

## BLOWING SMOKE: AN EVALUATION OF MARIJUANA ERADICATION IN KENTUCKY

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### INTRODUCTION

The purpose of this article is to explore and evaluate Kentucky's attempts to alleviate its ever-expanding marijuana problem. This evaluation is qualitative in nature, since for the most part, little quantitative data exists about Kentucky's marijuana problem beyond official arrest and offense statistics.<sup>1</sup> Unfortunately, the great majority of federal drug research monies have focused on enforcement strategies, with little going to develop baseline statistics and information. This has resulted in a situation whereby vast amounts of rhetoric and resources are expended on a problem about which we know very little. Subsequently, this analysis will use the numerous descriptive governmental and other investigative reports to attempt to better determine the nature of the problem, the effectiveness of current strategies designed to deal with the problem, and other possible solutions which should be considered in the war against marijuana and other drugs in Kentucky.

Marijuana has become Kentucky's primary drug problem. Considering all four categories of illicit drug activity, (use, cultivation, production and distribution) marijuana is easily the most widespread illegal drug in Kentucky. The Kentucky Justice Cabinet (1989) reports that the plant is being cultivated in 111 of the State's 120 counties, and that in many of Kentucky's rural counties, it is the largest cash crop and in many others, it ranks second only to tobacco. Federal estimates indicate that Kentucky, since 1982, has consistently been among the top five marijuana producing states (Kentucky Justice Cabinet, 1989), and recent estimates suggest that Kentucky is

the second largest marijuana-producing state in the nation (Drug Enforcement Strategy Committee, 1987).

The majority of Kentucky's marijuana cultivation occurs in its Appalachian region. The region is mountainous and inaccessible, which makes cultivation and distribution activities difficult to detect. There are thousands of acres of public forest land and numerous uninhabited farms which are ideal for growing marijuana. Furthermore, the area has a long tradition of crime and violence dating back to the days of feuds and moonshining (see Maurer, 1974; Richardson, 1986; Gazaway, 1969; Ireland, 1977; Mutzenberg, 1917). It appears that a number of moonshiners and descendents of moonshiners now cultivate marijuana (Kelly, 1989; Kentucky Crime Commission, 1988:11-12; Drug Enforcement Strategy Committee, 1987:11-12).

This region is also one of the most impoverished areas in the nation with high rates of poverty, unemployment, and illiteracy, which makes it susceptible to illicit enterprises. Clay County, which was recently highlighted for its violence and drug activities in a *USA Today* front page story, typifies the Appalachian, marijuana-producing counties (Kelly, 1989). It has an unemployment rate of 25 percent (the national rate is 5.6%); the per capita income is \$7,233 (compared to \$15,481 nationwide); one-half of the population lives on fixed incomes from unemployment insurance, social security or disability pensions; and over 50 percent of the population are high school dropouts (almost double the national average).

In terms of criminality, as an example, 13 men were recently indicted in Clay County for vote buying and the Commonwealth's Attorney was recently quoted, "Everybody carries a gun. Everybody threatens everybody ... Clay County has a reputation of being bloody and bad" (Kelly, 1989). One of the County's marijuana growers was recently quoted in a national newspaper article, "Tobacco is a waste of time. I can sell two pot plants and make as much as a crop of tobacco" (Kelly, 1989). The same article quoted the Clay County Sheriff as stating that 40 percent of the County's residents grew marijuana.

To summarize, the region is rife with the social and economic conditions which are conducive to criminality, and numerous citizens have naturally adapted to the situation by cultivating marijuana. It is a prime example of how cultures adapt to changes in the environment. With its long-standing history of crime and violence, no one

should be surprised that the Appalachian region of Kentucky is now one of the leading marijuana-producing areas.

### *The Marijuana Eradication Program*

In 1981, the Drug Enforcement Administration launched a pilot project in seven states to evaluate the efficacy of marijuana eradication programs. In 1982, federal funds were made available for large-scale marijuana eradication programs in 25 states. The purpose of the federal funding was to eradicate marijuana by compensating the state for the hours law enforcement officers engaged in marijuana eradication programs. It was recognized that most states did not have the resources to implement an intensive, long-term eradication program. What has developed from this initial pilot project is a marijuana eradication effort that includes air interdiction, joint state and federal task forces, joint military operations with National Guard units, the use of asset seizure and forfeiture statutes, as well as more traditional drug enforcement efforts (Drug Enforcement Strategy Committee, 1987; Johnson, 1989).

