

The Split Labor Market and the Origins of Antidrug Legislation in the United States

Kathleen Auerhahn

Edna Bonacich's (1972) theoretical formulation of split labor market dynamics as underlying the content and process of ethnic antagonism is expanded and applied to an historical analysis of the development of antidrug laws in the United States. The campaigns and resultant legislation against opium, cocaine, alcohol, and marijuana are subjected to a split labor market analysis that incorporates the notion of moral panics and an understanding of the ways in which law may be used as a "weapon" in the furtherance of class interests. The article concludes that each of these campaigns came about as the result of an underlying split labor market dynamic and adds to Bonacich's original formulation the response of criminalization of the threatening labor group by the higher-paid labor group.

Edna Bonacich's theory of the split labor market asserts that "conflicts which appear to be about race and ethnicity mask underlying class conflicts" (Bonacich 1975, 601). A split labor market develops when a price differential exists between two or more groups of workers able to perform the same work (Bonacich 1972). In this framework, the total price of labor subsumes "not only wages, but the costs of recruitment, transportation, room and board, education, health care (if the employer must bear these) and the costs of labor unrest" (Bonacich 1972, 549).

The conflict that develops as a result of split labor market conditions is three-sided. The three groups involved are business (owners of capital) and

Kathleen Auerhahn is a Ph.D. candidate in the department of sociology, University of California, Riverside. She would like to offer her thanks to Austin T. Turk, Edna Bonacich, James Johnson, and several anonymous reviewers for their helpful comments and advice on earlier versions of this manuscript. She is also extraordinarily grateful to Judy Lee and the entire staff at Interlibrary Loans, Tomas Rivera Library, University of California, Riverside, without whose assistance this project would not have been possible.

the higher-paid and lower-paid factions of the laboring class. Conflict ensues as each group tries to pursue its own interests, which are, due to the nature of the capitalist mode of production, at cross-purposes. It is in the interest of capital to obtain the cheapest and most tractable labor force, and the interests of the two labor groups are the same: to be able to work and eke out a reasonable standard of living. The conflict between labor groups arises from differences in what is defined by the groups as "reasonable." Such differences originate in structural conditions.

It is important to note that, although labor markets are often split along ethnic or racial lines, ethnic differences do not inherently create price differentials. Price differentials among labor groups arise out of structured differences in the resource conditions of the two groups. Economic resources determine the opportunity costs of entering a labor market. If the initial standard of living of a group (or the standard of living left behind by an immigrant group) is low, it stands to reason that this group can be induced to work for a lower price than a group coming from a comparatively favorable resource position. Informational and political resources similarly determine the price of labor; these are resources that will inevitably be less available to immigrant groups than to native-born residents. The immigrant or similarly disenfranchised group's (e.g., American blacks following Reconstruction) deficit of resources makes them comparably more tractable and, hence, cheaper than the native labor force.¹ The structural nature of the labor market conflict cannot be overemphasized: "cheaper labor does not intentionally undermine more expensive labor; it is paradoxically its weakness that makes it so threatening, for business can more thoroughly control it" (Bonacich 1972, 554).

The interests of the higher-paid labor group are threatened by the possibility of displacement or wage undercutting by the lower-paid group. Bonacich offers three possible responses by higher-paid labor to the threat of a cheaper labor group: *exclusion* of the lower-paid, the creation of a *caste* system of occupational segregation, and *radicalism*. Exclusion is obviously the preferred option, since this removes the latent threat of competition altogether; caste systems will develop when exclusion is not feasible. Both of these responses represent "victories" for the higher-paid labor group (Bonacich 1972). The third alternative, radicalism, entails the formation of

1. I emphasize the dynamics of split labor markets as they apply to the introduction of immigrant labor groups to a native-born population because that is the nature of the conflicts analyzed in this paper. It should be noted, however, that split labor market theory is also applicable to politically generated differences in the resource positions of labor groups, such as in the system of apartheid in South Africa (see Bonacich 1972 for a fuller treatment of this case).

a multi-ethnic coalition of labor, united against the interests of capital (Bonacich 1975).²

This paper expands on previous applications of split labor market theory in two ways. The first of these is the introduction of an additional response on the part of higher-paid labor to resolve the conflict—*criminalization* of the lower-paid labor group. By criminalizing an action, behavior, or custom of the threatening group, the group or at least some segment of it can be removed from the general population on the basis of legal sanctions (through incarceration, deportation, or exile), thereby reducing competition. Criminalization appears to be preferable to a system of occupational segregation but falls short of exclusion. Criminalization is here presented as the “best” possible alternative when exclusion is not feasible, due to either high costs of removal of cheap labor from the market or legal obstacles to preventing immigration. The relationship between criminalization and exclusion should be clear. Criminalization, by having the effect of removing members of the threatening group from labor market competition, can be seen as a limited instance of exclusion. For this reason, it comes as no surprise that we often see criminalization responses emerge concurrently with attempts at exclusion.

The second way this analysis differs from earlier explications of split labor market theory is the identification of a mechanism by which split labor market dynamics are resolved by the conflicting groups, namely, the mobilization of symbolic resources in *moral panics*. The importance of symbolic conflict and its relationship to structural conditions has often been neglected by Marxists and other theorists of conflict. However, Bonacich is quick to note that “the importance of potential competition cannot be overstressed. . . . [I]t does not take direct competition for members of a higher priced labor group to see the possible threat to their well-being, and to try to prevent its materializing” (1972, 553–54).

The idea of class conflict, masked as ethnic conflict, spurring actions in the face of potential or *symbolic* threat links the discourse of the split labor market to a body of research concerning social control responses to threatening populations (Sampson and Laub 1993; Brown and Warner 1992; Myers 1987, 1990, 1993; Tittle and Curran 1988; Irwin 1985; Harring 1977). What unites this diverse body of research is the contention that groups with access to power resources will resort to mechanisms of social control when they believe themselves or their constituencies are threatened by a population. This symbolic threat dynamic often manifests itself in the form of racial or ethnic conflict between a minority and a dominant group.

2. Bonacich's original (1972) explication of the split labor market theory contained only two responses, exclusion and caste. The third, coalition formation, is added in a subsequent formulation (1975).

Split labor market analysis can be used to reveal the class antagonisms underlying these racial and ethnic conflicts.

Law is one of the most effective means of social control available to a group that believes itself to be under threat. The legitimacy of law as an institution veils any taint of corruption or self-serving intent, and the "impersonal" character of the law allows it to be used as a broad-based way of dealing with groups as a whole. The fundamentally religious character of law, recognized by Emile Durkheim long ago ([1893] 1984), also imbues those who invoke the law with a righteousness and sense of injury not as readily associated with other institutionalized means of control. Additionally, law can be seen as instrumental in the social construction of reality. "The definitions of the real, the true, and the worthy given legal expression are thereby given the support of what is not only the most prestigious of cultural structures, but also that structure most directly supported by the apparatus of political control" (Turk 1976, 281).

Ideological power resources are often utilized in the marshaling of "law as a weapon in social conflict" (Turk 1976) via the creation of moral panics (Chambliss 1995; Goode and Ben-Yehuda 1994a, 1994b). Moral panics ultimately operate at an emotional and symbolic, rather than a material level. Goode and Ben-Yehuda (1994a) have identified five elements characteristic of moral panics: a high level of *consensus* about the problematic nature of the behavior or group in question; *disproportionality* of the reaction, that is, it is out of proportion to the level of objective harm posed; *volatility* in the political climate that encompasses the panic; a great deal of *hostility* toward the object of the panic; and a relatively short duration, despite which "moral panics always leave an informal, and often an institutional, legacy" (Goode and Ben-Yehuda 1994b, 149). More often than not, this legacy is a legal one:

[D]uring the moral panic, the behavior of some members of a society . . . is felt to be so wounding to the substance and fabric of the body social, that . . . something must be done about it and that something must be done now. . . . [A] major focus of that "something" typically entails strengthening the social control apparatus of the society. (Goode and Ben-Yehuda 1994a, 31)

The criminal law seems particularly well suited for the resolution of conflicts arising out of a moral panic, given the highly moral and symbolic nature of the criminal law (Durkheim [1893] 1984; Fishman 1978; McGarrell and Castellano 1991). McGarrell and Castellano point out that "[p]articularly during times of social change and turmoil, when levels of personal insecurity are great . . . the criminal lawmaking process thus becomes a conflictual process in which politicians, responding to the real fears of the

public, compete for the rewards available through the manipulation of symbolic messages" (1991, 178).

Moral panics are never *entirely* socially manufactured. While the actions of interest groups define the moral panic via the creation of "folk devils" (Cohen 1972) that clarify and personify the nature of the threat, moral panics often arise in response to "triggering events" (Adler 1996), objective changes in social conditions that make certain behaviors appear more threatening than they did previously, or both (Adler 1996; Cohen 1972; Goode and Ben-Yehuda 1994b; McGarrell and Castellano 1991).

