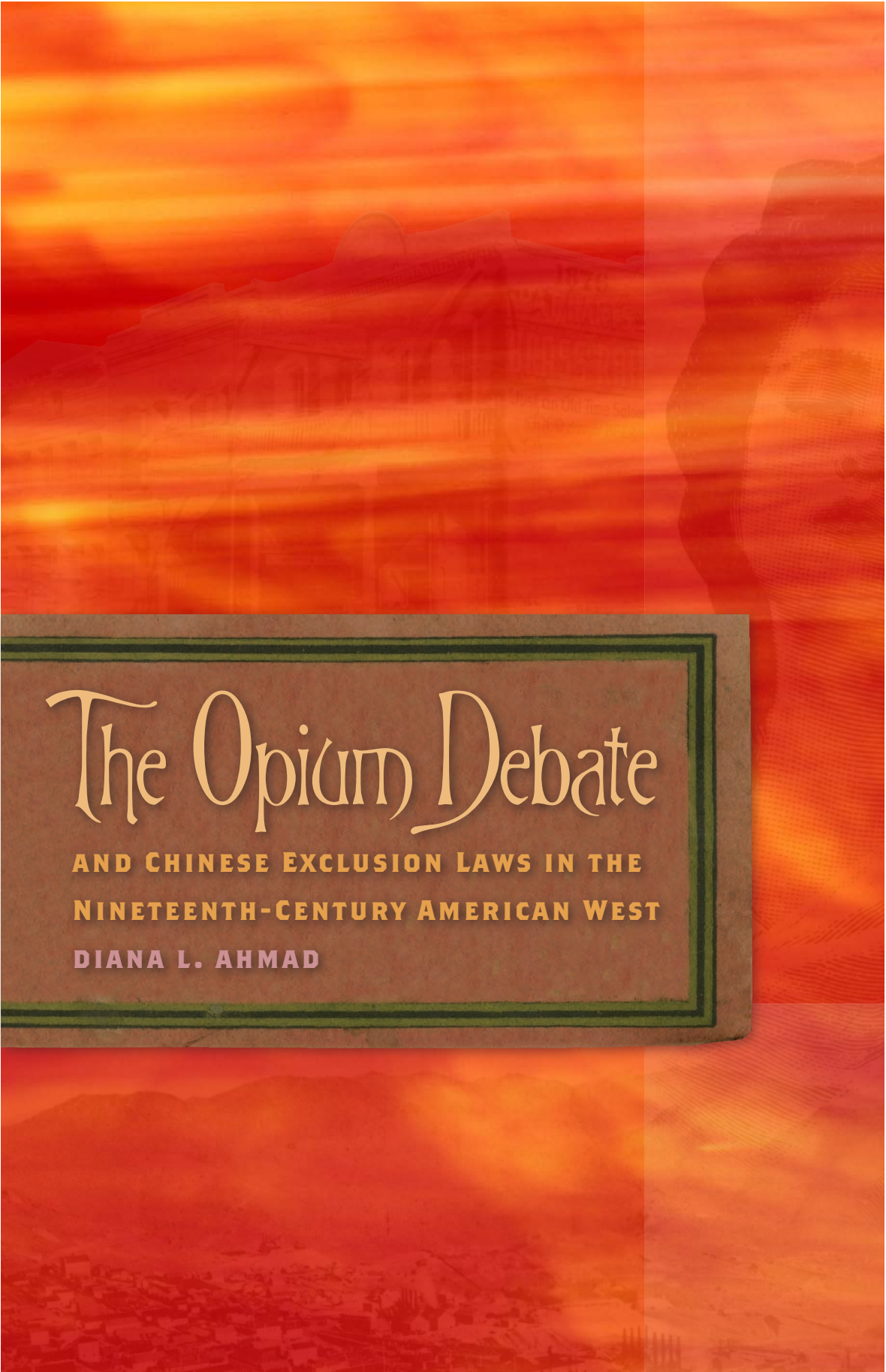
The Opium Debate
and Chinese Exclusion Laws in the Nineteenth-Century American West
Diana L. Ahmad

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In loving memory of my parents,
Allie and Beate

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Preface

One night in January 1881, in an attempt to protect the community from a growing problem, a reporter for the *River Press* of Fort Benton, Montana, investigated three opium dens with the hope of exposing the opium business to the public and the authorities. Guided by a man familiar with the resorts, the reporter arrived at the first den, a "long, low log cabin [that] does double duty as an opium den and wash house." After they knocked, a Chinese attendant cracked open the door but denied entry to the two men. Returning an hour later with the guide taking the lead in gaining admission, the two entered the opium resort but discovered that "nothing was visible but a thin haze of smoke, and only the prevalence of the powerful, sickening odor of the drug gave indication of recent occupancy." The journalist surmised that the opium smokers had either left the establishment or had been hidden by the proprietor. Finding no smokers, the investigator and his guide decided to find a more active opium den in an attempt to pursue their appointed mission.

At the second den, again located in a Chinese laundry, the two men encountered a dark apartment with the "same sickening odor" they found earlier. They entered easily this time, and the proprietor brought them to a small side room, "more resembling a tomb than anything else," and asked if they wished to smoke opium. The two assented, and the "attendant produced pipes, small lamps, and the necessary drug, which he proceeded to prepare." After an hour the *River Press* man and his guide left the opium resort. At the third den, the reporter decided he could not vigorously pursue his investigation, due to the effects of the narcotic he had smoked earlier. The reporter's article about the evening's adventure (*Fort Benton River Press,* January 19, 1881) ended with a stern warning to the community about the rising use of the drug in Fort Benton, explaining to his readers

that men, women, and children smoked opium and that the Chinese proprietors were getting rich off the habit.

The *River Press* newsman's experiences, views, and warnings matched those of his fellow reporters in Montana, Nevada, Utah, Wyoming, Texas, Idaho, Oregon, and California. Little differed in the newspaper columns of the states and territories where opium smoking existed. Newspapers often shared reports about opium because the controversy surrounding the narcotic helped fuel the anti-Chinese debate. In the 1870s and 1880s opium smoking among Anglo-Americans grew, and journalists, bureaucrats, and medical practitioners sought the eradication of the substance and cited its use as strengthening the argument favoring Chinese exclusion. The smoking variety of opium, unlike its medicinal relative, found its way into the United States with the Chinese who arrived at the start of the California gold rush.

Like hundreds of thousands of others from around the world, the Chinese came to the West Coast hoping to strike the mother lode of mineral riches. Thousands of Chinese, primarily men, brought with them numerous skills that they put to use in the mines, for the railroads, and in the enterprises of the Chinatowns they built across the American West. Arriving in San Francisco, the Chinese moved throughout California and then into Oregon, Nevada, Utah, Idaho, Montana, Wyoming, and Texas. They established ethnic communities devoted to the needs and desires of the men who built them. In addition to building restaurants, general stores, laundries, and physicians' offices, the Chinese also built opium dens. Only a small minority of the Chinese community was involved in the opium business, but it was a group that caused a stir in the American West. The impact of the drug had a far-reaching effect on the United States, influencing laws, medical studies, and people's attitudes toward the Chinese.

Smoking-opium is distinctly different from the medicinal opium that was often used in the nineteenth-century United States to relieve a patient's pain. Although initially employed as a pain reliever, smoking-opium soon became a recreational drug, first among the Chinese and then among Anglo-Americans. Its use eventually spread throughout much of the United States. The problems associated with smoking-opium, according to elite and middle-class Anglo-Americans, included side effects such as insanity, sexual promiscuity, and nonproductivity.

Physicians, journalists, and bureaucrats, self-appointed monitors of morality in late-nineteenth-century America, expressed deep concern about

the use of the drug. This group possessed high expectations for themselves and for the nation. They considered smoking-opium detrimental to everything they held dear. One of the ways to achieve their goal was to eliminate the immigration of Chinese because many in this group believed the Chinese, who imported the narcotic, were responsible for seducing Americans with it.

On February 21,1879, another journalist, this time from the *Reno Evening Gazette,* wrote of opium smokers having "glittering eyes and sallow complexions" and smelling of "the fumes of the 'pipe.'" He editorialized that "the deadly distillation exercises some hideous, baleful spell over the minds of it's [*sic*] votaries" and that the narcotic was "more subtile and ruinous than the intoxication of the wine cup." Easily visualized scenes like this encouraged smoking-opium's opponents to push for the removal of the drug and its purveyors from their communities, their states and territories, and finally, their nation.

The Opium Debate and Chinese Exclusion Laws yields insight into the impact smoking-opium and its culture had on the demands for Chinese exclusion. Rightly, economic and political reasons have long dominated the literature. More recently, historians have added the issue of Chinese prostitution to the exclusionist argument. The opium debate needs to be included in the discussion of why the United States excluded the Chinese. Based on historical evidence that includes police records, court files, newspaper accounts, diaries, journals, and government records, this work seeks to do just that: include the debate over smoking-opium into the reasons for Chinese exclusion. In doing so, it focuses on Anglo-American perceptions of the Chinese and is not designed to present the Chinese side. Few Chinese involved themselves in the business of the opium dens; however, the white middle and elite classes failed to acknowledge that. They saw both the narcotic and the Chinese as threats to their society and wanted them eliminated as quickly as possible.

The Anglo-Americans brought their cultural and social value system with them to the West. As such, a brief explanation of their value structure and the western communities they lived in puts their demands to eliminate opium into context with the other anti-Chinese issues of labor competition and prostitution. Using physicians' sources, the work demonstrates that the medical community, members of the middle and elite classes themselves, studied opium smoking and found it a threat to American values and the economic structure of the nation. The work further investi-

gates the development of legislation to abolish smoking-opium and prevent the Chinese from immigrating to the United States.

Journalists, physicians, and ordinary citizens expressed virulent hostility toward the Chinese in their writings. In quoting that material, I eliminated numerous overtly racist epithets; however, when it was necessary to maintain a quote intact, I prefaced it as racist and disturbing.

Since this book is concerned with the "smoking" variety of opium, not the "medicinal" variety, I use "opium" to mean smoking-opium. When a distinction is required, the terms *smoking-opium* and *medicinal-opium* are used.

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THE OPIUM DEBATE AND CHINESE EXCLUSION LAWS IN THE NINETEENTH-CENTURY AMERICAN WEST

Chapter One

THE POPPY PROBLEM COMES TO THE WEST

To many modern Americans, opium smoking conjures up visions of dark, secret back-alley rooms in Chinatown filled with men and women lost in drug-induced dreams. Often the visions include a room filled with sweet-smelling opium fumes, long wooden bunks, and the ubiquitous old Chinese man who sells the narcotic and permits only those who know the password to enter the so-called den of iniquity. The image of the opium den has changed little over the one and a half centuries it has existed in the United States.

The Chinese arrived in California during the gold rush. At first accepted by those they met and lived among, the Chinese worked in the mines and mining communities of the region. Soon, however, the Anglo-American community perceived the Chinese as economic and moral threats to the United States and its residents. The Chinese often worked for lower wages than their Anglo-American counterparts, sent a percentage of their earnings home to China, and failed to assimilate into society. When the Chinese were banned from independent prospecting adventures, they became laborers and entrepreneurs in the same communities. Their businessmen concentrated on "service industries," including dry goods stores, restaurants, and laundries. Other Chinese opened brothels and opium dens to service the predominantly male community. It was those operations that some anti-Chinese forces focused on in their efforts to prove that the Chinese were a threat to the country's moral foundation.

With mineral discoveries outside of California, miners and merchants quickly moved to the new locations, hoping to find their bonanzas. The Chinese moved with the rest of the community, taking with them their opium dens and brothels. The regions outside California soon came to have thousands of Chinese and hundreds of "dens of iniquity." This work centers on Nevada, Montana, Wyoming, Utah, Idaho, Oregon, Texas, and

California, areas that well illustrate western America's reactions to the Chinese and their vice. Western newspapers, residents, and politicians reflect the consensus of American opinion on smoking-opium; however, because of the constantly changing environment in the western communities, the areas also serve as excellent examples of how western Americans dealt with a demand for local order while taking on a national problem.

These territories and states experienced mineral rushes, railroad building, and population shifts as well as similar experiences with the Chinese and their opium practice. California, the state that contained the largest population of Chinese in the United States and generally served as the starting point for the Chinese in their American adventures, possessed mineral wealth, railroads, harbors, long-established cities and towns, and a large population of Hispanics. As early as the 1850s, Chinese moved into Nevada to work its mines and on its railroads. Because of the discovery of the Comstock Lode, Virginia City contained the largest population of Chinese outside San Francisco, making the community's reaction to the Chinese an important index to the attitudes typical of western Anglo-Americans. Utah and southern Idaho possessed great mineral wealth and railroads; it was also a region heavily influenced by the Church of Jesus Christ of Latter-day Saints. The Mormons may have differed with traditional American religious views, but their response to opium matched the rest of the West in their demands for Chinese exclusion. Physically distant from large centers of Chinese population, yet still rich mineral and railroad centers, Montana and Wyoming contained fewer Chinese but reacted in a similar fashion to areas with large concentrations of East Asians. Oregon, a West Coast area where thousands of Chinese lived and worked, is not as well studied as its southern neighbor. Although not possessing as many Chinese as other territories bordering Mexico, Texas represents the rapidly developing Southwest with its railroads, cattle business, and huge leaps in population and city development. In addition, as in California, the Chinese in Texas competed with a large Hispanic population for economic opportunities.

Despite the difference in the number of Chinese in each state or territory or the span of years that the anti-opium campaign covered, the reactions to the Chinese habit remained the same. The elites in these areas saw the defense of what they defined as Anglo, middle-class culture as crucial to further development, prosperity, morality, and civilization. By coincidence, the Chinese encountered entrenched but apprehensive elites in these states just as opium became more popular with white men and wom-

en. The reasons for this popularity were various and individual; its consequences were harmful and collective.

Many Americans believed that smoking-opium threatened the values of the elite and middle classes. Physicians agreed with the prevailing attitude toward opium and the insidious impact the drug could have on Anglo-American men and women. In order to acquire smoking-opium, a habitué needed to visit Chinatown, whereas with medicinal-opium, a person consulted a private physician for a prescription. Doctors controlled the use and content of medicinal-opium; smoking-opium had no such legitimate constraints.

Westerners were aware that simply declaring opium illegal was insufficient to prevent its use. As a result, they sought the exclusion of the Chinese, the primary dealers of the narcotic in the United States. An exclusion law, in theory, not only prevented opium from entering the country, it also precluded an important source of cheap immigrant labor from entering the nation as well. Economic arguments dominated the calls for Chinese exclusion; however, moral arguments targeting opium use and Chinese prostitution constituted another side of the demands. This work focuses on opium, but a brief look at what preceded the smoking-opium debate will place the opium issue into better context.

Between the 1850s and the 1875 passage of the Page Act, the leading moral complaint against the Chinese was their involvement in prostitution. During those years, Chinese secret societies, such as the Hip Yee Tong, imported over six thousand Chinese prostitutes, or 87 percent of the Chinese women then in the United States. Generating approximately two hundred thousand dollars over a twenty-year period, the members of the Hip Yee Tong brought young women from southeastern China to service the sexual needs of the Chinese men in the United States whose families remained at home. Kidnapped, purchased from poor families, or lured to San Francisco by promises of marriage, the young Chinese women fell into three categories: those who would be sold as concubines to wealthy Chinese merchants, those who were purchased for high-class Chinese brothels that serviced only Chinese patrons, and finally, the women bought to work in lower-class brothels or cribs and service a racially mixed clientele.[1]

After the passage of the Thirteenth Amendment in 1865, Chinese women brought into the country for purposes of prostitution signed a contract for their services in an effort to prevent Anglo-Americans from accusing the Chinese of promoting slavery. The young women generally lived their

lives segregated from the rest of American society and had little independence, although occasionally they gained some control over their lives by killing themselves, seeking help from the Chinese diplomats in San Francisco, escaping from their owners, and stealing from their clients. In some cases the women escaped to a "rescue mission" run by Christian missionaries near Chinatown. For those women unable or unwilling to leave prostitution, the money earned for their jobs was low, only twenty-five to fifty cents per customer.[2]

Around the American West, opinions of Chinese prostitutes differed little from region to region or time to time. Generally, Anglo-Americans considered Chinese prostitutes "strangers to virtue," "utterly shameless," and in harsh, racist language, "rotten, venal carcasses," and a greater threat to American society than Mormons.[3] Further, Anglo-American society blamed Chinese prostitutes for spreading syphilis and making young men spend "all their money" in carnal pursuits. Despite the negative views of the women, some Anglo-Americans said that the prostitutes "deserve our pity" because of the dire circumstances that defined their lives. Demands to end or at least regulate Chinese prostitution began at the community and state levels but were not always successful. Then, on March 3, 1875, under the sponsorship of California congressman Horace F. Page, the federal government approved "An Act Supplementary to the Acts in Relation to Immigration." Also known as the Page Act, the law called for a ban on the importation of "coolie labor" and women for the purposes of prostitution.[4] According to George Peffer, author of *If They Don't Bring Their Women Here: Chinese Female Immigration before Exclusion,* historians have long ignored the Page Act and its impact on the lives of the Chinese in the United States. Peffer found that the number of Chinese prostitutes declined by 68 percent in the six years between the passage of the Page Act and the 1882 Chinese Exclusion Act when compared with the six years prior to the statute. He found that the number of nonprostitute Chinese women fell as well. The reason for the decline in the number of Chinese women, prostitute and nonprostitute alike, was that American consuls in China and immigration officials at United States port cities made immigrating to the United States difficult, if not impossible, because of the stricter analysis the women now underwent due to the 1875 statute.[5]

The significance of Chinese prostitution in the western United States cannot be denied. It influenced the immigration of Chinese women and the low number of Chinese families, especially after the Page Act's passage.

The continuation of Chinese bachelor communities resulted from the lack of women to marry. Antimiscegenation laws in western states contributed to the loneliness of the Chinese male, especially the laboring class. However, brothels were not the only place these single men sought solace. Opium dens provided an escape from everyday tensions and, like prostitution, became an important reason for Chinese exclusion demands.

Nearly every Chinatown possessed at least one opium resort. Large cities like San Francisco, growing communities like El Paso, Texas, and small towns like Pioche, Nevada, contained opium habitués. By the early 1870s opium had spread to the Anglo-American demimonde, and within a few years to the elite and middle classes in the West who considered the drug a threat to the moral character of the nation. Because the opium habit was not confined to already-established cities, its use must also be considered within the context of community building.

The development of the opium dens in the West coincided with the American acceptance of British nineteenth-century cultural ideology, named for Great Britain's Queen Victoria. In the United States, American Victorians dominated the economic, social, and political institutions. Ever concerned with economic growth, the American middle class planned ahead, believed in American cultural superiority, and were given to self-reproach. Generally Protestant northern Whigs or Republicans, Victorians were not the majority of Americans, yet they came to control the media that allowed them to spread their views of work, family, and society. In particular, they stressed social responsibility and personal morality.[6]

Even though many people in the West were not members of the middle class, they aspired to become members of it. The Victorians acted as a reference group that served as an anchor for the attitudes of those striving to join the middle and elite classes. The lower classes set goals and standards for themselves that reflected those of the middle class, and defined their success or failure based on the beliefs of the same group.[7] In the American West, members of this influential group included doctors, journalists, and bureaucrats. They helped form American views of the Chinese and decided whether these Asian laborers, merchants, and women were acceptable immigrants for the nation. They also decided whether opium was an acceptable habit.

With confidence in the future of the United States, William B. Daniels, in his first Governor's Message to the Idaho territorial legislature in December 1863, emphatically announced that the child already had been

born who would "see his country more united and powerful than ever before, leading all the nations in the pathway of political civilization, and imparting to all the millions beneath her sway a degree of prosperity and happiness enjoyed by no other people beneath the sun."[8] Similarly, on April 6, 1876, the *San Francisco Chronicle* asserted that "the aim of our civilization shall be to make better, higher, nobler specimens of the human race." Americans believed that God had pledged himself to the prosperity of the United States and that idlers stood in the way of progress. Herbert Spencer's ideas of social Darwinism strengthened America's attitudes about the role of the United States in the world.[9] In sum, Americans must not waste time and energy on frivolous actions, because that would direct strength away from the advancement of the country. Visiting opium dens was an example of a misdirected recreational activity.

The clergy, doctors, and moral reformers offered advice on sexual behavior to the elite and middle classes. They advocated male continence and female purity, believing that sex existed for the purpose of procreation, not recreation. They demanded that women be pure, pious, domestic, and submissive and identified women with everything that was "beautiful and holy," according to the historian Barbara Welter.[10] Literature of the late nineteenth century taught women how to perfect their behavior and to turn their homes into havens for their husbands. By contrast, physicians and others considered men foolish, wanton, dissatisfied, malicious, and covetous, according to Ebenezer Sibly's 1810 *A Key to Physic, and the Occult Sciences*. Sibly's ideas carried over into later American beliefs about men, including the notion that self-control built a strong Christian personality. Controlling sexual urges earned men self-respect and indicated their strength, not weakness.[11]

Americans did not always adhere to the desired ideals, but many of them attempted to incorporate at least some of them into their lives. The task of the middle class, or those who aspired to be middle class, entailed eliminating vice and establishing family communities.[12] With these ideas forming the ideological background of the elite and middle classes, Americans formed opinions of the Chinese based on their own perception of the world. Americans looked at many aspects of Chinese life and judged Chinese customs not on their own merits, but instead on how the Chinese way of doing things fit into American society. Aspects of the Chinese culture, such as opium and prostitution, did not find an easy resting place in nineteenth-century American society.

When the world heard of the mineral strikes in California, thousands hurried to a region already developed by Anglo-Europeans for more than a century. But in the post–Civil War era in regions outside of California, the gold and silver miners and railroad builders encountered mile upon mile of lands devoid of Anglo-American or Anglo-European communities. Instead those who moved to Nevada, Montana, Wyoming, Utah, Texas, Idaho, and Oregon could set the tone for the social and moral, as well as the economic and political, world in which they wished to live. Many of them brought their anti-Chinese preconceptions with them. Those who had participated in the California gold rush brought the ideas and prejudices learned on the West Coast with them.

The West had been explored by Anglo-Americans since the days of Lewis and Clark. Texas and Oregon were states and Utah was a territory long before other western areas discovered their mineral riches or railroading importance. California became a state largely because of its valuable minerals and the resulting population growth. After the initial gold rush, miners scattered throughout the West in search of the mother lode or to find their fortune in the cattle that fed not only the region's towns and mining camps but, increasingly, the cities back east. Nevada, Montana, and Idaho developed because of their mineral wealth. Wyoming was important for its coal deposits and the railroad lines that connected the two sides of the United States together.

The communities formed in these western states and territories grew fast. Economically, the movement out of California began with the 1859 discovery of rich silver and gold deposits in the Mount Davidson area of the Sierra Nevada. The major vein of the Comstock Lode was found in 1873, bringing vibrant boom times to the vicinity. As miners moved to new discoveries, towns quickly developed. Butte, Montana, Orofino, Idaho, and even post–Civil War Salt Lake City, Utah, thrived because of the new wealth. Communities also came into existence because of the railroads, including the Northern Pacific, Southern Pacific, Union Pacific, and Central Pacific lines. These railroads served as transporters of goods and people and as large-scale employers. Towns like Helena, Montana, Cheyenne, Wyoming, and El Paso, Texas, became important supply centers for their surrounding communities because of these rail lines.[13]

As minerals were discovered and towns were founded, people of varying backgrounds found their way to the West. Some, like Montana territorial governor James M. Ashley, believed "in the adaptibility [*sic*] and non-

adaptibility [*sic*] of climate to races, and that in our own country, as well as among the civilized nations of Europe, there are those better adapted to the climate, productions, and wants of Montana, than others."[14] Ashley gave the impression that Chinese immigrants were inappropriate prospective settlers for the territory because they came from the subtropical regions of southeastern China and might experience difficulties adjusting to Montana's cold climate. Other settlers, such as members of the Church of Jesus Christ of Latter-day Saints, moved west to isolate themselves as much as possible but soon took advantage of the growing economy brought on by gold, silver, and the trains. California's diverse population reflected the West more realistically than Montana's or Utah's desires of homogeneity. In 1855 *The Annals of San Francisco* found that "All races were represented," and by 1880 the traveler Benjamin F. Taylor wrote, "to see nations, come to San Francisco!"[15]

The towns that developed between the 1840s and the 1890s grew in proportion to the amount of wealth brought into the community. Shortly after the 1859 gold strike in Nevada, Virginia City got its own post office; fourteen years later, the city possessed over one hundred saloons, fifty dry goods stores, four banks, twenty laundries, six churches, several schools, five newspapers, and a railroad with thirty-two arrivals and departures each day. Its markets were supplied with oysters, fish, game, steaks, fresh fruit and vegetables, and fresh bakery products. By 1867 Helena, Montana, had four banks, hundreds of saloons, three schools, and three regular religious congregations and boasted an assessed property value of over two million dollars and a population of approximately five thousand.[16] Other communities around the West experienced growth like Virginia City and Helena as well.

