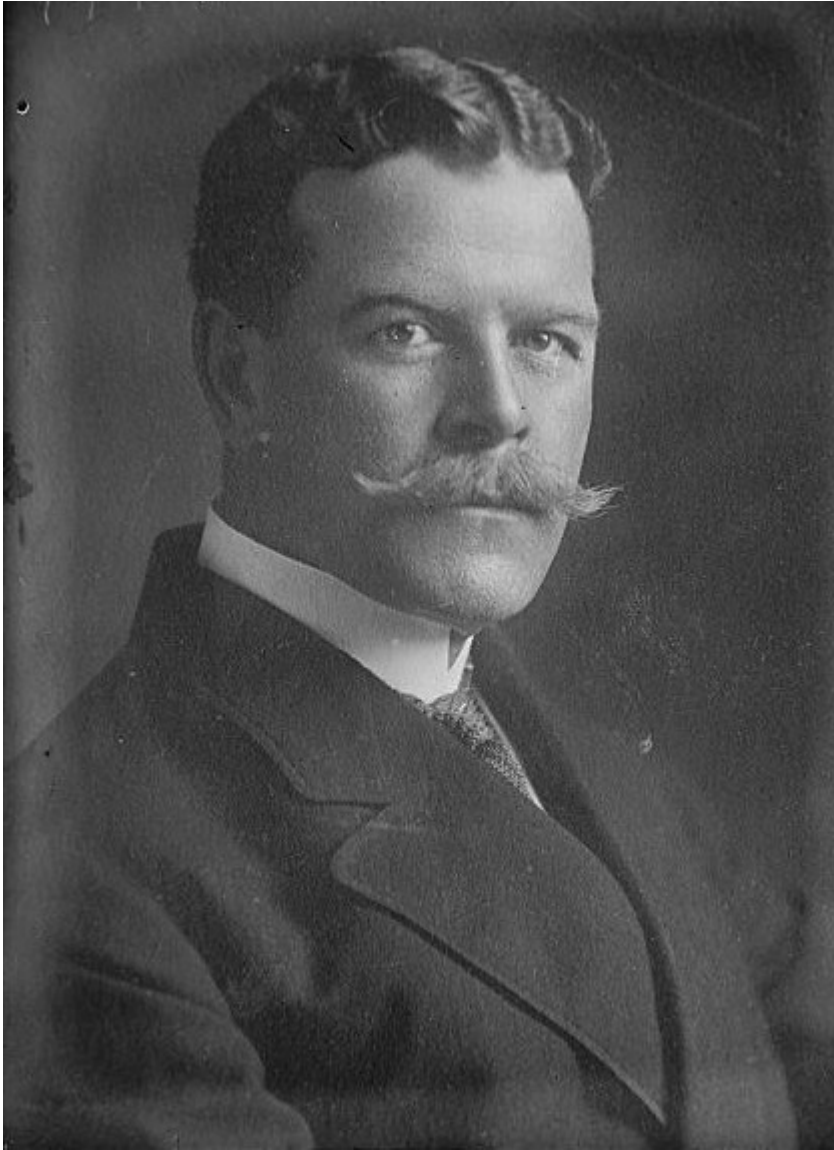


# Session 2

**After Prohibition: Harry Anslinger versus the Mafia**  
**September 26, 2018**



[Dr. Hamilton Wright \(https://canvas.harvard.edu/courses/41939/files/6221192/download?wrap=1\)](https://canvas.harvard.edu/courses/41939/files/6221192/download?wrap=1)

### **The Drive to Drug Prohibition: Prelude to the Harrison Act**

The drive to outlaw recreational drug usage in the United States was initially driven by the desire of American businesses to penetrate the huge potential China market. Following the depression of 1893 many business leaders felt that the domestic market was saturated

and infinite profits might be found if only Americans could sell their manufactured goods to Chinese. In 1898 America fought the Spanish American War and within four months won Puerto Rico, Guam and the Philippines. America's Far Eastern expansionary hopes were dimmed in 1905 however when Chinese merchants, angered at American discrimination against Chinese laborers and restrictions on immigration, launched [boycotts](https://2001-2009.state.gov/r/pa/ho/pubs/fs/90689.htm) [\\_ \(https://2001-2009.state.gov/r/pa/ho/pubs/fs/90689.htm\)](https://2001-2009.state.gov/r/pa/ho/pubs/fs/90689.htm) against American goods.


President Teddy Roosevelt, seeking to curry favor with the Chinese who were deeply resentful of the British opium trade, determined to organize an international commission to help the Chinese battle its opium problem. [Dr. Hamilton Wright](https://en.wikipedia.org/wiki/Hamilton_Wright)

[\\_ \(https://en.wikipedia.org/wiki/Hamilton\\_Wright\)](https://en.wikipedia.org/wiki/Hamilton_Wright), appointed to help organize the effort saw the potential to advance US interests in China: *"Our move to help China in her opium reform gave us more prestige in China than any of our recent friendly acts toward her. If we continue and press steadily for the Conference, China will recognize that we are sincere in her behalf, and the whole business may be used as oil to smooth the troubled water of our commercial policy there."* In 1909 the [Shanghai Opium Commission](http://www.unodc.org/unodc/en/frontpage/this-day-in-history-the-shanghai-opium-commission-1909.html)

