

The misuse of narcotic drugs is a problem that touches most areas of the world and goes back many centuries. The recognition of the uni-versality of the problem is, however, a rather recent development, and a concerted effort to deal with it on an international level did not begin until the opening of the twentieth century. Not until near the middle of the nineteenth century did the Western world become publicly aware of the problem, and then it was regarded as restricted to the con-sumption of opium in its several forms by the people of the Far East, especially the Chinese. That more and more Western people were be-coming addicted to narcotic drugs was little realized.

A significant development in the twentieth century was the dis-covery that there were two phases of the traffic in narcotic drugs—a Western as well as an Eastern phase.' The degree to which the two problems were interrelated varied from time to time. In general, the Western problem was the extensive use of opium and coca leaf deriva-tives and the need to suppress illicit traffic in these drugs. The problem stemmed from the manufacture and use of morphine, heroin, cocaine, and other derivatives of raw opium and the coca leaf in quantities great-ly in excess of legitimate needs. The traffic in and use of marihuana, a product of *Cannabis sativa*, or Indian hemp, was also a matter of concern. The traffic in the raw materials constituted a menace in the West only in the sense that surplus supplies resulted in an excess of the manufactured products derived from them. The principal sources of these raw materials included not only the Far East, where opium production was prominent, but also Turkey, Persia, and Eastern Eu-rope for opium and Bolivia and Peru for the coca leaf. The Eastern source of the coca leaf was confined to Java in the Dutch East Indies.

Opium produced in the Far East and prepared for smoking, the prin-cipal method of consumption there, played only a minor part in the domestic problem of the United States and other Western countries. The use of prepared opium was mainly confined to resident Chinese and a small number of other habitual opium smokers. Paradoxically, this form of use was the one most publicized in the United States in the first decade of the twentieth century, and it was the investigation of this aspect of the problem that led to the revelation that there was also widespread addiction to manufactured drugs.

The Eastern problem involved the areas where the poppy plant was cultivated for the production of raw opium and where the principal methods of consumption were opium smoking and eating. The main areas of this kind were Turkey and Persia in the Middle East, and China and India in the Far East. Adjacent areas, especially in the Far East, were drawn within the orbit of the traffic. Although opium was consumed in the Middle East, the chief focus of attention was on the Far East, where opium was eaten, smoked, and drunk. In China and among Chinese abroad, opium smoking was the main habit. In India, opium was eaten and also consumed in the form of

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a beverage. In the early twentieth century the use of manufactured derivatives of opium, prepared in Japan and in the West, began to rival the traditional methods of consumption. Thus, contrary to contemporary popular opinion, the Far East was less a source of the opium problem in the West than it was a victim of participation by Westerners in the Far Eastern opium trade and of the production of opiates in Western nations for consumption in the Far East.

During most of the period of the international campaign to control the traffic in dangerous drugs covered by this study, the traffic in opium in the Far East bore little direct relation to the drug question in the United States. Yet in the public mind in this country, the term "opium traffic" has Oriental connotations, for the earliest concern and involvement of the United States in the narcotic drug trade dealt with the Eastern phase of the problem. For example, the extent of the American involvement in the opium trade was first popularly revealed by the events leading to the so-called Opium War between China and England from 1839 to 1842. In addition, among the main efforts of the United States in the twentieth century to promote China's general prosperity and well-being was the movement which the United States initiated on an international scale to help China rid herself of the opium vice. A proper understanding of this movement necessitates a review of the conditions out of which it grew: the opium problem in the Far East, especially in China, in the nineteenth century and the nature and extent of the American involvement in that problem.

By the beginning of the nineteenth century opium had been known in China, and in the Far East generally, for at least a thousand years. Supposedly the Arabs introduced it to that area. The Middle East and India were the two principal sources of supply for the early Far Eastern trade. On establishing themselves in India in the sixteenth century the Portuguese captured the major share of that trade from the Indians and the Arabs and exported the drug mainly to China. They were later rivaled, especially in the eighteenth century, by the Dutch and the English. The islands of the East Indies became the chief markets for the Dutch opium trade, while the English competed with and soon outdistanced the Portuguese for the China market. In the nineteenth century the China market was dominated by the English. From the latter part of the eighteenth century through the first decade and a half of the twentieth century, China's foreign opium supply came primarily from India under the auspices of an opium monopoly held first by the British East India Company and later by the British crown.²