Town development often included vice enterprises such as gambling, saloons, brothels, and opium dens. Vice was so prevalent in Virginia City that even experienced travelers like J. Ross Browne, a whaler, adventurer to the Middle East and Africa, and future U.S. minister to China, described his entrance into Virginia City as if he "had entered the Devil's Gate" and wondered "what had I done to bring me to this? In vain I entered into a retrospection of the various iniquities of my life; but I could hit upon nothing that seemed bad enough to warrant such a fate." Apparently the chaos on the Comstock Lode rivaled his travels to Zanzibar and the mutiny he experienced off the coast of Africa. Alfred Doten, longtime friend and fellow reporter of Dan De Quille on the *Virginia City Territorial Enterprise,*

frequently described the entertainment available in the community in his diary. He noted that there were "lots of gambling saloons open to the public—crowded—Monte, faro, chuckerluck, rouge et noir &C." If his diary entries are to be believed, he and De Quille knew the amusements well.

Virginia City's centers for business and pleasure were located on C and D streets. Mary McNair Mathews, a resident of Virginia City for nearly a decade while searching for the murderer of her brother, claimed that it "always seemed to me that every fourth door was a saloon of either one or the other kind" and "D Street was the condemned part of the city, being a street that no decent person lived on."[17]

Simultaneous to Virginia City's growth as a mining town, Fort Worth, Texas, became known for the cattle business and, like its Nevada cousin, developed a reputation for vice. On July 4 and 7, 1883, the *Fort Worth Gazette* reported fights in the Third Ward, "Hell's Half Acre," that occurred almost hourly and were a "disgrace to any city." Prostitution was so rampant that men looking for a prostitute accosted innocent women on the streets and entered private homes in search of a bordello. There were demands to stop the violence and vice; however, the local governments did little to end the problem. Even religious Mormon areas in Utah, such as Box Elder County, contained neighborhoods where the residents could visit one of nineteen saloons, two dance halls, or a "rat pit" that featured bull, dog, or cock fighting.[18]

Many western towns contained a segregated Chinese community known as Chinatown. The Chinese formed their first significant community in San Francisco, where they established their own lodgings, restaurants, businesses, shops, and vice enterprises. Descriptions of San Francisco's ethnic enclave commented on the opium odors, dens, and den proprietors almost as often as they referred to the community's shops, restaurants, and housing. On October 18, 1867, the *New York Times* compared San Francisco's Chinatown to New York City's "'fever-nests' and centres of crime and poverty" because of the number of "abandoned women, gamblers, opium-sellers and liquor-dealers" that lived in the community. In reality, the majority of the Chinese in California were legitimately employed in a variety of professions, including mining in the early years, farming, fishing, domestic service, and entrepreneurial enterprises.

As the Chinese followed the mineral strikes and employment opportunities, new Chinatowns developed throughout the West. As in San Francisco, these communities within a community contained laundries, busi-

nesses, joss houses (places of worship), brothels, opium dens, gambling dens, residences, and cafes (or, as Montanans called them, "noodle parlors"). Here the Chinese played and listened to music, sang, held celebrations, visited Chinese doctors for herbal cures, and read newspapers in Chinese or Chinese and English. Chinatowns acted as a refuge for the Chinese from the prejudice of the Anglo-American community. In these small sections, no matter where they existed, racial prejudice did not dominate the lives of the Chinese as it did when they left the confines of the area. Sometimes, as in Butte, the Chinese neighborhood faced a "Chinatown Alley" that allowed the Asian residents to avoid using the town's regular streets, preventing attacks against them by local anti-Chinese groups. Generally, whites ignored Chinatown and visited it only during Chinese festivals, such as New Year's, or for its restaurants and vice industries.[19]

Opinions of the Chinese and their communities were remarkably similar throughout the region. Negative opinions formed early and lasted throughout the preexclusion days. Numerous magazine and newspaper articles described the Chinese in decidedly inflammatory language that would be considered slanderous, insensitive, and hurtful today. To understand the egregious racism of the era, it is necessary to retain some of the original language of the authors. As early as 1854, the national *Graham's American Monthly Magazine,* a publication that the contained work by Henry Wadsworth Longfellow, Edgar Allan Poe, and Richard Henry Dana, found the Chinese an "isolated, semi-barbarous, and sickly people" who ought to be prohibited from entering the United States. The *Oriental,* a bilingual Chinese-English newspaper "Devoted to Information Relating to the Chinese People, the Eastern World, and the Promotion of Christianity" and published in San Francisco by the Reverend William Speer, a former missionary in China, printed cautionary remarks about allowing too many Chinese into the United States. Some Americans also complained that the Chinese failed to bring their families with them, thereby encouraging Chinese participation in gambling, prostitution, and opium smoking.[20]

In addition to writings by Westerners who lived in China as merchants, smugglers, opium traders, and missionaries and their wives, opinions of the Chinese were formed in American popular literature as well. One of the most significant contributors to the opium-smoking image of the Chinese was Bret Harte, the nineteenth-century American writer of western literature. In nearly all of his short-story fiction about the Chinese, Harte linked them with opium. In April 1863 the San Francisco newspaper the

Golden Era published Harte's story "John Chinaman," in which he noted that the Chinese rarely laughed because of the influence of opium, "through which they are continually straying." In "The Latest Chinese Outrage," a poem published in the same issue of the *Golden Era,* Harte described a white man held captive by the Chinese and forced to smoke the drug. Other writings by Harte included comments about opium smells "mingling with spice."[21]

Chinese customs often fascinated those who observed them. Watching the Chinese use chopsticks, Frank Stevens, a traveler between Nebraska and Oregon, commented that "it was very interesting to see them make the sticks fly" while they ate their rice from tin cups. Newspapers often described the burial of Chinese residents in great detail, especially noting that the Chinese left food for the spirits and burned up all the man's possessions with his body.[22] The *Laramie Daily Independent* (Wyoming), May 4, 1874, found it unusual that the Chinese sent their dead back to China for burial. Often, the journalists offered neither explanations nor editorial comments regarding the practices of the Chinese.

Newspapers also ran positive articles about the Chinese, describing them as industrious, frugal, and economical.[23] Some information about the Chinese came from reports about China itself. The *Laramie Daily Independent*, April 7 and July 7, 1874, ran several articles explaining that Chinese women did not wear petticoats, that Chinese junks did not have keels, and that the Chinese believed the "seat of intellect is in the stomach." In 1877 a Dr. Martin, president of the Imperial College for Western Science at Peking, commented that Chinese education was "ancient" and that the Chinese believed there was nothing new to learn. He went on to say that the Chinese could not become part of any society except their own because of this lack of modern information. Dr. Martin probably based his information on the examination system that scholars in China used for eight hundred years. The exams dealt only with the texts attributed to Confucius and to a number of his early followers, not to contemporary matters or recent technological and scientific discoveries.[24]

Learning about China or considering the Chinese a curiosity did not endear the Chinese to the Anglo residents of the West. Early on, the Anglo-American locals believed the Chinese to be an economic, political, and moral threat. Occasionally an anti-Chinese movement began in a western state or territory even before the Chinese arrived there. On February 18, 1860, the *Virginia City Territorial Enterprise* published its first article ad-

vocating the passage of laws to prevent the Chinese from moving to the Nevada community, as the city would be "cursed by their presence" and if no laws were passed against them, "we will soon have them swarming as the locusts of Egypt upon us." The *Portland Oregonian,* March 24, 1864, reported that the Chinese movement into the United States "can result in no good to this country," while the *Idaho World* (Idaho City) ran three articles in 1864 and 1865 warning its readers that it would be better if no Chinese lived in the United States at all.[25] Two years before the first Chinese moved into Wyoming, the *Green River City Frontier Index,* August 11, 1868, referred to itself as "anti-Black, anti-Indian, and anti-Chinese."

At the state or territorial level, elected representatives spoke out against large-scale Chinese immigration to the United States. In 1869 Wyoming territorial governor John A. Campbell explained that only immigrants from the "old world" would be acceptable because "we should have upon our soil, as nearly as possible, a homogeneous people, if we expect to make sure progress in our moral and material prosperity." In 1870 Mr. Fitch, a representative in Nevada's legislature, expressed similar sentiments when he explained that he did not believe in "introducing extensively into this country a race who have a distinct civilization, religion, habits and languages of their own; a race who are alike incapable and unworthy of assimilation with ours; a race with whom polygamy is a practice and female chastity is not a virtue." In 1871 Montana Territory governor James M. Ashley's annual message called for immigrants from "the civilized and Christian nations of Europe" rather than from China.[26]

Journalists often complained that the Chinese failed to assimilate into American society and came to the United States for profit alone. They concluded that "the one kind of immigration leads to power and a sure defense, and the other to national degradation and recklessness?"[27] Exactly which group provided the power and which group led to degradation and recklessness was obvious to every reader. Frequently newspapers reprinted articles from other western publications about the Chinese, which reveals an interconnectedness of issues the communities found important.

Common reasons for anti-Chinese feelings in the West included dress and appearance, the Chinese contract labor system, and job competition. In 1879 the Nevada senate called the Chinese "an unmitigated evil" who had no respect for the American government, were incapable of assimilation, took over jobs, drained money from the region, and filled American jails and prisons.[28] In the same tone, the *Winnemucca (Nevada) Daily Sil-*

ver State, March 14, 1879, advised the Chinese to move to the East, where they would find friends such as William Lloyd Garrison and Henry Ward Beecher, both nationally known pre–Civil War abolitionists. The newspaper also recommended that the Chinese "Go, git; and do not made [*sic*] haste slowly!"

Some residents and travelers in the West considered the Chinese unclean and unsanitary. Chinese laundries caused a great deal of anxiety among Anglo-Americans. Mary McNair Mathews, herself in competition with the Chinese laundries, believed that the Chinese laundry, as well as Chinese bakery workers, threatened the health of Virginia City because the launderers sprinkled water from their mouths on wrinkled clothes before ironing them and bakers spat milk on the pastry to baste the bakery's goods. She feared the diseases that the Chinese might be spitting on clothes and pastries.[29] The *Portland Oregonian,* February 17, 1865, claimed that Chinese wash-houses were "liable to breed contagious diseases, of every character"; fifteen years later the *Idaho Tri-Weekly Statesman* (Boise), July 1, 1880, said patrons of Chinese laundries could expect "chills and fever, yellow fever, cholera and every other disease that stench and filth can bring." Eventually, in 1919—long after the number of Chinese in town had dwindled to only a few—Missoula, Montana, passed an ordinance prohibiting laundry workers from spraying clothing with water "emitted from the mouth of said owner or employe."[30]

Americans attempted to convert the Chinese to Mormonism and various sects of Protestantism, but despite the efforts of the missionaries, the Chinese continued to worship in the joss houses of Chinatown. Even Mary McNair Mathews applauded the care the Chinese gave their joss house, noting that "their 'Josh [*sic*] House' is the only place they seem to take any pride in."[31] As Christianity was important to middle- and elite-class values, the lack of Chinese conversions distressed many Americans.

Another common complaint against the Chinese in the West was that they sent all their money back to China and spent little or nothing in the United States. The *Cheyenne (Wyoming) Daily Leader,* October 8, 1867, claimed that 5 percent of all American gold went to China, Japan, and the Indies, and that once it left the country, it was "absorbed and never returns again to the civilized world." In the 1870s Dan De Quille, a writer for the *Virginia City Territorial Enterprise,* noted that the Chinese acquired as many pure silver trade dollars as possible for shipment back to China because the Comstock Lode's coins contained more silver than the tradition-

ally used trade currency of Mexican silver dollars. De Quille claimed that the trade dollars were sent to India to buy opium, and "thus the silver of the big bonanza fills the opium-pipe of the Chinese mandarin. The amount of American silver sent to India to pay for opium is very great."[32]

Despite the belief that they sent their money home, the Chinese in fact used local Anglo-American businesses to supply their needs. In the 1870s the Clarksville, Oregon, General Store recorded Chinese purchases that included salt, sugar, shoes, wine, tobacco, matches, flour, brandy, candles, and bleach. The store also recorded items the Chinese frequently purchased directly from Chinese merchants, including rice, ginger, and tea.[33] Chinese purchases remained consistent over time and place.

Job competition between Anglo and Chinese workers was a major reason for displeasure with the growing Chinese communities in the American West. Discussed profusely in twentieth-century literature, this issue need be mentioned only briefly here. In the 1870s Denis Kearney, in California, led the most vociferous anti-Chinese labor group, the Workingmen's Party, accusing the Chinese of taking jobs away from white laborers and calling for violent action against them.[34] The *San Antonio Express,* May 10, 1882, commented that readers must look beyond the Chinese as good workers and should notice the "evils connected" with their presence in the country.

The Chinese often worked in roles traditionally reserved for women, especially in areas where the male population considerably outnumbered the female. In 1878 a traveler wrote that the Chinese "can wash, iron, crimp and flute fit for an angel. He is handier than Bridget. He is master of suds, an artist in starch, and a marvel to sprinkle." Complaints that the Chinese took over white women's jobs continued for many years. In May 1882 Senator James Fair (D-NV) claimed that Chinese labor prevented white women from making an "honest living" because the Chinese took all the available jobs. Their work in jobs normally reserved for women, the tunics they wore, their slim body structure, and their custom of wearing their hair in a queue contributed to the impression that Chinese men were feminine.[35] Complicating the gender issue still further, Chinese men assumed women's roles in traditional theater performances around the West. These differences between Chinese and Anglo-American men's lifestyles added to the complaints about the Chinese not assimilating into American society.

Politically, Americans considered the Chinese unworthy of American citizenship. In 1869 Charles Francis Adams Jr., a historian and member of

the Adams political family, claimed that the Chinese were unfit for voting because they were not Christians. Nevada senator William Stewart added that Chinese voters could not be trusted to vote for the best candidate but instead would vote for the candidate that their bosses—that is, the Chinese employers who often held their labor contracts—preferred.[36] Giving the rights of citizenship to African American former slaves was more acceptable than giving those rights to the Chinese. The *Elko (Nevada) Independent,* November 10, 1869, claimed that the Chinese had not earned the "national privileges" of American citizenship as the former slaves had. Stewart reinforced this idea in the 1880s, claiming that African Americans were better suited to full citizenship because they were Christians. In 1881 *Century* magazine printed a poem, "De Yaller Chinee," that stated, "Dis country was made for de whites an' de blacks, / For dey hoes all de corn an' dey pays all de tax."[37] Any notion that Anglo-Americans and African Americans were equal was new to the American scene, but apparently Christianity was a greater bond than race when it came to dealing with the Chinese.

Because few families accompanied the Chinese laborers to the United States, the men sometimes spent their leisure time in gambling houses, brothels, or opium dens. As Americans also gambled and visited bordellos, those forms of recreation bothered them less than the Chinese opium den. The link between the drug and the Chinese strengthened as opium expert Dr. Harry Hubbell Kane and numerous western newspapers regularly associated the Chinese with opium imports into the United States. Kane wrote that smoking-opium was "wholly unknown" in the country before the arrival of the Chinese and that the habit threatened to spread faster and with less excuse than medicinal-opium.[38] The *Tybo Weekly Sun* (Nevada), May 3, 1879, claimed that the opium "peril increased ten fold by the introduction of the Chinese" into the United States. The *Fort Benton River Press* (Montana), January 19, 1881, sarcastically described the city's opium dens as "one of the beauties of Chinese society," adding that the dens caused "great harm" to the younger generation of the community. The *Reno Evening Gazette,* February 21, 1879, harshly commented that the Chinese were "directly responsible for this blighting vice. They imported and introduced the curse, and at their door must it be laid with a thousand other moral sins." As far as westerners were concerned, the blame for the opium habit fell, without a doubt, on the Chinese.

Anglo-Americans found the Chinese to be "an undesirable class of immigrants" and believed that unless something were done to alleviate the

situation, the Americans were "geese to be plucked and China is the receptacle of the feathers." Westerners worried about Chinese labor competition, threats to the moral system of the United States, and the opium-smoking habit. Opponents of opium claimed that not only were the Chinese taking jobs away from Anglo-Americans, they were also addicting thousands of men, women, and children to the narcotic. The practice had to be stopped. As a region strongly influenced by the opium habit, the West would seek protection from the ravages of smoking-opium. Actions against the drug and its dealers in the West would serve as a model to the rest of the United States. In order to eliminate what Dan De Quille, the *Virginia City Territorial Enterprise* writer, called the "caves of oblivion,"[39] some in the West demanded the exclusion of Chinese immigrants.

Chapter Two

INTO THE WEST'S CAVES OF OBLIVION

In the West, "dreamy sensualists" with "their souls wrapped in forgetfulness" gathered in "secret dens" to partake of the "noxious drug" sold to them by "soulless human reptiles."[1] Such colorful, yet harsh, metaphors for opium smokers, dens, and dealers frequently described the opium-smoking practice in the nineteenth-century American West. The journalists' choice of words undoubtedly reflected their opinion of the habit and the habitués. Within two decades the opium practice spread throughout the West and to much of the United States. The opium den and its patrons evoked a lascivious picture to many Americans.

In the stereotype, the Chinese "hit the [opium] pipe" whenever there was an occasion to do so, such as the lunar New Year celebrations. But what exactly was opium? The origins of opium or *Papaver somniferum* are uncertain; however, it seems likely that the Sumerians used it five to six thousand years ago. Classical Greek and Roman texts, including the eighth century BCE *Theogony* by Hesiod and the *Iliad* and the *Odyssey* by Homer, recorded opium's medicinal or ritualistic uses. Hippocrates, Pliny the Elder, Galen, and others briefly mentioned opium in their works, but Dioscorides compiled, in the first century CE, *De Materia Medica,* which served as a source for herbalists worldwide for over fifteen centuries and is considered the first scholarly source on opium poppies. In it, he explained that *Papaver somniferum* could be used as, for example, a pain reliever, sleep inducer, and cough suppressant. The herbalist also noted that opium made men lethargic and could be lethal. Dioscorides made no mention of the plant's recreational value, although the Sumerian language contained ideograms suggesting that such use probably existed.[2]

Approximately six centuries later and using Dioscorides as a source, Paul of Aegineta, author of *The Seven Books of Paulus Aegineta,* substantiated Dioscorides' work by finding that the drug acted as a pain reliever for

such ailments as headaches, earaches, inflammations of the eyes, and gout, as well as relieved diarrhea. Like the Greek herbalist, Paul of Aegineta also noted that when people took opium in larger quantities, it "proves injurious, inducing lethargy and death." During the eighth century, Arab seafarers brought the drug to South Asia, where Sanskrit medical texts indicated its use. Opium spread farther east by the ninth and tenth centuries, and the Tang dynasty (618–907 CE) of China noted its use in their medical literature. By 973 CE, the Chinese emperor had put the poppy in the herbarium as a cure for dysentery.[3] As in ancient times, Asian medical literature made no mention of the recreational use of opium.

The poppy also spread west from the Middle East to North America. In the late eighteenth century American farmers grew opium poppies for medicinal use; the narcotic was considered the best remedy available for the same ailments for which the ancients found it efficacious. In 1813 Dr. James Thacher wrote in *The American New Dispensatory* that attempts to cultivate opium poppies in the United States were "abundantly successful" and that southern rice planters should switch to raising the poppy due to its medical value and because it grew well in the same type of environment as rice. The 1875 *Zell's Popular Encyclopedia* and the 1879 *Chambers's Encyclopaedia,* both available to the American public, warned that narcotics produced "pernicious effects" if not taken properly. Medicinal-opium came in a number of forms but was most commonly consumed in the form of laudanum, a mixture of opium and alcohol. "Opium eaters," people addicted to medicinal-opium, also frequently used morphine, a derivative of opium isolated in 1804. Until 1906 and the passage of the Pure Food and Drug Act, many patent medicines contained high levels of opium.[4]

Doctors often unintentionally addicted their patients to opiates. Not possessing enough information about the body to cure many of its ills, they used opium as a wonder drug because it prevented the patient from experiencing pain. To physicians, that alone encouraged them to prescribe the medication. Aspirin, discovered serendipitously to have analgesic qualities, was not widely available until 1899. Because aspirin helped alleviate pain, it probably prevented new addictions to opium and opium's newly available derivative, heroin, which was three times more powerful than morphine.

In addition to the desire to stop pain, elite and middle-class women used medicinal-opium to escape boredom, to alleviate menstrual discomfort, and to help with nervous disorders. According to S. Weir Mitchell in his 1888 *Doctor and Patient,* women lacked the power to endure pain and

stress and, therefore, needed medicinal-opium to help them in their new roles as the wives of society's leaders.[5] Also, medicinal-opium could be used without fear of embarrassing husbands or others because it quieted the user, whereas alcohol might release a drinker's inhibitions, causing distress and discomfiture to family members.

This work, however, is concerned with the smoking variety of opium, not the medicinal type that many Americans occasionally used. Both types of opium came from the same poppy plant, but the processing of the crude opium differed to achieve the two products. The smoking-opium used by the Chinese came primarily from the Ganges River region in northern India. Produced under the direction of the British East India Company in the districts of Patna, Malwa, and Benares, its seeds were sown in November for a February or March harvest. The seeds needed rich, well-cultivated soil and a climate that was temperate with low humidity. The plant required little rainfall in the early stages of growth, grew to 90 to 150 centimeters in height, and flowered for only two to four days. Two weeks after the petals dropped off, the workers began to harvest the opium sap. Slit in the morning, the poppy pods would ooze a milky juice that the farmers gently scraped off later in the day. Each pod produced an average of 80 milligrams of poppy sap, resulting in 8 to 15 kilograms of opium sap per hectare. The producers of the crop cleaned the sap by boiling it and pushing it through cheesecloth to remove debris. Then it was allowed to dry for three to four weeks before kneading it into balls or cakes at an Indian factory in preparation for market. The British East India Company carried the fist-sized opium balls to their markets in Canton, China, in chests weighing approximately one picul, or 133.3 pounds.[6]

The British were not the first to bring this type of opium to China. In the 1720s, Chinese soldiers returning home from duty on Taiwan brought the opium habit with them. Shortly after their return, in 1729, Emperor Yongzheng banned the drug as part of his campaign to regulate public morals. In 1813 another edict banned opium entirely; yet the Chinese continued to smoke it. Some Chinese smoked opium to check diarrhea, to alleviate the stress associated with the examination system and career frustrations, or as an aphrodisiac. Soldiers and eunuchs smoked opium to end boredom. Most major occupational groups in China had some members addicted to the narcotic.[7]

In 1773 the English Crown gave the East India Company a monopoly on the opium trade between India and China, as they had done for the com-

pany's tea trade with the North American colonies. The company supervised the growth and manufacture of opium in India and its sale in China despite Chinese edicts against the narcotic. The British sold the drug in China because the Chinese did not need anything produced in England, whereas the British wished to purchase Chinese tea, silks, and porcelain without developing a trade deficit. Opium sales offered the British the opportunity to balance their China trade while simultaneously creating a continuing demand for their product.

