“Inmates” and “Disorderly Moral Conduct”: Legal Restrictions on Women’s Sexuality in Missoula, Montana, 1890-1930

Introduction

In 1890, Missoula, Montana passed an ordinance referring to women who worked at houses of ill repute as “inmates.”¹ As with prison inmates, the ordinance restricted what prostitutes could wear, to whom they could speak and when, and what public places they could enter. Thirty-one years later, after overt prostitution in Missoula was essentially eradicated, Missoula passed a similarly-detailed ordinance to regulate dance halls. The ordinance forbade prostitutes from attending dance halls, and all attendees were forbidden from “lewd postures” or engaging in “any immodest act.”² Police could even vacate the dance hall if any such “disorderly or immoral conduct” occurred.³ Legal actions against both prostitution and dancing represent efforts to restrict female sexuality in public spaces in Missoula in the late nineteenth and early twentieth centuries.

City ordinances and legal enforcement reveal four distinct eras of the regulation of sexuality in Missoula. The first begins in 1890 with the ordinance that delineated the public behavior of female prostitutes, or “inmates.” Despite these strict legal codes, Missoula authorities mostly tolerated both individual sex workers and brothel-based prostitution.

² Ordinance #502, Ordinances, 1889-2008, City of Missoula (Mont.) Records, 1883-2009, Series V, Vol. 121, Mike and Maureen Mansfield Library, Missoula, Montana; I use “overt” in this sentence because by that time brothels were forbidden and a state law banned prostitution, but that does not mean prostitution did not still exist.
³ Ordinance #502.
Authorities, when prosecuting prostitution, arrested male pimps nearly as often as female prostitutes, generally did not arrest many individuals at a time, and did not target Missoula’s red light district. Overall, this time appears relatively lax in terms of controlling prostitution.

The second era of sexual control in prostitution began in 1906. In May of that year, authorities began arresting prostitutes en masse. They arrested several women at a time, and generally arrested prostitutes on Front Street, Missoula’s Red-Light District. Male pimps do not appear in the arrest records in this time. Authorities focused on enforcement against women in brothels, whereas they ignored male pimps and clients.

These big brothel arrests continued until the Missoula City Council passed a new ordinance in 1911 that forbade renting rooms for the purposes of prostitution, thus making the 1890 ordinance obsolete. The so-called “rooming house” ordinance marked the third era, which is arguably the most amorphous of the four. Though the ordinance technically forbade brothels, many arrests still occurred along the former Red-Light District. Prostitution arrests during this time cited the rooming house ordinance, even after a state prostitution law took effect in 1917. During this era, law enforcement returned to arresting men, though not quite as often as women. As arrests decreased in the 1920s, concerns shifted from enforcement against prostitutes to an ordinance and rhetoric restricting dancing.

The fourth and final stage era was Missoula’s regulation of dancing in the 1920s. While the specifics of enforcement changed over time, concerns about public expressions of female sexuality remained constant. As arrests for prostitution shifted, Missoulians
remained concerned over public expressions of sexuality, especially from women. Though there were no arrests for dancing, the nature of the ordinance that restricted dancing clearly reflects public concerns over sexual morality in the same way as prostitution. The ordinance regulating dance halls reflects broader social concerns in Missoula, yet also fits into broader narratives about changing sexual attitudes.

This paper seeks to do two things. First, it explores prostitution in Missoula to determine how prostitution at a local level fit into larger state and national trends. Although many scholars have researched prostitution, most have focused on either broader geographical regions or time frames that are completely different or more limited rather than exploring continuity during this time period in a specific location. The enforcement shifts discussed above will be explored in more depth to accomplish this goal. The arrests of men prior to 1906 and after 1911 suggested a slightly different gendered enforcement focus than national trends, although the eradication of brothels and feminine control over sex work is a national story. However, despite these slight nuances, prostitution in Missoula appears to follow a similar track to the nation as a whole. Prostitution was driven out of brothels and the overt public eye either to go underground or disappear during a time when concerns over morality – often spearheaded by women’s groups – grew. It is not necessarily clear that female reform in Missoula caused the enhanced legal enforcement against prostitution, but the correlation between the empowerment of female reformers and the restriction of the sex trade is present.

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Second, this paper seeks to place these shifting legal trends into the larger context of controlling women’s sexuality. Though women did not face much legal prosecution at the time the two ordinances framing this work were passed, both ordinances regulated women in public spaces. Further, the rhetoric used in both ordinances reflected contemporary values regarding femininity and sexuality. Finally, both the legal trends of prostitution and the attitudes reflected in the ordinances, once placed into their larger historiographical contexts, provide interesting insight into how current issues manifest regarding sex work and attitudes towards female sexuality. Efforts to control morality and restrict vice resulted in the legal control of prostitution and overall social control of women’s public sexuality in Missoula, as it did nationally and continues in some form today.

Over the past few decades, historians have published many works that examine the complexity of prostitution and offer a broad framework to examining prostitution in Montana. One of the earliest American works that covers much of the same time period as this essay is Ruth Rosen’s 1983 book, *The Lost Sisterhood: Prostitution in America, 1900-1918*. Rosen focused her work on the effect that the early twentieth century Progressive reform efforts had on prostitution. Rosen argues that these reform efforts, though well intentioned, negatively affected prostitutes. Before Progressive reforms, prostitutes had some degree of power over their professional lives and they often lived in brothels run by women. After these reforms, prostitutes lost some of this agency and became subject to the

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5 Although arrests for prostitution occurred between 1890 and 1906, they did not reference the ordinance specifically and were relatively sporadic. I did not find cases of women being arrested under the dancing ordinance, but it focused on the dance halls themselves more than people.
whims of male pimps and police misconduct. Rosen’s work offers a useful general overview of how reformers during my time period thought of prostitutes and their efforts to restrict prostitution in the early twentieth century, but it is limited in both depth and time period.

Barbara Meil Hobson provides a broader view of prostitution reform in her 1987 book *Uneasy Virtue: The Politics of Prostitution and the American Reform Tradition*. Hobson provides a broad, politically-focused view of prostitution. Hobson examines three main types of reform efforts and changes in perceptions of prostitution: 1840s religious reforms, Progressive-era reforms, and late twentieth-century feminist activism against prostitution. The state response to prostitution was to reign it in, the religious response to eradicate it, and the feminist response to either seek eradication or seek equal application of prostitution laws. Hobson outlines a clear trajectory of the changes in general prostitution policy in the United States over time, but her broad focus lacks nuance to solidify her claims.