Throughout most of the nineteenth century the importation of Indian opium into China was on the increase. Prior to the beginning of the Opium War in 1839 the average annual importation of Indian opium increased from some 4,500 chests in the decade 1811—1820 to nearly 25,500 chests in the decade 1829-1839.³ This steady increase continued after the war, reaching a high point in the decade 1875-1885, when the average annual importation was 82,000 chests;⁴ thus opium constituted the largest single commodity imported into China.⁵ During the same period the importation of Persian opium also grew, but it never constituted more than 10 percent

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of the Indian import in any one year. Therefore it had no appreciable effect on the China market for the Indian drug.⁶ The net importation of foreign opium into China reached its zenith in 1879, when 82,927 piculs (133 y3 pounds to a picul) were imported.⁷ After the 1880's there was a gradual decline in China's foreign opium imports to the extent that by 1894 opium constituted only about 14 percent of China's total imports.⁸

The chief reason for the decline in the importation of foreign opium into China was the increasing cultivation of the poppy for the production of opium in China itself. This increase in domestic production, like the importation of foreign opium, was also a characteristic feature of the Chinese opium situation in the nineteenth century. Any accurate determination of the extent of this production is impossible, and estimates vary. David Owen concludes that by 1885 a conservative estimate would put China's opium production at twice her opium imports.⁶

Naturally accompanying the growing importation of opium and the increase in domestic production was a rise in the consumption of the drug by the Chinese. On one estimate, the number of consumers in 1835 exceeded 2,000,000." By 1906, it is estimated, the number of opium smokers was nearly 13,460,000 out of a population of 400,000,000—i.e., 3Y3 percent of the total population and 27 percent of the adult males."

The Chinese government made repeated but ineffective efforts to stem the opium trade and the production and consumption of the product in China. Beginning with the imperial edict of 1729 which prohibited the importation and sale of opium for smoking, numerous edicts and regulations designed to stamp out the drug habit were promulgated, up to the legalization of the trade in 1858." Even after 1858 there were nominal efforts to suppress the cultivation of the poppy and the practice of opium smoking. As is widely known, it was the efforts of Commissioner Lin in 1839 to enforce some of the existing regulations against the importation of foreign opium that precipitated the crisis resulting in the Opium War.

In summary, the opium situation in China in the nineteenth century was characterized by increasing importation of the drug, primarily from India and under British auspices, up through the 1880's, followed by a decline largely attributable to the increase in domestic production from the 1830's on. Accompanying these developments was the considerable spread of the drug habit among the Chinese people. The efforts of the Chinese government to deal with all three aspects of the situation were a complete failure. The opium trade with China in the nineteenth century was a large-scale smuggling operation in which the British were chiefly involved. Other foreigners, including Americans,¹³ were also implicated.

The first notable participation of Americans in the China opium trade was as conveyors of Turkish opium, in whose transportation to the Far East after 1805 they held a virtual monopoly. The Americans owed their monopoly to the policy of the British East India Company, which barred its ships from carrying opium and at the same time shut out private English shipping from the trade between Europe and China. For a brief period during 1817 and 1818 Americans also carried Persian opium to China; together, their Turkish and Persian cargoes contributed substantially to the flooding of the Chinese opium market. The American carrying trade in the Turkish and Persian commodity was never large, although for the seasons of 1816, 1817, and 1818, estimates of the quantity transported vary from a minimum of 6 percent of the total American trade with China to a maximum of over half. It has been contended that if silver dollars are excluded, even the minimum estimate would make opium account for 20 to 30 percent of the value of American shipments to China at that time. Between 1824 and 1830 the Americans carried to Canton between 1000 and 1500 chests of Turkish opium.¹⁴ Small or large, the American trade with China in Turkish opium was sufficient to cause the Chinese commissioner at Canton in 1839 to think that Turkey was an American possession."

