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**The 1950s “War on Narcotics”: Harry Anslinger, The Federal  
Bureau of Narcotics, and Senator Price Daniel’s Probe**

Will Horvath  
Professor Jennifer Klein  
History 496: The Senior Essay  
April 13, 2020

## I. Introduction

Gilbert Zaragoza faced no good options in 1956. Over the past year, he had developed a heroin addiction, and partly because of his epilepsy and cognitive impairment, he had trouble paying for it.<sup>1</sup> Consequently, he resorted to dealing small amounts of the drug to sustain his habit. His world would be upended when an undercover investigation by the Federal Bureau of Narcotics (FBN) and the Los Angeles Police Department uncovered this practice.<sup>2</sup> For selling \$27 worth of heroin to a seventeen-year-old, a federal court sentenced Zaragoza to life imprisonment without the possibility of parole.<sup>3</sup> At twenty-one years old, he faced a life behind bars. And he was lucky, so he was told, to face this draconian sentence; the judge presiding over the case remarked to him that “[t]he jury gave you your life.”<sup>4</sup> In addition to increasing mandatory minimum sentencing, the recently passed 1956 Narcotic Control Act had granted the jury the discretion to recommend the death penalty for anyone who had dealt heroin to minors.<sup>5</sup>

Zaragoza’s experience epitomized the federal government’s dramatic shift in the 1950s towards a more punitive approach to narcotics policy. From 1949 to 1957, the average sentence for narcotic offenses more than tripled, from 19 months to 61.4 months.<sup>6</sup> Additionally, the racial makeup of those convicted of narcotics offenses shifted towards racial minorities, with the

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<sup>1</sup> U.S. Congress, Senate, Subcommittee on National Penitentiaries, *Of Prisons and Justice: A Selection of the Writings of James V. Bennett*, 88th Congress, 2d Session, 1964, S. Doc 70, 237. Zaragoza reportedly had “an IQ of 69.”

<sup>2</sup> U.S. Treasury Department Bureau of Narcotics, *Traffic in Opium and Other Dangerous Drugs*, United States Government Printing Office: Washington (1958), 33.

<sup>3</sup> "Dope Peddler, 21, Gets Life Term--no Parole." *Los Angeles Times* (1923-1995), May 18, 1957. <https://search.proquest.com/docview/167102138?accountid=15172>. On the heroin price, "Man Gets Life Term for \$27 Dope Sales," *The Hartford Courant* (1923-1994), May 19, 1957. <https://search.proquest.com/docview/564156816?accountid=15172>.

<sup>4</sup> "Dope Peddler, 21, Gets Life Term--no Parole." *Los Angeles Times* (1923-1995), May 18, 1957, <https://search.proquest.com/docview/167102138?accountid=15172>.

<sup>5</sup> *Narcotic Control Act of 1956*. Public Law 728. U.S. Statutes at Large 70 (1956): 567-575.

<sup>6</sup> U.S. Congress, Senate, Subcommittee on National Penitentiaries, *Of Prisons and Justice: A Selection of the Writings of James V. Bennett*, 234.

percentage of African Americans among those convicted of federal narcotics violations rising from 13% in 1946 to 53% in 1957.<sup>7</sup> As a Latino-American facing a disproportionately punitive sentence, Zaragoza embodied these broader trends in federal narcotics enforcement.

In 1962, President Kennedy, reflecting a momentary shift away from this severe enforcement, commuted Zaragoza's sentence, although another eight years passed before he was released from prison in 1970.<sup>8</sup> Still, the question remains: why did the nation veer so sharply toward this punitive approach in the 1950s? And why, despite criticism of the criminalization-of-addiction approach throughout the beginning of the decade, did the federal government double down in 1956 by strengthening the mandatory minimums first enacted by the U.S. Congress in the 1951 Boggs Act?

These answers can be found in an emerging alliance between a rising bureaucratic agency, the Treasury Department's Federal Bureau of Narcotics and several congressmen. Chief among them were Louisiana Rep. Hale Boggs and Texas Senator Price Daniel. To bolster their profiles, each was eager to exploit nationwide fears by linking narcotics to youth delinquency, organized crime, and Communism. Created in 1930, the FBN was tasked with managing the federal government's growing narcotics enforcement responsibilities, which had originated with the passage of the 1914 Harrison Narcotics Act. While never as powerful as J. Edgar Hoover's Federal Bureau of Investigation, the FBN possessed outsized influence largely because of the zealous and aggressive leadership of its Commissioner, Harry Anslinger, who led the bureau from its inception to 1962. Anslinger's skill in navigating the political arena and the media enabled him both to maintain iron control of the FBN for three decades and gain sway over the

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<sup>7</sup> Ibid.

<sup>8</sup> Larry Harnisch, "Pusher Gets life," *The Daily Mirror: Los Angeles History*, May 18, 2007.

public narrative about the threat posed by narcotics. In turn, for ambitious politicians such as Senator Daniel, these inflated fears offered an opportunistic agenda. The seductive and seemingly obvious prohibitory logic—*harsher sentences, fewer drugs*—drew grassroots support across the country, deepening political incentives to intensify a punitive narcotics policy. Harsh enforcement against narcotics use made for easy and effective fear-based politics. The media and government enjoyed a symbiotic relationship in the 1950s as sensational claims by government officials in an atmosphere of hysteria drew readership.

Senator Daniel, who chaired a nationwide narcotics probe and spearheaded the 1956 Narcotic Control Act in the Senate, successfully employed this experience to secure the 1956 Democratic nomination for Texas Governor in a contested primary. Daniel steadfastly refused to listen to the growing number of experts—including lawyers, doctors, and sociologists—who contested the FBN’s punitive approach that treated addicts like narcotic traffickers, instead favoring alternatives like the “clinic approach,” which would provide low-cost narcotics to addicts while they underwent treatment. Anslinger’s status as the ruling “czar” of a federal bureau granted him a legitimacy in Congress that these dissenting experts lacked. Institutional failure in part explains the direction of federal narcotics enforcement in the 1950s.

Finally, the international networks and cooperation facilitated by the FBN’s global enforcement efforts effectively served broader Cold-War era foreign policy goals and enabled the United States to exert more influence internationally. Anslinger himself noted the possibility that the control of drugs could model the control of nuclear weapons.<sup>9</sup> To give up on the punitive incarceration approach would be to give up these networks. This paper will explore how these

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<sup>9</sup> See Harry J. Anslinger and William F. Tompkins, *The Traffic in Narcotics*, New York: Arno Press, (1953). Anslinger and Tompkins write that “The marked success achieved in the international narcotic drug control program has prompted numerous suggestions that some of its principles be used as a pattern for control in other fields such as atomic energy and disarmament.” (59)

factors shaped the direction of federal narcotics policy, resulting in the passage of the 1956 Narcotic Control Act, in spite of mounting criticism of the 1951 Boggs Act.

Several existing works of scholarship inform this study. Many scholars have addressed broader 20th-century narcotics policy.<sup>10</sup> John McWilliams and Alexandra Chasin provide crucial biographies of Harry Anslinger.<sup>11</sup> McWilliams focuses on Anslinger's bureaucratic skill and Chasin contextualizes Anslinger's career in its broader historical moment. Several scholars have contributed to a more thorough understanding of 1950s federal narcotics policy, particularly the 1951 Boggs Act, by turning our attention from a single individual to city and state governments.<sup>12</sup> Other historians have grappled with anti-narcotic propagandizing efforts spearheaded by Anslinger in the 1950s.<sup>13</sup> Though it does not focus on narcotics, James Gilbert's

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<sup>10</sup> See Musto, *The American Disease*. David Musto in 1973 was one of the first to tackle this history. Also see David T. Courtwright, *Dark Paradise: A History of Opiate Addiction in America*, Cambridge: Harvard University Press, (1982). Courtwright examines how changes in the class composition of drug users throughout U.S. history influenced the direction of narcotics policy. Also see H. Wayne Morgan, *Drugs in America: A Social History, 1800-1980*, Syracuse: Syracuse University Press, (1981). Morgan provides an excellent social history of drug users that illustrates that Anslinger's role as the sole propagandist of narcotics policy is often prone to exaggeration.

<sup>11</sup> John C. McWilliams, *The Protectors: Harry J. Anslinger and the Federal Bureau of Narcotics 1930-1962*. Newark: University of Delaware Press, (1990). This work represents the first comprehensive work of Anslinger's career. Also see John C. McWilliams. "Unsung partner against crime: Harry J. Anslinger and the Federal Bureau of Narcotics, 1930-1962," *The Pennsylvania Magazine of History and Biography* 113 2 (1989): 207-33. In this article, McWilliams argues that Anslinger's success at fighting organized crime is deserving of more praise when assessing his tenure. On Chasin's biography, see Alexandra Chasin, *Assassin of Youth: A Kaleidoscopic History of Harry J. Anslinger's War on Drugs*, Chicago: University of Chicago Press, (2016). Chasin also examines the entirety of Anslinger's career; she argues that Anslinger was largely a product of his time. She contends that his predisposition towards authoritarian solutions and tendency towards fear of the other shaped his tenure at the FBN.

<sup>12</sup> See Amund R. Tallaksen. "Junkies and Jim Crow: The Boggs Act of 1951 and the Racial Transformation of New Orleans' Heroin Market." *Journal of Urban History* 45, no. 2 (March 2019): 230-46. Tallaksen examines how racial attitudes and fears of organized crime, particularly in New Orleans, helped spur Hale Boggs, New Orleans' representative, to action in passing his eponymous Bogg's Act in 1951. Matthew D. Lassiter. "Pushers, Victims, and the Lost Innocence of White Suburbia: California's War on Narcotics during the 1950s." *Journal of Urban History* 41, no. 5 (September 2015): 787-807. Lassiter looks broadly at how the moral panic over juvenile delinquency in the 1950s shaped perceptions about drug policy, with a particular focus on Los Angeles. Such fears were of course present in Texas, as evidenced by Price Daniel's correspondences with his constituents. Also see Phil Nicholas and Andrew Churchill, "The Federal Bureau of Narcotics, the States, and the Origins of Modern Drug Enforcement in the United States, 1950-1962," *Contemporary Drug Problems* 39, no. 4 (December 2012): 595-640, which focuses heavily on state level legislation. Also see Jonathon Erlen et. al. *Federal Drug Control: The Evolution of Policy and Practice*, Binghamton, NY: Pharmaceutical Products Press (2004). Erlen and Spillane take an approach centered more on the role of the pharmaceutical industry in shaping federal narcotics policy.

<sup>13</sup> For example see, Matthew R. Pembleton, "The Voice of the Bureau: How Frederic Sondern and the Bureau of Narcotics Crafted a Drug War and Shaped Popular Understanding of Drugs, Addiction, and Organized Crime in the

*A Cycle of Outrage* is invaluable in describing the cultural and political environment in which the FBN operated as it pushed for ever-harsher legislation in the 1950s, although Gilbert does not adequately cover the intersection of fears of teenage narcotics use with broader fears of youth delinquency.<sup>14</sup> More recent scholarship has highlighted the importance of external factors in shaping federal narcotics policy.<sup>15</sup> Kathleen Frydl's *The Drug Wars in America* represents an increasing shift in the literature towards international explanations, running the risk of downplaying domestic dynamics.<sup>16</sup> The lessons that inform and inspire this study derive from areas as diverse as public choice theory, Michel Foucault's concept of discourse, Howard Becker's *Outsiders*, and the organizational synthesis literature.<sup>17</sup>

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1950s." *The Journal of American Culture* 38, no. 2 (06, 2015): 113-129. Pembleton looks at how Anslinger shaped public opinion on narcotics in the 1950s, particularly through his relationship with *Reader's Digest* reporter Frederic Sondern, Jr. Also see Jonathan Marshall, "Cooking the Books: The Federal Bureau of Narcotics, the China Lobby and Cold War Propaganda, 1950-1962 帳簿をこま." *The Asian-Pacific Journal | Japan Focus* 11, no. 37 (September 15, 2013): 1-32. Marshall examines how Anslinger crafted an elaborate conspiracy of narcotics flowing from Communist China to gain support for his bureau and preferred narcotics policy. Additionally see John F. Galliher, David P. Keys, and Michael Elsner. "Lindesmith v. Anslinger: An Early Government Victory in the Failed War on Drugs." *The Journal of Criminal Law and Criminology (1973-)* 88, no. 2 (1998): 661-682. Galliher, Keys, and Elsner examine how Anslinger worked to discredit those who challenged his narcotics narrative, particularly focusing on his intimidation of the Indiana University sociologist Alfred Lindesmith. Also see Douglas Clark Kinder, and William O. Walker. "Stable Force in a Storm: Harry J. Anslinger and United States Narcotic Foreign Policy, 1930-1962." *The Journal of American History* 72, no. 4 (1986): 908-27. Kinder and Walker focus particularly on Anslinger's bureaucratic skill and expertise. Finally see Eric C. Schneider, *Smack: Heroin and the American City*, Philadelphia, Pennsylvania: University of Pennsylvania Press (2011). Schneider provides a valuable social history of heroin use, focusing particularly on New York City. His book, and Chapter 4 in particular, "The Panic over Adolescent Heroin Use," provides crucial insights into Anslinger, Boggs, and Daniel's efforts to drive support for harsh legislation in the 1950s.

<sup>14</sup> James Burkhart Gilbert, *A Cycle of Outrage: America's Reaction to the Juvenile Delinquent in the 1950s*, New York: Oxford University Press, 1986.

<sup>15</sup> See William B. McAllister, "Harry Anslinger Saves the World: National Security Imperatives and the 1937 Marihuana Tax Act," *The Social History of Alcohol and Drugs* 33, no. 1 (Spring 2019): 37-62. McAllister focuses on how national security concerns shaped the 1937 Marihuana Tax Act. He writes that "[a]ccounts of post-1945 US drug policy would likely benefit from considering this aspect" (61). Also see David R. Bewley-Taylor, *The United States and International Drug Control, 1909-1997*, London: Pinter (1999). Bewley-Taylor provides a comprehensive history of U.S. international narcotics policy in the 20th century.

<sup>16</sup> Kathleen Frydl, *The Drug Wars in America: 1940-1973*, Cambridge: Cambridge University Press, (2013). One of Frydl's central claims that the intensification of federal narcotics control during this period was not shaped by a legitimate desire to curtail narcotics use. Instead, the war on drugs served other policy goals, such as a desire to exert control over international partners and domestic cities.

<sup>17</sup> See Howard S. Becker. *Outsiders: Studies in the Sociology of Deviance*. New York: The Free Press of Glencoe, 1963. Becker conceives of Anslinger as a "moral entrepreneur," particularly with regard to his role in the passage of the 1937 Marijuana Tax Act. On the organizational synthesis, see Louis Galambos. "The Emerging Organizational

This study builds on ample primary source material. The Price Daniel Papers provide insight into the passage of the 1956 Narcotic Control Act, a period that remains understudied in the literature. This paper fills that void. Containing correspondence between Daniel and his constituents as well as figures like Anslinger, the collection reveals the dynamics that drove that piece of punitive legislation through the Senate, often eponymously referred to as the Daniel Act.<sup>18</sup> The Daniel Papers additionally provide unique insight into how punitive legislation was perceived in the popular consciousness. Beyond the Daniel Papers, the Harry Anslinger Papers, contemporary media accounts, a variety of reports on narcotics, academic publications, and the *Congressional Record* prove useful in elucidating the factors that drove the federal government to double down on punitive narcotics legislation in the 1950s.

Through a close examination of the historical record, this paper will argue that Harry Anslinger and politicians such as Senator Price Daniel exploited and exacerbated public fears surrounding narcotics use for political and bureaucratic gain. Between the passage of the 1951 Boggs Act and 1956 Narcotic Control Act, popular concerns over a Communist heroin conspiracy and youth delinquency only deepened, helping to explain why the federal government doubled down on the punitive approach to drug enforcement. Price Daniel's 1955 narcotics probe and the spread of resulting anti-drug propaganda such as the film *Dope Traffic U.S.A.* stand out as crucial catalysts for the 1956 legislation. Racism and a desire to establish international networks of control only further incentivized such an approach over alternative

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Synthesis in Modern American History." *The Business History Review* 44, no. 3 (1970): 279-90. Also see Louis Galambos. "Technology, Political Economy, and Professionalization: Central Themes of the Organizational Synthesis." *The Business History Review* 57, no. 4 (1983): 471-93.

