If you have issues viewing or accessing this file contact us at NCJRS.gov.

104555

U.S. Department of Justice
National Institute of Justice

National Institute of Justice / CRIME FILE Study Guide

James K. Stewart, Director

NCJRS

OCT 6 1986

ACQUISITIONS

Drug Trafficking

by Mark Moore, Harvard University

The widespread use of drugs such as heroin, cocaine, and marijuana is commonly viewed as an important social problem. In the public mind, drugs are linked to three social problems.

Drugs and crime. Very large proportions of those arrested for street crimes such as robbery, burglary, and larceny are drug users. The addict's need for money to finance his habit and the mechanisms of addiction establish a link between drugs and crime. Insofar as drug use itself is illegal, society has linked drugs to crime directly. Any possession or use is, by definition, criminal conduct.

Drugs and social dependence. To many people, drug dependence in itself is a serious social problem. Persons who willfully drug themselves, particularly when they do this repeatedly, become social dependents. They have violated their obligation to remain sober and responsible by surrendering their judgment and their faculties to drugs.

A predictable set of consequences is commonly believed to flow from the compulsive use of drugs. These include early death, elevated morbidity, frequent unemployment, deep poverty, incapacity to meet responsibilities to spouses and children, and social isolation. Insofar as society accepts responsibility for meeting the health and economic needs of its citizens, drug users' inability to care for themselves and their dependents becomes a social problem.

Drugs as traps for children. A particularly troubling aspect of drug use is the notion that many children who would otherwise remain on a path toward responsible citizenship are deflected by drug use. Casual experimentation leads to more frequent use which, in turn, leads to reduced performance in school, tragic accidents, and reduced life chances.

Although this last image may be more a product of parental fears than of reality, some important facts lie behind it. Early drug use *is* correlated with more serious later drug use, with difficulties in schools, and with crime. One of the worst aspects of drug use may be its attraction to youths in urban ghettos, for it robs many of their chance for upward mobility. With that, some of the promise and justice of a democratic society is lost.

Moderator: James Q. Wilson, Collins Professor of Management, University of California, Los Angeles

Guests: Mark Kleiman, Harvard University
The Honorable John Lawn, Drug Enforcement Administration
Mark Moore, Harvard University

There is little agreement among law enforcement experts about how best to attack drug trafficking. Among the approaches available are eradication of foreign drug crops, interdiction at U.S. borders, and education programs designed to reduce demand. Another choice, increased enforcement efforts at the street level, is receiving renewed attention.

Perspectives on Drug Trafficking

It seems wrong—even evil—for drug traffickers to supply drugs to users, and it seems unjust that drug traffickers grow rich and powerful on their ill-gotten gains. These simple intuitions establish two quite different perspectives for looking at drug trafficking.

Drug trafficking as drug supply. From the perspective of drug control policy, the worst thing about drug traffickers is that they supply drugs. Too many drugs reach illicit users in the United States. The objective of drug trafficking policies should be to minimize the supply capacity of the distribution systems so that the smallest possible volume of drugs reaches users.

Drug trafficking as organized crime. Some criminal organizations engaged in drug trafficking grow rich and powerful. This situation, in turn, undermines citizens' confidence in their government. When drug trafficking is viewed as an organized crime problem, the objective of

control efforts is to arrest and punish rich traffickers and to prevent new groups from arising.

To a degree, these perspectives and objectives are congruent. A principal means for minimizing the flow of drugs to the United States is to immobilize major trafficking organizations. In some circumstances, however, these objectives diverge. Aggressive law enforcement efforts directed at marginal trafficking organizations might well reduce the overall supply of drugs to illicit markets. But these efforts, by eliminating marginal traffickers, may increase the wealth and power of the drug trafficking organizations that remain by allowing them to gain effective control over the market.

Alternative Approaches

Choices between approaches for dealing with drug trafficking will depend on which aspects of the trafficking problem are deemed most important and on the costs and efficacy of particular policies.

Legalization. The most radical approach to dealing with drug trafficking is to legalize the drugs. Legalization can mean many different things. At one extreme, it can mean complete elimination of any legal restrictions on the production, distribution, possession, or use of any drug. At the other extreme, it can mean allowing some limited uses of some particular drugs, producing the drugs only under government auspices, distributing them through tightly regulated distribution systems, and punishing with severe criminal penalties any production or use outside the authorized system.

