and not by “members of the White Slave committee themselves.” Most of the findings came from statements made by those engaged in exploitation of women or others with equally dubious morals. The report “conveys a general picture which does not in the least represent the truth.”\(^{60}\)

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In New York, the trouble started in December 1927. The *New York World* announced a series of articles about the white slave trade that would reveal what had been suppressed by governments. The editorial position followed the views of the Democratic Party, including support for the League of Nations, but the *World*, which had been built up in the nineteenth century by Joseph Pulitzer, also had a reputation for sensationalism. Arthur Sweetser at the League Secretariat's Public Information Office alerted Rachel Crowdy to the seriousness of the situation. Part 2 had generated great public interest in the United States because of "gross misrepresentation" by the *World*. The claim that aspects of the traffic had been suppressed by guilty governments with the connivance of the League proved disconcerting to friends of the League in the United States. Sweetser also contacted Grace Abbott, and she assured him that she put "absolutely no confidence" in the *World's* statements. Combined with Johnson's statement, they had "a complete denial" of the stories. But, Sweetser emphasized, "it goes without saying a report like this when printed does a great deal of harm not only to technical investigation, but also to the general status of the League and to the understanding between the United States and Europe."  

The fourth article in the series ignited the furor. The published version of Part 2 had said that the United States, although faced with difficult geographic and social challenges, "had made a determined stand against the traffic." But the original version, the *World* emphasized, had identified a number of problems, including that of theatrical engagements. Girls were found to have left New Orleans and cities in Florida for cabarets in Tampico, Mexico City, and Havana. An agent working with a New York theatrical agency, referred to in the report as 18-R, had boasted to a League investigator that he had sent many girls to Panama. The article quoted Walker's boast about the "swellest flock of blondes."  

In response to the allegations reported in the *World*, Charles Tuttle, the United States attorney for the Southern District of New York, announced his own inquiry. Tuttle, a graduate of Columbia Law School, had spent 25 years with a firm of Wall Street lawyers. He chaired the Republican Committee for the county and had become a spokesperson for Republican Party in recent campaigns. President Coolidge had appointed him to the post of federal prosecutor in March 1927. Tuttle had created

an image for himself as a man who sacrificed a lucrative career on Wall Street to become a humble public servant committed to ferreting out corruption. Tuttle appointed Assistant United States Attorney Henry Gerson to investigate the claims about the New York theatrical agent. Tuttle said he did not know the identity of 18-R as mentioned in the League’s report. When Gerson asked for the real name of 18-R, Johnson refused.

In response, Tuttle demanded a copy of the full report, the version with the names of cities, establishments, and people written in. Johnson protested that the information had been used with code names because it was confidential. Names of cities, establishments, and persons remained with the Secretariat in Geneva. He said that he had been acting in an official capacity for the League and that all requests for information had to be put to the League Secretariat. Further, he did not turn over the report to Gerson because he did not think it would be of use; it did not contain sufficient information to warrant prosecutions; also, 18-R’s theatrical agency was no longer operating in New York City. Tuttle said it made no difference. If the government could establish that crimes had been committed and that they were still punishable (under a statute of limitations), he would issue subpoenas and make arrests. If the investigation required formal statements from girls in Panama, then they would be returned to New York City to give such statements.

In January 1928, Sir Eric Drummond, Secretary General of the League of Nations, received a letter from William R. Castle, Assistant Secretary of State in Washington, DC. Castle requested, on behalf of Charles Tuttle, the name of the theatrical agent referred to in Part 2 of the report as 18-R, as well as any information on which this statement was based. There was “considerable pressure” on Tuttle to indict this man, Castle explained, and if the League did not agree to make this information available, Tuttle was determined to obtain it by a different method: Snow and Johnson could be subpoenaed to testify before a grand jury.

64. Charles H. Tuttle, Life Stories of a Celebrated Lawyer in New York and Lake George (Clifton Corners, NY: College Avenue Press, 2002). Tuttle was often cited in the press for his determination to ferret out corruption in government. He turned to his anticorruption credentials for the theme of his campaign when he decided to run for governor (in opposition to Franklin D. Roosevelt) in 1930.
Tuttle versus the League

Tuttle’s grand jury threat pressed the question over what authority the League actually had to conduct its investigation. Stephen Legg referred to the League of Nations campaign against human trafficking as its “technical interventions into the lives of individuals, rather than simply its work as an international security organization.” It is an important point. The Advisory Committee wanted to intervene in actual trafficking cases. Near the time that the investigation got underway, stories appeared in the press about white slave rings transporting hundreds of girls from Europe to South America. The committee could not afford to ignore these: Rachel Crowdy emphasized that the League’s antitraffic work would have no credibility if trafficking appeared to continue on an industrial scale. She urged the Advisory Committee to create a system for responding to such claims in time to save the intended victims.