In the late eighteenth century British opium sales in China continued to increase despite the bans on the habit and the drug. Chinese *co-hongs,* or chartered merchants, in Canton handled the opium trade with the British. The *co-hong* merchants posted bonds with the Chinese government, promising not to bring opium into China; however, the British bribed them to smuggle opium into the country.[8]

The process of bringing the drug ashore was fairly easy. The Chinese buyers placed their order for opium with a British trader in Canton and paid him in cash. When the opium-bearing vessels arrived, they anchored on the leeward side of Lintin Island in Canton Bay. The opium was offloaded into scarlet-painted buyers' boats called "fast crabs" or "scrambling dragons" that used sixty oarsmen and were armed against pirates. The Chinese agents weighed out the drug that came from the chests packed in India. Each opium ship carried approximately one hundred chests, or over thirteen thousand pounds of opium. One chest of the narcotic supplied eight thousand addicts for one month. Because of the bribes the British paid the *co-hong* merchants, Chinese government war junks opened fire on the British traders only after the Chinese merchants had secured the drug. By 1830 the opium trade at Canton was the most valuable trade in a single commodity in the world. One-third of British revenues came from the illicit trade and acted as the chief support of the British Indian government. Ultimately, the extensive opium business helped lead to the development of capitalism in Europe and Asia.[9]

American traders also sold opium in China. They became involved in the illegal trade for the same reasons as the British. As in the British situation, the Chinese did not need American goods, but the United States did not possess enough money to purchase Chinese products without some reciprocity on the part of the Chinese. Opium sales reduced the American need for specie in trade negotiations between the two nations. In 1811 the Americans started trading opium in China despite the setbacks suffered as

a result of the American Embargo and Non-Intercourse Acts of 1807 and 1809, respectively, as well as the War of 1812. By 1818 the United States supplied China with 20 to 30 percent of its opium and the British considered the Americans a threat to its monopoly. Americans purchased their trading opium in Turkey because the British restricted access to the Indian product. Occasionally American traders handled Indian opium, but only on consignment for British firms.

Russell and Company, the largest American firm in the China trade, ranked third among the opium dealers. Tea dominated their business, with opium second. The American traders, such as Russell and Company's Henry Wolcott, served as the official representatives of the United States until the arrival of the first American consul in 1854. Of the American traders, only Olyphant and Company refused to sell opium, citing moral reasons. With that single exception, the traders continued to trade opium with the Chinese, believing that the Chinese were corrupt because they accepted bribes for the opium imports and were not Christians. Economics, not the alleged immorality of the business, ruled American opium traders.[10] The American drug traffickers in China, however, operated before the arrival of the smoking-opium culture in the United States. Perhaps because the drug they sold did not affect their homeland, they felt free from concern over the fate of China and its opium smokers.

By 1838 Emperor Daoguang had decided that the opium trade must end. He ordered Lin Zexu, a well-known opium opponent, to abolish the traffic. Emphasizing the health problems related to the drug's use, Commissioner Lin, as he was known by the English, demanded that all opium and smoking paraphernalia be surrendered to the Chinese government. By summer 1839 Lin had seized about fifty thousand pounds of opium from Chinese locals. Then he ordered the British opium dealers to turn over their stocks of the drug. The British refused his demand until Lin took more than three hundred foreigners hostage, including the senior British official, Superintendent Charles Elliott, for nearly six weeks. The British finally agreed to turn over twenty thousand chests of opium to Commissioner Lin, who destroyed the nearly three million pounds of confiscated opium. The British responded by authorizing the dispatch of a fleet of sixteen British warships and the mobilization of troops in India. Negotiations between the British and the Chinese began in 1840 and resulted, after some armed conflict (the so-called First Opium War) and much discussion, in the 1842 Treaty of Nanking.[11]

As the first in a series of unequal treaties agreed to between Western and Eastern powers, the Treaty of Nanking required the Chinese to pay six million dollars for the destroyed opium, as well as an indemnity of twelve million dollars to the British. To help the Chinese pay the war debts, the Europeans established a special Chinese customs service that collected funds to pay China's new obligations. That clause denied the Chinese the right to control their own trade. In addition to customs collection, the British gained access to five Chinese ports, obtained extraterritoriality for its citizens, and acquired the island of Hong Kong "in perpetuity." Ironically, the treaty possessed no clause regarding opium. The only contribution by the United States to the conflict was to send the navy's heavy frigate *Constellation* to Whampoa for nine weeks, but it did not engage in combat. While the British fought the Chinese in the war, American opium traders, such as Augustine Heard and Company, took over the opium business for the British.[12]

Only after the Second Opium War, 1856–1858, did the British and Chinese formally agree to relax import regulations on opium. The 1858 Treaty of Tientsin established a thirty-tael-per-picul import duty on opium and provided that the drug could be sold only at treaty ports and that only Chinese could carry it into China's interior. As a result, legal imports of opium increased from sixteen thousand chests in 1830 to seventy thousand chests in the immediate post–Second Opium War period.[13]

At the same time that opium's use expanded in China, the narcotic found its way to the United States with the Chinese gold rush adventurers. According to Dr. Harry Hubbell Kane, opium smoking was "essentially a vice"; it was more specifically "an Asiatic vice," argued William Rosser Cobbe, a former medicinal-opium addict.[14] The *Reno Evening Gazette,* February 21, 1879, called the opium habit "a foul blot on society—a hideous, loathsome moral leprosy, paralyzing the mind and wrecking the body. It is a foul cancer, eating the vitals of society and destroying all who are drawn within its horrible spell."

Opium prepared for smoking contained less morphine than the medicinal-opium familiar to Americans. As such, few people used the two types of opium interchangeably. The drug could be produced from medicinal-opium; however, the process took approximately eight months, according to E. G. Swift, general manager of the drug firm Parke, Davis & Co., in 1909.[15] Generally, the two varieties of opium were produced independently of one another, but both originated from crude opium.

Dr. Kane claimed that the Chinese chose their opium based on its flavor and not on its percentage of morphine. Two types of smoking-opium were available to the consumer, No. 1 and No. 2. No. 1 included Li Sun and Fuk Lung, which differed only in flavor, according to Kane. No. 2 came from a mixture of crude opium and the ash left over from smoking No. 1. Called *yen tshi* or *yenshee,* this form of smoking-opium was used by those who could not afford No. 1.[16] Both types addicted the users. Unlike with medicinal-opium, Americans disapproved of smoking-opium's use, perhaps because of its association with the Chinese and the drug's alleged immoral effects.

Opium for smoking could be legally purchased in practically any Chinatown in the United States. Chinese secret societies imported and distributed the narcotic. These societies, also known as tongs or triads and occasionally confused with voluntary and oftentimes benevolent organizations of Chinese district or clan associations, controlled the leisure-time activities of prostitution, gambling, and narcotics that formed a separate economic base within the Chinese community. The Reverend Otis Gibson, a longtime missionary to the Chinese in China and in the United States, believed the secret societies helped with any "villainous business that comes to hand."[17]

From the 1850s to the early 1870s, generally only young Chinese men smoked opium. Visiting the opium dens helped the Chinese laborers deal with their lives as virtual indentured servants in the United States by giving them companionship as well as a temporary escape from reality. By the early 1870s the smokers' demographics had changed as members of the Anglo-American underworld, such as prostitutes, gamblers, and petty criminals, started smoking the drug.[18] Until 1909 smoking-opium legally entered the United States, making its acquisition fairly easy for Chinese and Americans alike. Smuggling opium into the country, though, avoided tariff payments and provided increased profits for the opium dealers.

Reports of opium being smuggled into the United States began at least twenty years before the common use of the narcotic by Anglo-Americans. From the 1850s onward, smugglers designed creative methods to bring the drug into the country to avoid the tariffs imposed by the United States. S. S. Boynton, an American smuggler in the 1850s, described how a fellow smuggler, Dick Ross, brought an exotic snake from Japan into the United States for the sole purpose of having a cage made of hollow bamboo segments in which to smuggle opium. Although offered "a handsome price" for the serpent, Ross knew that the opium stowed in the cage would bring

him five hundred dollars in Chinatown, far more than the price offered for the snake. Boynton noted that opium purchased in Asia for seven or eight dollars per pound could be resold in San Francisco for twice that amount. He also commented that by the late 1850s, revenue officers in San Francisco were skilled at checking vessels for smuggled items. Other methods of smuggling the substance into the country included tucking it between the toes of Chinese passengers or in the seams of their clothing, putting it in false bottoms of water casks or in long bamboo poles, and generally concealing it "in every possible, conceivable place" before disembarking in San Francisco or Portland. In 1877 a U.S. Senate report found that the Chinese smuggled opium into the country to avoid tariff payments.[19] Neither the Chinese nor the American smugglers seemed concerned with the morality of their business and were similar in that regard to the agents who brought opium to China prior to the First Opium War.

Occasionally the authorities seized smuggled opium. The *New York Times* of April 17, 1875, reported the seizure of eighty cases of "oil." In twenty-eight of the eighty cases, revenue officers found opium, weighing in total 1,666 pounds and worth nearly $25,000. The opium/oil had been consigned to a wealthy Chinese firm in San Francisco. Another *New York Times* article, May 14, 1882, described the packaging of opium bundles found on a beach in Olema, California. Wrapped in a double tin box about eighteen inches square, covered with heavy sail duck, painted with white lead, and covered with black paint, each watertight package contained sixteen balls of prepared smoking-opium. The newspaper commented that "the profit of smuggling is so great that every device is used to get it ashore." As a port city, Portland, Oregon, also reported instances of opium seized by customs officials. In 1869 Mr. Gray, inspector of customs, discovered "a lot of smuggled opium," while his colleague Deputy Collector Hoyt seized sixty half-pound packages of opium worth eight dollars each from the vessel *Onward.* Eight years later, Portland customs officials seized $5,000 and $12,000 worth of the narcotic in two separate incidents.[20] Reports of the opium seizures made the news in communities far away from either San Francisco or Portland. The *Butte Miner* (Montana), March 28, 1882, published a brief article noting that the purser and steward aboard the *City of Tokio* had been arrested for smuggling opium into the United States from Hong Kong. What is interesting about the article is that it was published in Montana. If opium use did not exist in the region, the article would have held little relevance to the community; however, the territory's

anti–smoking-opium statute had gone into effect only eight months before the smuggling incident, indicating an anti-opium base in Montana society and, hence, interest in opium smuggling cases. The reports made it clear that the smuggled narcotic was smoking, not medicinal, opium.

Opium dens became a lasting part of the Chinese stereotype. Even modern Hollywood filmmakers who include a Chinatown in their productions frequently feature an opium den in their movies or television episodes. For example, one episode of the 1970s television series *Kung Fu,* starring David Carradine, focused on the evils of Chinese opium smoking, triads, and opium smuggling in the nineteenth century. Despite its historical inaccuracies, the episode continued the Chinese opium-smoking stereotype for modern audiences. The 1971 movie *McCabe and Mrs. Miller,* starring Warren Beatty and Julie Christie, showed how opium had spread to the Anglo-American underworld in the late nineteenth century. Films set in contemporary America changed the opium stereotype little, as is evident in the 1981 movie *An Eye for an Eye,* set in San Francisco and starring Chuck Norris.[21] The film's heroes discover the villain in a Chinatown opium den run by a Chinese triad with links to Asian drug smugglers. The den itself is located in an alley, with a guard at the door who requires a password for admission to the facility, where Chinese prostitutes are available as well as the drug. All three Hollywood productions may have focused on opium because of growing drug use in American society during the 1960s and 1970s. In any case, the image of the Chinese, at least in Hollywood, continued to link opium smoking and organized crime.

As defined by various legal cases in the American West, an opium den or "opium joint" was a house or place kept for the purpose of smoking the drug and was considered a "rendezvous for persons of evil habits and practices." Also, in the opium den, the proprietor provided smokers with equipment to smoke the drug. Established by and for the Chinese, the first opium dens in the United States appeared in San Francisco's Chinatown. Despite the dens' location in the backstreets of Chinatown, California's politicians, medical doctors, and newspaper reporters found their way to them and published descriptions of them that set the mood for the American public regarding the drug emporiums. In 1876, on the U.S. Senate floor, Aaron A. Sargent (D-CA) verbally attacked San Francisco's Chinatown and its opium and gambling dens after his tour of the Chinese community. His attack probably reflected an attempt to win the anti-Chinese vote at the next election. Other politicians might have chosen the opium is-

sue because some voters feared that the drug would spread to the Anglo-American community. Making opium a political issue also focused the voting public's attention away from other issues, such as wages, working conditions, and the monopolization of industry.[22]

Readily available throughout Chinatown, opium could be legally purchased at many Chinese merchants' shops and was considered a speculative commodity. Opium dealers readily advertised their product by placing red signs outside opium dens reading "Pipes and Lamps Always Convenient," "Panta opium retailed here," and "Opium dipped up in fractional quantities, Foreign smoke in broken parcels, No. 2 Opium [*yenshee*] to be sold at all times." Available in five-ounce tins for approximately eight dollars, opium continued to be easily accessible after both San Francisco and California outlawed the substance in 1878 and in 1881, respectively. Wells Fargo & Co.'s *1882 Directory of Chinese Business Houses* continued to list at least six opium dealers in the San Francisco and Oakland areas, as well as other dealers in San Jose and Stockton. Kwong Hong On and Company was the largest opium dealer in the United States, selling nearly twenty-eight thousand dollars' worth of opium between 1880 and 1891.[23]

Smokers developed a loyalty to a particular den, as friendship, security, and opium could be found there. If a smoker violated the safety of the den or those who smoked there, then he or she could be expelled from the establishment. The practice of smoking opium became a shared social experience for the habitués.[24] The *San Francisco Chronicle,* July 25, 1881, claimed that smokers preferred to smoke opium in Chinatown's dens because "when the longing comes on them they cannot satisfy it except in a . . . Chinese den." The newspaper compared opium smoking to alcohol consumption in that both habits caused the users to "want to get way down in the mud" while experiencing their particular form of addiction.

Opium for smoking was available throughout the West, not just in San Francisco. In 1882 Dr. Kane explained that the practice had so expanded that habitués required only a letter of introduction from their regular den to gain admission to a new den elsewhere in the country. He also noted that "even the little frontier towns and mining camps have their layouts and their devotees."[25] Apparently Kane's information was right. The West's opium dens catered not only to the Chinese but to members of the Anglo-American community as well. Reports of the dens' existence frequently made the newspaper columns. On December 4, 1872, the *Pioche (Nevada) Daily Record* matter-of-factly noted that opium dens existed in its China-

town, while the *Tuscarora (Nevada) Times-Review,* November 17, 1880, claimed that the local dens were "running in full blast." Similarly, a March 8, 1881 *Virginia City Territorial Enterprise* article reported that "no less than a dozen places in Chinatown" existed to smoke opium, and that young men and women visited the dens "quite openly and in broad daylight."

Called "pestilential hovels," "vile, pernicious dens of debauchery," "loathsome sinks of pollution," and "caves of oblivion" by journalists, opium dens, according to Dan De Quille, existed wherever the Chinese lived. The *Salt Lake Herald,* September 16, 1881, claimed that the dens were "kept by Chinese, of course." However, the business of selling and smoking the drug was not confined to dens alone. The items necessary to smoke opium could be acquired in Chinese laundries, shops, and gambling establishments and from Chinese prostitutes.[26]

Often accompanied by "nocturnal guardians of the public peace," reporters investigated the opium dens. In the newspaper columns that followed the visits, they listed the addresses of the dens they had inspected. In San Antonio a prospective smoker could go to 216 Soledad Street or to 12 North Flores Street to obtain the narcotic and a place to smoke it. In San Francisco, Willard Farwell, in *The Chinese at Home and Abroad,* listed the addresses and number of bunks available at more than twenty opium dens. Other articles described the locations of the dens sufficiently to allow practically anyone familiar with the community to find his or her way to them. For example, in Cheyenne, Wyoming, a smoker could visit a den in an alley near Ferguson Street between 15th and 16th streets, and in Fort Benton, Montana, a smoker could stop at the washhouse near the levee on Benton Street or another den at Main and St. John streets. In Salt Lake a smoker might visit Ah Coon's den in the "first alley running off Commercial street to the left" or any of the five other dens in the Commercial Street vicinity.[27] The reporters' aim was probably to dissuade people from visiting the establishments; however, the articles were sufficiently informative to give those with the desire to try opium a place to go to do it, as well as complete instructions in how to smoke the narcotic.

Opium dens also reached into small, unincorporated villages of the West, such as Deer Lodge, Montana. The *Deer Lodge New North-West,* January 16, 1880, sarcastically noted that Deer Lodge did not possess an opera house, a city government, or a hurdy-gurdy house, but the town did have an opium den. Calling opium the "worst vice that human flesh is heir to," the article claimed that the place was run by a Chinese man. The newspa-

per wanted legislative action to protect unincorporated villages from such establishments. The community waited a year for Montana to pass legislation regulating the substance; but whether the statute was effective in Deer Lodge is unknown.

Descriptions of opium dens found in western newspapers and reports differ little from accounts of dens in China, except that American opium resorts did not use bamboo or rattan furniture and matting.[28] A *Fort Benton River Press* (Montana) reporter wrote on January 19, 1881, that the first of three dens he visited "resembled more an apartment in Hades" than a place to relax. After investigating the third den, the journalist noted that another full description of it "will be unnecessary, as they are all as exactly alike as possible." A reporter for the *Cheyenne Daily Leader,* August 25, 1878, claimed that "a few minutes stay was sufficient to gratify the most morbid curiosity, especially as the perfume arising from the burning narcotic was anything but pleasant."

By far, Dan De Quille penned the best description of an opium den, in a July 28, 1874, *Virginia City Territorial Enterprise* article on the opium habit. De Quille's account is one of the most thorough and appears representative of many of the opium dens in the West. He wrote that upon entering the den, "we can see nothing but the lamp, but gradually our eyes adapt themselves to the dim light and we can make out the walls and some of the larger objects in the place." Once his eyes adjusted, he noticed that "two sides of the den are fitted up with bunks, one above the other, like the berths on shipboard. A cadaverous opium-smoker is seen in nearly every bunk. These men are in various stages of stupor. Each lies upon a scrap of grass mat or old blanket." When a new client entered the den, De Quille observed that the boss of the "cavern of Morpheus" rises "from the table, takes up a pipe and its belongings, sleepily lights one of the small alcohol lamps and then places the whole before his customer. The old man then returns to his table and sits down. Not a word is spoken. Thus the business of the cavern goes on, day and night." De Quille's account gave his readers a graphic yet deliberately dark account of one of Virginia City's opium dens.

In order to smoke opium, a person needed the drug, numerous pieces of equipment, and a place to recline while indulging in the habit. The opium den's proprietor provided bunks to relax upon while smoking, as well as the equipment if the smoker did not possess his or her own. The opium pipe consisted of two parts, a stem made from bamboo and a bowl that was attached to the upper far end of the pipe. The process also required a nee-

dle to prepare the opium, a lamp to heat the opium pellet, and an instrument to clean the bowl of the opium pipe. The opium bowl came in several styles, with the thicker bowls probably made for commercial use and the finer, more fragile bowls of better workmanship for those who owned their own equipment.[29]

Although both men and women smoked the drug in the dens, according to Dr. Kane women received the poorest-quality pipes because the Chinese believed that if a woman smoked from a good pipe, it became worthless and likely to split. If a smoker desired to buy his or her own equipment, it could be purchased, by 1888, for five dollars and consisted of a pipe, lamp, needle, and cleaning utensil. Prostitutes, Chinese and white alike, occasionally possessed their own equipment for the convenience of their customers as well as themselves. Some Chinatown opium dens bordered brothels, making it convenient for customers to use the services provided by both establishments.[30] In Winnemucca, Nevada, a judge put confiscated opium-smoking equipment on display in his office. The *Winnemucca Daily Silver State,* October 2, 1879, commented on the judge's exhibit: "the whole outfit has a dirty appearance, causing people who have examined it to wonder how anybody not utterly debased can enter the filthy dens and indulge in a smoke from pipes which have undoubtedly been used by leprous Chinese, and run the risk of contracting contagious diseases."

Once the smoker acquired the necessary items, the process of smoking the drug began. In *Roughing It,* Mark Twain described the procedure: "Smoking is a comfortless operation, and requires constant attention. A lamp sits on the bed, the length of the long pipe-stem from the smoker's mouth; he puts a pellet of opium on the end of a wire, sets it on fire, and plasters it into the pipe much as a Christian would fill a hole with putty; then he applies the bowl to the lamp and proceeds to smoke—and the stewing and frying of the drug and the gurgling of the juices in the stem would wellnigh turn the stomach of a statue."[31] Although more-thorough accounts exist of the process, Twain's words convey the lengthy method involved, while at the same time reflecting his disgust with the habit.

Despite the numerous and graphic newspaper articles about opium dens, the use of the narcotic continued to grow in the West. In Virginia City, Nevada, from 1871 to 1876, opium den proprietor Sing Woh's smoking-opium sales increased nearly 600 percent, from 94 ounces to 561 ounces per annum, despite the price of two dollars per ounce, slightly higher than in San Francisco. The cost of opium differed little around the West, with a

single pipeful most often costing twenty-five cents. As few smokers found one pipeful sufficient to obtain the desired state of mind, they frequently spent up to two dollars per session.[32] Neither reporters' attempts to paint murky pictures of opium dens nor the cost of the drug seemed to discourage smokers.

By the early 1870s the opium habit had spread east of the Mississippi River. The *New York Times,* December 26, 1873, reported that the habit had arrived in New York's Chinatown, where one "opium-smoking saloon" compared equally with "the most frequented dens of Canton." Dr. Kane observed that by late 1876, opium dens could also be found in Chicago, St. Louis, and New Orleans. He even included the addresses of four opium dens in New York's Chinatown in his article for a medical journal. The opium habit continued to spread during the 1880s and 1890s, moving into, for example, Boston and Milwaukee.[33] Western newspapers kept their readers aware of the drug's geographical expansion by publishing articles about dens located in the East. As if to emphasize these territorial gains of the habit, the *Salt Lake Tribune,* January 10, 1886, positioned two articles on the habit side by side. One discussed opium use in Salt Lake City, while the other offered a report of "an elegantly attired young lady" in Chicago whom police arrested while she attempted to purchase and smoke opium at Moy Sing's laundry at 149 Desplaines. After being taken to the police station, she promised to stop using opium; however, once released from police custody, she promptly boarded a bus bound for Chicago's South Side, where Chinatown was, apparently intent on completing the act the police had prevented earlier.

Occasionally Anglo-American men and women ran opium dens that operated in the East. Kane reported that a white woman and her two daughters kept a den on Twenty-third Street in New York City.[34] The *New York Times,* August 29, 1882, reported that Mrs. Kate Chisom, a thirty-five-year-old proprietor of an all-female Anglo-American opium den in Philadelphia, had learned the habit and the business from Mme Fanian, a French woman in New York. Interestingly, no Chinese were involved in the dens of Mme Fanian or Mrs. Chisom; however, Mrs. Chisom's house was "fitted up with Oriental luxury." The *Milwaukee Sentinel,* September 1, 1890, reported that a "young man who is said to be a clerk in a clothing store" ran an opium den on East Water Street in the city. If the first reports of Anglo-Americans smoking the drug are to be believed, it took less than twenty years for the narcotic to spread throughout the United States to the

white elite and middle classes, including the ownership and management of opium dens.

Little or no mention is made in the nineteenth-century literature about the smoking-opium habit in the American South, with the exception of New Orleans. Although the Chinese worked in the South as contract laborers in the post–Civil War era, they tended to come from Latin America rather than directly from China. Many of these Chinese, according to historian Lucy Cohen, abandoned their native language and customs, married local Creole, African American, Anglo-American, Mexican, or Native American women, and converted to Christianity, especially Catholicism.[35] Perhaps the development of opium dens in the South became unnecessary because the Chinese men established families and did not require the companionship found in opium resorts.

