



Drug War Origins:How American Opium Politics Led to the Establishment of International Narcotics Prohibition

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Drug War Origins:
How American Opium Politics Led to the Establishment of International Narcotics
Prohibition

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Abstract

In 1914, the United States criminalized the recreational use of opium. From this event developed over a one hundred year span the international War on Drugs. This examination stems from the belief the War on Drugs fails as a policy aimed at addressing public health and safety concerns. Rather, the War on Drugs fosters criminality that presents an even greater threat to public health and safety. This examination seeks to understand the historical framework of the international War on Drugs. Research found the U.S. largely responsible in both philosophy, creation, and enforcement in instituting international narcotic policy. An examination of U.S. motivations found racial prejudice a causal factor that saw criminalization rather than less authoritarian forms of government intervention utilized to combat the negative side effects of narcotic use. The prejudicial treatment of Chinese-American immigrants in the late nineteenth century Western U.S. led to the criminalization of the Chinese cultural habit of opium smoking. The progressive criminalization of opium due to its perceived connection to Chinese-American immigrants is emblematic of the American narcotics criminalization history. Through opium criminalization, the U.S. progressively pushed and achieved near-total international narcotic prohibition.

Table of Contents

Chapter I. Introduction	1
Modern War on Drugs	4
Narcotics Throughout Human History	9
Chapter II. Opium and the Yellow Peril	14
Historiography	15
Methodology	17
Background to Anti-Chinese Sentiment	18
Opium Criminalization	23
American Perception Toward Chinese Opium Use	25
Opium Smoking Bans Progression	27
Anti-Chinese Legislation in California	29
Chinese Men and Euro-Women	30
Conclusion	33
Chapter III. US Impact on International Narcotics Policy	35
The Birth of Narcotic Control Policies	36
International Opium/Narcotics Conventions	41
Post-WWII International Narcotic Laws	44
United Nations International Narcotic Conventions	45
Countering Communism	47
Conclusion	48
Chapter IV. Conclusion	50

Bibliography	57
Appendix 1. Chinese American Population, 1869-1940	64

List of Figures

Figure 1. Twenty-Eight Hearst Newspapers	32
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Chapter I.

Introduction

United States Federal Government efforts to ban the use of specific narcotics date back to the late nineteenth century. Despite more than a century of American foreign and domestic policies aimed at prohibiting the sale and use of illegal narcotics, illicit drug use remains a serious American problem. Criminalization failed to resolve the significant social problems associated with illicit drug use. The negative consequences linked to illicit drugs continue to ripple through two key aspects of American society. The United States (US) remains a nation plagued by drug related crime and drug related public health burden.

Criminalization of specific narcotics dominates the American prison system. Antinarcotic laws expand the definition of criminal activity to include possession of illicit drugs without the intent to sell. Such laws make criminals of Americans with small amounts of illicit drugs intended for personal use only. In the US, drug related criminal offenders account for the majority of those incarcerated and fuels a high rate of recidivism.¹ Antinarcotics laws swell the American prison system with the world's largest inmate population both in absolute numbers and on a per capita basis.² The

¹ Jennifer Bronson, Jessica Stroop, Stephanie Zimmer, and Marcus Berzofsky, *Drug Use, Dependence, and Abuse Among State Prisoners and Jail Inmates, 2007-2009, Bureau of Justice Statistics Special Report: NCJ 250546* (Washington, DC: US Department of Justice, Office of Justice Programs), June 2017; Matthew R. Durose, Alexia D. Cooper, and Howard N. Snyder, *Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010, Bureau of Justice Statistics Special Report: NCJ 244205* (Washington, DC: US Department of Justice, Office of Justice Programs), April 2014.

² Roy Walmsley, *World Prison Brief: World Prison Population List, 12th ed.* (London: Institute for Criminal Policy Research, Birbeck, University of London, 2018), 2.

American Civil Liberties Union and the Human Rights Watch report that police arrest more Americans for illegal drugs than any other crime.³ The fallout from this intensely enforced criminalization of specific narcotics pushes illicit drug use well outside the acceptable norms of mainstream American society. Thus, those suffering from drug addiction often receive little medical treatment for their affliction. In the absence of treatment, drug addiction becomes a public health burden.

The absence of a governmental medical approach to drug addiction contributes to the overall negative toll of narcotics criminalization. American drug addicts are treated as criminals rather than individuals suffering from a medical condition. When drug addicts are not recognized individuals in need of professional medical care, they suffer an alarming number of drug related deaths. The Center for Disease Control identifies drug overdoses as one of the top ten causes of death for Americans.⁴ In 2017, almost twice as many Americans died from drug over doses than in motor vehicle accidents.⁵ As a leading cause of death, drug overdoses highlight how the criminalization of specific narcotics pushes large numbers of Americans into high risk activities without informed oversight. Inevitably, narcotics criminalization makes illicit drug use a greater health

³ Brian Stauffer, *Every 25 Seconds: The Human Toll of Criminalizing Drug Use in the United States* (New York: The American Civil Liberties Union and the Human Rights Watch, 2016), 2.

⁴ U.S. Department of Health and Human Service, *Drug Overdose Deaths in the United States, 1999–2016, NCHS Data Brief, no 294*, by Holly Hedegaard H Margret Warner Arialdi M. Miniño (Hyattsville, MD: National Center for Health Statistics, 2017), 1; U.S. Department of Health and Human Service, *Deaths Leading Causes for 2016, NVSS, 67, no 6*, by Melonie (Heron, MD: National Center for Health Statistics, 2018), 12.

⁵ U.S. Department of Transportation, *2017 Fatal Motor Vehicle Crashes, DOT HS 812 603*, (Washington, DC: National Highway and Traffic Safety Administration, 2018), 1.

threat by preventing regulation and placing narcotic distribution in the hands of the criminal underworld.

Politicians view the rise of narcotics related issues as a reason to double down on narcotic prohibition; however, this perspective overly simplifies the root causes of narcotic consumption. The idea that narcotics prohibition stands as the only sustainable means of combating narcotic abuse and addiction egregiously fails to consider the results of decades of draconian narcotics prohibition policy. As the most punitive measure of government intervention, why does the US government choose criminalization, over other forms of intervention such as regulation or education? This investigation aims to show that narcotics criminalization does not develop as a pragmatic concern for public health. Rather narcotics criminalization develops first as a punitive measure against specific racial groups present in the US at the turn of the twentieth century. As certain narcotics become inherently associated to minority cultures, Euro-Americans sought to ban narcotics as one measure among a series of laws meant to suppress these minority groups. This phenomenon stands especially true for the relationship between opium and the treatment that Chinese American immigrants received in the US at the turn of the Twentieth century. This paper argues that the politics of opium, both within the US and internationally, rather than a concern for public health played the central role in establishing narcotics criminalization.

This paper reviews the origins, development, and motivating factors of how narcotics control policy, both in the US and internationally, developed around the politics of opium. Initially, this paper provides a historical overview of the transition into the modern War on Drugs era to offer context to why analysis of narcotics criminalization is

necessary. Next, this paper briefly examines mind altering substance use in human history. Next, this paper examines the development of international narcotics control policies to specifically identify the dominant role both opium and the US played in the creation of international narcotics prohibition. Next, this paper examines domestic motivating factors that compelled the US to persuade the international community to conform to the American vision of international narcotics prohibition. This paper will specifically focus on the relationship between opium and the treatment of Chinese Americans. Lastly, this paper will examine how race played a role in shifting public opinion from viewing narcotic abuse and addiction from a socio-medical phenomenon to a socio-criminal phenomenon.

Modern War on Drugs

To many, the US War on Drugs began on June 17th, 1971 when President Richard Nixon famously announced at a White House press conference that “America’s public enemy number one in the United States is drug abuse. In order to fight and defeat this enemy, it is necessary to wage a new, all-out offensive.”⁶ From that point forward, the US began implementing large scale mechanisms to prevent narcotic consumption such as the establishment in 1973 of the Drug Enforcement Administration within the U.S. Justice Department. Nixon’s campaign believed that to combat narcotic abuse and addiction, the nation needed to make narcotics impossible to obtain and thus must wage a war on the supply of those narcotics. Proponents of this philosophy failed to realize that

⁶ Richard Nixon, “President Nixon Declares Drug Abuse ‘Public Enemy Number One’ at White House Press Conference,” June 17, 1971, *Youtube.com*, accessed September 23, 2018, <https://www.youtube.com/watch?v=y8TGLLQID9M>.

the US already had in place the exact policy President Nixon proposed in one manner or another for the last half century. President Nixon's intended meaning in saying "wage a new, all-out offensive," was that the US government intended to spend more money and resources, and levy harsher prison sentences against narcotic producers, distributors, and users under the same philosophy of policies that were failing to deliver the results desired.

President Nixon's reasoning for his claims that narcotics were America's public enemy number one came from two positions. First, that Americans were becoming more addicted to narcotics throughout the 1960s. To justify his addiction claims, Nixon cited unsubstantiated addiction statistics and rising arrest records associated with narcotics use. The truth remains that rising narcotic arrests do not necessarily indicate addiction and secondly fail to recognize the newly instated narcotics control laws put in place in the earlier 1960s. The new narcotic control laws increased the likelihood that otherwise normally law-abiding citizens were arrested. Second, the Nixon administration reacted to a bi-partisan congressional report in 1971 that claimed heroin addiction among American service members in Vietnam had run rampant. The report by Congressmen Robert Steele (R) and Morgan Murphy (D) titled "The World Heroin Problem," aimed to study illegal international traffic of heroin, using as sources both US and foreign law enforcement personnel tasked with narcotics control. The study itself though was prompted by President Nixon when he first delivered to congress his speech "Special Message to the Congress on Control of Narcotics and Dangerous Drugs" on the July 14th, 1969.⁷ In this

⁷ Richard Nixon, "Special Message to the Congress on Control of Narcotics and Dangerous Drugs," *The American Presidency Project*, accessed September 29, 2018, <http://www.presidency.ucsb.edu/ws/?pid=2126>.

speech, Nixon laid the ground work in developing the narrative of narcotics as a looming disaster for the American people and sent to Congress a series of legislation that developed the foundations for his War on Drugs. This legislation prompted the congressional inquiry into international narcotics trade the congressmen set out to study.

The particular issue that President Nixon clung to in order to forward his narcotics control agenda was the use of heroin by US service members in Vietnam. The congressional report stated that heroin addiction of US service members in Vietnam “best estimates are that as many as 10 to 15 percent of servicemen are addicted to heroin in one form or another.”⁸ This statement, however, did not control for the many causal reasons why 10 to 15 percent of men at war might be using opium. The various physical, mental, and/or emotional tolls inflicted from warfare might cause soldiers to self-medicate with opium. The report also provides little evidence of heroin use among US or South Vietnamese soldiers. The report remarks that during the South Vietnamese invasion of Laos, that “some” Vietnamese troops had been transported from other parts of Vietnam so rapidly that they needed to be treated for withdrawal symptoms and that “some US personnel supporting the operation were also treated for withdrawal pains.”⁹ As the reporting indicates, the congressional study only provided subjective examination of opium use in Vietnam and provided it from a military operational perspective rather than a medical perspective.

