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Race and Class in Early Anti-drug Legislation in the United States

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NOTE: The original 1,000+ page manuscript for *Slaying the Dragon: The History of Addiction Treatment and Recovery in America* had to be cut by more than half before its first publication in 1998. This is an edited excerpt that was deleted from the original manuscript.

The second alcohol was introduced within the contact between Europeans and Native Americans, race, culture and class became an inflammatory element within the history of American alcohol and other drug use and related policies. Race and social class exerted a profound influence on perceptions of alcohol and other drug problems and the social and legal responses to these problems.

The reader is warned that some of the quoted material in this discussion is quite offensive, but the blatant racism that is the source of this offense is an enduring theme within the history of the social control of intoxicants in the United States. Any effort to hide or soften the intensity of this racism would be a disservice to the reader seeking a true understanding of this history.

Anti-Chinese Agitation and the First Anti-Narcotics Legislation in the US

On November 22, 1875, the Board of Supervisors of the City and County of San Francisco passed the first anti-narcotics ordinance in the United States. Designed to reduce the growing number of opium dens in the city, the ordinance levied a fine of between $50 and $500 and up to six months in the county jail, for operating or visiting an opium den (Baumohl, 1992). Although other anti-opium ordinances were passed in Virginia City, Nevada, and other West-Coast cities--and state anti-opium laws were passed in more than 20 states beginning with Nevada (1877) and California (1881), the epicenter of the agitation against opium was clearly in San Francisco.

Two events in the history of California are essential to understanding the cultural context of the 1875 anti-narcotics ordinance. The first is the building of the Transcontinental Railroad. Two railroad companies, the Central Pacific and the Union Pacific, raced to complete the transcontinental railroad. On May 10, 1869 the last spike--a gold one--was driven in

place, connecting America from coast to coast. The workers who had built this railroad--mostly Chinese and Irish—began filling West Coast cities.

The second event was the gold rush fever that brought multitudes of adventurers seeking their fortunes in the gold fields. Dreams of riches in the gold mines poured more than 40,000 prospectors into California within two years. The boom years of 1849 and 1853 brought untold wealth to a few while crushing the dreams of most. Other Western gold strikes played out in similar fashion, including those in Colorado in 1858-59 and Wyoming in 1867-68. By the 1870s, miners were migrating into West-Coast towns in search of work. There they encountered Chinese immigrants. Conflict was perhaps inevitable.

To understand the roots of the conflict that developed and the collision between two cultures that produced the 1875 anti-narcotics ordinance, we will begin our story, not in San Francisco, but in China.

China and Chinese Immigration

That the Chinese would be linked with the first publicly perceived drug epidemic in American history is particularly ironic in light of the role of opium in Chinese history. The Chinese used opium as a medicine for more than a thousand years before the introduction of tobacco became the medium for a new and intoxicating method of opium use. It was not until Spanish and Dutch traders brought in the practice of smoking opium mixed with tobacco that opium became an identified problem in China. This practice, introduced at the end of the Ming Dynasty, sparked an Imperial Edict against growing or importing opium.

When the British refused to obey the order to stop importing opium to China, the Chinese confiscated and destroyed millions of dollars' worth of British opium. Conflict between the terms of the Imperial Edict and the financial interests of the English who profited from the opium traffic led to the Opium Wars of 1838-1842. English victories in these conflicts forced China to pay Britain for its lost opium and to open Chinese ports to continued opium traffic.

This forced flow of opium into China worsened its internal problem with opium addiction. The fact that 20% of the opium flooding into China was being delivered by American ships is ironic in light of the fact that, only a few years later, Chinese immigrants would be blamed for introducing the drug problem into America. The Chinese, first victimized by a militarily enforced infusion of opium into their country, were later scapegoated for their surrender to this very drug (Merry, 1975).

Chinese immigrants came to America in increasing numbers during the middle of the 19th century, answering the call for labor on the West Coast. Most of the early arrivals came from Canton, an area long associated with opium trafficking. Due to population growth and political and economic instability in their homeland, many Cantonese sought work in America, hoping to support their families and eventually return to China as wealthy men. Many came as indentured laborers, under the control of Chinese brokers who paid their passage and to whom they were legally bound to serve until their debt was fully repaid.