[\\_ \(http://www.unodc.org/unodc/en/frontpage/this-day-in-history-the-shanghai-opium-commission-1909.html\)](http://www.unodc.org/unodc/en/frontpage/this-day-in-history-the-shanghai-opium-commission-1909.html) was convened. Thirteen nations met to discuss how they might address the opium problem through curbs on production and export. As a good faith prelude to the Commission, [Britain and China](https://books.google.com/books?id=LK12iessxcwC&pg=PA181&lpg=PA181&dq=1907+China+signed+the+Ten+Years%E2%80%99+Agreement+with+India&source=bl&ots=A6apcplkSP&sig=08Awyl1V5lQ1ZHIDE5XiOmZnql4&hl=en&sa=X&ved=0ahUKEwj4r3l29_bAhXlwFkKHamhALoQ6AEIajAJ#v=onepage&q=1907%20China%20signed%20the%20Ten%20Years%E2%80%99%20Agreement%20with%20India&f=false) [\\_ \(https://books.google.com/books?id=LK12iessxcwC&pg=PA181&lpg=PA181&dq=1907+China+signed+the+Ten+Years%E2%80%99+Agreement+with+India&source=bl&ots=A6apcplkSP&sig=08Awyl1V5lQ1ZHIDE5XiOmZnql4&hl=en&sa=X&ved=0ahUKEwj4r3l29\\_bAhXlwFkKHamhALoQ6AEIajAJ#v=onepage&q=1907%20China%20signed%20the%20Ten%20Years%E2%80%99%20Agreement%20with%20India&f=false\)](https://books.google.com/books?id=LK12iessxcwC&pg=PA181&lpg=PA181&dq=1907+China+signed+the+Ten+Years%E2%80%99+Agreement+with+India&source=bl&ots=A6apcplkSP&sig=08Awyl1V5lQ1ZHIDE5XiOmZnql4&hl=en&sa=X&ved=0ahUKEwj4r3l29_bAhXlwFkKHamhALoQ6AEIajAJ#v=onepage&q=1907%20China%20signed%20the%20Ten%20Years%E2%80%99%20Agreement%20with%20India&f=false) signed an agreement in 1907 to phase out British opium exports from India to China and Chinese production of opium by 1917. The international drug control efforts gathered momentum with the [1912 Hague International Opium Convention](https://en.wikipedia.org/wiki/International_Opium_Convention)

[\\_ \(https://en.wikipedia.org/wiki/International\\_Opium\\_Convention\)](https://en.wikipedia.org/wiki/International_Opium_Convention) in which 13 nations agreed *"The contracting Powers shall use their best endeavours to control, or to cause to be controlled, all persons manufacturing, importing, selling, distributing, and exporting morphine, cocaine, and their respective salts, as well as the buildings in which these persons carry such an industry or trade."*

While diplomatic progress had been made quickly, Dr. Wright was concerned that United State's credibility was at stake; while it was calling on other countries to eliminate the opium problem the US had no national laws limiting or prohibiting the importation, use, sale or manufacture of opium or coca or their derivatives. Therefore, he took on opium reform as a crusade. Wright lobbied Congress and gave speeches and interviews decrying the dangers of drugs. As [David Courtwright](https://www.amazon.com/Dark-Paradise-David-T-COURTWRIGHT-ebook/dp/B005JCUDJ2/ref=sr_1_1?s=books&ie=UTF8&qid=1529417678&sr=1-1&keywords=david+courtwright+dark) [\\_ \(https://www.amazon.com/Dark-Paradise-David-T-COURTWRIGHT-ebook/dp/B005JCUDJ2/ref=sr\\_1\\_1?s=books&ie=UTF8&qid=1529417678&sr=1-1&keywords=david+courtwright+dark\)](https://www.amazon.com/Dark-Paradise-David-T-COURTWRIGHT-ebook/dp/B005JCUDJ2/ref=sr_1_1?s=books&ie=UTF8&qid=1529417678&sr=1-1&keywords=david+courtwright+dark)

points out, opium consumption had fallen by about 40% between 1895 and 1910, yet Wright, using data from 1860, claimed opium imports had risen by 350%. In an interview in the New York Times Wright sensationally claimed that ["Uncle Sam is the Worst Drug Fiend in the World"](https://canvas.harvard.edu/courses/41939/files/6221449/download?wrap=1) [\\_ \(https://canvas.harvard.edu/courses/41939/files/6221449/download?wrap=1\)](https://canvas.harvard.edu/courses/41939/files/6221449/download?wrap=1)  [\\_ \(https://canvas.harvard.edu/courses/41939/files/6221449/download?wrap=1\)](https://canvas.harvard.edu/courses/41939/files/6221449/download?wrap=1) and falsely claimed that the US had the highest per capita

consumption of opiates in the world. He inflamed passions by claiming that cocaine was being used to lure white women into prostitution and, in his 1910 [Report of the Opium Commission](https://ia800205.us.archive.org/32/items/cu31924032583225/cu31924032583225.pdf) (<https://ia800205.us.archive.org/32/items/cu31924032583225/cu31924032583225.pdf>), Wright stated, “*It has been authoritatively stated that cocaine is often the direct incentive to the crime of rape by the negroes of the South and other sections of the country.*” Wright was not alone in his race baiting. A New York Times article, [Negro Cocaine Fiends are a New Southern Menace](https://canvas.harvard.edu/courses/41939/files/6221451/download?wrap=1) (<https://canvas.harvard.edu/courses/41939/files/6221451/download?wrap=1>) described Negroes on murderous rampages in which the drug made them impervious to even bullets through the heart.

Working within the State Department, Wright lobbied Congress to pass national narcotics laws. In the early 20th century, it wasn't clear that the Federal government had jurisdiction; the Constitution relegated most law enforcement to the States. Wright got around this by proposing to control drug traffic through the powers of taxation. Wright's legislative efforts were opposed by the American pharmaceutical industry and the American Medical Association who feared loss of physician autonomy and burdensome paperwork.

Nevertheless, Wright prevailed; in December 1914 the [Harrison Narcotics Tax Act](https://en.wikipedia.org/wiki/Harrison_Narcotics_Tax_Act) ([https://en.wikipedia.org/wiki/Harrison\\_Narcotics\\_Tax\\_Act](https://en.wikipedia.org/wiki/Harrison_Narcotics_Tax_Act)) was signed. Its long title was "An Act To provide for the registration of, with collectors of internal revenue, and to impose a special tax on all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes."

At first the Harrison Act seemed to be a progressive piece of legislation, driving unscrupulous drug dealers out of business and allowing upstanding physicians, pharmacists and drug companies to continue to prescribe narcotics for cancer patients and others with intractable pain, as well as opiate addicts, who were prescribed opiates to maintain their addiction under a doctor's care. However, the Department of the Treasury, which was authorized to enforce the Act, took the position that doctors' prescriptions to addicts for maintaining their addiction was illegal, even though the Harrison Act was silent on the issue, containing neither the word addict or addiction. The Treasury Department sent agents, posing as addicts, to obtain prescriptions, and then prosecuted the doctors for illegal drug dealing. The battle between the Treasury and the medical profession was a battle which continues today over the perception of addiction. Is addiction a medical issue, caused by the pernicious influence of drugs on the body and mind? A Cleveland doctor, Arnold Pressey, whose practice consisted of many patients who became addicted to morphine after being given it for pain, said "morphinism is possible under any condition. I do not believe the person lives who, under certain conditions, can stand up against the power of morphine. Persons only get morphinism from morphine."