It is important to note that although purely economic forces may be at the root of the *origin* of moral panics, it is possible for the symbolic dimension of the conflict to take on a life of its own (Boswell 1986; Turner, Singleton, and Musick 1984). Boswell (1986) highlights the reciprocal nature of the ideological and economic processes underlying these ethnic conflicts:

Although a split labor market analysis can explain the economic incentives of a racist ideology, it cannot explain the *content* of that ideology. . . . The ideology which is invoked affects the manner in which split labor markets are reproduced. . . . An initial ethnic difference in the cost of labor will not be continually reproduced under competitive market conditions unless workers continue to be ideologically identified. (Boswell 1986, 353–54)

The history of antidrug legislation in the United States is indeed the story of split labor market competition, and of the use of law as a social control response to these conditions. The campaigns against opium, alcohol, cocaine, and marijuana will all be shown to be responses on the part of higher-paid workers threatened by a class of minority laborers who were able to offer their services at a lower price than the dominant group of white laborers. In each case, higher-paid labor responded to the threat in a variety of ways, including occupational caste systems, attempts at exclusion, and finally, criminalization targeting the lower-paid group.

Most prior accounts of the origins of antidrug legislation focus on the role of elites in the passage of antidrug legislation (e.g., Lindesmith 1967; Becker 1963; Gusfield 1963). My analysis is less an attempt to deny the role of agenda setters and moral entrepreneurs than an attempt to provide an accounting of the largely neglected role of *nonelite* actors—and the material forces driving them—in these campaigns. Identifying the economic origins of the moral panics that developed in the four antidrug campaigns considered here is conceived as complementing rather than refuting prior accounts of the history of drug prohibition in the United States.

Kai Erikson (1966) has argued that "crime waves" arise in response to *boundary crises* in society. Erikson analyzes three major religious-political "crime waves" in seventeenth-century Massachusetts: the Antinomian crisis

of 1636, the persecution of Quakers in the latter half of the seventeenth century, and the Salem Village witch persecutions of 1692. Erikson describes these “crime waves” as

three different attempts by the people of the Bay to clarify their position in the world as a whole, to redefine the boundaries which set New England apart as a new experiment in living. . . . The community begins to censure forms of behavior which have been present in the group for some time but have never attracted any particular attention before. . . . Each [of these crime waves] followed a period of unsettling historical change. (Erikson 1966, 67–70)

The link between Erikson’s “crime waves” and the notion of moral panics is clear. Both are responses to social and economic conditions that threaten the ontological or material security of a group with access to power resources, who frequently use these resources to restore this security through the increased application of social control mechanisms.

Many Marxist theorists posit that the state, in mediating conflicts between classes, will always act in the interests of the ruling class (e.g., Quinney 1970). However, the fact that, historically, concessions have been granted to labor demands a reevaluation of the utility of instrumentalist models of the state in Marxist theory. Why, if it is in the interest of capital to have unlimited access to the largest possible pool of the cheapest possible labor, have campaigns originating in conflicts within the working class been successful in criminalizing the some members of the lower-paid labor group? Explanations focusing on the “relative autonomy of the state” have been advanced to account for this. It is beyond the scope of this paper to debate the merits of “relative autonomy” and instrumentalist theories of the state. What I do intend is to explain how split labor market dynamics in a particular time and place operated to produce a series of victories for higher-paid labor groups in the form of criminalization of a behavior associated with a threatening group. Toward this end, a brief discussion of theories of state autonomy follows.

Poulantzas (1974, 1978) was among the first to highlight the role of the state in modern capitalist societies as a site for class struggle. However, his failure to specify a causal mechanism or to explicate conditions under which the state might act in a way contrary to the interests of capital has provoked much criticism. Fred Block, one such critic, offers an analytical solution to the vagueness of conceptions of “relative autonomy,” beginning with “the acknowledgment that state power is *sui generis*, not reducible to class power . . . but the exercise of state power occurs within particular class contexts” (Block 1980, 229). Block posits that state managers operate in ways that are not only germane to their own self-interest (which consists primarily in maximizing their own power) but also in the long-term interest

of the survival of the state itself. These interests are in turn moderated by partisan interests.

Block further asserts that periods of state crisis, such as war or depression, generally expand state autonomy from the control of the capitalist class (Block 1977; see also McGarrell and Castellano 1991). This explanation of why the actions of the state are sometimes contrary to the interests of elites is particularly applicable here. The antidrug campaigns under consideration span a period of approximately 60 years, during which the United States underwent a great deal of economic, social, and political change. Additionally, each campaign itself was located during a particular crisis; these crises are fundamentally important in explaining the timing of legislation. The first antidrug law in the United States was a ban on smoking opium passed in the city of San Francisco in 1874, while the United States was in the midst of a major economic depression. All of the subsequent campaigns also occurred during periods of economic depression as well as other kinds of social transformations, including the reorganization of the southern economy in the post-Reconstruction period, rapid population growth and urbanization in the northern region, and an influx of young men returning after World War I to a region transformed by agricultural opportunities resulting from federal legislation. In short, in addition to the effect that such transformations might have on the ontological and/or material security of some groups in society, such crises could also have the impact of increasing state autonomy from the capitalist class in formulating responses to the demands of particular interest groups.

The first antidrug laws in the United States targeted opium use. Eventually all opiate drugs would come to be criminalized, but in the late 1870s, only opium *smoking* was considered to be a social problem. Narcotic-laced patent medicines would not be seen as problematic until several years later, and then the concern was primarily focused on cocaine, not opium. It was no accident that the first anti-opium statutes came about in the West, at the peak of Chinese immigration; the beginnings of each of the major antidrug campaigns of the nineteenth and early twentieth centuries had a distinct regional focus. Regional labor markets were split along different ethnic lines and differed in form depending on that region's economic base. In the West, it was Chinese immigrants, imported to build the railroads and perform dangerous work in the mines at wages no white laborer would accept, that presented an economic threat. In the South, fear of wage undercutting and the advancing economic position of free blacks in the postbellum period resulted in the campaign against cocaine that ultimately played a role in the passage of the Harrison Act. In the North, fear of an influx of European immigrants, who not only would work for lower wages but also were rapidly gaining power in the urban centers, spurred the temperance movement, which resulted in a brief period of alcohol prohibition in the early

twentieth century. The last of these early campaigns had its origins in the Southwest, where the fear of cheap Mexican farm labor resulted in the criminalization of marijuana.

OPIUM PROHIBITION

Beginning in the early 1850s, Chinese immigrants were brought to the American West in large numbers. Most worked for very low wages on the railroads and in the mines. There was some conflict between white miners and the Chinese, who were competing for fewer and fewer jobs as mining operations became more capital intensive (Helmer 1975; Boswell 1986). Mine owners often contracted large groups of Chinese immigrants to work; these contracts were usually negotiated through the companies that made passage-loans to the Chinese. For these companies, arranging work for their debtors was a way of ensuring that the loans would be repaid (Boswell 1986). White mine workers often did not make the distinction between this arrangement and indentured servitude. "Coolies," the white miners argued, were no better than slave labor, and therefore abhorrent in a burgeoning system of free-market competition (Boswell 1986). This perception would persist as the conflict intensified, as demonstrated in this report commissioned in 1901 by the San Francisco Board of Supervisors:

All Chinese immigration of the coolie class is both pauper and contract labor. It is not a voluntary immigration. The Six Chinese Companies of California deal in Chinese labor as a commodity. (City of San Francisco 1901, 5)

With the completion of the transcontinental railroad in 1869, the labor market in the West became flooded with low-priced Chinese laborers, now seeking jobs in manufacturing as well as in the mining industry. Another source of declining wages in this period was the opening of the national market that followed the railroads' completion, which forced Western producers to compete with Eastern and Southern producers, who generally faced lower labor costs than Western manufacturers. Prior to this period, white wages had tended to be higher in the West than in the East or the South, due primarily to the lower population density in the West (Boswell 1986). Chinese workers had also been used as strike breakers in management's fight against newly formed unions (Latimer and Goldberg 1981). In 1873, an economic depression set in that would persist until 1880. The depression was nationwide, but it is likely that it was felt especially hard by white laborers in the West, because they had come to expect relatively high

wages. Conditions were ripe for the scapegoating of the Chinese,³ a process that had already been taking place as a result of split labor market conditions but that intensified in the face of economic crisis.

By the middle of the nineteenth century, a full-blown moral panic existed. A large part of the attack on the Chinese came directly from organized labor. Samuel Gompers, who would later form the American Federation of Labor in 1886, was instrumental in perpetuating anti-Chinese rhetoric in the West. As president of the Cigarmakers' union in 1874, Gompers fought for and won the exclusion of Chinese from the union and also succeeded in getting factory owners to package cigars with stickers declaring "White Labor" (Latimer and Goldberg 1981). In 1886, the American Federation of Labor announced in a position statement that "By force is the only way to remove the coolies and twenty days is enough to do it in" (reproduced in Latimer and Goldberg 1981, 210).