In 1982, Kentucky began its involvement in the marijuana eradication effort with \$60,000 in federal funding. State police used the funds to find and destroy marijuana crops. Prior to the inception of the federal funding, Kentucky's response to marijuana cultivation had been entirely reactive rather than proactive. The 1982 eradication program in Kentucky involved locating marijuana fields, manually cutting the plants, and burning them on the site. This process is used because Kentucky rejected the use of the herbicide Paraquat (which had been adopted for use by Florida) due to health concerns involving the herbicide and the potential impact on Kentucky's other agricultural enterprises (Johnson, 1988).

As a result of the 1982 eradication program, the Kentucky State Police (KSP) seized and destroyed 319,221 plants in 214 separate plots which resulted in 83 arrests. Only two of the other 25 states involved in the program eradicated more marijuana; Hawaii, which destroyed 516,660 plants, and Georgia, which eradicated 374,132 plants. The number of plants eradicated in the 1982 program changed perceptions about marijuana control in Kentucky. The federal government acknowledged that Kentucky was a major marijuana-producing state, with marijuana being cultivated for export to

other states. Federal policymakers then looked at Kentucky's marijuana cultivation as a national issue and not as a state or local issue.

As a result of the federal recognition of Kentucky's importance as a marijuana producer, federal support for eradication was enhanced. Federal funds continued and increased, as did the addition of logistical support from the Drug Enforcement Administration (DEA) for the program. In 1983, the eradication program netted 177,850 plants in 520 plots, which resulted in 163 arrests. By 1984 federal support for the eradication program had increased to \$150,000. In 1984, 300,798 plants were eradicated in 623 different plots, located in 97 of Kentucky's 120 counties. In 1984 there were 243 arrests attendant to the eradication program.

In 1985, federal funding had reached \$170,000. The 1985 program resulted in the destruction of 305,907 plants, in 1,315 plots, resulting in 168 arrests. The 1985 eradication effort also highlighted two additional enforcement strategies in the eradication effort. For the first time, the Kentucky State Police seized property (a farm in rural Henry County) in an eradication case, and initiated forfeiture procedures. Second, "Operation Delta Nine" took effect. This was a coordinated effort to conduct simultaneous eradication raids across the country. The operation was designed to produce two results: first, to create a great deal of publicity about marijuana cultivation; and, second to test a system of federal-state coordination in marijuana eradication programs. In Kentucky, Operation Delta Nine resulted in the destruction of 26,668 plants in 68 separate plots, ranking Kentucky sixth in the nation in the one-day exercise.

Table 1

COMPARATIVE TOTALS FOR THE KENTUCKY  
MARIJUANA ERADICATION PROGRAM, 1982-1987

	1982	1983	1984	1985	1986	1987
Plants	319,221	177,850	300,758	305,907	1,185,887	478,529
Plots	214	520	623	1,315	1,529	2,529
Arrests	83	163	243	168	192	214
DEA Funds	\$60,000	60,000	150,000	170,000	194,000	228,000
Plants Per Plot	1,491	342	482	232	775*	189

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\* The 1986 numbers are skewed by the discovery of two plots, one in Lincoln County and one in Marion County containing approximately 660,000 plants. If those two plots are removed from the calculations the number of plants per plot is 280.

In 1986, two additional changes were made to Kentucky's eradication efforts. The first involved the use of aircraft surveillance. In the previous years' efforts, fixed-wing aircraft had been used by the Kentucky State Police to spot marijuana fields. However, program planners felt that fixed-wing aircraft were not sufficiently versatile for the eradication program. Therefore, they embarked on an effort to obtain the use of a helicopter for crop surveillance. The Kentucky State Police Narcotics Section entered into a lease agreement for a helicopter. The costs of the aerial surveillance program were met in two ways. First, the federal government increased its appropriation to \$194,000. Second, the amount of federal funding converted to police man-hours was cut in half to provide additional funds for aerial reconnaissance. In total, the KSP Aircraft Section flew 499.3 hours during the 1986 eradication effort. These flights resulted in the location and subsequent destruction of 703,000 plants (about 60% of the total) (Johnson, 1988:6-8).

