

## **Marcus Braun and Slavery: Shifting Perceptions of People Smuggling and Human Trafficking in Turn of the Twentieth Century America**

It is tempting to see the abolition of slavery as a linear process, by which over time options for slaveholders are incrementally narrowed by increasingly effective legislation. This seems to be true of the American experience. The Thirteenth Amendment outlawed chattel slavery in 1865, and measures since then have targeted wage slavery, debt peonage, coolie labor and a multiplicity of other categories of enslavement. Since the turn of the twenty-first century, the United States has been concentrating its anti-slavery efforts on tackling what it terms “human trafficking” and in order to outlaw it, the Federal government has introduced far reaching legislation, spearheaded by the Trafficking Victims Protection Act of 2000.

Yet to many – including former US President Barack Obama – this term “human trafficking” appears a euphemistic and rather vague term for an all too real and pressing problem. It is also one which is open to misinterpretation and manipulation.<sup>1</sup> As Obama argued in 2012 the change of language can be seen as a symptom of a reluctance to admit that slavery still exists in our times. Yet as he pointed out, in order to end it, the US must recognize that “the outrage, of human trafficking...must be called by its true name - modern slavery.”<sup>2</sup>

At the turn of the twentieth century it is possible to detect similar problems of definition. In the first decade of the last century, slavery was yet again in the headlines. However, like today, it was not simply referred to as “slavery”. Over these years it was generally called “white slavery”, and it is overwhelmingly seen as the kidnapping, brutalisation and sexual enslavement of girls and women for systematic exploitation. Yet although this definition would seem to narrow the remit of measures brought in to

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<sup>1</sup> For problems of definition see David A. Feingold, “Human Trafficking” *Foreign Policy* 150 (Sep - Oct, 2005) 26-30 and 32 and Mechthild Nagel, “Trafficking with Abolitionism”, *Champ Pénal/Penal Field* Vol. XII (2015) available online at <https://journals.openedition.org/champpenal/9141>

<sup>2</sup> The White House Office of the Press Secretary, “Remarks by the President to the Clinton Global Initiative” September 25, 2012 <https://obamawhitehouse.archives.gov/the-press-office/2012/09/25/remarks-president-clinton-global-initiative>

combat it, like today the renaming of the issue seems to have contributed to confusion and evasion in policy and blunted the efficacy of the subsequent legislation.

While white slavery was a term bandied around a great deal in the second half of the first decade of the twentieth century, those involved and enslaved in it were ill-defined. To some it was the enslavement of whites, as opposed to blacks or Asians, usually men, and usually for manual labour. To others it was the sexual enslavement of young women. To some it was an immigration problem. To others it was a domestic issue. As a result of this vagueness, the legislation introduced to combat it, culminating in the Mann, or White Slave, Act of 1910 has been seen as some of the most flawed pieces of federal legislation of the twentieth century.

Leaving aside judgement on the various Immigration Acts, the Mann Act itself – around which this essay will revolve - has been seen as “the classic example of the repression” resulting from a pseudo-abolitionist “hysteria”.<sup>3</sup> It has been portrayed as legislation that could be wielded to discourage what many in the mainstream press portrayed as inter-racial lotharios. Men like the black boxer Jack Johnson and the black musician Chuck Berry. An alternative group of studies show how it was equally well utilised as a means to discredit troublemakers like the “Bolshevik” Charlie Chaplin, or the Ku Klux Klan promoters Edward Young Clarke and Mary Elizabeth Tyler.<sup>4</sup>

Another group of historians slant their interpretations towards its implications for gender rather than race, or political belief. They concentrate on the Act being used as a technique to control errant wives, love-struck teenage girls as well as protecting women from predatory, “tom-cat”, men.<sup>5</sup> Still others argue that its most important result was

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<sup>3</sup> David J Langum, *Crossing Over the Line: Legislating Morality and the Mann Act* (Chicago, 1994) p.11

<sup>4</sup> On Johnson see Jeffrey C Ward, *Unforgivable Blackness: The Rise and Fall of Jack Johnson* (New York, 2004) pp.296-350. On Clarke and Tyler see Charles Alexander, “Kleagles and Cash; The Ku Klux Klan as a Business Organization, 1915-1930 *Business History Review* 39:3 (Fall, 1965) 348-367. On Chaplin see Charles J Maland, *Chaplin and American Culture: The Evolution of a Star Image* (Princeton NJ, 1991) pp. 202-216 On Chuck Berry see Bruce Pegg, *Brown Eyed Handsome Man: The Life and Hard Times of Chuck Berry* (Oxford, 2003) pp. 120-140.

<sup>5</sup> Jessica Pliley, *Policing Sexuality: The Mann Act and the making of the FBI* (Cambridge, Mass., 2014) and “The Petticoat Inspectors: Women Boarding Inspectors and the Gendered Exercise of Federal Authority” *Journal of the Gilded Age and Progressive Era* 12:1 (Jan 2013) 95-126; David J Langum, *Crossing Over the Line: Legislating Morality and the Mann Act* (Chicago, 1994) and Kelli Ann McCoy, *Claiming Victims: The Mann Act, Gender, and Class in the American West*,

to expand the powers of the federal government and most notably the FBI.<sup>6</sup> Yet another group argue that it has skewed the legislation and public perception of human trafficking away from the exploitation of vulnerable groups for labour and made trafficking become viewed largely as a question of sexual exploitation.<sup>7</sup> On the other hand there is also at least one historian who sees the Act as a necessary way by which to control prostitution and, having done so, resulted in a fundamentally positive impact on the nation's morals.<sup>8</sup>

Nevertheless, although amended and re-interpreted today, The White Slave Act of 1910 remains on the statute books. That said, one thing does seem obvious about the way in which it was most frequently interpreted and utilized – at least in its first decades: it had very little to do with traditional views of slavery, whether shaded white or any other colour. So, the obvious question is what brought about this terminology, and why did the measures taken to combat the phenomenon take the form they did?

This essay aims to approach this question by examining the motivations and drivers, the evolution in the thinking and the true role played by one of the leading figures frequently associated with the creation of the Mann Act – Marcus Braun. It will challenge narratives, arguing that while providing information for the measure, this “architect” of the measure was actually nothing of the sort. He did not hold with either its final shape, or its implementation. It also aims, through detailed examination of an individual, hopefully to enable a clearer understanding of this complex and controversial measure as well as its impact on policy today.

Given the range of actors involved in the genesis of this legislation the choice for this study may initially appear somewhat perverse. Marcus Braun is in many ways a rather unlikely person to be given a central role in the formation of such legislation.

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1910-1930 (Unpublished PhD Thesis, University of California, San Diego, 2010). A more positive view of the achievements of the Act can be gathered from William Seagle, “The Twillight of the Mann Act” *American Bar Association Journal*, 55:7 (1 July 1969) 641-647

<sup>6</sup> Op.Cit. Pliley and Langum and David J Williams, *Without Understanding: The FBI and Political Surveillance 1908-1941* (Unpublished PhD Thesis, Marquette University, New Hampshire, 1974) pp.49-59; Max Lowenthal, *FBI* (New York, 1950) pp. 11-13 and Don Whitehead, *The FBI Story: A Report to the American People* (London, 1964) pp.23-25

<sup>7</sup> Carole S Vance, “Thinking Trafficking, Thinking Sex” *GLQ: A Journal of Lesbian and Gay Studies* 17:1 (2011) 135-143

<sup>8</sup> William Seagle, “The Twillight of the Mann Act” *American Bar Association Journal*, 55:7 (1 July 1969) 641-647

While he was one of the figures whose name frequently crops up in works on White Slavery, in many ways he remains the antithesis of his fellow “abolitionists”. Since the Mann Act so dramatically expanded the powers of the Federal Government, it is perhaps surprising to discover firstly, that Braun never ran for, or held, elected office, in any form of Municipal, State or Federal government. What is more, given that the Act is essentially seen as being driven by religiously motivated social reformers and crusading ministers, it might also be considered strange that Braun was not overtly religious. In fact he can be seen as being at pains to, if not conceal, then certainly play down his religious background.