The ending of the monopoly of the East India Company over the China trade in 1834 changed the character of the American participation in the opium trade. Since private English vessels could now engage in the carrying trade from Europe to China, the American monopoly of the Turkish opium trade ended, and the American carrying trade in the drug declined. To offset this decline the Americans participated increasingly in traffic between India and China." The nature of that participation prior to 1839 had been shaped by the fact that Americans were barred from the carrying trade in opium between India and China. The East India Company maintained control over most of the drug produced in India, and although it forbade its own vessels to engage in the trade, it licensed "country ships," principally private English and Indian vessels, to carry the drug to China. As a result the American participation took primarily two forms: through the consignment business American firms at Canton sought to underbid British merchants in China for the opium produced in India, especially that of individual producers and merchants not under the control of the East India Company; and in imitation of the British, American firms established receiving ships or storehouses which were anchored in waters around the islands near the Chinese mainland to receive the drug from carriers from India, Persia, and Turkey for subsequent smuggling into China.¹⁷

In comparison with the English and Portuguese, the Americans played a minor role in the Indian drug trade prior to 1839. Not over one-tenth of the total importation into China was carried on American vessels or received on consignment by American firms. This amount in turn rarely accounted for more than one-tenth of the total American trade to China in any one year." The opium trade in general, however, benefited American traders far beyond their direct participation in it. Opium and furs had early been used by Americans to supplement Spanish dollars as a medium of exchange for the teas, silks, and other goods of China." For a considerable period prior to 1839 silver for the purchase of Chinese commodities had constituted the largest single item of American exports to China. The opium trade enabled Americans to substitute for specie

the bills of exchange on London which the Chinese needed to purchase Indian opium. These bills of exchange were obtained by American traders through the sale of American products to England and the sale by Americans of Chinese goods in Europe. Consequently, the quantity of American specie brought to China de-creased in '82 6 from over \$5,000,000 to less than \$2,000,000.²⁰ In the decade 1831-1840 the importation of specie from America was re-duced by 80 percent over the preceding decade.²¹

By 1839, then, the position of Americans in the Chinese opium trade was this:

American vessels carried the Turkey drug; an American receiving ship was stationed in the outer waters; and an American firm, Russell & Com-pany, ranked as the third largest agency for Indian opium in China. But, on the other hand, Americans had lost their strategic position in the Turk-ish drug; American capital no longer played a dominant role in the provision of opium for American consignment; and American vessels were still barred from the carrying trade in opium between India and China.²²

The efforts of the Chinese to bring the illegal trade in opium to a halt in 1839, which brought on the Anglo-Chinese War, caused a tem-porary withdrawal of the Americans from the trade. The American merchants at Canton, including those who had been engaged in the traffic, signed a voluntary pledge to refrain from transactions in opium in the future. They then addressed a memorial to Congress expressing on moral, humanitarian, and economic grounds their desire not to see the trade revived. The principal determinant of the attitude of the merchants seems to have been the fact that opium did not constitute a major part of their trade; this circumstance was coupled with the belief that the opium traffic was really an encumbrance on their legiti-mate business. They believed that it restricted their business by re-ucing the desire and purchasing power of the Chinese for their legitimate products and by jeopardizing harmonious relations with the Chinese government.²³

American abstention from the trade was short-lived, however. By 1841 American traders had resumed their operations. Commodore Lawrence Kearny, who was dispatched to the Far East in 1842 with orders to take action against American ships engaged in the trade, and various other naval officers sent under similar orders, were powerless to prevent such activity, since there was no American law under which opium smugglers could be punished.²⁴ Furthermore, as the Sino-American Treaty of Wanghia of 1844 merely withdrew the protection of the United States from Americans engaged in the trade, the par-ticipants had to worry only about eluding Chinese punishment, a fear of slight substance, for after their defeat by the British in 1842, the Chinese interfered very little with the trade and it flourished more than ever.²⁵

The decades of the 1840's and 1850's saw American traders and shippers fully competing in all aspects of the opium traffic between India and China. They carried the drug from India to China, main-tained receiving ships, and marketed the drug in the ports of China. While some small companies and individual merchants did participate, the American drug trade was dominated by two large firms, Russell & Company, which had also been active in the 1830's, and Augustine Heard & Company. American ships carried from 3,000 to 5,000 chests annually from India to China, and Americans in China handled about \$2,000,000 worth of the drug per year.^{2°} In 1858 the importation of opium into China was legalized. Paradox-ically, this contributed to a decline in the American participation in the trade. American firms had been able to compete effectively in the business through the maintenance of storeships, by charging shippers less for storage than the British, even on occasion remitting the storage costs, and through preferential agreements with Parsi shippers. Legal-ization of the trade relieved opium of its special character as contra-band and thus ended the necessity for receiving ships. The result was that small shippers could more easily engage in the trade. Because of this situation, coupled with the general decline in American shipping during and after the Civil War, American participation in the drug traffic had already dwindled to an insignificant level by the time of the signing in 880 of the Sino-American treaty prohibiting such activity by Americans."