Timothy Gilfoyle provided an even broader view than Hobson in his 1992 historiographical article “Prostitutes in History: From Parables of Pornography to Metaphors of Modernity.” In this article, Gilfoyle discusses the various contributions to the study of prostitution historians have made on an international level. Although these numerous accounts all examine different locations, Gilfoyle still notes some consistent trends. Prostitution expanded in the nineteenth and twentieth centuries. Growing state

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6 Ruth Rosen, *The Lost Sisterhood*.

power and market forces, influenced by rising industrialization and urban migration, interacted with sexuality in such a way that prostitution during this time became more commercialized and specifically focused on sexual services, in contrast to earlier periods when sociability between clients and sex workers was expected. This observed shift towards commercialized sex could arguably also be applied to dance halls and sexuality in general rather than just prostitution, which provides a way to frame this study. Efforts to abolish prostitution varied by place, but were often a response to the failures of regulation. The broad analysis of the failures of regulation provides an interesting lens through which to view shifts in legal enforcement in Montana: that is, to what degree can such shifts, or the social views that motivate them, be viewed as means of addressing such failures of the state?

Such a broad scope or focus on reforms does not reveal much about the everyday world of prostitutes. Anne Butler addressed this gap in her 1985 Daughters of Joy, Sisters of Misery: Prostitutes of the American West, 1865-90. Butler uses specific dynamics of different locations and some stories of individual prostitutes as examples to support her argument that prostitution helped shape the West. She also demonstrated that prostitution was a miserable lifestyle for the women who turned to it as a profession. Butler debunks the glamorized myth of the prostitute in the American West to disclose the reality of western prostitutes’ lives. Prostitutes often had few other employment opportunities, married men of similar socio-economic status, and rarely obtained upward social mobility or stability; instead, they usually lived in a cycle of violence, poverty, and competition. Butler

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9 Gilfoyle, “Prostitutes in History,” 134.
demonstrates how sexuality, class, laws, courtrooms, economics, and ideas about morality all interacted with each other to affect the everyday lives of prostitutes. However, because of its broad geographical and temporal focus, Butler’s study is quite general, preventing her from fully discussing the nuances of prostitution.\(^\text{10}\)

Jan MacKell wrote a more recent work on prostitution in 2009: *Red Light Women in the Rocky Mountains*. This ambitious book documented prostitution in the Rocky Mountain region of the North American West, including Montana. MacKell’s geographic focus was large enough to offer a comparative overview of western prostitution while being narrow enough to provide insight into more local experiences than Butler. Further, MacKell provided a more complex racial analysis of prostitution of the American West by discussing Chinese prostitution and prostitution among the American Indians.\(^\text{11}\) This is a useful guide for Missoula; although Missoula was not that racially diverse, there is some evidence that prostitutes in Missoula may have had different experiences based on race. Finally, MacKell includes some information about Montana madams, including Mary Gleim in Missoula. Although this information is brief and cursory, it provides a basic overview of Montana-specific trends.\(^\text{12}\)

Paula Petrik also provides useful background information on prostitution in Montana specifically. Chapter Two of her 1987 book *No Step Backward: Women and Family on the Rocky Mountain Mining Frontier, Helena, Montana, 1865-1900* discusses prostitution


\(^{11}\) Jan MacKell, *Red Light Women*. It should be noted that on page 1, MacKell notes that American Indians viewed prostitution differently than Europeans. However, the relevance here is that MacKell offers a more complex view of how race interacted with prostitution than previous historians have.

in Helena, albeit during an earlier time period than this project. Because this chapter is part of a larger work on women’s social history on the Montana frontier, Petrik placed prostitutes within the context of Montana history and within the broader context of western women’s history. Further, the large time span demonstrates how prostitution in Helena changed over time, particularly in terms of economics. Early on, prostitutes largely operated out of houses they owned. Later, some madams consolidated into larger houses or rented space to other prostitutes. At the end of the nineteenth century, however, these madams lost out and were replaced by pimps, worsening conditions for the prostitutes and affirming Rosen’s arguments about national developments. Petrik contends that prostitution was one way in which women sought control of their lives, that the sex trade was largely a capitalistic endeavor that mirrored broader trends, and that women’s loss of control over prostitution severely and negatively changed the lives of prostitutes.\(^\text{13}\) Petrik’s insightful work analyzes and contextualizes the economic side of prostitution in Montana specifically, although it is earlier than the focus of this project. It also confirms the broader observations Rosen wrote about.

Like Petrik, Mary Murphy focuses on Montana history in her 1997 book *Mining Cultures: Men, Women, and Leisure in Butte, 1914-1941.* As the title suggests, Murphy focuses on Butte. The third chapter of this book, “Manners and Morals,” discusses both prostitution and changing morality among women in Butte. Once again, Murphy focuses on a shorter time period and specific Montana town than this project. Further, Butte, as a former mining town, likely had a slightly different dynamic than Missoula. However,

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Murphy’s work is useful for providing context for how prostitution and sexuality in another Montana town manifested. Her work is most useful for understanding the 1921 dancing ordinance. Murphy notes that although Butte did not have as many “new women” as larger cities, working women in Butte still “redefined the parameters of respectability” after World War I; one way they did this was through dancing.\footnote{Mary Murphy, \textit{Mining Cultures: Men, Women, and Leisure in Butte, 1914-1941} (Urbana and Chicago: University of Illinois Press, 1997), 78 and 72.} Further, after prostitution became illegal in Montana, prostitutes in Butte moved into more “respectable” places, occasionally drawing new women into the sex trade, or at least challenging traditional separations between prostitutes and more respectable women.\footnote{Murphy, \textit{Mining Cultures}, 79.} In particular, Murphy points out that people in Butte feared young girls would become prostitutes because “...Judeo-Christian morality were not a strong enough defense against the allure of clothes, dance halls, and other enticements of a burgeoning consumer society.”\footnote{Murphy, \textit{Mining Cultures}, 79.} In short, Murphy’s book provides a Montana-based context through which to understand some cultural shifts within the 1920s, but it is limited to years comprising only a portion of this current study.