In 1880, the depression abated. With work more plentiful for everyone and the Chinese once again relegated to jobs for which the white man had no need or desire, the perception of the Chinese shifted (Latimer and Goldberg 1981). They were now no longer seen as simply stealing work that rightfully belonged to the white man, which in this early period of capitalist development was perhaps understandable, although deplorable. The Chinese, one could say, had the same goals as the white man—advancement through hard work—and who could blame them? After the depression, however, hatred for the Chinese had become so great that it carried substantial symbolic and emotional weight on its own account and needed a new outlet. The Chinese practice of opium smoking had already been invoked as contributing to the economic threat previously posed by the Chinese, in the common belief that opium acted as a stimulant, inciting the Chinese to work harder than whites (Musto 1973; *Sacramento Daily Record-Union* 1876). This manifested itself in the refinement of an ideology that portrayed the Chinese as a force of complete evil, determined to corrupt white women and children with the noxious, yet seductive, practice of opium smoking (Latimer and Goldberg 1981; Musto 1973). A report from the American Federation of Labor declared that "one of the most far-reaching and destructive of the vices transplanted by the Chinese to American soil is that of the use of opium" (Gompers and Gutstadt 1902, 19). A report by Dr. Hamilton Wright, head of the American Opium Commission, stated

3. Boswell (1986) notes that although this additional pressure of national competition clearly played some role in reducing white wages in the West, this was generally not acknowledged. A similar point is made by Levine, in his preface to Rumbarger's (1989) work concerning the dynamics of alcohol prohibition: "temperance ideas functioned as a very effective procapitalist ideology. Temperance conceptions and claims shifted attention away from the structural sources of social problems and blamed individuals and the substance alcohol for poverty, unemployment, slums, and other social and urban problems. The scapegoating character of temperance ideology helped undermine middle-class support for working-class labor struggles" (Rumbarger 1989, 13).

that "One of the most unfortunate phases of the habit of smoking opium in this country [is] the large number of women who have become involved and are living as common-law wives or cohabiting with Chinese in the Chinatowns of our various cities" (reproduced in Musto 1973, 43).⁴

Although the Chinese now represented only a limited threat to white workers—they continued to draw lower wages—the panic had taken on a life of its own. By the 1880s an ideology surrounding the Chinese as a threat to the American way of life was fully in place (Helmer 1975; Latimer and Goldberg 1981; Bonnie and Whitebread 1970). The newly articulated threat is epitomized by a California newspaper describing opium smoking (and by extension, the Chinese) as "An impending evil, that, transplanted here, if not rooted out, would before the dawn of another century, decimate our youth, emasculate the coming generation, if not completely destroy the white population of our coast" (*San Jose Mercury* 1881, cited in Latimer and Goldberg 1981, 212).

Organized labor continued to play an instrumental role in perpetuating the panic. The presence of the Chinese was framed as an "invasion" that threatened to "take over": "He [the Chinese immigrant] has marched up to us and already has part possession of one of the fairest of our States" (Gompers and Gutstadt 1902). The image of immigration as a "peaceful invasion" was a popular way of discussing the Chinese and was even used as a platform issue in political campaigns (e.g., Committee of Fifty 1882; see also City of San Francisco 1901, Starr 1873).

The idea of the Chinese as a "monstrous evil" was so widespread by the turn of the century that many writers did not even feel the need to make the case for Chinese exclusion on the basis of unfair competition; the moral issues took precedence in justifying the cessation of Chinese immigration (e.g., Hayes 1909; Gompers and Gutstadt 1902). Popular accounts focused on specific behaviors of the Chinese, including opium smoking, and on what was perceived to be the general character of the Chinese. Quoting a report commissioned by the Board of Supervisors of the City and County of San Francisco, the American Federation of Labor's report *Meat vs. Rice: American Manhood against Asiatic Coolieism: Which Shall Survive?* describes the Chinese lifestyle:

Descend into the basement of almost any building in Chinatown at night . . . you may even hear it as the opium smoker sucks it through his pipe bowl into his trained lungs, and you breathe it yourself as if it

4. It is interesting to note the implications for gender relations within the racist ideologies that developed in all of the antidrug movements under discussion; they are particularly prominent in the movements against opium in the West, where it was feared that the seductiveness and aphrodisiac qualities of the drug itself would lure white women into relations with Chinese, and cocaine in the South, where it was believed that the drug was "the direct incentive to the crime of rape by the Negroes of the South and in other sections of the country" (Hamilton Wright, as quoted in Helmer 1975, 47).

were the substance and tenacity of tar. It is a sense of horror you have never before experienced . . . the facility with which they put on the habit of decency when they become cooks and servants simply adds to the testimony of their ability to adapt themselves to circumstances when it is in their interest to do so. But the instinct of the race remains unchanged, and when the Chinese servant leaves employment in an American household he joyfully hastens back to his slum and his burrow, to the grateful luxury of his normal surroundings—vice, filth, and an atmosphere of horror. (Gompers and Gutstadt 1902, 17)

From this, Gompers and Gutstadt conclude that “sixty years’ contact with the Chinese . . . should be sufficient to convince any ordinarily intelligent person that they have no standard of morals by which a Caucasian may judge them” (Gompers and Gutstadt 1902, 17). Opium use was painted as being synonymous with the Chinese and related to every aspect of their lives. For example, it was declared in one union report that Chinese laundry businesses were also used as opium dens (Gompers and Gutstadt 1902).

During this period, lurid accounts of the Chinese “way of life” also proliferated in newspapers and other popular works. Often, the writers would treat the opium den as something of a tourist attraction and describe the experiences of daring visitors to “the other side”:

Suddenly they found themselves in a little ten by twelve apartment in which a dim candle burned. On the low banks around the room lay Chinamen, whose faces stood out in a cloud of smoke with ghastly pallor. . . . A victim lay in a stupor before her. He was obviously marked for an early death. His tight skin seemed green and mouldy. His fingers were mechanically preparing a ball of opium for his pipe. His muscles seemed to act without the control of nerves. It was a sort of living death. (*San Francisco Examiner* 1880s, as quoted in Latimer and Goldberg 1981, 209)

[T]he officer conducts us through a narrow alley swarming with Chinese prostitutes, and reeking of a thousand separate stinks, each more abominable than the other, to see what he designates as a “Chinese Hoo-Doo House.” . . . [I]n an alcove on one side of the room is a raised couch, spread with matting, and provided with braided split-cane pillows, for the accommodation of the opium smokers, two of whom are now stretched out at full length thereon, gazing into vacancy with fixed, staring eyes, unconscious of all that is passing around them, and wrapped in the wild hallucinations called into existence by the fumes of the deadly drug, which is sooner or later to utterly prostrate them, bodily and mentally, and send them, after awful sufferings, to untimely graves. (Evans 1873, 13–14)

Accounts like these came to be called “yellow journalism,” and were a regular feature in many newspapers, particularly in, but not limited to, the

West (Latimer and Goldberg 1981; Musto 1973). Erikson points out that newspapers serve a boundary-delineating function in modern societies, in that "a considerable portion of what we call 'news' is devoted to reports about deviant behavior and its consequences. . . . [Newspapers] constitute one of our main sources of information about the normative outlines of society" (Erikson 1966, 12). Accordingly, newspapers in this period devoted considerable space to reaffirming the image of the Chinese as a force of evil, bent on corruption of the white race, with reports like the following:

John Chinaman could hardly settle in our midst without bringing his vices with him. Just in proportion as he is lower in the scale of civilization and refinement than the Anglo-Saxon, just in that proportion are his vices more destructive and his crimes more horrible. . . . [A] brief residence in the Chinese quarter must convince any reasonable man that he is far below any race claiming to be intelligent as a people, and that his baser habits are simply loathsome. Passing all others, and coming to the one in question, opium smoking, and how far it has contaminated white people, we find enough to shock and disgust, without reference to his more criminal habits and tendencies. (*Sacramento Daily Record-Union* 1876; see also *San Francisco Post* 1879)

The first explicit piece of antidrug legislation in the United States was passed in 1874. The city of San Francisco banned the smoking of opium "not because of health concerns as such, but because it was believed that the drug stimulated coolies into working harder than non-smoking whites" (Latimer and Goldberg 1981, 208). In 1875 another city ordinance was passed banning the operation of opium dens. Prior to these pieces of legislation, numerous anti-Chinese laws had been passed in San Francisco as well as elsewhere, including a ban on the wearing of queues, restrictions on the legal rights of property ownership, forbidding the employment of Chinese on public-works projects, and legal disenfranchisement of Chinese-American citizens (Helmer 1975; Latimer and Goldberg 1981; Boswell 1986). An attempt at labor-market exclusion was made in 1882 with the passage of the Chinese Exclusion Act; this measure was overwhelmingly supported by organized labor (Mechanics' State Council of California 1868; Gompers and Gutstadt 1902; American Federation of Labor 1902). The Exclusion Act, however, was not seen by labor as adequate to suppress the Chinese threat, as evidenced by the continued attention focused by organized labor on the Chinese problem (Gompers and Gutstadt 1902, American Federation of Labor 1902). The act was not fully abolished until 1943.