Americans had been engaged in the Far Eastern opium trade for over a quarter of a century before the American government took official cognizance of the fact. The attention of the government was focused on the trade for the first time when the Treaty of Amity and Commerce of 1833 with Siam was negotiated by Edmund Roberts. Roberts had tried to open the trade in opium with Siam to Americans, but instead he was forced to agree to the stipulation in Article II of the treaty that opium was contraband and that Americans were forbidden to import it.²⁸ This prohibition was rescinded, however, by Article VII of the treaty of r 856 which Townshend Harris negotiated with Siam, whereby opium was permitted to be imported free of duty, but could be sold only to the opium farmer or his agents, who held a monopoly of the business.²⁹ In the commercial treaty with Japan of the same year, however, at the suggestion of Harris, the importation of opium into Japan by Americans was prohibited, and the vessels of those guilty of violating this prohibition were made subject to seizure by Japanese authorities.³⁰

The opium clauses in the above treaties excited little interest among Americans, for the opium traffic itself aroused little comment except in relation to China. Even in the case of China the American public and the government exhibited no interest prior to the crisis at Canton in r 839. Then American public opinion, shaped largely by missionaries who had been in China for about a decade and by commercial interests who believed that American commerce would benefit from the aboli-tion of the trade, decidedly supported the Chinese side of the question.³¹ The British were roundly denounced for forcing the trade on China, and this denunciation remained the theme of the public's opposition to the trade well into the twentieth century. The American antipathy to the trade was expressed officially in Article 33 of the Treaty of Wanghia, which

stipulated:

Citizens of the United States, who shall attempt to trade clandestinely with such ports of China as are not open to foreign commerce, or who shall trade in opium or any other contraband articles of merchandise, shall be subject to be dealt with by the Chinese Government without being entitled to any countenance or protection from the United States; and the United States will take measures to prevent their flag from being abused by the subjects of other nations as a cover for the violation of the laws of the Empire.³²

The treaty provision was almost a dead letter from the start, for Americans continued to engage in the trade in the next decade to a greater extent than ever before and as freely as did the British. As Tyler Dennett points out, "the only difference between the policy of the United States and that of England, in practice, was in the extent of participation in the smuggling."³³

The treaty provision, though unenforced, nevertheless put on record America's official disapproval of the traffic. There was no variance from this policy thereafter, although a different approach to the problem was followed for the period 1858 to 1880. This approach took the form of the legalization of the trade, in which William B. Reed, the American minister sent to Tientsin in 1858 to seek a revision of the Treaty of Wanghia, played a prominent part. In his instructions to Reed, Secretary of State Cass emphatically condemned the traffic. Reed's "particular attention" was called to "the effort of the Chinese Government to prevent the importation and consumption of opium. . . ." He was directed to "make known to the Chinese officials . . . that the Government of the United States does not seek for their citizens the legal establishment of the opium trade, nor will it uphold them in any attempt to violate the laws of China by the introduction of that article into the country."³⁴ The American draft of the proposed treaty contained a provision specifically listing opium as contraband, and Reed informed the Chinese commissioners that the United States would support Chinese efforts to suppress the traffic.³⁵

Despite his clear-cut instructions and his initial efforts to carry them out, Reed subsequently embarked upon a different course. First he deleted the clause in the American draft treaty designating opium as contraband. He explained this action on the grounds that having observed Americans freely and openly participating in the trade, he felt that a repetition of the prohibition contained in the Treaty of Wanghia would merely make the activities of the Americans more disgraceful. Furthermore, Lord Elgin, his British counterpart, requested that the word opium be omitted in the American and Russian treaties and promised in return to disregard his instructions and not attempt to secure legalization of the trade." Thus both the American and British treaties of Tientsin were silent on the question of opium, and the situation remained as it was defined by the British Treaty of Nanking of 1842 and the Treaty of Wanghia.