The opposing point of view is that addiction is taken up predominantly by people with psychopathic personalities, who have no regard for morals or rules of society and whose addictions are a step on the way to criminal depravity which must be severely punished.

Levi Nutt, the head of the Narcotics Division of the Treasury wrote that addicts were mostly *"mentally deficient or psychopathic characters," prone to repeated relapses: It will be fruitless, therefore, as a permanent proposition, to proceed further with curing drug addicts of their habit, unless the source of supply for the drugs they now use is eliminated. Much in this country, however, may be done by individual states by creating institutions for the segregation, care and treatment of addicts. As long as addicts are permitted to remain at liberty on the streets of our cities where they have access to the drugs they will continue to create a demand for smuggled narcotics. The isolation and segregation of addicts for institutional treatment under restraint for a long period of time will greatly reduce the spreading of drug addiction among our people, and largely destroy the existing demand for smuggled drugs.*

The US Supreme Court in [United States vs Jin Fuey Moy](https://caselaw.findlaw.com/us-supreme-court/241/394.html) [\(https://caselaw.findlaw.com/us-supreme-court/241/394.html\)](https://caselaw.findlaw.com/us-supreme-court/241/394.html) (1916) took the side of the doctors, and rebuked the Treasury Department for interpreting a revenue statute as a sweeping prohibition. However, the times were moralistic. The Temperance Movement was finally cresting and alcohol prohibition went into effect in October 1919 with the passage of the [Volstead Act](https://en.wikipedia.org/wiki/Volstead_Act) [\(https://en.wikipedia.org/wiki/Volstead\\_Act\)](https://en.wikipedia.org/wiki/Volstead_Act). Newspapers published lurid stories of drugs, death and depravity.



# STARTLING CONFESSIONS of a DRUG ADDICT

**Fashionable Englishwoman Reveals the Frightful Experiences She Endured in Trying to Break the Grip of the Drug on Her Tortured Mind and Body**

MISS Brenda Paul, attractive daughter of a titled Englishman, recently shook off the pitiless grip of the drug habit. She had been brought up in the luxury of life among the English aristocracy and was welcome in the salons of social leaders. Yet she became a drug addict!

**How and Why She Became a Slave to the Habit**

The fashionable young woman now reveals the almost unbelievable miseries of a drug addict's life. In an exceptionally interesting series of articles, she tells of the fate of other slaves to the drug habit and discloses the schemes and devices of traffickers in dope. Look for the first article in this unusual series in *The American Weekly* next Sunday!

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It didn't help that by this time, many of the opiate addicts who had been addicted by their doctors were getting older and dying off and were being replaced by addicts who were urban street toughs, gamblers or prostitutes. In 1919, the Supreme Court overturned its earlier ruling and in [Webb vs United States](https://supreme.justia.com/cases/federal/us/249/96/case.html) [. \(https://supreme.justia.com/cases/federal/us/249/96/case.html\)](https://supreme.justia.com/cases/federal/us/249/96/case.html), ruled that a prescription for purposes of keeping an addict comfortable by maintaining his customary use was a perversion of meaning. The court was swayed by a report from the Treasury Department, "Some Facts Concerning Drug Addiction" which claimed that the number of addicts in the United States ranged from 750,000 to 1.5 million. In 1924, the authors of the report admitted the numbers were made up and the total imports of narcotics could not have supported 250,000 addicts even if 100% of narcotic medicine had been diverted to addicts' use.

## Narcotic Clinics

Prior to 1919, many addicts functioned in society. An [official government study](https://books.google.com/books?id=DrtTBgAAQBAJ&printsec=frontcover&dq=chasing+the+scream&hl=en&sa=X&ved=0ahUKEwiU97r7h-DbAhWxrVkJHaXrDmQQ6AEIKTAA#v=onepage&q=official%20government%20study&f=false) [\\_ \(https://books.google.com/books?id=DrtTBgAAQBAJ&printsec=frontcover&dq=chasing+the+scream&hl=en&sa=X&ved=0ahUKEwiU97r7h-DbAhWxrVkJHaXrDmQQ6AEIKTAA#v=onepage&q=official%20government%20study&f=false\)](https://books.google.com/books?id=DrtTBgAAQBAJ&printsec=frontcover&dq=chasing+the+scream&hl=en&sa=X&ved=0ahUKEwiU97r7h-DbAhWxrVkJHaXrDmQQ6AEIKTAA#v=onepage&q=official%20government%20study&f=false) found that before drug prohibition properly kicked in, three quarters of self-described addicts (not just users—addicts) had steady and respectable jobs. Some 22 percent of addicts were wealthy while only 6 percent were poor. The price of maintaining their addiction was on the order of twenty-five cents per day. After 1919, the price of a daily habit on the black market shot up to \$5 or more. The only way an addict could maintain his addiction was through a life of crime, which often including drug dealing. This raised the question: did addiction cause crime or did drug prohibition cause crime? Regardless of the answer, cities and states were terrified of the incipient crime wave and many opened municipal or state sanctioned clinics to supply opiate addicts a daily fix. Large scale clinics were opened in New York City, Albany, New Haven, New Orleans, Shreveport, and Atlanta. Records from these clinics gave some insight into the scale of the problem. First of all, the number of opiate addicts had been vastly overstated by Dr. Wright and others. Instead of 1 million addicts in the US, there were probably 200,000 or less. Only [7,464](https://books.google.com/books?id=7VrQy2d8PxYC&printsec=frontcover&dq=the+american+disease&hl=en&sa=X&ved=0ahUKEwi6pd6gjODbAhUEqlkKHf4HBloQ6AEIKTAA#v=onepage&q=7%2C464&f=false) [\\_ \(https://books.google.com/books?id=7VrQy2d8PxYC&printsec=frontcover&dq=the+american+disease&hl=en&sa=X&ved=0ahUKEwi6pd6gjODbAhUEqlkKHf4HBloQ6AEIKTAA#v=onepage&q=7%2C464&f=false\)](https://books.google.com/books?id=7VrQy2d8PxYC&printsec=frontcover&dq=the+american+disease&hl=en&sa=X&ved=0ahUKEwi6pd6gjODbAhUEqlkKHf4HBloQ6AEIKTAA#v=onepage&q=7%2C464&f=false) addicts registered in New York, despite the clinics dispensing heroin at a nominal cost. Second, the 1909 ban on smoking opium had caused many opium addicts to take up heroin. Finally, some clinics' efforts to wean their users off heroin by slowly reducing the dose were almost complete failures; these addicts switched to black market heroin, even if they had successfully gone through withdrawal. While we don't know how many addicts were able to kick the habit, Courtwright estimates that most addicts continued their addiction, based on data from clinics and Federal prosecution data. The narcotic clinic experiment helped demonstrate that addicts could maintain their addictions and continue to function in society. However the experiment was short lived; by 1923 the Treasury Department had succeeded in shutting down all of the city and state run narcotic clinics.