By the end of the nineteenth century, the anti-opium crusade had spread beyond the West. A drug problem was slowly coming to be recognized and was combated in a series of federal legislative attempts specifically directed at the Chinese. In 1883, a tariff was placed on the importation of

smoking opium only. This was followed in 1887 by a national prohibition on the importation of smoking opium by Chinese. This was followed by a complete ban on the importation of opium prepared for smoking in 1909 (Kaplan 1983; Bonnie and Whitebread 1970).

A problem with opium and its derivative drugs, morphine and heroin, was coming to be recognized in other regions of the country as well. Addiction and use of narcotics became widespread due primarily to overprescription by physicians and the indiscriminate use of "patent medicines" heavily laced with narcotics (Musto 1973; Bonnie and Whitebread 1970; Kaplan 1983). In 1909 federal legislation was passed barring the importation of all opium for nonmedical purposes. However, even though the problem of narcotic addiction had spread to a larger and more diverse population, "internal minorities and other countries were still blamed for the domestic drug problem" (Kinder 1992, 126; see also Musto 1973). The moral panic born nearly 50 years earlier in the Western United States—which did nothing but gain momentum over the course of its development—culminated in 1914 with the passage of the Harrison Act, the foundation for nearly all future antidrug legislation in the United States. After a series of constitutional challenges and contradictory court opinions,⁵ the Harrison Act was, by 1919, firmly in place as a means for total narcotic prohibition.

COCAINE PROHIBITION

The story of anticocaine legislation owes a great deal, both tactically and symbolically, to the earlier anti-opium crusade. The Harrison Act placed restrictions on the sale of both opiates and cocaine and was grounded in the logic that emerged in court precedents in the early stages of opium prohibition.

In *ex parte Yung Jon* (1886), appealing a conviction under an anti-opium law, the Oregon district court set a precedent that would have serious implications for future antidrug legislation:

Smoking opium is not our vice, and therefore it may be that this legislation proceeds more from a desire to vex and annoy the Heathen Chinese in this respect, than to protect the people from the evil habit. But the motives of legislators cannot be the subject of judicial investigation

5. According to Abadinsky (1994), challenges were centered around the constitutionality of the use of federal powers to regulate physicians' practice via taxation and registry requirements on physicians' prescriptive authority. Interestingly, the wording of the decision that ultimately ended constitutional challenges to the Harrison Act echoed the logic of earlier lower court opinions concerning state-level opium violations (see above) regarding the irrelevance of legislative motives: "If the legislation enacted has some reasonable relation to the exercise of the taxing authority conferred by the Constitution, it cannot be invalidated by the supposed motives which induced it" (*United States v. Doremus*, 249 U.S. 86 [1919]).

for the purpose of affecting the validity of their acts. (As quoted in Bonnie and Whitebread 1970)

Twenty-five years later, this sentiment was expressed in a similar ruling by the California Supreme Court, also concerning an appeal of a conviction under anti-opium legislation.

[T]he validity of legislation which would be necessary or proper under a given state of facts does not depend on the actual existence of the supposed facts. It is enough if the law-making body rationally believe such facts to be established. (*Ex parte Yun Quong*, 1911, as quoted in Bonnie and Whitebread 1970)

These decisions ultimately meant that, with the blessing of the courts, legislative actions taken in response to a moral panic were automatically protected. It did not matter whether the use of cocaine really *did* make blacks more resistant to .32 caliber bullets, increased their lustful urges for white women (Williams 1914), or made rebellion against white oppression more likely (Musto 1973), but only that such things could reasonably be believed by a "rational man." In the early twentieth century in the American South, "rational man" meant rational *white* man. We now turn to this average, rational white man, and an examination of the conditions that may have predisposed him to see the Negro population as threatening.

A labor market split along black and white racial lines existed in the United States since the beginning of the institution of slavery. Bonacich (1975, 1976) argues that although slave labor represented a threat to the white working class, blacks posed a much greater threat of displacement after the Civil War. This is because while slave labor was less expensive to capitalists than free white labor, an occupational caste system existed to some degree, in that blacks did not really represent labor market competition for whites in the antebellum South. When the Civil War ended, many blacks headed to the North to seek opportunity in the cities; many who remained in the South became tenant farmers.

The system of tenant farming initially functioned to maintain the system of occupational segregation. However, due to vagaries of the cotton market, white yeoman farmers in the postbellum period often found themselves in a position of economic servitude based on credit that was not unlike the plight of the sharecropper (Woodman 1995). Additionally, in the early twentieth century, the proportion of sharecroppers and tenant farmers who were white increased steadily (Myers 1990; Virts 1985). Myers (1990) provides evidence that in the period following Reconstruction the economic position of whites in Georgia declined in both absolute and relative

terms, while the economic position of blacks steadily improved.⁶ An analysis of the entire southern region indicates that the economic position of whites declined steadily *relative* to that of blacks between 1880 and 1930 (Virts 1985). However, this analysis differs from that of Myers in an important way, in that the results do not show evidence for a decline in the *absolute* economic status of whites. Table 1 shows that as the proportions of white tenant farmers and sharecroppers increased, the relative proportions of black and white landowners did not change appreciably during this period. This fact would seem to indicate that the relative decline in white economic position was due primarily to blacks' leaving the region to seek economic opportunity in northern cities rather than to the improving position of southern blacks. According to the theory of split labor market dynamics, this could serve to intensify interracial competition in the region as a whole. In the same vein as Wilson's (1987) thesis about the effects of contemporary migration patterns on urban labor markets, it seems reasonable to infer that those blacks who were able to leave the southern region were relatively privileged with respect to resources of all kinds. It thus stands to reason that those blacks left behind in the South were those in relatively disadvantaged resource positions, which would tend to make blacks as a whole more easily exploited by employers (Bonacich 1972, 554).

Myers's analysis also indicates that the occupational caste system that had become so entrenched in the South was breaking down. As the economic positions of blacks and whites converged, the two groups were placed in direct competition in a way that did not exist before abolition:

Because Jim Crow legislation did not mandate segregation in the workplace, it failed to restrict direct economic competition between whites and blacks. . . . Although informal segregation reduced the likelihood that whites would compete with blacks for the same job, it too failed to guarantee that whites would invariably be hired over blacks. . . . White elites often preferred black over white labor. (Myers 1990, 632)

It should come as no surprise that black labor would be preferred to whites during this period. Even given equal wages for black and white labor, black labor was less costly to hire, primarily due to lower rates of unionization and unrest (Bonacich 1976, Myers 1990). Additionally, blacks were often used as strikebreakers during this period (Lieberson and Silverman 1965; Spero and Harris 1966; Karson and Radosh 1968; American Federation of Labor 1905).

6. Myers's analysis is based on Census data, for which information on the racial composition of tenant farmers were collected only after 1900. However, she cites evidence that the decline in the economic status of whites began in Georgia "well before 1900. Between 1873 and 1902, white tenancies grew faster than did white ownership, and the size of white-owned farms declined by 31%" (Banks 1905, cited in Myers 1990).

TABLE 1
Land Tenure Status in Southern States by Racial Composition
[Percentage], 1880–1930

	White	Black	Total
Tenants:			
1880	36.49	63.51	100
1900	41.76	58.24	100
1910	42.40	57.60	100
1920	54.25	45.5	100
1930	58.86	41.14	100
Sharecroppers:			
1880	44.56	55.44	100
1900	63.66	36.34	100
1910	62.21	37.79	100
1920	56.03	43.97	100
1930	61.30	38.70	100
Owners:			
1880	84.36	15.64	100
1900	86.45	13.55	100
1910	85.93	14.07	100
1920	86.42	13.58	100
1930	87.24	12.76	100

SOURCE: Virts 1985. Data are unavailable for 1890.

Helmer (1975) places the height of the anticocaine “hysteria” in the period from 1905 to 1920. The anticocaine movement was centered in the South. Evidence suggests that wages for blacks in the South were lower than those of their northern counterparts (Helmer 1975), which would exacerbate the level of threat felt by white laborers in this region. It has also been observed that “the fear of the cocainized black coincided with the peak of lynchings, legal segregation, and voting laws all designed to remove political and social power from him” (Musto 1973, 7). Thus, it would appear that the criminalization of cocaine was favored by southern voters and lawmakers as merely another means of social control in the face of black threat.