In the supplementary treaties regulating tariffs and trade, however, opium was made a legitimate article of commerce. Reed was largely responsible for this development. In a letter to Elgin in September 1858, Reed vigorously denounced the opium traffic and the role played by both the British and Americans in it. He characterized it as "a great smuggling transaction" conducted openly and defiantly. He suggested that it be dealt with in one of two ways: that the Chinese be urged to undertake thorough suppression of it by seizure and confiscation, and that as the British government would soon be taking over the privileges and responsibilities of the East India Company in India, that it use the occasion to end the production of opium in India and its export to China; or alternatively, since it was unlikely that the Chinese would undertake effective prohibition, that they should be urged to "put such high duties on the drug as will restrain the supply, regulate the import and yet not stimulate some other form of smuggling. . . ."37 Elgin concurred in the latter recommendation on the grounds that it would be impossible to suppress the traffic because of the ease with which opium was produced and transported as well as the great demand for it, and so legalization was the "only available remedy."38

In order to avoid having the United States appear to the Chinese as desiring the relaxation of their laws of contraband, Reed took no part in the negotiations on the revision of the Chinese tariff schedule. However, he accepted unreservedly the draft of the tariff agreement which Elgin sent him, in which the opium trade was legalized, and indicated his willingness to sign such a supplementary treaty on behalf of the United States. In forwarding the treaty to the State Department he defended his position as the most practicable in securing the limitation of the trade." The legalization was effected in the supplementary tariff treaties to the Treaties of Tientsin by the stipulation that the import duty on opium should be 30 taels (about \$44) per picul (133 1/3 pounds) and that it should be sold by the importer only at the port of import, and after the sale it could be carried into the interior only by Chinese as Chinese property and subject to such transit duties as the Chinese government saw fit to levy. °

Reed's conduct, which became fully known to the American public in 1860 when the treaties were ratified, aroused no adverse comment." As a matter of fact many American merchants, diplomatic officials, and missionaries supported his view that legalization was the best method of controlling the opium traffic.42 Indeed, one unforeseen result of this development, as already pointed out, was the relatively swift diminution of American participation in the trade. Although in suggesting legalization of the trade Reed acted in direct contravention to his instructions, he was inspired by the highest of motives.43 This is why his course was tacitly assented to by the State Department and the American people, for in reality it did not represent a departure from the American policy of disapproval of the trade. It was a new approach, but the end desired—the control and eventual abolition of what was considered to be a harmful and unedifying commercial practice—remained the same.

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The American diplomats in the field heartily endorsed and supported their government's expostulations against the opium trade. Virtually all of them believed it to be largely responsible for the degeneration of China, regarding it also as a barrier to China's adoption of Western methods as well as a hindrance to Western trade. This view was succinctly expressed by S. Wells Williams, a former missionary, in a dispatch to the State Department in 1869. He blamed the traffic for the deterioration of the resources, energy, and efficiency of both the government and people of China and cited it as a major reason why the Chinese were slow to adopt some of the improvements Western powers urged upon them."

A similar view of the effects of the traffic came in 187 from Frederick T. Low, the American minister at Peking. Among the various factors responsible for the decline and decay of China which he listed—"profligate expenditures of Chinese rulers" and "chronic rebellions and foreign wars"—he cited the increase in the consumption of opium as "more potent, probably than all the other causes combined." In support of this contention he echoed the statement of Williams as to the effect of the vice upon the energies and productive powers of the Chinese people, as a consumer of their earnings, and as a cause of the impoverishment of the Chinese government. In pointing out that the effects of the traffic were not limited to China, he repeated the views expressed by the American memorialists in 1839 as to the bearing of opium on trade in general. He contended that the entrance into China of 85,000 chests of foreign opium in 1869 and the native growth of an additional 75,000 chests in the same year, amounting together to \$68,000,000, equaled 75 percent of the value of the tea and silk imported into foreign countries from China. This, he concluded, was a sad commentary on foreign trade."

Even though Americans were free to engage in the traffic from 1858 to 1880, American diplomatic officials in China were careful to avoid giving it any encouragement. In 1876, while in the process of negotiating the Chefoo Convention revising the Treaty of Tientsin, the British minister, Sir Thomas Wade, tried to get the support of the American minister, George F. Seward, for his scheme to have the Chinese mark out a district within each treaty port in which no likin taxes would be levied on foreign goods. Outside the zones the Chinese would be free to levy taxes on any goods not in transit under transit passes. For this supposed concession the Chinese would be asked to open up a considerable number of new ports to foreign trade." This proposal arose out of the repeated protests of British and other foreign merchants against the establishment by the Chinese of likin collectorates within the foreign concessions, almost at the doors of foreign warehouses, where the tax was collected on opium and other goods bound for the interior. They contended that the uneven rates assessed on the drug and the surveillance and sometimes arrest of Chinese purchasers were injurious to their business.⁴⁷