Elizabeth Alice Clement provides a broader context for the shift in sexual mores that Murphy touches on in her study of Butte, particularly within dance halls. Clement wrote a 2006 book called \textit{Love for Sale: Courting, Treating, and Prostitution in New York City, 1900-1945} that discusses these shifts in the first forty-five years of the twentieth century. Clement notes that during this time, working class women became engaged in new sexual activity that challenged previous distinctions between prostitution and working women. Through the practice of “treating”, women exchanged sexual favors for entertainment,
which also changed courtship and dating expectations. Prostitution emerged in dance halls, but the new sexual practices eventually drove prostitution out as premarital and extramarital sex more common.\textsuperscript{17} This helps understand both the concerns with sexuality within dance halls in the 1920s in Missoula, as well as the decline in prostitution arrests during this time. Similarly, Elisabeth Israels Perry notes that reformers in New York tried to make dance halls more “wholesome” and connects these efforts to concerns over “commercialized urban ‘vice.’”\textsuperscript{18} Concerns over commercialized “vice” certainly help explain Missoula’s concerns over sexuality both in terms of prostitution and dance halls, as well as cigarettes, alcohol, gambling, and opium.

Combined, these works provide a context in which to place commercialized sex in Missoula and to examine how trends in sexuality operated in Missoula from 1890 until 1930 compared to broader trends. This work will contribute to the historiographical conversation both by being more localized and by spanning a time period that is neglected in many other sources – the continuity from 1890 to 1930 rather than just a snippet between those years. Though historians have examined prostitution in Montana, it has been primarily in a different time period. With the exception of some work on prominent madam Mary Gleim, scholars have not explored prostitution in Missoula. Historians who have studied prostitution more broadly – Butler, MacKell, Gilfoyle, Rosen, and Hobson – have focused on broad trends in large geographical regions rather than considering local nuances. Similarly, in regards to changing sexual mores after World War I, Clement

\textsuperscript{18} Elisabeth Israels Perry, “Men are from the Gilded Age, Women are from the Progressive Era,” \textit{The Journal of the Gilded Age & Progressive Era}, Vol. 1, No. 1 (Jan. 2002), 27.
provides a longer-term lens in New York, whereas Murphy provides the perspective of a separate Montana town during a shorter time span. This project seeks to answer the question of whether such a local focus confirms or complicates historians’ broader observations, as well as whether there was continuity in trends from the Victorian era to the onset of the Great Depression.

In this study of prostitution and sexuality from 1890 until roughly 1930 in Missoula, I focus primarily upon sources physically available in the Mike and Maureen Mansfield Library Archives and Special Collections, with some materials from the Montana State Historical Society (MHS). I begin in 1890 because initially, it was the earliest I found relevant sources. I have since discovered some information about prostitution that predates 1890, but the discovery occurred too recently to incorporate that information effectively in a timely fashion. Later iterations of this project may go back further. I end in roughly 1930 because although much scholarly work has been done before 1920 and some between 1920 and 1940, relatively little scholarship investigates potential continuity across those eras. Further, arrests under the “rooming house” ordinance continue into the late 1920s, albeit more sporadically as the decade closed. By researching beyond 1920, I am able to examine trends from the Prohibition era through the post-World War I era. This time frame led me to the 1921 ordinance regulating dance halls and broadened my study to a broader discussion of controlling women’s sexuality rather than simply focusing on prostitution. I end at 1930 because the effect of the national Great Depression is beyond the scope of what can be handled in a project of this length.
From the Mansfield Library, most of the sources for this investigation can be found in the collection called “City of Missoula (Mont.) Records, 1883-2009.” This collection includes many records, but I primarily used ordinance records, registries of prisoners, and city council minutes from this collection. The ordinance records reveal the official legal restrictions on sexuality—especially prostitution—and the language used in these ordinances sheds light on city official’s view of sexuality. City council minutes enhance this study by offering a more cultural perspective and revealing the identities of the council members who passed the laws. The prison registries list those jailed for prostitution, the fines they paid, and the place and date of their arrests. This is the primary method for finding out information about prostitutes as they did not leave behind written records of themselves. I supplemented the information in these registries with digitized versions of the Sanborn maps—fire insurance maps of various US cities—to find out where prostitutes lived. Sometimes, other records may be found through census records or records available through Ancestry.com to reveal more about prostitutes’ lives. However, such information is limited because prostitutes lived rather transient lives and sometimes used fake names.

Overall, the records in this collection form the base of this project by establishing legal trends, tracking enforcement trends over time, shedding light on attitudes towards sexuality, and providing basic information about prostitutes.

The primary limitation to the City of Missoula records housed in the Mansfield library is that, though they provide information about shifts in legal approaches to sexuality, they do not provide much information about why these shifts occurred. Attempting to find the reasons for these shifts led to the use of many other sources; unfortunately, many of these sources did not provide enough information to be included in
this paper. At first, I examined information about female reformers since they often led pushes against prostitution. I examined the Maggie Smith Hathaway Collection and records from the Young Women’s Christian Association (YWCA) at the Mansfield Library to see if there was any information regarding prostitution. Though I found that women in Missoula led reform efforts, I did not find any direct causal link between these efforts and prostitution. Reformers in Missoula focused primarily on other vices, such as gambling, drinking, and smoking. While at the Montana Historical Society, I looked at collections from the state Women’s Christian Temperance Union and similarly found no useful information. Since pushes against prostitution were sometimes linked to venereal disease, I also checked the Record of Communicable Diseases from my time period at the Mansfield Library. Once again, I did not find the connections I sought. However, the Montana State Historical Society contained information that revealed this was a concern at the state level during World War I, which correlates with the implementation of the state law against prostitution. However, the year of that law does not correlate with the enforcement shifts or other ordinances in Missoula. Further, the Montana Woman expressed concerns over venereal disease in a later time period. In short, though venereal disease often influenced moves against commercialized sex, it does not appear to have been a factor in Missoula.