⁸ Morgan Murphy and Robert Steele, “The World Heroin Problem,” *U.S. Congress* (Washington D.C.: U.S. Government Printing Office, 1971), 1, <https://www.cia.gov/library/readingroom/docs/CIA-RDP73B00296R000300060002-1.pdf>.

⁹ *Ibid.*

The congressional report lacked significant evidence and would not hold up to scholarly peer review of today's standards as well as showed clear bias as the report came from a prohibitionist law enforcement stance. While Congressmen Steele and Murphy's report had a law enforcement mission, US reporting failed in its nuanced interpretation and leaned toward the salacious. The *New York Times* article "The Nation" when commenting on the report opened its article with the sentences,

The shantytowns that huddle close to the big American military bases in Vietnam all have their "scag alleys" — the muddy lanes lined with corrugated iron and scrap-wood huts where for \$5 or so G.I.'s can buy enough heroin to keep at bay for day or so the irritations of military discipline, the boredom of routine jobs or the anxieties of combat patrols at the tag end of an unpopular war.¹⁰

The *New York Times* deliberately aimed to stir up the emotions of the American public. The source for the article must be called into question given that the report it covered did not become declassified until 2001; meaning, the author only covered information given to him and did not have access to the actual report.

Much of President Nixon's reasoning and evidence for making claims regarding the rising threat of narcotics were mechanisms he created. His statement, "America's public enemy number one" demonstrated his intent to create a system of laws. These laws allowed his administration to use government resources to attack several groups that opposed his administration. First, were the issues Nixon's administration faced from the civil rights movement which Nixon opposed in some measure. Groups associated with the civil rights movement such as the Black Panthers were involved at some level in the domestic heroin trade. Nixon used government forces for wide spread surveillance,

¹⁰ Tom Buckley, "The Nation," *New York Times*, June 6, 1971, <https://www.nytimes.com/1971/06/06/archives/its-always-a-dead-end-on-scag-alley-u-s-and-heroin.html>.

disruption tactics, and intimidation toward the Black Panthers and any civil rights leaders linked to the group. Specifically targeted were those who opposed his administrative policies under the guise of pursuing narcotics control policies. A second group, the youth counterculture movement actively protested US involvement in the Vietnam War. For the reason that members of this organization were known to experiment with marijuana and psychedelics, Nixon could once again use government forces to disrupt the people who actively opposed his policies.

In a 1994 interview with Harper's Magazine, Nixon's counsel and Assistant to the President on Domestic Affairs, John Ehrlichman, confirmed Nixon's intended purpose to use narcotics legislation as a means to target his opponents. In the interview Ehrlichman stated,

The Nixon campaign in 1968, and the Nixon White House after that, had two enemies: the antiwar left and black people. You understand what I'm saying? We knew we couldn't make it illegal to be either against the war or black, but by getting the public to associate the hippies with marijuana and blacks with heroin, and then criminalizing both heavily, we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news. Did we know we were lying about the drugs? Of course we did.¹¹

Ehrlichman's candidness regarding Nixon's War on Drugs intentions can be attributed to his public disgrace as a co-conspirator in the Watergate Scandal of the early 1970's that resulted in Ehrlichman spending time in federal prison.

Nixon's narcotics control policy prompted the coinage of the term "War on Drugs" and to many in the public established the US government's concerted effort to criminalize narcotics. Narcotics prohibition did not begin with the Nixon administration,

¹¹ Dan Baum, "Legalize It: How to Win the War on Drugs," *Harper's Magazine*, April 2016, <https://harpers.org/archive/2016/04/legalize-it-all/>.

but began some sixty years prior. Nixon's motivation to pursue harsher narcotics criminalization may have occurred to justify the use of government resources to dismantle his opponents, but Nixon only expanded upon an already established system of laws. Even prior to the Nixon administration, narcotics control policy remained at the forefront of public debate and foreign policy. Given the numerous consequences directly and indirectly caused by the War on Drugs, this paper will review the origins, development, and motivating factors of narcotics control policy both in the US and internationally.

Narcotics Throughout Human History

Throughout human history, people from nearly all civilizations, from East to West, have utilized psychoactive substances to alter their conscious state. Societies used various substances such as opium, cannabis, coca leaf, alcohol, peyote, and many more in a wide range of pursuits from religious and medicinal to social and nutritional. These mind-altering substances played an instrumental element in human societal development to the degree that a small contingent of modern scholars believe some of the world's most ubiquitous religions today can possibly trace religious experiences outlined in their ancient texts to human substance use. For example, one Israeli scholar postulates that in the Old Testament (a fundamental text to the Abrahamic religions of Judaism, Christianity, and Islam) when Moses speaks to Yahweh (God) in the burning bush on Mount Sanai, that in fact Moses may have experienced this religious event by consuming through smoke the Acacia plant rich in the chemical N, N-Dimethyltryptamine (DMT).¹²

¹² Christian Ratsch, *The Encyclopedia of Psychoactive Plants: Ethnopharmacology and Its Applications* (Rochester, VT: Park Street Press, 2005),

Produced naturally in the human body through the pineal gland in the brain (the pineal gland is considered by many in dharmic religions such as Hinduism to represent the “Third Eye” that exists as the connecting link between the physical and spiritual worlds), when taken in concentrated doses DMT users report the substance can produce profound spiritual hallucinations.¹³ Benny Shanon, professor of cognitive psychology at the Hebrew University of Jerusalem, published the article titled “Biblical Entheogens: A Speculative Hypothesis” in *Time and Mind: The Journal of Archaeology, Consciousness, and Culture*. In the article Shanon writes, “Remarkably, several key episodes in the life of Moses exhibit features that are prominent symptoms of the Ayahuasca (DMT) experience. These episodes include Moses’ first encounter with the Divine and the Theophany at Mt. Sinai, traditionally regarded to be the most important event in all of Jewish history.”¹⁴ DMT, which has been labeled in popular culture as the “Spirit Molecule,” is currently illegal both in the United States (US) and internationally.¹⁵

DMT and the story of Moses and the burning bush, however, does not stand as the lone example of ancient societies utilizing psycho-active substances that formed the foundation of their religions and society. In the Rig Veda, the oldest of the classical Vedic scriptures and principle foundations of the Hindu religion founded in India praises the elixir Soma has providing divine experience. The Zoroastrian religion of ancient Persia praised a similar brew they called Homa in the Zen Avesta (a section of the Avesta

¹³ “Could the Pineal Gland Really Be a Third Eye,” *Pennsylvania State University.edu*, last modified September 10, 2015, <https://sites.psu.edu/siowfa15/2015/09/10/could-the-pineal-gland-really-be-a-third-eye/>.

¹⁴ Benny Shanon, “Biblical Entheogens: A Speculative Hypothesis” in *Time and Mind: The Journal of Archaeology, Consciousness, and Culture* 1, no. 1 (2008): 70.

¹⁵ Richard Strassman, *DMT: The Spirit Molecule* (Rochester, VT: Park Street Press, 2001).

that made up the primary collection of religious texts of Zoroastrianism). In his article Shanon provided several translated phrases from both the Rig Veda and Zen Avesta describing how both ancient cultures viewed the psychoactive substances:

“Oh, King Soma, prolong our lives Like the sun who nourishes the days every morning.”

“The Soma is full of intelligence It inspires man with enthusiasm It makes the poets sing.”

“We have drunk the Soma: we have come to be immortal, we have arrived at the Light, we have reached the Gods.”

“Half of me is in the skies, and the other extends to the low depths Have I drunk Soma? I am tall to the utmost, my elevation reaches the clouds Have I drunk Soma?” (Rig Veda)

“Oh Haoma of gold, I am asking you for wisdom, force, victory, health, healing, prosperity and grandeur.” (Zen Avesta)¹⁶

Though modern scholars are unable to definitively determine the ingredients of the two brews, the general consensus believes the brews to be a combination of alcohol and a psychoactive plant.¹⁷ Scholars do definitively agree that both ancient cultures/religions believed the brews to be of the divine.

In *The Road to Eleusis: Unveiling the Secret of the Mysterious*, ethnomycologist R. Gordon Wasson and his fellow authors detail how the ancient Greeks consumed yet another psychoactive brew. The Greek’s brew contained ergot alkaloids in the annual ritualistic worship of the agrarian gods Demeter and Persephone in order to ensure a good

¹⁶ Benny Shanon, “Biblical Entheogens,” 54.

¹⁷ Ottilingam Somasundaram, D. Vijaya Raghavan, and A.G. Tejus Murthy, “Drinking Habits in Ancient India,” *Indian Journal of Psychiatry* 58, no. 1 (2016): 93-96, doi: 10.4103/0019-5545.174396.

harvest.¹⁸ Similarly on the North and South American continents pre-Columbian, Mayan, Inca, and Aztec societies all used various types of psychoactive brews.¹⁹ Most notably today is the Amazonian shamanist hallucinogenic brew rich in DMT, Ayahuasca, that has risen in popularity within Western culture in recent years for its potential therapeutic attributes.²⁰ These are but a few examples of ancient cultures spanning multiple continents using psychoactive substances as sacraments in their religious practices.

In contrast to the long history of varied substance use amongst nearly all human cultures, the effort to globally control the production, transportation, distribution, and consumption of narcotics stands as a relatively new and distinctly twentieth century and onward phenomenon. This change in treatment of narcotics use changed in some regard due to the troublesome increase in drug abuse and addiction that began to take place in the closing decades of the 19th century. Due to the advancements in agriculture techniques and increased global trading that took place throughout the nineteenth century, narcotics began to exist in higher qualities and quantities than previously before. Technological inventions, such as the hypodermic needle, allowed narcotic users to administer their substances at an increased concentration and potency that raised the addictive qualities of the substances. Advancements in medicine helped bring about the creation of new classes of synthetic narcotics, such as opiates like heroin, that further increased the availability and abuse of the substance to users. To add to the new recipe

¹⁸ R. Gordon Wasson, Albert Hofman, and Carl A. P. Ruck, *The Road to Eleusis: Unveiling the Secret of the Mysterious* (Berkeley, CA: North Atlantic Books, 2008), 8.

¹⁹ Benny Shanon, "Biblical Entheogens," 52.

²⁰ Ede Frecska, Petra Bokor, and Michael Winkelman, "The Therapeutic Potentials of Ayahuasca: Possible Effects against Various Diseases of Civilization," *Frontiers in Pharmacology* 7, no. 35 (2016): 1-17, doi: 10.3389/fphar.2016.00035.

that presented the twentieth century narcotics scene was the overall misunderstanding of society toward these substances as many addictive narcotics were sold over the counter (OTC) as medicines and herbal remedies. These stated shifts in the availability and potency of narcotics along with a conservative socio-religious fervor that gripped the US and parts of Europe known as the Temperance Movement created a punitive atmosphere for the criminalization of narcotics.

At the turn of the twentieth century addiction to substances presented a potentially new obstacle for the American culture to face as well as the conservative shift in the American zeitgeist. These reasons are only a fraction of the total contribution to the criminalization of narcotics both in the US and internationally. This analysis will examine how the geo-political motivations of the US as well as early twentieth century racial prejudices weighed heavily on the overall outcome of narcotics criminalization.

Chapter II.