Nor could Braun be seen in any way as approximating an evangelist. Although, as a journalist, he was aware of the importance of a good story, it could be argued that Braun’s refusal to manipulate evidence would ultimately place him at odds with other, less scrupulous, but seemingly more committed, reformers. Even more surprising, given the Act’s concentration on the criminality and criminalising of aliens, Braun was not American-born. In fact his standing came in large measure from his advocacy of the very immigrant populations the legislation targeted. So who was this man Braun, and what was his interest in the subject, and what can he tell us about the debates surrounding trafficking in the early twentieth century? All these questions are perhaps best addressed through a brief narrative of Braun’s life.

That said Braun’s background is not entirely clear. The best efforts to understand his personal history must rely, at least to a certain extent, on his own accounts and - as will become apparent - for one reason or another those are not always reliable. Nevertheless, there are some certainties. We can trace Braun’s arrival in America to June 22, 1892. Records at Ellis Island show that he was twenty-eight years old when he had sailed from Rotterdam into New York aboard the SS Maasdam.<sup>9</sup> Other sources tell us that his origins were relatively plain. Before he left Europe he had been conscripted as a private soldier into the First Hungarian Infantry. On leaving the army he had then spent considerable time travelling around the continent, the bulk in Germany, France and Holland.

On his arrival in New York it didn’t take him long to find work. After a spell in a dry goods store as a porter, he was employed as a reporter for the *German Herold*. The following year there is a report of Braun covering the Chicago’s World Exposition

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<sup>9</sup> [www.libertyellisfoundation.org/passenger-details/](http://www.libertyellisfoundation.org/passenger-details/)

for the *New York Journal* and then James Gordon Bennett's tabloid *New York Herald*.<sup>10</sup> After taking American citizenship in 1894, he married Fernande Englander at Lexington Avenue's Central Synagogue (Temple Ahawath Chesed).<sup>11</sup> However, over the next year, the couple spent significant spells apart as Braun crossed the Atlantic to report as a freelancer on a variety of European events for papers including the Pulitzer owned *New York World* and Hearst's *Morning Journal*.

On his return to the US, Braun set up his own newspapers – the English-language *Hungarian American* and the German-language *Oesterreichisch-Ungarische Zeitung*. Alongside, and linked to his newspaper activities, Braun became a booster for the Republican Party's rising star, Theodore Roosevelt when he ran for New York Governor in 1898. At the time of Braun's arrival in the US, Roosevelt was already making his mark on the city's politics. By 1900, he was a hero of the Spanish American War and a seasoned politician with considerable experience of national politics. He was also the Republican presidential candidate, William McKinley's, running mate. Braun now used his own papers as well as his connections to move himself to the central position in the Hungarian Republican drive for Roosevelt. At every possible event, he not only whipped up support for "TR", but he also he made sure his own name was mentioned.

In June 1900, Braun made a particular effort to get full coverage of an invitation to the now Governor of New York, Roosevelt, to attend a gala dinner in New York's rapidly expanding Hungarian quarter. With a mix of obsequiousness and bravado Braun used the disproportionate attention reaped from that dinner to cement what he portrayed as a personal friendship with the "greatest man of the age" - Roosevelt.<sup>12</sup> Based on what would happen later, it seems probable that Braun flattered himself with regard to his personal proximity to power. The truth of the relationship is probably more pragmatic, and less ardent, than either party would have the public believe.

In reality there was a symbiosis. Referring to him as "one of his staunchest supporters" - although hardly a personal friend - Roosevelt saw Braun as a useful conduit to an important and often elusive section of the increasingly decisive immigrant

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<sup>10</sup> Frank R Holmes (ed.), *Who's Who in New York City and State* (New York, 1909) p.169 and *Chicago Tribune* August 8, 1893

<sup>11</sup> *New York Herald* March 15, 1895

<sup>12</sup> *New York Times* June 17, 1900

vote.<sup>13</sup> For by now Braun was not only the President of the Hungarian Republican Club, but also the Chairman of the Executive Committee of the influential Austro-Hungarian League. As such there is no doubt he could be instrumental in delivering up to the Republican side the votes of a good proportion of New York's 55,000 Austro-Hungarians and allied central Europeans.<sup>14</sup> In turn, Braun played up any contact between himself and the presidential candidate.

Yet there is more to this than simple publicity seeking. Braun knew the power of the cards he held, and when Roosevelt assumed the presidency, he was not long in moving to convert his support into a demand for repayment. In a revealing exchange of letters with Roosevelt, Braun stressed his "ceaseless endeavour and near superhuman effort" on Roosevelt's behalf in first the gubernatorial election of 1898 and again in the Presidential election of 1900. He went on to detail how the strain had not only worn him out, nearly broken him financially but also – rather oddly – he claimed it had laid him open to ridicule in his community.<sup>15</sup>

It worked. Four months after his opening gambit, he was offered a post as an immigration inspector at Ellis Island, which he declined on account of the poor pay. As he explained the \$1800 a year post didn't meet the minimum \$3000 he required to support himself and his family.<sup>16</sup> Eventually, having made sure it was covered with what was by now becoming his characteristic media fanfare, Braun was offered a position he felt he could accept – at a salary he felt met his needs. On March 20, 1903, he received notification that he'd been made a \$5,000 a year "Special Inspector for Immigration". As he told his wife – while at the same time making sure the *New York Times* and other papers overheard – that he would be tasked in his new job with "travelling back and forth between this country and Europe with a view to preventing the entrance of undesirable persons, especially anarchists."<sup>17</sup>

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<sup>13</sup> Elting E Morrison (ed.), *The Letters of Theodore Roosevelt* vol.3 (Cambridge, MA, 1951) pp.254-255

<sup>14</sup> *New York Tribune* August 26, 1900

<sup>15</sup> Letter from Marcus Braun to Theodore Roosevelt April 22, 1902 cited at <http://www.theodorerooseveltcenter.org/Research/Digital-Library/Record?libID=o37642>

<sup>16</sup> Marcus Braun to the Surveyor of the Port of New York, James S Clarkson, August 4, 1902 cited at <http://www.theodorerooseveltcenter.org/Research/Digital-Library/Record?libID=o38660>.

<sup>17</sup> *New York Times* March 22, 1903

In many ways Braun was an inspired choice for an immigration investigator. He possessed at least three characteristics which made him ideal. Firstly, Braun claimed fluency in six European languages. As a subject of the multi-lingual Dual Monarchy, he had been educated in a “public school, [in] Budapest” where he was taught in both the local Hungarian and the ubiquitous German of the Austrian Empire.<sup>18</sup> This bilingual education had obviously given him something of a linguist’s ear since on his travels in Europe before arriving in America he picked up a good working knowledge of French and English. To these he could add Yiddish, which, it seems, was the language of his pre-school childhood. What his other language was, is uncertain.

In addition to his linguistic skills Braun had made something of a niche for himself among the ex-pat Austro-Hungarians of New York. Roosevelt’s cultivation of his contacts is something of a testament to that. Further, the fact that Braun chose to associate himself and those around him with Roosevelt, and was successful in delivering on that choice, is another indicator of that status. Immigrants, especially in New York City, were traditionally aligned with, or at least voted for, the Democratic Party - and those Democrats were making a serious push for the immigrant vote. New York’s Democrat Party was formidable, being notoriously corrupt, politically savvy and inclusive. Illustrating its immigrant friendly status it flew the flags of the leading immigrant donor countries outside its 14<sup>th</sup> Street headquarters and stepped up the activities of its own naturalization office – and not just in the run up to elections.<sup>19</sup>

Alongside this cosmopolitan popularity, experience and fluency, Braun possessed another valuable asset: he was also very familiar with the workings of the press. Not only had he made his career in America one centred on journalism, but he was also something of a self-publicist. Even before he had become a naturalized American, he managed to get his name in the papers. Covering the Chicago World Exposition of 1893, he publicly bet a fellow Hungarian he would eat his lunch locked in with circus lions. From then onwards he was regularly in the papers – but not always willingly. Nevertheless, his talent for publicity and journalism could be seen as an advantage when the idea of restriction needed to be sold.