In addition to the aerial surveillance program with the KSP's new helicopter, a second program was initiated in 1986 involving the Kentucky Army National Guard. This program, called "Operation Green/Gray Sweep," was an intensive two-day eradication effort involving the use of National Guard troops on the ground and national guard helicopters in the air. The Kentucky Army National Guard sent a helicopter to each of the 16 Kentucky State Police posts. The helicopters were staffed by two pilots and crew chief from the national guard, three Kentucky State Police Officers (one attached to the home KSP post from which the flight was originating), and one KSP Narcotics Officer who had been trained in airborne marijuana field detection. The helicopters flew over designated areas and, upon finding marijuana crops, directed ground troops from the national guard to the location (Drug Enforcement Strategy Committee, 1987; Johnson, 1988).

In addition to the 16 helicopters assigned to the KSP posts, the National Guard also dispatched two UH60 (Black Hawk) helicopters for use by special response teams. These two aircraft were manned by an eight-member KSP Special Response Team. The helicopters could quickly move the Special Response Teams to any location in which resistance from marijuana growers was experienced (Johnson, 1988).

Table 2

## "GREEN/GRAY SWEEP" COMPARATIVE TOTALS

	1986	1987
Plants Eradicated	27,119	45,780
Aircraft Hours	163	608
Plots	63	378
Counties Involved	26	60
Arrests	6	8
Plants Per Plot	430	121
Flight Hours Per Plot	2.5	1.6

The "Green/Gray Sweep" was conducted on October 6 and 7, 1986 (roughly toward the end of the marijuana harvest season), during which the National Guard aircraft flew a total of 163.7 hours.

The sweep found marijuana fields in 26 Kentucky counties and resulted in the eradication of 27,199 plants growing in 63 plots. Six people were arrested and warrants were issued for four additional individuals (Drug Enforcement Strategy Committee, 1987).

The 1986 eradication campaign also involved increased use of asset seizure and forfeiture strategies. Kentucky ranked second in the nation in assets seized (\$1,190,787) and forfeiture procedures initiated. In addition, the state ranked first in the number of plants eradicated and eighth in the total number of arrests (Drug Enforcement Strategy Committee, 1987).

By 1987, the total federal funding for the eradication program had increased to \$228,000. The 1987 program was similar in all respects to the 1986 program, with the additional funds going to increased use of rotary wing air support. Once again, the national guard participated in a "Green/Gray Sweep." This time the "Green/Gray Sweep" was conducted in four different geographic sectors of the state on different days and resulted in a significant increase in both the number of plants eradicated and the number of plots located.

## EVALUATING THE MARIJUANA ERADICATION EFFORT

No doubt one of the most vexing aspects of the drug problem is determining when strategies have been successful. When an interdiction program is conducted, or there is a campaign against street dealers, or a marijuana eradication program, how is its success evaluated? In theory, at least, a campaign directed at drug supplies should result in a reduction of supply, a consequent reduction in use because of the difficulty in obtaining the drug, and the creation of a deterrent effect against participating in the illicit enterprise. Of course, it is virtually impossible to measure any of these categories of "success" because of a lack of systematic data on drug supplies and usage patterns and because of a general lack of research on the drug market itself. Therefore, without adequate baseline data for comparison purposes, it becomes difficult, if not impossible, to declare any drug enforcement strategy a success or failure. In the case of Kentucky's marijuana eradication program, the numbers are impressive: 2,768,152 plants, worth somewhere between one-quarter and

one-half billion dollars, have been destroyed since 1982; 6,730 cultivated plots of marijuana have been destroyed; and 1,063 growers have been arrested. We can argue about the cost:benefit ratio of the eradication program, or the relative merits of increased law enforcement activity against marijuana, but such an argument occurs in a vacuum. Very little is really known about the topic. It is not known, for example, how much of Kentucky's marijuana crop is accounted for by these figures. Is it 10 percent of the crop as federal and state estimates allege? Is it much, much less as growers estimate? Or does it even matter? Is 10 percent a significant dent in the marijuana economy?

