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9 Planning for marijuana

Development, governance and regional political economy

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Planning the future: Development, timber and marijuana

In a series of court decisions and legislative acts between 1965 and 1971, California came to require that every county and municipality produce a General Plan. The plan is intended to guide every decision about a county's spatial development (e.g. placement of roads, expansions of housing, disposition of natural resources). All land use regulations—the primary governmental power of localities—must operate according to this plan, making it a foundational document in the governance of California's 39 million residents and the 6th largest economy in the world. The state's supreme court labeled the General Plan a 'constitution for all future development' (*O'Loane v. Roark* 1965; cited in Hall 1976), suggesting that the plan's purpose was not only to project a vision of the locality's future, but to constitute itself in the present, to define the contours of its political body. Despite planners' hopes for a de-politicized, technocratic consensus about a locality's constitution and future, general planning is not without controversy—especially given the mandate for localities to undergo a General Plan Update (GPU) every ten years.

Humboldt County last agreed on a complete General Plan 33 years ago. The document's delay is symbolically telling—the county, having missed three GPU deadlines, has been unable to define itself or its future for decades. For counties with extractive economies, like Humboldt's timber economy, the General Plan's mandate to account for conservation, environmental justice and the regularization of nebulous land markets makes it controversial. This is especially so in Humboldt, where a robust environmental movement has developed over the past several decades. Faced with divergent visions of the relation between nature, labor, capital and government, it was no wonder the county struggled with a General Plan. As of this writing, an updated General Plan languishes. Yet the plan is ceaselessly in formation through hearings, workshops, drafts, lawsuits, administrative reports, op-eds, advocacy briefs and informal communications—a contentious future forming in the present.

Though excluded from the General Plan,¹ marijuana, Humboldt's other major natural resource beside timber, has figured centrally, if opaquely, into county development and governance. Marijuana has been a form of shadow development underlying Humboldt's formal developmental process—an unwritten plan undergirding the General Plan. This chapter explores marijuana's pivotal role in

defining Humboldt's extraction and post-extraction developmental regimes.² It does so by tracing marijuana's transformation from a prohibited substance to its new articulation as an object of civil regulation and formal development. This chapter argues that prohibition barred marijuana from formal county development, but nevertheless became critical to the political-economic maintenance of a timber-based developmental regime, particularly during timber's socioeconomically and ecologically treacherous decline. After timber's definitive crisis in 2007, marijuana became the central object around which post-extractive political-economic factions organized in their aim to articulate compelling visions for a now-uncertain future. Two visions predominated—one based on smart growth environmentalism and the other on the growth of rents and unproductive consumption. Timber, *rentier* capital and smart growth developmental visions related to marijuana in different ways. This chapter will argue that the demarcation of illegality from legality is a crucial element in defining all three of these developmental forms. Correlatively, development not only affects its formal, named objects, but (under)develops that which it defines itself against—the illegal.³

The chapter, which is based upon 19 months of fieldwork and numerous interviews of variously positioned informants across the legal/illegal spectrum, first situates this study within examinations of extraction-based regional political economies,⁴ attending to the uneven development of governing capacities in these regions. Then it traces the growth of Humboldt's timber developmental regime, its articulation with marijuana prohibition, and, following timber's industrial decline, the struggle that emerged among environmentalists and *rentier* capitalists to guide the development of marijuana and the county's broader political economy.

Regional political economy, the il/legal and developmental regimes

Humboldt County, which is nearly the size of Connecticut, or half the size of Slovenia, might be considered a region unto itself, but it is also a part of a broader region called the North Coast and the informally named Emerald Triangle, so named for the density of marijuana growing since the 1970s. The region is an appropriate level of analysis for two reasons. First, in the face of ongoing federal prohibition, marijuana policy has devolved to the local and regional level. In California, municipal and county governments have been charged with policy development since voter approval of medical marijuana in 1996, largely because of an inability to pass regulations at the state level. Marijuana policies in California have thus been unevenly invented and adopted by local governments. This uneven development calls for an examination of why liberalizing policies advance in some places but not others.⁵ This chapter grounds the analysis of the abstract processes of prohibition and liberalization within the regional dynamics that give them shape, thus following Heyman and Campbell (2009)'s entreaty to root the study of abstract processes in an analysis of particular arrangements of regional spaces and networks (see also Gidwani 2008; Watts 2004).⁶ Second, a regional frame enables an analysis of the everyday relations and spaces that structure