<sup>18</sup> Douglas Clark Kinder, "Bureaucratic Cold Warrior: Harry J. Anslinger and Illicit Narcotics Traffic," *Pacific Historical Review* 50, no. 2 (1981): 185. Douglass Kinder reports that "[o]n the relationship between Daniel and Anslinger, little exists in the Daniel Papers at the Texas State Library." While Anslinger and Daniel were not constantly in contact, the collection does contain correspondences between the two men dating to Daniel's time as both Senator and Governor of Texas.

treatments, such as the clinic approach favored by the New York Academy of Medicine in 1955. The harsh legislation proved to be exceedingly popular with Daniel's constituents, and he made effective use of the legislation in his successful 1956 Texas gubernatorial campaign, highlighting how political (mal)incentives contributed to the federal government's turn to the punitive approach in the 1950s. Although the government pivoted away from some of these harsh sentences during the Kennedy administration as Anslinger's preferred approach came under fire, lessons of the failure of this punitive approach to drug enforcement would later be forgotten, highlighting the nation's all-too-frequent collective myopia.

A better understanding of why the federal government intensified its investment in the criminalization approach in the 1950s is significant for several reasons. During this crucial period, both the mandatory minimum drug sentencing and asset forfeiture paradigm emerged; during what Attorney General Herbert Brownell Jr. dubbed the "war on narcotics," the federal government sketched the contours of the later "war on drugs."<sup>19</sup> Mandatory minimum prison sentences, today widely condemned in the academic literature, contributed to the rise of mass incarceration.<sup>20</sup> Moreover, federal narcotics policy during this period provides a crucial lens through which to understand broader policy goals of the federal government, including its efforts to suppress the spread of Communism. Additionally, a close study of the historical record during this period provides insight into the dynamics that contribute to moral panics surrounding narcotics use.<sup>21</sup> A study of the 1950s also helps explain the enduring appeal of the

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<sup>19</sup> "Excerpt from Address By Honorable Herbert Brownell, Jr. Attorney General of the United States. Prepared for Delivery before the National Association of Attorneys General," December 10, 1954, 4, Box 82, Price Daniel Papers, Texas State Library Archives (Hereafter PD Papers).

<sup>20</sup> For a look at some of the later consequences of the war on drugs on mass incarceration see Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, New York: New Press (2010).

<sup>21</sup> The rapid intensification of narcotics sentencing during this period also underscores what David Musto has identified as the cyclical nature of narcotics enforcement in the United States: a period of tolerance tends to be followed by public outcry, which results in enforcement efforts that are eventually deemed too draconian. In this

criminalization approach to drug enforcement, despite its ineffectiveness. Finally, the period provides yet more evidence that federal narcotics policy has been totally divorced from scientific evidence throughout its entirety. The Global Commission on Drug Policy found that, rather than scientific or health data, “historical and cultural precedents” have largely driven narcotics policy.<sup>22</sup> Congress’ unshakeable commitment to Anslinger’s punitive approach during this period emblemizes this reality. Thus the 1950s represents a critical and underappreciated period for study of federal narcotics policy.

## II. The FBN Gains Strength and Influence

Harry Anslinger was born to immigrant parents in 1892, in Altoona, Pennsylvania, a working-class railroad community.<sup>23</sup> He began working at the Pennsylvania Railroad Company after finishing the 8th grade, and obtained an Associate’s Degree from Penn State in 1915.<sup>24</sup> An eye injury prevented him from serving in World War I, but he joined the diplomatic corps of the State Department and held positions in The Netherlands, Germany, Venezuela, and the Bahamas.<sup>25</sup> His work against alcohol smuggling in the Bahamas earned him a position in the Treasury Department’s Prohibition Unit. He received a Bachelor of Laws degree from the Washington College of Law in 1930. That same year, he was appointed by President Hoover as the first Commissioner of the newly-established Federal Bureau of Narcotics. From this position, he exerted unparalleled control of the nation's anti-narcotic laws. The outbreak of World War II marked a unique opportunity for Anslinger to expand this control and grow his influence.

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case, politicians and bureaucrats fueled much of the outcry. See David F. Musto, *The American Disease*. New Haven: Yale University Press, (1973).

<sup>22</sup> Global Commission on Drug Policy, "Classification of Psychoactive Substances: When Science Was Left Behind," (2019), 4.

<sup>23</sup> For the most comprehensive biographies of Anslinger, see McWilliams, *The Protectors* and Chasin, *Assassin of Youth*. Each deeply investigates Anslinger’s life before he headed the FBN.

<sup>24</sup> “A Life of Service: Harry Jacob Anslinger,” Drug Enforcement Agency Museum, Arlington, Virginia.

<sup>25</sup> *Ibid*.

As the United States fought towards victory in World War II, Anslinger's FBN enjoyed a series of triumphs in its crusade against narcotics and successfully tied drugs to international affairs. During the leadup to the war, Anslinger worked with the U.S. Military to stockpile massive amounts of essential narcotics such as opium to ensure adequate morphine for the war effort.<sup>26</sup> The war itself fortuitously dried up the supply of illicit narcotics across the country.<sup>27</sup> Within only a few years of a signature legislative victory of the FBN, the Marihuana Tax Act of 1937, federal narcotics offenses plummeted.<sup>28</sup> For Anslinger, this was positive proof that the FBN's efforts to combat the narcotics trade by attacking suppliers worked. In the international realm, the League of Nations' Opium Advisory Committee continued to function despite the war.<sup>29</sup> Even as total war raged globally, the FBN pursued its preferred punitive enforcement regime as a model for cooperative international policing, justifying what might otherwise seem a distraction from more imperative war-time matters.<sup>30</sup> In 1947, *US World* reported that the "best precedents" for "abolishing war through absolute limitation of armaments" could be found in narcotics control.<sup>31</sup> In fact, the FBN latched onto war-time exigencies and fears to align its agenda with national security concerns. Anslinger worked to tie his efforts at suppressing the narcotics trade directly to the broader war effort, particularly with regard to Japan. In his notes, he recorded that "Treas. Dept. in war against japanese narcotics policy 10 years [sic]" and that

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<sup>26</sup> McAllister, "Harry Anslinger Saves the World," 54.

<sup>27</sup> Frydl, *The Drug Wars in America*, 48.

<sup>28</sup> Nicholas and Churchill, "The Federal Bureau of Narcotics, the States, and the Origins of Modern Drug Enforcement in the United States, 1950–1962," 604.

<sup>29</sup> Harry J. Anslinger, "Drug Addiction: A World Problem," Reel 1, Box 1, File 8, Harry Anslinger Papers, Special Collections Library, Pennsylvania State University (Hereafter HA Papers).

<sup>30</sup> "American Delegations to International Conferences, Congresses and Expositions and American Representation on International Institutions and Commissions with Relevant Data," Washington: United States Government Printing Office (1941), 62-65.

<sup>31</sup> "Narcotics Control—A Pattern," *US World*, September, 1947, Reel 18, Box 7, File 16, HA Papers.

“[t]his chemical warfare as deadly as prohibited gases.”<sup>32</sup> Media outlets echoed Anslinger, reporting that the Japanese used narcotics “as an instrument of national policy for the last decade to poison the American people.”<sup>33</sup> In its 1945 article, “How Opium, a Jap Weap, Perils the World,” *Sunday Mirror Magazine* cited Anslinger’s claim that Japan was waging “war against western civilization” with narcotics.<sup>34</sup> To fight narcotics was to fight fascism; Anslinger would tap into this war-time experience long after WWII, when he sought to link narcotics to a conspiracy organized by a foreign adversary to advance his goals. Anslinger thus used these years to build the reputation of the FBN and characteristically exaggerated his Manichean rhetoric of the evil enemy from without, in this case Japan, preying on the good society within.<sup>35</sup> His agency emerged as a model of bureaucratic efficacy as it vitally contributed to the war effort, and its successes gained recognition and praise from lawmakers.<sup>36</sup> To congressmen, Anslinger stood out as an effective administrator who possessed unrivaled knowledge about narcotics, now defined as both a vital domestic and foreign policy issue. This social conservative who had been involved in the regulation of psychoactive substances dating to his work for the Bureau of Prohibition in the 1920s and 1930 was more powerful than ever before.

Yet as Anslinger’s reputation grew in Washington, trouble brewed below the surface. He fully expected the flow of illicit narcotics to resume after the war’s conclusion. The FBN also

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<sup>32</sup> “AMERICAN POLICY Constitution follows our flag JAPANESE POLICY Opium precedes their flag,” Reel 1, Box 1, File 9, HA Papers, 3-4.

<sup>33</sup> Hendrik de Lecuw, “Drugs Helping Japan to Hold Invaded Lands: Narcotics used for Decade to Weaken Americans as Well as in War in China,” *New York Herald Tribune* (1926-1962), Feb 15, 1942, <https://search.proquest.com/docview/1267762588?accountid=15172>.

<sup>34</sup> Gerald R. Scott, “How Opium, a Jap Weap, Perils the World,” *Sunday Mirror Magazine*, August 12, 1945, Reel 2, Box 1, File 13, HA Papers.

<sup>35</sup> Frydl, *The Drug Wars in America*, 67.

<sup>36</sup> The Senate confirmed Anslinger’s nomination by President Truman to the United Nations Social Council’s Commission on Narcotic Drugs in 1946. “Senate Confirms Anslinger.” *New York Times* (1923-Current File), Jun 07, 1946. <https://search.proquest.com/docview/107483496?accountid=15172>.

feared that soldiers themselves would return home addicted.<sup>37</sup> Furthermore, dissenting voices challenged many of Anslinger's exaggerated claims about the dangers of narcotics. In 1940 the sociologist Alfred Lindesmith published his article, "Dope Fiend Mythology," in a respected scholarly journal, arguing that the best way to combat narcotics use was to reduce the profit motive from the illicit trade.<sup>38</sup> The article represented fertile and respectable intellectual grounds for later critics to attack the FBN's punitive approach in the 1950s. Lindesmith's article infuriated Anslinger and his allies. Federal Judge Twain Michelsen, a close friend of Anslinger throughout his fight for harsh legislation, published a response article in the same journal; he excoriated Lindesmith and others, such as Representative John M. Coffee of Washington, who had attacked the FBN's enforcement efforts.<sup>39</sup> In 1944, a commission appointed by New York City Mayor Fiorello La Guardia published findings that directly challenged the FBN's claims about a link between narcotics use and crime. The New York City commission's report also argued against the so-called "gateway" theory that marijuana use led to the use of other "harder" narcotics. Anslinger quickly condemned the report, with several prominent voices joining him, including the *Journal of the American Medical Association*.<sup>40</sup> Such efforts to combat these narratives highlight Anslinger's commitment to controlling public perceptions of the narcotic problem. In the near term, however, these dissenting voices lacked organizational coherence; they were disparate and isolated voices. As such, they could not counterbalance the institutional unity that gave Anslinger a base of strength. And it is important to not read back the present into

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<sup>37</sup> Harry Anslinger, "The sheriff and narcotic enforcement," *International Criminal Police Review* (December 1952), 318, Reel 2, Box 1, File 11, HA Papers.

<sup>38</sup> A.R. Lindesmith, "Dope Fiend Mythology," *Journal of Criminal Law and Criminology*, 31, No. 2 (1940).

<sup>39</sup> Twain Michelsen, "Lindesmith's Mythology," *Journal of Criminal Law and Criminology*, 31, No. 4 (1940). This text remained relevant through the 1950s, as Senator Daniel possessed a copy of it and echoed many of its arguments.

<sup>40</sup> "Marihuana Still a Menace, Journal Insists," *The Courier-Journal* (1923-2001), Apr 26, 1945, 12 <https://search.proquest.com/docview/1865143438?accountid=15172>.

the past—the FBN’s preferred approach of increased criminalization possessed an alluring if blunt logic that appealed to America’s Puritan sensibilities.

Following World War II, as both the FBN and its critics had predicted, the United States did indeed experience a rise in narcotics use.<sup>41</sup> Between 1945 and 1951, combined federal and state drug commitments—a noisy proxy for overall narcotics use—roughly doubled from about 1,500 to roughly 3,000.<sup>42</sup> Although it was concentrated in a small handful of cities, and the overall number represented a tiny fraction of the population, this increase in narcotics addiction spurred significant media attention. By providing the media with sensationalist tales of organized crime, Anslinger and the FBN contributed to the scare. This symbiotic relationship between government officials and the media partially explains the sensationalist coverage of narcotics in the 1950s.

Further fanning the flames was a rise in the rate of teenage narcotic addiction, which, Anslinger reported, “struck [the United States] in 1949 with hurricane velocity.”<sup>43</sup> This apparent spike in youth addiction was deeply troubling in a country that was adapting to the emergence of “teen” culture. With more Americans attending and completing high school than ever before, teenage years were increasingly viewed as a distinct phase of life. Hollywood movies, pulp fiction, and television honed in on “rebellious adolescence” and raised alarm that allegedly

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<sup>41</sup> Alfred Lindesmith, *Opiate Addiction*, Evanston, Illinois: The Principia Press of Illinois (1947), 196-203. Lindesmith, like the FBN, predicted this rise in the years following the war.

<sup>42</sup> U.S. Congress, Senate, Subcommittee on National Penitentiaries, *Of Prisons and Justice*, 161.

<sup>43</sup> Untitled and undated (presumably early 1950s) question and answer with Harry Anslinger, 1, Reel 20, Box 8, File 14, HA Papers. Regarding arrests being a messy proxy, see U.S. Congress, Senate Subcommittee on Improvements in the Federal Criminal Code, “Illicit Narcotics Traffic Hearings: Part 2,” June 17 and 18, 1955, 339. Philadelphia Mayor Joseph S. Clark noted that “I should note for the record that the statistics on narcotics arrests can be misleading. It is one of the categories — along with gambling, prostitution and others — in which a police department can ‘look good’ by one of two methods. The first is to make few arrests, and point to the figures as proof that ‘there is no drug traffic here.’ The second is to pile up an impressive number of arrests of known addicts, and use the statistics to show that the police are stamping out the traffic.” Thus arrests do not necessarily reflect drug use perfectly.

working-class, urban teen-age or black culture—rock-n-roll, slang, underage drinking, scuffles with the police and confrontations with teachers—threatened family stability and social order.<sup>44</sup> Now adolescence was likewise apparently being threatened by illicit narcotics, similarly associated with urban street culture. While the country did indeed observe a rise in teenage drug use, even more dramatic was the rise in sensationalist pieces that exaggerated the scope of the problem.<sup>45</sup>

In 1950 and 1951, popular magazines like *Time* and *Reader's Digest* reported on this surge in hyperbolic fashion. Exposés of the “teenage drug addiction menace” were ubiquitous. One pamphlet intended to inform parents reported that “Our teen-agers today are menaced by a danger more virulent than cancer, as deadly as the H-bomb. The spine-chilling terror DRUG ADDICTION has become a personal horror to thousands of youngsters.”<sup>46</sup> In a country grappling with a new epoch—one marked by transformative technologies like the hydrogen bomb—teenage drug addiction was viewed as yet another threat to traditional ways of living. In 1951, newspapers and magazines across the country reported on teenage narcotics use, even though it was concentrated in New York and a few other large cities. Fears that addiction would sweep the country like a plague were widespread. Undoubtedly magazines liked sizzling stories that were sure to sell more copies. Yet such fears aligned with the FBN’s view of addiction as a communicable disease. The FBN presented combating teenage drug use as a zero-sum game: either you fought it actively or you became complicit. As it pushed for harsher sentences, such

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<sup>44</sup> Joshua Freeman, Nelson Lichtenstein, Stephen Brier, et. al, *Who Built America? Working People and the Nation's Economy, Politics, Culture, and Society* (New York: Pantheon Books, 1992), pp. 532-33.

<sup>45</sup> For a retroactive examination of rates of abuse see R.A. Johnson and D.R. Gerstein, "Initiation of use of alcohol, cigarettes, marijuana, cocaine, and other substances in US birth cohorts since 1919," *American Journal of Public Health* 88 (1998) No. 1: 27-33. Among the relevant 1930-1940 birth cohort, Johnson and Gerstein estimated that 0.2% tried heroin before the age of 21 and 6% tried marijuana. These figures are dwarfed by later birth cohorts.