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<sup>18</sup> Frank R Holmes (ed.), *Who’s Who in New York City and State* (New York, 1909) p.169

<sup>19</sup> See Thomas M Henderson, *Tammany Hall and the New Immigrants: The Progressive Years* (New York, 1976)

The post Roosevelt gave Braun was established as a result of the 1903 Immigration Act which had been signed into law a little over a fortnight earlier. As his statement to the *Times* shows, the papers implied the Act was to be a means by which to control the anarchist threat, at its supposed source - Europe. They even dubbed the Act the “Anarchist Exclusion Act”. However, this was not the only target of this act. It aimed to exclude pimps and those unfortunate enough to be uncovered as epileptics. Yet, it was to be the final category singled out by the Act - beggars, or those “liable to become a public charge” – which draw Braun’s attention, and his concentration on this group would prove fateful for his career and ultimately the history of trafficking legislation.

No doubt drawing on his personal history, Braun started his investigations in the two German-speaking empires of Central Europe. His timing was fateful. He arrived in Berlin as refugees of an anti-Jewish massacre – a “pogrom” - in Bessarabia were fleeing to the Hapsburg and Hohenzollern Empires. As the *New York Times* reported “taken wholly unaware”, Kishinev’s Jewish community suffered appallingly. The *Times* claimed “the dead number 120 and the injured about 500.” The result was “Those who could make their escape, fled in terror.”<sup>20</sup> Unsurprisingly, many of them sought to leave the prejudice and violence of Europe behind them and settle in the New World.

Braun saw this exodus as an impending crisis he needed to draw to the attention of his superiors. Spending some days in Kishinev in his capacity as immigration inspector he interviewed both survivors and the increasing number of those tasked with their relief. In July 1903 he sent a report to the Commissioner General of the Immigration Bureau, Frank P Sargent. In it Braun detailed how the massacre had led to Jewish charitable organizations like B’nai Brith and the Jewish Colonization Association stepping up their efforts to facilitate the emigration of Jews to the United States. He told Sargent that agents based mainly in Berlin, Vienna and Bucharest were enabling the passage to the US of “a great number of emigrants”.

In amongst those he considered the “legitimate” refugees of the pogrom were those who Braun identified as “paupers” who he thought were essentially using the crisis to get free passage to the States. He saw these as being “absolutely of the undesirable class”. He would later elaborate on these “undesirables” telling Sargent

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<sup>20</sup> *New York Times* April 28, 1903



they contained “criminals, ex-convicts, prostitutes and [the] diseased”.<sup>21</sup> To Braun, it was obvious that those involved in finding passage for these “undesirables” knew that what they were doing was illegal, and some made efforts to cover their tracks.

It was unlikely that many of those involved in aiding the passage of these paupers would have seen themselves as traffickers, let alone slave-dealers – yet conflating “people smuggling” with “trafficking” that was how much of the reporting in the mainstream US press portrayed them. Present day distinctions of agency were largely ignored. The voluntary commissioning of people smugglers seems not to have been considered by many of those reporting these forms of “enslavement”. They also disregarded what many contemporaries of the left saw as the everyday enslavement of wage slaves of both sexes, child labourers and wives. The press – and most activists - tended towards a reportage of slavery as being largely the exploitation of immigrants as gang labour.

This view had been given the sanction of law. The 1874 Padrone Law; the 1882 Chinese Exclusion Act; the 1885 Foran Act and the 1891 Act, to a greater or lesser extent, and with more or less genuine reasons, all justified the exclusion of potential immigrants by claiming they were enslaved by gang-masters. It was Chinese coolie labour, those contracted under the Padrone system of the Mediterranean or the Native-American and Mexican peons who were seen as the slaves in American legislation during the period between 1865 and the turn-of-the-century. The result was that by the turn of the century, with a discernable hostility developing to the increasing numbers of Southern and Eastern European immigrants, those trying to evade or subvert the US immigration laws were seen as a part of this unfree exodus.

Yet, in the 1900s the US was a nation where the immigrant voter was gaining power, so excluding any group from entry was not a move to be contemplated lightly. With the depiction of undesirable immigrants as “unfree”, those charged with regulating access could claim that those being denied entry were being excluded for their own protection. These apparently protective measures shielded and freed these exploited immigrants from depravation and physical harm. To some extent, this approach nullified and invalidated accusations of un-Constitutional and immoral

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<sup>21</sup> *New York Tribune* July 24, 1903 and Braun to Frank P Sargent, August 24, 1903 File 52320 *Records of the US Bureau of Immigration: Subject Correspondence* RG85 Nation Archives and Records Administration, Washington DC (henceforth RG85 NARA)

protectionism as well as simple prejudice, and it is recognisable in much of the restrictionist rhetoric of the debates in both the media and Congress.

In keeping with this version of events, Braun's investigations in Vienna revealed that some refugees fell victim to a slave-labour pipeline that was already well-established, sophisticated and well-organized. He showed how false passports and travel documents were issued to the prospective emigrants in Hungary's Adriatic port of Fiume. He told how they then boarded ships in Italy, crossing the Atlantic, landing in Newport News, Virginia or Galveston, Texas. There they would be met by agents of the labour contractor and put on trains to labour in the mines, lumber camps and farms of the Southern States. One particular example was uncovered in Tennessee, where without their knowledge these unfortunates were shipped into the gruelling conditions of the scrub oak swamps where they were employed to cut staves for barrels.<sup>22</sup>

However while Braun's correspondence may have met with approval in some quarters it was condemned in others. His accusations soon elicited a reaction from the Jewish community. One letter to the *New York Tribune* attacked Braun's warnings of "Pauper Jews Coming". Outlining the effects of Russia's Draconian anti-Semitic May Laws, Dr LW Zwisohn argued that Jews in Russia already lived like slaves. He went on to coruscate Braun arguing that excluding such unfortunates was un-American, unworthy and condemning the prospective emigrants to slavery - and that, besides, emigration was almost always treated as a last resort.<sup>23</sup> Within weeks other papers had attacked Braun's reports. They added to the humanitarian arguments with claims that his accusations were slanderous and the evidence to support them was at best supported by vague statements that could not be verified.<sup>24</sup>

In fact Braun felt he could verify his accusations. In Jassy, Rumania, he uncovered the basis of the trafficking system from a "steamship immigration employee". He claimed that most of the unwelcome immigrants were being shipped by train to Copenhagen and Rotterdam and across the Atlantic to Canada, where they would wait to be "called" to the US. Canada had been chosen because "the control of Canadian ports is not so strict, and...it is about 20 roubles cheaper" than going directly to the more stringently policed American ports. Braun also discovered that some

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<sup>22</sup> *Atlanta Constitution* July 25, 1903

<sup>23</sup> *New York Tribune* July 29, 1903 and *Atlanta Constitution* July 25, 1903

<sup>24</sup> For example see *Washington Post* October 25, 1903, *The American Hebrew & Jewish Messenger* August 14, 1903 *The American Israelite* July 30, 1903

potential emigrants were less clandestine about their entry into the US. Braun exposed a thriving trade in Fiume in false US passports and “citizens papers” and a network of bribed officials in Europe willing to fake other travel documents.<sup>25</sup>

Delving deeper into the world of people smuggling, Braun uncovered an even bigger and more sophisticated operation promoting, facilitating and shipping illegal immigrants seeking entry into the US. Centring around Frank Missler, the Hamburg-America Line’s (HAPAG) agent in Bremen, this network was responsible for an “undesirable...element which annually invades our [America’s] shores in so large a number.” The motive was pure greed and exploitation, and it was no longer the Padrone exploiting the migrants, but the steamship companies. As he pointed out the companies’ agents were men

who in order to earn commissions play upon the ignorance and susceptibility of the plain peasant, frequently inducing him to sell or mortgage all his belonging for the purpose of raising the necessary traveling expenses, which latter transaction is also turned to profit by such agent.<sup>26</sup>

In order to do this, he claimed they paid “reputable persons, such as priests, school teachers, postmasters, and county notaries” to do this work. He said he had evidence that these respected figures were supplementing their incomes by taking commissions from the steamship companies. Even though they were almost certainly aware that it was against the law, these educated men still continued to take those inducements, persuading those over whom they had authority to emigrate to the US.<sup>27</sup> Braun argued

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<sup>25</sup> *New York Tribune* July 24, 1903

<sup>26</sup> “Report of Special Immigration Officer Marcus Braun, NY August 24” in *Report of the Commissioner General of Immigration* (Washington DC, 1903) (henceforth *Braun Report* (1903)) p.95 and Broughton Brandenburg, *Imported Americans* (New York, 1904) pp.275-276

<sup>27</sup> The 1903 Immigration Act contained the provision “That it shall be unlawful for any person, company, partnership or corporation, in any manner whatsoever to prepay the transportation or in any manner to assist or encourage the importation or immigration of any alien into the United States in pursuance of any offer, solicitation, promise or agreement, parole or special, express or implied, made previous to the importation of such alien, to perform service or labor of any kind, skilled or unskilled, in the United States.” Cited in Samuel P.

that the “peasant emigrants” they enabled were simply the “helpless dupes” of the cynical steam-ship companies and their greedy agents and sub-agents.<sup>28</sup> He also explained that these agents and their subagents held “semipublic positions”, by which he inferred that they were government appointed - or at least government approved.

