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Foreword

Jared Huffman

Not every member of Congress gets to wear a “screamer suit” when conducting site visits in their home districts—though maybe more should. My chance to get buckled into the strangely comfortable, sling-like harness came in August 2014 at the end of a long day witnessing the aftermath of a bust of a significant trespass marijuana growing operation. I was on French Creek in the Shasta-Trinity National Forest, in the Trinity Alps wilderness—one of the most remote corners of the district I represent in Congress, and more than 200 miles north of the San Francisco Bay Area. The day had started out with another unusual experience for a then first-term member of Congress: an early morning departure from Moffett Field aboard a Blackhawk helicopter that carried me those many miles north to a landing zone near the trespass grow, followed by a 2-mile bushwhacking “hike” down rugged, steep terrain.

I arrived a couple hours after the initial raid, as evidence was being gathered and an environmental assessment was getting underway. But even without a formal assessment you could see the damage that this relatively small trespass grow of a few thousand plants had inflicted. To feed an elaborate irrigation system, two springs had been tapped and completely diverted—dewatering small creeks that lead into protected rivers. Many trees had been leveled to open up the canopy so that the rows of marijuana plants could thrive in the warm California sun; fertilizer and rodenticide was spread all over the place. The “camp” was essentially a garbage dump that looked like well over a dozen people had lived there, though only three were seen running away when law enforcement arrived.

This operation was one of many that summer, each the result of a broad collaboration between interested parties, from the California National Guard, to law enforcement and fish and wildlife agencies at all levels, to scientists from UC Davis. In my district, these efforts have also operated in conjunction with the tribal officials and agencies who call the region home: in the case of the raid I witnessed
it was the Hoopa Valley Tribe who participated. The next year, Operation Yurok targeted multiple trespass marijuana sites in and around the Yurok Reservation.

Yet each of these successful operations still only addresses a small fraction of the larger problem. Although shutting down trespass grow sites in these coordinated raids can stop the harm, there aren’t dedicated funds to fully clean up and remediate the affected areas, meaning that wilderness, wildlife, and everything downstream continue to feel the effects. Just how devastating these sites can be is captured in the following data about what federal, state, and local authorities hauled out of only seven sites in Trinity and Humboldt Counties in one season:

- 8,188 pounds of fertilizer
- 104 pounds of rodenticide
- 560 gallons of insecticide
- 68 ounces of concentrated Carbofuran (reconstituting 60–70 gallons)
- 205 bags (50 gallons) of garbage
- 8.5 miles of irrigation line
The diversion and irrigation infrastructure installed at these sites is sophisticated, and they would be impressive engineering achievements if they weren’t drawing down scarce water and jeopardizing fish and wildlife, including the salmon and steelhead that have been painstakingly restored to these watersheds. In those seven sites alone, 67.5 million gallons of water were diverted per grow season. That comes to a little more than 200 acre-feet—the unit of measurement that professional water managers use to calculate the amount of water needed to cover an acre of ground to a depth of a foot—across just a few sites, making this very literally a drop in the bucket in the overall picture of illegal grow operations in California.

Although there is a range of estimates of how many plants are grown and harvested in trespass sites like these across the state, it is clear that law enforcement has only discovered a small fraction of these illegal grows that make public and private forests unsafe for working and recreation. Combined, these operations have resulted in threats to public safety, major illegal water diversions, the rampant use of toxic chemicals, the cutting down of trees, the poisoning of endangered wildlife, and the drying-up of streams and the fisheries they support, an accounting that is detailed throughout Where There’s Smoke.

This book’s focus on the complex environmental—and political—impact of illegal and trespass marijuana operations is reflected as well in my deep concern for this issue. I represent California’s second congressional district, which runs from the Golden Gate Bridge, just north of San Francisco, up the entire length of the state’s magnificent north coast. That means I represent the so-called Emerald Triangle of Mendocino, Humboldt, and Trinity Counties. This is a predominantly rural, heavily forested region that covers about 10,000 square miles in the northwest corner of the state. The Emerald Triangle since the 1960s has been at the center of our nation’s marijuana culture and the cannabis economy and is today the national epicenter of illegal marijuana trespass grows.