<sup>46</sup> Robert V. Seliger, “The ‘Dope’ On Dope,” Columbus, Ohio: School and College Service (1951), Reel 20, Box 8, File 15, HA Papers.

fears proved useful. Anslinger reported that the increase was due “to the fact that these young people have been associating with criminals, begin smoking marihuana and then graduate to heroin” and found the rate of heroin use among marijuana users to be “shockingly high.”<sup>47</sup>

Throughout his tenure, Anslinger and his allies remained acutely aware of the importance of public opinion. On a San Francisco radio station, the aforementioned Judge Twain Michelsen remarked in 1951 that “[a]gainst the efforts of such men as Commissioner Anslinger, we find walking in our very midst the ugly figure of PUBLIC APATHY, a psychological barrier almost as dangerous as narcotics poison itself.”<sup>48</sup> M.L. Harney, assistant to Anslinger, reported at a convention of police chiefs that critics of Anslinger, such as those on the LaGuardia Committee, had created “a climate of public opinion which has favored the spread of narcotic addiction.”<sup>49</sup> He elaborated that “there is another line which in my opinion does much harm where younger people are concerned. I refer to the argument in some quarters that drug addiction is purely a medical question [sic] that the drug addict is nothing more or less than a sick person who must be dealt with only as such.”<sup>50</sup> The FBN was not a fan of nuance; those who challenged its black-and-white view of narcotics enforcement were seen as promoting teenage addiction. Dismissing these critics, Anslinger advanced a hardline view of sentencing. Throughout the decade, Anslinger remained keenly aware of opportunities to advance this message, taking full advantage of opportunities to combat “PUBLIC APATHY.” Anslinger and his FBN, particularly during the

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<sup>47</sup> "USE OF DRUG SEEN AT PEAK: FEDERAL AGENTS EXPECT TO CONTROL TEEN-AGE TREND." *The Sun* (1837-1994), Mar 21, 1951, <https://search.proquest.com/docview/541853421?accountid=15172>.

<sup>48</sup> Transcript of KYA Radio Broadcast by Twain Michelsen, July 22, 1951, Reel 2, Box 2, File 9, HA Papers.

<sup>49</sup> M.L. Harney, Remarks at The Annual Convention of the International Association of Chiefs of Police held at Miami, Florida, October 30, 1951, 4, Reel 2, Box 1, File 10, HA Papers.

<sup>50</sup> M.L. Harney, Remarks at The Annual Convention of the International Association of Chiefs of Police held at Miami, Florida, October 30, 1951, 4-5, Reel 2, Box 1, File 10, HA Papers.

Kefauver Committee hearings, significantly contributed to this atmosphere of exaggerated fears and did little to combat it until they had secured their desired punitive legislation.

### III. The Kefauver Committee and the Boggs Act

In 1950, the United States Senate launched the Special Committee to Investigate Organized Crime in Interstate Commerce, chaired by Tennessee Senator Estes Kefauver.<sup>51</sup> Spearheaded by its eponymous chairman, the Kefauver Committee was launched to investigate organized crime, increasingly viewed as a threat to social cohesion in the years following World War II. These televised hearings generated enormous public interest at a time when many Americans were purchasing their first television sets. *Life* remarked a year later that “[t]he Senate investigation into interstate crime was almost the sole subject of national conversation. Newspapers gave it 10 times as much space as the Korean war.”<sup>52</sup> The sensational nature of the hearings significantly raised Kefauver’s profile nationally, testifying to the emerging power of television.

Among the range of issues his committee addressed, it highlighted narcotics. The spectacle of these narcotics hearings, held in Jessup, Maryland and Lexington, Kentucky, generated enormous public interest. The choice of Lexington was significant as it was home to a federal “narcotics farm” that treated addicts East of the Mississippi River.<sup>53</sup> Employees at Lexington were some of the most prominent individuals to challenge the FBN’s favored punitive

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<sup>51</sup> Born in 1903, Estes Kefauver attended the University of Tennessee and Yale Law School before coming to Capitol Hill as a representative from Tennessee’s Third Congressional District in 1939. A staunch supporter of Roosevelt’s New Deal, Kefauver was elected to the Senate in 1948. Organized crime was only one of Kefauver’s targets; he was also a committed antimonopolist. For a comprehensive biography of Kefauver, see Charles L. Fontenay, *Estes Kefauver: A Biography*, Knoxville: University of Tennessee Press (1980).

<sup>52</sup> “Who’s a Liar.” *Life Magazine* 30, no. 14 (April 2, 1951), 22.

<sup>53</sup> For an excellent history of this Louisville facility, see Nancy D. Campbell, *Discovering Addiction: The Science and Politics of Substance Abuse Research*, Ann Arbor, Michigan: The University of Michigan Press (2007), 54-82.

approach to drug addiction, but it was this approach that won the day at the hearings.<sup>54</sup> The committee represented a crucial public forum to espouse his views on optimal narcotics policy. The journalist John Gerrity later noted in 1952 that, at these hearings, “the scare came to life.”<sup>55</sup> He wrote that the hearings went a long way towards explaining “the great national drug scare that has recently gripped many an American home.”<sup>56</sup>

The Kefauver Committee didn’t just serve a public relations function. It also provided the FBN a key opportunity to lobby for longer sentences.<sup>57</sup> Characteristically, the FBN was very effective at staying on message and specific in its request for harsh legislation. Two FBN agents testified before Anslinger. Richard G. Moser, Chief Counsel of the Kefauver Committee, asked one of these agents, “[w]hat is your view as to the best way of stopping this use by young people, that seems to be suddenly skyrocketing at the present time?” Agent Ellis replied, “extremely severe sentences for any person selling narcotics to any other person, youthful or otherwise.”<sup>58</sup> He pointed to Detroit, which had recently toughened sentencing, arguing that “the peddling has fallen off considerably,” as had quality, although “the price of narcotics has more than doubled.”<sup>59</sup> Of course, dissenters such as Lindesmith had predicted such dynamics, but there was little appetite for critics of the FBN in this environment. Anslinger responded to a question about the LaGuardia report by noting that “[i]t gives you quite a jolt to have the 17-year-old youngsters sit across the desk from you and start to argue that marijuana is not dangerous because they have

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<sup>54</sup> Ibid. 62.

<sup>55</sup> John Gerrity, “The Truth about the Drug Menace,” *Harper’s Magazine* 204 (February 1952), 27.

<sup>56</sup> Ibid.

<sup>57</sup> Frydl, *The Drug Wars in America*, 98. Frydl notes that “more than any other single event, Kefauver’s Crime Committee endorsed and promoted Anslinger’s view of the narcotic trade” (98).

<sup>58</sup> U.S. Congress, Senate, Special Committee to Investigate Organized Crime in Interstate Commerce, *Investigation of Organized Crime in Interstate Commerce. Part 14: Narcotics*. 82nd Cong., 1st sess., May 29 and June 7, 12, 26-27, 1951, 417.

<sup>59</sup> Ibid. 417-418.

read this report.”<sup>60</sup> Anslinger shrewdly chose to focus on 17-year-olds, given a wider set of concerns emerging about juvenile delinquency, street gangs, and predatory teenagers.<sup>61</sup> Movies, magazines, social psychology, and congressional committees participated in the circulation of fears about youth corruption by such forces. Anslinger easily tapped into this rhetoric, employing it to his benefit.

Wielding the rhetoric of crisis, Anslinger used his time before the Kefauver Committee to advertise the efficacy of his bureau and lobby for increased appropriations. When Moser questioned him about the size of his bureau, Anslinger’s responded, “[a]bout 188 and that is like a piece of blotting paper to mop up the ocean.”<sup>62</sup> Tellingly, Anslinger responded to Chairman Kefauver’s question about the importance of longer sentences by noting that “with 2 percent of the Federal enforcement officers [the FBN has] accounted for 10 percent of the prison population” and therefore “[w]e need better sentences.”<sup>63</sup> For Anslinger, “better sentences” meant longer sentences; such logic proved seductively enduring in subsequent federal and state narcotics policy. His allusions to an alleged flow of heroin from Communist China only heightened the stakes.<sup>64</sup> More importantly, Anslinger was the sole federal official who declared the existence of the mafia, an organization that captivated the public.<sup>65</sup> The FBN’s allegation before the Kefauver Committee that “Lucky” Luciano controlled the narcotics trade in the

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<sup>60</sup> Ibid. 427.

<sup>61</sup> For more see Gilbert, *A Cycle of Outrage*. Gilbert traces public outrage about youth delinquency in the 1950s and how that connected to fears about the mass media. Fears over youth drug use were indeed cited as well (75). Gilbert does not directly engage with Anslinger and the FBN’s role in such propaganda. Anslinger would later tie the narcotic issue more explicitly to broader youth delinquency. See Anslinger and Tompkins, *The Traffic in Narcotics*, 166. Anslinger noted that “[i]t is the considered judgement of officials in the Bureau of Narcotics that this epidemic of narcotic addiction among younger people is primarily an extension of a wide-spread surge of juvenile delinquency” (166).

<sup>62</sup> U.S. Congress, *Investigation of Organized Crime in Interstate Commerce. Part 14: Narcotics*, 430.

<sup>63</sup> Ibid. 431.

<sup>64</sup> Ibid. 430. As we will see, these claims only grew stronger in the mid-1950s.

<sup>65</sup> See Frydl, *The Drug Wars in America*, 99-101 for a discussion of how this captivated members of the Kefauver Committee.

United States from Sicily not only enthralled the nation but secured the support of a leading U.S. senator and his team of colleagues.<sup>66</sup> Perhaps more surprisingly, this “investigatory” committee accepted at face-value Anslinger’s most inflated assertions regarding Luciano and the Sicilian mafia; the mere fact of his testimony served as “data.” Indeed, this dynamic provided further gravitas to the FBN’s efforts to combat the narcotics trade.<sup>67</sup>

Anslinger contemporaneously echoed the arguments he expressed before the Kefauver Committee to the media. He frequently expressed his concerns regarding the LaGuardia report to journalists, including to the *New York Herald Tribune*, which had a circulation of roughly half a million readers in the 1950s.<sup>68</sup> To the *New York Times*, Anslinger argued that “I should think that narcotics peddling to youngsters is far worse than kidnapping.”<sup>69</sup> The FBN’s argument that drug dealing was worse than kidnapping—or even murder—(crimes carrying the heaviest of punishments) recurred throughout the decade as it pushed for harsher sentencing. Always the keen media operator, Anslinger appeared on Eleanor Roosevelt’s television program roughly a month after his Maryland testimony. As reported in *The New York Times*, he argued on the program that “legislation should brand drug addiction as a communicable disease, thus isolating

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<sup>66</sup> See for example this *New York Times* article. Harold B. Hinton, "Luciano Rules U.S. Narcotics from Sicily, Senators Hear: A NARCOTICS WITNESS," *New York Times* (1923-Current File), Jun 28, 1951, <https://search.proquest.com/docview/112063742?accountid=15172>.

<sup>67</sup> Frydl, *The Drug Wars in America*, 99. Also see Schneider, *Smack: Heroin and the American City*, 69. Schneider writes “Lucky Luciano, thanks largely to Harry Anslinger (whom Luciano called "Asslinger"), assumed nearly mythic proportions in the 1950s as America's most powerful gangster, and his career prepared him well for this starring role” (69).

<sup>68</sup> "N. Y. City's Own Book Blamed in Youths' Drift to Marihuana: U. S. Narcotics Chief Says they Find in Public Libraries a 1945 Report Minimizing Harm," *New York Herald Tribune* (1926-1962), Jun 18, 1951, <https://search.proquest.com/docview/1322426194?accountid=15172>. Anslinger would also employ his gateway drug theory, noting that “Practically all kids start with marihuana.” On the circulation of the *New York Herald Tribune*, see Fred C. Shapiro. “The Life and Death of a Great Newspaper.” *American Heritage* 18, no. 6 (October 1967). Shapiro notes that “The Sunday paper went from 528,000 in 1954 to 576,000 in 1956.”

<sup>69</sup> Warren Weaver Jr. "U.S. AIDE FOR DEATH IN NARCOTICS SALES: PEDDLING TO YOUTHS IS WORSE THAN KIDNAPPING, ANSLINGER TELLS DEMOCRATS' INSTITUTE DEFENSE LAW CRITICIZED TALK OF CORRUPTION 'OVERDONE,'" *New York Times* (1923-Current File), Sep 08, 1951, <https://search.proquest.com/docview/111970101?accountid=15172>.

its victims from the community”: if consumers were victims then all sellers were pathogens.<sup>70</sup>

Whatever the venue, Anslinger “advocated more stringent penalties for narcotics dealers and asked additional personnel for local agencies combatting [sic] the sale of narcotics.”<sup>71</sup> Bipartisan concerns about teenage drug use were a crucial *raison d’être* for harsher sentencing.<sup>72</sup>

Yet Anslinger’s assumptions did not go entirely unchallenged by his contemporaries. Following Anslinger’s testimony, an unnamed witness who had been institutionalized for drug use reported that “[p]eople call you vile names and they want to put you in jail, but the public never gets out and tries to help you, they just try to put you behind bars, and when you come out you do the same thing over again. Your system is run down.”<sup>73</sup> Anslinger’s overall control of the crime-and-punishment framework, however, meant that such witnesses offered their testimonies from a position of stigmatization, even before their words hit the air. Chairman Kefauver abruptly ended this witness’s testimony following that comment. Anslinger’s charisma and status stemming from his role as commissioner of a major federal organization lent him legitimacy that this witness simply did not possess. It is precisely this prestige differential that also helps explain why Anslinger was able to counteract challenges to his preferred approach such as those mounted by Lindesmith. Lindesmith’s appeals—he often cited the so-called British system, where doctors prescribed low-cost narcotics to treat addicts—fell on deaf ears.<sup>74</sup> Critics of the

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<sup>70</sup> “LAW FOR ISOLATION OF ADDICTS URGED: U.S. COMMISSIONER ADVOCATES BRANDING NARCOTICS USAGE COMMUNICABLE DISEASE,” *New York Times (1923-Current File)*, Jul 02, 1951, <https://search.proquest.com/docview/111883723?accountid=15172>.

<sup>71</sup> Ibid.

<sup>72</sup> U.S. Congress, *Investigation of Organized Crime in Interstate Commerce. Part 14: Narcotics*, 285. Regarding differences between Republicans and Democrats, Lois Higgins of Chicago’s Crime Prevention Bureau remarked in her testimony that “[on] this one question—I don’t know how many others—but in the question of crime prevention and delinquency control and narcotics there is no difference” (285).

<sup>73</sup> Ibid. p. 440.

<sup>74</sup> Alfred Lindesmith, *Opiate Addiction*, 205. Note that this British approach to drug control has since converged more with the approach of the United States in the 1960s. See Bewley-Taylor, *The United States and International Drug Control*, 4.

punitive approach were not even given a serious voice at the Kefauver hearings. Framed by the imperative to expose criminal and social conspiracies and “the mob,” there was no space for public health interpretations. Thus, faced with a real, albeit exaggerated, increase in narcotic use, Congress turned without hesitation to Anslinger and the FBN for a policy prescription.

Fears of a torrent of teenage drug use culminated in the passage of the Boggs Act in October, 1951. The final report of the Kefauver Committee concluded that “America has been jolted to its foundations by the discovery that youngsters... are using narcotic drugs, many to the point of addiction.”<sup>75</sup> To ameliorate this issue, the Committee called for an increase in prison sentences, although it refused to explicitly condone the mandatory minimum sentencing that the Boggs Act enacted months later.<sup>76</sup> Seizing in part on the uproar generated by the Kefauver Committee, Rep. Hale Boggs of Louisiana spearheaded punitive legislation that aligned with Anslinger’s prescriptions.

The Boggs Act increased sentencing for narcotics offenses and instituted mandatory minimum sentences for second and third-time offenders. This shift towards punitive sentencing was perceived as stemming the spread of addiction, which was seen throughout the 1950s as a communicable social problem.<sup>77</sup> As Frydl argues, the logic of mandatory minimum sentencing

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<sup>75</sup> U.S. Congress, Senate, Special Committee to Investigate Organized Crime in Interstate Commerce, “Final Report of The Special Committee to Investigate Organized Crime in Interstate Commerce,” 82nd Cong., 1st sess., August 13, 1951, 27.