Opium and the Yellow Peril:

Anti-Chinese Public Sentiment and the Criminalization of Opium 1850 -1940

In 1914, landmark congressional legislation established the first federal effort to control narcotics. The Harrison Narcotics Tax Act regulates and places a special tax on opium and coca leaf along with their derivatives. Prior to the Harrison Act, highly addictive narcotics such as cocaine and opium readily circulate, without federal oversight, within the United States (US). In the early twentieth century, the majority of American narcotic use stems from over the counter, non-prescription products available in the commercial marketplace.²¹ Throughout the US, in retail stores and doctors' offices Americans can purchase patent protected consumer products, medicines, and herbal remedies that contain highly addictive narcotics.²² Despite the reality of widespread narcotics use, in the decades prior to the Harrison Act, the American public stigmatizes narcotic use as a practice outside of mainstream Euro-American cultural values. Due to racial prejudice, narcotic addiction becomes a problem that American society increasingly associates primarily with non-white minorities. By the time of the Harrison Act, opium abuse has an intrinsic connection to Chinese Americans.

When anti-Chinese sentiment begins to foster in the West, opium smoking already exists as a staple of Chinese immigrant culture. US officials use opium criminalization as a means to target Chinese Americans. An investigation of opium criminalization must

²¹ Edward M. Brecher, *Licit and Illicit Drugs* (Boston: Little Brown, 1972), 52.

²² David T. Courtwright, "A Century of American Narcotic Policy" in *Treating Drug Problems* Vol. 2 (Washington D.C.: National Academies Press, 1992), accessed September 10, 2018, <https://www.ncbi.nlm.nih.gov/books/NBK234755/>.

examine the association between opium usage and anti-Chinese public opinion. This chapter argues that during the implementation of the Harrison Narcotics Tax Act of 1914, racial discrimination against Chinese Americans influences the criminalization of opium.

One could argue that in the early twentieth century new technologies force society to criminalize opium. Advances in technology increase the addictive properties and lethality of opium. The invention of the hypodermic needle provides a more effective means for addicts to administer opium and increase the potency of the narcotic.²³ Advances in chemistry produce synthetic opium derivatives known as opiates such as morphine, codeine, laudanum, and heroin. Opiate and opioid derivatives increase the potency of naturally occurring opium.²⁴ But, the argument that new technologies force the criminalization of opium fails to consider how opium criminalization evolves. When local governments begin criminalizing opium, nearly all legislation targets opium smoking and opium dens. The medical grade opium sold over the counter does not receive any jurisdictional constraints. Despite the significantly larger swath of Americans who consumed opium via the socially acceptable manners of consumption, authorities only deem Chinese opium habits as detrimental.²⁵

Historiography

²³ A. Fareed, S. Stout, J. Casarella, et al. "Illicit Opioid Intoxication: Diagnosis and Treatment," *Substance Abuse: Research and Treatment* 5 (2011): 17, accessed September 7, 2018, <https://www.ncbi.nlm.nih.gov/pmc/articles/>.

²⁴ *Ibid.*, 18.

²⁵ Stephen A. Maisto, Mark Gailizo, and Gerard J. Connors, *Drug Use and Abuse: Sixth Edition* (Belmont, CA: Cengage Learning, 2011), 28.

One school of thought contends that racial prejudice influences the medical discourse over early twentieth century narcotics legislation. Timothy Hickman asserts that medical reports contain negative perceptions of the Chinese as an “Oriental menace” with a predilection for opium abuse.²⁶ According to Hickman, doctors argue that “to be an addict was to be like the Chinese.”²⁷ Hickman cites medical writers who describe Chinese opium use as a racial threat to modern American middle class values.²⁸ Diana Ahmad argues that American physicians evaluate Chinese cultural habits, such as smoking of opium and a lack of cleanliness, as leading to disease. Ahmad cites medical journals that refer to Chinese cultural habits as detrimental to the moral and reproductive health of the nation.²⁹

Another school of thought contends that anti-Chinese sentiment grows from an ethnocentric Euro-American fear of Asians as strange others. In the late nineteenth century, Euro-Americans look upon Asians as not belonging within a society based on Christian values and European cultural norms. Erika Lee argues that within American society anti-Chinese sentiment has roots in a fear that Asians could never assimilate to western culture. Lee states that Americans judge Chinese immigrants as being “permanently alien.”³⁰ Daniel Tichenor asserts that Americans consider Chinese

²⁶ Timothy A. Hickman, “Drugs and Race in American Culture: Orientalism in the Turn-of-Century Discourse of Narcotic Addiction,” *American Studies* 41, no.1 (2000): 87.

²⁷ *Ibid*, 72.

²⁸ *Ibid*, 77.

²⁹ Diana L. Ahmad, “Opium Smoking, Anti-Chinese Attitudes, and the American Medical Community, 1850-1890,” *American Ninetieth Century History* 1, no. 2 (2000): 53-68.

³⁰ Erika Lee, *At America's Gates: Chinese Immigration During the Exclusion Era, 1882 – 1943* (Chapel Hill, NC: University of North Carolina Press, 2003), 29.

immigrants as “unassimilable” and an exception to the “virtuous mainstream immigration from traditional European sources.”³¹

A gap exists in the historiography of opium regulation in the US. The historiography fails to consider the intersection between opium regulation and anti-Chinese sentiment. This chapter presents evidence that expands the historiography by proving that between 1900 and 1940, racial prejudice drives public opinion toward the criminalization of opium rather than treating opium addiction through humane means.

Methodology

This chapter examines Chinese immigration in the 1850s and continues through the development of anti-Chinese politics in the late nineteenth and early twentieth centuries. The chapter also examines the passage of the 1914 Harrison Act and its implementation over several decades. Thus, the argument considers an overall time-period between 1850 to 1940.

The chapter investigates anti-Chinese activity on the West Coast. Then the investigation tracks the spread of anti-Chinese sentiment across the nation. Such an approach demonstrates the regional progression of Chinese discrimination.

This examination employs both a qualitative and quantitative analysis. The quantitative analysis examines the population statistics of Chinese immigrants in California in comparison to the total labor force. This analysis demonstrates how in the western states, public opinion critical of Chinese low-cost labor prompts federal

³¹ Daniel J. Tichenor, *The Politics of Immigration Control in America* (Princeton, NJ: University of Princeton Press, 2002), 12.

legislation to target the Chinese population. Through examination of anti-Chinese legislation this study aims to prove that state and federal laws targeted Chinese cultural habits. The qualitative research aims to evaluate opium use, retail sale of opium, physician opinions on opium criminalization, and public perception toward opium abuse causation. The combination of the two analyses presents well-rounded evidence that the US government targets Chinese immigrants by criminalizing opium.

The examination utilizes primary sources to gain an understanding of public perceptions. Newspaper articles and physician testimonials provide varying opinions on opium use. The different viewpoints help determine what Americans believe as the underlying causation for opium abuse. To highlight the oppressive nature of anti-Chinese legislation this study presents historical evidence from the following types of primary sources: Supreme Court rulings on the Harrison Act, Congressional debates on the Harrison Act and its follow-on legislation – available in the Congressional Record, reports published by the United States Public Health Services, physician testimonials to Congress, books authored by physicians who oppose the Harrison Act, and newspaper articles offering insight into public perception of drug use. I accessed news articles and government reports through Proquest.com and Harvard Library Hollis+. I accessed majority of primary source books through Hollis+, archive.org, and the Harvard University Library.

Background to Anti-Chinese Sentiment

To thoroughly understand the negative association between opium and Chinese Americans, one must examine the first sixty years of Chinese American history. In the

1850s, during the California Gold Rush, largescale Chinese immigration to the US begins. Within two decades, tens of thousands of Chinese immigrate to the American West Coast with large numbers settling in California (see Appendix 1). The Chinese provide low cost labor; first working in the gold mines and then working in construction, agriculture, and later manufacturing. Unskilled Chinese laborers, known as coolies, become especially important in building the transcontinental railroad.³² Despite providing a significant contribution to westward expansion, Chinese labor undercuts the West Coast labor market. Thus, economic tension forms the foundation of anti-Chinese sentiments.

In 1870, the former US Minister to China, George Seward, authors a counterargument to what he describes as the “anti-Chinese crusade.”³³ Seward argues that a “spirit of exaggeration” holds influence over the anti-Chinese sentiments across the US and specifically in the state of California.³⁴ Seward disagrees with those who claim that Chinese immigrants represent a massive demographic threat to American society.³⁵ At a topline level the Census Bureau data proves Seward correct. In the late nineteenth century, Chinese Americans are less than one percent of the US population and only nine percent of the total population of California (see Appendix 1). Despite their low overall numbers, from an economic standpoint, Chinese Americans in California make a larger footprint than the population data reveals.

³² Jeilin Dong and Sen Hu, *The Rocky Road to Liberty: A Documented History of Chinese Immigration and Exclusion* (Saratoga, CA: Javvin Press, 2011), 108.

³³ George Fredrick Seward, *Chinese Immigration in Its Social and Economic Aspects* (San Francisco: Edward Bosqui & Co., 1881), 11.

³⁴ *Ibid.*, 1.

³⁵ *Ibid.*, 11.

Chinese Americans assume a greater presence within the California labor market than they do in the general California population (see Appendix 1). Historians estimate that in the late nineteenth century, Chinese Americans are a quarter of all laborers in California.³⁶ The demographic composition of the Chinese American community explains why their economic influence extends well beyond their actual numbers within the general population.

The ratio between males and females within the Chinese American population provides the key explanation behind the high proportion of laborers within the Chinese American population. Male laborers dominate the Chinese American population. Census data reveals that throughout the late nineteenth century, ninety-five percent of Chinese Americans are males (see Appendix 1). Historians propose several explanations behind the low level of females among Chinese immigrants.

Work conditions provide one explanation. In the nineteenth century, the vast majority of Chinese that immigrate to the US initially work in jobs that often require constant moving rather than jobs that remain in a single location.³⁷ Throughout the late nineteenth century, a high percentage of Chinese Americans labor in constructing the railroads, and as migrant farmworkers. Thus, few Chinese families accompany their men who work mobile jobs in harsh conditions. Chinese patriarchal culture provides another

³⁶ For examples of historians who agree with this estimate see Alexander Saxton, *The Indispensable Enemy: Labor and the Anti-Chinese Movement in California* (1971; repr., Berkeley, CA: University of California Press, 1995), 7; Jean Pfaelzer, *Driven Out: The Forgotten War Against Chinese Americans* (New York: Random House, 2007), 149; Lucy E. Salyer, *Laws Harsh as Tigers: Chinese Immigrants and the Shaping of Modern Immigration Law* (Chapel Hill, NC: University of North Carolina Press, 1995), 10.

³⁷ Edna Bonacich, "Asian Labor in the Development of California," in *Labor Immigration Under Capitalism: Asian Workers in the United States before World War II*, eds, Lucie Cheng and Edna Bonacich (Berkeley, CA: University of California Press, 1984), 165-166.

explanation. In China, married women had a responsibility to care for their in-laws. Thus, married Chinese women could not leave China until both of their in-laws die.³⁸

In 1873, a severe economic crisis begins. With the Chinese Americans accounting for one in four Californian laborers, white laborers see Chinese laborers as competition for the few available jobs. The Long Depression generates strong anti-Chinese sentiments throughout the West Coast. As Americans face high levels of unemployment, they lash out at people who do not fit what several historians describe as the Euro-American concept of “real Americans.”³⁹ In a weak economy the cultural and racial difference between the Chinese Americans and Euro-Americans creates a racially antagonistic environment.