The goal of legalizing drugs is to bring them under effective legal control. If it were legal to produce and distribute drugs, legitimate businessmen would enter the business. There would be less need for violence and corruption since the industry would have access to the courts. And, instead of absorbing tax dollars as targets of expensive enforcement efforts, the drug sellers might begin to pay taxes. So, legalization might well solve the organized crime aspects of the drug trafficking problem.

On average, drug use under legalization might not be as destructive to users and to society as under the current prohibition, because drugs would be less expensive, purer, and more conveniently available. However, by relaxing opposition to drug use, and by making drugs more freely available, legalization might fuel a significant increase in the level of drug use. It is not unreasonable to assume that the number of people who become chronic, intensive users would increase substantially. It is this risk, as well as a widespread perception that drug use is simply wrong, that militates against outright legalization.

An alternative is to choose a system more restrictive than outright legalization but one that still leaves room for legitimate uses of some drugs. Arguably, such a policy would produce some of the potential benefits of legalization without accelerating growth in the level of drug use. The difficulty is that wherever the boundary between the legitimate and illicit use of drugs is drawn, an illicit market will develop just outside the boundary. Indeed, the more restrictive the boundary, the larger and more controlled by "organized crime" the resulting black market.

The existing drug laws in the United States establish a regulatory rather than a prohibitionist regime. While most uses of heroin and marijuana are illegal, some research uses of these drugs are authorized under the current laws, and there is discussion of the possible use of these drugs for medical purposes such as the treatment of terminal cancer patients. Cocaine is legal for use as a local anesthetic by dentists. And barbiturates, amphetamines, and tranquilizers are legalized for a variety of medical purposes and distributed through licensed pharmacists and physicians.

That there are some legal uses of these drugs has not eliminated illicit trafficking. For marijuana, heroin, and cocaine, the restrictions are so sharp relative to the current demand for the drugs that virtually the entire distribution system remains illicit and depends on drug trafficking. For amphetamines, barbiturates, and tranquilizers, the restrictions are fewer, so a larger portion of the demand is met from legitimate illicit distribution. Distribution of these drugs takes the form of diversion from legitimate channels rather than wholly illicit production and distribution.

Source country crop control. A second approach to dealing with drug trafficking is to try to eliminate the raw materials that are used to produce the drugs. For heroin, cocaine, and marijuana, this means controlling opium, coca leaf, and marijuana crops in countries such as Turkey, Afghanistan, Thailand, Bolivia, Colombia, Peru, Mexico, and Jamaica. For marijuana, illicit domestic production is also important.

Efforts to control these foreign crops generally take one of two forms. Governments either try to induce farmers to stop producing the crops for illicit markets or attempt to destroy those crops that can be located. Sometimes the inducement takes the form of subsidies for growing other crops. Other times foreign crops are bought and burned before they reach illicit channels. Eradication may also be accomplished by airborne chemical spraying (which has the advantage of being controlled by a relatively small number of people, and the disadvantage of doing a great deal of collateral damage to legitimate crops), or by ground-level destruction of crops through cutting and digging (which has the disadvantage of relying on large numbers of people and of being quite visible well in advance of the operations).

In general, these efforts suffer from two major difficulties. First, there seems to be no shortage of locations where the crops may be grown. If Turkey stops growing opium poppies, Mexico, Afghanistan, and Southeast Asia can eventually take up the slack. If Colombia stops growing coca, Peru can replace it. If Mexico eliminated marijuana production, the hills of California would be even more densely filled with marijuana plants than they now are.

The second problem is that foreign governments cannot always be relied on to pursue crop control policies vigorously. Sometimes the difficulty is that the crops lie in parts of the country that are not under effective governmental control. Other times the problem is inefficiency or corruption in the agencies that are managing the programs. In the worst cases, the crops are sufficiently important to the domestic economy (or the personal well-being of high government officials) that the government prefers not to act at all.

This program brought to you by the National Institute of Justice, James K. Stewart, Director. The series produced through a grant to the Police Foundation.

When foreign governments are reluctant to cooperate, the United States Government must balance its interest in advancing its drug policy objectives against other foreign policy objectives. One particularly perplexing problem is posed by governments that are important to the United States as regional bulwarks against communist expansion and are also acquiescent in drug trafficking. The United States Government may feel required to overlook drug trafficking in order to maintain that government's anti-communist activities.