Yet while Braun claimed he had been responsible for “a number of arrests” by local police, he argued that at this point there was a conflict of interests which mitigated against stopping the migration.<sup>29</sup> The central government in Vienna, like those of Russia and Germany, had passed measures to control such migration. All three empires wanted to retain their rural manpower for the fashionable mass military conscription that would later prove so fateful in the Great War. They were also aware that mass emigration disproportionately de-populated rural areas, and endangered the rural economies. This was most apparent in Braun’s native Hungary on which he centred his investigations.

The semi-autonomous Hungarian Parliament had passed legislation in 1903 regulating emigration. It did this by updating an 1881 law that had given the government the power to grant and oversee operating licenses to steamship companies. But if it was intended to reduce emigration, it had the opposite effect. The numbers grew significantly in the years after the law, more than doubling between 1904 and 1905, peaking at almost 200,000 emigrants leaving in 1907 alone. Furthermore, their destination was overwhelming the US. It was cited as the objective of 98.5% of Hungarian emigrants leaving in the first decade of the twentieth century. Supporting Braun’s conjecture, the rural element predominated. Over 300,000 of the 450,000 who left between 1905 and 1907 recorded as either “Agriculturalists” or “Agricultural and Day Laborers”.<sup>30</sup>

Braun warned the US papers that there were powerful forces working to sabotage any attempts at containing trafficking from Austria-Hungary. With a hyperbole that is absent from his reports to Sargent, he informed the American press that he was

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Orth, “The Alien Contract Labor Law” *Political Science Quarterly* 22:1 (Mar., 1907) 52

<sup>28</sup> Braun *Report* (1903) p.87 and *Washington Post* May 26, 1903

<sup>29</sup> *Cincinnati Enquirer* June 27, 1903 and Braun *Report* (1903) p.95;

<sup>30</sup> Walter F Willcox (ed.), *International Migrations Volume II: Interpretations* (New York, 1931) pp. 417, 420 and 421

convinced that “almost every priest, schoolteacher, village Notary and Postmaster in the provinces of Austria” would fight to retain the easy money they had become used to collecting as (illegal) recruitment agents for the steam-ship companies.<sup>31</sup> Progressing with his investigations on his return to Europe in April 1905, Braun became convinced that the massive increase in rural emigration was the result of increasing collusion between the steamship companies and the very highest levels of the Austro-Hungarian government.

For these accusations he drew on an anonymous but highly-placed Hungarian commentator. He informed Braun that the 1903 measure went through the Hungarian Parliament not for the purpose of controlling migration but to create a “rich source of revenue” for a clique of Hungarian politicians. These he claimed were led by the Prime Minister, Count István Tisza. He argued that this revenue stemmed from a deal done between Tisza, his cronies and the Cunard Line. Under this arrangement, in return for an unspecified financial outlay, in conjunction with its Fiume-based partner, the Adrea Line, Cunard got freedom from government regulation over both the numbers and the type of migrants leaving the country on its liners.

According to this account, Cunard had essentially bought the monopoly to traffic people from Austria-Hungary. It had purchased the freedom to pay its agents and sub-agents to illegally promote emigration, safe in the knowledge that local officials had been bought off. It had even gained control of the contracts to replace illegal pre-paid tickets. Pre-paid tickets were forbidden under US and Austrian law, and were confiscated by the authorities. These same authorities then pointed the now ticket-less would-be emigrants towards Cunard offices to buy replacement tickets. In the mind of Braun’s whistleblower all these dealings were certainly trafficking. Like many of his contemporaries Braun saw them in terms of slavery, calling them a cynical form of “barter in human lives.”<sup>32</sup>

It was Braun himself who informed the US government about these accusations of corruption within the Hungarian administration. Never one to play down a good story,

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<sup>31</sup> Braun in *Cincinnati Enquirer* June 27, 1903 and *Washington Post* May 26, 1903

<sup>32</sup> GZ, “Emigration Miseries: Legalized Human Barter, Open Letter to the Parliamentary Committee on Matters of Emigration” (Budapest, 1905) translated and cited in full in Marcus Braun, *Immigration Abuses: Glimpses of Hungary and Hungarians* (New York, 1906) (hereafter Braun, *Abuses*) pp.81-84 and Pamela Susan Nadell, *The Journey to America By Steam: The Jews of Eastern Europe in Transit* (Unpublished PhD, Ohio State University, 1982) pp.74-76

he claimed they essentially amounted to government-sponsored trafficking.<sup>33</sup> Nor did he stop there, using his contacts in the Budapest press, he had local Hungarian papers publish the allegations. With his characteristic predilection for self-publicity, Braun made certain his own name appeared on the byline. Unsurprisingly, in the wake of these allegations the cooperation - which had until this point characterized his relations with the Austro-Hungarian authorities - rapidly evaporated. It was replaced by low level, but persistent, harassment. American papers reported that Braun was

trailed over the continent for months, by spies acting in the interests of several foreign governments, which make a practice of flooding the United States with the criminal population of Europe.

Braun himself would later recount how in the eyes of the “Hungarian government” he’d “become a dangerous man...[who] must be annihilated”.<sup>34</sup>

This volatile situation reached a climax when Braun confronted a “famous detective...in the act of pulling my mail from my mailbox” at the Grand Hotel Hungaria in May, 1905. He did what he argued “every other American would have done” and gave him “a good American beating”. This account was later changed to a threat to “knock him down”.<sup>35</sup> Whether the violence was threatened or actual, Braun was arrested and his case was processed, rapidly. He was fined 50 Hungarian crowns (which American papers informed readers was \$10) for assaulting a “detective of the [Hungarian] Ministry of the Interior” named Hugo Galmar (AKA Kalmar). Shortly after these events, Braun left for the US, by his own account, slighted but with his, easily bruised, honour intact.<sup>36</sup>

By February 1906 a different picture had emerged of the way in which Braun was operating and what he claimed were the reasons for the Hungarian government’s apparent persecution of him. Within days of the incident with Galmar, the authorities

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<sup>33</sup> “Report of Marcus Braun to Department of Commerce and Labor, August 12, 1904” cited in House of Representatives, *Certain Reports of Immigration Inspector Marcus Braun: Document 384* 59<sup>th</sup> Congress, 1<sup>st</sup> Session (Washington DC, 1904) (hereafter HD 384) pp. 4-7

<sup>34</sup> *Chicago Tribune* May 21, 1905

<sup>35</sup> Braun, *Abuses* p.107 and *New York Times* June 29, 1905

<sup>36</sup> Braun *Abuses* pp.107-109; correspondence between Bellamy Storer and Braun reported in House Document 482, 59<sup>th</sup> Congress 1<sup>st</sup> Session: *A Report by the Secretary of State, With Accompanying Papers Regarding the Case of Special Immigrant Inspector Braun* (Washington DC, 1906) (hereafter HD482)pp1-3 and *Hartford Courant* May 12, 1905

released an *Official Police Journal (Offizielles Polizeipapier)* article, dated February 1, 1892. It included the arrest warrant for a certain “Markus Braun” for fraud, issued in December 1891. The charges originated in 1890 when Braun lived in Munich. A representative of the city’s Association of Hungarians, Braun was alleged to have been involved in a blackmail plot. When his scheme was uncovered Braun ran off to Paris, apparently funded by his ill-gotten funds. The authorities were certain that the physical description in the warrant matched that of Marcus Braun.<sup>37</sup>

Further, while the Commissioner of Immigration, Sargent, continued to back him up, the support he had relied on from the US Embassy in Vienna was visibly diminishing. Since May 1905 Hungarian investigators had quizzed the US Ambassador to Austria-Hungary, Bellamy Storer, over Braun’s authority to investigate the issues he’d been examining. While forwarding relevant documents that proved Braun’s credentials to the Hungarians, Storer had become uneasy. He was increasingly alarmed by what he saw as the way in which Braun had taunted and baited the authorities in the local press. He maintained Braun’s comments to Hungarian papers had been “offensive” and “indiscreet”, and made him “a person obnoxious to the Hungarian government.”