<sup>76</sup> *Ibid.* 90. The report notes that “Questions have been raised from a number of sources, however, as to tile propriety of imposing arbitrary minimum sentences in all cases. The committee recognizes the possible merit of these objections and suggests that they be given due weight in further consideration of the bills” (90). Note that the third interim report made the link between Anslinger and this increase in sentencing even more explicit. See U.S. Congress, Senate, Special Committee to Investigate Organized Crime in Interstate Commerce, “Third Interim Report of The Special Committee to Investigate Organized Crime in Interstate Commerce,” 82nd Cong., 1st sess., May 1, 1951, 15, Box 82, PD Papers. The Committee notes that “We have seen that there has been a serious increase in the narcotics traffic, particularly among teen-agers. One of the ways to curb that traffic is through the imposition of severe penalties. Mr. Harry Anslinger, Commissioner of Narcotics, testified before the committee that—”The average prison sentence meted out in the Federal Courts is 18 months. Short sentences do not deter. In districts where we get good sentences the traffic does not flourish” (15).

<sup>77</sup> Anslinger frequently expressed such a view. See Harry Anslinger, “The Facts About Our Teen-Age Drug Addicts,” *Reader’s Digest*, October, 1951, 137, Reel 33, Box 12, File 12, HA Papers, 138.

becomes obvious when one views drugs through this prism of epidemic: to stop a virus, one must quarantine.<sup>78</sup> While the Boggs Act was aimed in principal at targeting large international traffickers, who were seen as the biggest vector, it harbored the potential of imprisoning small-time dealers or even those who were merely addicted and caught with narcotics.<sup>79</sup> The absurdity of Anslinger's small bureau being tasked with stemming the flow of narcotics was never fully appreciated on Capitol Hill. Appearing to have learned little from the era of alcohol prohibition, Congress took the FBN at its word that enhanced sentencing would combat the flow of narcotics and staunch the contagion. Senator Wiley concurred with the FBN's approach at the hearings, noting that "when efficiency is in the picture you can get results. And if you couple with that, as you said, stiff sentences, then you have a deterrent to these peddlers getting into the game, in view of the fact that there is tremendous money in it for them."<sup>80</sup> Of course, the difficulty in ensuring such "efficiency" and the fact that many "peddlers" were in "the game" to fund an existing addiction were not appreciated by Wiley. All too often small-time peddlers were conflated with large international cartels, and these small-time peddlers were easier to apprehend and convict.<sup>81</sup> One can speculate that this conflation was exacerbated by the reality that many of these peddlers were members of minority groups seen as corrupting white youth.

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<sup>78</sup> Frydl, *The Drug Wars in America*, 137.

<sup>79</sup> See Schneider, *Smack: Heroin and the American City*, 73. Schneider notes that, "[t]he Boggs Act did not discriminate between addicts who peddled narcotics to support their habits and big-time traffickers who moved kilo-sized lots of heroin into the United States. While it may have been aimed at the latter, the former were far more likely to be caught and imprisoned" (73).

<sup>80</sup> U.S. Congress, *Investigation of Organized Crime in Interstate Commerce. Part 14: Narcotics*, 420.

<sup>81</sup> See U.S. Congress, House, Subcommittee on Narcotics of the House Ways and Means Committee, "Statement of Assistant Attorney General Warren Olney III," 1956, 1192. This difficulty was well expressed by Assistant Attorney General Warren Olney III a few years later, who noted that "[p]robably, the most serious difficulty with the narcotic laws is the fact that they make no distinction between the violator who is a profiteering racketeer and the violator who in many respects is a victim of the drug itself, the addict. The same law is applicable to both and they are also subject to the same penalties. Unfortunately the addict and the petty pusher are much more easily apprehended than the major trafficker, who is the source of supply and is several echelons removed from the last seller who deals with the illicit consumer. The result is that the present rather severe penalties are more often applied to the relatively minor violator than to the "big shot" for whom they were designed (1192)."

This faith in the FBN can largely be traced in great confidence in Anslinger's ability as an administrator. In the face of moral panic regarding teenage drug addiction, Anslinger embodied the 1950s "liberal consensus" that effective government could act as a force for effective management of social and economic challenges. Representative Canfield (R-NY) observed that "in [his] work on the House Appropriations Committee [he had] never met a more able, a more sincere administrator than Dr. Anslinger."<sup>82</sup> This mistaking of Anslinger for a doctor was all too common in the 1950s—after all, how could a man with such expertise on addiction and narcotics not possess a medical degree? Anslinger himself often positioned himself as a unique expert on the problem.<sup>83</sup>

Thus it was largely law enforcement, and not doctors, that drove legislation on narcotics. Canfield praised a New Jersey judge who echoed Anslinger's more exaggerated rhetoric from the 1930s when he remarked while sentencing a narcotics dealer to seven years in prison that "[n]o girl walking the streets would be safe with a man under the influence of this devilish drug. Young girls raped, people murdered—that's the story of the highway of marihuana."<sup>84</sup> Although narcotics were seen as corrupting to teenagers throughout the country, they were perceived as posing an especially acute threat to young women. Such fears of corruption of femininity were hardly novel; at the turn of the century, Chinese Americans were perceived as corrupting white

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<sup>82</sup> Remarks of Canfield "Teen-age Drug Addiction," *Congressional Record—House*, 82nd Congress, June 30, 1951, 7545.

<sup>83</sup> Anslinger and Tompkins, *The Traffic in Narcotics*, 214. Anslinger noted regarding the drug addiction "evil" that "[i]f the many good people who desire to help eradicate the evil would only realize first that this is a highly specialized problem susceptible to discussion only after thorough and intense research, they would commence with a far firmer foundation. This is not a subject where writing flows without careful thought" (214). Such rhetoric helped position him as a unparalleled expert on narcotics.

<sup>84</sup> On the judges' comments, see Alexander M. MacLeod, "Remarks By Judge Alexander M. MacLeod of Paterson, New Jersey, When Sentencing A Narcotic Peddler," March, 1951, Reel 20, Box 8, File 14, HA Papers. On Canfield's praise, see Extension of Remarks of Honorary Gordon Canfield, *Appendix to the Congressional Record*, March 14, 1951, A1435.

women with opium.<sup>85</sup> The resurgence in fears of such corruption in the 1950s reflects the broader social turbulence of the period. Anslinger employed these fears in the 1930s to secure prohibitive marijuana legislation and they proved fruitful again in the 1950s as he pushed for more punitive legislation.

Anslinger's reputation only grew in Congress in the early 1950s, with Senator Paul Douglas of Illinois noting that "I do not know Mr. Anslinger personally, but year after year I keep hearing comments about the fine, devoted, and tireless job he is performing quietly, with a small staff, in a continually uphill battle against smugglers and dope peddlers."<sup>86</sup> Douglas, a New Deal liberal, "[proposed] that we start recognizing our outstanding public servants by awarding them citations and cash bonuses" and cited Anslinger as a perfect candidate.<sup>87</sup> Anslinger possessed such a sterling reputation that a year later, several independent Democrats even approached Anslinger, a Republican, about the possibility of running for Vice President.<sup>88</sup> It was this reputation that led Congress to place its faith in Anslinger's more punitive sentences to combat an apparent rise in teenage addiction, which became a stand-in for threats to the American family and communal order.

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<sup>85</sup> U.S. Congress, House, Committee on Ways and Means, Importation and Use of Opium. 61st Congress. 3rd sess. Dec. 14, 1910 and Jan. 11, 1911, 71. One doctor testified before Congress that "In the Chinatown in the city of Philadelphia there are enormous quantities of opium consumed, and it is quite common, gentlemen, for these Chinese or 'Chinks,' as they are called, to have as a concubine a white woman. There is one particular house where I would say there are 20 white women living with Chinamen as their common-law wives" (71).

<sup>86</sup> Paul H. Douglas, excerpt from "Help Wanted in Washington," *American Magazine*, October, 1951, Reel 20, Box 8, File 11, HA Papers.

<sup>87</sup> *Ibid.*

<sup>88</sup> Untitled document, 5, Reel 10, Box 4, File 9, HA Papers.

#### IV. After the Boggs Act: a Brief Reprieve from Juvenile Delinquency, but a New Threat from China

In the months following the implementation of the Boggs Act, many came to realize that fears about a scourge of teenage drug use had perhaps been exaggerated. In February 1952, the *Daily Boston Globe* penned the article, “Teen-Age Drug Addicts Fewer Now, Anslinger Says.”<sup>89</sup> Anslinger cited his 1951 enforcement efforts as being responsible for the decline. With punitive legislation secured at the federal level, Anslinger was more comfortable acknowledging that much had been exaggerated by the media. And after all, he had to show that his enforcement methods were successful at combating narcotics use if he was ever to obtain harsher legislation at the federal level or “little Boggs Acts” at the state level. Reflecting on the hearings, Anslinger noted in the October 1951 edition of *Reader’s Digest* that:

The parades of pathetic witnesses before these investigators have given the impression that a large number of our young people are menaced by marijuana and heroin. Fortunately, this is not true. The increase in juvenile drug addiction, horrifying though it is, is limited to a few localities.<sup>90</sup>

Although fears of epidemic teenage drug use had centered largely on white middle-class users, the simple reality was that the increase in heroin in the 1950s was largely limited to black and Latino populations in a few urban areas, particularly New York City.<sup>91</sup> The Los Angeles Police Department would even conclude that “[n]arcotics are not being used by Los Angeles teenagers to the extent portrayed by recent sensational ‘exposes.’”<sup>92</sup> Ultimately, fears about the corruption

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<sup>89</sup> “Teen-Age Drug Addicts Fewer Now, Anslinger Says.” *Daily Boston Globe* (1928-1960), Feb 10, 1952. <https://search.proquest.com/docview/845504018?accountid=15172>.

<sup>90</sup> Harry Anslinger, “The Facts About Our Teen-Age Drug Addicts,” *Reader’s Digest*, October, 1951, 137, Reel 33, Box 12, File 12, HA Papers.

<sup>91</sup> Schneider, *Smack: Heroin and the American City*, xiv.

<sup>92</sup> “Youth and Narcotics: A Study of Juvenile Addiction in Los Angeles,” Los Angeles: Public Information Division Los Angeles Police Department (1952), Reel 20, Box 8, File 15, HA Papers.

of white youths led to a crackdown against minority drug users in a select few areas.<sup>93</sup> This moral panic about white teenagers helps explain why narcotics received disproportionate attention relative to alcohol in the 1950s. That minorities bore the brunt of sentencing further explains why Congress largely ignored criticism of the FBN's approach. This fear of the corruption, defilement, and degradation of white people was integral to earlier efforts to combat drugs internationally; a British delegate to the newly formed United Nations Commission on Narcotics Drugs noted in 1948 that without "*the white drug problem in the USA... [the] suppression of the raw material and their indigenous consumption in a relatively harmless form would not have carried on as far as it has.*"<sup>94</sup> Fears of white drug use domestically fueled a desire for punitive international enforcement. Anslinger had no qualms about deploying threats to whiteness when pushing for Senator Daniel's punitive legislation roughly a decade later, although he understood that the moral panic surrounding white teenage drug use was largely unfounded.

Anslinger's February 1952 appearance with the journalist John Gerrity on *The Georgetown University Radio Forum* illustrates how he capitalized on the cyclical nature of moral panic surrounding teenage drug use in the 1950s.<sup>95</sup> Gerrity's recent *Harper's Magazine* article noted that "as for the widely publicized 'drug menace' which is supposed to be threatening the future of teen-agers by the hundreds of thousands, it simply doesn't exist."<sup>96</sup> Gerrity added, "The Federal Narcotics Bureau, which knew the true facts, abandoned an earlier effort to quell the frenetic alarms, fearful that—as one official put it—'we'd get our brains beaten

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<sup>93</sup> Schneider, *Smack: Heroin and the American City*, xiv.

<sup>94</sup> Report from the UK delegate, Mr. T. Huston, on the third session of the United Nations Commission on Narcotic Drugs, 3-22 May 1948, quoted in Bewley-Taylor, *The United States and International Drug Control*, 70.

<sup>95</sup> "Narcotics: A New Social Disease," *The Georgetown University Radio Forum*, February 10, 1952, Reel 1, Box 1, File 8, HA Papers.

<sup>96</sup> John Gerrity, "The Truth about the Drug Menace," *Harper's Magazine* 204 (February 1952), 31.

out.”<sup>97</sup> Although at first glance surprising, Anslinger described Gerrity’s article as “a good, cool and calm, calculated analysis of the problem.”<sup>98</sup> Positioning himself as the model bureaucratic professional, he explained that “in our reports to the Congress, to the United Nations, to the Senate Crime Committee, we tried to be factual. However, people were drawn into a vortex of hysteria.”<sup>99</sup>

Yet once one understands that Anslinger had already secured punitive sentencing—sentencing endorsed by Gerrity as the solution to the problem—Anslinger’s approach becomes clearer. He rode the wave of fear to secure legislation, but presented himself as the “rational” voice on the problem, playing a double game. If one doubts this interpretation, note that Gerrity himself noted on the broadcast that “it was very good and proper that a certain amount of alarming be done in order to alert the nation to the menace as it did exist.”<sup>100</sup> In explaining on the broadcast why barbiturates were not put under federal control, Anslinger remarked that “[i]t would make our Bureau about as popular as the Prohibition Bureau was.”<sup>101</sup> For Anslinger, who had served as Assistant Commissioner of Prohibition in the Division of Foreign Control in the Prohibition Unit, such a fear remained visceral. Throughout his career, securing public opinion remained vital.

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<sup>97</sup> Ibid. 28.

<sup>98</sup> “Narcotics: A New Social Disease,” *The Georgetown University Radio Forum*, February 10, 1952, 2, Reel 1, Box 1, File 8, HA Papers.

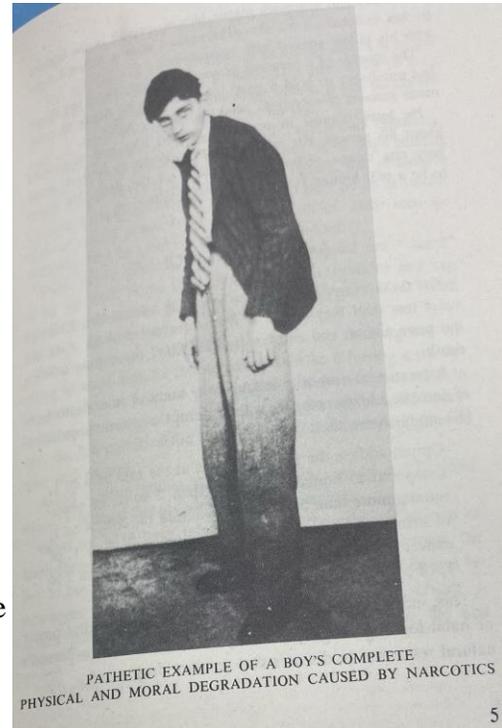
<sup>99</sup> Ibid.

<sup>100</sup> Ibid.

<sup>101</sup> Ibid, 11.

Anslinger had to balance using public outrage to secure legislation with the risk that such outrage would lead to questioning about the efficacy of his bureau. Gerrity effectively captures this precarious balancing act in his article, noting that “[a]pparently we persist in being a nation of calamity-howlers whose violent surges of zeal for reform sometimes hinder, rather than help, the organizations that could do some genuine good.”<sup>102</sup>

Anslinger and his agency always played both sides. While downplaying the magnitude of the crisis, for example, his bureau published a pamphlet, “Living Death: The Truth



About Drug Addiction,” that hardly quelled fears.<sup>103</sup> This widely distributed pamphlet featured numerous exaggerated depictions of teenage drug addiction. One such image is reproduced above, illustrating how Anslinger’s FBN contributed to the moral panic even as they simultaneously downplayed the magnitude of teenage drug addiction across the country.<sup>104</sup> Note that the boy depicted was white, further preying on fears of this “physical and moral degradation” of teenage youth. Building on the language of pandemic, the pamphlet instructed teenagers to “[a]void a drug addict the same as you would a ‘Typhoid Mary’ because his plague is just as contagious.”<sup>105</sup> The pamphlet also argued that “peddlers or their agents” were promoting the “foulest racket in existence” in their efforts to “snare” teenagers.<sup>106</sup> Anslinger

<sup>102</sup> John Gerrity, “The Truth about the Drug Menace,” *Harper's Magazine* 204 (February 1952), 31.

<sup>103</sup> U.S. Treasury Department Bureau of Narcotics, *Living Death: The Truth About Drug Addiction* (1952), Box 82, PD Papers.