Between 1852 and 1870, more than 70,000 Chinese laborers were lured into making the trip from China to the West Coast of the United States. They worked in heavy construction, particularly in building the transcontinental railroad and on the ranches and in the mines. More than 10,000 Chinese were on the payroll of the Central Pacific Railroad. For some Chinese immigrants, the primary relief from the grueling work and painful isolation from culture and family involved gambling, prostitution, and opium smoking--activities often bound together in the same establishments. Between 1860 and 1883, the quantity of opium imported into the U.S. for smoking increased from 20,000 pounds to 298,000 pounds (Isbell, 1959).

The earliest reports about the Chinese showed them to be highly regarded. Shrieke's study of this early period notes how the Chinese were praised as "the most worthy of our newly adopted citizens." The

press of the day described the Chinese as "orderly and industrious," "thrifty," "sober," and law-abiding." These early accounts did not mention Chinese opium use as something that Californians found offensive. Labor contractors even offered monthly opium allowances in their efforts to attract Chinese workers to California (Austin, 1978). Three factors--cultural isolation, racial hostility, and economic competition--served to destroy this regard and turn Chinese Americans into scapegoats.

In spite of the growing American vision of the "melting pot," Californians in the mid-nineteenth century still had a hard time fitting people of color into this vision. Chinese were soon added to the already well developed social rejection and legal disenfranchisement of Native Americans and Blacks. The Chinese would be invited into limited participation in American culture, but widespread racism toward people of color would limit the sincerity and scope of this invitation. As economic recessions and depressions heighten labor competition racial hatred and conflict intensified.

The Chinese remained a closed community in California, separated by culture, language, and the shared dream of returning to their families in China. The lives of most Chinese workers were further controlled by clan organizations, district companies, and guilds. The prevailing system of indentured servitude capitalized upon this isolation. Many people had strong financial interest in keeping the Chinese isolated and limiting contact between the Chinese and Whites in California.

The Chinese in America had a special reason for wanting to stay culturally separate in this era. Unlike other immigrants, most Chinese came to the United States, not in search of a homeland, but in search of money. Most Chinese who arrived between 1850 and 1870 wanted to earn money and return to China. They wished to return as wealthy men honored by their families and communities. Because of this goal, the Chinese resisted American efforts to help them blend into the American culture. They ignored or turned down the invitations of clergy, philanthropists, and public officials to participate in American culture. Few Chinese sought American citizenship in the 1850s and 1860s.

Racial and Class Conflict

During the 1870s, labor conflict in California unfolded in the broader context of national labor conflict during the same decade. There were national strikes by railroad workers that spread rapidly to other industries. A riot in Pittsburgh by striking railroad workers led to exchanges of gunfire with the state militia and $10 million in property damage, including the burning of some 2,000 freight cars. Labor riots led to the loss of many lives--50 in Baltimore and 19 in Chicago--and much property damage (Schlesinger, 1993). Anger against the Chinese and the Irish grew more intense when they were brought in to fill back-breaking jobs in a railway construction industry riddled by strikes. A strong motivation behind the groundswell of support for restrictive immigration laws was the desire to stop the practice of bringing in foreign labor as strikebreakers (Schlesinger, 1993).

The early regard for the Chinese in California was damaged by the growing competition in the workforce between 1850 and 1870. Conflict was particularly intense between the Chinese and other immigrant groups, including those of Irish, German, and Anglo-Scottish descent. Bret Hart captures the blatant racism of the West during this period in his short story, "Three Vagabonds of Trinidad." In that story, a prominent citizen provides the rationale for driving the Chinese from a mining camp:

The nigger of every description--yeller, brown or black, call him "Chinese," "Injun," or "Kanaka," or what you like--hez to clar off of God's footstool when the Anglo-Saxon gets started....It's our manifest destiny to clar them out--that's what we was put here for--and it's just the work we've got to do!