marijuana. This is critical because prohibition banished marijuana from formal, regulated and overt spatiality—relegating marijuana to an illegality that covertly shapes regional political, social and economic life. This prohibition—and the re-entry of marijuana into formal social realms—marks a return to an overt spatiality and enables a fuller understanding of marijuana's long-standing relation to regional economic development.

The region has been looked to as a critical unit of analysis because of its rearticulated role in global capitalism (Agnew 2000; Heyman and Campbell 2009; Hudson 2007; Narotzky and Smith 2006; Piore and Sabel 1984; Scott and Storper 2003; Smith 1990). Analysis is incomplete, as this volume suggests, to the degree it accounts only for the legal and formal aspects of society. This chapter argues that the demarcation of the *line* between legality and illegality is an integral aspect of a region's development. On the one hand, the il/legal line (Nordstrom 2007) designates who and what is *included* and *excluded* from development (Chorner 2015). On the other hand, development regimes often substantively *depend* upon criminalized actors and illicit traffic across legal and illegal bounds for their maintenance, particularly when an illegal economic activity is lucrative or politically stabilizing (Smart 2001), as marijuana has been. Illegality can thus define both the limits to and substance of development. Scholars have explored this relationship between illegality and development across agrarian (Campbell 2015; Linebaugh 1976; Schneider and Schneider 1976; Thompson 1975), urban (Dawdy 2008; Mullings 2003; Robotham 2003; Smart 2001; Weinstein 2008) and extractive (Campbell 2015; Coronil 1997; Tsing 2005; Watts 2004) developmental regimes. These studies indicate the necessity of understanding il/legality in terms of the dominant regional mode of value production and its related socio-spatial organization.

The relation between law, governance and development in extractive economies, like Humboldt's, has been theorized in terms of the 'resource curse' (Bunker 1985; Ross 1999; Sachs and Warner 1995), which proposes that the presence of resources lends itself to underdevelopment by authoritarian and often violent governmental regimes. Though the causal relation between resources and governmental form has been roundly criticized (see Brunnschweiler and Bulte 2008; Robinson *et al.* 2006; Watts 2004), the theory does provide several key insights. When extractive industry predominates, it lends itself to the development of certain governmental capacities. Namely, it tends to maximize the rights of property owners and extractivists, which often means minimizing civil-regulatory capacities of government, such as land regulation, environmental review and infrastructural development beyond what is necessary to facilitate extraction. Relatedly, extraction regimes tend to minimize expenditures on laboring populations, like public health, welfare and housing programs. Extractivists are compelled to minimize payments to the state for the reproduction of labor because, especially in the case of timber, extraction depends upon seasonal and cyclic labor (see Wilk 2014) and value production depends less on labor input and more upon the expropriation of nature's use value (Coronil 1997).

The underdevelopment of government's capacities to reproduce labor has important implications for the relation of extraction regimes to law and illegality.

First, government officials can become dependent upon extraction-based rents and non-responsive to other constituencies, which can lead to graft, corruption and, short of that, the crafting of governance and law around the interests of extractive industry (DiJohn 2002; Le Billon 2001). Second, because government can lack capacities to reproduce and govern laboring populations, other mechanisms of social governance must be improvised, particularly during economic downswings when the connection of labor to capital is tenuous and government has little means of maintaining social peace. In the absence of other governing modalities, law enforcement and prohibition function as means to govern populations through the illegalized market. This minimal, disciplinary engagement of the government with laboring populations might appear to be a type of dominance without hegemony (Guha 1998) but, as Richard Widick (2009) illuminates in the case of Humboldt's timber economy, this rendering ignores extra-state governing modalities that have sutured together labor and timber capital in Humboldt, namely one based on a yeoman/frontier ethos of self-reliance, private property and freedom from government.