Because little or nothing is known about the illicit market and its operations, about the number of marijuana cultivators, about the ultimate markets for the drugs, or about the relative impact on profitability resulting from eradication, these debates become little more than pure conjecture. If more people being arrested, more plants being destroyed, and more law enforcement activity being initiated is perceived as positive, the program, within these contexts, is a success. The problem is that it is not known if these are significant indicators.

However, there are some things that are known. It is known, for example, that the drug business, like any other illicit industry, poses unique and special problems for law enforcement. It is known that drug networks, like other vice networks, are adaptable and remarkably resilient (Albini, 1971; Mastrofski & Potter, 1989; Reuter, 1983). What is known strongly suggests that rather than having a negative impact on the marijuana market, the marijuana enforcement program has merely reshaped that market, possibly making it more efficient and profitable than it previously was. This is not an unusual phenomenon. For example, the 1982 South Florida Task Force, headed by then-Vice-President George Bush, deployed over 370 federal agents and spent millions of dollars, only to cause the cost of cocaine in south Florida to decline, and its purity to increase (Wisotsky, 1986). A careful analysis of the Kentucky marijuana enforcement program suggests that the marijuana industry has already adapted to this enforcement strategy and that the program has had several consequences that have aggravated the drug problem in Kentucky.



## IMPACT ON THE ORGANIZATION OF DRUG TRAFFICKING

In a predominantly rural state, such as Kentucky, dealing with marijuana cultivation poses unique difficulties for law enforcement (Drug Enforcement Strategy Committee, 1987:4). Evidence from past eradication efforts indicates that field sizes vary widely, locations are scattered and often involve the traversing of rugged terrain, and growers have used a variety of security measures from armed guards, to dogs, to booby-traps (Wilson, 1988:8). But the marijuana eradication program has made the problem of enforcement even more difficult. Growers and processors have responded to the program in general, and to each revision in the eradication strategy, with the unique facility and ease always evidenced by criminal networks in the illicit market. Specifically, the marijuana eradication program has led directly to several major adjustments in the organization of crime:

(1) The Marijuana Eradication Program has stimulated smaller-scale production. The growers have responded to the eradication program by increasing the number of the plots of marijuana and reducing the size of each plot. The average size of a destroyed plot of marijuana has decreased from 1,491 plants in 1982 to 189 plants in 1987. Obviously, this makes detection much harder, particularly detection based on an airborne surveillance system. Smaller plots can also be hidden in even more remote and inaccessible areas. In addition, a variety of camouflage techniques, from simple use of partial tree cover to camouflage netting can be used to conceal the crop. In fact, there is considerable evidence that much marijuana production, particularly of high-grade plants, is moving indoors, using greenhouses and hydroponic operations (Kentucky Justice Cabinet, 1989:13).

(2) The Marijuana Eradication Program has resulted in crop dispersal throughout the entire Commonwealth. Concomitant with the smaller size plots is a grower strategy which spreads those plots across wider distances. As we have noted, marijuana cultivation has now spread to over 90 percent of the land area of Kentucky (Kentucky Justice Cabinet:11). Even more important is the fact that cultivation is moving off private lands onto public lands. One of Kentucky's greatest tourism attributes is a massive state and federal park system, including hundreds of thousands of acres in national

parcs, like the Daniel Boone National Forest and the Big South Fork recreational area. These public park lands contain the most isolated, least populated, and least accessible arable land in Kentucky. For long-time residents with native intelligence related to trails, waterways and other means of access, however, this inaccessibility is merely a minor inconvenience. In the growing of marijuana, that inconvenience provides a high level of security and protection from any kind of detection. In addition, of course, planting on remote public lands makes the identification of ownership of marijuana crops almost impossible, thereby reducing the risk of arrest to virtually zero.