Although these sources did not lead me to find the reason law enforcement in Missoula focused so much on prostitution in 1906-1907 or why new ordinances were enacted, they did lead me to routes I had not considered before. Namely, the YWCA records

19 Maggie Smith Hathaway Collection, Mike and Maureen Mansfield Library, Missoula, Montana; YWCA of Missoula Records, 1911-2014, Mike and Maureen Mansfield Library, Missoula, Montana.
20 Record of Communicable Diseases, 1907-1940, City of Missoula (Mont.) Records, 1883-2009, Series VI, Vol. 126, Mike and Maureen Mansfield Library, Archives and Special Collections, Missoula, Montana.
included newspaper clippings that both advertised dances the organization held and criticized the young girls in the YWCA for dancing. This led me to revisit ordinance records and examine dancing ordinances more closely – and thus to broaden my focus on approaches to sexuality rather than just prostitution, though the 1921 ordinance suggests a link between the two.

The final source I examined to understand why shifts in attitudes and actions against sexuality in Missoula occurred between 1890 and 1930 was the local newspaper *The Missoulian*. Unfortunately, issues of this newspaper are not available digitally that far back and are only available on microfilm. This means that finding relevant information is a tedious, time-consuming task. I tried to focus on issues on or surrounding certain key dates, such as the passage of ordinances and big brothel shifts. Unfortunately, *The Missoulian* also did not provide much information about prostitution or sexuality. However, the newspaper did shed some insight into happenings in Missoula around these times that other sources didn’t, including changes within the police department in 1906 and increased religious editorials around this time. Although this information is sporadic and not enough to make conclusive statements about why shifts I trace occurred, they do provide a fuller picture to contextualize the shifts within Missoula.

The sources I consulted are typical to those that other historians of prostitution utilize, often because few records exist from prostitutes themselves. While some historians are lucky enough to find diaries left by prostitutes, the only diary accessible in Montana appears to be from a Butte madam in a later time period.\(^{21}\) In the absence of direct sources

\(^{21}\) Beverly Snodgrass Papers, 1967-1968, Mss 341, Archives and Special Collections Mike and Maureen Mansfield Library, Missoula, Montana.
from prostitutes, “researching around” my subject via legal records, medical records, reform records, and newspapers proved necessary.\footnote{22 City of Missoula (Mont.) Records, 1883-2009, Mike and Maureen Mansfield Library, Missoula, Montana; The Missoulian; Maggie Smith Hathaway Collection; YWCA of Missoula Records; Montana Attorney General Records, Montana State Archives. Montana Historical Society, Helena, Montana.} This means that sources are in some sense inevitably biased and do not give prostitutes their own voice. I chose sources of such variety in hopes that careful analysis would enable me to get around these biases and limitations as much as possible. In short, research for this project has come from many sources to overcome the hurdle of a lack of sources from prostitutes themselves. The sources in the City of Missoula Records provide the bare legal facts, and I have examined many other sources to provide more context to these facts. Although most of these supplemental sources did not include information I had hoped for when starting this project, each one contributed some contextual insight that both indicated that Missoulians were concerned with regulating sexuality, adhered to some larger trends noted by other historians, and also deviated from broader norms in some ways (such as concerns over sexuality often applying to men as much as women). Finally, I use these sources in the context of what has already been written about prostitution to examine how local nuances within Missoula fit into a broader picture.

On October 6, 1890, the City of Missoula passed Ordinance #19, “An Ord. Restricting ‘Lewd Women or Inmates of Houses of Ill Fame.’” The term “inmates” to describe prostitutes matched the content of the ordinance. Ordinance #19 forbade prostitutes from being on the streets of Missoula between the hours of 7P.M. and 7A.M., from dressing in any “obscene or indecent clothing or in any clothing to be distinguished as Lewd Women,” and
from entering saloons from the front door at any time of day. The ordinance even barred
"inmates" appearing or holding "conversation with people outside their doors or in the
streets of Missoula." 23 The ordinance allowed exceptions to these rules for "inmates" if they
were dressed properly, for eating meals in restaurants, or engaging in "legitimate" business
transactions. The penalty for breaking this ordinance was a fine of $5-$100 for the first
offense and a minimum of thirty days in jail for the second offense. 24

Prostitutes’ low socioeconomic status and illicit profession resulted in few sources
about their lives, especially if they were not literate or prominent madams. This ordinance
provides some insight into what prostitutes’ lives in Missoula were like in the late
nineteenth century. Prostitutes were expected to adhere to strict legal and social
expectations that controlled the way they dressed, how they spent their time, and the
context in which they could interact with other people. Prostitutes in Missoula, though
tolerated, lived highly limited lives, and the rhetoric of Ordinance #19 reflects an effort to
restrict female sex workers’ social lives. These heavy restrictions not only made prostitutes
less visible, but also restricted their public appearance in ways other citizens, male or
female, did not face. In short, Ordinance #19 controlled not only where prostitutes
operated and how they engaged with their community, but also their entire perception in
the public eye that solidified them as lower-class citizens regardless of economic status.

Missoula’s legal tolerance of prostitution likely accounts for the relatively few
prostitution arrests between 1890 and 1906, sometimes numbering fewer than thirty per

23 Ordinance #19, Ordinances, 1889-2008, City of Missoula (Mont.) Records, 1883-2009, Series V, Vol. 118,
Mike and Maureen Mansfield Library, Missoula, Montana.
24 Ordinance #19.
year. Ordinance #19 only restricted the public behavior of women, yet authorities arrested male pimps nearly as often as female prostitutes. In fact, during 1903 and 1904, there were only two more female prostitutes imprisoned than male pimps. Arrest records racially identify African American prostitutes and pimps as “negro”, but included no similar designations for other races, suggesting a possible concern over African American sex workers despite Missoula not being particularly diverse.

However, police did not appear particularly concerned with brothels. Usually, only a handful of people were arrested, and arrests occurred on Main Street and First Street more often than Front Street, which served as Missoula’s Red-Light District. This could reflect a male focus on business rather than a female focus on morals. In her study of Progressive-era reformers, Maureen Flanagan notes that men in politics often focused on what was good for business. From this standpoint, in a time when men held most of the political power, maintaining prostitution in certain areas and under certain conditions (rather than eliminate it) makes sense. Women’s political reform efforts, however, tended to focus on morality, which could be a factor in later shifts against prostitution in Missoula.

