

Winter 1929

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### Recommended Citation

Robert McMurdy, The Use of the Injunction to Destroy Commercialized Prostitution, 19 Am. Inst. Crim. L. & Criminology 513 (1928-1929)

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## THE USE OF THE INJUNCTION TO DESTROY COMMERCIALIZED PROSTITUTION

ROBERT McMURDY<sup>1</sup>

1. Prior to 1910 there existed in Chicago a district about nine blocks in extent, wholly given over to houses of prostitution. There were also smaller districts of the same character. The areas were known as "red light districts," and were apparently a permanent part of what we call civilization. As late as 1907, the number of outcast women in the main district alone, at 22d Street, exceeded a thousand.

The districts represented an organized business—organized by men—and out of it, men (not women) made an annual profit of \$15,000,000.

Investigation disclosed that each despised woman supported, in whole or in part, in one way or another, nine of the nobler sex. But man suffered for his greed, and suffered horribly, to "the third and fourth generation," for out of such districts arose the social diseases. The best obtainable figures indicate that eighty per cent of these afflictions then originated in red light districts, where women lived no longer than a year without the milder of these diseases, and no longer than three years without the more appalling.

Part of man's profit came from the sale of liquor in the houses, for such resorts could not exist in numbers without the profits from liquor sales. Moreover, in their cups, men, and boys, too, took chances they would never have taken when sober. Every other place in Chicago which sold liquor was required to pay a license fee, but those in the districts were exempt, so that the one class of places where the sale of liquor was exempt from the license fee was, of course, the very class which should not have been permitted to sell at all under any circumstances.

The life of a woman of the district was five years—perhaps seven—and then her place was filled at the market rate, which was about "thirty pieces of silver," for the price which kindly man then fixed for a woman, body and soul, was \$50.00. Upon whatever pretext he brought her in, by one unholy device or another, she was forced to stay, and, strangely enough, the reward for procuring

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<sup>1</sup>Of the Chicago Bar; former president of the Chicago Bar Association.

her was uniform in the market. Some of the victims, as if bent on their own destruction, carried as high as eight habits at one time. They were not women at all; they were children—between the ages of 16 and 18. Jane Addams writes of 130 girls among poor foreign families who lived in the red light districts, a majority of whom were experienced at the *average* age of eight years.

2. Up to 1910 no one thought that these Chicago districts were not to be permanent; they seemed to have a strangle-hold upon the community which could not be broken. At the same time the public conscience was numb. Desultory, popgun warfare had long been waged but with no real result. On the first of May in 1910, however, the sale of liquor was actually stopped throughout the districts. This was the first blow, and it was heavy.

Two months later, at the request of the local Church Federation, the Mayor appointed a vice commission to study the problem. The members of this commission were high class citizens, but, nevertheless, at the time of their appointment, every one of them believed that red light districts are necessary to protect women generally.

Chicago then had, and still has a forceful and fearless citizen—a veteran soldier of the common weal—Arthur Burrage Farwell. He had sought my advice in 1910 respecting the practicability of using the writ of injunction in a liquor case on the basis of suppressing a nuisance; this resulted, finally, in a decision of the Illinois Supreme Court sustaining the right to enjoin an illegal saloon.<sup>2</sup> In that early period of prohibition enforcement the case attracted wide attention and applications for copies of the brief came in from far and wide. A year later the resolute Farwell conceived the idea of using the writ of injunction as a means of closing the main red light district, and requested me to act as attorney in the unwelcome and unpleasant task.

It so happened that the Midnight Mission was located within this district, and being located next door to one of the houses, furnished the opportunity, for in the state of the law of injunction at that time the nuisance of a house of ill-fame could be reached only by the proof of sights and sounds. But there was evidence enough along those lines. The conditions were pitiful. The inmates of the house, seven in number, were American girls, but seventeen years old, and the patrons exclusively Chinese.

A bill for injunction was prepared with the utmost care in anticipation of a prolonged and fierce contest. Each step was scrupu-

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<sup>2</sup>*Hoyt v. McLaughlin*, 250 Ill. 442.

lously considered, analyzed, and weighed. It was one of those cases which a lawyer is sometimes obligated to take, in which to succeed is the only way to avoid contumely. But it so happened, when the perfected papers were presented in court, that the defendants failed to appear, and without any opposition a temporary injunction was granted. Probably no other house in the district could have been closed by this means, as evidence of sights and sounds could hardly have been obtained elsewhere. The remedy, therefore, was limited.