In his final report on the incident he condemned Braun as “seriously lacking in the silence, the moderation, and the self-restraint which ordinary commonsense, as well as official propriety, would naturally impose”. What was more he questioned Braun’s character, arguing that according to the “official police records of Hungary his [Braun’s] past is not clear.”<sup>38</sup> Further, while arguing that he did not give the tales any credence, Storer also relayed to the authorities in Washington Hungarian allegations that it was Braun who was attempting to arrange passage for paupers, not the Hungarian government.<sup>39</sup>

Not only did Braun deny all these claims, he demanded various apologies and suggested the US government ask the Hungarian authorities for reparations of at least \$50,000.<sup>40</sup> Instead he received a reprimand from the highest level – Secretary of State, John Milton Hay.<sup>41</sup> However, Braun was not sacked. Rather, he was issued with an

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<sup>37</sup> *Detroit Free Press* February 9, 1906 and HD 482 p.10

<sup>38</sup> Storer to Secretary of State, John Hay May 23 and June 3, 1905 cited in HD 482 p. 8-9 and 19-20

<sup>39</sup> Storer to Hay May 27, 1905 cited in HD 482 p. 12-15

<sup>40</sup> Braun to Storer May 19 and 21, 1905 in HD 482 p.19

<sup>41</sup> See *New York Times* May 26, 1905 and Hay reported in *Detroit Free Press* February 9, 1906

inspector's uniform and ordered to report for duty at Ellis Island on June 28, 1905. Yet within days of getting this new job, he had resigned - of course, after having notified the press. However, these briefings were marked by an uncharacteristically coquettish reluctance to disclose the reasons for his actions.

The result was that speculation was rife. A rather snide article the *New York Times* said Braun was a *prima donna* demonstrating a feeling that the position as a uniformed inspector was beneath his status. Other papers announced he was driven by a wish to have adventure, not remain trapped on Ellis Island. More sympathetic accounts argued Braun was motivated by a feeling that he was being punished for simply doing his job. The fact is, we will never know. There is no complete record of his conversation with Sargent, merely enigmatic comments in several newspapers made by both parties.<sup>42</sup>

In spite of this, Braun's side of the argument seems to have been vindicated. Following a meeting with President Roosevelt in October, 1905, Braun was "reappointed an inspector in the Immigration Service", although it was not apparent what his duties would be.<sup>43</sup> What is certain is that his judgement of the importance of pauper immigration was misjudged. There can be little doubt that diplomatic relations with Austria-Hungary, for one reason or another, took precedence over the fear of the entry into the US of these undesirable immigrants. It appeared that stopping people trafficking of this type was not a priority. Braun faced the harsh reality that no matter how organized the criminal system behind their trafficking no one in the Immigration Bureau seemed willing to enforce the law, heed his warnings, or defend him.

By November 1905 Braun was back in the field in Canada investigating the importing of Chinese "coolies" through the US' northern borders. It did not take long for him to become convinced that Canada's \$500 head tax on Chinese immigrants had pretty well eliminated this traffic, and he headed to the Mexican border where he "found a rushing business in this kind of trade."<sup>44</sup> Braun would spend the next years working on these two borders. He would highlight and inform his superiors in the Immigration Bureau, and of course the press of the threat inherent in this slave labor. He told them about the problems not just of Chinese coolies and Mexican peons, but also increasing

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<sup>42</sup> For speculations and comment on Braun's resignation see, for example, *New York Times* August 12 and 15, 1905 and *Baltimore Sun* January 17, 1906

<sup>43</sup> *Washington Post* October 31, 1905

<sup>44</sup> *New York Tribune* November 22, 1905



numbers of Japanese coolies and Syrian peasants being imported.<sup>45</sup> In his efforts to stop this “coolie” trade he claimed he had negotiated directly with President Porfirio Diaz, hoping to get similarly effective measures to those already in Canada to enable control labour trafficking on Southern border.<sup>46</sup>

Yet constant press briefings about what he saw as the almost Biblical scale of the threat to America emanating from the south: even reports of discussions with heads of state, would not make the issue of coolie labour one on which Braun could revivify what he saw as his flagging career. Imported slaves trafficked for their labour were not frontpage news. Perhaps it was because gang labour – whether Asian, Central American or European had already been dealt with – maybe not well enough for the nation’s lawmakers, but suitably well to defuse these issues for the press and the man in the street. It appeared extensive legislation - the Chinese Exclusion Acts, the Foran, Paige and anti-peonage laws, as well as Roosevelt’s 1907 Gentleman’s Agreement - had largely taken the sting out of these issues.

The focus of trafficking had changed. A new form of “slavery” had captured the imagination of the American press – and the public. Anti-vice campaigners had fired journalists with horrific - and salacious - stories of innocent girls being duped or kidnapped by ruthless “panders” who then sold them into sexual slavery. According to these reports, every year thousands of these innocents were being brought into the country and distributed to brothels in all areas of the nation. Further, they claimed it was a demand that grew. More girls were needed as the unfortunates were exhausted, infected, discarded or died. Women’s groups, evangelical Christian organizations, journalists of all stripes and political reformers increasingly seemed to see white slavery as a vehicle to publicize their work. Links were made with suffrage, temperance, poverty, promiscuity, modernity, urban politics – but most of all with inefficiently regulated immigration.

The issue of prostitution had long been associated with immigration. A variety of measures from the 1875 Page Law - which had outlawed the importation of Chinese

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<sup>45</sup> See “Inspector Marcus Braun Report on Immigration Matters, 1907” Subject and Policy Files, 1893–1957, Records of the Immigration and Naturalization Service, 1787–2004, RG85, NARA

<sup>46</sup> “Immigrant Inspector Marcus Braun, Mexico City, Bureau of Immigration and Naturalization, Department of Commerce and Labor May 7, 1907” File 51564, RG85 NARA

prostitutes - through to the 1903, the 1907 and later the 1910 Immigration Acts, all addressed the problem of incoming prostitutes. Given the topical nature of the problem it should not be particularly surprising that the Immigration Bureau should dedicate resources to uncovering the nature of this traffic. So, after returning from what he described as a “16,000-mile tour of Europe.... investigating anarchists”, in May, 1908, Braun accepted a new mission.<sup>47</sup> He was to investigate the immigrant roots of “the White Slave Traffic in its relation to the Immigration Laws and the violations thereof.”<sup>48</sup>

Throughout the summer and autumn of 1908, he investigated white slavery in twelve major US cities and he uncovered plenty of evidence that seemed to back suspicions of a major industry in imported prostitutes.<sup>49</sup> It seemed to corroborate what had already been discovered by other investigators of the White Slavery. Braun estimated there were some 50,000 “alien prostitutes” and 10,000 “procurers” working in the US in 1908. Their distribution and nationality varied, but the picture was universal, they were foreign. Some 5,000 prostitutes and 500 “procurers” worked in Chicago and their “Nationalities [were] not specified”. Seattle had 1500 prostitutes and only 100 procurers - “French, Belgian, Japanese and Hebrew, predominating in order given.” In Milwaukee he uncovered only 75 prostitutes. These he listed simply as “Alien”.<sup>50</sup>