During the Long Depression, Chinese laborers become targets for an increase in prejudice toward them as alien others living outside of Euro-American culture. The racial tension eventually escalates to violence such as the February 1886 anti-Chinese race riots in Seattle. In the months leading to the violence, Seattle newspapers unleash a tirade of anti-Chinese commentary. Seattle newspapers comment on the “under-competitive cheapness of Chinese labor” with derogatory references to Chinese Americans as “yellow rascals,” “rat eating Chinamen,” and “scurvy opium fiends” who represent a “menace to social order.”⁴⁰

³⁸ Sucheng Chan, *Entry Denied: Exclusion and the Chinese Community in America: 1882 – 1943* (Philadelphia: Temple University Press, 1991), 94 – 95.

³⁹ Judy Yung, Gordon H. Chang, H. Mark Lai, “Early Chinese Immigrants 1852 – 1904,” in *Chinese American Voices: From the Gold Rush to the Present* ed. by Judy Yung, Gordon H. Chang, H. Mark Lai (Berkeley, CA: University of California Press, 2006), 2.

⁴⁰ *Seattle Call*, September 17, 1885, *Seattle Post Intelligencer*, October 6, 1885, and *Seattle Call*, October 24, 1885, as quoted in Jules Alexander Karlin, “The Anti-Chinese Outbreaks in Seattle, 1885-1886,” *The Pacific Northwest Quarterly* 39, no. 2 (1948): 103-105.

Throughout the late nineteenth century, West Coast prejudices toward the Chinese extends across the entire country. At first local and state laws target Chinese cultural practices providing a formal means to make Chinese Americans feel unwelcome in their new country. In 1862, a California state anti-Coolie law forces all Chinese Americans of the “Mongolian race” to pay a monthly tax.⁴¹ Such laws also serve as a vehicle to reduce the influence of Chinese immigrant culture on American society. As Angelo Ancheta asserts, the courts offer no opposition to state anti-Chinese laws.⁴² During this period, the Federal Government moves to exclude Chinese from immigration to the US.

In 1882, the Chinese Exclusion Act represents the first comprehensive Federal effort to restrict Chinese immigration. Congress renews the Chinese Exclusion Act three times through the early twentieth century. Despite the obvious connection between racial prejudice and the Chinese Exclusion Act, congressional debates throughout the late nineteenth century address cheap labor as the main issue. In 1893, Congressman Elijah Morse reinforces this point by stating “the wants and necessities and living expenses of these people are so different from those of our people that the American workingman cannot stand this kind of competition in the labor market of the country.”⁴³ Thus, officially Federal legislation against Chinese immigration assumes an economic justification.

⁴¹ “An Act to Protect Free White Labor Against Competition with Chinese Coolie Labor and to Discourage the Immigration of the Chinese into the State of California,” April 26, 1862, accessed September 9, 2017, <http://loveman.sdsu.edu/docs/1862Californiaanticoolieact.pdf>.

⁴² Angelo N. Ancheta, *Race, Rights, and the Asian American Experience*, 2nd ed. (New Brunswick, NJ: Rutgers University Press, 2006), 28.

⁴³ Elijah A. Morse, *Speech in Congress* (Washington, DC), October 13, 1893.

The economic side of the debate allows Congress to avoid the deeper issue of racial prejudice. Andrew Gyory defines the Chinese Exclusion Act as the most racist legislation of its era.⁴⁴ Gyory goes a step further by arguing that the racist national atmosphere stemming from the Chinese Exclusion Act would eventually help the entire nation accept the Jim Crow South.⁴⁵ With racial prejudice as an underlying motive of the Chinese Exclusion Act, lawmakers could in the future accept the precedent of anti-Chinese sentiments as a basis for legislation. When evaluating the regulation of narcotics, Congress once again would accept legislation with an underlying racial prejudice against Chinese Americans.

Opium Criminalization

The traditional justification for the criminalization of opium defines opium as a highly addictive narcotic that presents too great a risk for individuals and society. The Revenue Act of 1918 reinforces the viewpoint of opium as a threat to society. The Revenue Act, an amendment to the Harrison Act, does not recognize narcotic addiction as either a temporary medical condition or a disease. Accordingly, with the advice of general medical council, the Revenue Act of 1918 forbids physicians from providing medical addiction maintenance treatment. In commenting on opium, the law reaffirms the purpose of the Harrison Act “to control distribution by empowering physicians exclusively to distribute the drug only as a medicine, and thereby suppress consumption

⁴⁴ Andrew Gyory, *Closing the Gate: Race, Politics, and the Chinese Exclusion Act* (Chapel Hill, NC: University of North Carolina Press, 1998), 1.

⁴⁵ *Ibid.*, 2.

by addicts.”⁴⁶ Physicians could only prescribe opium to treat either the acute pain of chronic physical ailments or incurable diseases.

The Revenue Act states that the general medical council supports opium criminalization. At that time though, a large group of physicians advocate for a healthcare approach to narcotic addiction. Between the implementation of the Harrison Act in 1915 and the Revenue Act in 1919, several physicians face arrest and imprisonment for their ongoing medical treatment of addicts. In the *United States vs. Doremus*, the Supreme Court upholds the Harrison Act as constitutional.⁴⁷ In *Webb vs. United States*, the Supreme Court rules that physicians cannot prescribe narcotics solely for maintenance treatment of addicts.⁴⁸ These two court rulings when coupled with aggressive enforcement by federal agents of the Treasury Department, effectively ends the campaign by physicians for the medical treatment of addicts.

Not all medical experts who advocate for the humane treatment of narcotics addicts passively yield under legal pressure. Between 1919 and 1938, for attempting to treat addicts, 25,000 physicians face arraignment for criminal violations of the Harrison Act.⁴⁹ Eighty percent of the physicians that are charged plead guilty and pay fines. The other twenty percent either face conviction and pay high fines or face imprisonment.⁵⁰

⁴⁶ Joseph Fordeny, *US House of Representatives Committee of Ways and Means, Notes on the Revenue Act of 1918* (Washington, DC: Government Printing Office, 1919), 102.

⁴⁷ *United States v. Doremus*, 249. U.S. 86 (1919).

⁴⁸ *Webb v. United States*, 249. U.S. 96 (1919).

⁴⁹ Henry Smith Williams, *Drug Addicts Are Human Beings: The Story of Our Billion Dollar Drug Racket: How We Created It and How We Can Wipe It Out* (Dixon, IL: Shaw, 1938), 113.

⁵⁰ *Ibid.*

The significant number of licensed physicians who openly oppose the criminalization by continuing to treat addicts indicates the mixed response of the medical community toward narcotics criminalization. The magnitude of physicians who faced criminal charges due to criminalizing narcotics addiction treatment through the Revenue Act demonstrates a significant divide within the medical community over the most effective treatment over narcotics.

Henry Smith Williams, a leading medical expert against drug prohibition, advocates for the humane treatment of addicts. In his 1938 book, *Drug Addicts Are Human Beings*, Williams champions prescribing measured doses of narcotics to addicts.⁵¹ Williams also correctly predicts how the illicit drug market would continue to grow and create ever more disruptive societal effects.⁵² Williams refers to the criminalization of narcotics as the “most flagrant travesty ever known in the United States.”⁵³

American Perception Toward Chinese Opium Use

Prior to Chinese immigration to the US, Americans already associate opium with the Chinese culture. The British led Opium Wars against China in the 1840s and again in 1850s bring sensationalized news reports to the US of widespread opium use in China. These events, however, take place outside the US. Why then did Americans, especially in the West, blame the Chinese for the spread of opium addiction? First, opium addiction and Chinese immigration to the US occurred roughly around the same time, making the

⁵¹ Ibid., 14.

⁵² Ibid., 161.

⁵³ Ibid., 268.

Chinese an easy target for causation. Smoking opium and the opium den develop as a cornerstone of the Chinese immigrant culture in the US. As Chinese migration spread from the West Coast to other areas around the US, the opium den spreads with the Chinese immigrants. Americans view this as evidence of Chinese immigrants as the sole culprit responsible for the rise in opium addiction occurring in the US.⁵⁴ Second, the Chinese habit of smoking opium produces a considerably more potent form of consumption that increases the psychoactive and addictive properties of opium. Both the opium culture that spread with Chinese migration and the increased risk of addiction with smoking opium play their role in the spreading of opium consumption and addiction. These reasons place sole blame with the Chinese and place a considerable lack of responsibility on the other forms of unregulated opium sold throughout American society.

While Chinese immigrants did share a certain responsibility for spreading the consumption of opium and its associated addiction, other causations have an equal if not greater culpability. Following the US Civil War, the opium user begins to shift to non-Chinese Americans. Veterans of the Civil War became a large group of addicts as both Union and Confederate Armies use opiates during the war to treat battle casualties. In 1879, a U.S. Army surgeon Joseph Janvier Woodward estimates roughly 45,000 veterans suffer forms of opium addiction.⁵⁵ Opium addiction in the late nineteenth century becomes known as the soldier's disease or the army disease.⁵⁶

⁵⁴ Nick Tosches, *The Last Opium Den* (New York: Bloomsbury, 2002), 17.

⁵⁵ Joseph K. Banes and Joseph Janvier Woodward, *Medical and Surgical History of the Rebellion Part II Vol 1*. (Washington D.C.: Government Printing Office, 1879), 750.

⁵⁶ Richard Severo and Lewis Milford, *The Wages of War: When America's Soldiers Came Home-From Valley Forge to Vietnam* (New York: Open Road Media, 1989), Chapter 9.

A second group of Americans become unintentional victims of opium addiction. Housewives and the elderly become opium addicts through the use of unregulated herbal supplements and home remedies sold in stores as all-purpose medicine. Many of these unregulated products contain opium as well as cocaine and other addictive narcotics. Large multinational pharmaceutical companies sold opium for various ailments. The German owned company Bayer brought to the market heroin and sold it as a patented cough suppressant and non-addictive substitute for morphine in the late nineteenth century.⁵⁷ American opium consumption and opiate addiction in the 1800s came from a diverse group of legal products advertising to cure a large scope of ailments. Despite the misinformation and unregulated sale of opium by legitimate businesses, Chinese opium smoking bore the brunt of opium addiction causation blame.

Opium Smoking Bans Progression

Throughout the late nineteenth century, American public perception does not consider opium a social menace. On the contrary, Americans hold opium in high regard for its medicinal properties in aiding pain relief, fever suppressant, and anti-diarrhea capabilities.⁵⁸ The public perception of opium shifts as American society increasingly associates opium with Chinese immigrants and their cultural habit of opium smoking.⁵⁹ During the late nineteenth century, Euro-American society believes in the idea of

⁵⁷ Adam Rathge and Emily Dufton, "Heroin: The Great Lie," *Points: The Blog of Alcohol and Drugs History in Society* (2016), accessed August 31, 2018, <http://harvard.aci.info/view/1478c55b2840b5c030b/>.

