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SHGAPE PRESIDENTIAL ADDRESS

# Legislating Morality in the Gilded Age and Progressive Era: Moral Panic and the “White Slave” Case That Changed America

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## Abstract

This article is based on the presidential address presented to the Society for Historians of the Gilded Age and Progressive Era at the meeting of the Organization of American Historians in Los Angeles in 2023. Its focus is Maury Diggs and Drew Caminetti, two white men from Sacramento, California, charged with violating the Mann Act (known as the White Slave Trafficking Act) in 1913. The Gilded Age and Progressive Era obsession with white slavery, a phenomenon that has particular resonance in today’s climate, reveals the power of moral panics. Examining the steps, and missteps, that various legal, social, and political entities, including all three branches of government, took in response to Diggs and Caminetti’s actions highlights some of the major social changes gripping the nation. Moral panics can be investigated as crucial historical sites of contestation, revealing efforts to neutralize or turn back the societal changes perceived to be the greatest threat to the prevailing social power structure—in this case foreigners, the new leisure culture, the liberalization of sexual attitudes, and the threat of female independence. Understanding the origins and repercussions of past moral panics can help identify, understand, and possibly defuse future panics.

**Keywords:** Diggs and Caminetti; Mann Act; moral panic; political scandal; white slave trafficking

This article examines the Gilded Age and Progressive Era obsession with white slave trafficking, a phenomenon that has particular resonance in the modern climate. It reveals the power of moral panic, defined as mass paranoia concerning a hidden evil or threat that can’t be quantified, usually during societal disorder, particularly when it comes to issues of sexuality.<sup>1</sup> In American history, such panics go back at least as far the witch trials of the late 1600s, but some of the best known began in the latter half of the twentieth century, including the “Lavender Menace” panic of the 1950s.<sup>2</sup> Homosexuals who proved their loyalty and patriotism during World War II found their hopes for the possibilities for broader social acceptance dashed in the immediate post-war period.<sup>3</sup> The conflation of

homosexuality and communism were perhaps best summed up by minority leader Senator Kenneth Wherry (R-Nebraska), who stated in 1950 that thousands of homosexuals were employed by the federal government, constituting a serious threat to American security: "I don't say every homosexual is a subversive and I don't say every subversive is a homosexual, but a man of low morals is a menace to the government, whatever he is, and they are all tied up together."<sup>4</sup> Only months after Wherry called for a Senate investigation into "moral perverts" in federal employment, director of the CIA, Admiral Roscoe Hillenkoetter explained to the Senate the reasons that homosexuals "or other moral perverts" should not be employed "in positions of trust."<sup>5</sup> The result was a government policy that ruined thousands of careers and that also forced additional thousands of gays and lesbians to live deeply closeted lives.

The women's liberation movement and the sexual revolutions of the 1960s and 1970s (including the advent of the birth control pill, the *Roe v. Wade* decision legalizing abortion, and the gay rights movement) provoked a conservative backlash in the 1970s and 1980s, fueling a new round of moral panics. These included the antihomosexual "Save our Children" political coalition as well as high profile criminal trials of day care workers charged with child molestation.<sup>6</sup> The 1980s and 1990s saw a renewed gay panic fueled by the HIV/AIDS epidemic, followed by predictions of complete moral collapse in response to the fight for gay marriage. In 1996, Representative Bob Barr (R-Georgia), speaking in support of the Defense of [Heterosexual] Marriage Act, told his colleagues in the House, "The very foundations of our society are in danger of being burned. The flames of hedonism, the flames of narcissism, the flames of self-centered morality are licking at the very foundation of our society: the family unit."<sup>7</sup>

More recent examples of moral panic are legion. In 2017, #SaveTheChildren began campaigning vigorously to "end child sex trafficking," regularly churning a variety of baseless conspiracy theories vilifying liberal politicians. By grounding their assertions in legitimate fear of the sex trafficking of children, they generated millions of online followers.<sup>8</sup> In the early 2020s, several states began seeking to ban medical treatment for transgender youth.<sup>9</sup> The bills' sponsors argued that their efforts were not based in transphobia but were actions desperately needed to "protect children." This same reasoning was used in efforts to keep trans students out of sports and certain bathrooms, to justify banning critical race theory, African American history, and books claimed to be "dangerous" and "subversive" and to implement a nationwide ban on abortion.<sup>10</sup>

And it was not only concern about children that fed recent moral panics. The #MeToo movement that began in 2006 and the trials of Jeffrey Epstein and Harvey Weinstein brought a spotlight to the sexual exploitation of women. As the Epstein case illustrated, it can sometimes be hard to distinguish individual acts of rape from sexual trafficking. Just as it was in the Gilded Age and Progressive Era, there is frequently a conflation of voluntary prostitution with forced prostitution and of human trafficking (labor as a result of force, fraud, or coercion) with sex trafficking (when the labor of human trafficking includes sexual services). All of these phenomena exist, and few people want to come off as indifferent or tolerant by nitpicking the differences in degree. Sex trafficking, notoriously difficult to quantify with any accuracy, remains particularly well suited for moral panic.<sup>11</sup>

So let me set the stage for my focus on one particular moral panic of the Gilded Age and Progressive Era. On March 10, 1913, two couples in Sacramento, California, boarded the Southern Pacific's No. 10, formerly called the China Mail, bound for Reno, Nevada. Maury I. Diggs, twenty-six, the married father of a five-year-old daughter, had served as state architect, designing several large city buildings (including the Superior Court of



**Figure 1.** Maury Diggs, widely considered to be the mastermind of the crime. San Francisco History Center, San Francisco Public Library.



**Figure 2.** Drew Caminetti, Maury Diggs's partner in crime. F. Drew Caminetti, Fang Family *San Francisco Examiner* photographic print files, BANC PIC 2006.029, carton P091, folder Caminetti, F. Drew & wife divorce case, © The Regents of the University of California, The Bancroft Library, University of California, Berkeley.

California in Placerville) and was a partner in the architectural firm Cuffs and Diggs. He was nephew of California Democratic Senator Marshall Diggs and son of successful Berkeley contractor Irving P. Diggs. Farley Drew Caminetti, twenty-seven, the married father of two (including a baby five months old), was a noncommissioned officer in the California National Guard and until his recent resignation, clerk for the State Board of Control. He was the son of Anthony Caminetti, a former state senator recently appointed U.S. Commissioner General of Immigration by President Woodrow Wilson (Figures 1 and 2).

These young men had for some months been spending considerable time with two young unmarried women from prominent Sacramento families. Diggs was involved with Marsha Warrington, age twenty, and Caminetti with Lola Norris, age nineteen. Although all four sought to hide the truth about their illicit relationships from their families, the two couples had hardly been discreet. They had gone for long drives in Diggs's distinctive white Cadillac Torpedo (later referred to in the press as the "joy machine"), frequenting bars and cafes, and generally scandalizing the polite society of Sacramento. With the goal of leaving Sacramento just long enough for the gossip to die down, the two couples hoped to slip out of town unnoticed: The train they boarded left the station at 12:50 a.m. (Figures 3 and 4).

On March 14, the four were tracked to a rented bungalow in Reno, placed under arrest, and returned to Sacramento. The women's families posted their daughters' bail and brought them home. Diggs and Caminetti were jailed, where additional charges were filed against them, including violation of the Mann (White Slave Traffic) Act.

Diggs and Caminetti had just stepped into the buzz saw of a raging moral panic. Examining the steps, and missteps, that various legal, social, and political entities, including all three branches of government, took in response reveal the power of some of the major social changes gripping the nation. They also reveal how the resultant panics were intentionally and unintentionally encouraged.



**Figure 3.** Marsha Warrington, who was both vilified and pitied for her intimate involvement with Maury Diggs. Library of Congress LC-DIG-ggbain-14257.