In February 1928, Dr. Snow cabled Geneva with the news: the United States State Department wanted the name of 18-R, wanted the field reports on which the published report was based, and wanted Johnson to appear before a grand jury. Snow would claim that a “definite procedure for consulting source material” had been established: representatives of governments should apply to the Secretariat in Geneva. Snow hoped that the State Department would not authorize any other access to these documents not available to other governments, but, because Johnson and others involved in the League’s investigation happened to be American citizens, Tuttle had the power to require their testimony before a grand jury. Snow explained that Johnson had with him in New York “certain draft notes” on which the League report was based. He hoped that this material would not become available to Tuttle, as it represented “material which belongs to the League.”

69. Advisory Committee on Traffic in Women and Children: Minutes of the Third Session, 7–11 April 1924 (Geneva: League of Nations, 1924), 24. Sidney Harris, the British representative, drafted a protocol. The Advisory Committee could not afford to react to every rumor, he said. Stories about white slave trafficking should be investigated by the central authorities of the country where they originated, so that the statement could be disproved. Such cases demanded immediate attention and quick action in the particular country, and it was important for the police, assisted by voluntary agencies, to bring offenders to justice. Where the allegation involved another country, this was not simple, but, under the treaty agreed at Paris in 1904, central authorities had an obligation to assist one another. Advisory Committee on Traffic in Women and Children: Minutes of the Third Session, 111.
71. William Snow to William Castle, February 6, 1928. League of Nations Archives, United States Library, Geneva (Box R3024).
Meanwhile, Drummond made his position clear. The material collected by Johnson and the other investigators stood on a "very special footing" because it could only be obtained through facilities of the League of Nations, and with the permission of states in which the investigations were made. Divulging this information would "create justifiable complaints" from governments who permitted the investigators to work in their territory, and make further such investigations much more difficult. "It would not be right for an investigator to make public information received as an international official and regarded as confidential..." Drummond wrote. "Mr Johnson, we think, is not entitled, and ought not be forced, to disclose in any kind of public proceedings information not contained in the published report." Nor should Johnson be entitled to reveal any "secret discussions which took place in the Committee of Experts."72 In Rachel Crowdy's view, Dr. Snow's cable raised "a question not only of principle but possibly of politics." She was not happy about Snow's offer of access to "source material," but she did not think that the League could refuse to allow someone from the United States State Department to see it if they wished to do so. She was inclined to tell Snow that someone from the State Department could examine the "source material" at the League's offices in Geneva, but that this material could not be copied or sent to Washington DC. She did not think that Johnson should give testimony before a grand jury, as it would involve revealing information to a government (that was not a member of the League), which had been kept secret from League member states on the whole.73

To avoid being drawn into legal proceedings in New York, Drummond decided to give Tuttle what he wanted: the identity of the notorious white-slave trafficker known as 18-R. Drummond said he had "no objection" to Tuttle knowing that 18-R was Harry Walker.74 But he asked that this information be regarded as what the English police referred to as information received; that is, avoiding public disclosure about the source from which the United States authorities had obtained the name. Some of the information about Panama resided with Johnson in the United States, but Drummond was happy for someone from the American Consulate in Geneva to inspect the material at the Secretariat to make notes for use

72. Drummond to Snow, February 9, 1928.
74. The name has been cut out from the copy of this document in the archives, but it appears in Kinsie's code book, which is also in the archives.
by the United States secretary of state, on the understanding that this would not be used as evidence in any public proceedings.\textsuperscript{75}

Tuttle paid no attention. In March 1928, he made clear what he thought of Johnson and his inquiry: the claims in the \textit{Report of the Special Body of Experts on the Traffic in Women and Children} had "no foundation in fact." The statements attributed to "the investigator" (Paul Kinsie) amounted to conversations that he had had with managers and dancers at cabarets in Panama, and with the manager of a booking agency in the city. Part 2 amounted to a summary of a report by the "investigator lent to the League's investigation by ASHA. Johnson did not personally make any investigations in Panama. The facts contained in the field report were "not sufficient in themselves and without corroboration" to warrant an indictment, especially because they were conversations that had occurred in August 1924. "Thus, upon investigation, the League of Nations' report published in December 1927 comes down to the uncorroborated statements of an investigator . . . that in August 1924 . . . he had from certain persons, some of whom could not be identified, certain verbal admissions, which, inevitably, such persons would deny, and, so far as we have been able to reach them, have denied."\textsuperscript{76}