With the completion of the Transcontinental Railroad in 1869 and the diminishing yields in the mines, White and

Chinese laborers moved into the cities in search of work. The industriousness of the Chinese--their willingness to work long hours for low wages--created an environment rife with racial and class conflict. The "Chinese Question" dominated California politics in the 1870s. The California Workingman's Party was organized under the cry, "The Chinese must go!"

The racial conflict that began as the mines grew less profitable eventually spread to the cities. Race riots flared in West Coast cities, Chinese were lynched or killed, and Chinese quarters were burned. In 1871, mob violence directed toward the Chinese in Los Angeles resulted in 18 deaths--15 by lynching--and the burning and looting of many buildings in the Chinese quarter. Chinese were driven violently from many mining camps. An Irish American named Dennis Kearney, a leader in the Workingmen's Party, played a key role in stirring this violence with the relentless charge that the Chinese were stealing jobs from White workers. "Anti-coolie" clubs flourished and were united in 1876 in the Anti-Chinese Union.

Ethnic Scapegoating

Many discriminatory ordinances were passed in California during this period of rising hostility toward the Chinese. The 1853 Foreign Miner's License Tax Act--enforced only against the Chinese--required that foreigners pay four dollars a month to work in the mines. The following year an ordinance was passed requiring Chinese who did not work in the mines to pay a "Chinese Police Tax." An 1854 California Supreme Court decision declared: "No Indian or person having one half or more Indian blood, or Mongolian or Chinese, shall be permitted to give evidence in favor of, or against, any white man"--a decision that left the Chinese vulnerable to all kinds of physical brutality and economic exploitation. The California School Act of 1860 excluded Chinese from the schools and withheld state funds from any school which allowed "Negroes, Mongolians` and Indians" to attend.

An 1875 statue outlawing the "importation of women" was enforced in a way that severely limited the number of Chinese women who could immigrate to California. This made it very difficult for Chinese men to find wives and establish families. The California Constitution of 1879 declared: "No Chinese shall be employed on any State, County, municipal, or other public work, except in punishment for a crime." Ordinances were passed that outlawed work in laundries between 7:00 p.m. and 6:00 a.m. and levied fines on laundries that didn't own a vehicle—both measures targeting the Chinese laundries. Other ordinances targeted the Chinese Opera and Chinese burial practices (Mark, 1975, p. 67).

All common personal characteristics in the Chinese-American culture became stigmatized and criminalized, including the very conditions of their living and their personal habits. A "Cubic Air" ordinance requiring 500 square feet of living space for every adult, but enforced only against the Chinese, was used to break up Chinese living quarters and send targeted people to jail. Between 1875 and 1879, more than 3,000 people were arrested for violating the Cubic Air Ordinance (Baumohl, 1992).

A "Queue Ordinance" required that every man arrested had to have his hair cut to within one inch of his scalp. Although many of these ordinances would eventually be declared unconstitutional, the Chinese did not find early support from the federal government. An 1878 U.S. Supreme Court decision denied Chinese the right to become naturalized citizens; and California representatives, with the support of their Southern counterparts, pushed through the U.S. Congress the Chinese Exclusion Act of 1882, which suspended immigration of Chinese workingmen for ten years. And then, of course, there was the practice of smoking opium by some Chinese.

Opium smoking and the Anti-Opium Ordinance

Of the Chinese in America who smoked opium in the 1870s, most did not bring that practice with them from China, but

instead began smoking opium once in America. During that decade, the majority of Chinese in California were men. They were living in a foreign land without their families and without the companionship of Chinese women. At the end of the 1870s, the ratio of Chinese men to Chinese women in America was 21 to 1, and prostitutes commanded prices that many Chinese laborers could not afford (Helmer, 1975). Relief from loneliness and hard work came in three forms: opium, gambling, and prostitution--activities that were part of the control system that governed the life of the Chinese worker. Of these three activities, opium-smoking was the most visible. Whites viewed that practice as a confirmation of the alien character of the Chinese.