## The Rise of the New York Junkie

The term "junkie" was first applied to addicts in New York. Prior to drug prohibition when heroin was legal and of high purity, gangs of youths would use it recreationally. As Courtwright relates, *"A common story, is of a group of boys being together at a dance, or a show, at some outdoor gathering in the summer. One of the number produces a "deck" or "package" of heroin and tells the others that the taking of it is wonderfully enjoyable; "try that and you won't have no trouble," he says; he sniffs it up his nose and has enough of it on hand or within reach to supply all the others who wish to try it. They, of course, all wish to follow exactly as the majority in any group of*

*small boys will wish to imitate someone whom they see smoking tobacco. The first taking is generally not agreeable, but they try it again, and about twenty-five per cent become victims of the habit within a few months."*

Following drug prohibition, the price of the drug skyrocketed and purity levels went down. Instead of sniffing heroin, addicts often had to inject it in order to maintain their addiction without withdrawal. During the early 1920s a number of New York City addicts supported themselves by picking through industrial dumps for scraps of copper, lead, zinc, and iron, which they collected in a wagon and then sold to a dealer. "Junkie", in its original sense, literally meant junkman and referred to addicts collecting scrap metal to fund their addiction. While we can look back with pity on these feckless youth, it is important to understand that the junkie lifestyle offered some attractions to young addicts. When drugs were made illegal, why didn't they just quit? Gabor Maté, a Vancouver physician who worked with addicts for twelve years offered some insights: *"If you want to understand addiction you can't look at what's wrong with the addiction, you have to look at what's right about it. In other words what is the addict getting from the addiction that they otherwise wouldn't have. And what addicts get are relief from pain, a sense of peace, a sense of control, a sense of calmness (very temporarily), and the question is why are these qualities missing from their lives; what happened to them? If you look at the drugs like heroin, codeine, morphine, cocaine, alcohol, these are all pain killers. One way or another they all soothe pain. And the real question in addiction is not why the addiction, but why the pain."* Maté went on to explain that most hard core addicts suffered sexual or physical abuse as children and that interfered with their brain development with respect to motivation and attachment. Heroin and cocaine gave them the love and motivation that was missing in their lives. Especially early on, the junkie lifestyle can be exciting. The addict and his friends are bands of brothers, plotting petty capers to get the money for their next score, running from the police, living largely in the moment. In the 1920's such a lifestyle could appear glamorous for some poor youths. The term hipster referred to the upscale opium smoker, laying on his hip with his friends. The combination of glamour, camaraderie, excitement, and love can be powerful attractions to lure susceptible youth into the junkie lifestyle.

## Organized Crime

The Volstead Act which criminalized the sale of liquor, and to a lesser extent the Harrison Act which did the same for opiates and cocaine was a huge boon to organized crime. Prior to 1919, organized crime was limited to small gangs. With the scale and logistical requirements to import drugs and alcohol in huge quantities, large criminal organizations were required, and the smaller gangs quickly grew to take advantage of the opportunity. The tremendous profits earned from running alcohol led to the growth and eventual dominance of the [American mafia](https://en.wikipedia.org/wiki/American_Mafia#Prohibition_era) [\\_\(https://en.wikipedia.org/wiki/American\\_Mafia#Prohibition\\_era\)](https://en.wikipedia.org/wiki/American_Mafia#Prohibition_era) in organized crime.





[https://en.wikipedia.org/wiki/File:Arnold\\_Rothstein.jpg](https://en.wikipedia.org/wiki/File:Arnold_Rothstein.jpg)

[Arnold Rothstein](https://en.wikipedia.org/wiki/Arnold_Rothstein) ([https://en.wikipedia.org/wiki/Arnold\\_Rothstein](https://en.wikipedia.org/wiki/Arnold_Rothstein)) was the man who grew to control the illegal narcotics trade in the United States. Born in 1882 to a Jewish immigrant family, Rothstein was a sociopath with a talent for gambling and an obsession for money. He built up a gambling network in New York, becoming a millionaire by the age of 30, and reportedly inventing the floating crap game, where the location floats to avoid police raids. Rothstein was widely thought to have fixed the 1919 World Series where against all odds the Cincinnati Reds beat the favored Chicago White Sox. According to Douglas Valentine in [The Strength of the Wolf](https://www.amazon.com/Strength-Wolf-Secret-History-Americas/dp/1844675645/ref=sr_1_1?ie=UTF8&qid=1529437237&sr=8-1&keywords=the+strength+of+the+wolf) ([https://www.amazon.com/Strength-Wolf-Secret-History-Americas/dp/1844675645/ref=sr\\_1\\_1?ie=UTF8&qid=1529437237&sr=8-1&keywords=the+strength+of+the+wolf](https://www.amazon.com/Strength-Wolf-Secret-History-Americas/dp/1844675645/ref=sr_1_1?ie=UTF8&qid=1529437237&sr=8-1&keywords=the+strength+of+the+wolf)), following the Webb versus United States Supreme Court decision in 1919, most of the black market heroin came from street gangs who would rob deliveries going to hospitals or order legitimate supplies through front companies from pharmaceutical firms in Mexico or Canada. When the later route was shut down by U.S. authorities in 1921, Rothstein stepped in. He flew to Europe and negotiated with all the European pharmaceutical firms who were legally manufacturing morphine and heroin. He negotiated to purchase massive amounts of pharmaceuticals through shell companies and shipped them to the U.S. through various routes, and sold them through the street gangs. By cornering the market on illegal narcotics, Rothstein made huge profits and built a criminal empire; he is known as the father of organized crime. As Johann Hari explains in [Chasing the Scream](https://www.amazon.com/Chasing-Scream-Addiction-Connection-ebook/dp/B00OZM4ANM/ref=sr_1_1?s=books&ie=UTF8&qid=1529437713&sr=1-1&keywords=chasing+the+scream+by+johann+hari) ([https://www.amazon.com/Chasing-Scream-Addiction-Connection-ebook/dp/B00OZM4ANM/ref=sr\\_1\\_1?s=books&ie=UTF8&qid=1529437713&sr=1-1&keywords=chasing+the+scream+by+johann+hari](https://www.amazon.com/Chasing-Scream-Addiction-Connection-ebook/dp/B00OZM4ANM/ref=sr_1_1?s=books&ie=UTF8&qid=1529437713&sr=1-1&keywords=chasing+the+scream+by+johann+hari)), criminal empires are often based on payoffs and threats. The Mexican drug cartels offer the police silver or lead: either money for payoffs or a bullet if you don't cooperate. Hari claims that Rothstein's empire used bribes and coercion. He had shooters like [Jack "Legs" Diamond](#)