<sup>104</sup> *Ibid.* 5.

<sup>105</sup> *Ibid.* 7.

<sup>106</sup> *Ibid.*

embraced these “violent surges of zeal” regarding youth delinquency prior to the passage of the Boggs Act—albeit packaged in scientific-sounding language—and would do so again when pushing for the 1956 Narcotic Control Act.

Yet in the 1950s, one concern overshadowed even that of youth delinquency: a fear of the spread of communism. As Gilbert notes, both fears were crucial to the “very genuine concern about social disintegration.”<sup>107</sup> Anslinger, given his position, was uniquely positioned to exploit them simultaneously.<sup>108</sup> To do so, he conjured a centralized conspiracy from Communist China that aimed to poison the moral resolve of the West by flooding teenagers with heroin. Major newspapers across the country reported on Anslinger’s conspiratorial claims.<sup>109</sup> Of course, this Cold War narrative represented a slight remake of that of a decade earlier, where he argued Japan weaponized opium against China and the West.<sup>110</sup> And this would also not be the last time Anslinger aligned narcotics with a foreign adversary, as he later argued that Cuba conspired to import cocaine to the United States.<sup>111</sup> Anslinger’s move to align the FBN with pressing matters of foreign policy proved again and again to be a potent weapon in his bureaucratic arsenal. It won him support not only in Congress but also with the public, given broader fears surrounding Communist infiltration during the period. Those who challenged Anslinger’s punitive approach

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<sup>107</sup> Gilbert, *A Cycle of Outrage*, 76.

<sup>108</sup> Ibid. 75. Of course, Anslinger was not the only one to make this link. In one of the few references to narcotics in his work, Gilbert notes that Lois Higgins would make this connection between youth delinquency and communist drugs.

<sup>109</sup> See, for example, “Red China Pushes Dope into Nation, U.S. Reveals: Heroin Shipped by Quantities to this Country, Anslinger Says,” *The Washington Post* (1923-1954), Feb 13, 1953, <https://search.proquest.com/docview/152558946?accountid=15172>.

<sup>110</sup> Anslinger and Tompkins, *The Traffic in Narcotics*, 8. Anslinger himself would imply that communist China had learned from Japan that “[o]pium has become an effective and subtle tool of war” (8). He would elaborate that “[w]hen Japan was preparing for its invasion of the Chinese mainland and correctly had estimated the power the drug had of undermining the Chinese people, both morally and physically” (8). More explicitly, he argued that “The Communists were smuggling opium and heroin from China into Japan, the United States, and other countries. Again, the policy of trying to weaken an enemy by subsidizing addiction was at work. This time the free people of the world, fighting against communism and its spread, was the objective, with an enemy who was spreading addiction to swell its coffers and finance a war” (10).

<sup>111</sup> Kinder and Walker, “Stable Force in a Storm,” 926.

became susceptible to charges of sympathizing with communism, a quick way to become *persona non grata*.<sup>112</sup>

Fears of heroin importation from China were not without merit, but Anslinger greatly overstated the evidence for a centralized conspiracy from the highest levels of “Red China.” His rhetoric on China grew more sensationalist in the years following the Kefauver Committee hearings. In remarks before the United Nations in 1954, he argued Communist China had developed a “20-year plan to finance political activities and spread addiction among free peoples through the sale of heroin and opium.”<sup>113</sup> He continued by noting that “the narcotic menace from Communist China [has mushroomed] into a multiheaded dragon threatening to mutilate and destroy whole segments of populations.”<sup>114</sup> Such rhetoric led to sensationalist pieces in the media comparable to those covering the teenage drug scare. *American Detective* reported in 1954 that “Hong Kong is a secret battlefield from which Communists hurl deadly weapon at American youth—dope.”<sup>115</sup> In advancing this Communist conspiracy, Anslinger was hardly troubled by Hong Kong’s status as a British colony.<sup>116</sup> The article elaborated that “[i]t is a real war, hot and not cold, with real battle lines...—that the 250 agents of the Bureau of Narcotics of the United States Treasury are waging against a quite real and solid and fiendish enemy—the warlords and bureaucrats of Red China.”<sup>117</sup> By frequently citing Anslinger, such articles helped tie the FBN’s enforcement efforts to broader anti-communist goals, even when divorced from actual geostrategic facts.

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<sup>112</sup> Galliher et al., “Lindesmith v. Anslinger,” 679.

<sup>113</sup> Remarks of Knowland, “The Case of Nikola Khokhlov,” *Congressional Record — Senate*, July 9, 1954, 10157.

<sup>114</sup> *Ibid.*

<sup>115</sup> Edward S. Sullivan, “Smashing Red China’s Fifth Column,” *Master Detective*, December, 1954, 19, Reel 2, Box 1, File 13, HA Papers.

<sup>116</sup> Such claims also help explain the tensions between Anslinger and the British delegates to the United Nations Commission on Narcotics Drugs throughout the decade. See Marshall, “Cooking the Books,” 10.

<sup>117</sup> *Ibid.* 19.

While there is no doubt that China exported some heroin, Anslinger's claim of a "20-year plan," which generated much uproar among the media and public, was unsubstantiated. In fact, China's communist regime actually aggressively cracked down on heroin use.<sup>118</sup> Furthermore, as Eric Schneider and Jonathan Marshall have documented, much of the heroin actually flowed out of Nationalist, rather than Communist, China.<sup>119</sup> Anslinger and the FBN chose to ignore this uncomfortable reality, instead choosing to focus on condemning "Red China's" alleged trade in heroin. As Marshall shows, Anslinger all too often parroted propaganda straight from Nationalist China, which had a substantial and willing audience in Washington.<sup>120</sup> Political incentives drove the often myopic focus on heroin from mainland China, especially given that Anslinger acknowledged in 1953 that "[m]ost of the heroin smuggled into this country comes from old stocks in Italy" and that "[m]uch of our heroin comes from Turkey."<sup>121</sup> As we will see, Senator Price Daniel's subcommittee would uncritically accept Anslinger's rhetoric on China when assessing the narcotics problem across the nation.

Although they were largely ignored in Congress, several contemporaries criticized Anslinger's dubious rhetoric on China. Some of his British contemporaries at the United Nations Commission on Narcotics Drugs, of which Anslinger would be appointed chairman, expressed

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<sup>118</sup> Schneider, *Smack: Heroin and the American City*, 67. Also see Frydl, *The Drug Wars in America*, 74. Frydl writes that "Although it is the case, as scholar Zhou Yongming writes, that Communist China embarked on a massive effort to purge opium production and consumption, this undertaking escaped the notice of Harry Anslinger and the Bureau of Narcotics" (74).

<sup>119</sup> Schneider, *Smack: Heroin and the American City*, 67. Schneider notes "Opium from southern China and Southeast Asia entered the world market through the Nationalist Chinese, who used the profits from the narcotics trade to fund their efforts to destabilize the communist government. Thus much of the heroin the communist Chinese were accused of producing actually came from America's Nationalist Chinese allies, but Anslinger and other public officials ignored or suppressed this information in the name of Cold War solidarity" (67). Also see Marshall, "Cooking the Books," 8. Marshall thoroughly documents how Anslinger suppressed reports of a Nationalist heroin trade.

<sup>120</sup> Marshall, "Cooking the Books," 8-9.

<sup>121</sup> Anslinger and Tompkins, *The Traffic in Narcotics*, 281. Regarding opium instead of heroin, Anslinger noted that "by far the largest seizure of prepared opium had been reported by Iran" (101).

concerns about Anslinger's more outlandish complaints, and even criticized him for his "incompetence."<sup>122</sup> John Henry Walker of the British Home Office found Anslinger's "annual onslaughts on Red China" to be without basis in fact.<sup>123</sup> Walker believed Anslinger's more outlandish slander was driven by the bureaucratic reality that he was "under pressure in Washington and having to fight to keep his job."<sup>124</sup> The simple requirement of bureaucratic survival in the 1950s helps explain why Anslinger continued to slander China in his push for punitive legislation. When the merits of his agency were challenged, Anslinger could point to the twin threats—teenage drug addiction and communist heroin—that his agency was addressing. Anslinger also faced domestic criticism regarding his claims about China. One of the most prominent of these critics was John O'Kearney, who argued in the liberal political magazine, *The Nation*, that "to accuse Red China of plot and purpose on the simple basis of arrests of Chinese engaged in the trade, as Anslinger apparently does, is no more justified than to blame the United States for crimes committed by private American citizens in Africa."<sup>125</sup> O'Kearney noted that the British in Hong Kong have found it "difficult to escape the conclusion that Chiang Kaishek's propagandists are having their effect on the Americans."<sup>126</sup>

Anslinger's exaggerated rhetoric won the day. Armed with growing fears over communism, and resurgent popular fears regarding teenage drug use, Anslinger could turn towards pushing for even harsher legislation in Congress, where he found several allies,

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<sup>122</sup> Letter from Tom Green, UK delegate to the UN, New York, to Sam Hoare, Foreign Office, 16 May 1957, Public Records Office, Kew Gardens, London (FO 371 129987), quoted in Bewley-Taylor, *The United States and International Drug Control*, 72.

<sup>123</sup> Letter from John H. Walker, Home Office, to Miss I. Mackie, Foreign Office, undated, PRO (FO371 129983) quoted in Bewley-Taylor, *The United States and International Drug Control*, 112.

<sup>124</sup> Letter from John H. Walker, Home Office, to Miss D.G. Hallet, Colonial Office, London, 2 February 1954, PRO (FO371 129983) quoted in Bewley-Taylor, *The United States and International Drug Control*, 112.

<sup>125</sup> John O'Kearney, "Opium Trade: Is China Responsible?," *The Nation*, October 15, 1955, 321, Reel 20, Box 8, File 11, HA Papers.

<sup>126</sup> *Ibid.*

including Texas Senator Price Daniel. The same dynamics and instincts that led to the explosion of the carceral later in the 20th century prompted the federal government to intensify the punitive approach set out by the Boggs Act in the mid-1950s; any history of the narcotics-fueled rise of mass incarceration is incomplete without an understanding of this crucial period.

## V. Price Daniel's Narcotics Probe: "Doctor Versus Cop"

The conservative Democrat Price Daniel was elected to the Senate in 1952, after serving as Attorney General of the State of Texas.<sup>127</sup> While perhaps his greatest political achievement was securing the land and mineral rights of the coastal tidelands for the state of Texas against the federal government, the issue of narcotics proved to be central to his tenure in the Senate.<sup>128</sup> The issue of youth delinquency was particularly crucial to his political career, and he too was caught up in the increasingly acute fears over a centralized and subversive Chinese heroin conspiracy. Daniel, like Anslinger, profited off of the narcotics trade by using fears of it to improve his political standing. With the public already aroused by Anslinger and his allies' campaign for "enlightened public opinion," the stage was set for a push for even harsher legislation, even for helpless addicts.<sup>129</sup> This push enabled social conservatives like Anslinger to project moral absolutism and certainty at a time of immense social upheaval and a second perceived uptick in narcotics use. This interplay between public outrage and a government-media complex eager to further fan the flames culminated in some of the harshest narcotics legislation the nation would ever see, despite dissent by key players such as the New York Academy of Medicine. Daniel would benefit from these fears during his 1955 Narcotics probe, an investigation that traversed

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<sup>127</sup> For a biography of Daniel, see Charles V. Waite, "Price Daniel: Texas Attorney General, Governor, and Senator," PhD diss, Texas Tech University, August, 1999.

<sup>128</sup> Ibid. Waite notes that "Investigation of nation-wide narcotics traffic represented the most important issue Daniel addressed in 1955" (167).

<sup>129</sup> Anslinger and Tompkins, *The Traffic in Narcotics*, 168.

the country and generated media attention wherever it went from June to November 1955, following in the tradition of the Kefauver hearings.<sup>130</sup> The FBN went on tour with Daniel.

As the decade progressed, fears over teenage drug use and the “Red China” heroin conspiracy ballooned. In a closed-door session before the Senate Judiciary Committee, Richard Deverall, an anti-Communist labor representative stationed in Asia, testified that “[t]he greatest service that the United States can do in this field, I think — and Mr. Onslinger [sic] has done a magnificent job so far — is to give this fight, this hypodermic war of Red China against free Asia the widest publicity.”<sup>131</sup> Deverall noted that the “needles that are being stuck into the arms and bodies of their young people are needles that are being filled with liquid from Red China. It is one of the most vicious wars in modern history.”<sup>132</sup> Under this framing, it was with narcotics, rather than conventional arms or nuclear weapons, that communism battled capitalism. Two weeks earlier, Anslinger had testified before the Senate Judiciary Committee that “[heroin] is one of the worst poisons known to man, and when you sell heroin, physical and moral destruction are bound to follow.”<sup>133</sup> With this outsized rhetoric, one begins to appreciate the atmosphere in which Senator Daniel launched his narcotics probe. Furthermore, there was a perception that youth delinquency and narcotics use had reached new heights, with rates of teenage narcotics arrests creeping upwards in major cities between 1952 and 1954.<sup>134</sup> Daniel, in particular,

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<sup>130</sup> The literature broadly acknowledges that Daniel benefited from these fears but does not fully explore his probe. See for example Schneider, *Smack: Heroin and the American City*, 73. Schneider notes that “[t]he chief beneficiaries of this early war on drugs were Hale Boggs, Price Daniel, and the Federal Bureau of Narcotics” (73).

<sup>131</sup> U.S. Congress, Senate, “Hearing held before Committee on the Judiciary Subcommittee on Internal Security Special Interview - Richard L. G. Deverall, Executive Session,” March 19, 1955, 27, Box 82, PD Papers. On Deverall, see Christopher Gerteis, “Labor’s Cold Warriors: The American Federation of Labor and “Free Trade Unionism” in Cold War Japan.” *The Journal of American-East Asian Relations* 12, no. 3/4 (2003): 207-24. Gerteis focuses on Deverall’s anti-Communism but does not address his views on narcotics.

<sup>132</sup> *Ibid.*

<sup>133</sup> U.S. Congress, Senate Judiciary Committee, “Communist China and Illicit Narcotic Traffic,” March 8, 1955, 3.

<sup>134</sup> “Narcotics Arrests and Convictions of Persons Under 21 Years of Age 1952-1953-1954,” undated, Box 82, PD Papers.

corresponded with several key figures in New York State, where the perception was that narcotics use, particularly in the nation's epicenter, New York City, had exploded in 1955.<sup>135</sup> New York State Attorney General Jacob Javits noted in 1955 press release that "drug addiction throughout the United States had spurted above the so-called 'epidemic year' of 1951."<sup>136</sup> In this environment of perceived calamity, Daniel's sub-committee was launched to investigate the magnitude of the narcotics crisis and explore potential solutions.<sup>137</sup> At this point, solutions on the table included not only the harsher sentencing favored by Anslinger, but also the "clinic" plan, which would allow doctors to prescribe low-cost narcotics as addicts sought treatment.

When Daniel launched his probe in June 1955, the New York Academy of Medicine endorsed the clinic approach to treating drug addiction. This endorsement captured public attention and credibility owing to the institutional prestige of the organization and the media coverage it generated, although it was hardly the first such proposal.<sup>138</sup> Anslinger had long been critical of such proposals and was easily able to dismiss them, but the Academy's endorsement brought the clinic approach to the forefront over discussions about narcotics.<sup>139</sup> In order "to take the profit out of the illicit drug traffic," the Academy proposed that "[t]he addict should be able to obtain his drugs at low cost under Federal control, in conjunction with efforts to have him

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<sup>135</sup> See for example, Letter from W.H. Adams, Police Commissioner, New York City, January 24, 1955, Box 82, PD Papers. W.H. Adams noted that New York City's narcotics squad had captured 183.5 pounds of smoking opium in 1954, the most ever.

<sup>136</sup> News Release on Address by New York State Attorney General Jacob K. Javits, "Javits Estimates Narcotic Cases at Record High," June 14, 1955, Box 82, PD Papers.

<sup>137</sup> U.S. Congress, Senate, "Investigation of the Narcotics Problem," Report No. 56, 84th Congress, 1st Sess, March 10, 1955, 1. The initial appropriation for the investigation noted that the subcommittee would "look into the entire narcotics problem of the United States to determine the necessity for additional enforcement provisions, as well as to undertake the codification of statutes on the subject" (1).

<sup>138</sup> For an earlier proposal, see Alden Stevens, "Make Dope Legal," *Harper's Magazine*, November, 1952. Price Daniel and his staff would have a copy of Stevens' article., see Box 83, PD Papers.