The idea of cocaine use as a phenomenon centered in the southern Negro population was one that was widespread. Although the panic began in the southern states, the ideas generated there spread, such that the American Medical Association reported that “the cocain habit is said to have already invaded some northern cities, though in none of them is it as general a vice as among the negroes of the South” (*Journal of the American Medical Association* 1901, 330). The notion of cocaine use as primarily a Negro phenomenon was also proliferated in the popular press, in newspa-

pers, and magazines (e.g., “Cocaine Sniffers” 1903, Wiley and Pierce 1914). An article with a headline proclaiming “Cocaine Sniffers: Use of the Drug Increasing among Negroes of the South” quoted Colonel J. W. Watson, a prominent political figure in Georgia:

[I] am convinced that if some stringent law is not enacted and enforced against its use the habit will grow and extend to such proportions that great injury will result. In fact, great injury has already resulted, for I am satisfied that many of the horrible crimes committed in the Southern States by the colored people can be traced directly to the cocaine habit. (1903)⁷

Another writer went even further, going beyond mere association of cocaine and black crime:

Needless to say, [the] immunity to shock, together with the fearlessness, hallucinations, and homicidal tendencies that cocaine engenders makes the “fiend” an object of special dread. . . . [T]he cocainized negro has [also] exhibited deadly accuracy in shooting. . . . [T]here is no escaping the conclusion that cocaine, besides making the habitué homicidal, adds to his ability to carry out the homicidal intent. (Williams 1914, 248; see also “Cocaine User” 1907)

The anticocaine crusade differed from the other antidrug campaigns in that it was more *purely* emotional and ideological than the others. Helmer (1975) and Musto (1973) offer substantial evidence that blacks’ cocaine use was not even proportionate to their representation in the population during this period; addiction was primarily a white phenomenon.⁸ A report in a medical journal of the period notes this discrepancy, yet ultimately concludes that “there seems to be no question that drug-taking [cocaine] is practiced among the negroes to a far greater extent than among the white population” (Williams 1914, 247). It appears that the racist ideological legacy of slavery, coupled with the intensified economic threat posed by blacks after the Civil War, was enough to create and sustain a panic about black cocaine use in the absence of any real social threat.⁹

7. Many writers traced the perceived increase in blacks’ cocaine use to the state and local alcohol Prohibition laws; it was argued that a process of substitution was occurring among blacks, and most such articles included pleas for repeal of these laws (e.g., “Cocaine Sniffers” 1903, Williams 1914).

8. Helmer (1975) also points out that serious methodological biases (in particular, the overwhelming white-upper-class sampling bias that persists in the clinic studies) in available studies of addiction from the period make it very difficult to know just what the extent of addiction was, much less how it was dispersed throughout the population.

9. I make this point merely because in all the other cases some evidence exists that the criminalized ethnic group was in fact associated with the drug in question (i.e., there is evidence that many Chinese immigrants did use opium, Irish and Italian immigrants often consumed alcohol, and many Mexican farm laborers did use marijuana). By pointing this out, I

Erikson (1966) asserts that “crime waves” and their attendant responses can emerge in response to a “boundary crisis” within a society. The steady decline in economic position experienced by whites in the period following Reconstruction can certainly be seen as a boundary crisis within white southern society. The crusade against cocaine, centering around the sinister figure of the drugged black, served much the same ontological function as the persecutions of Quakers in Puritan Massachusetts (see Erikson 1966). The passage of the Harrison Act in 1914, prominently supported by several white southern legislators for clauses contained therein prohibiting the use and sale of cocaine (*Congressional Record* 1914, 13754–762, 16818), represented the logical conclusion of the moral panic born of economic threat.

ALCOHOL PROHIBITION

The next major antidrug campaign in United States history was waged against alcohol. The Eighteenth Amendment was ratified on January 16, 1919, and became effective one year later. Prohibition was largely enforced by the Volstead Act, which banned the manufacture, sale, or transportation of alcoholic beverages within the United States. The story of alcohol prohibition is in many ways similar to the ban on opiates and cocaine but with some very important differences—the primary one being that the brief period of constitutional prohibition was widely acknowledged to be a failure, and the ban on alcohol production and consumption was repealed in 1933 with the passage of the Twenty-first Amendment.

Between 1820 and 1850, there was an enormous swell in the volume of immigration into the United States, and large-scale immigration continued until the turn of the century. The vast majority of these immigrants came from among the impoverished peasantry of European nations. For example, between 1840 and 1900, nearly 5 million Irish immigrants entered the United States (Abadinsky 1994). These new immigrants left extremely poor economic conditions in their home countries and flooded the northern cities to seek opportunity. By the 1870s, the largest U.S. cities boasted populations that were 25% to 75% foreign born (Erie 1988). The sheer numbers of immigrants alone presented a threat to native-born white Americans, and like the Chinese in the West, these immigrant workers were willing to work for much lower wages than native-born Americans. “[I]mmigrant workers represented a seemingly infinite supply of cheap labor that attracted the hostility of the native-born” (Brown and Warner 1992, 294).

certainly do not claim that the drug use by the group in question in fact had the deleterious consequences to which criminalization was ostensibly a response.

The initial response of native-born Americans to this influx of cheap labor was generally one of occupational segregation (Rumbarger 1989; Abadinsky 1994; Brown and Warner 1992). Immigrants were confined to unskilled occupations and faced much workplace discrimination. As one popular writer has phrased it, "the haunting, taunting employment sign 'No Irish Need Apply' has become a bitter American cliché" (Elson 1993).

Many Irish immigrants reacted against this discrimination by seeking an outlet in Democratic politics. This was a sensible adaptive response to oppressive conditions (see Merton 1949), as political office in the cities brought not only legitimation and power but the access to many jobs. By the end of the nineteenth century, the Irish headed most of the big-city Democratic political machines in the United States (Erie 1988). This added the new dimension of *political threat* to the economic threat already faced by the native born.

Nativist organizations sprang up all over the country, concentrated in the northern cities, in the 1850s and 1860s. Around the turn of the century, the president of the National Association of Manufacturers spoke of "an unrestricted invasion of our national household by foreign hordes, many of whom have brought and kept inferior moral and political ideas, conceptions, and habits" (as quoted in Abadinsky 1994, 87). As the moral panic surrounding immigrants gathered steam, it became more focused on the issue of alcohol. The temperance movement had been growing at the local level since the beginning of the nineteenth century. Although these groups were often founded by well-to-do reformers (Rumbarger 1989), they were overwhelmingly supported by the working class in northern cities (Bernard 1983, 372). In 1869, the movement went national with the formation of the Prohibition Party, followed by the Women's Christian Temperance Union in 1873, and the Anti-Saloon League in 1893.

These groups formulated and disseminated an ideology that equated intemperance with all the social ills that accompanied rapid industrialization and urbanization. An exemplar of this ideology is a treatise by Senator Henry William Blair of New Hampshire in which he declared that "pauperism and crime are the two great burdens of society . . . the traffic in alcohol is the chief creator and promoter of these public evils" (Blair 1888, 160–161; see also *Cyclopaedia of Temperance and Prohibition* 1891). Immigrants were also believed to be disproportionately associated with crime (e.g., Koren 1899; Dike 1930). It was a short step to the association of new immigrants with intemperance and its evils. A report issued by the Committee of Fifty, a reformist policy organization active in the investigation of "the liquor problem," acknowledged that "the regrettable necessity of limiting our schedules forbade inquiry about the parent nativity of convicts," yet went on to say "it is fair to assume, however, that considerably more than 50 per cent have parents or one parent of foreign nativity" (Koren 1899, 135).

The same report also makes reference to Irish and Italian immigrants as “what we conceive to be the hardest-drinking nationalities” and further concludes that “it seems a warrantable inference that intemperance is a principal cause of . . . crime among the various nationalities to about the same extent as that to which the liquor habit prevails among them” (Koren 1899, 135).

One historian of the political music of the temperance era has noted that these songs were often sung in imitations of drunken Irish and German accents and that the verses themselves often targeted these groups (Ewing 1977). The image of the “serpent” appeared in many of these songs (e.g., National Temperance Offering 1850), associated both with the evils of drink itself and with the populations believed to be responsible for these evils, in this case, the Irish “rattlesnakes” in the following verse:

Death! Death! to the crested old serpent!
War! War! on the black flag of rum
From mountain to valley the watchword
Repeat, till our foes shall be dumb.

We'll follow the trail of the monster,
And trail him through forest and glen
We'll hunt him wherever he hideth,
Then crush him to death in his den.

'Twas St. Patrick—good luck to the day he was born in—
Who banished the shnakes so arly wan mornin'
Ah' de'il a wan av the crayters came back
To Erin to crawl on his vile, crooked track;

Sure if he was here now we'd sind in a petition
To banish the whiskey straight down to perdition.
For 'twas a mistake to give rattleshnakes passes
And lave us the sarpints that lurk in our glasses!

(Sons and Daughters of Temperance 1850, as quoted in Ewing 1977)

It has been argued that the Anti-Saloon League “had become one of the most effective political action groups in American history” by 1910 (Abadinsky 1994, 89; see also Rumbarger 1989; Bernard 1983; Boyer 1978; Levine 1985). Rumbarger (1989) goes so far as to term the ideology that eventually won the country over to the idea of alcohol prohibition *Antisaloonism*. A 1904 report of the Anti-Saloon League declared the saloon to be a place that “defied law, created anarchy, and destroyed reason” (as quoted in Rumbarger 1989, 115).

The saloons were not targeted simply out of convenience. In addition to being retail outlets for alcoholic beverages, saloons performed an important function for the immigrant working class in the northern cities. There were intimate connections between saloon owners and political machines,

and saloons offered a place where the community could gather and make business deals, plan political strategies, and generally develop as a *community* (Calkins 1901; Engelman 1979; Levine 1985). The combination of economic threat, political threat, and the potential to organize (to a greater extent than they already had) practically *begged* a social control response from native-born Americans.¹⁰ This social control response included both attempts at criminalization and at exclusion; in addition to the passage of the Eighteenth Amendment and the Volstead Act in 1920, an attempt at exclusion was made with the 1920 Immigration Act, which placed limits on immigration from southern and eastern Europe.