([https://en.wikipedia.org/wiki/Legs\\_Diamond](https://en.wikipedia.org/wiki/Legs_Diamond)) who terrorized opponents, but he also liberally bribed the police and the judiciary. In one event, police raided a gambling den and **Rothstein shot at them** (<https://canvas.harvard.edu/courses/41939/files/6221454/download?wrap=1>); the judge dismissed the case. It is difficult however to stay on top of a criminal empire. In November 1928, an unknown gunman shot Rothstein in the gut. It took him two days to die. When the police asked him who did it, he said “You stick to your business and I’ll stick to mine.” and “Me Mudder did it.”

Following Rothstein’s death, police raided Rothstein’s front companies and a grand jury examined evidence. They found evidence of “gross dereliction and incompetence” within the New York office of the Narcotic Division of the Treasury. Apparently Treasury officers routinely prosecuted street dealers while letting higher ups go, strongly indicating collusion, but without enough evidence to prosecute for bribery. The newspapers printed rumors that Rothstein and New York City Mayor Jimmy Walker had shared financial interests and increasing evidence of corruption eventually led to Mayor Walker’s resignation in September 1932 and his eventual replacement by Fiorello LaGuardia in 1934. Perhaps most incriminating, it turned out that the son and son-in-law of the head of Treasury’s Narcotic Division, Levi Nutt, were on Rothstein’s payroll, representing him in a legal matter. Nutt was demoted, and the Narcotics Division was reorganized into the Federal Bureau of Narcotics, with a new chief, Harry J. Anslinger, who was previously assistant Commissioner of the Prohibition Bureau in charge of foreign control.

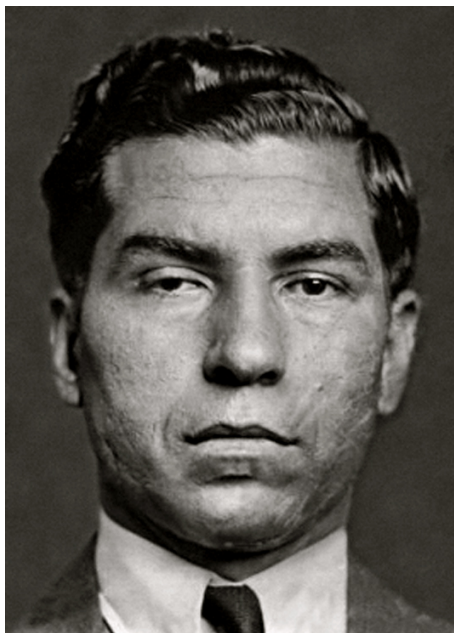


Harry Anslinger

Unlike Nutt, Anslinger was seen as a competent, incorruptible bureaucrat. His candidacy for the head of the FBN wasn't hurt by the

fact that he married a woman from the Mellon family, and Andrew Mellon was the Secretary of the Treasury to which Anslinger reported. Like J. Edgar Hoover, he knew how to use the media to represent his Federal Bureau of Narcotics in the best light. He also ran the bureau with a budget of only \$100,000, a bonus during the depression years. Due to his bureaucratic savvy he would run the FBN for an unprecedented 32 years, retiring in 1962.

The war between criminals and the government can be viewed as an evolutionary battle toward survival of the fittest. Just as the more competent Anslinger replaced Nutt as the head of the government battle against narcotics, Rothstein was replaced by a fabled criminal duo: [Meyer Lansky](https://en.wikipedia.org/wiki/Meyer_Lansky) ([https://en.wikipedia.org/wiki/Meyer\\_Lansky](https://en.wikipedia.org/wiki/Meyer_Lansky)) and [Charles "Lucky" Luciano](http://www.akha.org/content/drugwar/mccoy/07.htm) (<http://www.akha.org/content/drugwar/mccoy/07.htm>).



[Charles "Lucky" Luciano](http://By%20New%20York%20Police%20Department.%20Original%20uploader%20was%20Hephaestos%20at%20en.wikipedia%20-%20Capture%20from%20Original%20Record%20File,%20Public%20Domain,%20https://commons.wikimedia.org/w/index.php?curid=1817222)

(<http://By%20New%20York%20Police%20Department.%20Original%20uploader%20was%20Hephaestos%20at%20en.wikipedia%20-%20Capture%20from%20Original%20Record%20File,%20Public%20Domain,%20https://commons.wikimedia.org/w/index.php?curid=1817222>)