⁵⁸ Ahmad, "Opium Smoking, Anti-Chinese Attitudes, and the American Medical Community," 54.

⁵⁹ David F. Musto, "Opium, Cocaine, and Marijuana in American History," *Scientific American* 265, no.1 (1991): 20.

European cultural superiority. Thus, as Euro-Americans consider opium smoking from an ethnocentric perspective, they begin to consider opium a threat to their values and morality.

To combat the threat of Chinese opium smoking local jurisdictions and eventually West Coast states begin banning opium dens and opium smoking. The first ever narcotic ban in the US occurs in San Francisco in 1875 with the banning of opium smoking and opium dens.⁶⁰ The new ordinance while banning opium dens and opium smoking did not mention any other form of opium. By banning only opium smoking and the opium den, the city essentially targets the Chinese communities and their cultural habit of smoking opium.

Following San Francisco, local municipalities with Chinese enclaves slowly criminalize public opium dens. Virginia City, Nevada with the largest Chinese enclave outside of San Francisco bans opium dens the year after San Francisco in 1876.⁶¹ In the remaining 1870s Carson City, Nevada; Cheyenne, Wyoming; and Butte, Montana pass legislation banning the opium den.⁶² Throughout the Western states, local jurisdictions begin the spread of opium criminalization.

As the number of local jurisdictions to ban the opium den increase, Western states begin to adopt criminalization against the Chinese habit. In 1881, California becomes the

⁶⁰ "The American Chinamen," *New York Tribune*, August 7, 1875, accessed September 15, 2018, <http://search.proquest.com.ezp-prod1.hul.harvard.edu/docview/>.

⁶¹ Diana L. Ahmad, *The Opium Debate and Chinese Exclusion Laws in the Nineteenth Century American West* (Reno: University of Nevada Press, 2007), 57.

⁶² *Ibid.*

first state to forbid opium smoking. In the remaining years of the nineteenth century Nevada, Oregon, Utah, Wyoming, Idaho, and Montana all pass legislation against opium smoking and opium dens.⁶³

Eventually, in the early twentieth century smoking opium frustrates Americans on a national level. In 1909, Congress passes the Opium Exclusion Act. Similar to previous local and state laws, this new federal law only applies to opium processes for smoking.

Anti-Chinese Legislation in California

The progression of opium smoking and opium den bans to eventual opium criminalization can be witnessed in a new light in comparison to the various forms of anti-Chinese legislation against the Chinese. Within the scope of the examination, California contains by far the largest percentage of Chinese in the US. Examining the anti-Chinese legislation that the state passes demonstrates how opium smoking bans arose as just another means of social control rather than concerns over public safety. Over the time period this argument focuses, California passes numerous laws aiming to curb the rights of Chinese immigrants. The first anti-Chinese legislation occurred in 1852 with the Foreign Miner's Tax which fines foreign miners a three dollar per month fine to work. Anti-Chinese legislation in California encompasses all aspects of life, to ensure the resident Chinese would feel unwelcomed. The following are examples of such laws: 1854 California Supreme Court rules Chinese could not testify against Whites; 1870 "Act to Prevent Kidnapping and Importing of Mongolian, Chinese, and Japanese Females for

⁶³ Ibid., 60.

Criminal Purposes” prevents the immigration of Asian females; 1893 Fish and Game Act limits Chinese fishing and hunting rights; 1913 Alien Land Law prohibits Chinese from buying or owning land.⁶⁴ While the laws mentioned only constitute a fraction of anti-Chinese legislation passed in California, one can understand the broad spectrum the state infringes on the rights of the Chinese as a legal means to curb their influence.

Chinese Men and Euro-Women: The Nineteenth Century American Opium Dichotomy

One aspect seldom explored in anti-Chinese sentiment fostering opium criminalization historiography is an analysis of the disproportionate relationship of Chinese men and opium use among Euro-American women. As previously stated in this examination (see Appendix 1), greater than 93% of the Chinese population in the US from their arrival in the 1850s until the 1920s consisted of males. While during the same period middle class Euro-American woman constitute the majority of opium users through the use of patented OTC medicines.⁶⁵ Further complicating this relationship at the time is the common perception of opium as an aphrodisiac. In 1882, physician H.H. Kane believes women experience an increase in “sexual appetite” and “nymphomania.”⁶⁶ These disproportionate relationships and common beliefs helped foster a public fear that Chinese men used opium as a means to seduce Euro-American women.

⁶⁴ “Some State of California and City of San Francisco Anti-Chinese Legislation and Subsequent Action,” *Illinois.edu*, accessed April 27, 2017, http://teachingresources.atlas.illinois.edu/chinese_exp/resources.

⁶⁵ Mandy Bentham, *The Politics of Drug Control* (London: Macmillan, 1998), 65.

⁶⁶ H. H. Kane, *Opium Smoking in America and China* (New York: G. P. Putnam’s Sons, 1882), 131.

In 1871, physician Alonzo Calkins remarks on the high rate of opium consumption among women in “high places” revealing the social acceptability of narcotic use amongst American high society.⁶⁷ Narcotic researcher Stephan Kandall asserts that in the late nineteenth century, women account for two thirds of opium addicts in the US.⁶⁸ One explanation for high opium use among women exists in part due to the late nineteenth century rise in the anti-alcohol campaigns of the temperance movement. Societal norms of the temperance movement deemed women drinking alcohol sociably unacceptable but tolerated opium consumption through ubiquitous medications. Drug researchers of the temperance period often make the claim that “husbands drank alcohol in the saloon, wives took opium at home.”⁶⁹

Due to the disproportionate gender ratio within the Chinese community and the high use of opium use among Euro-American women, several issues arose relating to the sexual relations between these two groups. Medical professionals warn of the threat to Euro-American societal values due to racial impurity. Commonly held values at the time believe in Euro genetic and cultural superiority. People who held these racist viewpoints thought the reproduction of interracial children would open Euro-American culture to the traits of inferior non-white people. Euro-American fears of racial mixing achieve validation when Hearst newspapers ran a tabloid campaign that Chinese men use opium

⁶⁷ Alonzo Calkins, *Opium and the Opium-appetite* (Philadelphia: Lippincott, 1871), 165, accessed September 16, 2017, <https://collections.nlm.nih.gov/>.

⁶⁸ Stephan R. Kandall, *Substance and Shadow: Women and Addiction in the United States* (Cambridge, MA: Harvard University Press, 1999), 3.

⁶⁹ Susan C. Boyd, *Hooked: Drug War Films in Britain, Canada, and the United States* (Toronto: University of Toronto Press, 2007), 12.

to seduce white women.⁷⁰ As seen in a 1920s-automobile marketing advertisement from Hearst newspapers (see Figure 1). Hearst, a communications giant, publishes newspapers in eighteen of the largest US cities with a viewership of roughly twenty million. Hearst newspapers refer to the Chinese advance on Euro-American women as the raping of white society dubbed the Yellow Peril.⁷¹

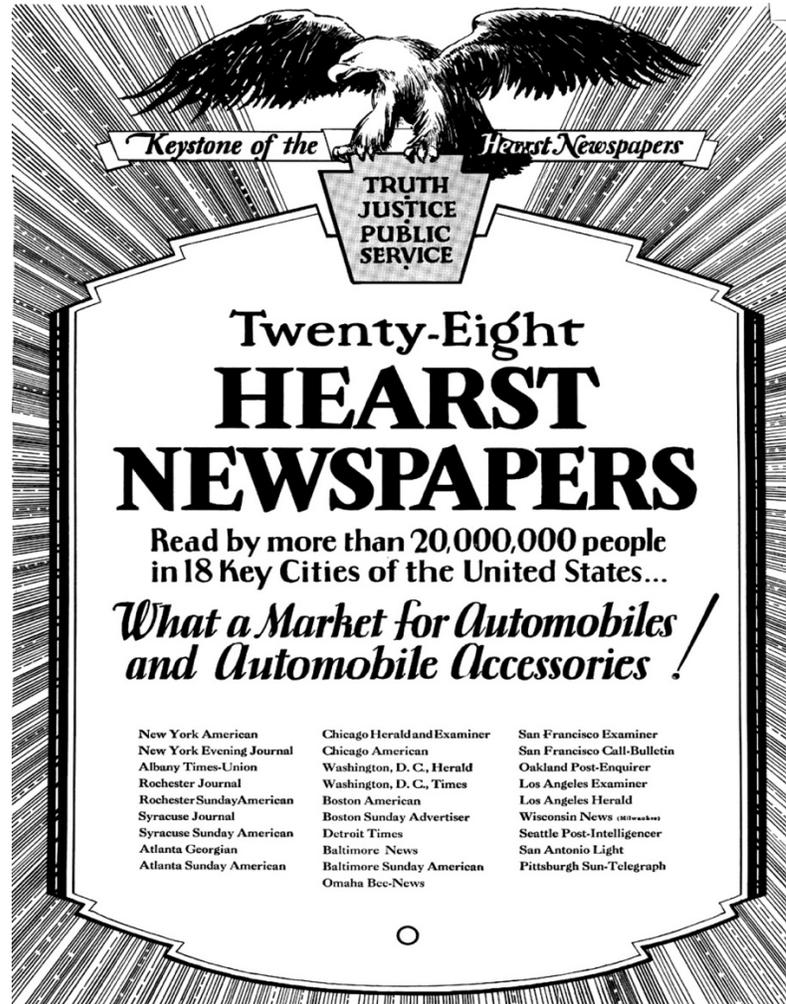


Figure 1. Twenty-Eight Hearst Newspapers.

Source: “Hearst Communications,” *Wikipedia.com*, accessed March 23, 2019, https://en.wikipedia.org/wiki/Hearst_Communications.

⁷⁰ Doris Marie Provine, *Unequal Under the Law: Race in the War on Drugs* (Chicago: University of Chicago, 2007), 71.

⁷¹ “Letter sent to the Chinese American League of Justice: Los Angeles, CA,” *Republican Advocate: Of China*, 2, pt. 4 (July 2, 1913).

Society enforces this belief of the Yellow Peril through legislative means. In 1885, California passes the Anti-Miscegenation Law prohibiting Chinese from marrying non-Chinese. Nationally, Congress passes the White Slave Traffic Act in 1910. The passage of this act comes in response to a national fear that foreigners conspire to drug and kidnap Euro-American women and force them into prostitution. Opium plays a central role in the public's fear as the coercive substance foreigners use to transform middle class girls into prostitutes. While the law aims at combating prostitution, its implementation seeks to prevent interracial relationships. Historian Brian Donovan argues the debauchery clause of the legislation allows courts to prosecute non-white males for performing "immoral act" (Sexual relations regardless of consent) against Euro-American women.⁷² The passage of these laws sought to legally prevent any interracial relationships regardless of consensuality.

Conclusion

Every American generation marks new immigrant nationalities or religions that arrive in the US and place blame on these groups for some of the nation's societal woes. Chinese immigration to the US during the nineteenth century did not escape this trend. The treatment this group of Chinese received could arguably be the worst treatment received by an immigrant group arriving in the US.