(3) The Marijuana Eradication Program has led to a significant increase in the quality of Kentucky-cultivated marijuana. The marijuana growers have also responded to the eradication program by increasing the quality of their product. The simple fact is that marijuana, like many other crops, exhibits a wide diversity in the quality of the product depending on the quality of the seeds one starts with, the nature of the care given to the crop, and, of course, in the case of *sinsemilia*, the sexing of the plants. One of the most significant facts about Kentucky's marijuana crop is that since the beginning of the eradication program, it has been consistently increasing in potency. The National Narcotics Consumers Intelligence Committee estimate for the THC level of marijuana grown in the United States is 4 percent for common marijuana crops and 8 percent for *sinsemilia* (NNCIC, 1985-1986). In Kentucky, the average THC levels from tested samples have increased in the past six years to double the national average, with the home grown domestic variety testing at between 6-10 percent and Kentucky's *sinsemilia* crop testing at 14 percent (NNCIC, 1985-1986:13). The Louisville office of the DEA set the estimate for Kentucky even higher, at 18 percent, on August 4, 1989. This highlights one of the most important industry responses to the eradication program, the production of smaller plots of higher grade marijuana, which yield greater profits. This also has a major impact on the market in that Kentucky marijuana, due in no small measure to the attempts to eradicate it, has become one of the most highly sought after and valued of the domestically grown marijuana varieties, creating an ever larger and far more profitable export market for Kentucky marijuana.

A related phenomenon is that Kentucky is now exporting its marijuana expertise to other states. The DEA and the FBI report

significant involvement of Kentuckians in marijuana production in other states. They also report unprocessed marijuana being shipped back to Kentucky for processing and being sold as "Kentucky marijuana."

(4) The Marijuana Eradication Program has stimulated a system of false production which has artificially inflated the size of the total marijuana crop. A less important, but nonetheless interesting aspect of growers' and processors' reactions to enforcement efforts aimed at the marijuana crops has been the false planting of low-grade marijuana, called "ditchweed." Marijuana is, of course, a weed, and it is a weed with a long history in Kentucky of legitimate production during the heyday of the hemp industry. As such, it is relatively easy to till a field quickly, particularly a field which can be easily found and is readily accessible, sow some local, low-grade marijuana seeds, and forget about it. The crop will grow and produce plants, often to quite prodigious size, even if left unattended while the grower is "up the holler" tending his four or five small plots of high-grade sinsemilia. Growers have planted "false crops," particularly in Knox, Washington, Marion, and Owsley counties as a way of providing easy targets that will yield impressive numbers of plants during periods of high enforcement activity such as the Green/Gray Sweep (Herald, 1989). According to the growers, this strategy allows law enforcement agencies to claim "successes" in eradication while leaving the actual business of marijuana cultivation untouched.

(5) The campaign against marijuana has resulted in the creation of public support for the marijuana industry. No doubt an unintended result of the marijuana eradication program has been the creation of considerable public support for marijuana growers and processors, particularly in the marijuana belts. State police intelligence reports have indicated that public support for marijuana growers is particularly strong in Owsley, Clay, Leslie, and Knox counties (Johnson, 1988:18). In some areas of Kentucky the marijuana growers have such strong public support that local business people are reluctant to sell gasoline, food, and other supplies to marijuana eradication teams (Johnson, 1988:17). This is hardly surprising when one considers the economics of marijuana. The prime marijuana-growing areas are those of high poverty, high illiteracy, high unemployment and traditional isolation in Kentucky. They are also areas where the economy, both licit and illicit, is a simple cash economy, meaning that the infusion of money spreads itself to all

sectors of the community and is virtually impossible to trace. It is a postulate of the organized crime literature (see, Potter and Cox (1989) that where government has failed to deal with social problems, the illicit economy often steps in and lends a hand. This is clearly the case in the marijuana-producing areas of Kentucky. It is hard to argue with jobs, money, and the ability to accumulate disposal consumer income in areas where other social interventions have failed. In times past, the "moonshiners" of Kentucky played a major role in the state's illicit economy and enjoyed considerable public support. The modern day equivalent of the "moonshiner" is the marijuana grower (Herald, 1989:2; Maurer, 1974). Clay County marijuana cultivator J.C. Lawson is regarded as something of a local "Robin Hood," providing funds to repair the roof of a church and even providing rattlesnakes for use by local snake-handlers in their religious observations.