**Figure 4.** Lola Norris, presented by the press in a somewhat more sympathetic light for her relationship with Drew Caminetti. San Francisco History Center, San Francisco Public Library.

A focus on instances of “moral panic” can reveal more than the specific issues and individuals at stake. It can produce as well fresh insights into the contests and negotiations over social changes, notably which flash point issues generate the most heat (but rarely much light!) as threats to the status quo. During the long Gilded Age and Progressive Era, the United States experienced the kind of revolutions in gender and sexuality that created fertile ground for moral panic—just as they do in the present. While drinking, gambling, and prostitution were not exactly unknown even in colonial America, as the nation transformed from a rural agrarian economy, opportunities for vice abounded in the mushrooming cities.<sup>12</sup> The United States was not alone in its growing panic about the spread of forced prostitution in particular. Confirmed instances of women being kidnapped in one country and sold into sexual slavery in another convinced many reformers that such individual cases were only the tip of a very large iceberg.<sup>13</sup> The International Convention for the Suppression of the White Slave Traffic met in Paris for ten days in July 1902, and delegates representing thirteen nations from five continents convened in 1910 to draw up a series of resolutions to suppress international trafficking in women.<sup>14</sup> In keeping with the theory that “where there’s smoke, there’s fire,” the resolutions issued by the convention confirmed the popular belief that there was an international conspiracy to turn innocent white women into sexual slaves. Daniel J. Keefe, commissioner of general immigration, sent an agent of the Bureau of Immigration to Europe to carry out a follow-up investigation. The unnamed agent visited England, Belgium, Austria, France, Germany, Russia, and Romania. He confirmed reports from officials in those nations that, despite firm popular convictions to the contrary, “There is no such thing as an international organization—that is, a close corporation—having for its object the exploitation of women.”<sup>15</sup>

Madeleine, the pseudonymous author of a 1919 memoir about her years as a sex worker and madam during the peak of the white slave panic, argued that such trafficking didn't exist even on the domestic level. She insisted that the real victims of the white slave trade were the gullible readers whose relentless consumption of white slavery narratives "drove them into an anxious frenzy."<sup>16</sup> Scholar Laura Fisher confirms, "Many Americans were already questioning the veracity of white slavery by the time Congress passed the Mann Act in 1910, and scholars now agree that no such crisis truly existed, at least not in the sensational form writers imagined."<sup>17</sup> However, like many of today's moral panics, there was, as Fisher suggests, a grain of truth underlying the growing obsession.<sup>18</sup> In 1982, historian Ruth Rosen compiled a number of interviews with sex workers conducted during the Progressive Era and found that 7.5 percent of the 6,309 women surveyed listed "white slavery" or "extreme coercion" as a causal factor.<sup>19</sup> According to Rosen's figures, 92.5 percent of prostitutes did not rise to the definition of "white slave," yet this overwhelming majority was relegated to darkness as the public spotlight focused almost exclusively on the tiny minority. What accounts for growing certainty that the white slave threat was not a vast exaggeration but a rapidly expanding epidemic that constituted a substantial menace to society? Then as now, moral panics proved remarkably resistant to debunking efforts, no matter their basis in fact.

### The Role of the Press in Creating and Sustaining Moral Panics

Newspapers and magazines printed lurid stories of white slaves trapped in the thriving red-light districts in cities across the United States. Muckraker George Kibbe Turner published two searing indictments in *McClure's* magazine, including "The Daughters of the Poor," declaring in 1909 that "New York has become the leader of the world" in slave trafficking. The alarm he raised helped to launch a grand jury investigation, with John D. Rockefeller Jr. serving as foreman.<sup>20</sup> In this and other inquiries, community leaders, progressive reformers, and social scientists frequently found themselves investigating cases that turned out to have originated in short stories, plays, and novels. For instance, the *Report of the [Massachusetts] Commission for the Investigation of the White Slave Traffic, So-Called* found no evidence of organized traffic in women. Rather, it concluded that several of the stories the commission investigated "were easily recognized versions of incidents in certain books or plays."<sup>21</sup> The 1909 grand jury's detailed report on vice conditions in the county of New York also ultimately concluded there was little evidence of an organized traffic in women.<sup>22</sup> Presiding Judge Thomas O'Sullivan directed much of his ire at George Kibbe Turner, stating that the muckraker had "admitted under oath that his article was overstated and deceiving" and that "he had no evidence (not even hearsay) to support his statement."<sup>23</sup> In a response that foreshadows the concept of "alternative facts," Turner refused to concede that presenting fiction as fact was in any way problematic, decrying to the press the judge's assertions as an "attempt to belittle the danger from this evil on the ground that either myself or others have misrepresented its exact form of organization." He called the judge's position "a contemptible evasion of the main issue, even if that excuse were true, which it is not."<sup>24</sup>

Some historians claim that the steadfast alarmism over white slavery was part of a moral panic concerning urban vice in general; others view it as a way of confirming and exploiting stereotypes: the evil foreigner and the virtuous yet vulnerable American female.<sup>25</sup> Scholar Christopher Diffie compellingly combines elements from both arguments:

White slavery narratives could express the dangers of the new leisure culture and the liberalization of sexual attitudes it connoted, while inverting the threat of female



independence into more reassuring images of female passivity. To these generational issues were added racial overtones through the association of the white slavery ring with various exotic foreigners.<sup>26</sup>

The compounding of a variety of fears fueled the popular insistence that white slavery was widespread, and the panic persisted (Figure 5).

What exactly was this “white slavery” that had people in such high dudgeon, even without evidence? Polite society, which had long determined a woman’s worth by her virtue and piety, viewed women who sold their sexual services with a combination of disdain, pity, and horror. In a culture in which the simple loss of virginity marked the ruin of an unmarried woman, voluntary entry into prostitution was unthinkable. Although prostitutes were disparaged for their willingness to sell their sexual favors, most of even their harshest critics believed that such a “choice” was fueled by desperation rather than depravity. As novelist Reginald Wright Kauffman stated in 1911, “The cause of ‘white slavery’ is purely economic. It is and always will be simply a question of poverty. The elimination of this slavery will come only with the amelioration of economic and sociological conditions.”<sup>27</sup> Americans, however, were far more interested in being shocked by salacious tales of virtuous young white women being ravaged by unscrupulous men, particularly if the villains were not white Anglo-Saxon Protestants, than they were in earnest discussions of the causes of poverty and how it could be overcome.

### Moral Panics Often Serve as a Cover for Racism and Anti-Immigrant Fervor

In a drawing titled, “The First Step,” featured in *Fighting the Traffic in Young Girls*, a virtuous young woman is seated next to a smiling, well-dressed man in a seemingly wholesome environment (Figure 6). The caption reads, “Ice cream parlors of the city and fruit stores combined, largely run by foreigners, are the places where scores of girls have taken their first step downward. Does her mother know the character of the place and the man she is with?”<sup>28</sup> The confidence that most white Americans held in the natural purity of women conflicted with equally strong beliefs about the general inferiority of certain racial and ethnic groups. Native Americans, recent immigrants of color, African Americans, and other nonwhite women were deemed more susceptible to prostitution, although controversy raged over whether this was due to inherent moral weakness or economic necessity or a combination of both. More worrisome to most white Americans was the entry of white women, particularly older stock Anglo-Saxon Protestants, into the oldest profession. For a public that believed in the inherent purity and sexual passivity of such women, their acceptance of prostitution could not be voluntary at all but the result of young innocents enticed by falsehoods and victimized by brute force. A front-page story in the *Sacramento Bee*, for example, reported in “San Francisco Finds a New Tenderloin” (subtitled, “Sad Tales of White Slavery”) that “many girls scarcely more than children have been lured [to cities] to their ruin . . . through promises of respectable employment given in advertisements in rural newspapers.”<sup>29</sup>

### Moral Panics Demonstrate the Power of Self-Appointed Guardians of Morality

Reports of the growing epidemic of white slavery were spread in the Gilded Age and Progressive Era press. The *New York Times* added its particular stamp of credibility on the white slave crisis when it announced declaratively on its front page on April



Figure 5. A variety of methods were employed to warn women that independence and the pursuit of newly available career opportunities leading them away from a life devoted exclusively to marriage and children would inevitably result in loneliness and unhappiness. The panic over white slavery reinforced women's "natural" vulnerability and passivity. "Looking Backward," by Laura E. Foster, *Life*, August 22, 1912, 1638. Library of Congress LC-DIG-ppmsca-02940.