An 1875 ordinance passed in San Francisco made it a misdemeanor to "keep, or maintain, or visit, or in any way contribute to the support of any place, house, or room, where opium is smoked" (Austin, 1978, p. 211). It did not outlaw the importation of opium, which would have affected wealthy importers and suppliers of Chinese and European descent. It did not prohibit the possession or use of opium, which would have affected the Whites who had begun to visit the opium dens. It was targeted at an institution in the Chinese community run exclusively by Chinese (Mark, 1975).

The municipal anti-opium campaign of 1875 moved to the Western state legislatures. Between 1877 and 1900, 11 Western states had passed anti-opium laws (Kinder, 1991). Responding to strong pressure by Western lobbyists, the U.S. Congress in 1887 prohibited Chinese from importing opium and, in 1891, decreed that only American citizens could manufacture opium for smoking purposes.

Each campaign for anti-opium legislation played on anti-Chinese sentiments. Occasionally a judge would expose the real intent of this kind of legislation. An Oregon judge, ruling on the constitutionality of one anti-opium ordinance, declared:

...this legislation [anti-opium ordinance] proceeds more from a desire to vex the 'Heathen Chinese' than to protect the people from the evil habit (quoted in Austin, 1978, p. 211).

We shall examine in some detail the first of these ordinances passed in San Francisco. Historians who have studied the forces that led to America's first anti-narcotics ordinance have come to different conclusions. However, all have emphasized the role of race and class conflict, and most agree that the ordinance had very little to do with drugs. John Helmer and Thomas Vietorisz studied the forces surrounding the 1875 ordinance and concluded:

The ideological role of the anti-opium campaign was to get rid of the Chinese, and it had a practical consequence: it provided a legal basis for unrestrained police raids and searches of Chinese premises in San Francisco (Helmer and Vietorisz, 1974).

Edward Brecher's analysis of this period draws a slightly different conclusion. Brecher suggests that the 1875 ordinance was designed and enforced to stop the inter-racial relationships that had begun to be associated with the opium dens (Brecher, 1986).

The anti-opium agitation did begin during the years in which more Whites were becoming involved in the opium dens. In his 1882 treatise on opium smoking, H.H. Kane claimed 1868 as the year Whites were first introduced to the practice of smoking opium in San Francisco. The fact that the opium suppression ordinance was selectively enforced--with the primary targets being those opium dens frequented by Whites--does suggest that the ordinance was meant more to enforce cultural isolation than to prohibit opium smoking. Jim Baumohl, in his meticulous study of this period, described the San Francisco ordinance as "a piece within a larger pattern of legal harassment of the Chinese" aimed at preventing sexual contact between Chinese and Whites in the "mixed-race, mixed-sex milieu of the dens" (Baumohl, 1992, p. 4).

The anti-opium campaign was directly linked to the racial and class conflict

of the decade. Whites claimed that opium smoking allowed the Chinese to work longer and harder, thus giving them an unfair advantage over White workers. Labor agitators blamed the opium habit for the Chinese workers' willingness to accept low wages and intolerable working conditions. They spread the belief that driving the Chinese from the mining camps and the industries they had dominated--cigar making, brick making, and shoe making--would result in higher wages for White laborers. The anti-opium campaign was linked to this broader goal. Opium was attacked, not because it was a harmful substance, but because it offered one more piece of evidence that the Chinese could not be assimilated into American culture (Helmer, 1975, p. 20).

So the first anti-narcotics ordinance in the United States focused on two distinct issues: the characteristics of the people who consumed opium (a racial minority) and their motivation for use (the search for pleasure rather than relief from pain). Both racism and what would come to be called "pharmacological Calvinism" launched America's first war on drugs--White versus Yellow, an image of therapeutic drug use versus an image of self-indulgent pleasure seeking. The public came to recognize two addicts, one a victim and the other a villain. The former's addiction was considered accidental, harmless, and deserving of pity. The latter's addiction was considered voluntary, dangerous, and a source of fear. Addiction in the former was a disease; addiction in the latter was a vice. The former was White; the latter was Chinese.