Like many of my constituents, I supported California’s recreational marijuana 2016 ballot measure, Proposition 64, which I am hopeful will begin to shift state policy away from this underground economy. Until that transition is complete, the black- and gray-market industry will continue to do tremendous environmental damage. That’s why I authored a bipartisan bill in early 2014 that directed the US Sentencing Commission to impose stiff penalties for people who cause environmental damage—whether clear-cutting trees, poisoning wildlife, or impairing watersheds—while cultivating marijuana on “trespass grows” on private timber or forestlands or on federal public lands. Despite bipartisan support in the House and Senate, the leadership of the House of Representatives did not take up the bill for consideration, so we had to take another path. Fortunately, we were able to
achieve our goals by working directly with the Sentencing Commission, which has now implemented new guidelines to increase the criminal penalties for trespass marijuana grow operations. Needless to say, it is already against the law to grow a controlled substance on federal property, but the Sentencing Commission concluded, in my view correctly, that these trespass operations deserve special attention, for they “interfere with the ability of others to safely access and use the area and also pose or risk a range of other harms, such as harms to the environment.”

Because the commission now counts these trespass damages as separate or aggravating offenses, we have been able to give law enforcement and the criminal justice system a new tool to crack down on these destructive activities. Local law enforcement in California is already using the new guidelines to train officers to prioritize and accurately identify threats to the environment. It is not a complete solution by any means—among other things, law enforcement has to catch the perpetrators in the first place, who are often just the front-line laborers and not those calling the shots—but it is a step in the right direction.

However, the way the PLANT Act story played out points to one of the biggest threats to western forests and watersheds: the US Congress, especially under its current management. Even though experts across the West, including those in this very book, have documented the effects of trespass grows on landowners, park visitors, and fish and wildlife, and although we received a generally positive reception to our PLANT Act, we could not get so much as a hearing in the House of Representatives because our bipartisan legislation did not fit the preferred political narrative. Identifying and addressing complicated environmental problems, or even suggesting that fish and downstream users are harmed when the creeks upstream are illegally dewatered, does not fit neatly into the partisan argument that water shortages in the western United States are the fault of the Endangered Species Act.

Will legalization of marijuana change the political dynamics and the on-the-ground consequences of illegal marijuana grows? On the one hand, I’ve never toured any illegal trespass farms of soybeans or corn, so my inclination is to say legalization will certainly help. On the other, we’ll need to move carefully, as suggested in the chapters in this volume on the successful legalization movements in Washington, Oregon, and Colorado. And my expectation is that legalization in California will be at least as complicated as in these bellwether states. There will be industry winners and losers in the transition, certainly, and we cannot just legalize marijuana and automatically expect to reap the environmental benefits.

Make no mistake, trespass marijuana farming is arguably the biggest environmental issue in my district and in many others across the country, bringing acute and watershed-specific impacts to water quality and quantity, jeopardizing important and rare plant and animal species, harming forest health, and endanger-
ing the general public and land managers. The more I have learned about these trespass grows’ impact—including from the helicopter as I flew over the Shasta-Trinity National Forest, and from the “screamer suit” as I was lifted out—the more convinced I have become that this is a problem that needs a robust public policy response.

As you read Where There’s Smoke you will understand the extent of my concern, and I hope you will also get a sense of what to watch for at the federal level in this new political era, as well as some of the positive steps we can take at state and local levels to address this growing problem.
Acknowledgments

This project has benefited most from the keen insights of, and occasional nudges from, Kim Hogeland at the University Press of Kansas. She had seen a piece I had written about marijuana’s impact on the national forests and other public lands and thought that the subject required a longer and more detailed exploration: this anthology is a direct outgrowth of her initial idea. Ever since, she has been a wise critic and supportive voice—an ideal editor!

Equally ideal have been the many contributors to this project. Their fields of study range across the academic disciplines and also include policy makers, law enforcement officers, and activists; their varied perspectives have given this volume an energy and timeliness it otherwise would not have had. This dynamic array of voices and concerns captured the imagination of the anonymous readers who vetted the book proposal and then the final manuscript. In the process, they offered some telling suggestions, making the whole a more compelling contribution to the close analysis of marijuana’s impact on the land and in politics. I am grateful to them all, gratitude that extends to artist Mike Flugennock and various organizations and entities who have given us permission to use images to illustrate the various chapters. As always, a shout-out to my remarkable colleagues at the Claremont Colleges Library and across the Claremont Consortium, who make this community such a stellar environment in which to teach, research, and write.
Introduction