Seward initially rejected Wade's proposal on the grounds that the Tientsin treaties gave the Chinese government the right to deal with opium as it chose after the import duty of 30 taels had been paid on it and after it had passed into Chinese hands. Wade's scheme, he charged,

would have the effect of making the drug duty free at each port within a given area, a situation which neither he nor the American government would regard with favor. Upon receiving subsequent assurance from the British minister that the American interpretation of the Tientsin treaties would not be contradicted by the proposed plan, Seward gave his endorsement to the scheme."

By 1880, despite the assent to legalization in 1858, the official opposition of the United States to the opium trade was so firmly established that the American commissioners negotiating the immigration treaty of that year welcomed the Chinese proposition that Americans be prohibited from further participation in the traffic." Thus in Article 2 of the commercial treaty negotiated concurrently with the immigration treaty and signed the same day, the United States and China mutually forbade their subjects to import opium into each other's ports, and Americans were prohibited from trafficking in it within China." It was upon this article that in the first decades of the twentieth century the United States was to base its pretensions to a superior moral position in regard to the trade, a position which, it felt, partly justified its efforts to get other nations, particularly Great Britain, to make a similar agreement with China. As a matter of fact, the Chinese skillfully used the occasion of the treaty negotiations to get a stringent provision against the trade so as to place the British in the untenable position of being the only Christian nation "forcing" the odious traffic on China.⁵¹ In pursuit of this objective the Chinese secured a prohibition similar to that in the American treaty in treaties with Brazil and Russia," although the nationals of neither of these countries were engaged to any significant degree in the trade.

The prohibition in the commercial treaty of 1880 was repeated in the first treaty between the United States and Korea in 1882.⁵³ Li Hung Chang, the Chinese statesman with whom the treaty was negotiated, wanted the first treaty between Korea and the Western powers to be with the United States rather than the British, for he feared that in any treaty with the latter the traffic in opium would be legalized.⁵⁴ He was particularly happy with the prohibition in the treaty of 1880, not because of its effect upon the minuscule American trade, but because of the impetus he hoped it would give to the antiopium efforts of the Chinese government and to the general campaign against the traffic in both China and England. He was emboldened to assume that Great Britain might now be more amenable to suggestions for the modification of the Indian-Chinese trade. He confided these hopes to the sympathetic American minister, John Russell Young, to whom he also expressed his indebtedness to the United States for the moral effect of the provision in the American treaty. Through Young, Li continuously besought the active cooperation of the United States in inducing Great Britain to agree upon a policy for the gradual abolition of the trade. He even went so far as to suggest that either Young or the American government put forth a plan to achieve this. He contended that if the Indian trade were ended China would immediately suppress the domestic cultivation of the poppy.⁵⁵

In response to the entreaties of Li Hung Chang, Young expressed what remained American

policy to 19(36. He declared that while the United States had no material interest in the drug traffic, it did look with sympathetic interest upon efforts to suppress it. Nevertheless, he maintained, the problem was one between China and the government of India, the solution of which lay in a new source of revenue to replace the \$50,000,000 annual revenue which India derived from opium. He felt that the problem could best be solved by "persistent agitation" and an appeal to public opinion such as had been effective in inducing England to abolish slavery in the West Indies at a great financial sacrifice and of the kind that had achieved similar results in the United States.⁵⁶ It is significant to note here that during the course of the international antiopium movement in the twentieth century a prominent feature of the pleas by Americans for swift and effective action without regard to financial considerations was the comparison of the opium problem to that of slavery. Li Hung Chang, however, felt that the opium trade was a greater evil than slavery.⁵⁷

Over six years elapsed between the signature of the treaty of 1858 and the passage of enforcement legislation by Congress. In the interval, though American participation in the trade was slight, American merchants and shippers occasionally breached the treaty stipulations." In the absence of legislation, the American legation in China was forced to rely on its moral influence to prevent such activity. Charles Denby, the American minister from 1885 to 1898, interpreted the treaty provision strictly, even to the extent of holding that Russell & Company violated the treaty by allowing an Englishman in their employ to store opium in their warehouse upon which they received a commission. The State Department upheld his conclusion.⁵⁹