These observations do not imply that crop control policies can never be effective. In the early 1970's, more effective control of opium poppies in Turkey produced a 2- to 3-year reduction in the supply of heroin to the U.S. East Coast and an observable reduction in the rate at which new people were becoming addicted.

These observations do suggest, however, that crop control programs cannot be counted on as long-term solutions; they will take place sporadically and unpredictably. This suggests that an effective way to manage our crop control efforts is to position ourselves in foreign countries to notice and exploit opportunities when they arise but not to rely on this approach as our major initiative for controlling drug trafficking.

Interdiction. Interdiction efforts aimed at stopping illicit drugs at the border are appealing. First, the imagery is compelling. If we cannot rely on foreign countries to help us with our drug problem, we will do it ourselves by establishing defenses at the border.

Second, Government agencies have special powers to search at the border, which should make it easier to find illicit drugs. Forces of the U.S. Customs Agency and the U.S. Immigration and Naturalization Service inspect people and goods passing through official "ports of entry," and they patrol between "ports of entry," to ensure that no one can cross the border without facing inspection. The Coast Guard, the military, and civilian aviation authorities all have capabilities that allow the Government to detect who is crossing the border and to prevent illegal crossings.

There are, however, two problems with interdiction. One is the sheer size of the inspection task. More than 12,000 miles of international boundary must be patrolled. Over 420 billion tons of goods, and more than 270 million people, cross these boundaries each year, yet the quantities of drugs are small—a few hundred tons of marijuana and less than 20 tons of heroin or cocaine. Moreover, the heroin and cocaine arrive in lots of less than a hundred pounds.

That the volume of heroin and cocaine imported is much less than the volume of marijuana points to the second problem with interdiction. It is a strategy that is more successful with marijuana than with heroin or cocaine. Marijuana's bulkiness makes it more vulnerable to interdiction efforts.

This situation is unfortunate because, in the eyes of many, marijuana presents fewer problems than heroin and cocaine. Moreover, marijuana can be grown easily in the United States. If foreign supplies are kept out, the supply system can adjust by growing more marijuana domestically.

That seems to be what has happened. Current estimates indicate that interdiction efforts are successful in seizing about a third of the marijuana destined for the United States. Yet, except for a few local areas, the impact on the price and availability of the drug has been minimal. Worse, the current U.S.-grown marijuana is more potent than the imported marijuana.

High-level enforcement. A fourth attack on illicit trafficking is directed at the organizations responsible for producing, importing, and distributing drugs. The basic aim is to immobilize or destroy the trafficking networks.

In the past, enforcement agencies have tended to view this problem as "getting to Mr. Big"—the individual kingpin who, it was assumed, controlled an organization's capacity to distribute drugs. If that person could be arrested, prosecuted, and imprisoned, the network would fall apart.

More recently, the law enforcement community has become less certain that this strategy can succeed. Even when "Mr. Big" is in prison, he can continue to manage the distribution of drugs. Moreover, the organizations seem less dependent on single individuals than enforcement officials once assumed. Finally, the whole drug distribution system is less centralized than was once assumed. Relatively small and impermanent organizations—freelance entrepreneurs—supply a large proportion of illicit drugs.

To deal with this decentralization, enforcement aims have shifted from stopping individual dealers to destroying whole networks. Federal investigators have been granted special powers to seize drug dealers' assets, including boats, cars, planes, houses, bank accounts, and cash.

The main problem with attacking illicit trafficking organizations is that it is enormously expensive. Convincing evidence can be produced only through sustained efforts to recruit informants, establish electronic surveillance, and insinuate undercover agents. It is difficult for prosecutions to succeed because of the complexity of conspiracy laws and the particularly intrusive investigative methods that must be used to gather evidence.

Street-level enforcement. A fifth line of attack is to go after street-level dealing through the use of physical surveillance or "buy and bust" operations. In the recent past, this approach has been deemphasized. It seemed to have no impact on the overall supply because dealers who were arrested were jailed only intermittently and when they were, they were easily replaced. At best, drug dealing was driven off the street temporarily, or to a different street. Many hours were spent to produce small, transient results, and these operations seemed to invite abuses of authority and corruption. As a result, many police were removed from street-level enforcement.