The overall examination uncovers the progression of these sentiments from regional politics, to national politics, and eventually to international politics. The primary

⁷² Brian Donovan, *White Slave Crusades: Race, Gender, And Anti-Vice Activism, 1887-1917* (Urbana-Champaign: University of Illinois Press, 2005), 13.

source evidence enables this investigation to identify three key aspects of the opium addiction problem in the US. First, despite a high level of medicinal opium consumption, the public perceives opium smoking as the primary cause for the spread of opium addiction. Second, the public associates Chinese immigrants with opium smoking and therefore, blames Chinese immigrants for the opium addiction problem. Third, opium and opium smoking are the tools of Chinese-American immigrants to seduce, kidnap, prostitute, and rape Euro-American women. In the eyes of the Euro-American public at the turn of twentieth century, these issues presented a serious threat to the values and genetic purity of the American culture and society.

Chapter III.

US Impact on International Narcotics Policy

From the beginning, within the international community, the US stood as the most vocal and aggressive nation when expressing their philosophy regarding government narcotics prohibition. Even when the US declined to enter the League of Nations (the predecessor international commission to the United Nations (UN) between 1920 and 1946) they asserted their international influence. The US routinely sent influential delegates to League sponsored narcotic conventions to advocate for the US' prohibitionist stance. The article "The Narcotics Convention of 1931," published in 1934 in *The American Journal of International Law*, argues the United States primarily sought international narcotics control first, often, and more fiercely than any other nation. The author Quincy Wright, a University of Chicago Professor of International Law and International Relations, widely garnered admiration as the foremost mind in both fields during his academic career between the 1920s and 1950s.⁷³ In the article, Wright states the "United States has little to lose and much to gain from effective international control of opium and narcotic drugs."⁷⁴ A few sentences later Wright remarks that the US had "cooperated with the League of Nations more consistently in this than any other problem" and that he was not surprised to discover the US' "unusual willingness to subordinate national sovereignty to international government in this field."⁷⁵ Wright's

⁷³ Morton A. Kaplan, "Toward a Theory of International Politics: Quincy Wright's Study of International Relations and Some Recent Developments," *Journal of Conflict Resolution* 2, no. 4 (1958): 337, accessed July 24, 2018, <http://journals.sagepub.com/doi/10.1177/002200275800200406>.

⁷⁴ Quincy Wright, "Narcotics Convention of 1931," *American Journal of International Law* 28, no. 3 (1934): 475.

⁷⁵ *Ibid.*

comments speak to the significant aspect of the US' role in establishing international narcotics prohibition prior to the Second World War (WWII). First, the US only cooperated internationally in one measure, to promote their belief in international narcotics prohibition. Second, what the US government accomplished internationally, they utilized as a means to institute federal laws they could not otherwise garner support domestically. Third, during this time period, the US only circumvented domestic laws to cooperate with international law in this lone field.

Following the Second World War, the US, through the UN utilized its position as the preeminent military and financial power to secure international narcotics prohibition policy. The US' intentions in establishing international narcotics prohibition existed not to protect public safety domestically and internationally, but rather to secure favorable circumstances for the US economically, socially, culturally, religiously, and/or geopolitically. Through a series of UN sponsored conventions throughout the 1960s and 1970s, the US accomplished its goal of instituting into international law a global prohibition on narcotics.

The Birth of Narcotic Control Policies

To understand the ability of the US to forward their belief of international narcotics prohibition, this analysis must examine the foundations of the prohibitionist thought process that first found its formation in the nineteenth century. The US began the conversation of global narcotics control when they acquired the Philippines in 1898 after defeating the Spanish in the Spanish-American War. As the US attempted to solidify its hold over the Philippines, Filipino nationalists fought a tiresome and costly guerilla

warfare campaign against US troops. Frustrated with their inability to secure the Philippines outright, the US turned to alternative rationales for their lack of progress. The high levels of opium consumed in the Philippines became one of several named culprits given by both the American Protestant missionaries and the Filipino elite to rationalize the Filipino's unwillingness to succumb to Westernization. In the article "American Confrontation with Opium Traffic in the Philippines" published in the *Pacific Historical Review*, author Arnold H. Taylor states that "opium consumption in the islands thus offered the United States both a challenge and opportunity to surpass other Western nations with possessions in the Orient in discharging the responsibilities of "White Man's Burden."⁷⁶ Protestant missionaries, imposing their beliefs of the Temperance Movement (a turn-of-the-century sobriety movement championed predominately by Protestant Christians), helped the US justify ending opium consumption in the Philippines and curb the overall opium traffic in the Asian region.

In its acquisition of the Philippines, the US sought to expand its trading into the Asian region. The US used its foothold in Asia to place a military base (to protect US trading from piracy) and coaling stations (required for American shipping to make the long voyage across the Pacific Ocean). Wanting to shoulder its way further into the markets of China, the US aimed to undercut the importation of opium into China for a two-fold reason. First, the Chinese had come to view opium as a symbol of unwanted Western intervention in their nation. The Opium Wars of 1839-1842 and 1856-1860 by British forces had forced the Chinese to accept treaties of surrender that placed severe limitations upon the sovereignty of China. One particular restriction prevented the

⁷⁶ Arnold H. Taylor, "American Confrontation with Opium Traffic in the Philippines," *Pacific Historical Review* 36, no. 3 (1967): 309.

Chinese government from limiting the flow of opium from British colonial India. The flow of opium from India created a not insignificant addiction issue in China and undercut their own opium production. More importantly to the Chinese imperial government was that Indian opium created a trade imbalance to the detriment of China. In the *United States and China: A History from the Eighteenth Century to the Present*, author Dong Wang comments on the First Opium War that “the war can be understood less as a conflict of drugs and more as a commercial trade war.”⁷⁷ The trade imbalance between China and Great Britain brings to point the second reason the US wanted to curb international opium trade. The US wanted to make its way further into the Chinese markets. In order for the US to make further expansion into the market, it had to dislodge the already existing European nations, in particular Great Britain. For example, historian William Podmore estimates that the Imperial Preference of Great Britain (a system of reciprocal enacted tariffs and free trade principles that favored Great Britain) controlled roughly 80% of all Chinese foreign trade in 1896.⁷⁸ The US viewed the actions of European nations in China as precursor actions to establishing European colonial territories in China. The US believed current events in China could end similar to the “Scramble for Africa.” The “Scramble of Africa” began in the 1880s and ended in the 1910s resulting in European powers dividing and colonizing the vast majority of Africa. This belief came as a legitimate concern since by 1914 Western powers colonized roughly 80% of the world’s landmass.⁷⁹ Failing to assert their claim to trade in China as

⁷⁷ Dong Wang, *The United States and China: A History from the Eighteenth Century to the Present* (Plymouth, UK: Rowman & Littlefield Publishers Inc., 2013), 50.

⁷⁸ William Podmore, *British Foreign Policy Since 1870* (Bloomington, IN: XLibris, 2008), 18.

⁷⁹ Philip Hoffman, “Why Did Western Europe Dominate the Globe?” *California Institute of*

they had previously done in Africa, the US would forfeit a significant market. The US would also forgo possible claims of valuable resources to their European rivals that could preclude their ability to assert their status as a geopolitical power.

Colonial powers established trading in China through an incursion of Western coalition forces during the Second Opium War and the internal Chinese dispute of the 1890s known as the Boxer Rebellion. To protect their trade and establishments, a handful of Western nations carved out official administrative trading territories along the Chinese coast. This was accomplished by subduing Chinese forces and rebels, and forcing the Imperial Court to sign unfavorable treaties that weakened the sovereignty of China to Western influence. Western nations held the Imperial Court responsible for their financial losses for both merchant trading and the cost of military action to protect their assets. Western nations required the Chinese Imperial Court to surrender administrative control of critical port cities and regions along the Chinese coast line.⁸⁰ Developing established US trade in China, where European nations already controlled the flow of goods, required the US to change existing market favoritism. That change along with curbing the opium trade, was to advocate for free markets in China. This overall US geopolitical intuitive became known as the Open-Door Policy; named after a series of letters from US Secretary of State John Hay who first articulated the concept of an ‘Open Door’ to China’s economy.⁸¹

Technology, last modified September 1, 2015, <http://www.caltech.edu/news/why-did-western-europe-dominate-globe-47696>.

⁸⁰ “Settlement of Matters Growing Out of Boxer Uprising (Rebellion)” in *Multilateral Agreements, 1776-1917* (Washington D.C.: Library of Congress, 1901), 305, accessed November 9, 2018, <https://www.loc.gov/law/help/us-treaties/bevans/m-ust000001-0302.pdf>.

⁸¹ “Secretary of State and the Open Door in China, 1899-1900,” *U.S. Department of State*, accessed November 7, 2018, <https://history.state.gov/milestones/1899-1913/hay-and-china>.

Another barrier to improved US trade within China came from the US' reputation held by the Chinese due to the poor treatment of Chinese immigrants in the US. In the US, Chinese immigrants often fell victim to both informal and legally sanctioned discrimination. For example, on the West Coast of the US, Chinese "Coolies" were treated as near slave labor while they toiled to establish the Transcontinental Railway. To the Chinese people and Imperial Court, the US appeared as just another Western nation that sought to exploit the Chinese. This sentiment produced an anti-American movement in China. The Chinese believed the US did not deserve any help or favoritism in their attempts to develop trade amongst the other European aggressors attempting to develop trade.

Curbing opium trade into China, would serve the US a two-fold victory. First, a decreased opium trade would strike a significant blow to US' European trading advisories, specifically the British. The British held supremacy in the Asiatic region through their lucrative Indian opium trade. According to historian John F. Richards, the opium trade allowed the British to offset the cost of imperialism. British revenue data from 1790-1934 indicated the "enduring importance and long-term stability" the opium trade represented to British colonial India.⁸² Thus, curbing opium trade from European distribution into China, in theory would create an opening for US trading to insert itself.

The second benefit to the US advocating to end the opium trade would allow the US to appear benevolent in the eyes of the Chinese in comparison to other European nations. The Chinese viewed the US negatively due to the many discriminatory laws

⁸² John F. Richards, "The Opium Industry in British India," *Indian Economic & Social History Review* 39, no. 2-3 (2002): 154.

passed domestically against Chinese Americans including the Chinese Exclusionary Act of 1880 that prevented Chinese immigration to the US. This poor reputation came to a head when in 1905 Chinese began boycotting American products in mass with this event becoming known as the Chinese Boycott of 1905-1906. One Chinese lawyer commented regarding the boycott that it was “beginning a new era.” “If we succeed in getting justice from America now, we may then boycott the nation that forces opium down our throats, and the others that grab our provinces.”⁸³ By standing against the opium trade, the US hoped their act of veined morality would hopefully counteract the poor character the US had developed in the Chinese public opinion. If the US could differentiate themselves from the other Western nations, they could possibly develop favorable trade terms with China.

International Opium/Narcotics Conventions

US efforts to curb non-medicinal opium trade in Asia together with efforts by the Temperance Movement in the US, Canada, and parts of Europe prompted international conventions aimed at limiting the opium trade. The first of these conventions, the 1909 “International Opium Commission proposed by the United States” took place in Shanghai, China.⁸⁴ The American Episcopal Bishop of the Philippines presided over the meeting given the “United States has a large and increasing interest” in curbing the

⁸³ Quoted in Special Correspondent in Shanghai, “The Rising Spirit in China,” *Outlook* LXXXI (Oct. 7, 1905): 316 in Delber L. McKee, on w“The Chinese Boycott of 1905-1906 Reconsidered: The Role of Chinese Americans,” *Pacific Historical Review* 55, no. 2 (1986): 165, accessed November 14, 2018, https://www.jstor.org/stable/3639528?seq=1#page_scan_tab_contents.