Alcohol prohibition is a particularly interesting case because it failed. There are several reasons why this may have happened. It is possible that alcohol use was so widespread that it was difficult for the public at large to fully accept the myths created around it. In the case of opium, marijuana, and even cocaine, the drug in question was used by only a small segment of the population, and thus it may have been easier to demonize the substance, as well as its users. A related structural explanation for the repeal of prohibition has been offered by Harry Levine (1985). Levine notes that the initial recommendations of the upper-class-based Committee of Fifty were *not* for the complete prohibition of alcohol but for the establishment of a regulation system designed to “shape and reorganize public drinking” (Levine 1985, 65; see also Calkins 1901).

The Eighteenth Amendment was passed in 1919 in response to public pressure on the part of the native-born middle class. However, the Great Depression changed everything. Mobs of the unemployed came to be associated with prohibition; the belief was that disregard and widespread violation of the Volstead Act spawned what Packer (1968) termed “negative contagion,” resulting in a general climate of “lawlessness” (Sinclair 1962). The rising popularity of socialist ideas in the 1930s was an additional source of fear; one historian of the period summed up the general feeling of elite unease thusly: “The well-fed were edgy” (Manchester 1974, as quoted in Levine 1985).

10. For a long time the prevailing view of alcohol prohibition was that it was a nativist response to a *cultural* threat, and as such had little to do with political and economic conditions (see for example Hofstadter 1955; Gusfield 1963). In recent years, more attention has been focused on the political economy of the Temperance Movement. While the constellation of cultural forces generally considered as the Progressive Movement in the United States certainly played a role in the antidrug movements considered here, two factors preclude the consideration of the Progressive Movement as a primary causal agent driving these campaigns: First and foremost, all four antidrug campaigns discussed are shown to be examples of the same basic phenomenon—the Temperance Movement is not here considered to be distinct from other antidrug campaigns in U.S. history (as it is often portrayed). As such, the structural (i.e., material) origins of antidrug legislation in the United States predate the so-called Progressive Movement. The Progressive Movement’s emergence, however, is entirely consistent with the theory explicated in this paper, which attempts to link together symbolically based social movements (moral panics) with economic conditions (split labor markets).

Changing economic and political conditions resulted in a shifting of interests for the state, such that in this case the structure of interests changed and the will of the capitalist class triumphed. It can be argued that middle- and working-class support for Prohibition had also declined; but it is clear that the movement to repeal Prohibition was overwhelmingly a cause of the wealthy, dominated by the Association against the Prohibition Amendment, "led, organized and financed by some of the wealthiest and most conservative men in America" (Levine 1985, 68).

The historical analysis of alcohol prohibition brings to light some important aspects of the extensions of split labor market theory developed in this work. I have argued that the modern capitalist state is sometimes placed in a position where concessions not necessarily favorable to the capital-owning class must be made to the working class, in order to preserve state legitimacy (Block 1980). However, what the history of alcohol prohibition highlights is the extremely fluid nature of this process; a victory for any particular class is always subject to renegotiation in the face of changing structural conditions.¹¹ In this case, the potential consequences to the state posed by a problem of widespread disregard for law, as well as the corresponding threat to the capitalist class, overrode the gains to the state that had previously accrued from alcohol prohibition.

MARIJUANA PROHIBITION

The crusade against marijuana was the last of the early antidrug campaigns to emerge. It was centered in the southwestern region of the United States (Musto 1973; Bonnie and Whitebread 1974), and concern with the use of the drug was focused on Mexican immigrants. At the time of the passage of the Marijuana Tax Act of 1937, the first piece of federal legislation explicitly criminalizing the use of marijuana, few Americans were even aware of the drug's existence:

The overwhelming majority of middle-class Americans in the 1930's knew nothing of marijuana. . . . [W]hat little information filtered to the middle class was generated by sporadic campaigns by local newspapers detailing the potential evils of marijuana; the accounts . . . were sensationalistic and tended to exacerbate latent ethnic prejudices. (Bonnie and Whitebread 1970, 1036)

11. This case is also particularly illustrative of the weakness of the instrumentalist position of orthodox Marxist theorists of the state. The fluidity of dialectical structural relations, often neglected by Marxist scholars espousing a strict instrumentalist position, is one of the strongest features of the Marxist analytical system.

According to David Musto (1973), cannabis *was* included in early drafts of the Harrison Act but was eliminated from the final version of the act, in large part due to opposition from the pharmaceutical lobby, which

saw no reason why a substance used chiefly in corn plasters, veterinary medicine, and nonintoxicating medicaments should be so severely restricted. . . . [N]ot even the [social] reformers claimed, in the pre-World War I hearings and debates over a federal anti-narcotic act, that cannabis was a problem of any major significance in the United States. (Musto 1973, 216–17)

The 1937 legislation was passed in response to pressures from political constituencies in the Southwest, particularly California and Texas (Musto 1973). This support for the Marijuana Tax Act was linked to racist ideologies surrounding Mexican immigrants that originated from split labor market conditions.

The early twentieth century was a time of great structural transformation of the agricultural industry in the Southwest and other western states, particularly Colorado. Two pieces of federal legislation were largely responsible for this: the first was the Dingley Tariff of 1897, which taxed imported sugar at a rate of 75%, making the cultivation of sugar in the United States a much more attractive and profitable enterprise than it had been previously. The second was the Federal Reclamation Act of 1902, which allocated federal funds for the construction of irrigation systems throughout the Southwest, which expanded the U.S. agricultural industry and created new areas of arable land that had previously been desert (Gonzales 1985).

The agricultural boom that followed this legislation required a steady source of cheap labor. Prior to 1882, this had been provided by Chinese immigrants. However, due to the Chinese Exclusion Act of 1882 and the persecution of rural Chinese immigrants during the last third of the nineteenth century, by the late 1890s employers in the West “were suffering from a most severe labor shortage, or rather they lacked a source of cheap and tractable labor” (Gonzales 1985, 4; see also McWilliams 1946).

In the first decade of the twentieth century, the Mexican population in California alone increased from approximately 8,000 to nearly 50,000 (Gonzales 1985). Immigration was encouraged by business owners, due to the extremely low cost of Mexican labor. Mexican wages were lower than those of whites, largely because of occupational caste system that designated certain agricultural jobs “Mexican jobs” (Guerin-Gonzales 1994). Mexican workers were also favored for their “docility and orderly law-abiding habits” in comparison to native-born and other immigrant laborers, who were seen as “liable to strike upon the least provocation” (Guerin-Gonzales 1994, 52; Howell 1982). Additionally, entire Mexican families would work for one wage, which increased productivity and the profit margin for agricultural

capitalists (Mahony 1930; Guerin-Gonzales 1994). A report issued by the California Development Association declared that "the Mexican comes closer to returning value received in wages than any other type of labor available to the California farmer. . . . While the Mexican creates certain social problems it is our opinion that he is much easier to handle in this respect than any other foreign laborer" (1928, 10–11).

After World War I ended, however, labor was no longer in short supply. This was due both the influx of (Anglo) Americans returning from overseas, as well as the high volume of immigration that continued through the 1920s. When the American economy began to worsen and eventually sink into the Great Depression, "Mexicans . . . became an unwelcome surplus in regions devastated by unemployment" (Musto 1973, 219–20). The first response, was, predictably, attempts at exclusion; several organizations, notably the American Federation of Labor, sought to restrict Mexican immigration. A massive repatriation of Mexican immigrants took place in the 1930s (Guerin-Gonzales 1994).

A moral panic about Mexicans and marijuana began to develop on a small scale in some western states shortly after World War I. As early as 1919 state laws prohibiting the use of the drug were passed in California, Colorado, Texas, and Utah (Bonnie and Whitebread 1974). The "criminality of the Mexican" was much discussed (California Development Association 1928) and linked to the use of marijuana (Helmer 1975; Bonnie and Whitebread 1974). A letter from a resident of Sacramento, California, printed in the *New York Times* declared that "marihuana, perhaps now the most insidious of our narcotics, is a direct by-product of unrestricted Mexican immigration" ("New Mexico Moves" 1935).

There are many parallels between the antimarijuana movement and the anti-opium movement. Bonnie and Whitebread (1970) acknowledge the impact of earlier drug campaigns: "The facility with which marijuana policy was initiated is directly related to the astoundingly sudden and extreme alteration of public narcotics and alcohol policy that between 1900 and 1920" (Bonnie and Whitebread 1970, 976).