The Sobreanes Fire, which blew up on July 22, 2016, was a monster. A wind-driven inferno, it roared across more than 70,000 acres of Garrapata State Park and the adjoining Los Padres National Forest on the Central Coast of California. Burning through redwood, pine, and chaparral, it killed one firefighter, destroyed dozens of homes, and forced the evacuation of more than 300 people living in remote canyons and rugged mountains. Among those fleeing for their lives were at least eleven men who had been managing an unknown number of trespass marijuana grows in rough backcountry. The county deputies who rescued these men could not arrest them because the fire had consumed the evidence; one crew of pot growers admitted that they had been tending 900 plants, with an estimated street value of $1 million. Neither firefighters nor law enforcement officers were surprised at the size of the operation or the number of people involved in its management. “We have them all over,” said Sergeant Kathy Palazzolo of the Monterey County Sheriff’s Department. They are located “all throughout the county, in the national forest, on private property, in riverbeds, we find them all over” (AP/CBS News 2016).

Beginning in late winter, these men—and those like them throughout the state and other major growing areas across the country—had hiked over isolated hills, up through ravines, and picked their way along boulder-strewn creek beds in search of relatively flat ground with access to even a thin trickle of water. Once they had selected a site, they would have dropped their bulky backpacks weighed down with tools, food, poison, plastic piping, and tents, and begun clearing the ground with hoes, shovels, and chainsaws. As they opened up the canopy, leaving just enough shade to camouflage their activities from aerial surveillance, they would have sprayed heavy amounts of herbicides to stop plants, shrubs, and trees from resprouting and to suppress invasive plants from gaining a toehold. Usually undocumented and toiling under the watchful eye of the drug cartels for whom
they are often forced to work, these laborers would have laid out waterlines, built check dams, and prepared the soil before planting row upon row of cannabis seeds. Within weeks, as the earth and air warmed, the marijuana would have grown quickly.

The drug cartels running these illegal grows have been targeting the US public lands generally, but their special target has been the Golden State’s 20 million acres of national forests. The cartels have targeted these forests, along with state, tribal, and county lands, in large part because they are often so remote. The combined impact that these illegal grows have had on these diverse terrains has been devastating, too. “Marijuana growing on public lands has been going on for 30-plus years, but they have just expanded dramatically,” Daryl Rush, a special agent in the Forest Service’s Law Enforcement and Investigations Unit, has pointed out. “Every forest is impacted, and the majority of our workload is on marijuana investigations on the forest” (Rush 2014).

The Los Padres National Forest has been among the most battered. In 2013 law enforcement teams discovered forty-seven trespass grows, uprooted 181,139 marijuana plants (the most in the state that year), and removed the following material:

- Infrastructure: 19,710 pounds
- Restricted poisons: 138 ounces
- Fertilizer: 4,595 pounds
- Common pesticides: 12 gallons
- Waterlines: 29,599 feet (5.6 miles)
- 20-pound propane bottles: 48
- 16-ounce propane bottles: 54
- Car batteries: 7
- Dams/reservoirs: 12

That same summer, strike forces were active in Southern California: in the Cleveland National Forest north and east of San Diego they eradicated nine grows, yielding 16,579 plants. In the Angeles National Forest, which includes most of the San Gabriel Mountains framing the northern skyline of Los Angeles, they spotted twenty-seven sites, blooming with a total of 76,400 plants. On twenty-one sites located in the San Bernardino Mountains, home to the eponymous national forest, they destroyed 114,095 plants. To the north, other hard-hit forests included the Sequoia (113,737 plants), Shasta-Trinity (158,261), Sierra (96,052), and Plumas (74,009).

The reality is much worse than the data suggests. Given the difficulty in detecting these illegal sites, hidden by foliage and accessible only by climbing up some of the nation’s most difficult terrain, law enforcement officers can make but
a small dent in growing operations statewide. Indeed, in 2012 the Forest Service reported that more than 83 percent of the 1,048,768 plants eradicated from the entire US National Forest system had been found in California, making it the national epicenter.