It may be that Tuttle's own investigation failed to find trafficked women because he never really tried. Gerson pursued a limited inquiry that certainly did not involve investigators of Kinsie's caliber. Harry Walker contacted Tuttle to deny that he was engaged in the white slave traffic to Panama. He had sent women under contract to Kelley's cabaret in Cristobal, which he insisted was a reputable establishment. He offered to furnish Tuttle's office with a list of all the girls shipped to Panama; Gerson was welcome to look at their records. Tuttle said he would take up the invitation to review the records and continue with his investigation.\textsuperscript{77} Gerson found a woman who was familiar with the musical theater in the Panama Canal Zone. She said she had referred several girls to Walker for engagements in Panama. Kelly's was a reputable establishment that gave special attention to the welfare of the entertainers.\textsuperscript{78}

However, there is reason to believe that Johnson's investigation was not highly regarded among those involved in the antitraffic campaign. One of the people to have read in the New York newspapers about Tuttle's investigation was Olive Whitin. She worked for the League of Nations

\textsuperscript{75} Eric Drummond to Gilson Blake, February 11, 1928. League of Nations Archives, United Nations Library, Geneva (Box R3024).
\textsuperscript{76} "White Slave Data Refuted by Tuttle," \textit{New York Times} March 9, 1928, 26.
\textsuperscript{78} "Tuttle's Aide Told of Panama Cabarets," \textit{New York Times} January 7, 1928, 19.
Non-Partisan Association in Geneva and was married to Frederick Whitin, Executive Director of the Committee of Fourteen in New York. In correspondence with his successor, Olive Whitin said that she could not understand why Johnson refused to give Tuttle a copy of the *Report of the Special Body of Experts on the Traffic in Women and Children*. She took the article to Rachel Crowdy and urged her to send a copy of the report to Tuttle directly. She was worried about Tuttle’s investigation on “Dame Rachel’s account” because of what she thought of Johnson. “I should not want to tell her [Rachel Crowdy] how shaky we consider some of BJ’s [Bascom Johnson’s] investigation to be and if Tuttle should push the matter it might get quite serious. It happened to be a weak spot and the matter would be brought out in investigation.”

The League’s investigation revealed a larger issue: an issue concerning a basic idea on which sociological jurisprudence had been built. Classical jurisprudence—the sort that Pound rejected—had been based on the law–fact distinction. From the last decade of the nineteenth century, James Bradley Thayer and Christopher Columbus Langdell maintained that “questions of law” had to do with choosing competing rules, and that all other issues were “questions of fact.” Because they viewed law as permanent, any material subject to change amounted to fact. In this way, they preserved the view of the law as founded on fixed principles. Pound insisted that questions of law were inextricably woven into questions of fact, and that the failure realize this undermined the value of legal decisions. Judges had to understand that legal systems had to grow, and that legal principles were not absolute, but had to be adjusted to time and place. The law–fact distinction was a judicial fiction, and sociological jurisprudence dealt in facts, not fictions.


Tuttle's inquiry may have been little more than political posturing, but he forced Johnson to concede a fundamental difference between a legal inquiry and a social inquiry. In an effort to reduce the damage, Johnson drafted a statement that he hoped Tuttle would issue. Johnson told Tuttle to say that he realized that the League's investigation "was not designed to secure legal evidence" that would be "sufficient to insure successful prosecution of criminals." It was designed to "determine between what countries and in what manner women were transported for the purpose of prostitution." Tuttle was to say that he had learned of 18-R's activities too late to proceed with prosecution, but that the evidence on which they were based—statements of cabaret managers, of several girls who worked in the cabarets, as well as 18-R's own statements, all made to one of the League's investigators—would have been enough. "These admissions" Johnson told Tuttle to say, "if it were possible to have them reported before a jury by persons alleged to have made them, would in my judgment, be sufficient to convict under our criminal laws." Johnson maintained that his interviews produced facts that would stand up to legal test, if required, but as he had already drawn a distinction between social and legal inquiry, he had just sawn off the branch he and Pound were sitting on.