A Modern Post-Script: Opium versus Morphine

What is ironic about the first anti-drug campaign in America is that almost everyone involved in that debate recognized that the practice of using morphine--particularly by injection--was many times more damaging to the individual and to public health than was the practice of smoking opium. In fact, the opium used for smoking was far weaker than the opium that filled the patent medicines of the day. Smoking opium had a particularly low narcotic content, and only about ten percent of the opium it contained actually became part of the vapor that would be inhaled. According to Brecher (1986), even the heaviest opium smoker received less than the equivalent of a single injected dose of morphine or heroin.

Even hard-core opium smokers were aware of the more dangerous nature of injected morphine; they were loyal both to their form of opium and to their way of using it. Lindesmith reports the story of an opium smoker who discovered someone injecting a drug in the bathroom of an opium den. The opium smoker reported to his peers that there was "a god damned dope fiend in the can," and asked them to help him get rid of the degenerate. (Lindesmith, 1947, p.187) At the same time, morphine addicts looked down on opium smokers as "ignorant, illiterate, vulgar, brutal, and wicked" (Cobbe, 1895).

Even though science recognized that the use of morphine and other concentrated opium products was more harmful than smoking opium, these other opiates were legal, readily available, aggressively advertised, and widely consumed by a public that grew more and more concerned about the Chinese "dope problem." From its very beginning, science has had little to do with shaping American narcotic control policy. What has played, and continues to play, a most critical role is what Alfred Lindesmith (1940) christened America's "dope fiend mythology."

The Genesis of a Dope Fiend Mythology

America's first "dope fiend" mythology arose in California's 1870s turbulent social and political climate. The mythology created an enemy to be fought in moral battle--a battle that was really a war of economics, race, and social class. If the Chinese enemy was to be defeated, he first had to be discredited. In other words, the Chinese and their perceived drug of choice—opium--had to be demonized. Labor and civic leaders rose to the task.

Samuel Gompers, president of the cigar-makers union, shamelessly fanned the flames of racism in an effort to eliminate competition from Chinese workers. His tract, "Meat vs. Rice. American Manhood vs. Asiatic Coolieism--Which Shall Survive?" is filled with racial stereotypes. It introduces themes that will become standard fare within the dope fiend mythologies of the next century. Chinese laundries, he accused, were fronts used to seduce white children into the opium dens where they were forced to "yield up their virginal bodies to their maniacal yellow captors." Images of evil pushers and the sexual corruption of White women and children became an important part of this dope fiend mythology. Gomper's tract screams in a tone of moral indignation:

What other crimes are committed in those dark fetid places, when these little innocent victims of the Chinamen's wiles were under the influence of the drug, are almost too horrible to imagine. There are hundreds, aye, thousands, of our American girls and boys who have acquired this deadly habit and are doomed, hopelessly doomed, beyond a shadow of redemption.

Creators of the dope fiend mythology manipulated public opinion by linking opium to the moral corruption of women and the sexual mixing of the races. The association between opium and the corruption of young women is obvious in H. H. Kane's 1882 Opium Smoking in America and China, in which Kane writes:

Many females are so much excited sexually by the smoking of opium during the first few weeks that old smokers with the sole object of ruining them have taught them how to smoke. Many innocent and over-curious girls have been thus seduced (Kane, 1882, p.8)

Fantasies of sexual seduction were stirred by the image of a leering Chinese opium den attendant offering a well-dressed young White woman an opium pipe. These kinds of scenes were part of the "dope fiend" caricature that fueled the drive toward increased control over narcotic drugs at the turn of the century. Dr. Hamilton Wright, M.D., the State Department official named by many as the father of American narcotic laws, stood before Congress in 1910, using the following comments to stir his listeners' fears of interracial sexual involvement:

One of the most unfortunate phases of smoking opium in this country is the large number of women who have become involved and were living as common law wives or co-habitating with Chinese in the Chinatowns of our various cities.