It is during this time that Mary Gleim operated as a prominent madam in Missoula. Gleim, nicknamed “Mother,” was a wealthy madam accused of blowing up her competitor’s

\[25\]\ Although the 1890 ordinance regulates rather than criminalizes prostitution, the prostitutes and pimps arrested during this time simply have “prostitution” or “pimp” noted as the reason for arrest. Given the limited number of arrests and location of them, it is reasonable to conclude that these arrests occurred for reasons besides the profession itself, but whether it was for breaking the restrictions of this ordinance or for other technicalities is unclear.

\[26\]\ Register of Prisoners, 1903-1954, Series XIV, Vol. 228, Mike and Maureen Mansfield Library, Missoula, Montana.

\[27\]\ Register of Prisoners.


\[29\]\ Perry, “Men are from the Gilded Age, Women are from the Progressive Era.”
brothel in 1894. Gleim owned several properties on Front Street, and a plaque in Missoula still describes her today. Gleim’s prominence despite her alleged crimes reflected the power of madams in general. Though Petrik wrote of an earlier time period, she discusses the capitalistic nature of madams in late nineteenth-century Helena; Gleim certainly seems to fit this mold. However, as the arrest of male pimps suggest, female brothel owners did not have a monopoly on the sex trade in Missoula.

These sparse arrests for prostitution and relatively equal gendered concern for prostitution ended abruptly in May 1906. Suddenly, prison registries were filled with prostitutes and no pimps. Often, several prostitutes – sometimes numbering in the teens and twenties – appeared in prison registries with the same arrest dates, suggesting large brothel arrests. Further, the prostitutes often faced arrest on Front Street – particularly West Front Street – The Red-Light District. Although no new ordinance restricted prostitution, the legal record suggests rising concern over prostitutes in Missoula. Rather than merely restricting prostitution to certain places or regulating prostitutes’ behavior, the enforcement shift suggests a concern with prostitution itself, even in places specified for that purpose. Unfortunately, finding the reason for this changed concern has thus far been elusive, but the new pattern may reflect increasing political activity from women concerned with eradicating vice rather than merely regulating it, an issue discussed in more detail below.

Regardless of the reason for this dramatic shift in arrests, the shift itself provides interesting insight into prostitution in Missoula. In 1906 alone, authorities made 265

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30 MacKell, Red Light Women, 216.
31 Petrik, No Step Backward, Chapter Two.
arrests for prostitution (roughly an 11 percent increase from the previous year); in 1907, arrests surpassed that number in September. Although many prostitutes appeared in records only once or twice, several prostitutes suffered arrest multiple times and usually with one another, suggesting raids of the same brothels over and over. Records do not identify African Americans by race as during the pre-1906 years. However, records do identify Japanese prostitutes by putting “(a Jap.)” next to their names.32

One of these Japanese prostitutes, Josie, appears in the prison registry more often than any other prostitute except for Mabel Wright, indicating more concern over her activities than most other prostitutes. Mabel Wright, the other prostitute with the highest number of arrests, was also arrested for fighting and had moved to Missoula after a divorce in which she was accused of treating her husband cruelly.33 Josie appears to have faced no charges for additional crimes or violence. However, it would be difficult to find such information if she did. Josie’s surname, if she had one, never appears in records, making tracing her life outside of government records difficult.

Josie was not the only Japanese prostitute to be known only by her first name; a “Susie” also appears in records. Japanese prostitutes, then, appear to have had a different experience than other women in Missoula. Usually, their identities in records were marked by their race rather than any sort of family name – a Japanese prostitute named Mabel Mori appears to be a lone exception.34 Because so little information is available on Japanese prostitutes, it is difficult to know how their experiences compared to other prostitutes in Missoula.

32 Register of Prisoners, Vol. 228.
34 Register of Prisoners, Vol. 228.
Despite Josie suffering arrests more often than the majority of other prostitutes, the racial demarcation in records, and the lack of anything besides a first name, Japanese prostitutes did not appear to face harsher fines than other prostitutes. The racial discrepancy, though noticeable in how prostitutes were recorded, is not reflected in enforcement trends otherwise. Most prostitutes arrested during these years paid fines of $10, though some paid around $5. Josie and other Japanese prostitutes typically paid $5 or $10. Further, authorities usually arrested Josie and other Japanese prostitutes in the same brothel busts with mostly white women rather than exclusively together, despite Missoula’s Red-Light district being segregated. Sanborn map records reveal that Josie occupied a building noted in 1902 as being a “female” building rather than “Chinese.” Further, no prostitutes of any race arrested during this time appeared to remain in prison long – some faced arrest on practically a monthly basis, however.

It is not clear why the shift in arrests beginning in 1906 occurred. Nationally, historians have noted that female reformers often pushed for the eradication of prostitutes and brothels. They not only erroneously thought that eradicating prostitution would help prostitutes, but also saw it as their duty to be moral reformers in society and politics. Other efforts against vice in Missoula reflect these trends. Female reformers in Missoula used this idea of women being moral influences in society to push for suffrage. Beyond that, female reformers in Missoula encouraged the eradication of vices such as tobacco, alcohol, opium, and gambling. Further, the Federation of Montana Women’s Clubs met for a convention in Missoula in June 1906, which was early on in the enforcement shift. However, I have not

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35 Mackell, Red Light Women, 216-217.
36 Digital Sanborn Maps, Missoula County, March 1902.
found any evidence that these reformers pushed against prostitution. In short, there was a
correlation in Missoula between the enforcement shift against brothels and female reform
efforts, but not enough evidence to make a direct connection even though female reformers
in Missoula otherwise reflected nationwide trends.\(^{38}\)

Other than the existence of female moral reform efforts during the early 1900s in
Missoula, there are some hints of increasing concerns with vice and crime in general in the
city, though still no direct connection between these concerns and prostitution specifically.
During 1906, religious pieces appeared in \textit{The Missoulian} discussing the need to
“evangelize” Missoula and eradicate sin, besides advertising church-related meetings
(including women’s groups) on this topic.\(^{39}\) This reveals a public concern with morality in
general, but not against prostitution in particular.