30, 1910, "White Slave Traffic Shown to Be Real."<sup>30</sup> Perhaps more persuasive were the speeches, sermons, addresses, and lectures by various politicians, ministers, missionaries, professors, and white middle-class women's groups, all eager to establish themselves as guardians of morality and leaders in the crusade to purify not just America, but the whole world. Their outrage and warnings served as validation to members of the public who viewed them as important and altruistic experts on sin and unladylike behavior.






Figure 6. "The First Step," Ernest A. Bell, *Fighting the Traffic in Young Girls* (1910), frontispiece.

### Advancements in Technology Can Feed Moral Panics

Today's internet can quickly spread rumors, disinformation, and the skewed or invented statistics that feed moral panic. In the Gilded Age and Progressive Era, the new technology was film. Mrs. S. M. Hagen, president of the Immigrants Girls' Home in New York City, helped whip the hysteria over white slavery to a fever pitch. Hagen believed that the increasingly popular motion pictures had the greatest chance of reaching the young women most in danger: recent immigrants who could not afford to attend plays and whose inability to read English rendered them beyond the reach of the warnings in newspapers and pamphlets. Hagen approached screenwriter and producer Walter MacNamara, who, happy to justify on the basis of moral reform a film on such a sensational topic, wrote *Traffic in Souls*, released in 1913. The film

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**The Great White Slave Photo Drama**

THE UNIVERSAL FILM MANUFACTURING CO. Presents

**TRAFFIC IN SOULS**

**6 Parts**  
**700 Scenes**  
**600 Players**




Figure 7. The immense success of *Traffic in Souls* in 1913 launched a series of films depicting sexual trafficking as a very real danger to innocent white women.

announced that 50,000 women a year were stolen off streets and forced into prostitution. Long at eighty-eight minutes and, by contemporaneous standards, lavishly produced, *Traffic in Souls* was filmed on location, partly on Ellis Island with actual immigrants in the background, lending to the authenticity of its message. “More than thirty thousand people saw the film in its opening week, and within a month it was playing at twenty-eight theaters in New York. The success of *Traffic in Souls* spawned a series of white slavery films in its own right,” some even more sensationalized, most notably *The Inside of the White Slave Traffic*, *Little Lost Sister*, *The Lure*, *House of Bondage*, *The Little Girl Next Door*, and *Is Any Girl Safe?*<sup>31</sup> (Figure 7).

### Politicians, Whether or Not They Are True Moral Panic Zealots, Will Use the Prevailing Alarm to Gain Power and Attention

In 1910, Ernest A. Bell, secretary of the Illinois Vigilance Association, edited *Fighting the Traffic in Young Girls, or, War on the White Slave Trade*, a collection of essays including several by Edwin W. Sims, U.S. district attorney in Chicago. Although Sims never proved that there was a vast white slave syndicate operating on the national or international level, his allegations hardly seemed outlandish or fabricated in the prevailing moral panic. His certainty was infectious. Sims's most influential adherent was Representative James Robert Mann (R-Illinois) who served in the House from 1897 to 1922.

Mann enthusiastically supported governmental protection of the virtue of American womanhood. The White Slave Traffic Act, better known as the Mann Act in recognition of its sponsor, took aim at the villainous fiends who placed women in unprecedented peril. Section 2 of the act, passed into law in 1910, mandated: "That any person who shall knowingly transport ... any woman or girl for the purpose of prostitution or debauchery, or for any other immoral purpose ... shall be deemed guilty of a felony."<sup>32</sup>

Police never uncovered the international white slave syndicate described by Edwin Sims, but over the years they did use the Mann Act to prosecute a variety of men. One of the first, and perhaps best known, was the heavyweight boxing champion, African American Jack Johnson.<sup>33</sup> His prosecution made it clear that the Mann Act could be used to punish "uppity" Black men who consorted with white prostitutes. What remained to be seen was whether it could also be used to punish white men for committing adultery with women of the same race who were not prostitutes.

### Nuanced Approaches to Moral Concerns Face an Uphill Battle

The American Vigilance Association, a national organization created in 1912, claimed that measures like the Mann Act had led to a marked decrease in the white slave trade and, in discussions of next steps, advocated objectivity over self-serving exaggeration. The executive committee included Jane Addams as well as the heads of Marshall Field & Company; Sears, Roebuck & Company; and Quaker Oats. The Association sought to "avoid the faddists and sensationalists who have attempted at various times to exploit such matters for personal or fanatical reasons."<sup>34</sup> Such a measured approach was no competition for the firm conviction held by many Americans that white slavery was a growing menace to society and this was no time for caution.

It was in this atmosphere of frenzied concern over the perceived epidemic of white slavery and panic over its ultimate results that Diggs and Caminetti made their fateful trip to Reno. The two men were tried separately in San Francisco. Both trials were followed closely not just in California but throughout the nation, with daily coverage provided by papers including the *Washington Post*, *Los Angeles Times*, and *New York Times*.

### Leaders Who Underestimate Moral Panics Do So at Their Own Risk

The Mann Act's author clearly saw the Diggs and Caminetti cases, together, as a kind of referendum not just on his legislation but on the very soul of the nation. Members of all three branches of government who believed that the Mann Act was being used to exploit the prevailing moral panic for political gain found they had to be exceedingly careful not

to give the impression that they were negligent in their protection of white women's virtue. President Woodrow Wilson was the first to learn the consequences of underestimating the power of widespread moral panic. Wilson originally got out in front of concerns about illicit sexual activity when a special performance of French playwright Eugène Brieux's play *Damaged Goods* was staged at the National Theater on April 6, 1913, for him, his Cabinet, and both houses of Congress. It shockingly depicted the devastation middle-class men brought upon themselves and their innocent wives and children when they brought home venereal disease contracted from prostitutes. This widely discussed play, quickly novelized by Upton Sinclair, further inflamed the public concerning the dangers of unsanctioned sex. The *New York Times* declared that the play "initiated a movement in this country which must be regarded as epoch-making."<sup>35</sup> But Wilson's much publicized attendance at the play did not protect him from appearing "soft" on white slavery in the coming storm.

Wilson's critics were quick to outrage when it was reported on June 21 that U.S. Attorney General James McReynolds approved the request by Drew Caminetti's father, Commissioner of Immigration Anthony Caminetti, that District Attorney John McNab (a Taft appointee) postpone his son's trial until he could attend. McNab very publicly resigned, charging the president with seeking to shield white slavers, and predicting that a national scandal would result. When McNab stated piously, "I prefer honor to my salary," the *New York Times* noted approvingly, "McNab has received many telegrams from all parts of the country applauding his course in tendering his resignation."<sup>36</sup> Petitions poured in, many organized by the *Sacramento Bee*, begging the president to not accept McNab's resignation, thereby ensuring that "righteous prosecution shall not be smothered." "You owe it, Mr. President," urged a "cut and paste" petition printed in the *Bee*, "to your own sense of honor and justice not to permit the chloroforming of Justice to be consummated."<sup>37</sup> Protestors, including Clayton Herrington, the special U.S. prosecutor who had assisted McNab, urged the president to purge McReynolds from his cabinet. The Department of Justice came under attack because, according to the *Bee*'s editor Charles K. McClatchy, "there is one law for wretches without friends and a totally different law for wretches with a political pull."<sup>38</sup> McReynolds poured gasoline on the flames by responding caustically and purely in terms of party politics: "A [R]epublican District attorney has resigned and I am shedding no tears."<sup>39</sup>