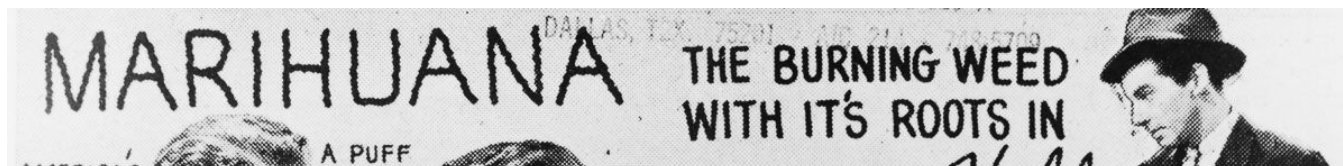
Following Rothstein's death in 1930 and 1931 a war erupted among competing criminal factions. Luciano eventually settled the conflict by organizing the twenty-four American Mafia families into a National Commission, with each owning exclusive territories and Luciano

as the national head. In 1933 [alcohol prohibition was repealed](https://en.wikipedia.org/wiki/Twenty-first_Amendment_to_the_United_States_Constitution) [\\_ \(https://en.wikipedia.org/wiki/Twenty-first\\_Amendment\\_to\\_the\\_United\\_States\\_Constitution\)](https://en.wikipedia.org/wiki/Twenty-first_Amendment_to_the_United_States_Constitution), ending a lucrative source of earnings for the Mafia. To counter this loss of business, the Mafia expanded their gambling and narcotics business and branched out into industrialized prostitution, loan sharking, protection rackets, and takeovers of the American labor unions. According to Alfred McCoy in [The Politics of Heroin](https://www.amazon.com/Politics-Heroin-Complicity-Global-Trade/dp/1556524838/ref=sr_1_1?ie=UTF8&qid=1529677892&sr=8-1&keywords=the+politics+of+heroin+in+southeast+asia) [\\_ \(https://www.amazon.com/Politics-Heroin-Complicity-Global-Trade/dp/1556524838/ref=sr\\_1\\_1?ie=UTF8&qid=1529677892&sr=8-1&keywords=the+politics+of+heroin+in+southeast+asia\)](https://www.amazon.com/Politics-Heroin-Complicity-Global-Trade/dp/1556524838/ref=sr_1_1?ie=UTF8&qid=1529677892&sr=8-1&keywords=the+politics+of+heroin+in+southeast+asia), the “combination of organized prostitution and drug addiction, which later became so commonplace, was Luciano's trademark in the 1930s. By 1935 he controlled 200 New York City brothels with twelve hundred prostitutes, providing him with an estimated income of more than \$10 million a year.” David Courtwright commented on the perfect relationship between heroin addiction and prostitution: “Life in the “cribs,” entertaining a succession of grunting, sweating males, must have been emotionally devastating; opiates offered an attractive, if temporary, escape. Moreover, the regular use of opiates conferred an important physiological benefit, the disruption or total cessation of menstruation.” Even today, it is estimated that between [40% and 85% of prostitutes](https://en.wikipedia.org/wiki/Drugs_and_prostitution) [\\_ \(https://en.wikipedia.org/wiki/Drugs\\_and\\_prostitution\)](https://en.wikipedia.org/wiki/Drugs_and_prostitution) use drugs. The two vices are synergistic: drug addicts may be forced into prostitution to earn money to support their habit, or prostitutes may turn to drugs to ease the shame and stress of their profession.

Luciano's industrialization of the New York brothels led to a setback in his career. In 1936 he was indicted and convicted of compulsory prostitution and sentenced to 30 years in prison. He continued to run his business from his cell in Sing-Sing.

### Narcotics and the Great Depression

As David Courtwright explained, the narcotics business was severely impacted by the Depression. As unemployment rose to 25% and cash became scarce, more and more addicts lacked the money to support their habits and got clean. The Mafia, trying to support their cash flows cut their prices but also cut the percentage of heroin by adulterating it with lactose. Rothstein's street heroin had a typical concentration of 25%, while Luciano's heroin was as low as 3%. As one street dealer said, “*When the Chinese and the Jews had it, it was beautiful, but when the Italians got it-bah! They messed it all up ... They started thinking people were just a herd of animals-just give them anything.*”








<https://mashable.com/2016/04/18/anti->





[weed-film-posters/#QvJ9ILgNJgqV](https://mashable.com/2016/04/18/anti-weed-film-posters/#QvJ9ILgNJgqV) [\(https://mashable.com/2016/04/18/anti-weed-film-posters/#QvJ9ILgNJgqV\)](https://mashable.com/2016/04/18/anti-weed-film-posters/#QvJ9ILgNJgqV)

### **Federal Bureau of Narcotics and the Marihuana Tax Act of 1937**

Harry Anslinger took credit for the declining heroin addict population, maintaining his organization's visibility with Congress and the public through regular press stories. However, by 1934 the declining arrest rates must have been worrisome to Anslinger, since declining narcotics usage posed a threat to the funding of his agency. Fortunately for the FBN, the Great Depression launched a racial backlash against Mexicans that he could capitalize on. As David Musto recounts in [The American Disease: Origins of Narcotic Control](https://www.amazon.com/American-Disease-Origins-Narcotic-Control-ebook/dp/B001CEPKIK/ref=sr_1_1?ie=UTF8&qid=1529694407&sr=8-1&keywords=the+american+disease+origins+of+narcotic+control) [\(https://www.amazon.com/American-Disease-Origins-Narcotic-Control-ebook/dp/B001CEPKIK/ref=sr\\_1\\_1?ie=UTF8&qid=1529694407&sr=8-1&keywords=the+american+disease+origins+of+narcotic+control\)](https://www.amazon.com/American-Disease-Origins-Narcotic-Control-ebook/dp/B001CEPKIK/ref=sr_1_1?ie=UTF8&qid=1529694407&sr=8-1&keywords=the+american+disease+origins+of+narcotic+control), as the Depression deepened, political pressure grew on the Federal Government from states and cities in the Southwest and West to do something about Mexican immigration. Just as President Trump would do 90 years later, politicians labelled Mexican immigrants as [rapists, trouble makers, and drug dealers](https://canvas.harvard.edu/courses/41939/files/6221393/download) [\(https://canvas.harvard.edu/courses/41939/files/6221393/download\)](https://canvas.harvard.edu/courses/41939/files/6221393/download)  [\(https://canvas.harvard.edu/courses/41939/files/6221393/download\)](https://canvas.harvard.edu/courses/41939/files/6221393/download). Sensational stories were printed in such tabloids as the New York Times, describing shocking deaths and permanent insanity from eating a marijuana salad.

## MEXICAN FAMILY GO INSANE.

Five Said to Have Been Stricken  
by Eating Marihuana.

Copyright, 1937, by The New York Times Company.  
Special Cable to THE NEW YORK TIMES.

MEXICO CITY, July 5.—A widow and her four children have been driven insane by eating the Marihuana plant, according to doctors, who say that there is no hope of saving the children's lives and that the mother will be insane for the rest of her life.

The tragedy occurred while the body of the father, who had been killed, was still in a hospital.