<sup>139</sup> Anslinger and Tompkins, *The Traffic in Narcotics*, 185-186. In this 1953 book Anslinger noted "the fallacy of legalizing drug addiction" and railed against the clinic approach" (185).

undergo withdrawal.”<sup>140</sup> These New York doctors believed that Anslinger’s punitive approach, which did not offer adequate treatment for addicts, incentivized crime since users would desperately seek to acquire narcotics after being “dumped as a solitary figure, penniless, very often friendless and without work, in a hostile society.”<sup>141</sup> Notably, the report condemned the approach under the Boggs Act, which, the Academy asserted, did not meaningfully “distinguish between the addict and the commercial supplier.”<sup>142</sup> It noted that mandatory minimums under the “present punitive approach” only exacerbated the issue, as they reduced the discretion of judges.<sup>143</sup> The Academy argued that “[n]arcotic addicts should be considered sick persons and should not be penalized for activities which stem primarily from their ill-conceived attempts to alleviate their own suffering.”<sup>144</sup> The Academy argued that legislation should explicitly distinguish between addict and non-addict dealers of narcotics so that addicts could be treated and non-addict traffickers could be prosecuted thoroughly, further contending that “the plan to remove the profit would diminish illicit traffic.”<sup>145</sup> Furthermore, the Academy diverged from the FBN’s approach in that it favored educating adolescents on narcotics.<sup>146</sup> Ultimately, in weighing

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<sup>140</sup> Ibid. 603.

<sup>141</sup> Ibid. 601. Regarding crime spurred by addiction, the academy noted that “[i]t should be remembered that every addict will get his drug. Under the present laws to do that he must ‘push,’ rob, steal, burglarize or commit forgery. For, he is desperate when he is without drugs” (605-606). Still the Academy did not overstate the potential impact on crime, with the report noting that “the Academy is moved to state that realistically it has no extravagant expectations that the proposed plan will completely eliminate crime. If a person was a criminal before he became a drug addict, it is not necessarily to be expected that he will cease to follow his predilections for crime just because he no longer is an addict. Perhaps it is fair to state that crime arising from the need for drugs may diminish; but criminal acts committed for other reasons may not decrease” (607).

<sup>142</sup> “Report on drug addiction by the New York Academy of Medicine,” *Bulletin of the New York Academy of Medicine*, 31, No. 8 (1955), 594.

<sup>143</sup> Ibid. 601.

<sup>144</sup> Ibid. 598. The academy also noted that “[T]here should be a change in attitude toward the addict. He is a sick person, not a criminal” (603).

<sup>145</sup> Ibid. 606. Of the remaining traffic, the report noted that “[i]t is proposed that there be no relaxation in the efforts toward complete and permanent elimination of the supply of illegal narcotic drugs and that provisions for suppression of illegal traffic be retained” (606).

<sup>146</sup> Ibid. 606. “Adolescent addicts are reported to have said that they would not have taken drugs in the first place if they had known that they were going to become addicted. Such statements of youth are a strong argument for a good

“the punitive as against the medical [approach to addiction],” the Academy found the former to be deeply ineffective at solving the root of the problem and favored the latter.<sup>147</sup> While cynically one might argue that the Academy was trying to lobby for an increased role for doctors with this proposal, the logic outlined in the proposal undergirded many subsequent non-punitive approaches to drug control and has proven to be effective in countries such as Switzerland roughly forty years after the report appeared.<sup>148</sup>

This endorsement of the clinical in favor of the punitive approach generated enormous media coverage and political interest.<sup>149</sup> A tangible alternative to the punitive approach had manifested itself just as Daniel’s sub-committee began to investigate narcotics enforcement, and Daniel and his staff monitored the debate intensively.<sup>150</sup> Unsurprisingly, Anslinger “violently” opposed the clinic approach, and aggressively moved to debunk it much as he did with the earlier La Guardia Report.<sup>151</sup> With his characteristic rhetorical flair, Anslinger retorted that “[i]f a plan like that ... is given any serious consideration at all, then a state and Federal building should be constructed. On the first floor there should be a bar for alcoholics, on the second floor a narcotic dispensary for all addicts and on the top floor a brothel for sex deviates.”<sup>152</sup> Anslinger clearly

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educational program for young people” (606). Anslinger and the FBN, on the other hand, believed that youth education would spread the habit.

<sup>147</sup> Ibid. 607.

<sup>148</sup> Switzerland opened Heroin Assisted Treatment Clinics in 1994, which were similar to the clinic approach. However, these clinics required patients to use heroin prescriptions under medical supervision, rather than just be given a small “takeaway” dose. Such an innovation could have addressed some of the concerns of critics who feared prescribed narcotics would be resold. See Ambros Uchtenhagen, “Heroin-assisted treatment in Switzerland: a case study in policy change,” *Addiction* 105 No. 1 (2010): 29-37.

<sup>149</sup> For example, see “ACADEMY URGES CHEAP NARCOTICS: MEDICAL GROUP SAYS ADDICTS COULD BE HELPED BY ENDING PROFIT OF ILLICIT TRADE.” *New York Times* (1923-Current File), Jun 18, 1955. <https://search.proquest.com/docview/113402485?accountid=15172>. Anslinger would position himself as a unique authority on the issue, noting that the proposal “would not be considered seriously by anyone who understands the narcotics control problem.”

<sup>150</sup> The Daniel Papers contain numerous clippings of news stories and other reports on the clinic proposal and debate over alternatives taking place in 1955. See Box 82, PD Papers.

<sup>151</sup> “Narcotics Investigation,” undated, 7 Box 182, PD Papers.

<sup>152</sup> Earl Ubell, “Low Cost Drugs for Addicts Urged.” *New York Herald Tribune* (1926-1962), Jun 18, 1955, <https://search.proquest.com/docview/1336960021?accountid=15172>.

aimed to position his approach of moral absolutism as the only logical alternative to the clinic approach.<sup>153</sup> This moral absolutism, as it often has in American history, proved to be exceedingly effective in the face of public panic.<sup>154</sup> For Anslinger, the furor over the clinic approach represented a threat to his hegemony. Earlier in 1955, the American Bar Association and American Medical Association had launched a joint investigation of current narcotics policy; Anslinger could not escape the pressure building against his approach.<sup>155</sup> As Daniel's subcommittee began to investigate the narcotics problem across the country, it faced a real choice between the punitive approach favored by Anslinger and the clinic approach favored by many doctors. Moreover, the latter had strong support from a rival group of experts who were among the most trusted professionals in American society.<sup>156</sup>

From June 2 to December 15 of 1955, Daniel's Senate Subcommittee on Improvements in the Federal Criminal Code traveled across the country, conducting 37 days of open hearings in

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<sup>153</sup> Anslinger made this connection between the clinic approach and moral degradation clear in 1953. See Anslinger and Tompkins, *The Traffic in Narcotics*, 186. He argued that “[the clinic] plan would elevate a most despicable trade to the avowed status of an honorable business, nay, to the status of practice of a time-honored profession; and drug addicts would multiply unrestrained, to the irrevocable impairment of the moral fiber and physical welfare of the American people” (186). In short, Anslinger was using moral absolutism to debunk a proposal that could anachronistically be termed as promoting “harm reduction.” “Harm reduction” aims to reduce the negative consequences of drug addiction.

<sup>154</sup> Daniel Bell, *The Cultural Contradictions of Capitalism*, New York: Basic Books (1976). The sociologist Daniel Bell notes that “the great symbolic issue of American cultural politics was Prohibition. It was the major—and almost the last—effort by small-town and traditionalist forces to impose a specific value, the prohibition of liquor, on the rest of the society; and initially, of course, the traditionalists won. In a somewhat different sense, McCarthyism in the 1950s represented an effort by some traditionalist forces to impose a uniform political morality on the society through conformity to one ideology of Americanism and a virulent form of anti-Communism” (77). The success of Anslinger's approach highlights that many of the same voices and currents that spawned Prohibition still possessed significant cultural cachet in the 1950s. Narcotics use was viewed as one of the worst excesses in a society seen as becoming increasingly consumerist and hedonistic. Without adding normative judgement, the continued endurance of this absolutism highlights the power of “traditionalist forces” in American politics. Also see James Monroe, *Hellfire Nation : The Politics of Sin in American History*, New Haven: Yale University Press (2003). Monroe looks at the extensive impact the concept of “sin” has had in American politics throughout the nation's history. Regarding narcotics, he briefly examines how moral absolutism facilitated Anslinger's total prohibition of Marijuana use in the 1930s (466). He does not focus on the 1950s, although he looks at the intersection of sin with the war on drugs in the later 20th century.

<sup>155</sup> Erlen and Spillane, *Federal Drug Control*, 114. However, the report would not be published until 1959.

<sup>156</sup> For an examination of the high trust placed in doctors, see Paul Starr, *The Social Transformation of American Medicine: The Rise of a Sovereign Profession and the Making of a Vast Industry*, New York: Basic Books (2017).

cities across the country and hearing from more than 345 witnesses.<sup>157</sup> Five of these hearings were held in New York City, the epicenter of heroin use in the country, and a state that possessed outsized interest in the clinic approach given the endorsement of its academy of medicine.<sup>158</sup> At the first set of hearings held in New York City, Attorney General Javits illustrated epistemic humility that the FBN lacked, as he expressed interest in the clinic approach “especially because we know so little about the causes and the cures.”<sup>159</sup> Daniel described the debate over the clinic approach as “probably the most controversial issue today in the field of narcotics.”<sup>160</sup> Yet Anslinger’s rhetoric on narcotics, including his allegation of “a direct, deliberate plan by Communist China to infest the United States with harmful narcotics,” colored the hearings.<sup>161</sup> Participants frequently invoked the FBN commissioner, often referring to him as “Dr. Anslinger.”<sup>162</sup> Daniel was hardly troubled by the fact that the FBN district supervisor for New York reported that “[w]e have not run across any material quantity of heroin which could be traced back to Communist China in this area.”<sup>163</sup> Anslinger’s presence loomed large over the first set of hearings in New York, and he himself would testify in the second set of hearings.

At the second set of hearings in New York, held from September 19-21, discussion of the clinic plan grew more contentious. Questions about the treatment of addicts who sold drugs

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<sup>157</sup> U.S. Congress, Senate, "Investigation of Matters Pertaining to the Federal Criminal Code on Narcotics", Report No. 1382, 84th Congress, 2d session, January 16, 1956, 2.

<sup>158</sup> U.S. Congress, Senate Subcommittee On Improvements in the Federal Criminal Code, "Illicit Narcotics Traffic Hearings: Part 3," June 24 and 25, 1955. Much interest would be paid to the clinic approach. Daniel would ask of a witness, “[y]ou have heard the report of the New York Academy of Medicine released last Saturday in which they recommend clinical treatment, cheap drugs, and evidently the ambulatory treatment method. Have you read that report?” (666).

<sup>159</sup> *Ibid.* 765. Also see News Release of the Office of Attorney General Jacob K. Javits, “Handlings of Narcotics Addiction Needs Drastic Revision,” June 25, 1955, Box 82, PD Papers. Javits noted great interest in the Academy’s recommendation of the clinic approach but also acknowledged Anslinger’s criticism.

<sup>160</sup> *Ibid.* 767.

<sup>161</sup> *Ibid.* 680.

<sup>162</sup> *Ibid.* 771. Daniel would refer to Anslinger as “Dr. Anslinger” and he was not the only one to do so.

<sup>163</sup> *Ibid.* 701.

became central to the debate. The FBN estimated that 70 percent of those who sold drugs were addicts themselves, while the New York Academy of Medicine put the figure closer to 85 percent. No sensible discussion of narcotics policy could ignore the issue.<sup>164</sup> For the FBN, this figure indicated that addiction was a communicable disease, which quarantine and harsh sentences for selling could combat.<sup>165</sup> For the doctors, this figure meant that addicts were desperate to find money to sustain their habits; the clinic proposal would kill two birds with one stone by reducing the profits in selling narcotics and allowing them cheap access to the drug while they were being treated to prevent them from resorting to crime. Five witnesses testified before Daniel's sub-committee advocating for the clinical approach.<sup>166</sup>

Anslinger moved swiftly to combat their arguments. Characteristically, he opened his testimony by arguing that the clinic approach was “a proposal for the United States Government to sell poison at reduced prices to its citizens.”<sup>167</sup> He also noted that countries around the world were moving to outlaw narcotics—of course, it was he himself who had exported this punitive probationary approach at the United Nations. Secondly, he noted that earlier attempts of municipal narcotics clinics had failed in the 1920s. Yet he refrained from mentioning that these clinics bore little resemblance to those proposed by the New York Academy of Medicine and that the federal government had shut those down as it shifted to more aggressive enforcement of the 1914 Harrison Narcotics Act and barred doctors from prescribing narcotics to patients.<sup>168</sup>

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<sup>164</sup> U.S. Congress, Senate Subcommittee On Improvements in the Federal Criminal Code, "Illicit Narcotics Traffic Hearings: Part 5," September, 19, 20, and 21, 1955, 1321.

<sup>165</sup> Anslinger and Tompkins, *The Traffic in Narcotics*, “Many user-peddlers are peddlers because of lack of funds to satisfy their habit. These are dangerous, especially because of their tendency to seek out others to use drugs” (288).

<sup>166</sup> Charles Grutzner, "NARCOTICS SUPPLY ASKED FOR USERS: CLINIC DISPENSING DRUGS AT LOW COST OR FREE URGED AT SENATE HEARING HERE GOVERNOR IS SKEPTICAL RECALLS 'DISASTROUS FAILURE' OF SIMILAR PLAN IN 1919-20 --FAVORS TIGHTER LAWS," New York Times (1923-Current File), Sep 20, 1955, <https://search.proquest.com/docview/113233849?accountid=15172>.

<sup>167</sup> *Ibid.* 1431.

<sup>168</sup> See David. T. Courtwright. "A Century of American Narcotic Policy," in *Treating Drug Problems: Volume 2: Commissioned Papers on Historical Institutional, and Economic Contexts of Drug Treatment*, Washington, DC:

Anslinger finally argued that the clinical plan would “increase [addiction] threefold because the addict spreads addiction,” although he provided neither research nor data to support that figure.<sup>169</sup> Senator Daniel found this fear of spreading addiction through the clinics to be compelling, even though Anslinger assumed that the dynamics of the narcotics trade would remain constant despite the presence of the clinics.

A real debate over the future of federal narcotics policy occurred at Daniel’s New York City hearings. Anslinger had been put on the defensive by a new group of expert witnesses who argued for the clinic approach. *TIME* reported that the clinic proposal “split the experts—doctors and law enforcers—right down the middle. After the hearings they were farther apart than ever before. About all they had been able to agree on were the basic facts.”<sup>170</sup> Given its mission of determining suitable legislation, Daniel’s subcommittee had a genuine opportunity to challenge Anslinger’s punitive approach. But the political optics of the clinic approach—as Anslinger had so clearly demonstrated with his fiery rhetoric—made it difficult for a Texas Senator to give it serious consideration.<sup>171</sup>

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National Academies Press (1992). Courtwright notes that “There were altogether 35 of these municipal “narcotic clinics,” so named because they sold morphine cheaply to their registered patients. A few also sold cocaine or heroin. What is sometimes misunderstood about these clinics is that they were not homogeneous, that their methods of operation varied. Some were geared toward indefinite maintenance, others toward detoxification through gradual withdrawal. Some were run for profit, others merely to break even. Some were models of efficient administration, others fly-by-night operations.” Furthermore, “all were eventually closed by the federal government, most within a year of opening their doors. Treasury Department officials, determined to eliminate both licit and illicit sources of narcotics for addicts, viewed the clinics as dangerous precedents and potential obstacles to the rigorous enforcement of the Harrison Act, as recently interpreted by the Supreme Court.” Courtwright speculates that “[i]f the narcotic clinics had not been closed back in 1919-1920, if medical discretion and supervision had been permitted within the context of detoxification-or-maintenance programs, and if this approach had been widely emulated, then incalculable suffering, crime, and death could have been averted.”

<sup>169</sup> Ibid. 1441.

<sup>170</sup> “Narcotic Dilemma,” *TIME Magazine* 66 (14), October 3, 1955, 63, <http://search.ebscohost.com/login.aspx?direct=true&db=aph&AN=54182069&site=ehost-live&scope=site>.