In this respect, liberalization of marijuana policy represents not only a legal shift, but a shift in governance, institutional arrangements and local common-sense. As mentioned above, liberalization became integral to two post-timber developmental visions, one centered around landed capital and the other around environmentalist smart growth. While these visions have differences, they share three general characteristics. First, they were impacted by the emergence of a formerly criminalized population—marijuana producers and market actors—into civic life. Second, the civic integration of marijuana implied a process through which knowledge about and meanings of marijuana were consolidated, made public and organized in ways that constituted marijuana's new 'social life' (Appadurai 1988). Third, because the exact form of marijuana's organization was in contention, it became a site of anticipatory and speculative practices (see Campbell 2015; Ghertner 2015) that attempted to predict and precipitate marijuana's future social form in the present (e.g. positions in regulatory debates, business investments, claims differentiating legitimate/deserving and illegitimate/undeserving market and political actors). Amidst these general dynamics, the precise elaboration of marijuana's liberalization was and is dependent upon the regional political-economic forces analyzed below. Through studies like this we gain insight into how abstract processes like prohibition and liberalization become material, the role of illegality in developmental schema, and, in a momentous period of reform and retrenchment of a century of marijuana prohibition, an analytic approach to how and why this process occurs in some places and times but not others.

Timber, marijuana prohibition and the crisis of extractive developmentalism

Since Jedidiah Smith ventured into Humboldt in 1828, searching for gold and a port to export California's natural resources, the region has been ensnared in developmental projects (Raphael 2007 [1974]). Though gold was scarce, timber

quickly became a valued resource. To develop it, colonizers had to regularize property and resource claims—and to delegitimize competing claims from indigenous people. The law—and the racist, vigilante violence it justified against local tribes—was critical to guiding Humboldt's early economic development.⁷

The power to criminalize secured and maintained timber's developmental grasp on Humboldt for the county's first 150 years. In the 1870s and 1880s, amidst a growing resentment of Chinese laborers by labor organizations, nuisance laws helped to construct Chinese residents as criminal aliens (Pfaelzer 2007: 121–166), leading to the expulsion of the county's entire Chinese population in 1885. This racialized criminalization forestalled demands for better working conditions and an end to endemic land fraud, thus securing timber-dominated governance for a generation (Cornford 1987). Labor activists were criminalized and expelled from the county in the early twentieth century, culminating in local government decisively siding with timber by opening machine gunfire upon striking workers and torching unpermitted shantytowns in 1935 (Cornford 1987). Efforts by back-to-the-land migrants in the 1970s to challenge predominant land use patterns predicted by timber were met with civil enforcement against improper land use and structures (Anders 1990; McCubrey 2007), an action that often snowballed into criminalization of marijuana growers and smokers. Indeed, the criminalization of marijuana became central to the buttressing of the timber industry beginning in the 1980s. Episodically, criminalization displaced internal contradictions of timber capitalism and neutralized threats to its continued extractive operation.

Criminalization also helped constitute what was to be developed. The criminal outsider acted as a foil against which proper citizenship was measured (e.g. no racial intermixing, no radical organizing, no challenging cultural norms). More importantly, criminalization was an important basis of establishing a timber-centered paternalism. While the welfare state increasingly took the role of paternal caretaker from 1900 to the 1930s nationally, in Humboldt timber corporations acted as paternal figure—the caretaker of labor camps, builder of roads, funder of limited civil services like sanitation (Cornford 1987). Amidst the underdevelopment of government's capacity to reproduce laboring populations (and the stalled development of unions to articulate labor's collective aspirations), a decentralized social ethos of individual freedom predominated, cutting across capital and labor, both of which were ostensibly at liberty to pursue their interests. This independence ideal was the basis for a socially-dependent type of corporate paternalism. Labor and capital were a family that cared for each other beyond state mandates—an ethos that articulated with mythicized ideals of the frontier, the distant state and the rugged yeoman so instrumental to the region's colonization (Widick 2009). Corporate paternalism implied that timber corporations would care for the economy, land and labor. Criminals—Native Americans, Chinese workers, labor activists, hippies—were not only illegal but they were also familial interlopers—outsiders who threatened the social, moral and economic order. As long as industry, workers and the land were cared for—and the values of private property and self-reliance upheld—this paternalism would ostensibly hold in perpetuity, bringing prosperity to all sheltered under timber's wing. In this way, illegality in