Congress finally passed the necessary legislation on February 23, 1887. Chinese violating the treaty provision were subject to a \$50 to \$500 fine or from thirty days' to six months' imprisonment or both. Because of an error in printing, the bill as reported from committee stipulated that Americans violating the treaty provision were subject only to the money penalty. Consular and district courts were given jurisdiction, and the opium involved in illegal transactions in China was to be seized and made forfeit by the consular courts to the United States "for the benefit of the Emperor of China."⁶⁰

The Chinese government, fearful of interference by foreign powers with its local laws, objected to the provision calling for the confiscation of contraband opium by American consuls as contrary to Article 4 of the treaty of 1858 which recognized China's right to enforce her own laws against contraband. They contended that in ordinary cases where only forfeitures were made, coupled with a fine by the Chinese customs officials, but no imprisonment, there was no need for consular interference.⁶¹ Their objections were met by an agreement that American consuls in China would prosecute and punish Americans engaged in the trade, while Chinese customs authorities would have the right to confiscate the opium. In case of dispute a joint investigation would be held.

If many Americans had still been actively engaged in the opium trade, it is highly unlikely that this legislation would have been sufficient to deter them. Considering the profits that had once been derived from the traffic, the money penalty was mild, and no other form of punishment, except confiscation of the opium, could be levied on the Americans. Thus the benefits of continued participation, even in violation of the treaty and the law, might well have far outweighed the risks involved. Therefore it was indeed fortunate that by 1880 American participation in the trade had practically ceased. The treaty of 1880 and the Act of 1887 merely provided for its official interment.

For the remainder of the century the United States contented itself with merely watching sympathetically the antiopium agitation in England and China. Believing that having cleared itself of all complicity in the traffic, it had no further material interest in it, the American government confined itself to expressions of humanitarian concern for the Chinese people. Regarding the traffic as essentially a Sino-British problem, the United States did not feel that it could justifiably interfere. This was the government's response not only to the appeals for help from Chinese statesmen but also to the supplications of American missionaries in China, who in themselves constituted an antiopium society. These missionaries worked zealously to arouse public opinion in the United States and elsewhere against the trade. They succeeded in branding Great Britain with the guilt of fostering a degenerative vice on the Chinese simply for financial profit.

Thus by the close of the century the pattern of opposition to the opium trade had been set. Not only American missionaries but the American government, American diplomats in the field, and some American commercial interests as well were denouncing the trade on moral, humanitarian, and economic grounds. In the meantime developments in the international situation in the Far East were conspiring to give the United States once again a concrete interest in seeing the traffic stopped. In addition, there were other developments in the general field of international relations, especially in regard to international cooperation in the solution of technical and humanitarian problems, which foreshadowed similar cooperative action in regard to opium and the narcotics problem in general. As a result, efforts to solve this problem were to constitute a significant aspect of American diplomacy in the twentieth century.

1. The relationship between these two phases of the drug traffic is admirably explained in a memorandum in the Division of Far Eastern Affairs of the State Department, Oct. 1922,

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Decimal File 5r1.4A1/172.8, Records of the Department of State, National Archives, Record Group 59. Records in this group are indicated below by the symbol SDR followed by the decimal file number.

2. The literature on the Indian-Chinese opium trade is extensive. Representative works used in this study are Wie T. Dunn, *Opium in Its International Aspects* (New York: Columbia University Press, 1930); David E. Owen, *British Opium Policy in China and India* (New Haven, Conn.: Yale University Press, 1934); and Wen-tso Wu, *The Chinese Opium Question in British Opinion and Action* (New York: The Academy Press, 1928).

3. Owen, *op. cit.*, p. 30.

4. The annual averages for the following decades are estimated as follows: 1840-1849, over 37,000 chests; 1850-1859, about 68,000 chests; 1860-1869, some 77,000 chests; and 1870-1879, some 82,000 chests. *Ibid.*, pp. 200, 265 n.

5. *Ibid.*, p. 260.

6. *Ibid.*, pp. 286-288.

7. Report of the International Opium Commission, Shanghai, China, Feb. 1 to Feb. 26, 1909, Vol. II: Reports of the Delegates (Shanghai: North-China Daily News and Herald, Ltd., 1909), p. 48. Cited below as Report of Shanghai Opium Commission followed by the volume number.

8. Owen, *op. cit.*, p. 331.

9. *Ibid.*, pp. 234-238, 266-267.