<sup>171</sup> Throughout its history, Texas has favored tough “law and order” solutions. For a history of how Texas’ approach to corrections has influenced national policy, see Robert Parkinson, *Texas Tough: The Rise of America’s Prison Empire*, New York City: Henry Holt and Company (2010). Although Parkinson does not focus on Daniel and narcotics, Texas’ traditional preference for absolutist punitive approaches to punishment clearly influenced his

Beyond attempting to elucidate a solution for the nationwide narcotics problem, Daniel's subcommittee served a manifestly political purpose. As Kefauver had demonstrated with his strong showing in the 1952 Democratic Primary, chairing sensational hearings was a surefire way for a senator to raise his profile.<sup>172</sup> And Anslinger's bureaucratic success highlighted how fears of narcotics could be effectively wielded to garner political support. Daniel clearly intended to use his narcotics probe to raise his profile across his home state, given that he held hearings in Austin, Dallas, Fort Worth, Houston, and San Antonio.<sup>173</sup> Texas was significantly overrepresented at these hearings, with Daniel holding ten days of open hearings in its largest cities. This was no coincidence.<sup>174</sup>

It was an open secret that Daniel hoped to be governor of Texas. Therefore, he intended to position himself as a crusader against narcotics at the hearings held in his state. The journalist Carl Freund's article "Daniel Probe may Launch His Candidacy," infuriated Daniel so much that he wrote a letter to Freund denying that political calculations factored into his performance at the Texas hearings.<sup>175</sup> Such denials were hardly convincing. Additionally, Daniel's office worked with state press to ensure that the already-anticipated hearings were televised in order to generate as much publicity as possible.<sup>176</sup> Citing Daniel's hearings, the *Radio/Television Daily* noted that

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subcommittee. From the PD Papers, various letters from constituents confirm that Daniel's black and white approach was well-received.

<sup>172</sup> And Daniel's hearings, in both Texas and across the country, were sensational. See Letter from Tom Devlin to Price Daniel, December 19, 1955, Box 82, PD Papers. Tom Devlin, a reporter for the *Los Angeles Examiner*, noted to Daniel that "Ordinarily Senate subcommittees are cut-and-dried, affairs, but not yours." He elaborated that "[w]hen you put the peddlers, users and hookers on the stand and busted the situation wide open at Temple and Figueroa streets, ten minutes' walk from your hearing in the Federal Court House, I knew that neither you nor you subcommittee were ordinary. That's why the *Los Angeles Examiner* gave you subcommittee the coverage it deserved."

<sup>173</sup> U.S. Congress, Senate Subcommittee On Improvements in the Federal Criminal Code, "Illicit Narcotics Traffic Hearings: Part 7," October 12, 13, 14, 17, 18, 19, 20, 21 and December 14, 15, 1955, 1321.

<sup>174</sup> Daniel's hearings received heavy press coverage by local Texas media. See Box 150, PD Papers.

<sup>175</sup> Letter from Price Daniel to Carl Freund, October 28, 1955, Box 83, PD Papers.

<sup>176</sup> Letter from Paul E. Tart to Price Daniel, October 27, 1955 and Letter from Price Daniel to Paul E. Tart, October 29, 1955, Box 83, PD Papers. Taft wrote Daniel to thank him "for the privilege of telecasting [his] Hearings from Houston last week" and noted that "[w]e have received a great deal of comment and all of it has been good." Daniel

“the conduct in Texas is evidence that broadcasters, when invited, will give government full measure of public service.”<sup>177</sup> Furthermore, FBN agents feared that because of Daniel’s “desires to be the next Governor of the State of Texas,” he would exaggerate the magnitude of the narcotics issue in San Antonio at the hearings, which risked placing the “Bureau in an embarrassing position.”<sup>178</sup> Daniel exaggerated the crisis to magnify the potential impact of his crusade, even though such exaggeration would make the FBN’s current enforcement look ineffective.<sup>179</sup>

In the summer of 1955, Daniel was acutely aware that a crusade against narcotics could make for effective campaign material in his race for governor next year. Departing from the China focus of previous hearings, Daniel instead emphasized the narcotics traffic from Mexico, an issue that touched on racial tensions in Texas.<sup>180</sup> Furthermore, Daniel largely condemned the clinic approach, allowing for less debate than in the New York hearings. As one San Antonio lawyer noted, “[w]hen Daniel did not receive the answer he wanted the witness to give, he provided the answer for him.”<sup>181</sup> Daniel’s annotations of critical appraisals of the FBN’s

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replied that he “[hoped] you have received as many favorable comments as we have as a result” and noted that ““you rendered a public service not only to our committee but to law enforcement officers and the people who will make the decisions as to whether we lick the drug traffick in this country.” Also see letter from Albert D. Johnson to Price Daniel, October 20, 1955. In the letter, Johnson notes that “the terrific amount of interest in the hearings makes it of utmost importance for us to give full coverage to the hearing here on December 14.” Regarding the success of Daniel’s hearings in California, see Letter from Robert H. Nolan to Price Daniel, January 19, 1956, Box 83, PD Papers. Nolan noted to Daniel that “California is still buzzing over the fine impression you made out here.”

<sup>177</sup> “Impressions... of the passing scene,” *Radio/Television Daily* 72 No. 21, November 1, 1955, Box 83, PD Papers.

<sup>178</sup> Letter from B.J. Hazur, Narcotic Agent, to Ernest Gentry, District Supervisor, June 8, 1955, Box 182, PD Papers.

<sup>179</sup> Daniel, though aligned with Anslinger and a supporter of the FBN, was not an unconditional ally. Political appearances were of great importance to him. See Letter from Roy Hofheinz to Price Daniel, September 15, 1955, Box 83, PD Papers. The FBN’s behavior in Texas came under fire from figures like the Mayor of Houston, and Daniel did not want to antagonize Texas politicians.

<sup>180</sup> Race was an “elephant in the room” in much of Daniel’s actions during the probe. See for example Letter from Paul Siebenmann to Price Daniel, September 30, 1955, Box 82, PD Papers. Siebenmann invited Daniel to an interracial Christians Citizens’ Institute meeting to discuss narcotics, noting to the segregationist senator that it was “interracial because nothing is being done among negro people of San Antonio to combat alcoholism, and because alcohol and narcotics are such problems among large Latin American segment of population.”

<sup>181</sup> “Top of the News,” *San-Antonio Express-News*, December, 23, 1955, Box 83, PD Papers.

approach corroborate that he was not interested in hearing alternatives.<sup>182</sup> From the very beginning Daniel conferenced with Anslinger to plan the hearings. Furthermore, Wayland Lee Speer, special investigator for the subcommittee, had worked for the FBN for 18 years prior to his appointment.<sup>183</sup> Daniel's approach at the hearings, though not effective at actually obtaining effective solutions to the narcotics approach, proved to be very fruitful in building his reputation both in Texas and in Congress.<sup>184</sup> Daniel's constituents were fired up about the problem of narcotics use, particularly among teenagers, and Daniel stood out as a champion against the apparent epidemic, an epidemic which the state, through the media, had amplified.

Ultimately, Daniel's subcommittee endorsed the punitive sentences favored by Anslinger and the FBN.<sup>185</sup> In its preliminary report, the subcommittee called for an increase in mandatory

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<sup>182</sup> Daniel possessed a copy of the lawyer Rufus King's *Yale Law Journal* article "The Narcotics Bureau and the Harrison Act: Jailing the Healers and the Sick." King was one of the foremost advocates against the punitive approach, yet Daniel largely ignored his arguments and was frequently critical of him. See Rufus King, "The Narcotics Bureau and the Harrison Act: Jailing the Healers and the Sick," *Yale Law Journal* 62 No 5, April, 1953, Box 82, PD Papers. Rufus King notes that the addict "isn't a criminal" (737). Daniel underlined this and annotated the question, "dope fiend?" He also noted in his annotations that King "alleges bad faith too much" (741). Daniel's remarks regarding King in 1958 are likewise telling of his attitude. See Letter from Price Daniel to M.L. Harney, October 2, 1958, Box 83 PD Papers and Letter from M.L. Harney to Price Daniel, September 29, 1958, Box 83, PD Papers. Harney noted that "facts and logic will never convince anyone like Mr. King. We can expect him to go on and on. It is considered goo ethical advertising for an otherwise obscure lawyer, perhaps. Daniel responds "[possibly] we should have let [King] go further out on the limb before sawing it off."

<sup>183</sup> Harry Anslinger and W. Lee Speer, "Report of Conference with Senator Price Daniel," May 18, 1955, Box 83, PD Papers and U.S. Congress, Senate Subcommittee On Improvements in the Federal Criminal Code, "Illicit Narcotics Traffic Hearings: Part 8," November 18, 1955, 3957.

<sup>184</sup> One article in *The Washington Post* drew great attention to Daniel in Congress. See Drew Pearson, "Sen. Daniel's Inquiry Into Narcotics Praised," *The Washington Post*, December 20, 1955, Box 82, PD Papers. This article circulated on Capitol Hill. See C. Aubrey Gasque, "Memorandum for Senator Daniel," December 22, 1955, Box 82 PD Papers. C. Aubrey Gasque, subcommittee counsel, noted to Daniel in a memo that "[i]ncidentally, everyone on Capitol Hill must have read the Pearson article, judging from the dozens of congratulatory telephone calls and individuals who have mentioned it to me."

<sup>185</sup> Alfred L. Tennyson, "Federal Narcotic Law Enforcement Policy in Relation to Drug Addiction," Address before the Division of Food, Drug and Cosmetic Law of the Section of Corporation, Banking and Business Law, American bar Association, August 24, 1959, Box 83, PD Papers. Alfred L. Tennyson, Chief Counsel of the FBN, was not wrong to remark in 1959 that "[t]he record of the Senate subcommittee hearings in 1955 shows that ample opportunity was given, for the full expressions of views and arguments, to opponents of the current policy of enforcement of the Federal narcotic laws." The opportunity was indeed given, but the FBN dominated the proceedings in a way that ensured that Congress would not listen.

minimum sentencing and the death penalty for those who sold heroin to minors.<sup>186</sup> Daniel garnered significant media attention for his support of the death penalty in this case, and many of his constituents praised his zeal on the issue. The cartoon below illustrates how Daniel's reputation as a "law and order" senator profited from his narcotics probe and call for the death penalty. It also illustrates the seductively simplistic logic that was used to justify the punitive approach.<sup>187</sup> Borrowing heavily from Anslinger, the committee concluded that "[s]ubversion through drug addiction is an established aim of Communist China."<sup>188</sup> It also called for



enhancing the enforcement capabilities of law enforcement, including a wiretapping provision that came under fire by advocates for civil liberties. Daniel's subcommittee sided with Anslinger in dismissing the clinic approach, concluding that "we believe the thought of permanently maintaining drug addiction with 'sustaining' doses of narcotic drugs to the addict to be utterly repugnant to the moral principles inherent in our laws and the character of our

people."<sup>189</sup> The "contagious" nature of drug addiction was also of central concern. Just as it had

<sup>186</sup> U.S. Congress, Senate Judiciary Committee, "The Illicit Narcotics Traffic: Summary of Preliminary Findings and recommendations of the Subcommittee on Improvements in the Federal Criminal Code," report No. 1440, 84th Congress 2d Session, January 16, 1956, 6-7.

<sup>187</sup> Attached cartoon, *San Antonio Express*, May 2, 1956, 4A, Memo to George Christian, 4A May 14, 1956, Box 182, PD Papers.

<sup>188</sup> *Ibid.* 4.

<sup>189</sup> U.S. Congress, Senate, Senate Judiciary Committee, "Treatment and Rehabilitation of Narcotic Addicts: Findings and Recommendations of the Subcommittee on Improvements in the Federal Criminal Code," Report No. 1850, 84th Congress 2d Session, April 25, 1956.

in the 1920s, the federal government had killed the clinic system. And the harsher mandatory minimums proposed by the subcommittee meant that small-time dealers, such as Zaragoza, desperate to fund their own personal addiction, would face long sentences even for selling small amounts of narcotics. Moral absolutism triumphed as a moral panic raged.

## **VI. “Remember the Alamo’ Kind of Mad” to “A Hotter War on Dope”:**

### **The 1956 Narcotic Control Act**

With the recommendation of Daniel’s subcommittee in the Senate, as well as Boggs’ Subcommittee of the House Ways and Means Committee, the stage was set for more punitive legislation that would further empower Anslinger and the FBN.<sup>190</sup> In pushing for this punitive legislation, as well as setting the stage for his candidacy for Texas Governor, Daniel’s office commenced a media blitzkrieg. Much of the media, with a few notable exceptions, proved willing to be Daniel’s mouthpiece. This interplay between a press eager to cover sensational material and public officials eager to provide such sensational material is crucial to understanding the Federal Government’s shift towards punitive narcotics enforcement in the 1950s. It helps explain the moral panic that occurred across Texas and the nation, culminating in the extraordinarily harsh sentencing contained in the 1956 Narcotic Control Act, often referred to as the Daniel Act. Even though Daniel only estimated there were around 60,000 addicts across the country, moral panic ensued.

During 1956, Daniel’s office worked with the media to arouse public outrage regarding the narcotics problem. Daniel, who launched his gubernatorial campaign in June, knew that the

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<sup>190</sup> Representative Hale Boggs would come to a similar conclusion in the House as Daniel did in the Senate regarding the clinic system. See U.S. Congress, House Committee on Ways and Means, "Illicit Traffic in Narcotics, Barbiturates and Amphetamines in the United States: Report from the Subcommittee on Narcotics," 84th Congress, 2d session, May 10, 1956.

Narcotic Control Act represented a major victory of his tenure in the Senate that he could campaign on. When the legislation passed on July 9, it represented a signature, hard-hitting piece of legislation for his campaign to advertise. The conservative Texan could point to the death penalty provision in the legislation to gin up support; the clinic approach simply did not possess the same political appeal. Thus, his office spent much of the first half of 1956 not only pushing for the legislation but also working to widely publicize his efforts across Texas and the nation. A memo to Daniel on January 20th noted that “it would be appropriate to have the many favorable remarks which your colleagues made about you when the narcotics bill was introduced mimeographed or reproduced in some manner and distributed to appropriate individuals and organizations throughout the state.”<sup>191</sup> By “[distributing] these remarks to various dailies and weeklies in the state,” Daniel laid the groundwork for a key campaign point.<sup>192</sup> Coverage of his subcommittee’s findings in the *New York Daily News* in January and February of 1956 further bolstered Daniel’s national visibility and reputation.<sup>193</sup> The *New York Daily News* had the largest circulation in the country and, as one letter to Daniel noted, “[t]he paper is read by all classes of people. That’s why it is so important.”<sup>194</sup>

Daniel’s subcommittee and staff, like Anslinger, waged war against any piece of media that did not conform with their approach to narcotics enforcement. Regarding a January 31 *Washington Post* satirical article, “Shot With Morphine, He Viewed Red Skelton,” Speer wrote to Daniel in an office memo that the article was a “good example of completely irresponsible

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<sup>191</sup> Memo to Senator Daniel, January 20, 1956, Box 83, PD Papers.

<sup>192</sup> Ibid.

<sup>193</sup> “Senators Demand Death Penalty for Peddlers of Heroin,” *New York Daily News* January 10, 1956, Box 83 PD Papers. This article prominently featured a photo of Senator Daniel. Also see “A Hotter War on Dope,” *New York Daily News*, February 7, 1956, Box 82, PD Papers.

<sup>194</sup> Letter from George J. Burger to Price Daniel, January 10, 1956, Box 83, PD Papers.

writing. I fail to detect any humour in such dangerous statements.”<sup>195</sup> Similar to Anslinger, Daniel’s subcommittee viewed any portrayal that even slightly downplayed the risks of narcotics use, even if accurate, as being “irresponsible.” Speer corresponded with Anslinger regarding the film, *The Man with the Golden Arm*, which depicted drug addiction in a manner that absolutely enraged Anslinger.<sup>196</sup> The two men seemed to share not only the same perspective on policy but also a puritanical code of social decorum and culture. The men concluded that the film was “a hodgepodge of dissolute sex, gambling, shoplifting and sadistic cruelty, the narcotic theme being interjected with an eye on the possible box office. There is nothing absolutely nothing [sic] constructive in the picture.”<sup>197</sup> They found the film to be “dangerous for impressionable young people,” and objected to Frankie Machine’s (Frank Sinatra) recovery from drug addiction.<sup>198</sup> Rather than depict a recovery, “a true ending would show the vacillating addict either permanently confined or destroying himself.”<sup>199</sup> This view of addiction requiring permanent confinement illustrates why the clinic approach failed to gain traction in Daniel’s subcommittee. Anslinger worked hard to censor the film, which departed from the Hollywood policy of not depicting narcotics addiction, a policy which Anslinger had strongly pushed for.<sup>200</sup> Daniel himself refused to endorse the film. When asked by a theater manager in Fort Worth to do so, he refused because he believed that “this is the type of document that every man, woman, and

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<sup>195</sup> Wayland Lee Speer, Office Memorandum To Price Daniel, January 31, 1956, Box 83, PD Papers.