Closely tied to the issue of community support is the issue of public corruption. Kentucky has had an upsurge in drug-related corruption. Sheriffs, jailers, police officers, a former state police commissioner and other public officials have been implicated in an increasing number of drug-corruption and drug-protection activities since 1982. In one rural, eastern Kentucky county, the sheriff and presiding judge were convicted of supplying protection for drug traffickers. In the same case, a high-ranking state police officer was charged with corruption. In Clinton County, the federal courts ordered the state and local courts to give up jurisdiction over marijuana cases after a study revealed that 5 out of every 6 marijuana cases in that county resulted in dismissal or acquittal. Several former law enforcement officers in Lexington have also been implicated in drug trafficking, involving hundreds of pounds of cocaine, **and** the list of examples could include at least **a** dozen others.

(6) Law enforcement efforts against marijuana have resulted in the creation of organized crime groups. Perhaps the most troubling aspect of enforcement efforts against marijuana has been the creation of highly organized and efficient criminal organizations in the marijuana industry. It is an axiom of the literature on enforcement of victimless crime laws that enforcement is consistently directed in a highly selective manner at those who are least organized, least efficient, and least able to defend themselves (Schur, 1965). This results in the unintentional strengthening of criminal organizations which gain a larger share of the market because of selective

enforcement activities. Thus, they are able to recruit "independents" as a result of arrests. In the case of drug law enforcement, this impact is often amplified. Local efforts against drug traffickers are inevitably directed against lower-level, or at best, middle-level operatives. Most frequently it is the low-level street-dealer who is arrested and prosecuted by local and/or state and federal enforcement programs (Abadinsky, 1989:247-248). When such enforcement efforts are successful in terms of arresting significant numbers of individuals, a void is created at lower levels of distribution. This results in two inevitable consequences. First, it attracts new entrepreneurs to the drug market to fill that void. But second, and far more important, it insures that the better-organized crime networks are able to resist and survive law enforcement pressures. The more successful law enforcement efforts are, the more highly organized the groups that dominate the drug trade will become, and the greater their profits will be (Abadinsky, 1989:258).

The marijuana industry was a relatively unorganized, loose confederation of individual growers and small networks of processors. However, stepped-up enforcement has changed that considerably. State Police reports have indicated a higher and increasing level of organization among marijuana growers, resulting in "levels of sophistication that exceed present law enforcement resources" (Kentucky Justice Cabinet, 1989:11-13). In fact, Kentucky State Police intelligence reports indicate that in recent years what they refer to as a "marijuana cartel" has been formed in Kentucky which "combines cash, machinery, knowledge, and manpower to process and distribute multi-ton quantities of the drug to at least 12 other states in the nation" (Kentucky Justice Cabinet, 1989:13). A January 1988 Drug Enforcement Administration report characterized this cartel as "the largest organized marijuana operation in the United States" (Kentucky Justice Cabinet, 1989). Perhaps in an industry such as marijuana the eventual formation of a processing and marketing network was inevitable, particularly as more and more people began growing the crop and larger quantities had to be transported and distributed. Also, certainly in an industry where financing can be important for the inception of production, some level of organization will inevitably result. But, without doubt, the attempts to launch a massive enforcement campaign against that industry accelerated this process, requiring not only new means of growing marijuana, but

new levels of organization to insure the successful processing and export of the drug.

The creation of organized crime groups is one of the consequences of the marijuana enforcement effort. These groups are in business to maximize profits and, as such, they seldom confine themselves to a single illicit activity. The net result in Kentucky has been that very sophisticated and highly-organized groups have dealt not only in marijuana but in other substances on a massive scale. For example, the LeQuire drug trafficking network, which involved at least two dozen people in its top echelons, handled massive quantities of marijuana, cocaine, and quaaludes, helping to make Kentucky one of the major states for the transshipment of cocaine.<sup>2</sup> Another case involved an organized crime group run by "Butch" Spencer. In addition to distributing marijuana, he operated the largest methamphetamine laboratory ever found in the continental United States.<sup>3</sup> The net effect of "successful" enforcement is possibly to trade one drug "problem" for another, more complex problem.