The mother was without money to buy other food for the children, whose ages range from 2 to 15, so they gathered some herbs and vegetables growing in the yard for their dinner.

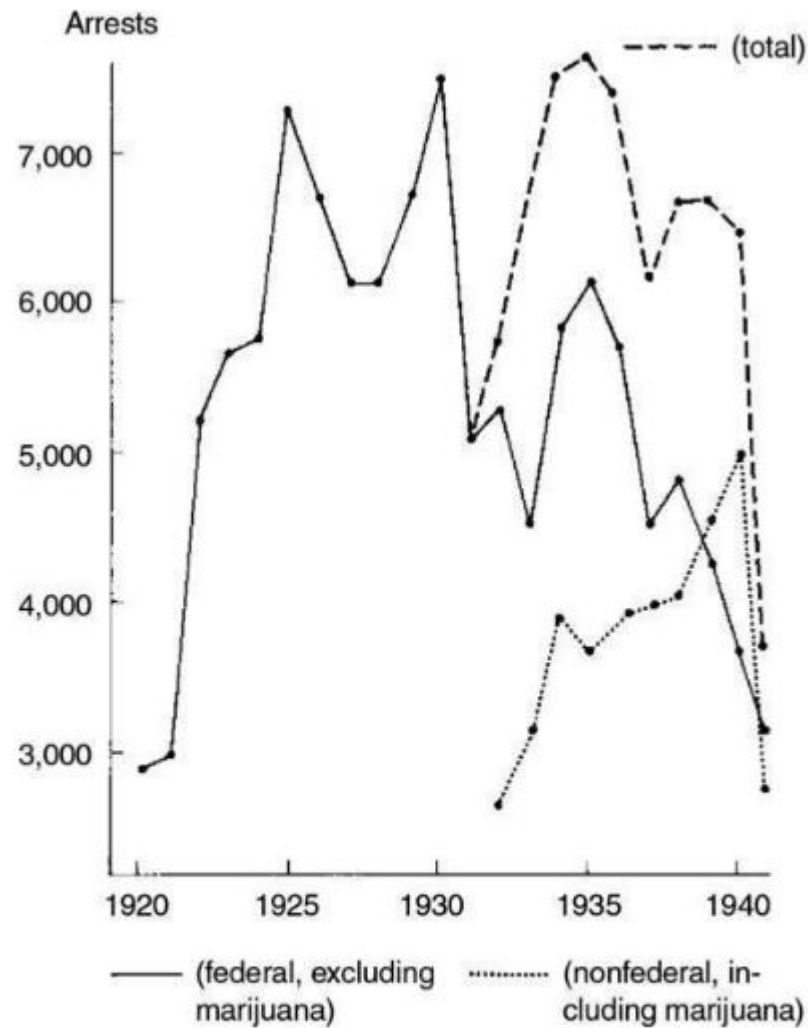
Two hours after the mother and children had eaten the plants they were stricken. Neighbors, hearing outbursts of crazed laughter, rushed to the house to find the entire family insane..

Examination revealed that the narcotic marihuana plant was growing among the garden vegetables.

Anslinger collected and embellished such stories. The [propaganda war](https://hightimes.com/culture/crimes-reefer-madness/) against marijuana was exemplified by the 1936 movie titled [Reefer Madness](https://en.wikipedia.org/wiki/Reefer_Madness). During testimony to Congress in support of marijuana legislation, Anslinger allegedly said [“There are 100,000 total marijuana smokers in the US and most are Negroes, Hispanics, Filipinos and entertainers. Their Satanic music, jazz and swing, result from marijuana usage. This marijuana causes white women to seek sexual relations with Negroes, entertainers and others. Reefer makes darkies think](#)

they're as good as white men." [\\_ \(https://books.google.com/books?id=LqdCDwAAQBAJ&pg=PT99&dq=%E2%80%9CThere+are+100,000+total+marijuana+smokers+in+the+US+and+most+are+Negroes,+Hispanics,+Filipinos+and+entertainers.++Their+Satanic+music,+jazz+and+swing,+result+from+marijuana+usage.++This+marijuana+causes+white+women+to+seek+sexual+relations+with+Negroes,+entertainers+and+any+others.%E2%80%9D&hl=en&sa=X&ved=0ahUKEwjP9MHq\\_ufbAhVC61MKHVenD3AQ6AEIOjAD#v=onepage&q=%E2%80%9CThere%20are%20100%2C000%20total%20marijuana%20smokers%20in%20the%20US%20and%20most%20are%20Negroes%2C%20Hispanics%2C%20Filipinos%20and%20entertainers.%20%20Their%20Satanic%20mu sic%2C%20jazz%20and%20swing%2C%20result%20from%20marijuana%20usage.%20%20This%20marijuana%20causes%20white%20wom en%20to%20seek%20sexual%20relations%20with%20Negroes%2C%20entertainers%20and%20any%20others.%E2%80%9D&f=false\)](https://books.google.com/books?id=LqdCDwAAQBAJ&pg=PT99&dq=%E2%80%9CThere+are+100,000+total+marijuana+smokers+in+the+US+and+most+are+Negroes,+Hispanics,+Filipinos+and+entertainers.++Their+Satanic+music,+jazz+and+swing,+result+from+marijuana+usage.++This+marijuana+causes+white+women+to+seek+sexual+relations+with+Negroes,+entertainers+and+any+others.%E2%80%9D&hl=en&sa=X&ved=0ahUKEwjP9MHq_ufbAhVC61MKHVenD3AQ6AEIOjAD#v=onepage&q=%E2%80%9CThere%20are%20100%2C000%20total%20marijuana%20smokers%20in%20the%20US%20and%20most%20are%20Negroes%2C%20Hispanics%2C%20Filipinos%20and%20entertainers.%20%20Their%20Satanic%20music%2C%20jazz%20and%20swing%2C%20result%20from%20marijuana%20usage.%20%20This%20marijuana%20causes%20white%20women%20to%20seek%20sexual%20relations%20with%20Negroes%2C%20entertainers%20and%20any%20others.%E2%80%9D&f=false)

Fortunately for Anslinger, Congress passed the Marihuana Tax Act of 1937, giving him the ability to greatly expand his war on drugs, and supplement declining opiate arrests with marijuana arrests:



**Figure 10** Federal and nonfederal narcotic prosecutions, 1920 to 1941. Nonfederal marijuana cases averaged no more than 10 to 15 percent of the total. Because of changes in reporting procedures and because the method of estimation was not made explicit, these data should be regarded as approximations only, not as exact totals. Source: Alfred R. Lindesmith, *The Addict and the Law* (Bloomington: Indiana University Press, 1965), 106–107.