Despite its apparent rarity in the South, the easy availability of opium and its equipment, and its spread eastward from California through the Rocky Mountains and the Great Plains and finally into the East, raised the question of exactly who smoked the substance. Generally, Americans were not concerned when the Chinese used the narcotic, but when Anglo-American men and women smoked it, the issue took on a greater significance. Hamilton Wright, a commissioner to the 1909 Shanghai Opium Conference, estimated that 35 percent of the Chinese community smoked opium, based on the drug's importation figures. Estimates of Anglo-American smokers ranged from approximately six thousand in 1875 to 3 percent of the white adult population of the United States, or nearly seven hundred thousand people, in 1880. Dr. Kane claimed that in 1868 in California, the first Anglo-American opium smoker was "a sporting character, named Clendenyn." In 1871 Clendenyn initiated the second Anglo-American into the habit. Kane claimed that "each new convert seemed to take a morbid delight in converting others, and thus the standing army was daily swelled by recruits."[36]

By 1875 the habit had spread to the Anglo-American demimonde. The *Virginia City Evening Chronicle,* March 31, 1875, asserted that the majority of Virginia City's smokers were young men who belonged to the "sporting fraternity" and white women who belonged "to the outcast classes." Further, on June 8, 1875, the newspaper noted that if the habit were confined only to the Chinese, then it "would be scarcely worthy of notice," but because of the drug's spread, the newspaper felt compelled to express its opinion on the subject.

Newspaper editors occasionally took the point of view that for members of the demimonde who smoked opium, it might be "a blessing could they die in one of their delicious dreams," or that the habitués sought relief from their lifestyles in the establishments.[37] The *New York Times,* July 28, 1877, observed that if the opium habit concerned only the demimonde, then it "might be well enough not to interfere"; but the *Carson City (Nevada) Morning Appeal,* April 2, 1879, disagreed, declaring that "it is worth the while to save them from this worst and most degrading of all vices." Despite the differences in opinion on whether the underworld should be rescued from the drug, it is apparent that the journalists were becoming aware of the spread of the opium habit to the Anglo-American community.

By the mid-1870s the habit extended to the classes in the West that included merchants, gentlemen, married and single women, and Native Americans. The *Virginia City Territorial Enterprise,* September 11, 1874, reported that a young Native American woman died in an opium den in Benton, Nevada. The woman's tribe wanted the den's proprietor held responsible, but "the Chinaman got frightened and skipped." Apparently nothing came of the incident. Regarding Anglo-Americans, the *Reno Evening Gazette,* February 21, 1879, commented that "white men and women daily and nightly visit these loathsome resorts of degradation." Concurring with the Reno publication, the *Fort Benton River Press,* January 19, 1881, quoted the guide who had led its journalist to a local opium den: "You would be surprised, if you knew who frequented this place. Some of the best people in town either come here or buy opium here." The reporter expressed surprise at the number of opium addicts who lived in Fort Benton, including women and "boys who are only just on the verge of manhood."

The spread of opium generally followed the same steps: First, the Chinese smoked the drug, then the Anglo-American underworld, followed by the so-called respectable class of men and women, and finally the habit reached the children of the community. The *Virginia City Territorial Enterprise,* April 7, 1877, claimed that the Chinese, "with the cunning of devils," deliberately lured young people into the opium dens. Also in Virginia City, Mary McNair Mathews commented that boys and girls aged twelve to twenty were "daily being ruined by this opium smoking." In Utah the Chinese allegedly distributed opium to teenage boys for free so that they would become addicted to it.[38] The *Ogden (Utah) Herald,* November 22,

1884, claimed that Chinese men attempted "to entice little girls into their dens for immoral purposes." The *Virginia City Evening Chronicle,* February 10, 1876, reported that Virginia City students frequented Chinatown's opium dens and that the "disclosure of this fact may well excite alarm among the parents of the city."

Describing the sensational details of one case, the *Virginia City Evening Chronicle,* July 9, 1877, reported an incident involving a young girl found in a D Street brothel after a four-day absence from her home. The article explained that the girl received opium from the madam, Rose Benjamin, and was told to "sleep with men." Unbeknownst to the girl's family, she smoked opium regularly in Virginia City's Chinatown and in neighboring Gold Hill's opium dens. When confronted by her parents, the newspaper reported, the girl "did not seem to experience the slightest sense of shame" but did deny sleeping with men at Benjamin's bordello. The *Reno Evening Gazette,* February 18, 1881, suggested that schools teach students about the evils of opium, because their parents failed to warn them sufficiently about the vice.

The people who frequented the opium dens in the East came from the same classes as those in the West. The *New York Times,* December 26, 1873, reported that Chinese men lured young, poor, white girls into opium dens with offers of food; the den operators then encouraged the girls to smoke opium. The Chinese men, according to the report, always had food available because "he like young white girl. He! he!"—implying that the men seduced the girls once they smoked the drug. On April 15, 1882, just weeks before the passage of the Chinese Exclusion Act, the *National Police Gazette* reported that two young, white women "who had been indulging in the demoralizing pleasures of the pipe" were taken to the police station to sleep off the effects of the drug. The title page of that *Gazette* issue illustrated two women lurking outside a Chinese opium den. The article noted that "it is a significant commentary on the alarming spread of this species of dissipation that such scenes as the one we picture are by no means uncommon and that the slums in which the 'opium joints' are located are constantly becoming better acquainted with them."

Frank Leslie's Illustrated Newspaper claimed that working, as well as upper-class, women frequented the dens on New York's Mott Street. The periodical's editors devoted two weeks of lead articles in May 1883 to the spread of the opium habit among the city's white women. Title page illus-

trations accompanied the articles; one depicted a white woman being carried into an opium den by two Chinese men, while another illustrated Chinese opium-den proprietors bringing another set-up of opium to a number of working-class women already under the drug's influence. The newspaper's reporters also claimed that "carriages from up-town" carrying "richly-dressed ladies" regularly arrived at the Chinatown opium dens. Dan De Quille, a more reliable and less sensationalistic source than either *Frank Leslie's Illustrated Newspaper* or the *National Police Gazette,* reported that in late-1880s New York City approximately one thousand Anglo-Americans smoked opium "in the same manner and form as the Chinese," and he found that many of these smokers were "well-known and fashionable people" of the city.[39] Likewise, the *Milwaukee Sentinel,* August 23, 1885, reported "dozens of respectable-looking men and girls" frequenting Lee Chung's opium den situated behind his downtown Milwaukee laundry.

Smoking-opium's spread throughout the United States was ascribed to the Chinese. Kane noted that "it is an interesting fact that this vice, having its start in California, the Chinaman's first place of foothold in this country, has gradually spread eastward, keeping pace with the advance of the Celestial in the same direction." He also claimed that the increase in opium use in the country was not solely due to a rise in the Chinese population, but was a result of its rising use by Anglo-Americans who visited the Chinatown opium dens. Hamilton Wright compared the increase in the Chinese population with the increase in opium imports and decided that "it shows beyond a doubt the extension of the habit of opium smoking from the Chinese to Americans." He concluded that because the imports of opium exceeded the Chinese need for it, Anglo-American use must have increased. In a 1910 report Wright explained that imports of smoking-opium increased from approximately 113,000 pounds in the 1840s to 1,500,000 pounds by 1909. Wright also claimed that by 1909 the Chinese population had increased to 120,000. Based on his calculations, he concluded that 120,000 Chinese could not consume all the opium imported into the country.[40] Using the U.S. Census report figure of 67,000 Chinese in the United States in 1910 actually makes Wright's conclusions more significant because if 120,000 Chinese were unlikely to consume 1,500,000 pounds of smoking opium, then 67,000 Chinese were even less likely to do so strengthening Wright's claim that the habit had spread to Anglo-Americans.

No matter the source of information, from sensationalistic journals to social reformers to veteran reporters, there was agreement by the early

1880s that the opium habit had spread to the East Coast and addicted the same classes of people affected by the drug in the West. And there was equal agreement that people addicted to a drug that sapped their strength, their money, and their dignity could not contribute to the advancement of the nation.

Chapter Three

THREATS TO BODY AND BEHAVIOR

To persuade Americans of smoking-opium's inherent evil, journalists, doctors, and politicians wrote extensively about the drug's behavioral and physical effects on the body and the nation. These side effects became a major part of the demands for its exclusion from the United States. The American medical community conducted numerous studies into the effects of opium smoking on the body. Popular, as well as medical, journals and magazines, such as *Harper's Weekly, Harper's New Monthly Magazine,* the *Medical Gazette* and *Theriaki: A Magazine Devoted to the Interests of Opium Eaters,* published physicians' analyses of the drug and its impact. As a whole, professionals took a decidedly negative view of the narcotic and in doing so probably contributed, knowingly or not, to the anti-Chinese feeling in the United States.

The first major American source on opium is Dr. Nathan Allen's *Essay on the Opium Trade: Including a Sketch of Its History, Extent, Effects, etc., as Carried On in India and China,* published in 1850, just after the arrival of the first Chinese in the United States. Allen's work proved important to later doctors, such as Alonzo Calkins and Harry Hubbell Kane, interested in smoking-opium and its impact on the body and society. As early as 1851, S. Wells Williams, a chronicler of China and coauthor of the 1868 Burlingame Treaty (discussed in chapter 4), recommended that Allen's book be sent to all opium producers and traders so that they might learn the problems associated with the drug. Further, he described Allen's book as "this gleam of hope for China in her helpless dilemma between national weakness and the individual appetite of her subjects!" In 1852, the *Bombay Telegraph and Courier* praised Allen's book, calling it "condensed in matter, perspicuous in style, forcible in argument, strong in indignant feeling, but withal impartial" and urging that it be circulated to the European residents of India.[1] Despite the praise the book received, it was still too early

for Americans to be concerned with smoking-opium, as few Chinese lived in the United States at that time and Americans had not yet developed an anti-opium, anti-Chinese prejudice.

Just seventeen years later, in 1867, Alonzo Calkins confirmed Allen's fears by reporting that "not in China alone, but here in America, its [opium's] progress of late is thoroughly alarming." In 1882 Dr. Kane, the most prolific writer on the drug's effects, wrote in *Opium-Smoking in America and China* that "viewed from any stand-point the practice is filthy and disgusting; is a reef that is bound to sink morality; is a curse to the parent, the child, and the government; is a fertile cause of crime, lying, insanity, debt, and suicide; is a poison to hope and ambition; a sunderer of family ties; a breeder of sensuality and, finally, impotence; a destroyer of bodily and mental function; and a thing to be viewed with abhorence [sic] by every honest man and virtuous woman." In another article that same year, Kane, an advocate of Chinese exclusion, wrote that the "Sandlot agitators" in San Francisco should not complain about Chinese labor competition but instead should vent their animosity against "opium-smoking, by which the Chinese were working us the most harm."[2]

Like Allen, Dr. Kane received praise for his work on opium. In 1882 the *Atlantic Monthly* told its readers that the doctor "understands the seriousness of the subject" and that his book "will possibly excite alarm rather than allay curiosity—the better use of the two." *Penn Monthly* shared similar feelings, that "public attention cannot be too soon directed toward devising means for its [opium's] suppression." The reviewer added that Kane's book should "attract the general reader as well as the physician." The book reviews provided a partial bibliography of Kane's other publications on opium for the further edification of readers.[3] With reviews like these appearing in the popular press, it was apparent that the public was interested in the opium habit and its association with the Chinese.

Negative comments from medical practitioners about opium continued for the rest of the century. In 1892 the *Journal of the American Medical Association* claimed that smoking-opium was "never used for any legitimate purpose" and that "its sole uses are as an intoxicant or as an aid to the perpetration of illegal and vicious acts." In 1897 Dr. Leslie E. Keeley wrote that "from the east comes the scourge of cholera and the infinite plague of opium smoking" and that the Chinese "influence for evil is felt in this matter [opium smoking]."[4] The continuing concerns of the American Medical Association about opium may reflect a genuine belief that the drug was

dangerous or possibly demonstrate the medical community's ongoing anti-Chinese bias.

For physicians, few differences existed between addiction to smoking-opium and to alcohol. The most significant was that alcohol consumption was considered a "masculine" activity because it caused its consumers to become talkative, competitive, outgoing, abusive, and destructive. Opium smoking, on the other hand, was considered feminine because the medical community believed it resulted in introspection, indifference, defeatism, and silence. Some doctors also believed that smoking-opium entailed a vice "incalculably worse" than alcoholism because it did not readily respond to medical treatments and it destroyed the morality of the user.[5]

In comparing medicinal- and smoking-opium, American doctors found medicinal-opium as addictive as smoking-opium; however, according to Dr. Kane, smoking-opium bore no relation to its medicinal cousin in terms of the resulting moral problems. William Rosser Cobbe, a former medicinal-opium addict, agreed with Dr. Kane when he noted that medicinal-opium was used because of "physical infirmity," whereas opium smoking was "instigated by moral depravity." Dr. Keeley, owner of the Keeley Institutes, which specialized in opium cures, likened opium smoking in dens to worshipping Satan in a demonic temple. Another difference between the two types of opium was where and how the drug was consumed. Medicinal-opium could be taken with a doctor's permission and consumed at home alone, while smoking-opium was a communal practice done in Chinatown with members of the demimonde.[6]

Laymen often believed that smoking-opium and alcohol both destroyed the individual and the family. Rev. Gibson wrote that "opium produces less of crime than liquor, but not much less of poverty, disgrace, and ruin." *Scribner's Monthly* contributor George Parsons Lathrop declared that "the frequenters of either resort detest the other; yet it is only a choice of stations on the same highway" and that opium smokers "represent a disorder not less dreadful than insanity or the disease of inebriety."[7] The *Salt Lake Tribune,* November 15, 1879, even blamed the drug for child abuse. Opium smoking occurred in Chinatown away from the nurturing influences of home and family and in a neighborhood that shunned Christianity. As such, it could be considered detrimental to American society by some.

The American medical community explained that people smoked opium for a number of reasons. First, some smokers might hope to gain new insights into life, as Thomas De Quincey and Samuel Taylor Coleridge

claimed to have done with medicinal-opium. In 1878, though, a doctor in Cheyenne, Wyoming, maintained that smoking the drug did not create mental ability "where there was none before." Dr. Kane suggested that people smoked the narcotic because of the stress associated with the industrialization of the United States. He claimed that "the growth of brain labor" occurred at the "expense of physical development" and that people needed to relieve their tension in some fashion. Kane also found that people smoked opium for pleasure and not just to alleviate pain.[8]

Dr. Kane believed that opium affected Chinese and Anglo-Americans differently. He implied that was because the Chinese earned less money than Americans, allowing them fewer opportunities to smoke opium, which, in turn, may have prevented them from becoming addicts.[9] On the other hand, Kane's theory that opium had less influence on Chinese smokers may have resulted from his desire, perhaps unknowingly, to have the Chinese appear evil to his readers, thereby indirectly encouraging a proexclusion policy. Since most of his books and articles about the habit appeared from 1880 to 1882, it does not seem an unreasonable conclusion, albeit rather harsh.

The behavioral side effects of opium smoking, according to contemporary experts, included loss of religious conviction, insanity, and moral degeneration. Dr. Kane believed that opium acted as a barrier "to the spread of the true belief [Christianity] amongst these [Chinese] people" because, he said, an opium smoker could not be received into the church.[10] If Kane was right, then Chinese opium smokers could never completely assimilate into American society because they would remain outside the Christian church. For Anglo-American Christians, opium might lead to the loss of moral guidance provided by the clergy.

Regarding insanity as a side effect, the *Virginia City Territorial Enterprise,* April 7, 1877, claimed that the Chinese "are preparing thousands for early graves, or worse still, to be inmates of hospitals and asylums, a burden to themselves and to their fellow-men." In agreement, the *El Paso Daily Times,* May 31, 1884, commented that "opium has furnished more patients for the lunatic asylums of the country than all other known vices." Dr. Kane wrote that opium did not by itself cause insanity, but syphilis and dissipation did, both possible results of the opium habit.[11]

The Nevada Insane Asylum's complaint and commitment form asked if the person to be committed was "intemperate in the use of ardent spirits, wine, opium or tobacco in any form" and what the alleged cause of the in-

sanity might have been. A number of Chinese were committed to the Nevada facility, including Ah Gon and China Love. Both of them, according to their complaint and commitment papers, were intemperate in the use of opium; however, the reason for their stay at the asylum was listed as "not known" for Ah Gon and "masturbation" for China Love.[12] Although it cannot be said with certainty that the two Chinese men abused smoking-opium, the likelihood of their using it was higher than the probability of their taking medicinal-opium. Medicinal-opium required a prescription, and as Chinese doctors generally did not possess Nevada medical licenses, the odds of the men using medicinal-opium were small.

Institutionalized at the same time as China Love in the facility were three Anglo-Americans committed for interesting reasons. Joseph Kilpatrick, aged seventy, was sent to the asylum for "use of opium," but his use may or may not have been medically assisted because of his advanced age and its accompanying physical ailments. August McKay, twenty-six, was committed because of "excessive sexual excitement." W. A. Winfrey, a fifty-five-year-old Georgia native living in Washoe County, Nevada, was confined to the mental health facility because his "mind [is] constantly directed to [his] genital organ." The reason for his commitment was listed as "masturbation." The form also described Winfrey as intemperate in the use of opium. Smoking-opium allegedly caused just such a condition in men and women. All three men lived near Chinatowns and may have visited nearby opium dens. Another Chinese man, Quon Sin Chung, was committed for "mania." The records listed him as "probably" intemperate in the use of opium. In his case, it is interesting to note that the authorities assumed his mania was caused by opium simply because he was Chinese.[13]

In 1875 the Montana territorial government contracted with Dr. Charles F. Mussigbrod and Dr. Armistead H. Mitchell at the Warm Springs facility to assume responsibility for the care and commitment of the territory's mental patients. Reports from Warm Springs indicate that from 1879 to 1881, three Chinese, two men and one woman, were registered there; however, no reasons were given for their commitment. In a separate table, the facility listed intemperance, masturbation, venereal disease, and tertiary syphilis as causes of confinement for its patients. Between 1881 and 1907 the facility housed eight Chinese men but gave no reasons for their commitment.[14] Although it cannot be said with certainty, it is possible that the Chinese patients were committed because of their addiction to opium or because of supposedly associated behaviors, such as masturbation and sex-

ual intimacy, the latter perhaps resulting in turn in venereal disease and its degenerative side effects.

Crime also resulted from using the narcotic, according to some opium opponents. Alfred Lindesmith, a post–World War II sociologist, explained that in the nineteenth century the link between opium use and crime developed because of the rapid spread of the narcotic into the Anglo-American underworld. He noted that the drug did not cause the crime, but the desire to obtain funds to pay for it did. Contemporary reports appear to support Lindesmith's findings. The *New York Times,* July 29, 1877, reported that in Nevada "a heavy hand should be laid on them [opium smokers] and their dissolute course checked, for out of such material graduates the criminal element that vexes and disturbs society." The *Virginia City Territorial Enterprise,* January 22, 1878, also linked opium and crime when it reported that a Chinese was murdered execution-style for providing information leading to the arrest of four Chinese men for selling opium. The idea that opium contributed to an increase in crime did not abate as the drug spread throughout the country. For example, an 1898 description of opium smokers in New York City claimed that "in order to secure a pipe," opium addicts were "driven to the perpetration of crimes of heinous and horrible kinds, which can be better imagined than described."[15] The author gave no statistics to support his argument.

Smoking-opium also caused behavioral changes in a person that resulted in moral degeneration, according to contemporary thought. In 1871 Dr. Alonzo Calkins wrote that "the moral sense has become deranged and diseased even out of proportion to the physical deterioration," as a result of opium. In 1878 J. A. Dacus, Ph.D., author of *Battling with the Demon,* claimed that "there can be no question as to the deleterious effects of opium on the health and morals of the people. The scenes witnessed daily and nightly in the opium dens of San Francisco, Sacramento, and other places in California, and at Virginia City testify concerning the dreadful influence of this Indian drug." Dr. Kane concurred with his contemporaries, claiming that "no one can question the certainty of moral ruin, the charring and obliteration of every honest impulse and honorable sentiment, the sweeping away of every vestment of modesty, by such associations and such surroundings. It needs no sign-board to mark the terminus of this road."[16]

Anglo-Americans blamed the Chinese for the moral degradation of those who sought the pipe's pleasures. The *Virginia City Territorial Enterprise* frequently reported that opium caused its users to lose all sense of

morality. On March 8, 1876, the newspaper claimed that smokers sink "to a level of degradation even lower than that of the pagan brutes with whom they daily and nightly herd." On April 7, 1877, the paper further proclaimed that "the most terrible evils which Chinese immigration are [*sic*] bringing to this coast are not to the industries, but, through opium and lewd women, to the morals and health of the people." The journalists apparently considered morality more important than industrial employment for Anglo-Americans.

Dr. Kane explained the effects of opium smoking on women's and men's morals. He reported that "the women who are to be found smoking at the joints manifest no bashfulness in smoking with strange men, and evince no hesitation in going down into the slums to meet other habitués. They usually remove the shoes, loosen the corsets, and remain for hours on the hard wooden bunks."[17] Newspapers often commented on findings similar to Kane's. The *Elko (Nevada) Independent,* September 10, 1876, found a white woman and two Chinese men "in close proximity—about a foot apart—all beastly intoxicated from the effects of opium, with their pipes on the couch by their sides," and the *Salt Lake Herald,* October 19, 1878, found opium smokers "all jammed promiscuously together." In both cases the meaning was clear: the drug brought about a decline in the morals of the smokers.

The *New York Times,* February 21, 1881, commented that opium smoking "knocks all the manhood out of a man, physically, mentally, and morally; the victim loses all pride and conscience, and lives only for opium." The *New York Daily Tribune,* June 19, 1881, claimed that opium "saps the moral strength and enfeebles the will." The medical and popular press generally agreed that opium was detrimental to a person's morality.

Like the behavioral effects of smoking-opium, researchers studied the physical consequences of the narcotic as well. Medical research about opium differed little in the eighteenth and nineteenth centuries. In 1700 Dr. John Jones, author of *The Mysteries of Opium Reveald* [*sic*] and member of the College of Physicians in London, claimed that opium gave its user an "agreeable, pleasant, and charming Sensation about the region of the stomach," put the user in good humor, and gave him or her courage, but also caused indolence. Nearly a century later, in 1792, *Culpeper's English Family Physician* reported that opium relaxed the nerves, abated cramps, and stopped purgings and vomitings, but that an overdose of the drug frequently caused death. Few facts and opinions about opium had changed since the work of Dioscorides.[18]

In the United States, medical interest in smoking-opium, rather than in medicinal-opium, began with Nathan Allen's 1850 essay in which he claimed that while the smoking variety excited the intellect and stimulated the imagination, it also caused the smoker to lose all interest in "labor, care and anxiety." In 1873 *Theriaki: A Magazine Devoted to the Interests of Opium Eaters* reported that intoxication from smoking-opium lasted six to ten hours and produced a feeling of "repose and satisfaction," indicating a smoker's inclination to ignore his or her duties and responsibilities.