A stark reminder of that sobering reality, and its intractable nature, is captured in the daunting statistics that the California Department of Fish and Wildlife compiled in early August 2016 from the ninety-one missions its personnel conducted in the first seven months of that year (Nores 2016):

- 100 guns seized
- 453,000 marijuana plants eradicated
- 2,494 pounds of processed marijuana destroyed
- 87,185 pounds of grow-site trash/waste removed
- 260,640 feet (49 miles) of black irrigation water-diverting pipe pulled out
- 7,235 pounds of fertilizers removed
- 217 containers of pesticides removed
- 15 containers of banned toxic poisons removed as hazmat
- 68 dams and water diversions torn down and waterways restored

This mid-year data represented a 30 percent increase over August 2015 figures and was in good measure a result of the generous 2015–2016 winter rains that Northern California enjoyed after years of drought. Any effort to calculate the combined impact of the hazardous materials—all the canisters, boxes, bags, and bottles containing pesticides, herbicides, and rodenticides—must begin with this reflection: that Rachel Carson would be appalled by this wickedly toxic brew. In *Silent Spring* (1962), in language that is as lyrical as it is lacerating, she exposed the deleterious impact of toxins in watersheds and bloodstream. She wondered how it came to be that these lethal substances were sprayed, dusted, and dumped into nature, only to work their way inevitably, irrevocably through water, air, and food into flora and fauna, including humans. “Who has made the decision that sets in motion these chains of poisonings, this ever-widening wave of death that spreads out, like ripples when a pebble is dropped into a still pond?” (Carson 1962, 127).

Carson’s chilling question came with another, every bit as unsettling: “Who has decided—who has the right to decide—for the countless legions of people who were not consulted that the supreme value is a world without insects, even though it is also a sterile world ungraced by the curving wing of a bird in flight?” (ibid.).

A half-century later, Carson’s angered queries would be as blunt, knowing that for all the impact her book has had—and historians credit it with the banning of DDT in the United States and propelling such critical environmental legislation as the Clean Water Act into law—its dire warnings have not been fully heeded
Introduction

(Souder 2013). Consider, for instance, the startling degree to which rodenticides, or rat poisons, have penetrated Northern California’s biota. Marijuana growers are scattering rodenticide pellets by the shovelful around their clandestine plantations, laying it down like berms around the high-value cash crop itself, in thick lines parallel ing irrigation infrastructure, and, as if a stout fence, mounding it around the lean-tos, tents, and shacks where the “farmers” rest their weary heads.

Consider, too, the growers’ extensive use of Furadan and Metaphos. The former is an endrocrine disruptor and the latter is a cholinesterase inhibitor; each is highly toxic to insects, birds, and mammals (humans included) and for that reason the European Union and the United States have banned their use. But during a summer 2016 raid on a trespass grow in a state park located within the San Joaquin River watershed, a law enforcement team found ample evidence that growers had liberally deployed these toxins. Noting that these toxicants do not just kill “rodents, small game, and big game like bears, deer, [and] mountain lions,” one officer on the scene told reporters that “pretty much anything that ingests it or even breathes it can die” (KTVU 2016). So lethal are Furadan and Metaphos that even fish and other marine life are known to have died when these poisons have leaked into water sources.

Follow, then, the “elixirs of death,” as Carson (1962, 15) styled them. Animals drawn to the rough camps in search of food or water can consume any number of these super toxins or eat other animals that have done so. Because the drug cartels are using second-generation rodenticides—upgrades that manufacturers developed precisely because some species have become resistant to earlier versions of the poison—this new anticoagulant is so powerful that if ingested at high enough levels it can lead to death by bleeding out. So prevalent has rodenticide use become that wildlife biologists have launched scientific investigations of its pathway through various ecosystems. Recently, researchers have identified high concentrations of these toxicants in more than twenty-five species, including falcons, owls, raccoons, and bobcats, and such endangered species as the San Joaquin kit fox and the Pacific fisher: there is “no grey area when it comes to this aspect of illegal marijuana grows,” restoration experts have confirmed; “the wildlife is killed, plain and simple. Traps are set, deer, bear, and grey squirrels are poached, and mice are poisoned.” Based on the tools that have been collected and the carcasses that have been identified, “the growers are engaged in a war with the natural world for the resources they require to continue their production of marijuana” (Central Valley California HIDTA 2010). The critical biodiversity that is sustained in the Los Padres National Forest, among others, as well as tribal lands, state parks, and county open spaces, are becoming lethal to the wildlife that call these landscapes home.