⁸⁴ Hamilton Wright, “The International Opium Convention” *American Journal of International Law* 3, no.3 (1909): 648, accessed November 14, 2018, <https://www.jstor.org/stable/pdf/2186686.pdf>.

opium trade.⁸⁵ The meeting lacked the ability to generate a legal treaty; however, the US successfully set the stage for later conferences in reducing the international trade of opium.

The 1909 Shanghai commission was quickly followed by the 1912 Hague International Opium Convention (IOC) in The Hague, Netherlands. Despite objections by many colonial powers to the proposed US agenda, the publicity lobbied by the US to end the immoral opium trade brought 12 nations to the table. Similar to the previous convention, the US was largely successful in achieving their goals. A major goal of the US was the signing of an international treaty that reflected the US' desire to restrict the production and distribution of opium internationally. In a letter to the US Secretary of State, American delegates wrote regarding the outcome of the IOC that "what the American Government has accomplished ... during the past six years for the obliteration of the special and general opium and allied traffics."⁸⁶ At this convention the US successfully narrowed the legitimate use of opium to medical and scientific purposes despite objections from colonial powers that sought more lenient standards. Part of the IOC specified an agreement dedicated to significantly limiting the opium trade to China.

Having achieved their goals internationally, prohibitionists, led by the first U.S Opium Commissioner Dr. Hamilton Wright, set their sights on US domestic laws. Wright argued that the US required a federal law restricting opium in order to fulfill the US' obligation under the new IOC, an argument the US Supreme Court found legally

⁸⁵ Ibid.

⁸⁶ "Report to the Secretary of State on the Second International Opium Conference by the American delegates: Hamilton Wright, Lloyd Bryce, Gerrit John Kollen," *U.S. Department of State, Office of the Historian* (1913), accessed November 16, 2018, <https://history.state.gov/historicaldocuments/frus1913/d229>.

incorrect in 1916. Despite the lack of legality in his argument, Wright successfully brought about a propaganda campaign that ultimately saw the establishment of the 1914 Harrison Narcotics Tax Act.

Following the two initial international narcotic conventions and subsequent treaties, three more main conventions were held with various success till the end of World War II. The three conventions were the 1925 International Opium Convention, 1931 Convention of Limiting the Manufacture and Regulating the Distribution of Narcotics Drugs, and 1936 Convention for the Suppression of the Illicit Traffic of Dangerous Drugs. The US continued to force the issue of non-medical and non-scientific narcotic prohibition, with their efforts producing mixed results. First, the failure of the US to participate in the League of Nations, despite the organization being the brain child of US President Woodrow Wilson, limited their authority at conventions. Second, since many of the European colonial powers still retained authority over the narcotic producing nations that generated significant profits for their parent colonial power; much of Europe was uninterested in the type of strict regulation, protocols, and penalties advocated by the US. Though the US did not succeed in achieving their prohibitionist agenda during this time period, they were able to inch their agenda closer to their final goal by establishing several predecessor mechanisms that would later be used to combat narcotics trading and trafficking.

One such mechanism for example, the “Advisory Committee on the Traffic in Opium and other Dangerous Drugs” commonly known as the Opium Advisory Committee (OAC) would be the precursor to the UN Commission on Narcotic Drugs. The OAC established an administration to enforce the guidelines set out by the IOC. This

newly formed administration lacked teeth, however, as the Opium Control Board (OCB) meant to enforce the IOC was chaired by the very nations that profited most from the continued narcotics trade.

Post-WWII International Narcotic Laws

Following WWII, the US surpassed its European adversaries as the preeminent military and financial power in the Western world. As one of the primary creators of the United Nations, the US ensured narcotics prohibition became a central principle of the organizations mission. Directly following the war, in 1946 the international community held a narcotics protocol meeting in Lake Success, New York to ratify the provisions set out by the previous international narcotic conventions. The Lake Success Protocol replaced the OAC with the UN Commission on Narcotic Drugs that has since become the central drug policy making body within the international community.

Two other UN narcotic protocol meetings were held directly after WWII that marked the shift from the pre-war international narcotic policy to the post-war policy. The 1948 Paris Protocol and the 1953 New York Opium Protocol established a broader scope of illicit narcotics, further limited manufacturing and distribution, and developed institutions and mechanisms to police illicit drug traffic under the direction of UN Commission of Narcotics Drugs. These two conventions also ensured narcotic control policy mechanisms would be overseen by law enforcement rather than health or social issues taking precedent. The American representative, Head of the US Bureau of

Narcotics Harry Anslinger, wanted to ensure that “etiology and treatment issues” did not “take precedence over the prohibition focus.”⁸⁷

Up onto this point all international narcotic conventions laid the foundations for the modern War on Drugs. These conventions set the legislative groundwork for a series of UN narcotic conventions that would be held in the 1960s and 1970s that would usher in the modern era of the War on Drugs.

United Nations International Narcotic Conventions, 1960s-1970s

In the early 1960s, the “current legal and administrative framework for international drug control is laid out in three international Conventions negotiated under the auspices of the United Nations.”⁸⁸ It was at these three conventions where “prohibition-based drug control grew to international proportions at the insistence of the United States.”⁸⁹ The following statements were conveyed to the Canadian Parliament, Special Committee of Illegal Drugs to inform them of the historical underpinnings of the current international War on Drugs. The importance of the US acting as the principle driving force in convening these conventions and forwarding the US ideal of narcotics prohibition cannot be under stated. This paper will only focus on the first two of these conventions as the first two set the stage for international narcotics prohibition and the third took place in 1988, falling outside the scope of this examination. The following

⁸⁷ Jay Sinha “The History and Development of the Leading International Drug Control Conventions,” *Canadian Senate: Special Committee on Illegal Drugs* (2001), 5, accessed November 16, 2018, <https://sencanada.ca/content/sen/committee/371/ille/library/history-e.htm>.

⁸⁸ *Ibid*, 2.

⁸⁹ *Ibid*.

conventions will outline the changes taken to create an international narcotics prohibition network.

The UN *Single Convention of 1961* took place at the UN headquarters in Manhattan, New York. This convention included 73 attending nations and sought to “replace the multiple existing multilateral treaties in the field with a single instrument. The convention aimed to reduce the number of international treaty organs concerned with the control of narcotic drugs and to make provision for the control of the production of raw materials of narcotic drugs.”⁹⁰ In particular, the *Single Convention* “shifted the focus of the multilateral drug control framework to incorporate a more prohibitionist approach.”⁹¹ The convention delivered to the international narcotic control effort the penal obligation of signatory nations to criminalize under their domestic laws all facets related to the production, distribution, and consumption of non-medical and non-scientific narcotics. Where previous treaties attempted to limit and suppress international trade, these treaties did not require domestic adherence to the international narcotic standards. The *Single Convention* required developing nations that comprised the majority of naturally occurring narcotic plants to abolish all non-medical/non-scientific use of the drugs that “for centuries been embedded in social, cultural, and religious traditions” within their nations.⁹² The *Single Convention* forced developing nations that

⁹⁰ “Single Convention of Narcotic Drugs, 1961,” *United Nations Office of Drugs and Crime* (1961), 1, accessed November 16, 2018, https://www.unodc.org/pdf/convention_1961_en.pdf.

⁹¹ David Bewley-Taylor and Martin Jelsma, “Fifty Years of the 1961 Single Convention of Narcotic Drugs: Reinterpretation,” *Transnational Institute* (2011), 1, accessed November 15, 2018, <https://www.tni.org/files/download/dlr12.pdf>.

⁹² *Ibid*, 2.

could not militarily or financially oppose the US through the UN, to adhere to their own beliefs of how narcotics should be dealt with within their society.⁹³

The next convention, the *Convention on Psychotropic Substances* of 1971 extends the mandates established by the *Single Convention* to include synthetic psychotropic substances. The convention sought to account for substances not included in the previous 1961 treaty or had recently been invented. These substances included stimulants, such as amphetamines, depressants, such as barbiturates, and hallucinogens, such as LSD.⁹⁴ Besides, increasing the scope of illicit narcotics the *Convention on Psychotropic Substance* operates identically to the prohibitionist expectations laid out in the *Single Convention*.

Countering Communism

One significant reason, among many reasons, that global narcotic prohibition developed in the post-WWII era occurred due to rise of the Cold War and more specifically the spread of communism. “The core of American drug policy lies within the traditional concerns of U.S. foreign policy... it consists of standard fare anti-communism.”⁹⁵ Many of the organically growing narcotic producing nations in the world were also the same nations that experienced communist movements throughout the 1950s thru 1980s. Organic narcotic producing nations were developing nations in Central and

⁹³ Sinha “The History and Development of the Leading International Drug Control Conventions,” 3.

⁹⁴ “Convention on Psychotropic Substances, 1971,” *United Nations Office of Drugs and Crime* (1971), 2, accessed November 16, 2018, https://www.unodc.org/pdf/convention_1971_en.pdf.

⁹⁵ Bruce Bullington and Alan A. Block, “A Trojan Horse: Anti-Communism and the War on Drugs,” *Contemporary Crisis* 14, no.1 (1990): 40.

South America, Southeast Asia, and Afghanistan and Pakistan. All of these areas had been previous colonies of Western countries and carried significant sympathies to the communist message. The majority of these nations during this time period were either attempting to overthrow their national colonial government, a puppet government installed by Western nations, or were ruled by military dictators. These nations experienced high rates of poverty, lack of social institutions, and had little opportunity to change their economic status in the heavily Western dominated global economy and political system. This combination of factors created an ideal atmosphere for the communist message to flourish in these regions.

By establishing an international prohibition on narcotics, specifically aimed at curbing the supply of narcotics, the US could intervene in narcotic producing nations. This image allowed the US to take political and military actions in the developing world not to counter the internal politics of sovereign nations, but rather as a police action to enforce international law. In the eyes of the US, narcotics prohibition became a key foreign policy intuitive in the greater geopolitical strategy of combating communism during the Cold War.

Conclusion

The aim of this chapter sought to identify the US as the creator and primary motivating entity that brought about an international narcotics prohibition. “There is no doubt that governments throughout the world have accepted drug prohibition because of

enormous pressure from the U.S. government.”⁹⁶ The US at the turn of the twentieth century began to turn toward the idea of narcotics prohibition and criminalization due to a combination of conservative religious motivations, geopolitical maneuvering, and racial prejudice.

From the inception of prohibition to WWII, many countries agreed to regulate their narcotic production and distribution more carefully, but strongly disagreed with the US idea of prohibition as too drastic of a governmental policy to be successful. Following WWII, the US utilized its position as the leading military and financial power in the world to pressure and coerce first its European allies, then the remainder of the developing world to adopt narcotics prohibition and criminalization policies.