Tuttle's threat raised particular concerns behind the scenes. The executive director of the Bureau of Social Hygiene, Leonard Dunham, was dismayed to read Tuttle's conclusion that the alleged white slave conditions in Panama could not be substantiated. "I realize the difference between getting facts with regard to a situation on the one hand and on the other getting legal evidence for presentation to grand juries and a trial court." But Tuttle struck him as a "pretty high class man" and ASHA should "use a considerable amount of conservatism and be pretty sure of the ground upon which they stood before making allegations that might be publicly

81. Bascom Johnson to Eric Drummond, "Draft of points to be considered by US Attorney Charles H Tuttle for inclusion in any statement he may feel it necessary to give to newspapers concerning the League of Nations report on traffic in women and children," March 2, 1928. League of Nations Archives, United Nations Library, Geneva (Box R3024). In 1929, the League agreed to allow Rockefeller's Bureau to fund a second investigation to cover the Far East despite opposition from the original Special Body of Experts and members of the Advisory Committee. Johnson continued to serve—the Bureau insisted on this—but Snow was replaced by the French choice, Eugène Regnault. Opponents of study also insisted on a Travelling Commission, which arranged sittings to take testimony from experts, instead of the on-the-spot field investigations in nighttime leisure districts of cities conducted by Kinsie and other undercover operatives. The report of 1933 did not receive the attention as did the 1927 report, and both Abbott and Crowdy had left by 1934. The League's experiment with sociological jurisprudence had ended. Report of the Commission of Enquiry into the Traffic in Women and Children in the East (Geneva: League of Nations, 1933). See further, Pliley, "Claims to Protection"; and Gorman, "Empire, Internationalism".
interpreted as charging the existence of white slave traffic on a substantial scale in any given locality.” He brought his concerns about Johnson’s work to Dr. Snow. Snow felt that Tuttle was “unfair,” because the information was not gathered “in a legal form.” At the same time, he felt that nothing Tuttle said about the specific case “disproved” the general conclusions.82

Years later, Kinsie emphasized the relevance of legal definitions of traffic in women that Johnson had ignored. In a presentation about the ASHA’s approach he prepared in April 1957, Kinsie reiterated the importance of “undercover surveys” in fact-finding investigations. He described the qualities investigators should possess and the ruses they should use (such as posing as potential customers), and stressed that they needed to know “what constitutes evidence, direct as well as hearsay.” Investigators had to be “well-informed about existing legislation against all phases of commercialized prostitution.”83

Conclusion

During the interwar period, the League of Nations made a significant attempt to build international law on a foundation of sociological jurisprudence. It did not take place in the Council or Assembly, but within a technical committee concerned with the traffic in women. While the lawyers that comprised the “international legal community”84 discussed and debated, the lawyers and non-lawyers associated with the Advisory Committee on the Traffic in Women and Children set out to assemble the social facts necessary for establishing a universal legal framework dealing with the traffic in women.

The worldwide investigation was the most significant part of the League’s antitrafficking campaign during the interwar years, and the essence of this investigation was the attempt to legislate the traffic in women out of existence. Pound brought themes of the Progressive Era to law, many of which were at work in the Rockefeller grand jury investigation into the white slave trade. Grace Abbott, who had ties to Pound and Rockefeller, brought this approach to the League’s campaign against traffic

82. Leonard Dunham to George Woods, March 9, 1928. Rockefeller Archives, Bureau of Social Hygiene Collection (Series 3, Box 10, Folder 203).
in women. William Snow, Bascom Johnson, Paul Kinsie, and others associated with the investigation of the international traffic in women, converted Pound's imagination into reality. They attempted to establish international law concerning traffic in women based on social facts, they tried to engage the public in moral regulation of commercial sex, and they wanted to erase the difference between legal inquiry and social inquiry. Sociological jurisprudence gave advocates of the "Geneva dream" the confidence for an ambitious effort to bring social research to international policy making. Unlike the lawyers who argued over abstract themes, the investigators extended it to cities across Europe and the Americas.

It is important not to confuse the legal regime the investigators had in mind with the human rights view of international law. The League's investigators did not pursue the rights-based conception that would characterize international law after the Second World War, but a view modelled after the control of vice in American cities before the First World War. This was a vision of an intergovernmental enforcement agency, composed of public and private interests, that possessed the power not merely to encourage compliance by national governments, but to regulate the behavior of individuals. This power came from sociological inquiry. The international laws concerning the sex trade would have force because they would be based on the sociological laws of prostitution. Or so it was hoped. Tuttle's grand jury threat and legal investigation challenged not only the authority of the League as a legal regime, but also the social inquiry on which this regime was based. Had the methods of the investigators held up to scrutiny as social science research, the impact of the worldwide investigation might have been very different.

By widening our view of legal history, we see that sociological jurisprudence was not solely an intellectual project of interest to academic lawyers and legal scholars. It was a social project that extended to the international forum of the League of Nations. The Advisory Committee's attempt to shape public opinion with the findings, the difference between how Kinsie and Johnson saw 18-R, the wrangling between Tuttle and Johnson over the identity of 18-R, and Johnson's defense of his interview methods do not merely reveal the politics of human trafficking in New York or Geneva. Instead, we see a legal theory in its historical context.