Because of the possibility of addiction, American doctors began the serious study of the narcotic's physical side effects. In the 1860s Calkins found that smoking-opium caused problems for the digestive organs, heart, and kidneys, as well as inducing irritability, sleeplessness, and headaches. Fifteen years later Kane went a step further by experimenting with the narcotic on himself and, with their permission, on his two male nurses so that he might better understand the drug. Kane studied smoking-opium's effects on, for example, digestion, nutrition, the urinary system, the nervous system, and muscle structure. He found that novice smokers experienced dizziness, nausea, and heavy perspiration, as well as a decrease in their appetite; however, these symptoms disappeared with regular use. Constipation that sometimes lasted for weeks also resulted from opium smoking and occasionally led to hemorrhoids. Moreover, smokers experienced conjunctivitis, near-sightedness, intense itching, acidic urine, and low-grade bronchitis. In spite of the many physical effects of opium smoking, Kane noted that they were not as strong as those observed in either opium-eaters or injectors of morphine.[19]

Smoking-opium became associated with death and the spread of disease. Research into the substance's effects came at a time when Louis Pasteur's germ theory of disease gained acceptance by the scientific community and physicians often explained diseases and sickness in terms of his work. These theories may have been applied to smoking-opium—for example in the fear expressed by some that a smoker could develop leprosy by sharing an opium pipe with others, especially the Chinese. Some anti-opium and anti-Chinese activists even spread the bizarre, bigoted, and medically unsubstantiated idea that frequent use of the product caused its users to develop Chinese characteristics. The British believed that opium smoking resulted in a transmittable disease known as "Orientalness" that changed an Anglo-European smoker's customs, attitudes, and physical appearance to that of a Chinese. Unlike the British, Americans claimed only

that smokers turned pale with yellow-streaked complexions and blackish and yellowish-blue circles around their eyes.[20] The Americans did not mention if these changes spread like a virus.

Opium also allegedly led to death if the smoker practiced the habit with any regularity. When Chinese died of opium overdoses, their deaths were reported only matter-of-factly, as in the case of a Chinese railroad worker in Virginia City who was found dead in an opium den when another smoker rested his head on the dead man's body thinking it was a pillow. Apparently the man had been dead for two or three days. No inquest was held by the authorities, probably because they assumed his death was opium-related.[21] Deaths of Anglo-Americans met with a greater journalistic flurry than those of Chinese. The *Virginia City Territorial Enterprise* of March 28 and 29, 1879, devoted many inches of column space to describing the events surrounding the death of Lawrence Smith, who was found dead in a Chinatown opium den. Local doctors claimed that Smith was indeed dead; however, he was still "tolerably warm." Because of that, the undertaker decided not to bury Smith until his death was completely certain. During the next twenty-four hours, the community's law enforcement agency conducted an inquest into Smith's death and concluded that he died from an overdose of smoking-opium. On the same day, a rumor spread that Smith had come out of a drug-induced stupor to claim that the Chinese operator of the den tried to rob him while he was under the drug's influence. There was no truth to the rumor that he was still alive. Also, because money remained on his body, robbery was ruled out as a motive in his death. Smith's corpse became a brief tourist attraction in Virginia City because of the rumors. Whatever the facts of the death, the newspaper took the opportunity to warn local smokers that the habit was potentially lethal. In Salt Lake City, Albert Reggel, aged nineteen, also died from the effects of the drug. His death led to a series of articles about the young smoker and the evils of Chinese opium dens. In them, a doctor told a reporter that opium smoking "seizes the victim in its death-like grip" and "in the end there is only one outcome, that [of] death."[22] The doctor's words were brief but to the point. In all cases, opium and the Chinese remained linked. The message continued that eliminating one meant eliminating the other.

The physical effects of smoking-opium were clearly considered dangerous by the American medical community. These effects are interesting in and of themselves; however, they are not what concerned the medical community the most. What unsettled them was the drug's impact on sex-

ual behavior. Entreaties for sexual self-control resulted from the belief that the ejaculation of male sperm depleted a man's available energy, resulting in the debilitation of his body and the weakening of his mind. Some believed that the "precious seminal secretion of men" should never be wasted on sex because a man's job was "his principal means of doing good in the world." Anything that detracted from his vocation undermined the goals of the country. That concept also meant that society condemned masturbation because, according to Ebenezer Sibly's 1794 book *A Key to Physic, and the Occult Sciences,* it "endangers the loss of health, and [is] the total ruin of the constitution."[23] Masturbation, like sexual intercourse, resulted in a loss of energy that would better be applied to the man's profession.

With nineteenth-century demands for sexual abstinence, the use of both medicinal- and smoking-opium became a problem. Doctors had long claimed that medicinal-opium helped ease a woman's monthly menstrual pain; however, in 1700, Dr. Jones warned that medicinal-opium caused "a great promptitude to Venery, Erections, &c especially if the Dose be larger than ordinary." If excessive amounts were taken, the user might experience "Venereal fury," "inclinations to Venery," and "Nocturnal Pollutions." Other eighteenth-century doctors concurred with Dr. Jones's work. In 1757, Balthasare Ludovico Tralles's *Usus Opii* (*Uses of Opium*), a classic work on the drug, explained that medical men throughout the ages had noted the aphrodisiac power of opium and that the Egyptians believed opium made them "more potent in love."

America's values might be threatened with the use of medicinal-opium, but at least many communities required prescriptions to purchase the drug and thus, in theory at least, limited its use to medicinal purposes. Smoking-opium, subject to no such limitation, raised new problems for those opposed to recreational sex, as American doctors' medical training about medicinal-opium led them to a logical conclusion that smoking-opium possessed aphrodisiac qualities similar to those of the medicinal variety. Medical writings indicated a heightened sexuality while under the influence of smoking-opium. In 1842 S. Wells Williams reported the findings of G. H. Smith, a surgeon in Penang, who believed that young men smoked opium because the "practice heightens and prolongs venereal pleasure," although eventually the habit led to impotence.[24] American research agreed with the doctor from Southeast Asia.

Calkins and Kane found that opium smoking caused men and women to experience uncontrollable sexual desire. Calkins claimed that smokers

were "habitually tormented with a satyriasis as abortive as it is insatiable." Kane's findings, resulting from self-experimentation, matched those of Calkins. He found that during the first few months of use, smokers noticed an abnormal sensibility to stimulation, as well as delayed completion of the sexual act for men. Further, Kane found that a smoker's will power decreased while under the substance's influence, and in consequence, he or she might be more apt to indulge in sexual behavior.

Dr. Kane claimed that a woman's sexual appetite "sometimes approaches to frenzy" under the influence of the drug. Because of that condition, Kane believed that male smokers eagerly seduced any female smoker they encountered in the den. He wrote that the situation had caused California and Nevada to pass laws against smoking-opium. Kane, however, failed to note a contradiction in his study when he claimed that old smokers seduced women in the dens. In a number of his works, he wrote that the longer a man smoked opium, the more likely his sexual ability declined.[25] If seductions occurred in the dens, therefore, it was probably the new smokers who took advantage of their alleged temporary sexual power, rather than the old, impotent ones.

Kane might have ignored this contradiction because of the racism attached to the issue of opium smoking. Women having extramarital relations or experimenting with sex with Anglo-American men was difficult enough for many Americans to contemplate; Anglo-American women having intimate relations with unknown Chinese laborers and vice operators bordered on the unthinkable. Songs about just such events existed during the late nineteenth and early twentieth centuries. For example, in "Chung Hi Lo and Mary," a young white woman, Mary, entered Chung Hi Lo's opium den out of curiosity. There he "slipped her a ring, a golden thing," and quickly addicted her to opium. The song warned curious Anglo-American women that

> Some day she'll float in the river;
> This is the end alway,
> When her fair eyes fade and another maid
> Charms her Lo away,
> And she will be known as missing,
> Missing 'till judgment day.[26]

The moral was simple: women who frequented opium dens made themselves vulnerable to the sexual advances of men and courted death. Al-

though a Chinese man was the villain in this case, American doctors suggested that women in the opium dens might become the prey of Anglo-American men as well.

Sexual behavior apparently did occur in association with opium smoking, if contemporary reports are to be believed. A young man in Montana reported a sexual side effect of the drug explaining that "where ordinarily it would have taken me only a few minutes to finish [the sex act] it seemed as though after smoking the opium I would never finish,"[27] indicating that the findings of Calkins and Kane were accurate. The September 1, 1890, *Milwaukee Sentinel* reported finding a downtown opium den's closet covered with obscene photographs of children and young girls, adding that a separate part of the resort was designated the "Bridal Chamber." In the *San Antonio Express,* November 28, 1888, a Dr. Wasserzug advertised cures for "sexual, nervous and chronic diseases." The doctor's advertisement appeared directly under an article about a recent raid on a local opium den. By the placement of the ad, it is apparent that even the newspaper editor knew of the connection between smoking-opium and sexual activity. These instances appeared to reinforce medical findings about the sexual side effects of opium.

Doctors found that opium affected sexuality in three ways, including reproduction, prostitution, and racial purity. First, doctors believed, opium hurt a person's ability to procreate. In 1867 Dr. Calkins found that a woman's reproductive ability declined with opium use. He cited a population drop in Formosa (Taiwan) as evidence of his claim. Less than a decade later, in 1876, Dr. J. C. Shorb testified before the California State Senate Special Committee on Chinese Immigration that habitual use of opium destroyed the digestion and, in turn, caused the failure of the reproductive system. Regarding women's reproductive abilities, Dr. Kane reported that menstruation stopped in some women or was "scanty and irregular" in others; however, he also noted that the drug's effect on the procreative power was uncertain. Dr. Calkins discovered that if a female smoker did conceive, there was a chance that the child might suffer from "degeneration of the brain-substance" and might become an "imbecile" should he or she survive childhood. He further claimed that children of smokers died early in life.[28] Modern concerns about babies born with drug-related problems have changed little since the late nineteenth century.

As far as a man's ability to reproduce, Dr. Kane found that after several weeks of regular use of opium, a male smoker's "desire and power are ma-

terially impaired." Men's sexual capacity is frequently referred to in terms of the loss of morality and "manliness" by the doctors. Dr. George Shearer, senior assistant physician to the Hospital for Consumption in Liverpool, England, wrote that "the man becomes a moral paralytic!" George Parsons Lathrop believed that the smoker "is no longer really a man but a malignant essence informing a cadaverous human shape" and that opium debilitates a smoker's "manliness." When smokers stopped using opium, the effects of the narcotic eventually reversed and the men once again experienced sexual desire and the ability to have children.[29] Fewer comments about a male smoker's reproductive abilities are noted in the medical literature than about a woman's abilities to reproduce.

The second important effect of smoking-opium on sexual behavior involved prostitution. This vocation, of course, existed throughout the country, although its presence was especially notorious in the urban and rural communities of the mining West. The women, from all races and nationalities, lived in a stratified underworld society. Chinese prostitutes lived, nearly exclusively, in Chinatown, and thus near the community's opium dens. Chinese and Anglo-American prostitutes occasionally smoked opium in Chinatown. White prostitutes visited the dens with their friends from the demimonde. For Chinese prostitutes who smoked opium, the cost of the narcotic increased the debt they owed the men who held their contracts. Chinese and Anglo-American prostitutes used the drug for the same reasons that men chose to use it, as a temporary escape from their lives or, possibly, a permanent exit through suicide.[30] Chinese brothels provided an outlet for the alleged heightened sexual desires of men who smoked opium at the nearby dens.

The final alleged major effect of smoking-opium on sexual behavior, and tied to prostitution to some extent, reflected the era's fear of genetic contamination through miscegenation. Visits to Chinese brothels by Anglo-American men increased the chances of biracial children being born to the prostitutes. The idea of reverse Darwinism pervaded the thinking of many anti-Chinese Americans. The medical literature claimed that white Americans and their civilization would deteriorate if whites intermarried with nonwhites, especially the Chinese. In 1862 Dr. Arthur B. Stout wrote that the United States stood apart from all nations in "its purity and highest degree of cultivation and refinement." Stout continued that "to the Caucasian race, with its varied types, has been assigned the supremacy in elevation of mind and beauty of form over all mankind" and "no new com-

bination of distinct existing races can improve this Divine excellence. Whatever enters it, tends to destroy it."

American doctors, especially Stout, advocated that the United States protect its people; the government should "strive to preserve the purity of the race; and, irrespective of political theories, should guard it from every amalgamation with inferior types." Stout warned simply to "plant not the germs, and there will be naught to eradicate." His solution to the potential degeneration of the United States was to exclude the Chinese from the country. *Popular Science Monthly* contributor Gerrit Lansing's 1882 sociological study of Chinese immigration agreed with Stout's views regarding Chinese immigration, stating that the nation "must be guarded from the retarding influence of a different race."[31]

To prevent the deterioration of the American population, doctors suggested a number of ways to stop the importation of smoking-opium. In 1862, nearly a decade before its common use among Anglo-Americans, Dr. Stout called for laws prohibiting the narcotic's entry into the country. Dr. Kane wanted an increase in the tariff on smoking-opium as a way to regulate its use. In 1892 the *Journal of the American Medical Association* called on the nation's legislators to enact laws to end the substance's use so that the country might avoid the drug-addiction problems China experienced.[32]

If the doctors could not prevent the entry of the drug into the United States, then some of them advocated a treatment for opium addiction. Advertisements for opium cures appeared in many newspapers and popular publications of the day. For example, the September 25, 1875, *Frank Leslie's Illustrated Newspaper* advertised a number of doctors selling opium cures, including W. B. Squire, M.D., who offered opium and morphine cures, and Dr. S. B. Collins and his "Painless Opium Antidote." Collins, a doctor and author of *Theriaki: A Treatise on the Habitual Use of Narcotic Poison,* claimed that opium smokers could "be treated and cured as successfully as those who take opium by the mouth or hypodermically." Dr. Leslie E. Keeley's advertisement in the March 4, 1882, *Frank Leslie's Illustrated Newspaper* promised, "Opium habit easily cured!" He claimed that he had developed a "Special Remedy for the Opium Smoking Habit, with the Double Chloride of Gold as a basis." Dr. Keeley also advocated taking preventative actions against opium, such as the development of a school curriculum that would "include plain, practical teaching concerning the nature and the danger of opium." He warned that "the ignorance of this generation concerning opium after all is profound."[33]

Any opium addiction was difficult to cure, and the task was made no easier by the availability of drug paraphernalia through the famed, nationwide Sears, Roebuck catalog. Although the company claimed that their medicines contained "no poisonous narcotics," they still sold hypodermic syringes, needles, and vials for the opium or morphine user in the "Drug Department" of their publication. Also available in the same section were medicines promised to cure "the habit of using opium or morphia in any form or manner whatever." At seventy-five cents per bottle or eight dollars for a dozen bottles, the medicines allowed some smokers and opium-eaters to attempt self-cures.[34]

Despite the number of mail-order remedies available for addicts, some doctors, such as Calkins, believed that alcoholics were easier to cure than opium users. On the other hand, Dr. Kane claimed that "under proper treatment the suffering is really very little" in attempts to rid oneself of the opium habit. He also noted that the majority of those who tried to break their addiction without medical help failed, whereas those who worked with doctors were more successful. Kane recommended a minimum of two weeks in a rehabilitation hospital in order for the habit to be broken. He complained that some opium cures actually contained opium or morphine as ingredients, thereby addicting those attempting a self-cure to the alleged anti-opium product while at the same time keeping them addicted to the original substance. Kane suggested that "these rascals [the doctors advocating such remedies] deserve a punishment that no law now in existence can give them."[35]

Physicians' views of smoking-opium were readily available to the American public in popular magazines, journals, and newspapers. Ranging from national publications like the *Atlantic Monthly* and *Harper's New Monthly Magazine* to small-town newspapers like the *Elko Independent* (Nevada) and the *Cheyenne Daily Leader* (Wyoming), journalists disseminated the medical information about the detrimental effects of the narcotic to their readers, each time linking the drug to the Chinese. Journalists also used the doctors' reports to emphasize and editorialize about the negative impact the drug had on American society. The doctors and journalists discussed the moral degeneration, sexual promiscuity, and miscegenation that accompanied the substance's use. Their words only added to the anti-Chinese feelings in the nation and heightened demands for Chinese exclusion. Precisely where the first direct legislation on smoking-opium would take place and exactly how that attack would proceed remained to be seen.

Chapter Four

EXCLUDING THE DUAL DILEMMA

Many adversaries of smoking-opium in the West sought the eradication of the narcotic in an attempt to protect the United States from moral deterioration, while simultaneously ridding the nation of the Chinese. To discourage the substance's admission into the country, opponents of the narcotic promoted ordinances, laws, and statutes banning its use. Others advocated the end of Chinese immigration for the same purpose. Cutting off Chinese immigration, some thought, would end opium importation into the United States because, they asserted, the majority of the substance was imported by the Chinese. They argued that merely banning the drug was insufficient; the opiate would be still smuggled into the country for use in the opium dens. Some further contended that if Chinese immigration could be restricted, not only would opium's importation decrease, but so would the competition of cheap labor. Indeed, demands to end job competition dominated the appeals for Chinese exclusion; however, the actions and entreaties of opium's enemies contributed to the passage of the exclusion legislation ending Chinese immigration into the United States.

Western legislation against the Chinese began in attempts to regulate the new immigrants' behavior. For the most part, the regulations attempted to control where and how the Chinese lived, their economic pursuits, and their opium habit. A sampling of these laws will reveal their general nature.

In 1851 California passed legislation requiring alien miners to pay a three-dollar-per-miner tax. Another tax law increased the fee to four dollars per alien miner. Effectively, these fees applied only to Chinese miners. Foreign miners who became naturalized American citizens became exempt from the tax. In June 1859 Gold Hill, Nevada, prohibited Chinese from holding mining claims in the Gold Hill area. Several years later the town outlawed the Chinese from living within four hundred feet of a white

resident without that resident's permission, because the community's citizens considered the Chinese unhealthy, a threat to property values, and prone to create fire hazards. Virginia City, Nevada, passed a similar housing ordinance in 1875.

Towns in the mining West especially feared fire because of wooden mine-shaft rigging and closely constructed buildings above ground. Virginia City, Nevada, and Helena, Montana, passed ordinances that directly related the Chinese to the fire issue. Citizens of those cities believed that the Chinese were careless with fire and, for that reason, required them to live and work in certain parts of town and prohibited their use of fireworks within the city limits. These ordinances were passed not simply to harass the Chinese but to prevent fires from sweeping through the communities, as occurred on a fairly regular basis in both cities in the 1870s.[1]

Western towns also attempted to regulate Chinese business enterprises. Officials in Lewis and Clark County, Montana, and in Lewiston, Idaho, required Chinese involved in the laundry business to purchase licenses for their establishments. Local ordinances also required other professions, such as doctors, merchants, and restaurateurs, to obtain licenses; however, no whites held laundry licenses. The quarterly fees ranged from $5 for butchers to $8 for launderers to a high of $50 for gamblers. In 1860 California passed "An Act for the Protection of Fisheries," prohibiting Chinese from fishing in California's waters unless they purchased a license. Two years later California required all Chinese laborers not employed as rice, tea, coffee, or sugar farmers to pay $2.50 per month.[2]

Unlike the local laws that regulated the day-to-day affairs of the Chinese, state and territorial statutes focused on the larger issues of land ownership, mining rights, taxation, and marriage. The legislatures restricted the rights of Chinese to work on public lands. In 1871, in Nevada, numerous laws prohibited the Chinese from working in or around state-owned buildings and grounds. Further, they could not be employed by Anglo-American companies holding contracts with the state. The law prevented the Chinese from building the railroad linking Elko, Lander, Nye, White Pine, and Lincoln counties. If a company violated the anti-Chinese clauses and statutes, it faced the possible loss of its building privileges, forfeiture of its franchise, and the loss of the road or railroad's right-of-way. The city of Portland and the state of Oregon passed ordinances and statutes prohibiting the employment of Chinese on public works projects in the area.[3] These types of statutes were especially important to areas like the Com-

stock, where mineral production declined in the late 1870s. The laws may have been passed to prevent the Chinese from taking jobs away from Anglo-American workers.

Western states and territories also passed statutes preventing the Chinese from owning mines or, in some cases, any type of land at all. In Oregon and Idaho the legislatures had originally allowed Chinese to own mines but changed the laws as the mining industry declined and the Chinese became more of a perceived threat to the economy of the region. Nevada went so far as to prohibit the Chinese from owning any real estate at all. In 1872 Montana called for the forfeiture to the territorial government of any placer mine held by aliens. Placer mines contain gravel that holds particles of gold and are more easily mined than minerals found in veins or lodes. Ultimately, that law was taken to the Montana Supreme Court, which ruled in favor of the Chinese, reaffirming their right to hold mining property. The Montana land laws developed because many Anglo-Americans believed that the Chinese controlled too many placer mines (nearly one-third of such mines in the territory by 1871), and that they failed to spend their profits in the community.[4] The complaints were indicative of the grievances against the Chinese wherever they attempted to earn a living from the mineral-rich lands.

In addition to preventing the Chinese from holding mining claims and obtaining employment, state and territorial governments also tried to tax the Chinese in various ways. In 1866 the Montana legislature suggested taxing the Chinese people themselves. The territorial legislature rejected the notion three days after bringing it up; however, a bill to tax Chinese launderers fifteen dollars per quarter, or about 25 percent of their earnings, passed in 1869. Montana territorial governor James M. Ashley claimed that the laundry tax conflicted with national obligations, under the 1868 Burlingame Treaty, to give fair treatment to China's citizens. He called the tax "utterly indefensible," but it took until the 1870s to get the statute overturned. In Idaho the government taxed Chinese miners four to five dollars per month during the mid-1860s. In 1862 the Oregon state legislature overturned four laws taxing Chinese miners; however, the legislature also passed a poll tax on Chinese, Hawaiians, mulattos, and African Americans.[5]

Laws precluding the marriage or cohabitation of Anglo-Americans with Native Americans, Chinese, mulattos, and African Americans passed in 1861 in Nevada, in 1866 in Montana, and in 1867 in Idaho. In 1876 Wyoming's restrictive marriage law prohibited a biracial couple from marrying

outside of the territory and returning to Wyoming to live.[6] Such state and territorial statutes made any attempts by the men to assimilate into American society more difficult. Perhaps these laws were passed because the residents of the region believed what the United States medical community said about the deterioration of the American race if its citizens intermarried and had children with the Chinese. Or, more likely, Anglo-American men may have feared competition with Chinese men for spouses among the white women, especially after the passage of the Page Act severely restricted the chances for Chinese women to enter the United States.

By 1879, attitudes toward the Chinese had deteriorated further as the economies of the West declined. To try and alleviate some of the tension surrounding competition for jobs between Chinese and white workers, the Nevada senate proposed a bill that would provide free passage to Cincinnati, Philadelphia, New York, or any point east of Chicago on the Central Pacific Railroad to any Chinese living on the West Coast. In 1880 the California legislature provided for the removal of Chinese to areas outside the state's cities and towns because the legislators found the Chinese "dangerous to the well being" of California's communities.[7] Two years later California and Idaho proposed the removal of Chinese from the West to the East Coast. In Utah on May 6, 1882, the same day that President Chester A. Arthur signed the 1882 Chinese Exclusion bill, the *Silver Reef Miner* editorialized: "we rather like the idea of a Chinese colony and an Indian reservation in Massachusetts and other Eastern States." Also on May 6, 1882, San Francisco's *Alta California* sarcastically suggested that the Chinese go east so that easterners could get a sense of what it was like living near the Asians: "Let the New England cities picture a Chinese quarter full of coolies, highbinders, prostitutes and thieves." These sentiments suggest the frustration western states felt with the Chinese issue.

Marriage, taxation, employment, and mining ordinances and statutes attempted to regulate the behavior of the Chinese who lived in the West. Except for marriage laws, the acts were designed to prevent the Chinese from gaining too much economic power within the community or to prevent them from sending their earnings back to China, as some accused them of doing instead of contributing to the local American economy. Another major body of legislation against the Chinese concerned smoking-opium. The narcotic raised the issues of the moral deterioration and physical degeneration of the Anglo-American race that economic competition did not.