Wilson also initially considered the outcry overblown, noting mildly that he'd never been consulted about the cases but considered it humane to allow Caminetti to be present at the trial of his son. What had been dismissed by the president as a minor and routine annoyance was refusing to go away and beginning to show some of the hallmarks of a consequential political boondoggle. On June 24, the *San Francisco Chronicle* reported that the "Wilson administration is in a serious predicament" and that even Democratic congressmen "declared that the only action President Wilson can now take if he wishes to clear his administration of the odium placed on it by McNab's action will be to order an immediate trial."<sup>40</sup> The president quickly began hedging his bets, publicly assuring McReynolds that he approved his handling of the matter "very heartily and without hesitation," while urging the "immediate and diligent prosecution of the case" as a matter "of serious importance from every point of view."<sup>41</sup> According to the *Los Angeles Times*, Wilson recognized that to save face "something must be done quickly to stem a flood of indignation": "The president stated today that he has all the papers in the Caminetti and Diggs case before him and that he intends personally to investigate the matter."<sup>42</sup> The *Washington Post* reported that an entire Cabinet meeting "was devoted to the problem





**Figure 8.** U.S. Attorney General James McReynolds depicted as trying (fruitlessly) to hold back Justice. *San Francisco Call*, June 24, 1913.

created by the flood of telegrams demanding the attorney general's resignation and the threat of McNab ... to deliver more 'thunderbolts.'"<sup>43</sup> When Wilson and McReynolds met on June 25 to select a special prosecutor for the case, the *Sacramento Bee* reported gleefully, "Administration officials made no effort to conceal their relief ... Probably no issue with which President Wilson has had to deal since his inauguration has attracted such widespread attention."<sup>44</sup> Although the White House now considered the incident closed, McClatchy, using a tactic still favored in some of today's media, kept up a steady drumbeat of outrage. McClatchy declared that Wilson had provided "an unjustified and unjustifiable whitewash to McReynolds" and contrasted Wilson's waffling on the subject with McNab's steadfast morality.<sup>45</sup> In the words of William Randolph Hearst's *New York American*: "Political influence has never been exerted with more dastardly results ... [It] makes a mockery of the marriage tie, and puts a blot upon Federal law and authority which outraged sentiment the country over will demand to have removed, however drastic the means necessary" (Figure 8).<sup>46</sup>

### Politicians on Either Side of a Moral Panic Won't Hesitate to Exploit It for Partisan Purposes

Republican members of Congress smelled blood in the water. As the *Chicago Daybook* reported, "It is evident that the Republicans intend to make all the political capital out of the case they can" by insisting that Wilson's entire progressive agenda hung in the



balance.<sup>47</sup> The *Los Angeles Times* reported that McNab's resignation had "created a national sensation," stirring up "a World of trouble for the Democratic national administration."<sup>48</sup> Those who resented Wilson's own moral streak delighted at this turn of events:

We have been told that the principal mission of this new Democratic administration was to battle against special privilege and put a stop to the favoring of special interests ... If he permits political wire pulling to interfere with the progress of justice in the most open and shameless manner, he will have proven traitor to his own professions and false to his oath of office.

"Never has a president of the US soared in a loftier strain than Woodrow Wilson," reported the *Los Angeles Times*, asking, "will he stay up or go down?"<sup>49</sup>

Minority Leader James Mann was outraged that anyone, especially the president, could possibly doubt the magnitude of the moral crisis facing the nation. On June 23, resolutions were introduced by two fellow Republicans. House Resolution 181 called on the attorney general to deliver to the House Committee on the Judiciary all the documents in his office concerning the Diggs and Caminetti cases; House Resolution 182 demanded that the Judiciary Committee fully investigate all the facts surrounding the resignation of John McNab. Three days later, during a discussion of the opium trade, Mann took the opportunity to celebrate the nation's reform spirit—and to shoehorn in an attack the administration:

When we find that the chief law officer of the country and the chief magistrate of the country have permitted themselves to be used to prevent the enforcement of a great moral reform law like [the White Slave Traffic Act] we have a right to make inquiries and give consideration to the case.<sup>50</sup>

Mann ridiculed Anthony Caminetti for his request that his son's trial be postponed until he could attend: "Caminetti was a youthful boy of 27 years, with, I believe, several children, and it was desirable to have his father at the trial to protect him in his guileless innocence, having only seven lawyers to do so." He faulted Wilson for not immediately firing Anthony Caminetti as commissioner general of immigration, asserting that, having demonstrated such clearly impaired judgment, the senior Caminetti could not be trusted to rightfully decide deportation cases concerning aliens brought to the United States for the purpose of prostitution. Mann expressed singular outrage at the president for accepting McNab's resignation, calling Wilson's position "absurd" and "pure bunk." He railed:

Frightened rabbits never got away quicker than the President and the Attorney General ... The action now taken is pure hypocrisy ... Manliness such as I would have expected from the Christian moral gentleman occupying the White House would have required him to ask the district attorney to withdraw his resignation and try these cases.<sup>51</sup>

The congressional discussion returned to the opium trade, but Mann remained determined to force a full accounting of the administration's mishandling of the Diggs and Caminetti cases.

On July 2, Henry Clayton (D-Alabama) reported on behalf of the Committee of the Judiciary that had met with Attorney General James McReynolds in accordance with House Resolution 181. McReynolds pledged cooperation while maintaining that certain documents related to the case could not be released because they might be detrimental to the prosecution of the case. Clayton stated that the purpose of the resolution had been accomplished and insisted that the proposition was not eligible for debate. James Mann doubled down: “There will be no further business in the House without a quorum until we have a chance to have some debate on this white-slave proposition.”<sup>52</sup> As the Republicans continued to use quorum calls to bring the work of the House to a halt, an extremely frustrated Julius Kahn (R-California) shouted at the Democrats, “The effort to stick your heads in the sand like ostriches in the belief that the country will not see you will not suffice. These matters must be made public . . . Let us have the light. Let us investigate it all.”<sup>53</sup> Kahn’s wish was partially fulfilled when the *Washington Post* printed an array of documents related to the case. In a surprising twist, the *Post* ultimately sided with the administration, concluding, “The remote danger in delay was grossly exaggerated in order to cast discredit upon the President and his Attorney General. The natural tendency of the public to resent interference with the course of justice was fomented into hysterical indignation by politicians for their own purposes.” The *Post*, ignoring its own role in whipping up the panic, concluded, “The Diggs Caminetti case in itself is shocking enough, but it is made much worse by muckraking politicians who use it for the purpose of imputing base motives to the heads of government.”<sup>54</sup>

As the nation shifted its focus to the growing partisan wrangling, Wilson recovered, despite his preliminary misstep of discounting the significance of the Diggs and Caminetti cases in the brewing panic. By July 5, the *Outlook* reported that the president had narrowly averted catastrophe because the “case had the possibilities of the gravest scandal” on a par with the Pinchot–Ballinger affair, which pitted U.S. Forest Service Chief Gifford Pinchot against U.S. Secretary of the Interior Richard Ballinger in a debacle that badly damaged the Republican Party: “What the Ballinger case was to the Taft Administration the Caminetti case might easily have become to the Wilson Administration—and worse—if it had not been for President Wilson’s prompt and vigorous action.” Instead, noted the *Outlook* approvingly, “[I]n two days he acted, issued his orders, and turned the energies of himself and his cabinet to constructive matters.”<sup>55</sup>

James Mann and his fellow Republicans ultimately wore down the Democrats. On July 29, the House began a discussion on behalf of the Judiciary Committee that concluded on August 1, filling more than thirty double columns in the *Congressional Record*. Republicans strove to outdo each other in their moral outrage, bolstered by press accounts that the case still had the potential to “wreck the Wilson administration.”<sup>56</sup>

Julius Kahn (R-California), noted several of his colleagues, was practically bursting with the speech that Democrats had managed to stifle for weeks. He repeatedly stated that the public was “determined to wipe out white slavery” and demanded “vigorous enforcement of white slave laws,” hinting darkly that President Wilson and certain members of Congress were unpatriotic for not putting their full weight behind McNab.<sup>57</sup> Kahn expressed shock that the Attorney General James McReynolds had not known of John McNab prior to his resignation. Kenneth McKellar (D-Tennessee) represented the views of many in his party when he responded tartly to such sanctimoniousness:

My God, Mr. Speaker, what a charge to bring against the Attorney General of the United States! He did not know McNab—McNab, the great statesman! Why no man in this House can be so ignorant the he did not know McNab. McNab, the great

reformer; McNab, the great publicist; McNab, the great patriot. Why, the children in California cry out, "We know McNab."