However, pre-empting the publication of the sensational account of muckraker George Kibbe Turner, he found that the trade centered on New York City.<sup>51</sup> In that metropolis alone, he reported, there were over 10,000 foreign prostitutes of whom “a large proportion of whom are believed to have arrived...within three years”.<sup>52</sup> By the end of his US investigation in September 1908, he told Acting Immigration Commissioner Frank Larned that he was certain white slavery was “no longer a surmise

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<sup>47</sup> *Washington Post* May 18, 1908

<sup>48</sup> Frank H Larned, Sargent’s successor as Commissioner General for Immigration, to Braun, July 2, 1908 File 51777, RG85 NARA

<sup>49</sup> Braun to Immigration Commissioner, JW Jenks, September 19, 1908 File 52484/1 RG85 NARA

<sup>50</sup> Figures taken from *Participants in “White Slave” Traffic in United States* p.1 File 52484/1H RG85 NARA

<sup>51</sup> George Kibbe Turner, “The Daughters of the Poor: A Plain Story of the Development of New York City as a Leading Centre of the White Slave Trade of the World, under Tammany Hall” *McClure’s Magazine* 34 (November, 1909) 45-61

<sup>52</sup> Cited in “Memoranda for the Assistant Secretary” [of Labor], September 19, 1908 from FH Larned, Acting Commissioner General of Immigration: File 52484/1 RG85 NARA

or a suspicion [it was] no longer a matter of hearsay”, it was “a matter of fact.” He claimed that his investigations had revealed the way in which the process was controlled by “an international band of scoundrels” who operated a national “exchange or clearing house through which these dealings in rotten, corrupt human flesh” could be carried out.<sup>53</sup>

Yet, as the historian Gunther Peck has argued: “Rather than reading white slavery metaphors as direct expressions of identity, we would do better to read them strategically.” As he warns it is crucial to note “Who used them and what audiences heard them?”<sup>54</sup> This was certainly true of, if not embodied by, the example Braun’s career. For at this point – for whatever reason – Braun, it appeared had had an epiphany. The immigration inspector had previously subscribed to the belief that “white slavery” was - more or less - “white” men being coerced or tricked into physical labour for little or no remuneration, often in appalling conditions. Now he held it was a question of women being enslaved for sex.

Further, from having dominated his reports, he no longer saw coolie labour as being anywhere near as important in this regard. He argued sex trafficking needed to be eliminated, then the authorities could return to their concentration on labor trafficking, as is clear from his 1908 report, where he would ask

What is the clandestine importation of a few hundred Chinese or Japanese, or a gang of men under contract to perform certain labor...in comparison to the importation of Daughters of Eve, the sex of Mother, Wife, Daughter, Sister [sic] for the purpose of Prostitution? Why to me, it seems to be absolutely insignificant.<sup>55</sup>

Unlike his reports of coolie invasions, his investigations into sex trafficking hit pay dirt in terms of publicity. Nothing demonstrates this more clearly than the way in which his 1908 report would be used. For example, Braun made an uncharacteristically

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<sup>53</sup> Braun to Larned September 29, 1908 p.2 File 51777/197 RG85 NARA

<sup>54</sup> Quote taken from Gunther Peck, “White Slavery and Whiteness: A Transnational View of the Sources of Working-Class Radicalism and Racism” *Labor: Studies in Working-Class Histories of the Americas* 1:2 (2004) 53. See also Gunther Peck, “Feminizing White Slavery in the United States: Marcus Braun and the Transnational Traffic in White Bodies, 1890-1910” in Leon Fink (ed), *Workers Across the Americas: The Transnational Turn in Labor History* (Oxford, 2011) pp.215-221

<sup>55</sup> “Braun’s Report of September 29” p. 2 File 52484/1 RG85 NARA

candid admission to his boss, Acting Commissioner General of Immigration, Frank Larned, that his White Slavery statistics were little more than informed guesses. Braun told him that they were based on very limited information.<sup>56</sup> By contrast various anti-white slavery crusaders cited the same findings as being based on the most meticulous investigations. The store they placed on Braun's information can be gauged from how long it took the figures within them to get it into general circulation. Larned received Braun's US findings in September 1908. Yet, somehow, less than a month later - even though the report was never officially published - the National Vigilance Committee was citing its findings and figures and using Braun's statistics as a call for action in the war against vice.

If Braun's US findings caused a reaction among the "abolitionist" community, the addition of findings about the export of prostitutes from Europe in the reports he would submit the following year would have even greater impact, although in a very different way. In February 1909 Braun first travelled to Germany and Central Europe. Then in July he went back home to New York via Brussels, London and finally Paris. In the process, according to a condensed and rapidly issued version of Braun and other immigration inspectors' reports, he and other investigators uncovered a veritable sewer of vice dedicated to the exporting of girls to America.

According to a précis presented to Congress in white slave debates of the time, the reports coming from Europe, including Braun's, told of men who "discuss the characteristics of women...with the same coolness that they would name the good points of a horse, or a blooded dog which they have for sale". They reported how these men jokingly called themselves "live-stock dealers". The edited report also seemed to describe accounts of Polish, Romanian, Russian, "Hebrew" and French girls, fourteen years old and younger, being duped into brothels, gang-raped and then traded between countries and "disorderly houses". There were reports of how these girls left home, responding to job opportunities; reacting to the attentions of handsome, charming procurers or the assurances of kindly matrons. Instead of making their fortunes, the girls found that they had been condemned to "lives of shame."<sup>57</sup>

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<sup>56</sup> As Braun himself admitted the figures he gathered were "at best mere approximations". Braun cited in *Participants in "White Slave" Traffic in United States* p.2 File 52484/1H RG85 NARA

<sup>57</sup> John Dillingham, "Importing Women for Immoral Purposes: A Partial Report from the Immigration Commission on the Importation and Harboring of Women

Essentially they backed up the findings of the moral crusaders, providing detailed accounts of how these innocents were forced to have sex for money, and after that humiliation they would most likely be beaten and their earnings taken off them. It showed how these unfortunates could not go to the authorities. This, it argued, was not only out of fear for what their pimps and madams may do, but also because they were constrained by the consequences, the dishonor and stigma associated with their inevitable deportation back to the old country. As SS McClure, the owner and publisher of the eponymous magazine that published George Kibbe Turner's pieces on White Slavery, told the *New York Times* "The horrors of white slavery have scarcely been opened to the public. The Government report... is too horrible for any magazine or paper to print."<sup>58</sup>

In reality the selective readings of Braun's reports seem deliberately distorted. Braun's initial draft of his final report to the Commissioner-General of Immigration was sent in a letter, from New York on October 2, 1909. In a telling introduction, contradicting his US findings, he states

Before going in to details, I desire to state, at the very outset, that there is no such thing as an organized traffic for the shipment of alien women for the purposes of prostitution or any other immoral purpose in existence, nor could I find any organized effort of bringing innocent and virtuous women into this country for such purposes of prostitution or other immoral purposes.<sup>59</sup>

What was more Braun pointed out that while the drive to outlaw the White Slave trade originated in Britain and had been adopted in Germany, Belgium, Spain and even France, "the conception of constitutes a "white slave" is quite different in Europe than it is in the United States."<sup>60</sup>

Nothing demonstrates this more clearly than several examples within his initial report where he tells of how prostitutes and pimps in Paris, Antwerp and Brussels

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for Immoral Purposes" Senate Document 196 61<sup>st</sup> Congress, 2<sup>nd</sup> Session (December 10, 1909) (SD 196) pp.15-17

<sup>58</sup> *New York Times* November 28, 1909

<sup>59</sup> Braun to Commissioner-General of Immigration October 2, 1909 p.1 File 52484/1-D RG85 NARA

<sup>60</sup> Braun to Commission-General of Immigration, July 26<sup>th</sup>, 1909 p.2 File 52484/1+P RG85 NARA

threaten to get the authorities to deal with *him*. They were carrying out everyday, if not entirely legal, transactions. As one French pimp indignantly told him

How dare you make reproaches to me that I am not in a legitimate business when I supply these houses with women? If it is legitimate for the Government to tolerate the existence of these houses, why should it not be legitimate for me to supply the women?<sup>61</sup>