But the injunction had the terror of a bomb. The vice-lords, who had been protected by the other agencies of government, looked at one another aghast, for here, apparently, was another agency, more powerful than all the others combined—the courts, and they could not control this new agency!

3. At this juncture a new mayor appointed another vice commission, the members of which yet believed in a red light district. That commission undertook to meet secretly. But doctors, settlement workers, and others threatened to batter down the doors, determined to publicly put before the new commission the recently discovered facts. The new commission disbanded, and thereupon the mayor took the train for New York City, and there valiantly announced that he believed in wiping out the districts.

Meanwhile it was learned that the State's Attorney, for some reason not publicly known, had obtained evidence against 200 of these places located in the main district. Judge Harry Olson, the Chief Justice of the Municipal Court of Chicago, entreated him to close them, and then threatened him with an application to the Supreme Court to revoke his license to practice law unless he squared his conduct with his oath of office. The State's Attorney finally acted, and parolled the district with police officers at his command. This ended the secrecy; the patrons were frightened away by the fear of publicity; and the district was abandoned.

4. There now entered into the problem an entirely new element. With the perfection of the business of trading in women there had sprung up what is known as the white slave traffic. Young women were a commodity to be bought, transported to the port of missing girls, and sold at the standard price. This traffic became international. No one's daughter was safe. If she wandered from home, there was real danger that she might be lured or forced into the traffic.

This situation led to a conference in the Scandinavian countries. The members of the conference believed, as it convened, in the

necessity of a red light district. But when it adjourned the conference had the facts. The members then knew that the life of the traffic was the market, and the market was the red light district, and they reported that the way to destroy the market was to destroy the district. Judge Olson procured an advance copy of the Scandinavian report. He, as a member of the vice commission, laid the report before the members of that body, who, one by one, changed their convictions, and when they adjourned they, too, were convinced that the red light district was the source of the white slave traffic. The conviction of these bodies had arisen, primarily, not out of sympathy for the women in the houses, but out of the danger to young womanhood outside.

5. Theretofore an obscure legislator in Iowa had secured the passage of a law which cured the infirmity in the law of injunction, hereinbefore mentioned, respecting such places by providing that injunctions to abate such nuisances may be granted upon the application of public officers or private individuals upon the mere proof of the reputation of the places. To ensure the fruits of victory, citizens of Chicago, in 1915, after a four years' fight, procured the passage of a similar law in Illinois.

It provided as follows:<sup>3</sup> Every place used for purposes of prostitution is declared to be a public nuisance; the State's Attorney, or any citizen, may maintain a bill to enjoin and abate the same, and to enjoin the use of the place for any purpose for a year; upon all hearings upon the merits evidence of the general reputation of the place, of the inmates thereof, and of those resorting thereto, shall be admissible; the complainant may file interrogatories which must be answered under oath; if the existence of the nuisance is established, a decree may follow restraining the defendants from maintaining the nuisance and from using the place for any purpose for a year, and perpetually restraining them from maintaining any such nuisance within the jurisdiction of the court.

Under this law a steady stream of cases has passed through the courts, and suppression has been going on by wholesale, largely through the operations, of an organization known as "the Committee of Fifteen," which was brought to life originally to fight the white slave traffic, with its then world-wide range of operations.

It will be recognized at once that some of the provisions of this law have been used in the prohibition enforcement acts, those

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<sup>3</sup>Rev. Sts., ch. 38, par. 148.

who drafted them probably not realizing that we are indebted to Iowa for the origin of these provisions.

It cannot be claimed that prostitution has been suppressed in Chicago, but in its commercialized form its back has been broken.

There is no longer a market.

The supply has dwindled.

To a great extent the resulting menace to health has disappeared.

The rest of the country has largely followed in the wake of Chicago, and now the red light district in the United States is practically a thing of the past.

6. To return to the temporary injunction:

It was temporary in form.

It is permanent in fact.

It subsists to this day.

Let us not appraise too lightly the power of a temporary injunction!