(7) The marijuana enforcement program is expensive and diverts needed resources from more serious crime and social problems. We do not really know how much the marijuana eradication program costs. However, we can calculate the federal contribution at about \$850,000-900,000 over seven years. But that does not take into account unreported time from state police officers, and other state police resources diverted to the program. It also neglects the cost of National Guard participation in marijuana eradication efforts. Experience indicates clearly that increased resource allocation to drug enforcement programs does not lead to a successful outcome. For example, the \$1.7 billion federal anti-drug law passed in 1986 failed to translate into any reduction in drug supply. While drug seizures were up and arrests increased, no discernible impact on supply was reported (Johnson, 1987). In a similar vein, a 1983 report by the Comptroller General indicated clearly that while increased federal resources over the prior years had increased the amount of illegal drugs seized, at the retail level drugs were more available than ever. The street-level price had fallen and was continuing to fall, and the purity increased making the drugs even more desirable. Probably the most striking case on record of this effect was the so-called Rockefeller drug laws in New York state. In 1973 New York's drug laws were changed in yet another "war on drugs." Long, mandatory prison sentences were established and \$32 million was spent on enforce-

ment. By mid-1976, ample supplies of drugs were still available; there was no reduction in drug usage, and drug-related crimes, such as burglary, robbery and theft had undergone a marked increase (Association of the Bar of the City of New York, 1977). In Kentucky, the impact has been precisely the same. Levels of THC potency have risen to among the highest in the nation while the price of marijuana in Kentucky has dropped at least 41 percent (Drug Enforcement Strategy Committee, 1987:39) making the marijuana market a consumer's market.

So while no discernible impact can be noted on supply or availability, resources continue to be diverted to an enforcement strategy of questionable validity. A so-called strategy which diverts valuable resources from serious criminal problems and from more effective programs to deal with marijuana use (Zinberg & Robertson, 1972).

## FUTURE CONSIDERATIONS

The history of the Marijuana Eradication Program in Kentucky raises important questions about the future of drug control policies. While it is not possible to comprehensively address the many issues relating to effectiveness and efficiency in drug control in the context of this paper, some obvious considerations for future research and policy development should be noted.

First, the "marijuana problem" in Kentucky is only going to worsen. Clearly, federal, state and local efforts to contain marijuana cultivation are not succeeding, and in fact, they are quite probably strengthening the industry. Although the numbers of arrests, plants and plots destroyed, and assets seized continue to increase, these numbers are only the tip of the iceberg, and they largely represent law enforcement's ability to identify and apprehend the inexperienced or unorganized. Seldom are we successful in rooting out the highly-organized cartels. This, combined with a general policy retreat at all levels of government in the last ten years in dealing with problems of unemployment, education and economic opportunity, makes the continued growth of the marijuana industry in Kentucky not only inevitable, but a rational response to massive governmental neglect of real social problems. The fact is that in much of Kentucky, tobacco and marijuana are the only agricultural endeavors that can succeed considering the rugged topography of the land. Clearly,

marijuana is, and will be, Kentucky's major growth industry in the coming decade.

Second, the emphasis in Kentucky's drug control program on interventions against entrepreneurs at the bottom of the drug trafficking pyramid is inefficient and ineffective. Kentucky's drug control policy emphasizes the eradication program and a street sales program active in 29 counties (Kentucky Justice Cabinet, 1989:22). Neither of these programs attacks the illicit drug industry at any of its vulnerable points, particularly financing and corruption. In addition, the emphasis on removing low-level drug operatives simply creates more opportunities for wider involvement in the drug industry by others, strengthening drug organizations (or "cartels" as law enforcement agencies are now calling them in Kentucky), and removes inefficiency and sloth from the drug market.

Although there are exceptions (for example, the Lynn study<sup>4</sup>-Kleiman, 1984), virtually every evaluation study ever conducted of local efforts against drug trafficking has pointed to the futility of such an approach (Abadinsky, 1989; Comptroller General, 1983; Zinberg & Robertson, 1972; Johnson, 1987; Kleiman, 1985; Wines, 1988; Association of the Bar of the City of New York, 1977). At the same time, however, Kentucky has underfunded and neglected more promising policy departures for drug abuse prevention. For example, the Kentucky Drug Abuse Resistance Education Program (DARE) has so far trained only 156 officers in drug education in the entire state. DARE programs have been implemented in only 43 of Kentucky's 120 counties (Kentucky Justice Cabinet, 1989:20-21). Education programs receive less than \$250,000 in drug control funds (Kentucky Justice Cabinet, 1989). Treatment programs receive only a miniscule share of Kentucky's drug control budget. The Regional Jail Assessment/Treatment Programs, an inadequate response which screens incarcerated criminals for drug use, is budgeted at only \$334,000, while the street-level enforcement program and marijuana eradication programs are budgeted at over \$1 million each (Drug Enforcement Strategy Committee, 1987: 41, 46, 53).