Humboldt mirrors broader constructions of the criminal as an interloping, alien 'other' against which respectable society was defined (Hobbs and Antonopolous 2013) and through which a governable laboring population was produced (see Schneider 2009), thus affirming a paternalistic understanding between corporations and the community (Hönke 2012; Solecki 1996).

Timber's paternalistic care, however, would decline along with its industrial strength.

Humboldt timber peaked in 1955 (Morgan *et al.* 2004), when a major flood struck followed by a second major flood in 1964 (both caused by the destruction of water-absorbing forests from the county's hills). The state legislature became concerned that timberlands—and the rural economies built around them—would disappear in the face of more lucrative land uses. In 1972 and 1976 California passed legislation to exempt forestlands from these land market pressures, enabling an industrial boom in the 1970s until 1979 when national interest rate hikes sent timber into a tailspin. The price of timber dropped 48 per cent over four years and California production nearly halved (Morgan *et al.* 2004).

In the 1980s, corporate paternalism disintegrated in the timber industry and across the industrial US (Harris 1997; also Doukas 2003; Nash 1989; Pappas 1989). A deregulated financial industry accelerated mergers and acquisitions, which intensified industrial consolidation, the de-localization of ownership, and placed pressure on the timber industry to produce shareholder profits and, when needed, liquidate holdings (i.e. entire forests; Harris 1997). As corporations clear-cut across Humboldt, the notion that they were responsible land stewards appeared increasingly flimsy. As for labor, in 1960 timber accounted for 31 per cent of total jobs. By 1982, it was down by half (16.5 per cent) and by 2001 it was a shadow of its former presence—5.8 per cent of total county employment (Farnsworth 1996; Roa 2007).

As corporate paternalism in Humboldt and elsewhere dissolved, politicians became concerned with the morally-endangered American family (Lasch 1991), a concern that fueled the expansion of drug prohibition nationally—and in Humboldt in 1982, where President Reagan initiated some of the first, most significant and longest-lasting marijuana eradication campaigns in the domestic US. As with previous forms of criminalization, marijuana prohibition served to strengthen the weakening grip of timber on the region's political economy—especially because it provided a means to confront a rising regional environmental movement, which posed the most significant challenge to timber's dominance since the labor unrest of the 1930s.

In the late 1960s and early 1970s southern Humboldt County was one of many destinations of the approximately one million (Jacobs 1996) countercultural back-to-the-land migrants (Anders 1990) who settled in the rural US and Canada. Moving into cheap, timber-denuded hills, these migrants were involved in environmental reclamation and rejuvenation. At first this was a self-contained project as back-to-the-landers built utopian, insular communities, but soon they were pulled into local and regional politics as code enforcement targeted their alternative, unpermitted structures, multi-family residences and dissonant way of life

(Anderson 1990). A contained environmentalism and defensive battles with local government soon evolved into major efforts to reclaim watersheds, protect old growth forests, reintroduce salmon, establish parks and innovate permacultural agrarian and homestead techniques. By the late 1980s, these efforts had grown into the basis of a region-wide effort to combat the timber industry, stop the intensified clear-cutting of the county's forests, and organize a radical environmental movement (Coleman 2005).