Recently, police have renewed street-level enforcement efforts, but they have altered their objectives. To the extent that street-level enforcement increases the "hassle" associated with using drugs, it can make a contribution to the objective of reducing drug use. If drugs, already expensive, can be made inconvenient to purchase, some nonaddicted users may be persuaded to abandon drugs. More experienced users can benefit if treatment programs are available.

Street-level enforcement can contribute to other objectives. It can encourage criminally active drug users to reduce their consumption, or draw them into treatment programs. It can contribute to the objective of immobilizing major traffickers by identifying defendants who can provide information about major trafficking networks. Ultimately, it can contribute to the quality of life in neighborhoods by returning the streets to community control.

These rationales give street-level enforcement some plausibility. What gives it real force is that it seems to work. A small task force committed to street-level drug enforcement in Lynn, Massachusetts, cut robberies by 18 percent and burglaries by 37 percent while it was in operation. Operation Pressure Point, carried out on the Lower East Side of Manhattan, reduced robberies by 40 percent and burglaries by 27 percent.

There have also been some important failures. An operation in Lawrence, Massachusetts, modeled after the Lynn program, failed to produce any important effect on levels of crime or drug use in that community. The reasons seem to be that the effort was too small relative to the size of the opposing trafficking networks and that the effort was focused on cocaine rather than heroin. An operation in Philadelphia failed to produce anything other than angry citizens and a stern rebuke by the courts because it was carried out without any consultation with the community, and without any regard for evidentiary standards.

Subsequent discussions of these results among academics and practitioners have produced several guidelines for successful street-level enforcement. First, the scale of the enforcement effort should be in some sense proportionate to the effective size of the trafficking network. Second, police should carry out the operation after obtaining widespread community support, and with scrupulous attention to the niceties of search and seizure. Otherwise, the operation will lack the legitimacy necessary to sustain continued support. Third, it is important to complement the street-level enforcement effort with other investments, not only in the criminal justice system, but also in the treatment system. Otherwise the opportunities created by street-level enforcement will not be fully realized.

References

Grinspoon, Lester, and James B. Bakalar. 1985. *Cocaine: A Drug and its Social Evolution*. Revised Edition. New York: Basic Books.

Kaplan, John. 1983. *The Hardest Drug: Heroin and Public Policy*. Chicago: University of Chicago Press.

Kleiman, Mark A.R. 1986. "Bringing Back Street Level Heroin Enforcement." Program in Criminal Justice Policy and Management, Cambridge, Mass.: Harvard University, Kennedy School of Government.

Mills, James. 1986. *The Underground Empire*. New York: Doubleday.

Moore, Mark H. 1977. *Buy and Bust: The Effective Regulation of an Illicit Market in Heroin*. Lexington, Mass.: D.C. Heath.

Reuter, Peter, and Mark Kleiman. 1986. "Risks and Prices: An Economic Analysis of Drug Enforcement." In *Crime and Justice: An Annual Review of Research*, vol. 7, edited by Michael Tonry and Norval Morris. Chicago: University of Chicago Press.

Discussion Questions

1. Why should drug use be prohibited? Is it to reduce crime or to achieve a social welfare objective? Are the drug laws an appropriate use of the criminal sanction?

2. What should society's objective be in confronting drug trafficking? Should the primary objective be to minimize the supply of drugs, or to attack powerful criminal organizations, or something else?

3. What are the relative strengths and weaknesses of the four major drug trafficking policies: crop control, interdiction, high-level enforcement, street-level enforcement?

This study guide and the videotape, *Drug Trafficking*, is one of 32 in the Crime File series of 28½-minute programs on critical criminal justice issues. They are available in VHS and Beta formats for $17 and in ¾-inch format for $23 (plus postage and handling). For information on how to obtain *Drug Trafficking* and other Crime File videotapes, contact Crime File, National Institute of Justice/NCJRS, Box 6000, Rockville, MD 20850, or call 800–851–3420 or 301–251–5500.

The Assistant Attorney General, Office of Justice Programs, provides staff support to coordinate the activities of the following program Offices and Bureaus: National Institute of Justice, Bureau of Justice Statistics, Bureau of Justice Assistance, Office of Juvenile Justice and Delinquency Prevention, and Office for Victims of Crime.

☆U.S. GPO: 1988—195-750

NCJ 104555

U.S. Department of Justice
National Institute of Justice

Washington, D.C. 20531

Official Business
Penalty for Private Use $300

BULK RATE
POSTAGE & FEES PAID
DOJ/NIJ
Permit No. G-91