Braun did not want to test this assertion. Having obviously learnt lessons from his earlier expulsion from Vienna, Braun was at pains to stress how “inoffensive”, “nonchalant” and “careful” he was in his “attitude” towards the authorities.<sup>62</sup> Nevertheless, by the end of his European trip, the French government registered a complaint against Braun because “certain activities of this officer in France were in violation of the French penal code.”<sup>63</sup>

The accusations revolved around Braun’s suspicion of kidnapping and enslavement of “Miss Loth, the young French girl”. According to Braun she was a minor and her mother told him she’d left in the company of a “well-known Belgian pimp and procurer by the name of Muller, alias Mullo”.<sup>64</sup> The suspected pimp registered a complaint with the French Minister of the Interior. In turn this minister, Monsieur Pichon, protested to the US Ambassador in Paris condemning Braun’s behavior, arguing that “foreign agents should [not] under any pretext whatsoever, exercise the police functions of French territory.” The “extreme gravity” of the accusation propelled it all the way to an exchange between the French Minister of Foreign Affairs and the US Secretary of State.<sup>65</sup>

The French reaction to Braun’s investigations could have resulted from a variety of different causes, but to Braun it highlighted a difference of attitude between the US

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<sup>61</sup> Braun to Commissioner-General of Immigration October 2, 1909 p.9 File 52484/1-D RG85 NARA

<sup>62</sup> Braun to Commissioner General of Immigration, September 16, 1909 File 52484/1+P RG85 NARA

<sup>63</sup> Letter from Acting Secretary of Immigration and Naturalization, Ormsby McHarg [?], to the US Secretary of State, Philander C Knox, October 21, 1909 p.4, File 52484/1+P RG85 NARA

<sup>64</sup> Letter from Braun to the US Ambassador in Paris, Henry White, July 27<sup>th</sup>, 1909 p.1 File 52484/1+P RG85 NARA

<sup>65</sup> For details of the accusations see a letter from S Pichon, Minister of Foreign Affairs to Philander C Knox, US Secretary of State, July 7, 1909 File 52484/1+P RG85 NARA

and Europe when it came to the seriousness with which they saw prostitution. European, and especially French, attitudes to “vice” were more pragmatic than those of America. They saw the overwhelming majority of women who sold sex as “prostitutes” not “slaves”. He felt that the difference lay in the level of agency the women could demonstrate. Ironically, swayed by his own - now truncated - investigations Braun was forced to reverse the position he had so fervently advocated on his departure for Europe. According to the evidence he could produce, it appeared that White Slavery was almost entirely the more or less voluntary migration of “working girls” from the Old World to the New.

This came across in the final report on the European findings on the vice trade. It argued that the vast majority of immigrant prostitutes were not kidnapped, but arrived in the US chasing a better income than they could achieve in the vice trade in Europe. Presented on December 10, 1909, the report told the Immigration Commission

Though in all probability many are innocent, the majority of women and girls who are induced to enter this country for immoral purposes have already entered the life at home and come to this country as they would go elsewhere, influenced primarily by business considerations. According to reports made by Marcus Braun, a special agent of the Bureau of Immigration and Naturalization, who investigated in Europe the exportation of women to America for immoral purposes, there is a practical certainty of greatly increased earnings. So far as the more degraded women in Eastern and South-Eastern Europe – Poland, Roumania [sic] and elsewhere, the earnings would probably be from five to ten times as much...On the other hand, the opportunities of their securing any material share of their earnings for their own uses is no greater, possibly not so great.<sup>66</sup>

It seemed that this verdict added to the feeling that European states had little interest in stopping the export of prostitutes. It appeared that although most had signed up to treaties promising to end the predation on innocent girlhood, no nation other than the US would implement effective legislation to make that a reality. It was clear to the activists fighting the White Slave trade that America would need to take unilateral action,

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<sup>66</sup> Reports of the Immigration Commission, *Steerage Conditions, Importation and Harboring of Women for Immoral Purposes, Immigrant Homes and Aid Societies and Immigrant Banks* vol 37 (Washington DC, 1911) p.66

and in November 1909, Chicago Congressman James R Mann proposed just such a measure.

At first glance it seems curious that Braun, now – just as legislation on the white slave trade is about to be brought into force - seems to have become dispirited, maybe even disinterested in the issue. Unusually, given his publicity-seeking nature, he doesn't seem to have made any public comment on the debate around what would become the Mann Act. On the surface this seems particularly odd, since it would seem that his findings were being distorted to make it appear that the white slave trade emanated from Europe, whereas he was now arguing that the bulk of European prostitutes entering the country were actually willing emigrants. However, a closer examination reveals that the activists driving for the legislation no longer viewed it as a problem of immigration and immigrants.

Arguably, this had less to do with Braun's findings, it was focused more on other elements. Firstly, in 1907 – no doubt drawing on the investigations and reports of Braun and other investigators – Congress passed an immigration act. The Act essentially tidied up existing policies relating to what Braun had been investigating. It tightened up the legislation governing contract labour. It re-established which immigrants were deemed mentally, physically and financially fit for entry. It refined the prohibitions on anarchists and other political undesirables and described fines and other punishments for those aiding their immigration.

Most crucially, Section 3 of the Act redefined and expanded immigration law where it touched on prostitution and pimping. Since the 1870s most federal immigration legislation had incorporated some prohibition on prostitution, but the 1907 Act introduced more stringent definitions of pimping and the penalties facing those who were caught. It also introduced a vague but vital legal expression which it used to broaden the prohibitions on “prostitution” which might enable more thorough prohibitions on the less blatant aspects of sex trafficking. With this legislation, many may have argued that the immigration side of White Slavery was already sufficiently covered by existing legislation.

However, shortly after Congress passed the Immigration Act, in spring of 1907, America-born Mona Marshal threw a note from a Chicago brothel window. It read: “I am a white slave”. The subsequent investigation started what can only be called a panic about white slavery. It also changed the emphasis of the problem. While the general narrative to this point had been one of largely Jewish, French and Belgian “panders”



trading mostly Eastern European girls, *American Mona's* abduction by an *American* man was even more frightening.<sup>67</sup> In a typical article of its type, a Chicago Juvenile Court Judge warned the following year –

there are thousands of these young women...new to the life of great city, working for as little as \$3.50 a week...A starving girl of this class, hungering for companionship as she may be for food, [could fall] subject to the wiles of one of these smooth, well dressed traders in human virtue.<sup>68</sup>

It seemed that the problem had now become an issue that could not be resolved simply by preventing immoral immigrants entering the country, or deporting them when they were discovered.

As the problem escalated to a national hysteria, it appeared that there were ambitious men who still saw “abolition” as a means to fame and fortune. The *Chicago Tribune* was not being entirely hyperbolic when it claimed the person who managed to give their name to the ensuing legislation would go “down in history as the man who freed the white slaves”.<sup>69</sup> Robert Mann, who would sponsor the eponymous Act was one of them. As the chair of the Committee on Interstate and Foreign Commerce, Mann was naturally more inclined towards national controls, and as such his measure concentrated on internal, domestic, controls.<sup>70</sup>

Not that Mann drafted the legislation. Crucially Mann also had the backing of one of the most effective, outspoken, well-connected and well-known of the White Slave crusaders, Chicago's highly ambitious US Attorney, Edwin S Sims. Essentially from then onwards, Sims would replace Braun as the source of information for the committee designing the legislation. Most importantly it was Sims who would select those who would appear before the Committee, and for this task he was as well qualified as he was opinionated. Fresh from masterminding the most celebrated case of the decade, the celebrated trust-busting Standard Oil prosecution, Sims had gone on to oversee large-scale and highly publicized raids and arrests of prostitutes, pimps and madams in Chicago.

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<sup>67</sup> For details of all these elements see Kristofer Allerfeldt, *Organized Crime in the United States, 1865-1941* (Jefferson, NC, 2018) pp. 220-231

<sup>68</sup> *Chicago Tribune* July 26, 1908

<sup>69</sup> *Chicago Daily Tribune* December 20, 1909

<sup>70</sup> *Chicago Daily Tribune* November 25, 1909

Sims had also been the first high-profile figure to propose using Federal legislation to control White Slavery, and it was him who persuaded Mann of the kudos of having his name on the Bill. It was also Sims who would draft the Bill. Sims had built upon a growing perception that immigration controls had failed to control white slavery. What was more the Immigration Commission in its report clearly demonstrated that the problem was not entirely one of aliens, and Sims and his collaborators argued the same: claiming that “In the United States, at least three-fourths of the girl slave victims have been inveigled from our own farms, homes, towns and cities”.<sup>71</sup> The Immigration Commission also re-enforced the notion that Europe was both unwilling to admit the scale of the problem, or do anything to aid American immigration officials. It seemed, therefore, that a new approach was needed.