McKellar was just getting warmed up. "The Hottentots in the far-off seas constantly ring with the applause of McNab," he continued caustically:

Why, they tell me the wild animals in Africa that were chased by Mr. Roosevelt some time ago all unite in praise and commendation, to use the words of the gentleman from California, of the Great McNab. The Attorney General of the United States ... is charged with the foul crime of not knowing McNab. Well ... I would like to know myself who in the blank is McNab?<sup>58</sup>

Joseph Byrns (D-Tennessee), was more direct in his charge that the "holier than thou" attitude of Mann and his supporters was primarily motivated by a desire to discredit the current administration:

The gentleman from Illinois [Mann] ... does not do credit to himself if he lends his great ability and power to a vain effort to make the American people believe that the President of the United States and the Attorney General are not as sincerely anxious to see that law enforced to the fullest extent as he or any other citizen of this great Republic.<sup>59</sup>

As each side sought to outdo the other in moral outrage, Willis Hulings (R-Pennsylvania), observed that the discussion "degenerated into a mere scrap between the two old parties."<sup>60</sup> Even the extremely partisan *Sacramento Bee* noted:

It is deplorable that a great issue of elemental right and wrong should be debased into the low level of political imbroglio. The sneers of the Administration supporters at Washington are no more reprehensible, however, than the attitude on the other hand assumed by Mann, minority leader in the House of Representatives, and by Congressman Kahn—both of whom are forgetting the issue in working overtime trying to make political capital against the Democratic party.<sup>61</sup>

Mann had the last word on the subject, appending his six column report on white slave traffic from 1909 to the *Congressional Record* for August 1, 1913, thereby reiterating that the white slave trade was "systematic and extensive" and was distinguished "from immorality in general" by the fact that "the women who are the victims of the traffic are unwillingly forced to practice prostitution."<sup>62</sup>

The judiciary was the next branch of government to take up this particular hot potato. In recent years judges have exercised their power to either quell or confirm the assertions promoting particular moral panics. During the jury selection process in 1913, presiding judge William Van Fleet (who had publicly opposed Wilson's acceptance of McNab's resignation) made clear his interpretation of the White Slave Traffic Act, emphasizing that it was designed to criminalize immoral behavior: "There is no such thing as a personal liberty to commit crime, and the sooner people ascertain that fact the better it will be for society."<sup>63</sup> Van Fleet also had very clear notions on the proper place for women. Although California women gained suffrage in 1911, Van Fleet noted approvingly that, in accordance with federal law, "No women would be accepted as jurymen in this court."<sup>64</sup> The judge also made a preemptive strike against the defense's plan to present the two young women involved in the

case as willing, if not leading, participants. He rejected the notion that the women involved had any kind of agency, ruling that the jury should not take into consideration any testimony that might be presented against the moral character of Marsha Warrington and Lola Norris. He stated unequivocally that it was immaterial whether the women went to Reno of their own free will. Van Fleet frequently intervened when he judged the questions put to Warrington and Norris as too indelicate or harsh for female sensibilities. The judge's conviction that respectable women could not be held responsible for any sexual failings or prurient interests extended even to the young female spectators in the courtroom, whom he tried to shame into leaving, declaring their protection was the responsibility of the court if they were not accompanied by their mothers or chaperones.

As evidenced by the events in the nation's capital on January 6, 2021, extremists seize on moral panics to promote their fanaticism. In the midst of the Diggs trial, ultraconservative U.S. Senator Ben "Pitchfork" Tillman (D-South Carolina) went on a highly publicized rant on the floor of the Senate against woman suffrage, which he predicted "may usher in another thousand years of moral blight and sexual depravity and degradation." His wide-ranging tirade included the Diggs and Caminetti case. Tillman did not fault Judge Van Fleet for striving to protect Warrington and Norris. Rather, he was outraged that the case had even come to trial. Tillman bragged:

If the California men had our [southern] customs Diggs and Caminetti would not be alive now, because they would have been shot like dogs. And the fathers of the girls they have ruined would be acquitted almost without the jury leaving the box. The 'unwritten law' [of patriarchal vengeance] ... is the best law to protect woman's virtue that I have ever heard of.

Tillman concluded piously, "The more I think about the Diggs–Caminetti case, the more outraged I grow at the state of morals and society which not only permits such crimes but encourages them."<sup>65</sup>

Significantly, Diggs's attorney also invoked the prevailing moral panic in his closing argument for the defense, arguing that it was society that was to blame for his client's "foolish act," because "There has come over the people of the United States a carelessness in all moral things."<sup>66</sup> Unpersuaded, the jury declared Diggs guilty after five hours of deliberation. The Caminetti trial was a faster version of the Diggs trial and featured the same witnesses giving the same testimony. Judge Van Fleet continued to present women as vulnerable innocents needing of protection. Once again, he urged women to leave the courtroom and advised the jurors that the willingness of Marsha Warrington and Lola Harris to take the trip to Reno was immaterial. Van Fleet's charge to the Caminetti jury, noted the *San Francisco Chronicle*, "practically amounted to instructing the jury to bring in a verdict of guilty."<sup>67</sup> As with the Diggs jury, that verdict was rendered after five hours of deliberation. Juror W. A. Heister told the *San Francisco Examiner*:

When we began to deliberate, the question was put to the jurors that there was not a man among the twelve who had not at some time done the same thing that young Caminetti had done. This was debated up and down but it was finally agreed by the majority that the jury could not do anything but convict in the face of the instructions given by Judge Van Fleet.<sup>68</sup>

Heister's comment generated considerable outrage, especially from Van Fleet himself, who threatened the juror with contempt charges, leading to a hasty retraction.

### Moral Panics Spur Public Engagement

The moral panic and its associated blame game continued to roil in the interlude between the guilty verdicts and the joint sentencing of the two convicted men, with the sexual double standard coming in for special scrutiny. In a series of articles concerning the cases written by Mary Austin (author of the popular book *Land of Little Rain*), holding society responsible was what made the Diggs and Caminetti cases such a vitally important step forward: “The big fact that obscures everything else is that the men are being tried for a public offense rather than a private one. We have come to that at last; the ruin of young girls is a wrong inflicted not on the unhappy victims alone, but on society.”<sup>69</sup> Then as now, some claimed that the educational system was to blame for a variety of ills, including immoral behavior. Mary Austin saw higher education as a chief villain. She asked:

What are we to think of a university which would teach Maury I. Diggs more about architecture than it began to teach him about being a man? By what extraordinary misapplication of schooling did Drew Caminetti become fit to serve on a board of public control without at the same time learning to control himself in the fulfillment of his obligation as a husband and as a father?<sup>70</sup>

Austin asserted that young people “have a right to instruction in the proper conduct of their love life as to a knowledge of physics or geometry. ... [T]he old way of leaving instruction in the important issues of life to the parents has not proved satisfactory.”<sup>71</sup> In an era that increasingly celebrated eugenics, Austin demanded that

