

# Federal Government's Program in Attacking the Problem of Prostitution

*Eliot Ness*

*Director, Social Protection Section,  
Office of Defense Health and Welfare Services*

*[This article was originally published in the April-June 1943 issue of Federal Probation, which was entirely devoted to the wartime-fueled challenge of containing and reducing prostitution. The author, former Prohibition-era crime-fighting "Untouchable" Eliot Ness, headed a wartime office established to combat the spread of venereal disease, with particular concern for its effect on armed forces manpower.]*

**AT ALL TIMES** the health and welfare of the American people must be considered as factors which are vital to national well-being and progress. Now that we are engaged in a total war, the measure of our success depends to a large extent upon the most effective use of our Nation's manpower and womanpower. The threat of spreading venereal disease thus has become a major concern of the Federal agencies responsible for the health and well-being of military personnel and workers in war industries.

During the First World War, 7,000,000 man-days of service were lost to the United States Army because of venereal disease. A total of 338,746 men—the equivalent of 23 divisions—received treatment. The number of men infected with syphilis and gonorrhea exceeded those killed and wounded in action by 100,000. That these figures, large as they were, represented a lower venereal disease rate than that of any other army is due to stringent control measures which were enforced by our military authorities.

More recently, examinations of men under Selective Service have provided the Public

Health Service with the basis for a new estimate on the national prevalence of syphilis. Their calculations indicate the startling fact that 3,200,000 persons in the United States have the disease *now*. That is 1 in every 42. And gonorrhea is known to be three to five times as infectious as syphilis.

The efficiency of men and women in factories and plants turning out the materials of war is menaced by venereal disease. Vital, essential production is being slowed down today because 1,200,000 men and women workers are having to take time off from their jobs to receive treatment for syphilis and gonorrhea.

To combat this menace to health and welfare, national resources have been mobilized for a direct, concerted, and continuous attack on its most prolific source—prostitution.

In September 1939 representatives of the Army and Navy and the Federal Security Agency met and formulated a program designed to control the incidence of venereal disease in military and industrial areas. This program, called the Eight-Point Agreement, declares the policy of the Federal Government in favor of prostitution repression. Responsibility for this part of the program is placed in the hands of local law-enforcement officers.

The Eight-Point Agreement was endorsed in May 1940 by the Conference of State and Territorial Health Officers. Since that time it has received the support of the International Association of Chiefs of Police, the National Sheriffs' Association, the American Bar Association, the American Medical Association, and other professional and civic organizations.

In the spring of 1941 Congress passed public Law 163, known as the May Act. Under its terms, prostitution becomes a Federal offense in areas within a reasonable distance of Army or Navy establishments, when the Secretary of War or the Secretary of Navy believes this step is necessary to protect the health of the men in uniform. To date, the May Act has been invoked only twice—in areas adjacent to Camp Forrest, Tenn., and Fort Bragg, N.C. The policy of the Government recognizes repression as primarily a local responsibility, to be enforced as far as possible by the community. Where Federal action becomes necessary for adequate enforcement, however, not only the May Act, but also the Mann Act and interstate quarantine regulations, are legal means which can be used as stringent regulatory measures.

In order to make the Government's repression program more completely effective, Federal Security Administrator Paul V. McNutt, in his capacity of Director of the Office of Defense Health and Welfare Services, established the Social Protection Section early in 1941. This Section is concerned with promoting legal repression of prostitution by local authorities, and with attendant problems of prevention and redirection. Twelve regional supervisors, and 25 field representatives in States and Territories of the United States, help to explain and clarify the Federal program in relation to local situations, coordinating the work of national agencies with that of civic and police officials.

## Repression Necessary for Effective Control of Venereal Disease

That prostitution repression is necessary for effective control of venereal disease has been proved by military reports, medical history, and years of trial-and-error methods. Toleration of segregated districts, with periodic medical examination of professional prostitutes, is not only inadequate, but dangerous. Public health records show that from 50 to 90 percent of women in houses of prostitution are infected with syphilis, or gonorrhea, or both. These diseases are not easily discernible in the early stages. Certainly diagnosis is unreliable when based only upon such ineffective and superficial examinations as those usually given to known prostitutes. Even if such examinations were thorough and diagnosis accurate, however, the prostitute who is pronounced free from disease at one time may become a carrier of the infection immediately thereafter. She can transmit the germs of syphilis or gonorrhea to as many as 30 or 40 customers each night, until such time as her infection is discovered.

In the national program of repression, therefore, the first point of attack is against commercialized prostitution—the “red light” districts and segregated areas.

The second phase of the program focuses emphasis on the unorganized channels of prostitution. Since many localities have now closed the “red light” districts, clandestine prostitutes and promiscuous girls and women have become the chief source of venereal infection. At present, the Navy Department’s Bureau of Preventive Medicine estimates that 65 percent of venereal disease among its personnel is attributed to “pick-ups.”