Much like the anti-opium movement, the crusade against marijuana was largely waged in the popular press. Becker (1963) notes that a survey of *The Readers Guide to Periodical Literature* from 1925 through 1939 shows that no articles about marijuana appeared in the index until 1935, and that between 1935 and 1939, 21 articles are indexed. Also echoing the anti-opium movement were the images invoked to convince readers of the danger—the image of the destruction of the (white) American way of life was a popular theme:

Marijuana, until a comparatively recent date has been used almost exclusively by the Mexican population employed in the beetfields. Today, however, this deadly narcotic . . . has found its way into the very

heart of society. Boys and girls of tender years . . . use it to "get a thrill." (*Rocky Mountain News* 1931, as quoted in Bonnie and Whitebread 1974, 72)¹²

Another popular theme in the antimarijuana literature was the drug's apparent capacity to induce violence in users (see Goode 1993, for a pharmacological refutation of this idea). An article from a Denver correspondent proclaimed that "users of marijuana become stimulated as they inhale the drug and are likely to do anything. Most crimes of violence in this section, especially in county districts, are laid to users of the drug" ("Use of Marijuana" 1934).

This idea was supported by a general perception on the part of white Americans of Mexicans and Mexican culture as violent (Guerin-Gonzales 1994; Bonnie and Whitebread 1974; Helmer 1975). A physician testifying at a session of the Montana legislature called to amend the state's narcotics laws to include marijuana informed those present that "when some beet field peon takes a few rares of this stuff, he thinks he has just been elected president of Mexico so he starts out to execute all his political enemies." The report of the incident indicates that after the doctor's statement "everybody laughed and the bill was recommended for passage" (Bonnie and Whitebread 1974, 40).

There is some debate over the centrality of the role of the Federal Bureau of Narcotics (FBN) in the passage of the Marijuana Tax Act (Goode and Ben-Yehuda 1994; Bonnie and Whitebread 1970, 1974; Musto 1973; Lindesmith 1967; Becker 1963; Helmer 1975). Some analysts of the period argue that Harry Anslinger and the FBN acted as "moral entrepreneurs" and were largely responsible for the act's passage (Goode and Ben-Yehuda 1994b; Becker 1963; Lindesmith 1965). However, grassroots support for marijuana prohibition existed for some time before federal legislation was ever seriously considered (Bonnie and Whitebread 1974; Musto 1973; "New Mexico Moves" 1935). By 1933, 33 states had passed laws prohibiting the use of marijuana. In general, the movement began in states with large populations of Mexican laborers (Musto 1973; Bonnie and Whitebread 1974; Helmer 1975). Additionally, it seems inherently reductionist to theorize that a single individual or organization could *single-handedly* create a moral panic resulting in the passage of federal legislation. However, the case of marijuana prohibition further serves to demonstrate the validity of a view

12. Bonnie and Whitebread make an interesting comment on the constant misapplication of the word *narcotic* to marijuana: "marijuana was inevitably viewed as a 'narcotic' drug, thereby invoking the broad consensus underlying the nation's recently enunciated antinarcotics policy. This classification emerged primarily from the drug's alien character. Although use of some drugs—alcohol and tobacco—was indigenous to American life . . . drugs associated with ethnic minorities and with otherwise 'immoral' populations were automatically viewed as 'narcotics'" (Bonnie and Whitebread 1974, 51).

that incorporates state interests in analyses of conflicts. While it is argued here that the development of a moral panic, originating in split labor market conditions, was a driving force behind the 1937 passage of the Marijuana Tax Act, the active role played by the state in the form of Federal Bureau of Narcotics (serving its own interest by perpetuating the perceived need for the agency) in supporting and sustaining the panic cannot be denied.

CONCLUSION

The theory of the split labor market is highly useful in illuminating the underlying causes of racial and ethnic conflict. Bonacich (1972) asserts that such conflicts have their origins in class conflict between competing labor groups. This idea represented an important advance in Marxist sociological theory; it not only acknowledged the potential for conflicts *within* the laboring class but also the possibility of victory for one of these factions. It was thus a great departure from more simplistic models that conceived of classes as monolithic, as well as of all actors who were not members of the "ruling class" as impotent and powerless.

I have attempted to further expand the utility of the split labor market framework by applying it to a model of the origins of antidrug legislation in the United States. An additional response, criminalization, is added to the list of potential responses available to higher-paid labor as a means of coping with labor market threat. The criminalization response is illustrated by an historical analysis of the origins of drug prohibition in the United States. In each of the four campaigns analyzed, it was shown that a split labor market existed, and the association of drug use with the threatening group resulted in the development of a moral panic about the drug in question. The moral panic is here presented as the mechanism by which the responses to labor market threat are realized, thus linking the idea of split labor markets to a large body of work that examines the dynamics of social control as a response to threatening populations.

The analysis of split labor market conditions can provide a new dimension of understanding to the dynamics of threat and social control and of the use of law as a means for social control. The history of antidrug legislation in the United States can be seen as a series of class conflicts between different ethnic labor groups, beginning in the late nineteenth century with a conflict between Chinese immigrant laborers in the West resulting from the historical circumstances of an economic depression and the completion of the transcontinental railroad. Court decisions handed down during this period undeniably paved the way for future campaigns against cocaine, alcohol, and marijuana and facilitated the focusing of racist resentment into an antidrug ideology that persists in the United States today.

REFERENCES

- Abadinsky, Howard. 1994. *Organized Crime*. Chicago: Nelson-Hall.
- Adler, Jeffrey S. 1996. The Making of a Moral Panic in 19th-Century America: The Boston Garrotting Hysteria of 1865. *Deviant Behavior* 17:259–78.
- American Federation of Labor. 1902. The New Chinese Exclusion Law. *American Federationist* 9:275–97.
- . 1905. *American Federationist* 12.
- Becker, Howard S. 1963. *Outsiders: Studies in the Sociology of Deviance*. New York: Free Press.
- Bernard, Joel Charles, 1983. From Theodicy to Ideology: The Origins of the American Temperance Movement. Ph.D. diss. Yale University.
- Blair, Henry William. 1888. *The Temperance Movement: or, the Conflict between Man and Alcohol*. Boston: William E. Smythe.
- Block, Fred. 1977. The Ruling Class Does Not Rule: Notes on the Marxist Theory of the State. *Socialist Revolution* 7:3:6–28.
- . 1980. Beyond Relative Autonomy: State Managers as Historical Subjects. *Socialist Register* 17:227–42.
- Bonacich, Edna, 1972. A Theory of Ethnic Antagonism: The Split Labor Market. *American Sociological Review* 37:547–59.
- . 1975. Abolition, The Extension of Slavery, and the Position of Free Blacks: A Study of Split Labor Markets in the United States, 1830–1863. *American Journal of Sociology* 81:3:601–28.
- . 1976. Advanced Capitalism and Black/White Race Relations in the United States: A Split Labor Market Interpretation. *American Sociological Review* 41:34–51.
- Bonnie, Richard J., and Charles H. Whitebread II. 1970. The Forbidden Fruit and the Tree of Knowledge: An Inquiry into the Legal History of American Marijuana Prohibition. *Virginia Law Review* 56:971–1203.
- . 1974. *The Marijuana Conviction: A History of Marijuana Prohibition in the United States*. Charlottesville: University Press of Virginia.
- Boswell, Terry E. 1986. A Split Labor Market Analysis of Discrimination against Chinese Immigrants, 1850–1882. *American Sociological Review* 51:352–71.
- Boyer, Paul. 1978. *Urban Masses and Moral Order in America, 1820–1920*. Cambridge, Mass.: Harvard University Press.
- Brown, M. Craig, and Barbara D. Warner. 1992. Immigrants, Urban Politics, and Urban Policing in 1900. *American Sociological Review* 57:293–305.
- California Development Association. 1928. *Survey of the Mexican Labor Problem in California*. California Development Association.
- Calkins, Raymond. 1901. *Substitutes for the Saloon: An Investigation Made for the Committee of Fifty*. Boston: Houghton Mifflin.
- Chambliss, William J. 1995. Crime Control and Ethnic Minorities: Legitimizing Racial Oppression by Creating Moral Panics. In *Ethnicity, Race, and Crime: Perspectives Across Time and Place*, ed. Darnell F. Hawkins. Albany: State University of New York Press.
- City and County of San Francisco. 1901. Of the Chinese Exclusion Law: California's Memorial to the President and the Congress of the United States, Adopted by the Chinese Exclusion Convention. San Francisco: Star Press.
- The Cocain Habit. 1901. *Journal of the American Medical Association*, 2 February 2.
- Cocaine Sniffers: Use of Drug Increasing among Negroes of the South. 1903. *New York Tribune*, 21 June.