Love relations must be brought out of the fog of ignorance and mystery and subjected to the same scientific scrutiny that we are bringing to bear on industrial relations. They must be subjected to intelligent restriction quite as much as are labor and industry.<sup>72</sup>

Prominent San Francisco judge Clayton Herrington, appointed special United States investigator by the Department of Justice to enforce the Mann Act (and dismissed following his self-righteous support of John McNab), was one of the many Americans to echo Austin’s call for education as the potential solution to America’s rapidly declining morals: “one of the quickest results to follow this case will be the wide teaching of sex matters to children in the public schools.” Although Herrington allowed that “You can’t legislate morals,” he nonetheless declared that when the government passed the Mann Act, it took “a step in the right direction.” He maintained as well that:

One of the surest results of equal suffrage will be a single moral standard, which will solve the trouble ... For hundreds of years we have said to our daughters, ‘You must not,’ and to our sons, ‘You may.’ You see the results. Women are demanding equal purity on the part of the men they take for better or for worse in greater numbers every day. Man is being touched by evolution and awakening slowly to the realization that there is every disadvantage to himself in sexual promiscuity and every advantage to himself in continence.<sup>73</sup>

Before handing down sentence on both Diggs and Caminetti on September 10, the judge provided an analysis of their crime surprisingly in keeping with the summation by



Diggs's lawyer. Judge Van Fleet confirmed that modern society's condoning of all forms of immoral behavior shouldered much of the blame:

[T]he evidence discloses very clearly that drink had its paralyzing hand upon your sleeping consciences during the period when you were debauching these girls, and Society has, to a certain extent, to answer for that. The responsibility for the presence of the saloon, the dancehall ... and the roadhouse with all their debauching influences rests, I think upon Society.<sup>74</sup>

Despite endless debates over who was ultimately responsible for the failure of American morals, in the end Diggs and Caminetti were the ones to be formally punished. Van Fleet sentenced Drew Caminetti to eighteen months and a \$1,500 fine; Maury Diggs, whom the judge deemed the more dominant of the two, drew a slightly harsher punishment: two years and a \$2,000 fine. It was widely observed that their convictions were the first to be handed down under the Mann Act statute without any involvement of commercialized sex. The sentencing set off another round of debate over the root causes of the crime, revealing myriad concerns about the danger to traditional values and power structures. According to the *Sacramento Bee*, the punishment meted out by Judge Van Fleet "will be a splendid thing for the moral atmosphere of California. It will put the fear of the law, if not of God, into the hearts of despicable wretches who make seduction of young girls their chief past time."<sup>75</sup>

The *San Francisco Call* heartily agreed, running under the headline "Leading Men and Women of City Endorse View of Federal Judge Van Fleet," articles by a Baptist pastor, a customs official, a high school teacher, a women's club president, and the past president of the Juvenile Protective Association. All agreed that "moral corruption [is] ... persistently making for the ruin of the family and for the disintegration of the race," due to "the general laxity of public morals and of home training." Then as now, there was widespread recognition that the "laxity of social conditions" of the present age offered dangers that previous generations could not possibly know. Fundamentalist Christians, then as now, insisted that the solution was, "There must be a recognition of the Supreme Being, especially in the training of young people" (Figure 9).<sup>76</sup>

Just as "getting back to God" is still routinely prescribed as the cure for perceived moral ills, blaming women, especially mothers, for moral laxity is also a time-honored tradition. Two of the city leaders quoted in the *San Francisco Call* claimed that modern mothers were bringing up their girls with "too much freedom."<sup>77</sup> A few outraged citizens had the temerity to attack this double standard, arguing, "Only when all the men of the world advance from that hopeless attitude of moral apathy can our social regeneration begin. Mothers 'cannot do it alone.'"<sup>78</sup> Another noted indignantly:

Mothers practically all train their children to be good, but fathers excuse their sons in a way that they never do their daughters. Good fathers are more of a necessity just now than almost anything else. When men are trained from their boyhood up to manhood to realize that all women should be sacred matters they will be on a very different plane and it is largely through the fathers that this must be achieved.<sup>79</sup>

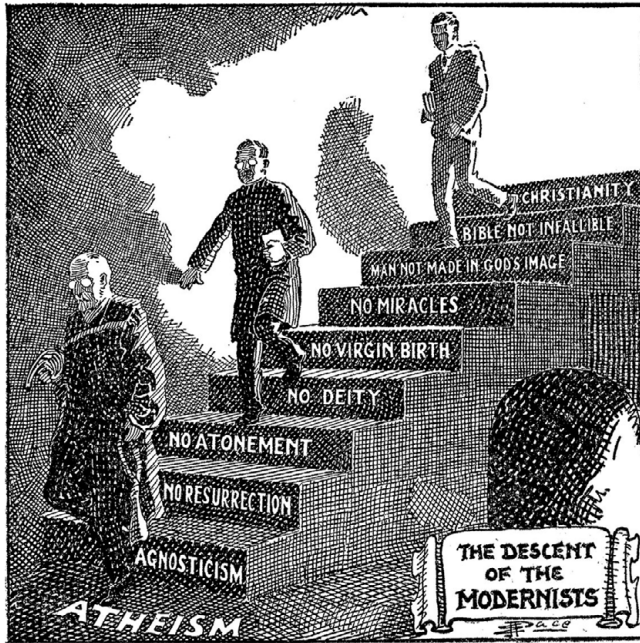


Figure 9. Many religious Americans maintained that many of the nation's ills were the result of a growing rejection of fundamentalist Christianity. E. J. Pace, "The Descent of the Modernists," in William Jennings Bryan, *Seven Questions in Dispute* (New York: Fleming H. Revell Company, 1924).

Irving P. Diggs, father to one of the convicted men, was happy to have the blame deflected to others. Aware of the current climate's insistence that women were inherently pure and in need of protection, he chose not to present Marsha Warrington as responsible for his son's downfall but claimed it was the "Old[er] men who know the world" who induced his son "to start in a life of riotous living." He claimed that their corrupting influence began in the wake of the early professional success of Maury Diggs. According to his father, "Maury is still a mere boy: He could not stand prosperity, and the older men who led him astray are responsible for his disgrace."<sup>80</sup> Mothers, fathers, unprotected women, older men, alcohol, dance halls, "automobiling," sororities, the educational system, turning from God—there was plenty of blame to go around. Jacob Nieto, a leading San Francisco rabbi, had the audacity to suggest that economics played a role: "Our moral standards are founded on economic conditions, and whether we like it or not, regulated by them."<sup>81</sup> Clubwomen were publicly urged to take the lead in helping women working in red-light districts find respectable employment. Not all clubwomen leaped at the chance to lead the charge: "I don't see why it is a matter for the clubwomen to solve," bristled Amelia Barilla. "If a factory were to burn and 500 or 600 girls were thrown out of work, no one would say that the clubwomen should make it their affair to provide for these girls. Let these girls find occupations for themselves."<sup>82</sup>

There was also a diversity of opinions on the appropriate fate of Marsha Warrington and Lola Harris. There was sharp division within the local Probation Committee, which included several clubwomen, over whether the two should hauled before the juvenile court. Four of the seven members agreed that "These girls have wrecked homes and

deserve to be punished just the same as other girls who have appeared before this court on various charges. They must appear here and be admonished by the court.”<sup>83</sup> Assistant District Attorney Frank Atkinson argued to the contrary: In view of the destruction of their reputations as virtuous young women “They have been punished enough.”<sup>84</sup> District Attorney Eugene Wachhorst also urged leniency, adding pointedly that since the probation committee was advisory only, its recommendations were not binding. At the end of a “stormy meeting,” the Probation Committee reversed, with four of the seven now agreeing that the case against the women be dismissed.<sup>85</sup> It was so recommended by Superior Judge Peter J. Shields, one of the presiding officers of the Juvenile Court of Sacramento County.