A second theme, referred to by historians as the "Yellow Peril," was the campaign to convince the public that America was on the brink of an invasion from Asia. The notion that the Chinese in general--and the Chinese opium user in particular--posed a threat to the United States is reflected in the literature leading from the San Francisco anti-opium ordinance to the beginning of federal criminalization of narcotics in 1914. Books like Atwell Whitney's *Almond-Eyed: The Great Agitator; a Story of the Day* (1878), Robert Woltor's *A Short and Truthful History of the Taking of Oregon and California by the Chines in the Year A.D. 1899* (1882) and Oto Mundo's *The Recovered Continent: A Tale of the Chinese Invasion* (1898) all presented paranoid delusions of imminent Chinese invasion. The "Yellow Peril" theme continued into the 20th Century through the highly popular novels of Sax Rohmer (the pseudonym of Arthur Sarsfield Ward). The year before federal narcotics control began, Rohmer introduced *The Insidious Dr. Fu-Manchu*, the first of a series of novels in which the evil doctor threatened to enslave the White race with opium.

Through their acceptance of the "dope fiend" caricature, U.S. citizens could be roused to rally self-righteously behind the anti-dope crusade, while dosing their children with Mrs. Winslow's Soothing Syrup and themselves with McNunn's Elixir. All the agitators had to do to keep the dope fiend mythology alive was to exaggerate the drug use of a minority that was already perceived

as different and corrupt, while normalizing mainstream drug use into a state of invisibility.

The fear was that opium smoking would spread from the Chinese opium dens to Main Street America. There is no evidence that opium smoking ever became widespread among Whites. In his 1882 text on opium, H.H. Kane reported that the first White to smoke opium was Clendenyn, a "sporting fellow" who spread the practice among gamblers, prostitutes, petty criminals, and a few thrill-seeking idle rich in San Francisco. Periodic magazine or newspaper exposes reported the existence of opium dens in cities like Chicago, St. Louis, New Orleans, Washington, and New York City. An 1880 opium den expose in Scribner's Monthly focused on New York City, and an 1882 Harper's Magazine story uncovered opium dens in New York, Boston, and Philadelphia.

The Scribner's article described the opium smoker as "a malignant essence informing a cadaverous human shape" and went on to warn of what might happen if the country were to "neglect an evil in our midst that may someday assume vast proportions"(Lathrop, 1880, p. 417,422). There were also highly exaggerated accounts by self-proclaimed experts such as the Reverend John Liggins, who claimed that in 1882 that there were 20 opium dens in New York City alone and 20,000 regular or occasional White opium smokers across the country (Liggins, 1882). These sensationalist accounts, which pictured the opium den as an exotic and sensually dangerous trap, served as much to arouse the appetite of thrill seekers as it did to arouse public alarm.

What the preoccupation with a small number of opium smokers hid was the fact that Americans were consuming ever-increasing quantities of a wide variety of opiates in medicines and patent medicines. John Rublowsky's (1974) research into U.S. opium importation between 1860 and 1899 gives clear evidence of this trend. U.S. customs service figures for this period reveal the following progression of legal importation:

1860-1869	110,305 pounds of opium
1870-1879	195,995 pounds of opium
1880-1889	352,685 pounds of opium
1890-1899	513,850 pounds of opium

Public health officials' growing fear of opiate addiction led to a wave of state anti-narcotic laws in the 1890s. This would lay the foundation for federal criminalization of addiction early in the next century.
This brief review of America's first war on drugs reflects four themes that will be repeatedly recycled within the history of U.S. drug control policies:

1. The public often believes that particular groups of people are the primary users of a particular drug when, in reality, other groups with quite different images are the heaviest users.

2. Public sentiment toward a particular drug is always shaped by their feelings about the people with whom the drug is most visibly linked.

3. Race, gender, and social class play important roles in shaping drug control policies and influencing their enforcement.

4. Efforts to "stamp out drugs" are often part of a broader and sometimes undeclared effort to control or stamp out certain groups of people.

5. Highly publicized anti-drug efforts waged against one drug often mask other far more threatening patterns of drug use.

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