Western demands to abolish opium began in the mid-1870s when white men and women started visiting the dens. The *Virginia City Territorial Enterprise,* March 8, 1876, claimed that it was "a burning shame to our civilization that there seems to be no practicable method of suppressing the nuisance" that turned many white men into "slaves to the habit." Few non-Chinese smoked opium prior to that time, but the habit grew rapidly among whites, and by the summer of 1876 approximately 150 Anglo-American men and women indulged in the practice in Virginia City's Chinatown alone.[8]

The *Territorial Enterprise* was not alone in its views of the habit and those who indulged in it. Editors and reporters became some of the most vociferous voices in the anti-opium campaign. Focusing on the opium habit fit well with the tasks of newspapermen. Between 1830 and 1860 journalism's major goal was to serve the American public as an agency of reform. During the Civil War this role shifted to one of providing information about the conflict. In the postwar era journalists combined these tasks and attempted to provide both moral guidance and intellectual growth for their readers. In 1869 Richard Grant White, an American author and editor of Shakespeare, commented that "it is to journalism that we should be able to look for a corrective of the evils from which our society is suffering." Journalism, then, should serve as a "constant guide, a daily counselor" and act as the "brain of a community." In other words, newspaper reporters and editors could use the press to encourage the progress and moral tone that they considered desirable for the United States.[9] With a history of acting as social reformers and with the idea that they wrote for publications that had great influence on public opinion, it seemed natural for journalists to believe they possessed the power to protect the United States from perceived evils.

Having hundreds or even thousands of Chinese in the area, as in Nevada, Idaho, or Oregon, was not a prerequisite to pleas for opium legislation and the curtailment of Chinese immigration. In Wyoming the *Cheyenne Daily Leader,* September 19, 1878, demanded an anti-opium ordinance to prevent "this evil in our midst" despite the fact that Laramie County's Chinese population was only thirteen in 1870 and barely larger in 1880 with twenty-four. Helena, Montana, with a Chinese population of approximately six hundred, became concerned about the habit when it was discovered that the city contained a number of opium dens that served white men and women who were members of the demimonde.[10] Opium

and the Chinese became synonymous, and the call to ban opium equated the call to abolish Chinese immigration.

Journalists' pleas for ordinances to abolish opium spanned two decades and included dozens of communities in the West. The messages rarely varied. Calling smoking-opium "a burning shame to our civilization," a "growing evil," and a "cancer," the newspapermen's views of the narcotic were obvious: they wished to eliminate the drug and its distributors, the Chinese, from their communities. They wanted the local law enforcement agencies to "break up these vile, pernicious dens of debauchery" and warned that the habit was quickly spreading throughout the West.[11]

Journalists often created article titles that emphasized the evil surrounding the use of opium. The *Fort Benton River Press* (Montana), January 19, 1881, entitled one column "Demoniacal Dens: Benton the Victim of Almond-Eyed Ministers of Satan"; the *Reno Evening Gazette,* February 21, 1879, called their column "Opium Smoking: The Hideous Heathen Vice in Our Midst"; and the *Tybo Weekly Sun* (Nevada), May 3, 1879, published "Asia's Deadly Drug." In each article, the journalists discussed the alleged horrors that accompanied the use of opium.

Articles occasionally took on a hellfire-and-brimstone tone as the editors expressed their desire for ordinances and statutes against the drug. Calling itself a "moral censor," the *Reno Evening Gazette,* February 21, 1879, demanded that the law enforcement agencies "break up these vile resorts; arrest the Pagan vendors of the villainous stuff. Stop the traffic in men's souls, if every heathen has got to be run into the Pacific to do it. Let us preserve our moral cleanliness at all hazards and wrench this contaminating vice from our midst." In Silver City, Idaho, the *Avalanche,* January 15, 1881, reprinted an article from the *Tuscarora Times-Review* (Nevada), possibly because of its moral tone. The editor wanted opium smokers to wear a placard that said "engaged" because the newspaper felt that smokers were "engaged to the devil—engaged to court the haunts of filth—engaged to destroy their own manhood, paralyze their energy, sink beneath the level of the beasts of the field—engaged to grovel in the lowest pools of bestial inhumanity, engaged to sink lower and lower, until finally death claims its victim." The *Helena Weekly Herald,* January 15, 1880, called for public action against the narcotic, stating: "No evil which society has yet suffered can compare with that of opium-smoking should it once get a hold in any community. The question is, 'What are you going to do about it?'" These comments indirectly reflected physicians' concerns about the drug, while

simultaneously allowing journalists to assume the role of moral arbiter. Evidence of the clergy's moral condemnation of smoking-opium is lacking. Only rarely did a minister's thoughts on opium appear in the local newspapers. Perhaps the clergy relinquished their moral role to the journalists because more people read newspapers than attended church.

Occasionally newspapers printed articles about opium and placed them next to articles about the so-called Chinese problem. They also reprinted articles from other western newspapers that discussed opium in other communities and countries. The March 6, 1867, *Portland Oregonian* reported on the smoking-opium habit in Hawaii by reprinting a piece that had originally appeared in the *Honolulu Advertiser.* It claimed that the Chinese introduced the habit into the Hawaiian Islands and that the Hawaiian laws against the substance did little to prevent its use. On the other hand, the *El Paso Lone Star,* June 16, 1883, found that an anti–smoking-opium law in Paso Del Norte, Mexico, had effectively stopped the habit there. In both cases, the editors stressed the problems associated with the drug.

In response to the calls for smoking-opium ordinances, a number of communities approved legislation abolishing opium dens. On September 12, 1876, Virginia City passed the nation's first such ordinance. The new law prohibited people from keeping, maintaining, visiting, or contributing to the support of any location where people met to smoke opium. Such establishments were declared "nuisances." Violators of the ordinance were to receive a fine ranging from fifty to five hundred dollars and/or imprisonment for ten days to six months. In 1877 Carson City, Nevada, enacted Ordinance Number 48, practically matching Virginia City's version. In 1879 Butte, Montana's first anti-opium ordinance outlawed opium dens in an attempt to suppress the "demoralizing business." In 1881 Helena passed "Ordinance No. 10: To prevent the use of Opium," prohibiting opium smoking, keeping a den, or encouraging others to use the substance. Ordinance 10 became law even before the community's incorporation as a city. Despite the large number of Chinese and opium dens in San Francisco, the city failed to pass an anti–smoking-opium ordinance until November 1878, long after Virginia City or even tiny Cheyenne, Wyoming.[12] The lack of a San Francisco smoking-opium ordinance demonstrates the community's commitment to eradicating Chinese prostitution instead of pursuing opium enterprises. Smaller western towns contained fewer Chinese prostitutes but relatively more opium dens, making the latter a greater perceived threat to local citizens.

During the initial years of anti-opium legislation, communities primarily sought to close the dens. By eliminating the places where opium was smoked, city fathers hoped to restrict access to the narcotic to those with direct connections to the suppliers, namely those who knew the Chinese dealers. The titles of the ordinances readily explained what the communities wanted. Virginia City, Cheyenne, and Butte called for the abolition of opium dens or houses, using simple, direct language such as "An Ordinance to Abolish Opium-Smoking Dens," "To Abolish Opium Smoking Dens," and "An Ordinance Relative to Opium Houses." Surprisingly, none of the ordinances outlawed smoking the narcotic itself; however, in theory, if opium dens closed, the substance would be difficult to procure and the habit would decline. As the years went on and more western communities passed anti-opium-den legislation, the laws became more specific in dealing with the narcotic. They soon outlawed the actual smoking or inhaling of the drug. Communities also began including clauses of a more specific nature, such as the laws of Missoula, Montana, and Ogden, Utah, that prohibited smokers from inducing others to partake of the substance. In an interesting twist, the city government of Boise, Idaho, permitted opium smokers to indulge in the habit in their own homes without fear of prosecution, but they could not go to an opium den.[13]

Once the opium ordinances passed the city councils, the newspapers expressed the hope that the laws would be sufficient to reduce the habit in their communities. The *Deseret Evening News* of Salt Lake City, April 23, 1879, suggested that the law was "timely and necessary," while the *Carson City Morning Appeal,* April 30, 1879, and the *Virginia City Territorial Enterprise,* March 29, 1879, hoped that the law enforcement agencies would enforce the legislation. On October 16, 1878, the *Salt Lake Herald* credited itself for the passage of the city's opium ordinance immediately after the city council made a request of the commissioners to eradicate the drug. The editorial noted that the local government acted because the newspaper printed several articles discussing the hazards of opium in the Salt Lake community.

Police raids on opium dens began shortly after the opium laws passed. When the raids succeeded in arresting smokers and proprietors, the newspapers credited their own persuasive articles and editorials with the successful missions against the opium dens. The *Salt Lake Herald,* September 16, 1881, claimed victory for saving "some young men" from the opium

habit by encouraging the police to raid a local den. The *Salt Lake Tribune,* November 21, 1879, explained that raids had resulted after the police visited the newspaper office to gather information about the resorts. In Idaho, the August 29, 1885, *Tri-Weekly Statesman* of Boise also maintained that raids resulted from its investigative reporting.

Despite the numerous raids on the dens, most of them reopened within a few days or weeks. Because of the reestablishment of the businesses, the *Virginia City Territorial Enterprise* reported over several days in April 1879 that young people continued to visit the dens on a regular basis despite the law and that the police had not done enough to eliminate the dens. Because of the same problem, the Virginia City Board of Police Commissioners met in a special session and decided to conduct random and unexpected raids on the opium dens still operating in Chinatown. Once the surprise raids began, however, many of the dens' operators allegedly received notice "through their spies" and, therefore, the police efforts to remedy the situation were unsuccessful, according to the newspaper.[14] Another outcome of the Virginia City opium ordinance was the establishment of a number of new dens in Gold Hill, just a few miles from Virginia City. The *Territorial Enterprise,* April 22, 1877, wondered if the Gold Hill marshal and trustees were ready for the additional "vicious characters" who might move to the community to avoid possible punishment under the Virginia City code.

In Salt Lake City the police successfully raided a den, and the September 18, 1879, *Deseret Evening News* confidently reported that "if the hydra has any more heads to show here, they may also as fast as they appear, be as summarily crushed out of existence." Like Virginia City, however, Salt Lake experienced difficulties finding den operators. As a result, the November 16, 1879, *Salt Lake Tribune* suggested that specially trained detectives should raid the opium dens, but here too the editors acknowledged that "it is almost impossible to catch" the operators. The hope of all adversaries of opium remained that the dens would close once and for all and that the police force had the situation under control.

Generally, the local opium ordinances only temporarily interrupted the business of the dens around the West. Dr. Kane warned that the vice was certain to extend its reach if greater measures were not taken to curtail its spread. The western state and territorial governments took action soon after their communities passed local opium ordinances. Demands at the

state and territorial levels for opium statutes varied little from the calls for local laws. The *Carson City Morning Appeal,* April 12, 1879, editorialized that "it was high time that a stringent law was passed to forbid the opium traffic among our own kind." In his 1881 message to the Legislative Assembly, Montana territorial governor Benjamin F. Potts declared that "the evils resulting from the practice of opium smoking should be suppressed by law. Secret places of resort are kept where the habit is encouraged, and the evil effects of the practice will soon be apparent on the youths who frequent these dens."[15] The *Fort Benton River Press,* January 19, 1881, agreed with Potts and editorialized that "for the sake of our youth and the young boys who will soon be brought within the pale of its influence, no measure looking to its removal can be too stringent or be applied too quickly." The paper cried, "Stamp it out!" before the habit assumed the "same character here that it has elsewhere."

In response to stronger local laws against smoking-opium, Nevada, Montana, Wyoming, Utah, Idaho, Oregon, and California passed legislation against the narcotic and against opium dens. In those seven territories and states, only Oregon's statute became law after the passage of the Chinese Exclusion Act of 1882. (Texas never passed a law specifically addressing opium.) Like the city ordinances, the state statutes generally focused on closing opium dens, prohibiting the frequenting of such establishments, and forbidding opium smoking. None of these laws specified penalties for violating them that exceeded two thousand dollars in fines and/or two years in prison.[16]

Just as Virginia City passed the nation's first city ordinance against smoking-opium, Nevada became the first state to ban the substance's use. Effective March 31, 1877, the statute made it illegal to sell or possess opium or opium-smoking equipment, unless through an apothecary and with a prescription. The statute made landlords responsible for whoever used opium on their property. The penalties for violating the statute matched those of Virginia City's ordinance, calling for fines of up to five hundred dollars and/or a term in the Nevada State Prison of up to six months. Two years later the punishments for violating the law increased to one thousand dollars and prison terms of up to two years.[17] The *Carson City Morning Appeal,* April 30, 1879, warned Anglo-American smokers that "the social status of the offenders will not shield them from prosecution to the fullest extent of the law." During the remaining years of the nineteenth century, Nevada's opium statutes were revised three more times by raising

or lowering the fines and terms of imprisonment. In addition, opium-smoking equipment was to be destroyed after a successful conviction of the violator.[18] No Anglo-Americans spent time in the Nevada State Prison for violating the state's opium laws; however, a few Chinese did, as will be discussed later in this chapter.

Montana's and Wyoming's statutes, like Nevada's, are typical of the West's legal restrictions on opium use. Montana Territory's first such statute, passed in February 1881, prohibited opium dens, frequenting such establishments, and leasing to anyone who might open one. Community newspapers, including the February 22, 1881, *Butte Miner* and the February 24, 1881, *Helena Weekly Independent,* announced the new law in their columns, theoretically informing anyone who read the newspaper. Wyoming Territory's anti-opium law included all forms of opium, not just the smoking variety. The newspapers wanted to prevent the "indiscriminate use" of the substance and make it unlawful to keep a place where "opium smoking or the use of opium in any form is practiced." Visiting or frequenting such establishments also violated the law. Violations of the statute could lead to fines of up to five hundred dollars and imprisonment in the county jail for three to nine months. The territory's low Chinese population might account for the difference in its statute from those of other states and territories. Even so, the first section of that law specifically dealt with smoking-opium, indicating the importance the territorial legislature gave the issue despite the low number of Chinese in the territory.[19]

Enforcement of the opium statutes proved to be another matter. Public responses to the statutes consisted largely of complaints that the laws were ineffective and that even more-stringent codes were needed. Many of the comments against the remaining opium dens in the West centered on the fact that Anglo-Americans continued to frequent the establishments, rather than the fact that the dens continued to exist. On November 24, 1877, the *Tybo Weekly Sun* complained that "laws have been enacted for the suppression of this traffic, yet we seldom hear of an arrest being made. It may be that our officers are not aware that whites frequent these dens, yet the fact stares us in the face and cannot be denied. Earnest and decisive steps should be taken toward the suppression of the vice and the punishment of the heathen who . . . are engaged in the fearful traffic. Let severe measures be adopted and the sale of the drug will soon be suppressed." The *Reno Evening Gazette,* April 4, 1879, voiced a similar opinion, asking the newspaper's readers "Is the opium smoking clause of our statutes a dead letter,

or are the Chinese of Reno above the law? The question will not be answered until the opium sellers are arrested."

The *Virginia City Territorial Enterprise,* November 24, 1880, was so tired of the continuing presence of opium dens as to advocate nonviolent mob action against the Chinese vendors of the substance. The paper editorialized that "while we would not advise violent measures, we should not object to a peaceful but determined course outside of the strict letter of the law for the attainment of the end in view." The *El Paso Lone Star,* August 4, 1883, was so discouraged with the lackadaisical enforcement of the ordinances that it predicted Chinese would "flock" to the city because they "need fear no fines or imprisonment" if they ran an opium den. The newspapers remained unsatisfied with the governments' attempts to eliminate the narcotic because Anglo-American men and women continued to frequent the dens.

Despite the complaints against the law enforcement agencies for not closing the opium dens forever, police and sheriffs' departments raided the dens again and again. Many of the Chinese arrested soon found themselves in local jails and courts. Records of opium arrests and convictions are difficult to obtain; those that do remain indicate that the police arrested Anglo-Americans as well as Chinese. Some offenders simply paid their fines and went on their way. Others took their cases to the halls of justice seeking to have the arrests overturned because of technicalities. Most commonly, the courts dismissed the cases against those arrested, including Chinese, because of "insufficient evidence" or a lack of "positive evidence." In one case the arresting officer could not positively identify an opium pipe as belonging to the accused, and the judge freed the Chinese defendant because it could not be proved that he was the owner of the pipe. In Idaho the police arrested Ah Hong for being a "frequenter of an opium den"; however, Ah Hong's case was dismissed because he proved that he had "lawful" business at the opium den and was not there to smoke, buy, or sell opium.[20]

The newspapers often editorialized about the court cases involving opium. The *Salt Lake Tribune,* December 4, 1880, wrote about several non-Chinese men and women who were arrested at a local opium den, adding that one of the two women arrested was "colored, but her skin was not half as dusky as the souls of these young white men who could so far forget themselves as to lie down with her in a Chinese opium hell." The journalists attacked not only the dens and the opium habit, but the mixing of the races that occurred in the dens.

Other articles about the court cases took a lighter tone. Gun Ah Ling was arrested for running an opium den. The officers took him to the Salt Lake City police court, where according to a local newspaper he would "let the Justice know how much money he could loan the city," surely implying that he would receive a fine for his violation of the city ordinance against the narcotic. In fact, the judge fined Gun Ah Ling fifty dollars, which he immediately paid. A white man arrested with him, Albert Rorden, was fined ten dollars for smoking the drug. Two months later the newspapers printed the views of Ah Coon, an opium-den proprietor, who claimed that opium smokers were arrested more frequently than whiskey drinkers because of a judicial bias against the Chinese.[21]

Some cases against opium dealers and smokers took weeks or even months to resolve in the courts. In 1879 Ah Ting, arrested for keeping an opium resort in Ormsby County, Nevada, pleaded not guilty, but the court decided to give him time to change his mind. Ten days later and after refusing to change his plea, Ah Ting was sent to the Nevada State Prison for one year at hard labor. Arrested with him were three white men, George Duffy, Thomas Caddington, and Clinton Culver, but the court vacated the charges against them. No specific reasons were given for the judge's decision in the case. In June 1880 in Ormsby County, the courts indicted Ah Suey for selling opium. After several failed attempts to get him to change his plea to guilty, the courts finally set September 1 as his trial date. Thomas Caddington, the white man arrested in 1879 for opium smoking at Ah Ting's den, was to testify as a "principal witness" against Ah Suey; however, Caddington unexpectedly left the area. The court continued the case until November hoping Caddington would return. Eventually Ah Suey's case was dismissed because the original indictment was "lost or mislaid." (Also, Caddington never returned to testify in the case.) The court then returned Ah Suey's bail money. Although it can be safely assumed that the cases against Caddington, Duffy, and Culver were dismissed because they were white, some Anglo-Americans did spend some time in the Carson City jail waiting for the court's decisions on their cases. As in Carson City, Salt Lake City's authorities arrested any opium smoker they encountered, whether Chinese, Anglo-American, or Native American.[22]

The courts may have hoped that if a smoker spent some time in jail and/or paid a fine, the person might take the opportunity to think about his or her actions and then reform. In 1881, in an opium case against Charles Hope, the Ormsby County court decided to commute his sentence

from ninety days to six days because he had obtained a job working for the Central Pacific Railroad and promised to change his ways. He paid twenty-five dollars, and the police immediately released him from custody.[23]

Convictions against the Chinese sometimes resulted when the police persuaded Anglo-Americans to go to an opium den and purchase the drug in a sting operation. Once the transaction was completed, the police arrested the Chinese proprietor.[24] The *Virginia City Territorial Enterprise,* November 24, 1880, suggested that convictions were difficult to obtain because friends of the accused lied to the authorities to obtain dismissal of the charges against their arrested colleagues.

The majority of opium convictions appear to have been achieved at the local ordinance level; however, Chinese men served time in state penitentiaries for violating the state opium statutes in, at least, Nevada and Oregon. No Anglo-Americans seem to have served in the state facilities for the same violations. The majority of state-prison sentences for violating Nevada's opium statute were handed down in 1879 and 1880, or just after Nevada's second opium statute became effective. For example, in 1879 the state courts found three Chinese guilty and sent them to prison for seven months to two years. The men's ages ranged from twenty-eight to sixty, and their occupations included mining and laundry work. The following year, nine Chinese, including laundrymen, unemployed laborers, and a physician, aged twenty-two to sixty, received prison sentences for up to two years for violating the opium law. Four of them served only two months of their eight-month sentences because they received time off for good behavior. In the *Biennial Report of the Warden of the Nevada State Prison* for 1883, no new Chinese sentenced for opium violations were listed; however, four men from the previous biennial report continued serving their prison time.

Oregon's state statute against opium passed the legislature in November 1885. In 1886 and 1887 at least four Chinese men served time in the Oregon State Penitentiary for "frequenting an opium den" or "unlawful selling and giving away of opium." Similar to the men in Nevada, they ranged in age from nineteen to forty-one and worked as laborers and laundrymen. The sentences given to the Oregon inmates did not exceed six months. Several years later, six other Chinese men served in the prison for crimes such as larceny, burglary, and sodomy. Under each man's name, a prison official placed a notation such as that the convict used "opium to excess," was "badly used up from use of opium," or "smokes opium."[25] Al-

though these men were not arrested on opium charges, it is interesting that their files contain this information. Perhaps it was meant for the prison guards to see, so they might understand the prisoners' physical and mental condition once denied access to the substance, or perhaps it was simply racial stereotyping. Other states and territories do not appear to have sentenced opium smokers to state or territorial prisons.

Opium use did not stop once the men went to prison, as the Chinese, and undoubtedly Anglo-American, inmates in the Nevada State Prison acquired the drug from friends who smuggled it into the facility. In 1880 Ah Lung, a convicted burglar, lost twenty days credit against his ten-year sentence and Ah Chuey, a convicted murderer, lost his tobacco privileges because prison guards caught them with smuggled opium. In Oregon, Dr. Will L. Wade, physician to the Oregon State Penitentiary, commented that opium use in the prison was "almost unknown," but if an inmate had a smoking- or medicinal-opium habit, he received treatment for the problem while in the facility. On a community level, Portland, Oregon, passed an ordinance forbidding people to bring "any opium" into the jail without a prescription or the express permission of the warden.[26]

Legal challenges to the western communities' opium ordinances and statutes occurred occasionally. China Joe of Butte, Montana, contested the city's ordinance against maintaining or keeping an opium den. His Anglo-American defense counsel argued that the ordinance violated the "laws of the land," attempted to increase the judicial power of the city council, and did not conform to the requirements of a legal by-law or ordinance. Despite a well-argued case on both sides, according to the *Butte Miner*, March 6, 1880, Judge Warren ruled that City Ordinance 18 was valid and fined China Joe fifty dollars for violating it. Several years later, in Park City, Utah, Joe Wing defied the local court by refusing to pay the fine imposed on him by the judge for violating the community's opium ordinance. His lawyer, P. J. Barratt, filed a writ of habeas corpus, claiming that the city had no power to pass a smoking-opium ordinance because Park City's charter did not contain a clause authorizing the city to pass such a law. Justice Boreman agreed with Barratt and acquitted Joe Wing.[27] Numerous city charters of western communities contained clauses prohibiting smoking-opium, but Park City's did not, and that worked in Joe Wing's favor.

At the state level, a number of the Chinese sentenced under Nevada law took their opium convictions to the Nevada Supreme Court in an attempt to get their sentences, as well as the state statute, overturned. Five cases in-

volving the 1877 and 1879 Nevada opium statutes went before the state supreme court in 1880 and 1881. The 1877 act prohibited the sale or disposal of opium and the operation of opium dens; the 1879 law added a section preventing people from resorting to places maintained for the purpose of opium smoking.[28] The five appeal cases addressed two major issues. First, in 1880, Ah Sam, the defendant, said that the 1879 opium act covered too many subjects. He claimed that Nevada law prohibited a statute from concerning itself with more than one subject. Second, in 1881, three cases challenged the law against selling opium, arguing that as opium could be legally imported into the United States, it should be legal to sell anywhere in the country.