Besides the potential religious influence, Missoula’s police force changed in some
interesting ways that may have influenced enforcement trends. In May 1906 – the month of
the first big brothel bust – Missoula appointed a new chief of police. The following month,
around the same time as the second brothel bust, the police department eliminated the
offices of “city detective and “special officer” and replaced them with additional patrolmen.
It is conceivable that the new police chief cared more about vice crimes than his
predecessor; however, he resigned his position in December 1906, and the brothel busts
continued through 1907. The addition of new patrolmen, however, suggests a greater focus
on law enforcement. Prison registries reveal that most of those arrested were for victimless

\(^{38}\) Both Rosen, \textit{The Lost Sisterhood} and Hobson, \textit{Uneasy Virtue} discuss female reform efforts against
prostitution.

crimes; besides prostitution, many faced arrest for alcohol-related charges or vagrancy.\textsuperscript{40} Although a single cause for the shift in enforcement trends against prostitution remains elusive, the presence of female reformers, religious influence from active churches and papers, and changes in the police department all point to an escalated public concern against crime and vice during this time period.

The dramatic uptick in brothel busts declined slowly after 1907, and a new shift replaced it. In 1911, the Missoula City Council passed the “rooming house”\textsuperscript{41} ordinance that officially banned brothels in Missoula. Ordinance #312 forbade people “from resorting to, using or occupying rooms, tenements, or appartments [sic] for the purposes of prostitution or assignation.”\textsuperscript{42} Violating this ordinance resulted in a fine of $5-$200 and/or imprisonment ranging from two to sixty days. Despite this ordinance’s passage in 1911, Sanborn maps still marked most of the buildings on West Front Street as “female buildings” – terminology that suggests these buildings were brothels – as they did in 1902.\textsuperscript{43}

City Council meeting minutes reveal that this ordinance resulted from a series of moves against brothels. Prior to the ordinance’s adoption, the city council passed resolutions that forbade the use of rented rooms for prostitution on Main Street and Front Street and discussed banning the sale of liquor from cribs (another term for brothels) in these locations. After the ordinance passed, Missoulians expressed concerns that enforcement of the ordinance remained inadequate. The City Council read a petition from the “Church Brotherhood of Missoula” against prostitution. This “Church Brotherhood”

\textsuperscript{40} Register of Prisoners.
\textsuperscript{41} The Registry of Prisoners alternates between treating this as two words and one. I am opting for “rooming house” rather than “roominghouse” here, however. Capitalization is also inconsistent in primary sources.
\textsuperscript{42} Ordinance #312, Ordinances, Series V, Volume 121.
\textsuperscript{43} Digital Sanborn Maps, Missoula County, 1912.
argued that the use of rented rooms for prostitution represented “a reproach to the good name of our city, and a disgrace to Christian Community.”

This petition reflects a religious male stance against prostitution, but it is worth noting that the two councilmen who read the petition – Peat and Price, who had voted for Ordinance #312’s passage – also supported women’s suffrage. Both men participated in a Political Equality Club that met at the public library. Another member of this group, Reverend. H. S. Gatley, argued that women voting would have a “wonderful moral effect” in Montana. The mixture of religion, belief in women’s positive moral influence and political activity connected to that, and men in support of both those things suggests that there was a relationship among female reform concerns, religious concerns, and politics in Missoula.

As mentioned before, these elements and connections are suggested in 1906 when the brothel busts occurred; they are slightly more prominent and overt by 1911 when the local laws themselves changed rather than just enforcement. In short, it appears that pushes against prostitution in Missoula stemmed from the interconnecting interests of female reformers, male politicians, and religion rather than just one of these elements.

The results of the 1911 “rooming House” ordinance were, perhaps, where prostitution in Missoula diverged from broader national trends. Historians note that driving brothels out placed the control of prostitution more in the hands of male pimps. The decline of brothels reduced female control of the sex trade, and, in most places, prostitutes rather than pimps or clients faced legal consequences. However, prison records in Missoula suggest differently here. Authorities arrested men for violating this ordinance,

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45 “Political Equality Club,” The Missoulian, October 21, 1911.
sometimes with the prostitutes they were with, sometimes alone, and sometimes as pimps. Further, female prostitutes generally did not face harsher punishments than the men who were arrested under the ordinance. Of course, police still arrested prostitutes and women listed as “madams” for violating this ordinance. Further, the lack of gender disparity in arrests and punishment does not change the other factors that historically occurred with the push against brothels and prostitution: sex work’s push underground and loss of female autonomy.\footnote{Register of Prisoners, Vol. 228.; see also Petrik, \textit{No Step Backward}, Chapter 2; Rosen, \textit{The Lost Sisterhood}; Clement, \textit{Love for Sale}; and Hobson, \textit{Uneasy Virtue}.}

Arrests for violating the rooming house ordinance never reached the levels of the brothel busts of the preceding years, but they continued after prostitution’s supposed eradication in 1916.\footnote{The YWCA of Missoula’s website’s “About” section makes this claim. \url{http://ywcaofmissoula.org/about/}} The state of Montana as a whole cracked down on prostitution in 1917. Prostitution became illegal in the state, and the state attorney general Sam Ford received letters from counties all over the state informing him of prostitutes or brothels in the area and requesting assistance in enforcing the state law against brothels and prostitution.\footnote{#65-568, Docket #5, Record Group 76, Box 99, Montana Attorney General Records, Montana State Archives, Montana Historical Society, Helena, Montana.} This suggests that Missoula’s concern for prostitution were part of larger statewide concerns. Mary Murphy notes, however, that not all Montanans supported Ford’s reforms. Some in Butte felt that the new law merely corrupted girls who would otherwise not come into contact with prostitutes as eradicating red light districts did not truly eradicate the sex trade.\footnote{Murphy, \textit{Mining Cultures}, 79.} Despite this state action and law, authorities in Missoula continued to cite the “rooming house” ordinance as a reason for arresting prostitutes and their clients and pimps into the 1920s, albeit in small numbers. It is not clear why
authorities cited the “rooming house” ordinance rather than the state law to restrict prostitution; perhaps the specifics of the ordinance were easier to enforce. Regardless, the decline in overt prostitution did not mean its disappearance, nor did it mean an end to Missoula’s attempts to control feminine sexuality. Missoulians became focused on another area of moral sexual concern: dancing.