The legal fate of the women had been decided. The debate over what constituted fair punishment for the men continued to generate sharp legal as well as moral differences. Norman Hapgood, the new editor of *Harper’s Weekly*, denounced as “idiotic” the refusal to make no distinction between organized interstate traffic and vice and the ordinary arrangements evident in the Diggs and Caminetti cases. A *Sacramento Bee* editorial countered, “For what difference in guilt does it make whether a man do these things for profit or for lust? The inevitable result is the same—the recruiting of houses of prostitution.” Like modern day anti-abortion forces who advocate a national ban, the *Bee* concluded that the law should not be reserved only for immorality that involved the crossing of state lines but should be used to declare an all-out war on the revolution in morals, asserting, “What is now only an inter-state offense should be made a State crime by the laws of every state in the union.”<sup>86</sup>

The two convicted men appealed their cases, admitting to the Circuit Court of Appeals, Ninth Circuit, that they had committed adultery with the two women but argued that because they had no intention of prostituting Warrington or Norris, the Mann Act had not been violated. The appellate court upheld their conviction, but did not squarely address the central question: Did sexual acts involving no coercion or payment fall under the purview of the Mann Act? The Supreme Court reversed its original decision and agreed to hear the case.

### As Evidenced by the 2022 *Dobbs* Decision, the Supreme Court Is Not Immune to Moral Panics

The case was argued before the Supreme Court on November 13 and 14, 1916. Lead lawyer for Diggs and Caminetti, former U.S. Senator Joseph W. Bailey (D-Texas), argued that his clients had been convicted based on a misunderstanding of the law, which was intended to stop sexual trafficking, not adultery or extramarital sex. According to Bailey, “All cases heretofore upholding the law have involved actual traffic in women for gain.” Therefore, he argued, “The White Slave Traffic Act is unconstitutional if extended to cases where no element of profit exists.” Bailey appealed to a commonsensical understanding of the intent of the law: “The nature of the white slave traffic and the meanings of the term are generally and judicially known ... The Paris agreement, the proclamation, the act itself in the title ... and the committee’s report all demonstrate that commercial traffic alone was in view.” Bailey hit hard on the key issue of constitutionality: “Commerce in the Constitution implies traffic and gain. Congress cannot regulate morals and thus usurp the state police power by forbidding the mere passage or transportation of passengers.”<sup>87</sup>

Bailey argued that the very name of the law clearly revealed its intent:

If Congress intended to include in this act cases of naked immorality, without any element of commerce or coercion, then to call it the 'White Slave Traffic Act' was a misnomer; and we can hardly assume that Congress would take the trouble of formally bestowing a name upon a statute and then misname it.

If the Court were to uphold the prevailing construing of the Mann Act, it would become not only "the most drastic criminal law enacted by the American Congress," but an unconstitutional overreach by Congress, which "cannot regulate the personal conduct of those who travel." Bailey claimed adamantly, "Our humanity revolts at the thought of punishing a moral lapse as a felony," adding "and no law which does so can be properly enforced." If his clients' convictions were upheld, Bailey's predictions were dire. The results would be not only unconstitutional but would inevitably culminate in a form of national suicide:

If the law means that all immorality connected in any way with interstate transportation is within this act, then it is designed to regulate morals, not commerce; and if the Congress of the United States can, under the pretense of regulating commerce, take the morals of the people under federal control, it can, under the same pretense, gradually usurp the police powers of these States and finally destroy the States themselves.<sup>88</sup>

Specifically, he warned that such a reading of the law armed blackmailers, who could now threaten to report to the police any act of illicit sex if it involved interstate transportation.

Speaking for himself and four others, Justice William R. Day delivered the majority opinion of the court on January 15, 1917. One by one, the Court rejected Bailey's arguments. Most importantly, it concluded:

While ... immoral purpose would be more culpable in morals and attributed to baser motives if accompanied with the expectation of pecuniary gain, such considerations do not prevent the lesser offense against morals of furnishing transportation in order that a woman may be debauched, or become a mistress or a concubine from being the execution of purposes within the meaning of this law.

According to the Court, the wording of the law did limit the offense defined and punished to acts of "commercialized vice" but, notably, included "any other immoral purpose."<sup>89</sup> The highest court in the land could not legislate morality within the individual states, but it upheld that any extramarital sex that involved crossing state lines was a felony.

Justice Joseph McKenna wrote the dissenting opinion.<sup>90</sup> The concern he shared with chief Justice Edward White and Justice John Clarke was with the words "any other immoral purpose," a phrase they found so broad as to cover "every form of vice, every form of conduct that is contrary to good order." The minority report quoted the declaration James Mann made to the House Committee on Interstate and Foreign Commerce to promote enactment of the White Slave Traffic Act:

The legislation is not needed or intended as an aid to the States in the exercise of their police powers in the suppression or regulation of immorality in general. It does not attempt to regulate the practice of voluntary prostitution, but aims solely to prevent panderers and procurers from compelling thousands of women and girls against their will and desire to enter and continue in a life of prostitution.

The dissenting justices concluded, “It is vice as a business at which the law is directed, using interstate commerce as a facility to procure or distribute its victims,” adding, “Everybody knows that there is a difference between the occasional immoralities of men and women and that systematized and mercenary immorality epitomized in the statute’s graphic phrase ‘White-slave traffic.’”<sup>91</sup>

Like Joseph Bailey’s summation, McKenna’s report ended with a warning. As with the judges who dissented on the 2022 *Dobbs* decision, there was considerable concern expressed about the far-reaching results of such a decision. Although the court’s minority was not quite as alarmist as Bailey on the long-term impact of this effort to legislate away the rising revolution in morals, it nonetheless expressed its own negative predictions: “There is danger in extending a statute beyond its purpose ... Blackmailers of both sexes have arisen, using the terrors of the construction now sanctioned by this court as a help—indeed, the means—for their brigandage. The result is grave and should give us pause.”<sup>92</sup>

A representative of the U.S. attorney for the Southern District of New York concurred, calling the court’s interpretation of the Mann Act “a menace rather than help to the public ... unless it is amended, I expect to see the already big army of blackmailers largely increase.”<sup>93</sup> Some prominent figures risked gaining reputations as libertines by adding their voices to the chorus of dismay. David Starr Jordan, chancellor emeritus of Stanford University, stated publicly, “My view of the Mann Act has always been that it was not designed to apply to such cases as that of Diggs and Caminetti.”<sup>94</sup> Various church officials, however, lauded the court for its decision, claiming that it would “make it impossible for the true white slave offenders to escape from the law’s clutches by covering up evidence of money transactions.”<sup>95</sup> Many concerned Americans heaved a collective sigh of relief, confident that the revolution in morals that so disturbed their view of what constituted acceptable behavior between men and women would now be held in check.

### The President, Redux

Woodrow Wilson’s understanding of the need for skillful presidential handling of moral panics was demonstrated a final time in 1917. In a last-ditch effort to avoid time in prison, Diggs and Caminetti sought a presidential pardon. A petition on their behalf was presented to the president at the White House, signed by California Governor Hiram Johnson, ten of the jurors who voted to convict the two, and several hundred prominent Californians. Wilson was torn between what he called “the dictates of my heart” and his obligation to “look at the matter from the public point of view with regard to the influence it would have upon other cases.” He confessed to Caminetti’s mother, “It tears my heart to have to say to you that I cannot see my way clear to pardon your son.” He chose to do what was politically expedient, concluding that it was his “imperative duty to leave personal feelings and connections out of the question entirely.” He concluded, “My heart goes out to you in genuine sympathy, my dear Mrs. Caminetti, and I cannot tell you what it costs me to write you this, but I am sure that you will understand that I am moved entirely by a sense of imperative duty.”<sup>96</sup>

### The Final Fates of Diggs and Caminetti

Prison was now unavoidable and, according to the official victim of Diggs’s crime, it simply compounded all the wrongs set into motion by the white slave moral panic. Marsha Warrington had miscarried shortly after Diggs and Caminetti were arrested.