<sup>196</sup> McWilliams, *The Protectors*, 102. McWilliams notes that Anslinger “vociferously objected to the depiction of an addict driven to suicide even though the user conquered the habit and the story had a happy ending” (102).

<sup>197</sup> Harry Anslinger and Wayland Lee Speer, “The Man with the Golden Arm,” January 13, 1956, Box 83 PD Papers.

<sup>198</sup> Ibid.

<sup>199</sup> Ibid.

<sup>200</sup> Anslinger and Tompkins, *The Traffic in Narcotics*, 215. Anslinger notes that “[f]ortunately for the welfare of our country, the Motion Picture Producers Association of America has a provision in their code governing the industry to the effect that its members cannot produce films showing the narcotic traffic or drug addiction in any form” (215).

teenager should see for their education and enlightenment.”<sup>201</sup> Anslinger and Speer polemicized against a film that some viewed as material that would stem drug addiction. Nor was *The Man with the Golden Arm* the only film that Speer and the FBN politically and culturally attacked.<sup>202</sup> This condemnation of alternative narratives of depiction further highlights how Daniel and his FBN-affiliated subcommittee aligned with Anslinger throughout their hearings and worked to control the narrative.

Daniel’s most important media effort in 1956 took the form of circulating the 15-minute radio tape “Narcotics Traffic U.S.A.” and the 28-minute film “Dope Traffic U.S.A.” across the state of Texas. In the radio broadcast, Daniel described narcotics in hyperbolic terms as “the most dangerous social cancer within our society,” arguing that addiction “is indeed murder on the installment plan.”<sup>203</sup> He called for a “vigorous crusade to stamp out illegal dope smuggling and peddling.”<sup>204</sup> On the TV broadcast, Daniel described narcotics as “the world’s most vicious racket” and cited a conspiracy from “Red China” as well as concerns “about the smuggling of marihuana and heroin from Mexico.”<sup>205</sup> He reported that “Chinese heroin filtered across the nation, creating new addicts wherever it went.”<sup>206</sup> The film noted that “[d]rug addiction is contagious. Addicts spread the habit to their families, their friends and associates. Many times it’s no accident.”<sup>207</sup> These short tapes ostensibly summarized the findings of Daniel’s subcommittee and served as a public service announcement regarding the narcotics epidemic.

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<sup>201</sup> Western Union Telegram from Ray Jones to Price Daniel, January 27, 1956, Box 83, PD Papers. Western Union Telegram from Price Daniel to Ray Jones, February 1, 1956, Box 83 PD Papers.

<sup>202</sup> G.W. Cunningham and Wayland L. Speer, “T-V Film on Narcotics—Guild Films Company, Inc,” May 25, 1955, Box 83 PD Papers. Regarding the film “Confidential File,” Speer and Cunningham concluded that “this film is replete with misinformation, is a menace to narcotic enforcement, and would certainly be dangerous to show to youthful viewers and even to other groups” (2).

<sup>203</sup> Transcript of “Narcotics Traffic U.S.A.” Box 82, PD Papers.

<sup>204</sup> Ibid.

<sup>205</sup> Transcript of “Dope Traffic U.S.A.” Box 82, PD Papers.

<sup>206</sup> Ibid.

<sup>207</sup> Ibid.

Yet both effusively praised the work of Daniel. In his telegrams to 67 radio stations and 39 TV stations across his home state, Daniel made sure to assert that “[m]aterial is entirely nonpolitical.”<sup>208</sup> Yet it was no coincidence that Daniel hoped to air these tapes across Texas in the first two weeks of June, just as he was launching his gubernatorial campaign. Most stations were glad to comply, offering him free publicity in preparation for what would be a contested primary. *KWBU* in Corpus Christi thanked Daniel and noted that “this station is anxious at all times to cooperate with every government agency in presenting facts to our public.”<sup>209</sup> These “facts” were carefully crafted to generate support for Daniel and Anslinger’s approach. Only one radio station declined Daniel’s request. *KCRS* in Midland noted in a wire to Daniel that “due to the political campaign feel we can’t play it on non-commercial basis.”<sup>210</sup> The federal tax dollars allocated to Daniel’s subcommittee were being used to produce a sensational film that paved the way for Daniel’s gubernatorial campaign.

Daniel’s radio and TV broadcasts indeed stirred up great anger in Texas regarding the issue of narcotics. His office was inundated with letters from angry constituents who wrote to him after viewing the broadcasts thanking him for his hard work against the scourge. Some even noted that his hard work on narcotics had changed their views of Daniel. The radio and TV stations who broadcasted the tapes reported similar experiences with their viewers. Highlighting the scale of the outrage, *KEYS RADIO’S* show, “Pulse Survey,” asked listeners over the first two weeks of June to sign on to a “letter to [Daniel] urging that [he] continue [his] admirable fight to stamp out the vicious narcotic traffic.”<sup>211</sup> On a show with roughly 80,000 daily listeners, 510

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<sup>208</sup> Western Union Telegram Template, Price Daniel to Texas TV Stations, Box 83, PD Papers.

<sup>209</sup> Letter from Harry H. Hayes to Price Daniel, June 1, 1956, Box 83, PD Papers.

<sup>210</sup> Western Union Telegram, Wall Jackson to Price Daniel, June 6, 1956, Box 83, PD Papers.

<sup>211</sup> Letter from Allan Dale to Price Daniel, June 14, 1956, Box 83 PD Papers. The letter also praised the work of Daniel’s subcommittee.

signed on to the letter. In the letter to Daniel, Allan Dale of *KEYS* noted that “[t]he people whose names appear on this letter are “Remember the Alamo” kind of mad and as a Native Texas [sic] you know what that means.”<sup>212</sup> This atmosphere of anger helps explain why Daniel’s bill garnered support throughout Congress, despite some protestations.

One such sticking point was over the wiretapping provision in Daniel’s bill, a provision that Daniel eventually dropped due to mounting criticism from civil liberties advocates. Daniel, however, maintained support for the provision. The prospect of delaying legislation that represented a major win for his gubernatorial campaign to advertise was not appealing. One correspondence with two of his constituents was telling. Helen and Robert Jung noted to Daniel that “Wire tapping is, at best, the sneak tactic of a totalitarian state or the back alley method of the private detective.... The belief that the ends justify the means is the root and core of the Communistic system.”<sup>213</sup> In response, Daniel reported that “[r]ealizing that the opposition to the wire-interception would delay passage of the entire beneficial legislation, I agreed to accept an amendment which eliminated this provision from the bill and substituted a section which makes it a criminal offense to use the telephone to engage in the illicit narcotics traffic.”<sup>214</sup> Further elaborating, he wrote that “I am still of the opinion... that the wire-interception provision would be beneficial to efforts to eliminate the illicit traffic.”<sup>215</sup> Political calculations partially explain his hesitancy for any “delay,” and the belief that “the ends justify the means” was fundamental to the punitive approach.<sup>216</sup> In circumstances of panic and outrage, any sentence, no matter how

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<sup>212</sup> Ibid.

<sup>213</sup> Letter from Robert W. Jung and Helen H. Jung to Price Daniel, May 29, 1956, Box 70, PD Papers.

<sup>214</sup> Letter from Price Daniel to Robert W. Jung and Helen H. Jung, June 2, 1956, Box 70, PD Papers.

<sup>215</sup> Ibid.

<sup>216</sup> Also see Waite, “Price Daniel: Texas Attorney General, Governor, and Senator,” 184. Waite is more charitable to Daniel, noting that “[p]ublicly, Daniel wavered on his intentions through March, 1956. He announced that his pending narcotics legislation necessitated a delay in making the final decision. Daniel claimed that his choice depended on the “best interests” of Texas voters” (184).

harsh, could be justified. As Daniel noted on May 31, “the Senator from New York urges us not to raise penalties, but to place our major emphasis on a treatment and rehabilitation program. I say to the Senator from New York: ‘You do not ‘treat and rehabilitate a drug peddler.’”<sup>217</sup> Of course, given the broader fears over Communism and youth delinquency, most of Daniel’s colleagues willingly joined the crusade against narcotics spearheaded by the FBN.

On July 9, the Narcotic Control Act passed, drastically raising penalties above the level established by the Boggs Act. The provision for the death penalty at jury discretion, championed by Daniel, won the senator much coverage. Anslinger, too, won praise for his role in the crusade, as *U.S. News and World Report* named him a person of the week following the passage of Daniel’s legislation. Regarding the death penalty provision, Anslinger remarked that “I’d like to throw the switch myself on drug peddlers who sell their poison to minors.”<sup>218</sup> Anslinger had reason to celebrate; the federal government had come in with an aggressive law-enforcement-oriented intervention. The punitive approach had won the day as a result of moral panic. The FBN, though not indefinitely, was able to survive mounting criticism.

Daniel, too, had reason to celebrate. In the 1956 Texas gubernatorial primary, he triumphed in a contested race against his more liberal intraparty rival Ralph Yarborough, who managed to force a runoff on August 25.<sup>219</sup> During his campaign, he could point to the Narcotic

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<sup>217</sup> “Speech by Senator Price Daniel of Texas in The United States Senate,” May 31, 1956, Box 82, PD Papers.

<sup>218</sup> “People of the Week,” *U.S. News & World Report*, July 20, 1956., Reel 20, Box 8, File 11, HA Papers.

<sup>219</sup> Historical accounts of the primary are somewhat sparse. Waite and Patrick Cox provide the most thorough accounts. See Waite, “Price Daniel: Texas Attorney General, Governor, and Senator,” 185-205. Waite briefly examines the role of Daniel’s fight against Narcotics in the election. Waite writes that “Daniel claimed that his stance on narcotics had resulted in organized crime elements opposing his election. Although he offered no evidence to support this claim, Daniel charged that underworld figures were pumping money into the race” (188). Also see Patrick L. Cox, *Ralph W. Yarborough, the People's Senator*, Austin: University of Texas Press, ProQuest Ebook Central, 126-137. Cox traces the election and notes that it was very contentious. Finally, see Randolph B. Campbell, *Gone to Texas : A History of the Lone Star State*. Cary: Oxford University Press, 2003, ProQuest Ebook Central, 426 and Benjamin Marquez, *Democratizing Texas Politics: Race, Identity, and Mexican American Empowerment, 1945-2002*, Austin: University of Texas Press, 52-53. These brief accounts of the election focus on Daniel’s more conservative politics and Yarborough’s more liberal approach.

Control Act as a major legislative victory during his tenure in the Senate. On July 11, Daniel's campaign proudly reported in a press release a telegram from Anslinger that noted:

THE BUREAU OF NARCOTICS EXTENDS ITS HEARTIEST CONGRATULATIONS TO YOU AND YOUR COMMITTEE ON THE TRIUMPHANT CULMINATION OF YOUR SEDULOUS AND TENACIOUS ATTACK ON THE NARCOTIC MENACE. THE PROMPT PASSAGE OF THE NARCOTICS CONTROL ACT OF 1956 GIVES US OUR GREATEST SINGLE WEAPON TO COMBAT THE VICIOUS TRAFFICERS AND SUPPRESS THE ABUSE OF NARCOTICS DRUGS [sic].<sup>220</sup>

Both Anslinger and Daniel had profited from the probe. Anslinger secured the harsher sentences he had so desperately craved throughout the decade, and Daniel secured a major legislative win for his tenure in the Senate. Of course, Daniel truly was appalled narcotics use, as was every expert who attempted to address the problem during the decade. Yet one cannot help but believe that some of his myopia regarding alternatives to the punitive approach was driven by political calculations.

## VII. Conclusion

In 1958, Anslinger wrote to Daniel proudly reflecting that “[h]oodlums throughout this country are wary of the sharp teeth of the Daniel-Boggs Act.”<sup>221</sup> He further rejoiced that “[a]lso under this legislation, Gilbert M. Zaragoza in Los Angeles was sentenced to a life term for selling heroin to 17 year olds.”<sup>222</sup> This was the immediate legacy of Anslinger's push for a harsher federal narcotics policy in the 1950s. Yet the significance of this period goes far beyond the suffering of tragic individuals such as Zaragoza.

With a media eager for sensational headlines concerning teenage addiction stemming from “Red China's” heroin and key congressional allies like Senator Daniel, the FBN possessed

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<sup>220</sup> Price Daniel for Governor Headquarters, Press Release, July 11, 1956, Box 182, PD Papers.

<sup>221</sup> Letter from Harry Anslinger to Price Daniel, August 19, 1958, Box 83 PD Papers.

<sup>222</sup> Ibid.

an unprecedented ability to significantly alter both public opinion and the nation's legislative agenda; the line between the executive and legislative branches had blurred in post-New Deal America, with administrative agencies using their institutional cachet to suppress alternative narratives. The FBN, emblematic of the burgeoning administrative state, was able to discredit dissenting organizations and individuals such as the New York Academy of Medicine. Even as this Anslinger-centered complex came under fire, it was able to exploit and exaggerate fears of teenage addiction to secure its preferred punitive legislation. The double game Anslinger played—stirring fears of teenage addiction while simultaneously downplaying its scope to lobby for the efficacy of his agency's anti-narcotics enforcement—highlights the seemingly paradoxical dynamics that guided his agency. Importantly for this study, the magnitude of these fears dwarfed the actual scope of addiction across the country, but the FBN provided a simplistic way to assuage raw concerns over youth delinquency and Communism in a rapidly evolving country. It spoke to a deeply ingrained fear of the corruption of white youth, an anxiety that long predated Daniel or Anslinger and continues to endure long after their deaths. Complementing these domestic fears, narcotics control came to be seen as a key tool of foreign policy, a role it continues to play today.

The contours of the present-day debate over the proper approach to drug enforcement had been thoroughly sketched in the 1950s. Scholars who focus merely on absolute numbers of incarcerated individuals when tracing the expansion of the war on drugs risk missing the reality that the underlying dynamics developed in the 1950s. The rhetoric surrounding narcotics in the 1950s far outpaced the absolute numbers of arrests and convictions. This re-periodization suggests that the impulse for a punitive incarceration approach towards narcotics addicts predated the infrastructure necessary for mass incarceration. The absolute punitive sentences

avored by Anslinger and Daniel represented an opportunity for the burgeoning state to project an aura of control in a country that perceived itself as experiencing rapid social change, especially with regard to family structure, youth independence and rebellion, and incipient urban racial integration. Baffling and discomfiting teenage behaviors were conflated with drug use and drug culture, and more ominously, cultural authorities and politicians conjured the specter that minority drug users were a threat to white teenagers. The epistemology of narcotics developed in this decade proved remarkably enduring. Indeed, if Daniel and the country had truly listened to critics during his narcotics probe, one cannot help but wonder whether things may have turned out differently for figures like Zaragoza and the many other nameless individuals who were incarcerated for nonviolent drug offenses in the 20th and 21st centuries.<sup>223</sup> Yet moral absolutism was more profitable politically than a more nuanced approach, more expedient than the extended work of public health and social reform, and thus the federal government doubled down on the punitive approach as a disproportionate panic over narcotics use raged across the country.

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<sup>223</sup> In 2017, 1,489,363 Americans were incarcerated in federal or state prisons, with drug offenses representing roughly 50 and 15% of those convictions respectively. See “Prisoners in 2017,” U.S. Department of Justice: *Bureau of Justice Statistics*, April, 2019. Such a figure dwarfs the incarceration numbers of 1980, when “just” 329,122 Americans were imprisoned in federal or state prisons. See “Prisoners in 1980,” U.S. Department of Justice: *Bureau of Justice Statistics*, May, 1981. A continued belief in the merits of long mandatory sentencing—a belief clearly present in the 1950s—helps explain this drastic increase.

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