Though public dances had existed in Missoula for years, with women’s groups even hosting such dances in 1906, regulation of dancing in Missoula began in 1916 with Ordinance #396. This ordinance merely outlined rules for licensing and safety. Public dances could not be held after nine o’clock at night, and police could vacate dance halls if attendees violated the ordinance or if there was “disorderly or immoral conduct” on the premises.\[^{50}\] Dance halls required licenses, and if a license was revoked or forfeited, the owner had to wait two months for a new one. Dance hall attendees could not be under the age of eighteen unless accompanied by a parent or guardian. If a minor did attend, both the minor and their parent or guardian had to sign a registry book. Section 10 of the ordinance specified that it did not apply to private residences or dances exclusive to members of specific groups (such as the YWCA) or schools. Applications for licenses went to the mayor, but the City Council handled violations of licensing rules. If a dance hall violated the ordinance and faced charges, then the issue would be brought up at the next council meeting to decide whether or not to remove the license. The penalty for breaking this ordinance was a fine of at least $15 but not more than $200. Imprisonment only occurred if this payment went into default. The 1921 dance hall ordinance shares many basic

\[^{50}\text{Ordinance #396, Ordinances, Vol. 121.}\]
similarities with the dance hall ordinance of 1916, but the changes, both in terms of structure and rhetoric, reflect a radically different moral focus.

Like the original dance hall ordinance, Ordinance #396, the new ordinance, Ordinance #502, regulating dance halls laid out the basic rules for licensing and safety, though now dances could only be held before 12 P.M. Minors still had to sign a registry and had to be with a parent or guardian, and dance halls could not allow liquor on the premises. Some significant changes in these basic rules include requirements for licensing and responsibility for upholding the ordinance. Applicants for a dance hall license had to be “of good moral character,” which was not a requirement for applicants under Ordinance #396, and it is not clear what constituted such character. Although the ordinance defined what “public” dancing and dance halls meant, it did not include a provision that specified that the ordinance did not apply to private dances. In addition to the $10 licensing fee, dance halls had to pay $2 per dance. Instead of the city council handling infractions against the ordinance, a “Commissioner of Public Safety” reviewed applications, inspected dance halls to determine if they adhered to the ordinance, and determined if there was a violation. Inspections occurred at least on a monthly basis, though the commissioner could inspect at any time. Violations of this ordinance constituted a misdemeanor with a fine of $10-$30 and/or imprisonment of 90 days or fewer.\(^{51}\)

These new requirements for licensing, new structure for dealing with violations, and harsher penalties reflect the goal of the new ordinance: to regulate sexuality. In Section 14 of the ordinance, the Missoula City Council declared it felt the ordinance was “necessary for the immediate preservation of the public safety and an emergency is therefore declared to

\(^{51}\) Ordinance #502.
exist.” This language reveals both a concern for controlling morality and a heightened sense of urgency that is reflected in the other ways this ordinance differed from Ordinance #396: the people and behavior it restricted from dance halls.

The 1916 ordinance never mentioned prostitution or prostitutes. Although it forbade “immoral conduct,” it did not specify what that was or forbid specific people unless a “gross” or violent act took place at the dance. Ordinance #502, by contrast, banned the presence of “any known prostitute, male or female procurer, or vagrant” at public dances or dance halls. Section Nine defined “known” as someone that the owner, lessee, manager, or police supervising the dance knew had “such reputation or character” or as someone who had pleaded guilty to or had been convicted of these crimes. The ordinance also used a broad definition of the word “person” to include “natural persons, co-partnerships, corporations and associations, and shall include both sexes.” The presence of such a “person” could result in the entire dance hall being vacated.

These stipulations, new to the 1921 ordinance, suggest a few things about changing moral concerns in Missoula, especially in regards to dancing. First, the City Council in 1921 felt that the presence or possibility of prostitutes within dance halls was a concern that the 1916 City Council did not care about. In light of both the city ordinance against brothels and the state law against prostitution, it would make sense for Missoula prostitutes and pimps to seek business in dance halls. The concern with both sexes and with both prostitutes and procurers suggests that Missoula focused on both male and female offenders, reflecting similar trends in the city’s arrest records for prostitution. However,

52 Ordinance #502.
53 Ordinance #502.
prostitutes generally were female, so it is fair to say that they were more affected by this ordinance than men – especially since “reputation” was enough to warrant not being allowed in a dance hall. Dance halls not only prohibited prostitutes from entering dance halls, but also forbade those holding dance hall licenses or teaching classes from allowing prostitutes to enter dance halls. Put more simply, the ordinance called for accountability from both sex workers and those who ran dance halls rather than just one or the other.

If prostitutes frequented dance halls as the ordinance suggests, Missoula might fit into broader trends. Elizabeth Clement notes that dance halls often served as covers for prostitution. However, Clement also notes that the rise of dance halls hampered prostitution as a profession. In New York, the practice of “treating” – that is, the practice of women not technically considered prostitutes exchanging sex for entertainment costs – blurred the lines between illicit sexual activity and respectable female behavior and consequently pushed prostitution “to the margins of American sexual culture.”54 As respectable women became more sexual, men did not seek prostitutes as often, and the importance of prostitution to the working class faded. Although available sources do not make it clear the extent of which treating occurred in Missoula, the ordinance reveals that some in Missoula recognized dance halls as places for sexuality to be more overt than in the past. Missoula also fits in this trend as arrests for prostitution, though present in the 1920s, became increasingly few and far between, suggesting either a lack of concern, a lack of prominence, or both.

54 Clement, Love For Sale, 3.
Mary Murphy discusses a similar trend in Butte, Montana. There, prostitutes moved into more “respectable” places after the enactment of the statewide prostitution law. Further, Murphy notes that people in Butte compared working class women who engaged in vices such as smoking and dancing faced comparisons to prostitutes – a trend that provides further evidence of Clement's assertions that treating and dance halls blurred the lines between respectability and prostitution. If Missoula followed the trends observed by Murphy in Missoula and Clement in New York, then Ordinance #502 likely passed as a combination of concerns over prostitutes operating within dance halls, working class or “respectable” girls becoming prostitutes, or simply girls resembling prostitutes through new expressions of sexuality.

Although it is very likely that the ordinance forbidding prostitutes’ presence within dance halls resulted from prostitutes operating within dance halls, it is also possible that the concern over prostitution may have been enough to warrant these new stipulations. It is worth noting that having the reputation of being a prostitute was enough to warrant being banned from a dance, and that “person” has a rather broad definition. The language of the ordinance would allow for a broad degree of social control over who was allowed at a dance. Regardless, since dance halls were known as places of shifting sexual dynamics, the ordinance’s focus was on restricting such public sexual activity.