10. Wen-Tsao Wu, *op. cit.*, p. 27.

11 Report of the Shanghai Opium Commission, II, 66.

12. °Wen, *OP. Cit.*, pp. 17, 5 I, 64, 65.

13. The ensuing discussion of the participation of Americans in the China opium trade is based largely on the following studies: Tyler Dennett, *Americans in Eastern Asia: A Critical Study of the Policy of the United States with Reference to China, Japan and Korea in the Nineteenth Century* (New York: Barnes and Noble, 1941) and Charles C. Stelle, "Americans and the China Opium Trade in the Nineteenth Century" (unpublished Ph.D. dissertation, Department of History, University of Chicago, /938); a portion of this work is published under the title *American Trade in Opium to China in the Nineteenth Century* (Chicago: The University of Chicago Libraries, 1941). The unpublished dissertation is relied upon here, however.

14. Stelle, *op. cit.*, pp. 32-33, 51.

15. Dennett, *op. cit.*, p. 116.

16. Stelle, *op. cit.*, pp. 57-59.

17. *Ibid.*, pp. 54-57.

18. Dennett, *op. cit.*, p. 117.

19. *Ibid.*, p. zo.

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20. Stale, op. cit., pp. 51-52.

21. Dennett, op. cit., p. 73.

22. Stelle, OP. Cii., p. 59.

23. /bid., pp. 75-76; Dennett, op. cit., pp. 1'9-123.

24. Ste op. cit., pp. 86, 87; Dennett, op. cit., pp. '24-12.6.

25. Owen, op. cit., pp. 192-197.

26. Stelle, op. cit., pp. 107, 141-144.

27.lbid., pp. 135-138.

28.William M. Malloy (compiler), *Treaties, Conventions, International Acts, Protocols and Agreements Between the United States of America and Other Powers, 1776-1937* (4 vols.; Washington, D.C.: Government Printing Office, 1910-38), II, 1627. zo./bid., p. 1631.

30.lbid., p. mo3; Dennett, op. cit., p. 357.

31. Dennett, op. cit., pp. io2, io5-106.

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32. David Hunter Miller (ed.), *Treaties and Other International Acts of the United States of America* (7 vols.; Washington, D.C.: Government Printing Office, 1931— 1941) , IV, 57o.

33. *Op. cit.*, p. 168.

34. Miller, *op. cit.*, III, 858.

35. *Ibid.*, p. 73.

36. *Ibid.*, p. 898.

37. *Ibid.*, pp. 73-76.

38. *Ibid.*, p. 77.

39. *Ibid.*, pp. 79-81.

40. *Ibid.*, p. 31.

41. Dennett, *op. cit.*, p. 326.

42. Miller, *op. cit.*, III, 79,80.

43. See John Bassett Moore, *The Collected Papers of John Bassett Moore* (7 vols.; New

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Haven, Conn.: Yale University Press, 1944), VI, 418-419, for the defense of Reed's action against the severe strictures of H. M. Morse.

44. U.S. Department of State, *Diplomatic Correspondence and Papers Relating to the Foreign Relations of the United States, 1869, Part I* (Washington, D.C.: Government Printing Office, 1869 and continuing), pp. 511-513. This series is referred to below simply as *Foreign Relations*.

45. *Ibid.*, 187i, pp. 82-84.

46. *Ibid.*, 187o, p. 73.

47. Owen, *op. cit.*, pp. 240-241, 251-252.

48. *Foreign Relations, 18769 PP. 74-75'*

49. *Ibid.*, 288o, p. 200.

50. Malloy, *op. cit.*, I, 239-240.

51. See the statement of James B. Angell, president of the American commission which negotiated the treaties, quoted in Dennett, *op. cit.*, p. 543.

52. *American Journal of International Law, Supplement, III* (Oct., 1909), 269, 328; abbreviated AJIL below.

53. Malloy, *op. cit.*, I, 203.

54. Dennett, op. cit., p. 46r.

55. Foreign Relations, 1883, pp. 123-129, 181-187.

56. Ibid.

57. Ibid., p. 125.

58. Ibid., 1881, pp. 216-217; 1887, p. 183.

59. /bid., 1887, pp. 174-175,186.

60. AJIL, III, Supplement (July, 1909), z54-z55 n.

61. Foreign Relations, 1887, pp. 211-212,2z5-227.