- Cocaine User Shoots 7: Arkansas Negro Is afterward Killed by a Posse. 1907. *New York Times*, 6 December.
- Cohen, Stanley. 1972. *Folk Devils and Moral Panics: The Creation of the Mods and Rockers*. London: MacGibbon and Kee.
- Committee of Fifty. 1882. Address by the Committee of Fifty to the People. Microfilmed as part of "Chinese in California." Vol. 1. Bancroft Library Collection: University of California, Berkeley.
- Congressional Record. 1914. Sixty-third Congress, Second Session. Vol. 51, pts. 14, 16.
- Cyclopaedia of Temperance and Prohibition: A Reference Book of Facts, Statistics, and General Information on All Phases of the Drink Question, the Temperance Movement, and the Prohibition Agitation. 1891. New York: Funk and Wagnalls.
- Dike, Norman S. 1930. Aliens and Crime. In *The Alien in Our Midst: Or, "Selling Our Birthright for a Mess of Pottage": The Written Views of a Number of Americans (Present and Former) on Immigration and Its Results*, ed. Madison Grant and Chas. Steward Davison. New York: Galton Publishing.
- Durkheim, Emile. [1893] 1984. *The Division of Labor in Society*. New York: Free Press.
- Elson, John 1993. The Great Migration. *Time* 142 (21):28–33.
- Engelmann, Larry, 1979. *Intemperance: The Lost War against Liquor*. New York: Free Press.
- Erikson, Kai T. 1966. *Wayward Puritans: A Study in the Sociology of Deviance*. New York: Wiley.
- Erie, Steven P., 1988. *Rainbow's End: Irish-Americans and the Dilemmas of Urban Machine Politics, 1840–1985*. Berkeley and Los Angeles: University of California Press.
- Evans, Albert S. 1873. A Cruise on the Barbary Coast. In *A la California: Sketch of Life in the Golden State*. San Francisco: A. L. Bancroft. (Available on-line at the Museum of the City of San Francisco at <http://www.sfmuseum.org>.)
- Ewing, George W. 1977. *The Well-Tempered Lyre: Songs and Verse of the Temperance Movement*. Dallas, Tx.: Southern Methodist University Press.
- Fishman, Mark. 1978. Crime Waves as Ideology. *Social Problems* 25:531–53.
- Gompers, Samuel, and Herman Gutstadt. 1902. *Meat vs. Rice: American Manhood Against Asiatic Coolieism: Which Shall Survive?* San Francisco: American Federation of Labor; Asiatic Exclusion League.
- Gonzales, Juan L., Jr. 1985. *Mexican and Mexican-American Farm Workers: The California Agricultural Industry*. New York: Praeger.
- Goode, Erich. 1993. *Drugs in American Society*. 4th ed. New York: McGraw-Hill.
- Goode, Erich, and Nachman Ben-Yehuda. 1994a. *Moral Panics: The Social Construction of Deviance*. Oxford, England: Blackwell.
- . 1994b. Moral Panics: Culture, Politics, and Social Construction. *Annual Review of Sociology* 20:149–71.
- Guerin-Gonzales, Camille. 1994. *Mexican Workers and American Dreams: Immigration, Repatriation, and California Farm Labor, 1900–1939*. New Brunswick, N.J.: Rutgers University Press.
- Gusfield, Joseph R. 1963. *Symbolic Crusade: Status Politics and the American Temperance Movement*. Urbana: University of Illinois Press.
- Harring, Sidney L. 1977. Class Conflict and the Suppression of Tramps in Buffalo, 1892–1894. *Law and Society* 11:873–911.
- Hayes, E. A. 1909. Exclusion of Chinese and Other Asiatics. Speech given in the House of Representatives, Washington, D.C., 25 February.
- Helmer, John. 1975. *Drugs and Minority Oppression*. New York: Seabury Press.
- Hofstadter, Richard. 1955. *The Age of Reform: From Bryan to F.D.R.* New York: Knopf.

- Howell, Frances Baseden. 1982. A Split Labor Market: Mexican Farm Workers in the Southwest. *Sociological Inquiry* 52 (2): 132–40.
- Irwin, John. 1985. *The Jail: Managing the Underclass in American Society*. Berkeley and Los Angeles: University of California Press.
- Kaplan, John. 1983. *The Hardest Drug: Heroin and Public Policy*. Chicago: University of Chicago Press.
- Karson, Marc, and Ronald Radosh. 1968. The American Federation of Labor and the Negro Worker, 1894–1949. In *The Negro and the American Labor Movement*, ed. Julius Jacobson. Garden City, N.Y.: Anchor.
- Kinder, Douglas Clark. 1992. Shutting Out the Evil: Nativism and Narcotics Control in the United States. In *Drug Control Policy: Essays in Historical and Comparative Perspective*, ed. William O. Walker III. University Park: Pennsylvania State University Press.
- Koren, John. 1899. *Economic Aspects of the Liquor Problem: An Investigation Made for the Committee of Fifty*. Boston: Houghton-Mifflin.
- Latimer, Dean, and Jeff Goldberg. 1981. *Flowers in the Blood: The Story of Opium*. New York: Franklin Watts.
- Leiberson, Stanley, and Arnold L. Silverman. 1965. The Precipitants and Underlying Conditions of Race Riots. *American Sociological Review* 30:887–98.
- Levine, Harry Gene. 1985. The Birth of American Alcohol Control: Prohibition, the Power Elite, and the Problem of Lawlessness. *Contemporary Drug Problems* 12:63–115.
- Lindesmith, Alfred R. 1967. *The Addict and the Law*. New York: Vintage.
- Mahony, T. F. 1930. Problem of the Mexican Wage Earner. Address given at the Catholic Conference on Industrial Problems, Denver, 12 May.
- McGarrell, Edmund F., and Thomas C. Castellano. 1991. An Integrative Conflict Model of the Criminal Law Formation Process. *Journal of Research in Crime and Delinquency* 28:174–96.
- McWilliams, Carey. 1946. *Southern California: An Island on the Land*. Salt Lake City: Gibbs-Smith.
- Mechanics' State Council of California. 1868. Communication: Anti-Coolie Memorial. Microfilmed as part of "Chinese in California." Vol. 1. Bancroft Library Collection, University of California, Berkeley.
- Merton, R. K. 1949. *Social Theory and Social Structure*. Glencoe, Ill.: Free Press.
- Musto, David. 1973. *The American Disease: Origins of Narcotic Control*. New Haven, Conn.: Yale University Press.
- Myers, Martha A. 1987. Economic Inequality and Discrimination in Sentencing. *Social Forces* 65:746–66.
- . 1990. Economic Threat and Racial Disparities in Incarceration: The Case of Postbellum Georgia. *Criminology* 28:4:627–56.
- . 1993. Inequality and the Punishment of Minor Offenders in the Early 20th Century. *Law and Society Review* 27:2:313–43.
- National Temperance Offering. [1850] 1975. The Sparkling Bowl. Micropublished (microfilm) in American Poetry 1609–1900: Segment II. New Haven, Conn.: Research Publications.
- New Mexico Moves to Ban Marijuana: State Finds Many Children Are Addicted to Weed—Narcotics Law Passed. 1935. *New York Times*, 14 April.
- New York Times*. 1935. Quotas. 15 September.
- Opium and the Lottery: Children at Chinese Lotteries and White Women in Opium Dens. 1876. *Sacramento Daily Record-Union*, 23 February.

- Packer, Herbert L. 1968. *The Limits of the Criminal Sanction*. Stanford, Cal.: Stanford University Press.
- Poulantzas, Nicos. 1974. Internationalisation of Capitalist Relations and the Nation-State. *Economy and Society* 3:2:145–79.
- . 1978. *State, Power, Socialism*. London: Verso.
- Quinney, Richard. 1970. *The Social Reality of Crime*. Boston: Little, Brown.
- Rumbarger, John J. 1989. *Profits, Power, and Prohibition: Alcohol Reform and the Industrializing of America, 1800–1930*. Albany: State University of New York Press.
- Sampson, Robert J., and John H. Laub. 1993. Structural Variations in Juvenile Court Processing: Inequality, the Underclass, and Social Control. *Law and Society Review* 27:2:285–311.
- San Francisco Post*. 1879. 1 March.
- Sinclair, Andrew. 1962. *Era of Excess: A Social History of the Prohibition Movement*. New York: Harper Colophon Books.
- Spero, Sterling D., and Abram L. Harris. 1968. *The Black Worker: The Negro and the Labor Movement*. New York: Atheneum.
- Starr, M. B. 1873. *The Coming Struggle; What the People of the Pacific Coast Think of the Coolie Invasion*. San Francisco: Bacon.
- Tittle, Charles R., and Debra Curran. 1988. Contingencies for Dispositional Disparities in Juvenile Justice. *Social Forces* 67:1:23–58.
- Turk, Austin T. 1976. Law as a Weapon in Social Conflict. *Social Problems* 23:276–91.
- Turner, Jonathan H., Royce Singleton, Jr., and David Musick. 1984. *Oppression: A Socio-History of Black-White Relations in America*. Chicago: Nelson-Hall.
- Use of Marijuana Spreading in the West. 1934. *New York Times* 16 September.
- Virts, Nancy Lynn. 1985. Plantations, Land Tenure and Efficiency in the Postbellum South: The Effects of Emancipation on Southern Agriculture. Ph.D. diss. University of California—Los Angeles.
- Wiley, Harvey W. and Anne Lewis Pierce. 1914. The Cocain Crime. *Good Housekeeping* 58 (3).
- Williams, Edward Huntington. 1914. The Drug-Habit Menace in the South. *Medical Record* 85:247–49.
- Wilson, William Julius. 1987. *The Truly Disadvantaged: The Inner City, the Underclass, and Public Policy*. Chicago: University of Chicago Press.
- Woodman, Harold D. 1995. *New South, New Law: The Legal Foundations of Credit and Labor Relations in the Postbellum Agricultural South*. Baton Rouge: Louisiana State University Press.