The 1921 ordinance reflected a broader concern with morality than just prostitution. Section Five outlined acceptable behavior for all attendees. Dancers could not “assume or maintain any immodest, lewd, immoral, or suggestive posture or position which

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55 Murphy, Mining Cultures, 79.
56 Murphy, Mining Cultures, 81 and Elizabeth Clement, Love For Sale.
in any way tends to corrupt the public morals.” These behavioral restrictions were not exclusive to those attending dances. Section Five further stipulated that those holding dance hall licenses or instructing dance classes could not allow “any immodest act” to be committed under their watch or “any person whose conduct...tends to corrupt the public morals.” Police had the duty to vacate the dance hall if attendees violated these stipulations.

The language Ordinance #502 utilized in these restrictions, of course, is very broad, vague, and suggestive. It is not clear from the ordinance what classified a posture or act as immodest, lewd, or immoral. What is clear, especially given the ordinance's “emergency” nature and explicit concern over prostitution, and the upholding by the “Commissioner of Public Safety” is that Ordinance #502 constituted an attempt to limit public expressions of sexuality, just as Ordinance #19 in 1890 restricted prostitutes’ public behavior and dress.

Although the ordinance mentioned that imprisonment for up to ninety days could be a punishment, I have not yet found evidence of anyone being imprisoned in violation of this ordinance. Given the “emergency” language used and strong concerns over morality, this is somewhat surprising and demands further research. Perhaps fines without arrests or imprisonment were the more common enforcement route, as the ordinance designated that the punishment could be a fine, jail time, or both. More research needs to be done to fully account for the legal effects of this ordinance.

Ordinance #502 stipulated that police could be present at any time, and that it was their duty to enforce the ordinance if they were present. City Council meeting minutes and

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57 Ordinance #502.
*The Missoulian* reveal that in practice, this stipulation was more specific than the language of the ordinance suggests. At the same time the City Council passed the ordinance, it appointed a policewoman for the purpose of monitoring dance halls. Mrs. H. H. Hayes occupied this position, and she also handled juvenile cases. Mrs. Hayes owed her position to women in Missoula; *The Missoulian* notes that the Parent-Teacher association and Women’s Club campaigned “for a woman officer to see that regulations were enforced at dance halls.”59 This indicates that women in Missoula in the 1920s both were concerned with morality and sexuality in Missoula and believed that a policewoman would be more suitable to enforce sexual mores than a man would be. This piece in *The Missoulian* also notes that the city only had funds to pay Mrs. Hayes for three months, but “there would probably be some means whereby the position could be continued.”60 I have yet to find whether or not these funds did appear; if they did not, then perhaps the lack of arrests is a reflection of a discontinuation of Hayes’s position as policewoman.

Although evidence of the ordinance’s effects remains sparse, the ordinance reflects local social mores regarding dancing. This is somewhat obvious from the ordinance’s passage. It is difficult to fathom that the Missoula City Council would pass such an ordinance and delegate its authority to a “Commissioner of Public Safety” if the public did not care about dancing; further, the minutes of the City Council reveal that the ordinance passed unanimously.61 However, this public concern was further evidenced by responses to the Young Women’s Christian Association (YWCA) hosting dances. People wrote in the

newspaper scathing criticism over these dances, with one pastor even stating that the “C” (for “Christian”) should not be present in the YWCA’s title if the organization hosted such events. The ordinance’s changes to dance hall regulations from 1916, strong language, detailed restrictions, and “emergency” nature to protect public morals and these critical responses to dances by the YWCA, indicate that Missoulians, like Butte residents, were concerned with overt sexuality, youth culture, and moral laxity.

Both Ordinance #19 in 1890, which restricted prostitutes’ public behavior, and Ordinance #502 in 1921, which regulated dance halls, represent legal attempts to restrict sexuality and women’s activity within public spaces. During the thirty-one years between these two ordinances, however, Missoula went through legal shifts that indicate changing attitudes among police, and perhaps among Missoula residents in general, toward prostitutes. Although prostitutes from 1890 until 1906 operated under an ordinance that treated them as “inmates,” arrest numbers for prostitution were relatively low. Male pimps faced legal consequences for sex work nearly as often as female prostitutes. The uptick in arrests in 1906 suggests an increased concerned with morality, particularly where female prostitutes and madams were concerned. Big brothel busts dominated the prison registry. Within these busts, Japanese prostitutes were particularly identified by race, but no expression of identity otherwise (even familial).

The “Rooming House” ordinance of 1911 places Missoula into broader national trends because it outlawed brothels outright and drove prostitution underground – and,

62“Dancing is Evil” newspaper clipping, YWCA Scrapbook, OS 15, YWCA of Missoula Records, 1911-2014. The quoted clipping comes from a scrapbook with clippings from 1919-1922; although the end of this piece is dated “October 31,” the year is not shown on the clipping. However, the dated years of the scrapbook indicate that all clippings the YWCA kept regarding opinions on their dances reflect opinions either right before, during, or right after the ordinance’s passage.
63 Mary Murphy, Mining Cultures, Chapter 3.
perhaps, into dance halls. However, Missoula appears to buck trends under this ordinance in that, once again, men as well as women regularly faced punishment for sex crimes as both pimps and clients. Missoula also appears to fit into broader trends in regards to dancing. During the 1920s, like in larger cities, dance halls were recognized as spaces of increased sexual activity and those concerned with morality – especially women – sought to restrict that sexuality through the law.

Examining these shifts in legal approaches to sexuality in Missoula indicates how local events can both confirm and complicate broader trends. Further, it suggests a link between public views of gender and sexuality and approaches to sex work. Reflections of this can still be seen today in current conflicts over new sex laws, such as the recently-passed Stop Enabling Sex Traffickers Act (SESTO) and Fight Online Sex Trafficking Act (FOSTA). Both acts restrict how sex workers can appear to the public under the guise of “safety” while being broad enough to encapsulate a wide range of sexual activity.\(^6\) This justification through safety, restriction of how sex workers can operate, and breadth reflect the same fundamental approaches as the Missoula ordinances and their enforcement that restricted sexuality. These legal actions against commercialized sex in Missoula served to restrict public female sexuality and reflected concerns over morality and safety.

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