This lethality is heightened by the tremendous amount of water that these illegal grows consume. A 2015 study centered in northwestern California of the
The impact of “dewatering” at the watershed scale, made possible by aerial imagery and field-based research, concluded that the drawdown has had profound implications. Some of the study areas located in “smaller headwater tributaries” indicated that “marijuana cultivation may be completely dewatering streams, and for the larger fish-bearing streams downslope, the flow diversions are substantial and likely contribute to accelerated summer intermittence and higher stream temperatures.” The larger implications of these intense demands for water in the Northern California region known as the Emerald Triangle are clear: “The existing level of marijuana cultivation in many northern California watersheds is unsustainable and is likely contributing to the decline of sensitive aquatic species in the region. Given the specter of climate change—which induced more severe and prolonged droughts and diminished summer stream flows in the region, continued diversions at a rate necessary to support the current scale of marijuana cultivation in northern California could be catastrophic for aquatic species” (Bauer et al. 2015, 20).

Less directly catastrophic perhaps, but no less real, are the threats that well-armed trespass growers pose to hikers and rangers. The number of weapons confiscated from the sites, including high-powered assault rifles, sawed-off shotguns, and semiautomatic pistols, along with anecdotes of gun-toting pot growers menacing hikers who stumble on the grows, has spiked in recent years. This dangerous situation is creating a chill factor, challenging rangers’ ability to patrol and protect. As one land manager observed: “Visitor safety is our number-one priority, but I worry about our rangers,” too, because on “99 percent of the grows I go into I find weapons” (quoted in Chapter 5 of this volume). One understandable strategy has been to limit people’s access to the great outdoors, yet that necessarily undercuts one of these lands’ key purposes: offering splendid recreational opportunities to millions of Americans each year.

That said, the important, if seemingly ad hoc, campaigns to root out illegal marijuana grows will not fully secure an increase in safety. There are simply too many illegal grows, and they are too difficult to locate, to ensure their complete eradication. Besides, the demand for marijuana and the cash to be made from it is so great that drug cartels have little incentive to alter their business model. It is unlikely that they will be deterred by the decision the US Sentencing Commission reached in 2014 to strengthen sentencing guidelines for those caught on these trespass grows; their charges may now include environmental damage, but those who pay the price for the despoliation are not those who profit the most from it.

To disrupt growers’ impact on watersheds, hillsides, and woodlands may require either a massive infusion of fiscal and human resources to combat this problem or a political solution like Alaska, California, Colorado, Maine, Massachusetts, Nevada, Oregon, and Washington, along with the District of Columbia, reached when they legalized recreational use of marijuana. One ramification of
their citizens’ decision in support of legalization could be the regeneration of their national forests and other public land that in the past contained numerous illegal marijuana sites. For some law enforcement officials, the question about legalization’s putative import may miss the point: “Whatever happens [with legalization],” one of them reported, “we’ve got a job to do. So legalization isn’t a question for us. You’re not allowed to grow corn or potatoes in national parks, so we would go after those grows too” (quoted in Chapter 5). Other officers, such as John Nores (see Chapter 6), are skeptical that legalization will alter the economics driving the drug cartels’ operations to such an extent that they will pack up and move out of California.