**Figure 10.** Marsha Diggs, despite her plea to be treated with dignity and respect as a person of agency, was referred to as a “girl wife” in the photo that accompanied the impassioned interview in the *Los Angeles Herald* on January 23, 1917. She was twenty-two when she married, just slightly over the median age at first marriage for women.

Although Diggs contested the divorce papers his wife filed in 1914, the divorce was granted that September (Figure 10). Warrington and Diggs married in 1915. The woman who was “protected” by the Mann Act proclaimed that the trial had broken them both “in fortune and in reputation, in family, in spirit.” Despite being called a “girl victim” in the article’s headline, she stated plainly that her husband was “punished for a crime he did not commit. He is not now, and he never was, a white slaver. We were of age and we went for reasons not immoral. There was no compulsion.” Marsha Diggs was adamant that her husband’s conviction and prison sentence did not constitute criminal justice but were the result of moralistic fervor serving a larger agenda:

This latest blow, which sentences my husband to prison, breaks up our home, ruins us in business and brands both of us as human monsters, is the climax of a proceeding which seems to have been initiated by the mob reform spirit carried through on a wave of popular but temporary moral prejudice and executed now in technical bigotry.<sup>97</sup>

Diggs and Caminetti entered the federal prison on Washington State's McNeil Island on April 3, 1917. The following day the U.S. Senate voted eight-two to six to declare war against Germany. The two convicted white slavers were quickly forgotten as the nation's attention shifted to the conflagration that now encompassed the globe. After serving a little over six months, Drew Caminetti moved to Oakland, where he became a contractor. He and his wife eventually divorced. Maury Diggs served eight months before resuming his career as an architect. He and Marsha Warrington remained together for nearly forty years. Franklin Roosevelt granted both men presidential pardons in 1937. Diggs designed, or helped to design, a forty-one-unit apartment complex, office buildings, Oakland's Fox Theater, and San Jose State Teachers College, which later became San Jose State University. He specialized in race tracks, designing Gold Gate Fields, the Hollywood Turf Club, and the remodel of the Bay Meadows. He also patented several inventions. Diggs died in 1953, eight years after the death of Drew Caminetti.

### Efforts Designed to Create a More “Moral” America Often Fail and Generate New Problems

In the wake of the 2022 *Dobbs* decision, abortion opponents found that they'd won the battle but could ultimately lose the war, based on the overwhelming popular support for abortion rights. Certainly, developments in the aftermath of the Diggs and Caminetti decision were a huge disappointment to those hoping to control sexual behavior.<sup>98</sup> But the nation was nevertheless profoundly changed by the case. Blackmailers demanding payoffs from rich men they observed crossing state lines with women not their wives turned out to be the least of the injustices generated by the Supreme Court's interpretation of the law.<sup>99</sup> As legal scholar Lawrence Friedman notes, over the next several decades, cases were tried in the courts involving charges ranging "from seduction and betrayal, to casual romantic trips, to serious relationships of living together." From 1922 to 1937, "busybodies, people with grudges, outraged husbands, wives, parents, and miscellaneous others" alleged violations of the Mann Act, contributing to the 50,500 cases investigated by the Federal Bureau of Investigation. Hundreds of convictions of violations of the Mann Act were reached each year, most but not all involving commercialized sex. Some, like the Caminetti–Diggs case, involved consensual extramarital sex and were used to punish a variety of behaviors threatening to conservative values. Not all judges shared William Van Fleet's belief that women should not be held responsible for their voluntary participation in Mann Act violations. A study of women in federal prison between 1927 and 1937 found that "about a quarter of the Mann Act violators were simply unmarried women who dared to travel about with married men. Scandalized and angry wives sometimes blew the whistle on their husbands."<sup>100</sup>

African American men whose involvement with white women earned them convictions under the Mann Act include actor Rex Ingram (1949) and musician Chuck Berry (1962). The law also proved a delightfully scandalous way to punish famous white men for their left-of-center politics or flaunting of social norms. Charges of violation of the Mann Act were filed against sociologist William I. Thomas (1918), architect Frank Lloyd Wright (1926), British poet George Baker (1940), and film legend Charlie Chaplin (1944). The Mann Act was also used to prosecute the polygamous practices of the Church of Jesus Christ of Latter-day Saints (*Cleveland v. U.S.*, 1946) and to jail organized crime figures, including Kid Cann (1959). Even those exonerated suffered profoundly from the scandal associated with the initial charges.

Some moral panics, like the Salem witch trials, burn out quickly. Others (including the Cold War hysteria over the threat of internal communism) can last for decades. The Mann Act outlived both men whose crime the Supreme Court turned into a license to police American sexual immorality—as long as it involved crossing state lines. More than a century after their original trials, the act remains on the books, but it has evolved considerably since its original imprecise wording. Most recently amended in 1986, the ambiguous term “debauchery” and the problematic phrase “any other immoral purpose” have been replaced with “any sexual activity for which any person can be charged with a criminal offense.” The revised law is used today as an important tool in the war against sexual trafficking: transportation for the purpose of prostitution or illegal sexual acts, including child pornography. In 2021, people convicted under this far more specific wording included singer R. Kelly and Jeffrey Epstein’s partner Ghislaine Maxwell.

The Diggs and Caminetti cases provide a view into a number of signature developments of the Gilded Age and Progressive Era, including politics, religion, gender, ethnicity, race, and the legal system. Significantly, they also shed light on two of the moral panics generated by the dramatic changes sweeping the newly industrialized and urbanized America: the threat of new female independence and agency and the rise of xenophobia in response to increased immigration. The cases vividly demonstrate the appeal, ferocity, and tenacity of moral panics. The events of the Gilded Age and Progressive Era can help us to understand other moral panics as indicative of key society transformations, revealing, for example, what lurks beneath recent hysteria over “wokeness” in all its various forms. Fear that the white, heteronormative, patriarchal family is no longer the cornerstone of society is deeply threatening to some people, as is sexual and reproductive freedom. The anti-LGBTQ+ efforts and the *Dobbs* decision, the intense opposition to the Black Lives Matter movement, the certainty that all women are extremely vulnerable to sex trafficking and need protection, the obsession with critical race theory, along with efforts to seal U.S. borders from dangerous foreign hordes all reveal aspects of the desperate determination to push back against the meaningful gains threatening a status quo that continues to be zealously protected. The 2023 efforts in Florida to remove not just critical race theory but all of African American history from the state’s curriculum were part of a larger backlash against movements seeking to bring a new era of diversity, equity, and inclusion (DEI). As journalist Isadora Rangel noted, “The fight against DEI dresses racism, misogyny or homophobia in a righteous robe.” The goal of Florida Governor Ron DeSantis and his allies was “to control the narrative about minorities in a way that makes white people feel comfortable and not challenged, sifted through an ideological colander.”<sup>101</sup>

In response to the radical reorientation of society in the Gilded Age and Progressive Era, colorful moral panics were abundant: the white slave traffic, the Yellow Peril, the first Red Scare. More work could be done to illustrate that such moral panics can be investigated as crucial historical sites of contestation, revealing efforts to neutralize or turn back the societal changes perceived to be the greatest threat to the prevailing social power structure. Understanding the origins and repercussions of past moral panics can help identify, understand, and possibly defuse future panics.

## Notes

1 The term was introduced by Stanley Cohen in his 1972 *Folk Devils and Moral Panics*, 3rd ed. (London: Routledge, 2011). See also Erich Goode and Nachman Ben-Yehuda, *Moral Panics: The Social Construction of Deviance*, 2nd ed. (Hoboken, NJ: Wiley-Blackwell, 2009); Leslie Dorrough Smith, *Compromising Positions:*

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