In all four cases the Nevada Supreme Court ruled in favor of the state, with the judges' written opinions suggesting that they concerned themselves largely with the health and morality of the citizens of the state of Nevada. For example, in Ah Sam's 1880 case, the court decided that the 1879 statute did, in fact, cover only one subject, the suppression of opium dens. Justice C. J. Beatty wrote that the law restricted the sale of opium "in order to prevent its improper use as a means of intoxication, and such restriction of its sale has an obvious tendency to break up the establishments [opium dens] at which the law is aimed." The court upheld Ah Sam's conviction and sentence to the Nevada State Prison.[29]

In the three other cases, the appellants claimed that opium should be considered property and, as such, had value and could be resold. Further, they claimed that the opium was legally imported, tariff fees paid, and as a result, a contract existed between the United States and the opium importer that allowed the importer to dispose of the product as he saw fit. In all three cases the court, represented by Justice J. Hawley, ruled that the Opium Act did not interfere with the existing rights of property and that it did not conflict with the Nevada constitution. Hawley claimed that the statute was correct because the state was responsible for the protection of its citizens and should "promote the health and protect the morals of the community at large." Further, the justice wrote that opium tended "in a much greater degree to demoralize the persons using it, to dull the moral senses, to foster vice and produce crime, than the sale of intoxicating drinks. If such is its tendency, it should not have unrestrained license to produce such disastrous results." Finally, he claimed that the state held the power to pass laws regulating opium's sale "as will mitigate if not suppress its evils to society." As a result, the court upheld the prison sentences

of the three Chinese, while making known its views on the immorality of the narcotic.

The only case decided in favor of the appellant was that of On Gee How, who claimed that the indictment authorizing his arrest was insufficient to warrant such action. The indictment noted that On Gee How went to No. 4 South H Street in Virginia City; however, it did not name the said location as a "place of resort," meaning that the document failed to specify that No. 4 South H Street was a known place to smoke opium. Supreme court justice C. J. Beatty, in 1880, ruled that the indictment failed to describe the location as a place of resort, implying that the house might be a residence and not an opium den. Based on that premise, the supreme court reversed the original decision against On Gee How, and he was released from Nevada State Prison after a two-month incarceration.[30]

What makes these supreme court cases especially interesting is that the Chinese appellants could be heard at that level at all. Considering that Chinese could not generally testify against Anglo-Americans, the fact that their cases were heard by the state supreme court, let alone overturned as in the case of On Gee How, is compelling. Justice C. J. Beatty ruled in two of the cases, overturning one lower decision and sustaining the other. This indicates that the justice willingly listened to the case's facts and judged the statute on its own merits. He did not simply uphold the lower court's decision because the appellant was Chinese.

The supreme court rulings attempted to strengthen the anti-opium campaign; however, they failed to achieve their goal. Raids on opium dens, arrests of opium smokers, and court cases against those caught failed to resolve the opium issue in the western communities, territories, and states. Because of the legal actions taken against the habit, den proprietors may have become more cautious about their operation, but the dens continued to exist. Undoubtedly the opium resorts endured because of the demand for the products they provided and because of the addiction opium created. With that in mind, opium's opponents decided that action against the narcotic needed to be handled at the federal level, as local enforcement had failed to end the problem in the West.

The West's local, territorial, and state laws could regulate opium only in relatively small geographic areas. The eradication of opium needed national legislation, opponents claimed. Without it, smuggling opium into regulated areas would be a simple matter, much like the present-day movement of guns into highly regulated jurisdictions from those where few gun re-

strictions apply. Opponents believed that the federal government could influence opium use in three major ways: through treaties of commerce, import tariffs, and treaties of immigration. Restricting immigration would lower the number of Chinese permitted into the United States and would, theoretically at least, decrease the amount of opium entering the country (since, opponents believed, the Chinese remained the largest importer of the substance).

The initial treaty between the United States and the Empire of China reflected an early American concern about smoking-opium. Article XXXIII of the Treaty of Wanghia (1844) provided that citizens of the United States would lose their claim to extraterritoriality if they were caught trading opium in China. This first diplomatic agreement between the two nations said nothing about bringing the narcotic to the United States, perhaps because there was no demand for the substance at that time. The treaty also provided most-favored-nation status for the United States, defined criminal extraterritoriality, established tariffs between the two nations, opened five ports, allowed American families to reside in the port cities, allowed for American consuls in each port city, and provided for the safe harbor of shipwrecked sailors. The article on opium may have reflected China's wish to prevent the addiction of more of its population, or perhaps a growing American awareness of the negative effects of the drug.

To further exacerbate the opium issue for the United States, in 1858 China and Great Britain signed the Treaty of Tientsin, which forced the Chinese to legalize the importation of opium into their country. Because of the most-favored-nation clause in the Treaty of Wanghia, the United States also acquired permission to trade opium in China, and the two countries formalized an agreement on this trade in 1858. The wording of the American clause on the drug virtually matched that contained in the British Treaty of Tientsin.[31] Although it was now legal to import opium into China, many in the United States may have believed that the narcotic would remain there, even though some Chinese had immigrated to the United States because of the gold rush. By 1858, however, the physical and behavioral effects of opium smoking were becoming more widely known.

The early American opium traders in China, such as Russell and Company and Augustine Heard and Company, probably did not realize that within just a few years Anglo-Americans of all classes would willingly buy and smoke opium in the Chinatowns of the West in greater numbers than the Chinese themselves. Throughout the 1870s westerners often explained

the situation to federal legislators, using memorials, petitions, and resolutions to argue that opium smoking had negative implications for the country. Finally, in November 1880, perhaps, in part, because of the pleas from westerners, the federal government negotiated the Treaty on Commercial Intercourse and Judicial Procedure with China, an agreement that included a ban on the importation of opium to the United States made through Chinese agents. Signed at the same time as a new treaty modifying the Burlingame immigration agreement of 1868, the commercial treaty prohibited Americans from selling opium in China and the Chinese from exporting the drug to the United States.

James B. Angell, John F. Swift, and William Henry Trescot represented the United States in the negotiations with China on the new commercial treaty, as well as on the new immigration agreement. Regarding opium, Angell, the president of the University of Michigan, wrote to Secretary of State William M. Evarts that China spent more for opium annually than the country received for its exports of silk and tea. He further noted that the Chinese considered the importation of opium nothing more than a business transaction. Angell believed that opium had ruinous and demoralizing effects on a person's character and was a curse to China.[32]

American reaction to the treaty praised Angell's success at attempting to stop the Chinese from bringing opium into the United States. On February 21, 1881, the *New York Times* wrote that "there is a clause in the commercial treaty which prohibits the opium traffic as between China and the United States, and if it can be enforced, that alone is a great triumph." In December 1881, President Chester Arthur's first annual message commented that the treaty "will attest the sincere interest which our people and Government feel in the commendable efforts of the Chinese Government to put a stop to this demoralizing and destructive traffic." Even community newspapers in the West noted the signing of the treaty. The *Deer Lodge New North-West* (Montana), April 28, 1882, and the *Salt Lake Tribune,* December 4, 1880, announced the new treaty with China; however, each newspaper mentioned only the treaty article that regulated opium's importation into the United States. Both failed to note that the treaty also included articles concerning commercial intercourse between the two nations, extraterritoriality, and an agreement on tonnage duties for each nation. By citing only the opium article of the treaty, the editors demonstrated their concern about the narcotic, and its importance to their communities. In the same issue of the *Salt Lake Tribune* the editors ran an

article about a recent opium-den raid, perhaps hoping that readers might link the nation's efforts to end opium smoking to Salt Lake's attempts to do the same. Despite the optimism that met the 1880 treaty's acceptance, the agreement possessed a fundamental flaw. It failed to provide penalties for anyone violating the opium clause, and in particular those Anglo-Americans who purchased the drug as middlemen for Chinese dealers in the United States who could no longer buy it directly themselves.[33]

The efforts of Angell, Swift, and Trescot to obtain the 1880 commercial treaty ended several decades of American vacillation on federal opium policy with Asian nations. The United States had signed anti–opium importation agreements with Siam (1833), China (1844), and Japan (1858) but had reversed the treaties with Siam and China in 1856 and 1858, respectively. By 1880, American negotiators, aided by American press reports of opium's deleterious effects, desired to bring an end to the opium trade between the United States and China. Their efforts resulted in the 1880 commercial treaty.

America's now solidly anti-opium position was reflected in yet another treaty with an Asian country. Just two years after the 1880 commercial treaty with China, the United States signed a treaty with the Kingdom of Chosen (Korea). Article VII of the Peace, Amity, Commerce, and Navigation Treaty was practically identical to the anti-opium clause of the 1880 Sino-American agreement.[34] But, like the treaty with the Chinese, the Korean agreement failed to specify exact punishments for violations of the accord.

One likely explanation for the lack of aggressive enforcement of the opium clauses in the commercial treaties with China and Korea is that smoking-opium contributed tariff revenue to the U.S. Treasury. The Treasury Department collected nearly eighteen million dollars in smoking-opium tariffs between 1870 and 1899, while at the same time collecting only one-third that amount in medicinal-opium duties. The disparity between the two totals can be attributed to the differing tariff rates for the two types of opium. From 1842 to 1914, opium duties fell into three categories: crude or medicinal-opium, opium for smoking, and morphine or its salts. Medicinal- and smoking-opium imports were reported together until 1862, just when the numbers of Chinese in the country started to increase dramatically and the narcotic became associated with the Chinese underworld. At that time, smoking-opium imports received their own tariff schedule separate from that of medicinal-opium. The first smoking-opium tariff was 80 percent of the product's value.

From 1870 to 1894, smoking-opium tariffs ranged from six to twelve dollars per pound. In 1877 the Reverend Otis Gibson stated his belief that the tariff allowed the Chinese to contribute to the economy of the United States. Unlike Gibson, Charles H. Brent, a commissioner to the 1909 Shanghai Opium Conference, claimed that the opium tariffs were increased in the early years in the hope that the narcotic could be kept out of the country. His co-commissioner, Hamilton Wright, in a report to Congress, wrote that "it was known in the early [eighteen] sixties that the use of the drug was demoralizing even to the Chinese" and, therefore, the government put on the high ad valorem tax.[35]

The high tariffs failed to prevent Americans and Chinese from importing the narcotic. For example, in 1862, when the first separate smoking-opium tariff was introduced, approximately thirty-three thousand pounds of the substance entered the country. By the 1870s smoking-opium imports averaged nearly forty-nine thousand pounds per year even though the tariff rate had increased to six dollars per pound. In 1909 Brent claimed that "in every census period we have had a per cent., increase in our importation of smoking opium, largely in excess of the per cent., increase in our population, and this in spite of the fact that our Chinese population has been practically stationary for thirty years." Brent referred only to the smoking-opium legally imported into the United States. Amounts of illicitly imported opium remain unknown. To consume the increased amounts of opium brought into the country, it is obvious that Anglo-Americans smoked the drug, especially because the Chinese population dropped from approximately one hundred thousand in 1880 to sixty-seven thousand by 1910.

Eventually, in 1890, the federal government taxed the country's small domestic manufacture of opium for smoking. The Internal Revenue Law of 1890 called for a ten-dollar-per-pound tax on smoking-opium produced in the United States and allowed only American citizens to manufacture the substance. Imported smoking-opium would henceforth carry a duty stamp to show that the appropriate tariff had been paid. Also, at the same time as the new excise tax, a new smoking-opium duty increased the cost from ten to twelve dollars per pound.

The various tariff laws did little to lower the amount of opium that entered the United States. In fact, smoking-opium imports during the 1880s nearly doubled those of the 1870s even while the tariff increased by 40 percent.[36] Apparently the demand for the drug exceeded any desire to stop us-

ing it simply because of its increased cost. Attempts to end opium use in the United States via tariff regulation failed in most respects, except in adding funds to the nation's treasury.

At the same time that tariffs on opium failed to lower its importation, the federal government obtained treaties limiting the immigration of Chinese into the United States. In 1868 the United States and China had signed their first immigration agreement. Called the Burlingame Treaty in honor of the Chinese representative, Anson Burlingame, a former American minister to Austria and China, the agreement affirmed American privileges in China, disavowed any American desire to intervene in that country, and gave each nation's citizens permission to live in or to visit the other's country. Article VI protected the Chinese immigrants' right to work in the United States. However, the Burlingame Treaty prohibited the conferral of naturalization upon either nation's citizens.

Demands to amend the 1868 agreement arose soon after its ratification and frequently stemmed from Chinese labor competition and the continuing flow of Chinese prostitutes and opium into the United States. Numerous memorials, letters, and resolutions from Nevada, and even as far east as West Virginia, pleaded with the federal government to amend the Burlingame Treaty, but the efforts came to naught in the mid-1870s. Eventually, in 1875, Congress proposed its first bill to regulate Chinese immigration. The Page Act prohibited the immigration of coolie labor, convicts, and prostitutes. Then, in 1879, Congress proposed to limit the number of Chinese entering the United States to fifteen immigrants per ship; however, on March 1, 1879, President Rutherford B. Hayes vetoed the bill, citing Articles V and VI of the Burlingame Treaty regarding employment and immigration opportunities for Chinese in the United States.[37]

Anti-Chinese forces in the West may have failed to obtain a Chinese exclusion law in 1879, but the next year afforded them three opportunities to move closer to their goals of ending Chinese immigration and the importation of opium. All three events occurred in November 1880; they included that year's presidential election and the negotiations for two new treaties with China, one restricting the importation of opium and the other limiting Chinese immigration into the United States.

In the 1880 election between Republican James A. Garfield and Democrat Winfield Scott Hancock, both parties included anti-Chinese planks in their platforms. The Republicans, despite their pro–Big Business position, had an advantage over the Democrats in the election because the Republi-

cans were negotiating for new opium and immigration treaties at the same time that they campaigned for the White House. Garfield's advisers warned him that he must support Chinese exclusion or lose the West Coast's votes. For himself, Garfield favored Chinese restriction because he believed that the Chinese possessed few of the qualities of European immigrants. On July 22, 1880, the *Virginia City Territorial Enterprise* quoted Garfield as saying that "Chinese labor is recognized as an evil by nearly every man on the Pacific Coast." Few differences on the Chinese question, except over tariff policy, existed between the Democratic and Republican parties in 1880, as Hancock also favored Chinese immigration restriction.[38]

In November 1880, as noted earlier in this chapter, James Angell, representing the United States, obtained the Treaty on Commercial Intercourse and Judicial Procedure, regulating the importation of opium into the United States. On February 21, 1881, shortly after the treaty negotiations took place, the *New York Times* wrote that prohibiting the importation of opium was "one step in the right direction" to saving the lives of young white men who frequented Chinatown's dens. The newspaper went on to say that "if the immigration of Chinese is not checked or limited, their presence in this country will in time become a dangerous menace." In order to prevent that from occurring, the newspaper suggested, Chinese immigration must be restricted. Indeed, the *Times* claimed, their movement into the United States caused more harm "than would the entrance of a hostile army" because of the opium they sold in the dens.

The American medical community continually advocated ending Chinese immigration to prevent the further importation of opium. Their arguments connecting opium and Chinese immigration continued after the passage of the 1882 Chinese Exclusion Act. In 1884 the *Journal of the American Medical Association* published a letter to the editor warning, "Our land is particularly open to this seductive vice because of the immigration of the Chinese."[39] A number of people in the West believed that Chinese immigration and opium could both be eliminated at the same time if only the federal government would help.

As the states counted the votes for Garfield and Hancock, James Angell obtained a new, more restrictive Chinese immigration agreement, called the Angell Treaty of 1880. The document modified the 1868 Burlingame Treaty regarding the number of Chinese laborers allowed to enter the United States. The treaty itself claimed that the United States desired to modify the existing immigration accord to prevent any embarrassments

that might result from the continuing Chinese movement to the United States. The clause applied only to Chinese laborers and not to other classes of Chinese immigrants, such as merchants, students, or tourists.[40] The agreement effectively ended the free movement of Chinese guaranteed under the Burlingame Treaty and undoubtedly came as a result of the West's complaints against Chinese immigration. Even so, it did not end those complaints. For example, the *Idaho Avalanche* (Silver City), January 22, 1881, moaned that the new treaty "may be a little better than nothing, but no more can be said for it." President Chester A. Arthur, who succeeded to the office after Garfield's 1881 assassination, proclaimed the treaty effective in October of that year.

In 1882, despite the treaties of 1880, Congress once again sought to end Chinese immigration. Senator John F. Miller (R-CA) introduced legislation to suspend the immigration of Chinese skilled and unskilled laborers for twenty years. The act included only those laborers wishing to immigrate to the United States after the legislation took effect. The bill passed the Senate by a vote of 29 to 15 and the House of Representatives by 167 to 65. On April 4, 1882, President Arthur vetoed the bill, claiming that the Angell Treaty of 1880 was a unilateral, not a reciprocal, treaty and was already a concession from the Chinese government regarding their previous status under the Burlingame Treaty. Arthur also believed that the twenty-year ban on Chinese laborers was too long and that "the honor of the country constrains me to return the act with this objection to its passage." The president indicated a willingness to change his mind if Congress amended the bill, as "it may be that the great and paramount interest of protecting our labor from Asiatic competition may justify us in a permanent adoption of this policy. But it is wiser, in the first place, to make a shorter experiment, with a view hereafter of maintaining permanently only such features as time and experience may commend."[41]

In examining the debates over the Chinese exclusion legislation, it is necessary to draw generalizations about the reasons for Congress's actions. Although senators and representatives did not name opium smoking specifically in their arguments for Chinese exclusion, they frequently cited social reasons for ending Chinese immigration. Many of their comments reflected commonly held notions about the use of opium, and included references to dens, lust, and vice. For example, Republican congressman John Adam Kasson of Iowa stated that he supported the exclusion bill because he sought "relief from the danger to our institutions, to our system of

labor, and to our system of society on the Pacific Coast." Democratic congressman Albert Shelby Willis of Kentucky argued that "for over twenty-five years the Pacific States have been cursed with the evils of Chinese immigration; the peace and order of society have been disturbed; . . . the rights and comforts of honorable labor have been overthrown." In a bipartisan effort, both men appeared to differentiate between the labor and the social problems allegedly caused by the Chinese.

Other voices in favor of exclusion minced few words about the supposed Chinese attack on American society. Thomas H. Brents, Republican delegate from the Territory of Washington, asked if the United States must "permit them [the Chinese] to maintain in the midst of our populous cities their loathsome dens reeking with lust, crime, and pestilence . . . debasing the morals of our youths." At the same time, Maine congressman Thompson H. Murch, a member of the Greenback Party, called on Congress to "stop the spread of diseases, of horrible vices, of nameless crimes" that theoretically accompanied Chinese immigration. Murch added that "the evils of Chinese importations cannot be overstated."[42]

The *Park Mining Record* (Park City, Utah) of March 11, 1882, editorialized that the Chinese exclusion bill was of "vital importance" and that the presence of the Chinese "tends to increase vice and immorality. They leave behind them their families and bring prostitutes to this country, as well as their opium habits and other vices." On May 5, 1882, the day before President Arthur signed the new bill, which incorporated his preference for a ten-year ban on Chinese immigration, the *Butte Miner* opined that Arthur "is too sensible a man to refuse to sign it." The *Weekly Elko Independent* (Nevada), May 7, 1882, called on Arthur to sign the legislation but made its fears that he might not sign it clear by derogatorily referring to the president as "Ah Thur." These opinions clearly demonstrate that vice and Chinese immigration were linked in the views of many.

Likely speaking for many in the West, the *Reno Daily Nevada State Journal,* May 7, 1882, praised Arthur's action saying that the president was "entitled to the thanks of the Pacific Coast people" and that "he has shown that he is in sympathy with this people, and fully recognizes the great danger to the country from a continued influx of Chinese." The *Virginia City Territorial Enterprise* editorialized on May 10, 1882, that now that the law had passed, "it will be the duty of every good citizen to unite in lessening the evils growing out of the presence of the Chinese already among us." The *Helena Daily Independent,* May 20, 1882, found that since the act's

passage more Chinese were moving east and that "the Chinese Mecca now, should be New England. We can spare them, let them go." The western press's pleasure at Arthur's signature was practically unanimous.

Shortly after the Exclusion Act's passage, the *Reno Evening Gazette,* May 12, 1882, cited a Washington special report on the Chinese government's response to the new law. The Nevada newspaper claimed that the Chinese government believed that the act was impracticable and would not accomplish what it was intended to do. Be that as it may, the suspension of the immigration of Chinese laborers into the United States was a fact. Over the next twenty years, the Exclusion Act succeeded in lowering the number of Chinese in the United States by approximately 15 percent.

Despite the passage of the immigration act, opium continued to legally enter the United States. As a result, the anti-opium rhetoric and campaigns also continued. The only major difference in the postexclusion years from the previous efforts to stop the narcotic's admission into the country was that the issue had now become a national one. The federal government now sought the eradication of opium use, not just in the West or in the United States, but in the world as a whole. The United States, by 1900, would dominate the world industrially and become an empire with the acquisition of the Philippines, Guam, and Puerto Rico in the Spanish-American War, and Hawaii and American Samoa through annexation agreements. The nation's expansionists sought the opportunity to bring American ways to new places. The country had fulfilled only a part of its manifest destiny, and now it needed to pass legislation to prove to the world that America was indeed the moral leader the expansionists said it was. The country needed its own anti-opium legislation because it had become, on its own initiative, the leader in the world's anti-opium campaign. In 1909 the first meeting to end the international use of smoking-opium would be held in Shanghai, and the United States needed to make sure that it had its own statute as a model for the world to follow. The country led the world industrially; now it would have to prove that it could lead the world morally.

Chapter Five

SMOKING-OPIUM'S CONTINUED PRESENCE

The Chinese Exclusion Act of 1882 ended neither the importation of large amounts of smoking-opium nor the belief that the Chinese caused the problems related to the substance. Many journalists, physicians, and community leaders in the West had believed that if Chinese immigration ended, the importation of opium would decline as well. Their conclusion seemed logical, as the drug most frequently came from China with the Chinese. What opponents of opium failed to remember was that by 1882 opium had addicted thousands of Anglo-Americans.

During the post–Exclusion Act years, opium continued to be a problem in the West and in the country as a whole. The amount of smoking-opium legally entering the United States increased even more dramatically than the Chinese population decreased. In the 1870s, 487,050 pounds of the opiate entered the United States. In the 1880s, 859,889 pounds passed through customs; in the 1890s, 924,908 pounds arrived; and in the first decade of the twentieth century, 1,481,686 pounds of smoking-opium were charged the appropriate tariff fee. At the same time, Chinese residents in the country declined from 103,620 in 1890 to 85,341 in 1900, and lower still to 66,856 in 1910.[1]

Because the opium problem appeared to worsen even after the Chinese were prohibited from entering the United States, opponents of opium continued their demands to end the narcotic's use. Their plan to eliminate opium by prohibiting Chinese immigration failed, but the belief that the Chinese addicted Anglo-Americans to the substance remained. Now it became apparent to westerners that stronger methods needed to be adopted by the federal government to stop the flow of the narcotic into the country. Many opponents of opium wanted Congress to create enabling legislation for Article II of the 1880 commercial treaty with China. In 1884 Congress passed provisions for the punishment of violators of the 1880 agreement.

The bill provided that opium would be seized and forfeited if imported by those ineligible to do so, and a fine of fifty to five hundred dollars and/or a one-to-six-month prison sentence would be imposed on violators. The bill, however, failed to muster enough support for congressional passage. Because of that, the American minister to China, John Russell Young, and his consuls were at a loss about how to deal with American violators of the treaty. In late 1884 Secretary of State Frederick T. Freylinghuysen instructed the American representatives to follow Chinese law regarding Americans who possessed opium in China until Congress could pass an enforcement bill.