Increased juvenile delinquency poses a further problem in repression and prevention. Mistaken ideas of patriotism or desire for advantage and excitement have influenced many teen-aged girls to become promiscuous with members of the armed forces. Every such contact is a potential threat in the spread of venereal disease.

## Responsibility of Law-Enforcement Officials

Police and law-enforcement officers have a direct responsibility in dealing with the problem of prostitution. The elimination of segregated districts depends largely on intensive police action. During the past year, the excellent work of local law-enforcement officers has resulted in the closing of houses of prostitution in more than 350 communities.

Proof of the importance of this activity is shown by the corresponding decrease in the military venereal disease rates. Such action must be continued.

Repression of clandestine prostitution, in which emphasis shifts to the second phase of the national program, is no less a law-enforcement problem. It involves regulation of dance halls and taverns, cheap hotels, taxicabs, and other “third party” channels of assistance for prostitution activities. Vagrant women, delinquent girls, prostitutes who solicit in taverns and on the streets, must be apprehended. Unwitting “third parties” must be advised by the police of their responsibility for assisting the repression program. Where managers of cheap hotels, taverns, tourist camps, or other establishments prove to be recalcitrant, it is a police job to report them and to recommend license revocation or other effective action. Taxi drivers who are uncooperative may be made to face restrictive action by local rationing boards.

## Importance of Adequate Laws and Community Cooperation

Because of the unorganized status of clandestine prostitution, special methods of attacking the problem are necessary to insure effective control. In June 1942 Director McNutt invited a number of outstanding police officials in the country to serve on a National Advisory Police Committee on Social Protection. A recent report sent to Mr. McNutt evaluates past accomplishments of law-enforcement officers, and suggests techniques for attacking the unorganized channels of prostitution. Copies of this report have been sent to sheriffs and police chiefs in all parts of the country.

These techniques can be applied in every locality. They can best be applied, however, where law-enforcement action is supported by adequate laws and ordinances, the active cooperation of judges and prosecutors, local public health and welfare departments, and awakened, enlightened public opinion.

Prostitutes cannot be arrested, and thus prevented from spreading disease, unless there are adequate laws and ordinances that can be invoked against their activities. Such arrests, even when made, are more or less ineffectual if court judges and prosecuting attorneys do not stand ready to back them up with suitable fines and sentences. In some communities political pressure from organized vice rings has been allowed to nullify the work of law enforcement. In others the program has been

seriously hampered by lack of quarantine and medical treatment facilities. These factors must be combated before repression of prostitution can be totally effective.

In a number of localities where present laws do not permit efficient repressive action, officials are tightening up the restrictive clauses in existing legislation. New ordinances also are being passed which will better control local situations. The American Bar Association and the Council of State Governments is cooperating with the Social Protection Section in working out various legal phases of the problem.

Organized vice racketeers have had their activities definitely curtailed by the closing of houses of prostitution. This first and most important phase of the Federal program is taking the profit out of prostitution.

## Need for Quarantine Facilities and Program for Redirection

Lack of detention facilities in many sections of the country has caused a serious situation to arise. Often the only place provided for detention of the large number of arrested prostitutes is the already overcrowded city jail. Girls in the younger age groups, and women who are inexperienced first offenders, have had to be grouped with hardened prostitutes and criminals. Necessary quarantine regulations for those needing treatment for venereal disease often cannot be enforced because of these inadequate facilities.

In a number of critical areas, Federal funds have been made available under the Lanham Act for operation of detention hospitals to relieve the situation. Constructive consideration must be given to this problem, however, and given promptly. If it is not, hundreds of diseased women and girls will have to be released to spread venereal infection in communities and centers of military activity.

Increasing attention is being given to measures for protection of girls and women from prostitution and related hazards, and for redirection of those who have become involved in prostitution. In this phase of the program, properly effective action must stem from a knowledge and consideration of the individual problems these girls and women present. Sympathetic supervision during periods of quarantine or probation, leading to social readjustment and constructive living, must be a primary consideration in any program for prevention and redirection. This phase of repression is discussed more fully by Raymond F. Clapp, Associate Director, Social Protection Section, elsewhere in

this [1943] issue.

Public opinion is a force that should be utilized effectively in every phase of the repression program. But in order to accomplish this, the citizens of the Nation—quoted in a recent Gallup Poll as being 55 percent in favor of venereal disease control in the Army by segregation and medical examination of prostitutes—need to know that such a program does not work. More than that, they

need to know why. If the public has actual understanding of the facts behind the Federal Social Protection program, civic clubs and organizations will be enlisted for service. The way will be smoothed for obtaining necessary facilities. Active community support will be given to the work of law-enforcement officials and to the legal action of the courts.

This summary of the program of the Federal Government in attacking the prostitution problem indicates that considerable progress has been made. A great deal, however, remains to be done. Statutes need to be strengthened, law-enforcement methods must be modernized, and adequate programs for prevention and redirection must be established. Only by attacking on all fronts can this demoralizing and devitalizing menace be controlled.