Courtwright, [Dark Paradise](https://books.google.com/books?id=VxUuPa3cnLMC&printsec=frontcover&dq=dark+paradise+courtwright&hl=en&sa=X&ved=0ahUKEwj8MOCg-jbAhUotlkKHYz3CxsQ6AEIKTAA#v=onepage&q=figure%2010&f=false) [\\_ \(https://books.google.com/books?id=VxUuPa3cnLMC&printsec=frontcover&dq=dark+paradise+courtwright&hl=en&sa=X&ved=0ahUKEwj8MOCg-jbAhUotlkKHYz3CxsQ6AEIKTAA#v=onepage&q=figure%2010&f=false\)](https://books.google.com/books?id=VxUuPa3cnLMC&printsec=frontcover&dq=dark+paradise+courtwright&hl=en&sa=X&ved=0ahUKEwj8MOCg-jbAhUotlkKHYz3CxsQ6AEIKTAA#v=onepage&q=figure%2010&f=false)

### **The Medical Opposition: Drug Addicts are Human Beings**

While Anslinger had successfully exploited the media in a campaign against drug users, his view was not universally shared. [Henry Smith Williams](https://en.wikipedia.org/wiki/Henry_Smith_Williams) [\\_ \(https://en.wikipedia.org/wiki/Henry\\_Smith\\_Williams\)](https://en.wikipedia.org/wiki/Henry_Smith_Williams) was a prominent physician and medical researcher. In 1931 Williams' brother Edward, who was also a physician, was arrested by one of Anslinger's FBN agents for prescribing maintenance heroin to a person he thought was an addict. Edward Williams had thought he was allowed to prescribe maintenance prescriptions for addicts, protected by a 1925 Supreme Court ruling, [Linder versus United States](https://en.wikipedia.org/wiki/Linder_v._United_States) [\\_ \(https://en.wikipedia.org/wiki/Linder\\_v.\\_United\\_States\)](https://en.wikipedia.org/wiki/Linder_v._United_States), which had reversed Webb versus United States. However that did not stop the Narcotics Division of the IRS or later the Federal Bureau of Narcotics for arresting him or 20,000 other doctors. In 1938, Henry Smith Williams published a book entitled, [Drug Addicts are Human Beings: The Story of Our Billion Dollar Drug Racket](http://www.williamwhitepapers.com/pr/1938%20Williams%20Drug%20Addicts%20Are%20Human%20Beings.pdf) [\\_ \(http://www.williamwhitepapers.com/pr/1938%20Williams%20Drug%20Addicts%20Are%20Human%20Beings.pdf\)](http://www.williamwhitepapers.com/pr/1938%20Williams%20Drug%20Addicts%20Are%20Human%20Beings.pdf). Williams lambasted the FBN for establishing a billion dollar illicit drug business and transforming a vast company of law-abiding citizens into outcasts and hopeless derelicts and criminals. Some of William's outrage could have stemmed from the fact that the FBN agent who prosecuted his brother, Chris Hanson, head of the FBN office in Los Angeles was later convicted of taking bribes from Chinese drug dealers, highlighting the inevitability of corruption in the prosecution of the drug wars. Williams contrasted the news reports about the narcotics crime wave with comparative arrest statistics to show that comparatively speaking drugs were not a widespread menace:



Among persons charged with crime and held for prosecution in the year 1933, in 703 cities, with aggregate population of 30,576,036, the persons held for violation of:

(1) Narcotic drug laws numbered	2,317, or	7.6 per 100,000 of population
(2) Homicide numbered.....	3,303, or	10.8 per 100,000 of population
(3) Liquor laws numbered.....	21,494, or	70.3 per 100,000 of population
(4) Driving while intoxicated numbered .....	23,399, or	76.5 per 100,000 of population
(5) Drunkenness numbered.....	455,615, or	1,490.1 per 100,000 of population
(6) Traffic and motor laws numbered .....	1,179,287, or	4,180.7 per 100,000 of population
(7) All other crimes numbered...	597,489, or	2,064.5 per 100,000 of population
Total number.....	2,272,489, or	8,490.5 per 100,000 of population

Williams' proposed solution to the problem was to allow doctors to treat addicts with maintenance prescriptions. He was not the first to argue that addiction should be treated medically, nor would he be the last. But shortly after Williams' publication, World War II broke out and the problem of narcotics went away for a time.

## World War II

The Second World War disrupted the global drug supply lines. Opium from the Far East was now under Japan's control. Turkey and Iran, the other notable sources of the drug were neutral or under Allied control, but all opium production went into medicine for war use. Illicit heroin in the United States was diluted to homeopathic concentrations and almost all American addicts went through withdrawal. It is interesting to note that enforced withdrawal is unpleasant but tolerable if there is no alternative. According to Courtwright, Anslinger took credit for the fact that the Army in 1944 dismissed 1 in 10,000 recruits for drug use as compared to 1 in 1,500 in World War I; however, a more truthful explanation is that after the junkies had gone through detox they were suitable for the war effort. Why is it that addicts have an almost insurmountable difficulty in getting clean during normal times but can tolerate being clean when there is no drug to be found? It may be that the drug causes tremendous cravings which can't be ignored when the drug is available but are tolerable in the absence of temptation. We'll look at temptation and the biology of addiction in Session 5.

Following World War II, it seemed possible that the war on illegal narcotics in America could be won. Almost all addicts had been clean for several years and America was in a dominant position to influence other countries to finally stamp out the source of illegal narcotics.

Unfortunately, the Cold War intervened, and national security worked in a perverse way to revive the global narcotics trade. The story is complicated; we'll look into the Politics of Heroin in Session 3.

## Preparation

Please read the text above and click through the hyperlinks and read whichever of them look interesting. Please email me with any questions or topics that you would like to discuss in class. Please send the email no later than the day before class, to [ocurme@gmail.com](mailto:ocurme@gmail.com) (<mailto:ocurme@gmail.com>).

## Additional Resources

List resources