This chapter has identified the US as the primary creator and motivating force behind international narcotics prohibition. Next this paper can examine the domestic causalities internal to the US specific to opium that spurred the nation to force the rest of the world to adopt its policies to narcotic substances. By analyzing the root causes within the US, this paper aims to highlight the illogical nature of international narcotics criminalization at the source of its inception.

⁹⁶ Harry G. Levine, “The Secret of Worldwide Drug Prohibition: The Varieties and Uses of Drug Prohibition,” *The Independent Review* 7, no. 2 (2002): 168, accessed November 18, 2019, http://www.independent.org/pdf/tir/tir_07_2_levine.pdf.

Chapter IV.

Conclusion: American Opium Politics and International Narcotic Criminalization

Narcotics criminalization, better known today as the War on Drugs, stands as a destructive set of laws to both American and global society. While prohibitionist laws claim to protect society, the consequences of enforcement produce public safety and public health concerns that are far worse than the negative effects of narcotic use. While this may seem like a statement of opinion, many prominent organizations, politicians, and intellectuals have come to the same conclusion. The American Civil Liberties Union's position:

Opposes criminal prohibition of drugs. Not only is prohibition a proven failure as a drug control strategy, but it subjects otherwise law-abiding citizens to arrest, prosecution and imprisonment for what they do in private. There are better ways to control drug use, ways that will ultimately lead to a healthier, freer and less crime-ridden society.⁹⁷

The negative impacts on society produced by the War on Drugs has far reaching implications to public health and public safety.

Despite progressively greater government interventionist policies to eliminate narcotic use over a hundred-year span, narcotics are far more prevalent in American society today than at any other time in history. The premise of this paper stemmed from this belief that the War on Drugs proved ineffectual in limiting access to dangerous drugs and in many regards made illicit narcotic usage even more dangerous. Take for example, the opioid epidemic gripping the U.S. today; while heroine is a dangerous drug, heroine became exponentially more dangerous in recent years. Criminal gangs began to add the

⁹⁷ "Against Drug Prohibition," *American Civil Liberties Union*, accessed February 20, 2019, <https://www.aclu.org/other/against-drug-prohibition>.

highly potent opioid fentanyl to heroine. This new turn in drug pedaling led to a record high in narcotic fatalities. According to the National Institute on Drug Abuse, 70,200 Americans died from narcotic overdoses in 2017.⁹⁸ Those death rates are a two-fold increase in the rate of deaths from the previous decade. The War on Drugs actually made narcotic use more prevalent and dangerous than if the government had no program to control narcotic use.

The War on Drugs fails and results in a tremendously costly pursuit in taxpayer funds, government resources, as well as the degradation of American communities. Milton Friedman, recipient of the Nobel Prize in Economics remarked, “If you look at the drug war from a purely economic point of view, the role of the government is to protect the drug cartel. That’s literally true.”⁹⁹ Both American and international government policy, and not drug cartels, create the economic conditions for the dangerous narcotic climate we see today. With the belief that the War on Drugs exists as a destructive government policy, this research paper sought to understand the historical underpinnings that created narcotics criminalization.

The history of human narcotic use required an explanation to delineate the difference of use in society before modern era and during prohibition. Understanding that nearly all societies throughout human history utilized psychoactive substances to alter their conscious state placed the prohibitionist argument within a hundred-year scope of the policy’s establishment. When analyzing narcotics criminalization at the policy

⁹⁸ “Overdose Death Rates,” *National Institute on Drug Abuse* (January 2019), <https://www.drugabuse.gov/related-topics/trends-statistics/overdose-death-rates>.

⁹⁹ “Milton Friedman on America’s Drug Forum,” *Youtube.com* (1991), <https://www.youtube.com/watch?v=oyystXOfDqo>.

creation, this paper came to two initial conclusions. First, significant narcotics criminalization began in the U.S. Second, the U.S. exported and aggressively coerced the international community to adopt narcotics prohibition. Thus, the majority of the philosophical and motivational underpinnings for the current policy of international narcotics criminalization has its roots in the U.S.

The U.S. overwhelmingly played the central role in the establishment of international narcotics criminalization. Focusing the scope of the examination only on the philosophy and motivation of the U.S.; however, still presented a mountain of a task. U.S. motivations varied on foreign and domestic interests and prejudices that spanned many decades of separate and interweaving historical events. Thus, this examination sought to narrow the scope of the argument further than the U.S. establishment of international narcotics criminalization. In narrowing the scope of the argument, the politics surrounding opium, both internationally and domestically, presented the next significant variable in the creation of narcotics criminalization. Whether analyzing President Nixon's War on Drugs, today's opioid epidemic, or the creation of narcotics criminalization, opium and its derivatives stand apart from all other narcotics in its historical significance.

With the scope of the argument narrowed to American opium politics, the relationship between the U.S., China and Chinese American immigrants at the turn-of-the-twentieth century dominates motivating events. In the U.S., progressive opium criminalization in Chinese enclaved cities eventually expanded into federal criminalization. Though from a broader view of Chinese-Americans during that time-period, opium criminalization occurred amongst a series of discriminatory laws targeting

them. Due to racial prejudice and economic hardship, Euro-Americans sought to legally alienate and prosecute Chinese-Americans into second-tier citizen status.

Progressive opium criminalization in relationship to Chinese-Americans and the set of similarly caste system like laws levied against their racial group represents similar minority narratives in narcotics criminalization history. The Chinese-American connection to opium criminalization is representative of the history of African-Americans and cocaine as well as Mexican-American immigrants and marijuana. Both African-Americans and Mexican-Americans at the turn-of-the-twentieth century faced caste system like group laws meant to disenfranchise them. African-American cocaine use in the Jim Crow South and Mexican-American marijuana use in the southwestern U.S. experienced sensationalized media articles much like Chinese-American opium use. The exaggerated and prejudicial troupes of minority group narcotic use fueled the fear amongst Euro-Americans. As the societal majority, Euro-Americans feared other racial groups and their cultural habits tainting the racial and cultural superiority of Euro-America.¹⁰⁰

Prejudicial fear of minority groups played a significant role in why America bypassed less extreme forms of government intervention when the U.S. leaped from no government regulation straight to criminalization. The aim of this examination intended to highlight how narcotic use became used as a weapon to involve law-enforcement presence in the lives of minority groups. David Courtwright, a Professor of History at the University of North Florida, remarks on this phenomenon in the following statement:

¹⁰⁰ “Otherness: Cultural Marginalization and Devaluation,” *University of Wisconsin Oshkosh*, accessed February 26, 2019. <https://www.uwosh.edu/facstaff/barnhill/ES-243/pp%20outline%20Other%20-%20Another.pdf>.

Deviant groups in American history have sometimes been dealt with by informal, local means—harassment, exile, even lynching. But when such groups become large enough, or threatening enough, they often evoke a legislative response. The resultant laws serve a dual purpose. They are symbolic in that they define and reiterate majority norms; they are also instrumental to the extent that they employ the police power of the state to restrict or eliminate the objectionable behavior.¹⁰¹

The logic utilized at narcotic criminalization's foundations sought to criminalize cultural habits further highlights why the War on Drugs fails as a public safety and public health policy.

With the domestic argument surrounding the prejudice motivations associated with the U.S. establishment of narcotics criminalization explained, this paper then followed the U.S. prohibitionist philosophy to the international community. At many points over the hundred-year narcotic prohibition policy, opposing the production, sale, and distribution of opium often suited the needs of the U.S. in its foreign policy objectives. At the turn-of-the-twentieth century, opposing the opium trade endeared the U.S. to China and hurt America's European trading adversaries in Asia. Opium sales supplied a vast share of monetary support for several European colonial empires. Disrupting the opium trade significantly stalled the growth of European colonial expansion to the benefit of U.S. trading.

The geopolitical aims of the U.S. in Asia at the turn-of-the-century along with the Evangelical Christian prohibitionist motivations of the Temperance Movement established international narcotics control policies. The U.S. determined that in order to eradicate narcotic use amongst American society that a war on the supply, rather than the demand, of narcotics must be waged. From the turn-of-the-century to the Second World

¹⁰¹ Courtwright, "A Century of American Narcotic Policy."

War, the U.S. attempted to limit the world production of narcotics with limited success. The European powers whose colonies were narcotic producing nations were uninterested in the strict laws proposed by the U.S. as they benefitted the most from the free trade of narcotics, specifically opium.

After the Second World War, as the only Western superpower, the U.S. could now force the adoption of their prohibitionist laws. While many European powers opposed the strictness of U.S. narcotic prohibition, these nations relied on the financial and military support of the U.S. and could not oppose legislation they desired. Furthermore, in the midst of the Cold War, narcotics prohibition allowed the U.S. to involve itself in narcotic producing nations that held communist leanings as a policing action. International narcotic prohibition laws instituted following the Second World War were as much about narcotics as a legitimate mechanism for the U.S. to oppose the spread of communism. In the Middle East, Southeast Asia, and Latin America, controlling the production of narcotics went hand-in-hand with controlling communism.

Through this narrative of American opium politics, this paper aimed to show that international narcotics prohibition developed under questionable circumstances. This paper aimed to show that international narcotics prohibition did not develop under a consensus of the international community that a zero-tolerance pursuit toward narcotics represented the logical form of governance. Rather this paper showed the narcotic prohibition philosophy had a single source of inception in the U.S. and that the international community opposed the policies as impractical. Like policies developed to marginalize minorities groups, such as the Chinese Exclusion Act or the Jim Crow South, narcotic prohibition laws were instituted under religious fever and prejudicial philosophy.

Considering the policy foundations of international narcotics prohibition, a more reasonable and level-headed approach to narcotics is required.

If prohibition has taught society anything, humans will continue to desire means to alter their conscious state of mind under even the riskiest of circumstances. A policy that takes the human factor into consideration, will be far more effective than an idealized zero-tolerance mandate. Narcotics can be dangerous. Thus, narcotic control requires the full oversight of the government in the realms of education, regulation, scientific studies, and medical advice and supervision. Utilizing only law enforcement against narcotic consumption has proven disastrous.

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Appendix 1

Chinese American Population, 1860 - 1940

TOTAL US				CALIFORNIA ONLY		
Year	In the Total US (000)	% of US Population	% Male	In California (000)	% of All Chinese Americans	% of California Population
1860	35	< 1%	95%	35	100%	9%
1870	63	< 1%	93%	49	78%	9%
1880	105	< 1%	95%	75	71%	9%
1890	107	< 1%	96%	72	67%	6%
1900	90	< 1%	95%	46	51%	3%
1910	72	< 1%	93%	36	50%	1%
1920	62	< 1%	87%	29	47%	1%
1930	75	< 1%	80%	37	49%	1%
1940	78	< 1%	74%	40	51%	< 1%

Notes Data Presentation:

1. Population numbers rounded to the nearest thousand
2. Percentages rounded to the nearest percentage point

Key Points:

- The 1890 census data, the first census data after the 1882 Chinese Exclusion Act, indicates a decline in Chinese Americans as a percentage of the population in California.
- Following the Chinese Exclusion Act, without an ongoing flow of new Chinese immigrants to California, The Chinese American population becomes less concentrated in California.

Source: Percentages calculated using data from multiple tables in US Census Bureau, *Population of the United States: Sixteenth Census 1940 Volume II* (Washington, DC: Government Printing Office, 1943), 19, 516.