Other dimensions of marijuana’s impact on the land and in the political arena can be deciphered, and they serve as the framing devices for Where There’s Smoke: The Environmental Science, Public Policy, and Politics of Marijuana. This interdisciplinary anthology, the first of its kind, draws on the insights of scientists, researchers, and activists, and it ranges across the humanities, natural sciences, and social sciences to explore the troubling environmental consequences of illegal marijuana production on public, private, and tribal lands. This array of topics is essential as well to any examination of the related emergence of a robust and nationwide legalization movement for medical and recreational use of marijuana. Part One: Growing Problems consists of five chapters that in different ways assess a series of environmental, social, and scientific concerns emanating from trespass grows like those the Sobreanes Fire torched in 2016. Anthony Silvaggio opens the discussion by probing the hitherto unexamined environmental consequences of the longstanding federal prohibition of marijuana, notably its classification as a Schedule 1 drug, the most restrictive level with the highest level of criminal punishment; for comparison, cocaine and methamphetamine are classified under the less restrictive Schedule 2. As such, marijuana has been a central focus of the so-called War on Drugs that began in the Nixon administration and escalated during the Regan administration. Silvaggio details the shifts in federal drug policy, demonstrates the influence enforcement funds have had on interdiction campaigns and the criminal-justice system, and establishes (as do other contributors) that one of the war’s perverse outcomes has been to shift marijuana production from Mexico to the United States. To that end, Silvaggio is particularly interested in another unanticipated consequence of the federal government’s punitive approach to marijuana. “Prohibition exacerbates environmental harms,” he writes, by incentivizing “cannabis cultivators to set up environmentally damaging grow sites on public and private lands with little regard for the natural environment.” That being the case, Silvaggio predicts that “state legalization efforts will have far less influence in reining in the ecologically unsustainable practices of cannabis agriculture than will putting an end to federal prohibition.” It is too early to tell if his prediction will
come true, but there is no question that the ecological damage these illegal grows are generating is substantial or that the Nixonian War on Drugs played a formative role in these damages. Tabulating some of the costs are three interrelated chapters drawn from the collaborative research team comprising Mourad Gabriel, J. Mark Higley, Craig Thompson, and Greta Wengert. They assess the broad spectrum of effects on land and water, flora, and fauna with Rachel Carson–like focus on landscape-scale depredations. Noting that “the diversity, spatial extent, and cumulative effects of marijuana cultivation on public lands have the potential to be monumental and formidable,” and using the Pacific fisher as a marker of one such species that has borne the brunt of these effects, they locate these and other challenges as they are manifest on the Hoopa Reservation in Northern California. At stake is not just the health of the environment but also the millennia-long interactions among the tribe and the land and the resources that have long sustained them—physically and spiritually. Like the Hupa people, federal land managers are trying to figure out how to steward the resources under their care in a fraught context in which legal and illegal uses and users are interacting on the same landscape. To understand how some of these managers are responding to this tangled and often-dangerous state of affairs, Jeff Rose, Matthew T. J. Brownlee, and Kelly S. Bricker conducted a series of interviews with Bureau of Land Management and US Forest Service personnel about their experiences. Their interviewees offer a revealing perspective on inter- and intra-agency frustrations, the growing costs of eradication in terms of time and money, the concerns among federal employees that are magnified by knowing that the marijuana cartels outgun them in a literal and figurative sense, and the need to prevent resource degradation without access to all the tools or budget to do so. Illegal marijuana growing on public lands, many of the interviewees affirm, complicates an already very complicated job.

Adding complexity to these on-the-ground efforts is the thorny legal environment, which is the subject of Part Two: Downwind Consequences. It begins with John Nores Jr.’s eyewitness account of an interdiction he and his strike team from the California Department of Fish and Wildlife conducted in March 2012 near Morgan Hill in southern San Jose County. In addition to giving readers an up-close understanding of such an operation’s logistics, tactics, and anxieties, not least the important role that K9 recon scouts play in tracking and apprehending growers, Nores identifies a critical element of the agency’s mission. In addition to its traditional goals of “suspect apprehension and plant eradication” in 2012 the department added a third prong—“reclamation (the restoration of water quality and the rectification of environmental damages done throughout these cultivation sites),” an approach that other state and federal agencies have since adopted. What happens to the individuals that Nores and his colleagues arrest? Picking up that trail is Amos Irwin, whose chapter offers a focused reading of court records
and draws from a series of interviews with attorneys, law enforcement officials, and incarcerated growers. Case studies of two such men and their experiences with the US court system illuminate the larger processes at work and the pressures in play. The cartels employ undocumented individuals because their illegal status makes them more vulnerable (“Marijuana Cultivation on US Public Lands” 2011). Their vulnerability makes it easier to lure them into this difficult work on false pretenses—and then compel them to live on site for the entire growing season, cutting down on the chances that law enforcement will detect them and the trespass grows they manage (and not incidentally making it hard for those arrested to offer much useful information to the police). These and other revelations, Irwin argues, indicate that those running these illegal grows are reacting to the increased law-enforcement crackdown by changing up their approach and thereby exacerbating “the social, environmental, and economic consequences of marijuana production.” One of these ramifications is the spread of trespass grows into new areas. Although California and Oregon have long been at the heart of illegal production, beginning in the 1980s those southern states through which the Appalachians run have witnessed an uptick in illegal grows. Until the first decade of the twenty-first century, most of these were local operations; starting in 2007, law enforcement in Kentucky, Tennessee, Virginia, West Virginia, and North Carolina reported that they were apprehending Spanish-speaking laborers on trespass grows. Hawes Spencer and Char Miller examine this particular regional development, setting it within the wider context of the War on Drugs and establishing some of the implications this has had for the expansion of the clandestine industry, the hijacked labor essential to its operations, and the well-watered and remote high-country regions of the South.