If it is the intent of the Commonwealth of Kentucky to reduce drug use and production and to retard the economic importance of the marijuana industry, serious consideration should be given to alternative approaches to drug enforcement. At a minimum, research should be conducted to evaluate the following recommendations:



(1) Kentucky should cease a policy of proactive drug enforcement, particularly with regard to marijuana. Proactive programs probably do nothing to alleviate the problem and quite likely antagonize it. Local and state police agencies should adopt a public tranquility, problem-oriented policing approach to drug enforcement in which police agencies react to citizen complaints about community disruptions caused by specific drug-related activities (Police Executive Research Forum, 1989; Eck, 1989). For example, Seattle has established a community-oriented model for drug enforcement which involves local citizens in community groups and committees, which operate a drug hot line for citizen complaints. Not only is this a more efficient strategy, but it is one that would at least show some success in improving the quality of life. Proactive drug enforcement should be left to federal agencies that will at least attempt to target more significant drug entrepreneurs.

(2) If there must be proactive drug enforcement activity it should be directed at the most vulnerable points of the drug industry. Proactive enforcement should be directed at law enforcement and political corruption which makes drug trafficking and marijuana cultivation possible and easy in Kentucky. It should be evident that the conviction of one corrupt sheriff would have as much effect on illicit activities as the arrest of numerous low-level marijuana growers and dealers. In addition, proactive enforcement should seek to disrupt the market and the industry. As virtually every scholarly commentator on illicit markets has noted, this is best accomplished by attacking money laundering and financial service facilitators. Effective drug enforcement will make it more difficult to move and use the most important commodity in the drug market, money. Once again, it should not have to be pointed out that there is an almost infinite quantity of drugs out there, but there is a very finite amount of cash. The old Watergate maxim of "follow the money" is the only drug enforcement strategy with any hope of success.

(3) Finally, Kentucky would find it far more effective to allocate more funds to programs aimed at ameliorating the many social ills that make the Commonwealth so susceptible to illegal commerce. It is absurd to talk about a law enforcement approach to illicit entrepreneurship in a state that boasts one of the most woefully underfunded educational systems in the nation. It is tragic in 1989 to still have to point out to political leaders that schools will

have a far more profound effect on crime than a handful of arrests of low-level growers and dealers.

If we examine commonly used social indicators in the counties identified by the state police as being in the "Marijuana Belt" we see a compelling case for the diversion of resources to social programs. The poverty rate ranges from about 2 to 4 times the national average. Per capita income in Owsley County is only 35 percent of the national average, and it is at least 33 percent below the national average in every other county. The same general pattern is clear with regard to unemployment in these counties (Kentucky Economic Statistics, 1986). Add to all of this the fact that Kentucky ranks in the lowest 20th percentile in support for education, and a clear case for the kind of economic deprivation which breeds illicit commerce is complete.

## NOTES

1 This is particularly true in Kentucky. For example, the State's 1987 Statewide Drug Enforcement Strategy which was an application for grants under the State and Local Law Enforcement Assistance Act of 1986 contained numerous empty tables. It was noted that one of the primary problems with developing a statewide strategy was that no baseline data were available.

2 LaQuire's case was recently highlighted in a report to the Attorney General's Office by Kentucky's U.S. Attorneys. The report noted that the LeQuire group was responsible for smuggling 33 tons of cocaine into the southeast United States (DeFalaise & Whittle, 1989). The group was also involved in marijuana, methaqualone illegal weapons, and money laundering.

3 The case involved several states including Kentucky, Minnesota and Wisconsin. The group imported 275 gallons of the chemical P2P which is a principle ingredient in methamphetamines. The case also involved the murdering of a witness against the defendants.

4 Even though the Lynn study is hailed as a successful law enforcement effort, a number of critics argue that the results indicated only marginal success (Bamett, 1988; Bouza, 1988).

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