Provisions to carry out the opium article of the 1880 treaty finally became law in 1887. The new act provided that the Chinese could not import opium into the United States and that Americans could not import opium into China or between the empire's ports. If a Chinese violated the law, he or she would be fined fifty to five hundred dollars and face a potential prison sentence of one to six months. Anglo-Americans importing opium into China were subject only to the monetary punishment.[2]

At the same time as the limited federal action on opium became law, more states, territories, and communities passed legislation to prevent the drug's use. Applying the new laws, local authorities closed opium dens, especially those frequented by Anglo-Americans. With the same fervor they had voiced in calling for its eradication prior to 1882, Nevada, Montana, Wyoming, Utah, Idaho, California, Oregon, and Texas continued to demand further legislation to abolish opium smoking. The complaints against the Chinese remained largely the same as those of the preexclusion days, and blame continued to fall on them for the opium habit. In 1885 Idaho territorial governor E. A. Stevenson even advocated the deportation of the remaining Chinese in the United States because of their opium, prostitution, and organized crime syndicates. In 1900 the Reverend Ira M. Condit reiterated an often-heard opinion that "the opium-smoking curse has crossed the seas to our land, as well as to all the places where the Chinese go."[3]

Opium smoking continued into the twentieth century, and editors persisted in filling their newspapers with descriptions of opium dens and reports of those arrested in them. The articles differed little from the columns they had printed ten or twenty years earlier. Police raids of dens and arrests for opium use or possession also continued well beyond the 1882 Exclusion Act. Apparently little had changed in the West concerning

opium's presence. Newspapers emphasized the arrests of Anglo-American men and women. For example, in Boise, Idaho, the police arrested Ned Harrison so often for opium violations that the *Idaho Tri-Weekly Statesman,* August 29, 1885, sarcastically suggested that Harrison change his name to "Ah Ned" because he spent so much time with the Chinese in the opium dens. Arrests of the Chinese den operators and smokers continued to outnumber the Anglo-Americans arrested for opium violations.[4] As before, the ordinances and statutes against the narcotic had little effect on the smokers. When one den closed, they simply took their business elsewhere.

Owing to the continuing presence of the drug in the United States, by 1895 at least eighteen states and territories had passed anti-opium legislation. These statutes contained clauses forbidding, for example, the buying or selling of smoking-opium and visiting or keeping opium dens.[5] Arrests made under the laws only temporarily deterred the smokers and certainly did not stop the drug traffic. Because of that, calls for national legislation increased and spread beyond the American West.

Occasionally states passed opium legislation using Nevada's statutes and supreme court decisions as models. For example, Wisconsin in 1898 cited the Nevada Supreme Court case *State of Nevada v. Ah Chew* (1881) allowing for the regulation of smoking-opium. Also as in Nevada, a number of cases challenging the constitutionality of various state or territorial opium statutes were argued before the courts. In the cases of *Ex parte Yung Jon* (1886) in the territory of Oregon and *Territory of Washington v. Ah Lim* (1890), the judges followed the examples set by the Nevada Supreme Court and ruled that because smoking-opium threatened the morality of the citizens of the territories, the government had a right to regulate the narcotic. Presiding Justice J. Dunbar's opinion in the Washington case reiterated the 1881 Nevada decision in *Ah Chew.* Dunbar wrote that "smoking opium is a recognized evil in this country. It is a matter of general information that it is an insidious and dangerous vice, a loathsome, disgusting and degrading habit that is becoming dangerously common with the youth of the country, and that its usual concomitants are imbecility, pauperism and crime." The judge also suggested to Ah Lim that if he found the law distasteful, he should go to the territorial legislature to get a new one passed.[6]

Because Washington and Oregon contained many Chinese immigrants, it is perhaps not surprising that the opinions of the justices were similar to

those of the Nevada courts. But the lack of a large Chinese community did not prevent states from passing anti-opium legislation, as can be seen in Wisconsin's smoking-opium law and in the 1885 Massachusetts statute prohibiting opium dens and smoking-opium. By 1890 Wisconsin's Chinese population had reached only 119, while that of Massachusetts totaled 984. It is likely that the fear of opium and its effects, real or imagined, caused state governments to pass laws prohibiting the substance's use whether or not a large Chinese population existed in the community.[7]

The demands for stronger opium laws accompanied calls for more immigration legislation. The national arguments against the Chinese and in favor of opium laws differed little from the arguments that western states and territories had used earlier. Immigration restriction continued to be one way that opponents of opium favored to reduce the amount of the narcotic brought into the country. After the passage of the 1882 Exclusion Act, Congress passed several other statutes further reducing the number of Chinese immigrants allowed into the nation.

In signing the 1888 Scott Act, the first Chinese exclusion legislation following the 1882 statute, President Grover Cleveland may have been influenced by the numerous reports of opium being smuggled across the United States–Canada border. On February 15 and December 20, 1888, the *Galveston News* (Texas) reported that American authorities had captured several shipments of crude opium that had been smuggled across the border into Minnesota and Michigan. One such shipment included a wagonload of eight hundred pounds of crude opium hidden under buffalo hides and bound for the Red River valley. In August of the same year, a newspaper article in the *Victoria Times* (British Columbia) explained that because the Canadian CP Railway was completed, the Chinese who had worked to build it were attempting to enter the United States illegally to find jobs. To make up for the lost revenue from migrating Chinese workers, Chinese merchants in British Columbia manufactured smoking-opium and smuggled it into the United States. The Canadian newspaper claimed that the number of opium kitchens operating in the area had more than doubled during the previous two years. The reporter noted that young white men were "smoking their intelligence, yes, and their manhood away" in the opium dens, and he concluded with a question: "Why cannot this vice be nipped in the bud[?]"[8] The Canadian reporter's words indicate that opium and its links to the Chinese were not concerns for Americans alone.

The new immigration legislation signed by the president continued to exclude Chinese laborers and even prevented them from returning to the United States from China despite the American immigration certificates that allowed them to do so. China protested on behalf of its citizens; however, President Cleveland claimed that the attempts to blend Chinese and American cultures was "unwise, impolitic, and injurious to both nations." The president said that he had signed the legislation because it was "the admitted and paramount right and duty of every government to exclude from its borders all elements of foreign population which for any reason retard its prosperity or are detrimental to the moral and physical health of its people."[9] This rationale suggests that Cleveland, at least for political and vote-getting purposes, believed that the Chinese and their vices, including opium, might harm the United States.

Signing the Scott Act into law did not help President Cleveland win reelection in 1888. Instead, Benjamin Harrison won, and in 1892 he signed yet another piece of exclusionist legislation. The Geary Act extended the Exclusion Act for ten years, continuing the restriction of Chinese immigration until 1902. China again protested, but the Qing rulers were too weak to enforce their views beyond allowing anti-American demonstrations and allowing their citizens to boycott American goods and people in China. The Chinese protests went unheeded in the United States.

When 1902 arrived, the United States quickly passed legislation extending Chinese exclusion indefinitely. Once again, the arguments against the Chinese had changed little. In 1901, using harsh language, three members of the Tuscarora (Nevada) Miners' Union No. 31 wrote to former Nevada senator William M. Stewart, "No civilized home can exist, when brought in contact or competition with the degradation of the people of the Orient." The miners claimed that, morally, the Chinese were "a festering sore. We have seen the youth of this country enticed into their dens of vice and ruined morally and physically." They concluded their letter by wishing the former senator "God-speed" in his "efforts to protect the American manhood from the threatened peril." In 1902, arguments from the American Federation of Labor (AFL) followed along the same lines as the men from Tuscarora, claiming that the Chinese "would imperil every interest which the American people hold sacred for themselves and their posterity." Further, the AFL complained that the Chinese enticed preteenage white girls into opium dens and subjected them to evils "too horri-

ble to imagine." The AFL added that "it seems beyond human reason to remain indifferent to an evil so entirely destructive to our domestic ideals."[10]

As the opium habit continued into the twentieth century, the federal government sought the drug's abolition on a worldwide scale in an effort to solve the problem at home, hoping simultaneously to demonstrate to the international community that the United States led the world not only economically but morally as well. To those ends, the U.S. government proposed a world conference on opium to take place in Shanghai in 1909. The Americans hoped that the representatives meeting in China would agree to a worldwide ban on the narcotic.

In order for the United States to take a prominent role at the conference, it needed its own exemplary opium law to show the nations invited to Shanghai that America seriously wanted an end to the traffic in opium. Without such a law, it was unlikely that the United States could successfully press for international opium prohibition. Theodore Roosevelt's secretaries of state Elihu Root (1905–1909) and Robert Bacon (1909) favored an American law that "would prove an important factor in the suppression of the evil in our country,"[11] according to Sereno Elisha Payne (R-NY) of the House Committee on Ways and Means.

On February 9, 1909, Congress approved "An Act to Prohibit the Importation and Use of Opium for Other than Medicinal Purposes." Unlike the 1880 commercial treaty with China that forbade Chinese residents of the United States from importing opium, the new act prohibited the importation of any form of smoking-opium into the country by anyone. The penalty for violating the new statute was forfeiture and destruction of the confiscated opium, a fine of fifty dollars to five thousand dollars, and/or imprisonment for up to two years. Simple possession of smoking-opium was sufficient to convict a person.

A 1913 House of Representatives report stated that the 1909 act "was drafted, enacted, and approved as a first step on the part of the United States to clean its own house in view of the assemblage at Shanghai." With the passage of the act, the United States demonstrated to the world that it was determined to end smoking-opium addiction in its own nation and, it hoped, in others as well with the assistance of the Shanghai meetings. Also, some Americans believed that controlling the domestic drug problem required suppressing the production of narcotics outside the nation's borders.[12] The years of connecting the Chinese with smoking-opium had

convinced many Americans that the drug problem was an imported, not a domestic, issue.

In Shanghai fourteen nations, including Austria-Hungary, China, France, Germany, Great Britain, Italy, Japan, the Netherlands, Persia, Portugal, Russia, Siam, Turkey, and the United States, met for the First Opium Conference. Charles Henry Brent (the Protestant Episcopal bishop of the Philippines), Dr. Hamilton Wright, and Dr. Charles D. Tenney represented the United States. The American Congress charged its representatives with the responsibility of looking into the "commercial, medical, and humanitarian aspects of the [opium] question." By the end of the conference, the member nations had resolved to create opium laws in their respective countries, abolish smoking-opium, prevent the export of opium to any countries, stop the use of morphine, investigate remedies for opium use, and if the participant held a foreign concession in China, close the opium dens operating in it. Also, the countries agreed to enact legislation controlling their domestic opium trade.[13] They agreed to meet again at The Hague in 1913.

The movement to suppress the opium trade in the United States and around the world resulted in a number of changes for smoking-opium habitués. The cost of opium increased in the United States from twelve dollars to seventy dollars per pound. Because of the rising cost of the substance, Anglo-American and some Chinese opium addicts switched to cocaine, morphine, and heroin, which were not only less expensive but were legal as well. Medicinal-opium remained legal in the United States until the passage of the Harrison Narcotics Act in 1914.

Another side effect of the 1909 legislation, according to Francis Burton Harrison (D-NY) of the House Committee on Ways and Means, was an increase in opium smuggling across the Mexican border or into West Coast ports. Although citing no statistics, Harrison called the illegal importations of opium "an immense quantity." Immigration authorities at the Texas-Mexico border arrested numerous Chinese entering the United States illegally from Mexico. Occasionally the border agents caught the Chinese in possession of opium as they crossed into the United States. The arrests led to prison time in federal penitentiaries, such as at Leavenworth, Kansas.[14]

In addition to the side effects of the 1909 act, the law itself was challenged in the U.S. district court in Montana when the court heard an appeal by Yee Fing, convicted of opium possession under the statute. The ap-

pellant claimed that mere possession of the imported drug was insufficient for conviction. The district court ruled that since the United States did not grow opium for smoking domestically, Yee Fing's drugs must have been imported in violation of the federal narcotics law; therefore, he was subject to punishment. The court also ruled that smoking-opium was "perverted to evil uses" and it was "in general an outlaw. Its presence in this country, apart from statutes, is practically a conclusive presumption of importation." Yee Fing admitted that the narcotic was imported, and the district court denied his motion for a new trial.[15] The reasons given in support of this ruling had been heard many times before in the courtrooms of the West. Many justices at the local, state, and U.S. district court levels believed that opium was a pernicious substance detrimental to the moral and physical health of the nation. The opinions of the western courts, journalists, and residents did not change in view of the 1909 legislation. The federal government said nothing that the western states and territories had not already said thirty years earlier.

For nearly fifteen years after the 1909 act's passage, presidents and secretaries of state praised the law and expressed regret that the country had not acted sooner to end opium use in the United States. In 1910 Secretary of State Philander C. Knox wrote President William Taft that opium had brought a large amount of money into the nation's treasury; however, "this Government had for half a century unwittingly encouraged the use of this form of opium to the great detriment of Chinese immigrants and to the growing danger not only of the criminal and defective classes, but of the higher ranks of society." President Woodrow Wilson expressed thanks that the United States led the world in calling for the eradication of opium because of its associated evils.[16] Neither official commented upon the fact that the West and numerous eastern states had petitioned Congress regularly to end opium's use in the nation throughout the previous thirty-five years.

The 1909 act and the Shanghai Conference led to further American legislation and efforts to abolish opium's use. The twentieth century saw numerous laws and amendments passed regulating smoking-opium, medicinal-opium, and other narcotics in the United States. The most important smoking-opium legislation enacted after 1909 concerned the manufacture of smoking-opium within the country. In 1914 Congress decided the nation needed the new statute to "regulate the manufacture of a dangerous product, lessening the evils to public health and to public morals which flow

from commerce in the product." Although Congress wanted to protect American morals and health, this was the first time that no mention was made of the Chinese in discussing reasons to pass opium legislation. The fact that only about sixty thousand Chinese remained in the United States by 1914 might explain why they were not mentioned in Congress's message when it passed the new law.[17]

After the passage of the January 1914 statute regulating the domestic manufacture of smoking-opium, the United States passed two more important narcotics laws. The first, also in 1914, was the Harrison Narcotics Act, which required dealers, such as pharmacists, who sold drugs to register with the federal government and maintain records of who bought narcotics from them. The 1909 smoking-opium act remained in effect after the Harrison law became effective.

In December 1942, and after many lesser narcotics acts had become law, Congress passed yet another one, this time making it illegal to grow opium poppies without a license. According to the statute, Congress passed the law to better carry out its duties as prescribed by the agreements that resulted from the international meetings on opium in 1912 and 1931. That the lawmakers waited nearly thirty years to write a bill to support the abolition of opium is interesting, but even more so because in December 1943 the federal government reopened immigration possibilities for the Chinese. Did the nation still equate Chinese immigrants with opium, or was the passage of the Opium Poppy Control Act merely coincidental? It is likely to have been merely coincidental. The federal government might have wanted to regulate the growth of opium poppies to ensure a supply of medicinal-opium for military needs during World War II or to avoid possible drug abuse among American soldiers. It is unlikely the legislation passed because of an old fear of the Chinese finding economic opportunities in the underworld's narcotic habits.

Finally, in 1970, the federal government passed the Federal Controlled Substances Act. Regarding opium, the new law made it illegal to manufacture the drug or to plant, cultivate, grow, or harvest the plant. All parts of the poppy plant became illegal, except for the seeds. In addition, this act regulated most other narcotics in the United States. The 1970 legislation repealed previous laws regulating opium use in the country.[18]

When the federal government passed its twentieth-century narcotics legislation and sent its representatives to the opium conferences, it consistently mentioned opium's association with the deterioration of physical

health and moral well-being. The idea that the drug was synonymous with depravity and the deviant seemed never to be in question. The federal government finally said what the West had been complaining about for over a generation.

By 1915 the United States had regulated Chinese immigration and most narcotics in the country. Everything seemed to be going well for those advocating a homogeneous, drug-free America. But by the late 1930s and early 1940s, things had changed regarding the Chinese immigration issue. Asian and European dictatorships challenged America's world leadership role. It was in those pre–World War II years that the United States attempted to secure its position in East Asia in an effort to prevent Japanese control of the region.

Once again the Chinese would be permitted to immigrate to the United States. The reasons given for the repeal of the Chinese Exclusion Acts include the desire to reestablish the credibility of the United States as a democracy in order to counter Japanese propaganda that Americans wanted to dominate Asia. Further, the United States needed China on its side in the war to prevent the spread of Soviet Communism throughout the Asian mainland once the Pacific war ended. As a result, the Magnuson Act of 1943 came from the self-interests of Americans and their desire to control the postwar Asian world, not from a wish to embrace Chinese immigration once again.

American religious groups and businessmen supported passage of the Magnuson bill because of the opportunities to convert the Chinese to Christianity and sell American products in China after the war. American labor, though, split on the issue of readmitting the Chinese. The Congress of Industrial Organizations (CIO) favored the repeal of exclusion, while the AFL continued its three-generation opposition to Chinese immigration. Those in favor of repeal prevailed, and the new immigration statute permitted 105 Chinese to enter the United States annually under the quota system established by the Immigration Act of 1924. It also made the Chinese eligible for naturalization under the Nationality Act of 1940 as amended for the new immigration.[19] The immigration of the Chinese began once again.

From the post–World War II era through the 1970s, Congress passed a series of immigration and refugee bills that allowed people from around the world to come to the United States. Aside from the regular demands for immigration visas, two large groups of refugees sought asylum in

America: Cubans and Southeast Asians. The Cubans arrived in the late 1950s and early 1960s, while the Vietnamese, Cambodians, and Laotians arrived in the mid-to-late 1970s.

The opium habit accompanied some of those refugees from Southeast Asia, especially the Hmong groups. Because the substance remained illegal in the United States, members of the Hmong community smuggled it in from Southeast Asia across the Mexico–United States border or grew their own opium poppies in, for instance, California, Michigan, Minnesota, Vermont, Washington, and Wisconsin. Hmong youth, born either in Southeast Asia or the United States, sold the poppy's product wherever the Southeast Asians made a home. In 1989 Dr. Joseph Westermeyer of the International Clinic at the University of Minnesota called opium dependence among the Asian refugees in the United States "an epidemic." The addiction led some Southeast Asians to spend welfare money on the drug and even to let their children go without food to allow for the purchase of the narcotic.[20]

By the end of the twentieth century, and despite the federal government's anti-opium efforts, the habit remained in the United States. In 1994 Jim Hogshire, an advocate for opium use, published *Opium for the Masses,* explaining how to grow, harvest, and manufacture opium from the poppy plant. Hogshire's book provided explicit instructions on how to smoke the drug, as well as how to make opium poppy tea, an addictive substance itself. Simultaneously, the U.S. Drug Enforcement Administration attempted "to implement a quiet crackdown" on opium-poppy growing in the country, according to Michael Pollan, a gardener and writer for *Harper's* magazine. Pollan commented that "the government is just as concerned with the supply of poppy information as it is with the supply of poppies."[21] Pollan wrote his article with a flair for the dramatic, trying to make his readers feel as though the government were taking a new interest in opium, opium smoking, and other opium adventures.

The government was not taking a new interest in opium. It merely continued a campaign that had started in Virginia City, Nevada, in 1876. It tried to eradicate a so-called social and moral evil and prevent the addiction of Americans to a narcotic that breaks up families, destroys homes, and causes financial crises. Modern journalists who describe opium dens echo the reporters for the *Butte Miner,* the *Cheyenne Daily Leader,* the *Salt Lake Tribune,* the *Virginia City Territorial Enterprise,* and numerous other western newspapers. The government continues to believe that

smoking-opium is an imported evil. Little has changed—except, of course, that it is doubtful the United States will close its doors to Asian immigrants today and that Anglo-Americans seem to have switched to new drugs, including "designer" creations.

The legacy of smoking-opium continues into the twenty-first century, but it is no longer connected to the Chinese, just as the Chinese are no longer connected to cheap-labor arguments. Yet in the 1870s and 1880s middle-class Americans linked the Chinese to both opium and jobs. Even though the Chinese violated no laws regarding their drug vice prior to the Virginia City ordinance of 1876, their habit threatened the received morality that accompanied the predominantly male Anglo-American workers west.

The citizens of the West believed in manifest destiny and in late-nineteenth-century moral ideology. Inhabiting areas with important mining and railroad industries, they considered themselves active players in the drive for American domination of the industrial world. Bringing the products of the new industries to the world also brought the possibility of carrying American ways, including democracy and Christianity, to those with whom the United States traded. It looked, to many, as if the United States were on its way to a golden future, one filled with prosperity and opportunity. Any threat to those prospects needed to be eliminated. Hence, the citizens of Nevada, Montana, Wyoming, Utah, Idaho, California, Oregon, and Texas sought the exclusion of the Chinese from the United States because the Chinese opium habit endangered the nation's future, or so many believed.

Westerners acted with their emotions, not their intellects, in their efforts to end opium use by excluding the Chinese. They were not interested in exploring why anyone smoked opium; instead, they saw the habit as a deviant foreign evil that needed eradication as soon as possible. The West sought to save America from the ravages of drug addiction.

The West's feelings for societal norms may have been intensified because westerners lived so far from the regulated society of the East. The medical community added to the insecurities about opium with its reports that the narcotic altered a person's sexuality, making him or her more prone to sexual behavior with whomever was convenient at or near the opium den. That behavior could lead to a loss of moral guidance, allowing a deterioration of the American "race" resulting from the possible mixing of the Chinese and Anglo-American "races." Further, the energy that

America needed in order to become an industrial leader might dwindle if the nation's population became addicted to opium. Journalists readily disseminated the physicians' findings, contributing to the anti-opium and anti-Chinese sentiment in the West.

Smoking-opium went wherever the Chinese moved. Legislating the drug out of existence proved more difficult than the West hoped. Smuggling, lackluster law enforcement, and secret opium dens prevented the complete eradication of the narcotic. If eliminating the drug by legislation was not possible, then the citizens of the region sought the prohibition of Chinese immigration. Excluding the Chinese from immigration privileges would end cheap labor competition and opium use, claimed the anti-Chinese activists.

Opponents of opium in the West sought the support of the federal government for Chinese exclusion. The U.S. government was reluctant to support the push for Chinese immigration restriction because of treaty commitments between the two nations, the value of the China trade, and a desire to protect Americans living in China.

In 1882, when the anti-Chinese activists at last persuaded Congress to exclude the Chinese, it was too late for many Anglo-American opium smokers. They were already addicted. Opium imports nearly tripled between the 1870s and 1909, when a new federal law prohibited the importation of the drug. The United States finally passed the smoking-opium exclusion law because of the continuing use of the narcotic by Anglo-Americans, rendering the 1882 exclusion of Chinese immigrants unjustified based on smoking-opium alone.

By 1909 the United States had entered the Progressive Era; however, concerns about sexuality and the need to stay strong for America remained. Also, by the time America passed the smoking-opium law, the country controlled an empire with overseas possessions and had an industrial capacity second to no other nation. With the rise in America's strength, the federal government finally noticed what those in the West had warned them about a generation earlier: that opium was a problem with dramatic potential consequences. America did not want to give up what it had achieved because of a vice imported from afar. The country sought to lead the world industrially while at the same time serving as the world's moral guide. Neither federal Chinese exclusion laws nor local, territorial, or state anti-opium legislation ended the opiate's importation or use in the United States. Only the 1909 federal legislation against the nar-

cotic brought the product to a legal halt. Smuggling undoubtedly increased after the federal legislation, but the use of the substance began to decline as its legal importation ended and because some Anglo-American and Chinese smokers switched to other narcotics. The West continued to be an important center for the remaining opium smokers well into the twentieth century.

For the most part, smoking-opium's use was confined to those on the fringes of American society, such as prostitutes, gamblers, smugglers, triad members, and den operators, even in the West. Occasionally, the middle and elite classes smoked the drug. It was their use that concerned government officials and the middle-class population of the West. The elite and middle classes built the country's industries and spread Christianity's message. If the energy of these people was depleted because of a foreign vice, then America's future might dim.

The cultures of neither China nor the United States depended on smoking-opium, although the drug influenced both of them. The United States stopped its addiction from growing to the proportions of China's. China was not so fortunate and served as a vivid example of what could happen if the opium habit got out of control. The United States desired to grow in power and not to be subservient to any other nation. Smoking the opiate and seeking world power could not be done simultaneously. In order to achieve economic and moral control, the nation's population had to be physically and mentally capable of molding its own future. To attain that end, Nevada, Montana, Wyoming, Utah, Idaho, California, Oregon, and Texas tried their best to eradicate the "caves of oblivion."

Notes

CHAPTER 1 / THE POPPY PROBLEM COMES TO THE WEST

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CHAPTER 5 / SMOKING-OPIUM'S CONTINUED PRESENCE

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