Promising a “National War on Vice”, Sims would now draw on the testimony of fellow crusaders who were really dedicated to the eradication of the “social evil” of prostitution and associated immorality.<sup>72</sup> Like many of his fellow “neo-abolitionists”, he made little or no distinction between white slavery and prostitution. As Sims put it “The white slave trade may be said to be the business of securing white women and of selling them or exploiting them for immoral purposes.”<sup>73</sup> To many of them it was impossible to outlaw White Slavery unless the root cause was eliminated. As one activist would put it:

If we wish to discourage prostitution and protect innocent girls from slave traders, we must stop teaching that abominable theory that homes of prostitution are necessary. Until we do this, these infernal dens will demand and secure victims.<sup>74</sup>

The result of this view was that the Mann Act incorporated the notoriously broad prohibition on the transportation of women for “immoral purposes”. Further, it also fed a mood that enabled the broadest possible interpretation of that phrase, something which the law to this point had been reluctant to do.

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<sup>71</sup> Clifford Roe, *Panders and Their White Slaves* (New York, 1910) p.211

<sup>72</sup> *Chicago Daily Tribune* October 27, 1910

<sup>73</sup> Sims cited in Ernest Bell, *Fighting the Traffic in Young Girls* (Chicago, 1910) p.14

<sup>74</sup> E Norine Law, *The Shame of a Great Nation: The Story of the White Slave Trade* (Harrisburg PA., 1909) p.184

While the now notorious phrase had been central to the attempts to control vice in the 1907 Immigration Act, the US Supreme Court had given a confused interpretation of how the term should be interpreted.<sup>75</sup> In the years in-between the passage of that act and the Mann Act, the anti-vice crusaders had attempted to utilize the term in its loosest possible manner - with mixed success. Most importantly in 1908, the US Supreme Court had reversed the decisions of lower courts when it ruled that John Bitty had contravened the 1907 law when he imported his mistress from England. The following year, that same Court had given the opposite message when it declared in favor of Joseph Keller, the owner of a Chicago brothel.

Keller had been convicted of harboring Irene Bodi, a Hungarian national, for an “immoral” purpose. Crucially Bodi had spent two years in New York, before moving to Chicago. To the Supreme Court this timescale meant that the provisions of the 1907 Act did not apply - Bodi had not been imported into the US by Keller. As Supreme Court Justice David Brewer argued, to uphold a conviction would give the Federal government the right to “control all the dealings of our citizens with resident aliens”. Such a decision would mean “the door is open to the assumption by the National Government of an almost unlimited body of legislation.”<sup>76</sup>

In the first decade after its passage, the most staunch anti-vice activists argued that exactly such limitless powers were what was required to protect the nation’s women and girls. As one moral guardian argued in 1913, the act needed to be interpreted to provide “terrors for the seducer and debaucher” as well as “the commercial trafficker in vice”. He was convinced that the Act must punish those who indulged in “simple cases of fornication”, which he outlined as “the illicit sexual intercourse of two persons, whether married or unmarried.” He also felt it should tackle adultery as well. Such an interpretation, he was certain, would be progress in “public conscience” and “public morals”.<sup>77</sup> In 1917, with its ruling over the Diggs-Caminetti case, the Supreme Court granted his wish. In essence the Court held that when two California residents took their

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<sup>75</sup> Department of Commerce and Labor Bureau of Immigration and Naturalization, *Immigration Laws and Regulations of July 1, 1907* (Washington DC, 1910) p.5

<sup>76</sup> U.S. Supreme Court, *Keller v. United States* 213 U.S. 138 (1909) p.148

<sup>77</sup> James Bronson Reynolds, "The Diggs-Caminetti Cases a Crisis in Public Morals." *Vigilance* 27:10 (1913) 2-4

consenting young mistresses on holiday in Nevada, and shared their beds with them, they contravened the Mann Act.<sup>78</sup>

While Braun was arguably more sceptical about the feasibility and desirability of outlawing the “vice trade” than many of the “abolitionists”, there is little doubt that his findings proved crucial to the nature and focus of the Mann Act. His European reports and experiences showed that the Old World, and most explicitly – but not uniquely - the French, had no real inclination to halt prostitution at home, or prevent its wholesale export to America. But they didn’t point to the kidnapping and exporting of “slaves”. Yet his position is not that clear-cut. It was his earlier high-profile American investigations, among others, which had exposed a very sophisticated national network of pimps and panders and facilitated Sims’ model white slave prosecutions in Chicago.

But Braun’s findings and his career went further than this. They demonstrated how, and to a certain extent why, sex trafficking came to dominate the campaigns to outlaw trafficking from that point until the present day. At their most basic they followed the pattern of prohibitionist/abolitionist interests in the twentieth century. They clearly show the direction of concern, concentrating first on the protection of the nation from foreign “slave” labour via immigration control, through to the protection of morals via the Mann Act.

Arguably while Braun was simply a cog in the machinery of this process, his reports still serve to add valuable insight into how this policy was driven. His reception by the Jewish community; his expulsion from Vienna; the opposition to his investigations in France and the way in which his data was interpreted by the abolitionists, all serve to provide further detail about how trafficking legislation was controlled by pressure groups – as, many would argue, it remains today.<sup>79</sup>

For a man whose influence was so great in its formation, Braun is not on record as commenting about the Mann Act, and it is debatable whether his opinion would have carried much weight anyway. He had a pretty spectacular fall from grace. After the publication of the Immigration Commission’s voluminous reports in 1911, he slipped

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<sup>78</sup> See *op.cit.* Langum pp. 97-118

<sup>79</sup> For an analysis of the way in which modern trafficking has become synonymous with sex trafficking, and who has driven that agenda see Jo Doezema, “Loose Women or Lost Women? The Re-Emergence of the Myth of White Slavery in Contemporary Discourses of Trafficking in Women” *Gender Issues* 1 (1999) 23-50

into the background, taking a job as Warden of the Port of New York and New Jersey. He hit the headlines a couple more times, although no doubt he wished he hadn't. In 1911 he was arrested in a "gambling Hell" on East 14<sup>th</sup> Street. He used a false name when he went before the Magistrate, but his fame preceded him and, recognized, he left court with a fine, and yet another blot on his reputation.<sup>80</sup>

Things then went from bad to worse. After war erupted in Europe in 1914, Braun started to publish a pro-Central Power newspaper, *Fairplay*. With accusations swirling about the paper being funded by Germany, Braun became increasingly unpopular with the general American public.<sup>81</sup> Then, in June 1915 the Royal Navy boarded the *Oscar II* on which Braun was travelling to Europe. They found "secret papers" which it was alleged he had hidden, leading accusations that Braun was a spy.<sup>82</sup> While conclusive proof was never forthcoming and Braun repeatedly protested his innocence, he could never entirely shake off his unpatriotic, pro-German, image.

In his last years, it seemed Braun was past caring. When the war ended, he left for Vienna where in 1920 he bought the *Vienna Hungarian News*. This venture was short-lived and in "Red Vienna" the paper was plagued by labour problems. Braun was forced to admit defeat and it was while trying to sell the paper in Vienna in 1921, that he died of a heart attack. Typically, his *New York Tribune* obituary makes no mention of his contribution to the Mann Act.<sup>83</sup> But then again the Act was not mentioned in Mann's own obituary in the *New York Times*, nearly a year after Braun's death.<sup>84</sup>

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<sup>80</sup> *New York Tribune* August 17, 1911

<sup>81</sup> See, for example, *Washington Post* April 13, 1915 and *New York Tribune* November 14, 1915

<sup>82</sup> For details see *New York Times* November 15 and December 10, 1915

<sup>83</sup> *New York Tribune* February 28, 1921

<sup>84</sup> *New York Times* December 2, 1922