It is not yet clear whether the legalization of marijuana will undercut the illegal industry that has grown up around the drug’s production and distribution, and thus whether it will lessen the environmental damage associated with trespass grows. Anthony Silvaggio, for one, doubts that there will be a direct correlation as long as marijuana remains classified as a Schedule 1 drug; Amos Irwin and some of his interlocutors are more optimistic. Testing that hypothesis requires baseline data, and in this case, that data comes from those political jurisdictions that have legalized marijuana—for medical and/or recreational use. Setting that background are the chapters in Part Three: Regional Varieties, which examine the oft-rocky paths to legalization that the states of Colorado and Oregon, as well as the District of Columbia, have pursued. Each of the histories narrated here depends on local political conditions. So argues Courtenay Daum about Colorado’s successful campaign and Anthony Johnson about Oregon’s—their advocates built their coalitions, and the rhetoric that their proponents employed, in response to their state’s distinct political cultures. The same was true of the District of
Columbia, note Karen August and Char Miller, for among the district’s unique characteristics that doubles as a distinct disadvantage is the unchecked congressional oversight of its affairs, small and large. As for California, which legalized recreational marijuana use in November 2016, Amanda Reiman observes that while its pathbreaking 1998 medical marijuana initiative set off a round of similar campaign—and for reasons peculiar to the Golden State—it took marijuana advocates there eighteen years to secure voter approval of a proposition legalizing recreational use. In 2010 Proposition 19 lost, 53.5 percent to 46.5 percent, but the much-better-funded Proposition 64 on the November 2016 ballot reversed those percentages. Yet as different as are these jurisdictional politics, and as complicated as their individual routes to success have been, their initiatives were similar in some important respects. Each had to run multiple campaigns before it persuaded enough voters to support legalization; each did so by launching initial efforts to legalize medical marijuana and then subsequently attempted to secure sanction for recreational use. Each benefited from a slow but steady evolution in local and national public opinion in support for legalization. This lengthy process has had considerable backing from national marijuana reform organizations, among them the aptly named NORML (National Organization for the Reform of Marijuana Laws) and the Marijuana Policy Project. These entities have helped fund the various campaigns, provided staff and legal support, and served as clearinghouses for legalization reformers across the country seeking advice on how best to craft legislative language and develop winning political tactics, an indispensable contribution. In the end, though, it was up to the homegrown movement to determine the timing of a campaign, set its agenda, and do the necessary legwork to achieve victory: as they detail these exact processes, these chapters offer textbook examples of democracy in action.

Embedded in the Democratic Party’s 2016 national platform is an example of how these homegrown state policies have come to define some national perspectives. Among the many planks that constitute this dense document is one devoted to the legalization of marijuana. The party’s plank argues that marijuana should be removed from the list of Schedule 1 federally controlled substances so that it might be more appropriately regulated; the Democratic Party also committed itself to supporting “policies that will allow more research to be done on marijuana, as well as reforming our laws to allow legal marijuana businesses to exist without uncertainty” (Democratic Party Platform 2016, 16). As part of its rejection of the War on Drugs, the platform also included language that recognized that “our current marijuana laws have had an unacceptable disparate impact, with arrest rates for marijuana possession among African-Americans far outstripping arrest rates among whites despite similar usage rates.” This link between the reforming of marijuana laws and the correcting of a social injustice was a key feature in the
successful legalization campaigns in Washington state (Initiative 502: 2012; Jensen and Roussell 2016) and the District of Columbia (Initiative 71: 2014). Their success led the Democratic National Committee to acknowledge that the most innovative and far-reaching policy changes were coming from the local level, not from inside the Beltway. “We believe that the states should be laboratories of democracy on the issue of marijuana, and those states that want to decriminalize marijuana should be able to do so” (Democratic Party Platform 2016, 16). In adopting a federalist position—states’ rights trumped federal law—the Democratic Party transformed cannabis, once reviled for its putative power to unleash “reefer madness” upon the nation, into a social good, a democratizing force.

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