Back-to-the-landers not only germinated the region's environmental movement, they also cultivated marijuana (Raphael 1985). What was once a hobby plant for personal consumption or extra cash, soon became a primary means of support at a time when back-to-the-land settlements across the country were fading (Edgington 2008). Marijuana funds were critical in funding community ventures—schools, roads, firehouses, health centers—and provided an important base of support, in terms of both people and cash, for the environmental movement. As Humboldt became a net exporter and the price of domestic 'kind bud' jumped in the late 1970s and early 1980s, the bonds between marijuana and environmentalism strengthened. In 1983, however, state and federal governments initiated major eradication campaigns that increased risks and severed the connection between growers and environmentalists. Many had to choose between money and political ideals, leading many growers to go underground, invent secret codes, insulate their communities and distance themselves from governmental attentions and political action (McCubbrey 2007), a shift that led many countercultural informants to rue the growth of the marijuana market. Though some continued to funnel cash to environmental organizations, intensified criminalization of growers dampened marijuana-growing activists' public engagement.

As the rewards of marijuana increased, several informants attested, countercultural growers increasingly assumed the politically-stunted ethos of private property—rugged individualism, aversion to government—that characterized Humboldt's cultural history (Widick 2009). Prohibition also transformed countercultural communities into inward-facing, defensive, privatized enclaves, which were internally vibrant but averse to external engagement for fear of being discovered (McCubbrey 2007). Coalescing with efforts by timber corporations and county government officials to stymie the advances of environmentalists (Harris 1997), prohibition protected timber extraction by hobbling the base of its regional opposition.⁹

Intensified prohibition also had a fundamental effect on timber workers. Risk-inflated prices created a lucrative market for economically struggling timber workers and their communities as layoffs occurred. Because capital investment and technological incorporation were discouraged by the omnipresent threat of seizure, marijuana production had low barriers to entry and required large amounts of labor. As a state policy, prohibition might be seen as a shadow job creator or redistributive program in an era characterized by the retraction of the welfare state (Polson forthcoming). Indeed, one might envision marijuana prohibition as a shadow economic stimulus program, which inflates prices and creates markets

through which to redistribute large amounts of cash that would not otherwise exist, but only does so on terms that incite antipathy toward the state, which is configured as prohibitive, rather than generative. This antipathy resonated among Humboldt's timber workers and back-to-the-land migrants, both of whom dis-trusted government, albeit for differing reasons.

Ironically, prohibition—and the marijuana economy it spawned—structured a nascent political solidarity between, in the terms of one informant, 'hippies' (back-to-the-landers, environmentalists, marijuana growers) and 'rednecks' (tim-ber workers and ranchers, unemployed rural residents, homesteaders). Marijuana growing became an interactive field through which the long-standing divide between 'locals' and 'newcomers' dissolved as people shared horticultural tech-niques, filled bulk orders and protected local codes of secrecy. Judy Bari, a key forest activist, believed solidarity among workers and environmentalists was an explosive combination that could topple timber's developmental regime (Coleman 2005). Though prohibition fostered this nascent solidarity, it prevented it from materializing publicly by severing private-criminal lives from public-activist action. Marijuana prohibition politically secured the timber industry even as it laid off workers, clear-cut forests and eroded any semblance of paternal care (Polson forthcoming).

The years between 1999 and 2007 marked a turning point for timber. In 1999, the county was party to the historic Headwaters deal, a pact between environmen-talists and timber corporations that signaled the shift of the county from timber partisan to mediator between timber and environmentalists. By 2007, the county was fighting *against* the timber industry when it opposed the bankruptcy debt restructuring plan of Pacific Lumber Company, one of the most controversial clear-cutting timber corporations. Between 2007 and 2008 the gross value of tim-ber declined by 25 per cent (Humboldt County 2010), part of a statewide trend that saw gross timber production decline by 50 per cent between 2000 and 2012 (McIver *et al.* 2015). Timber waned and the county's entire political economy was upended—transformations that had significant implications for marijuana's role in public life.

The struggle over marijuana's development

Following timber's implosion, the question arose: what developmental schema would replace timber and what coalition of forces would fight to realize it? Two answers emerged. The first came from the vestiges of timber's political economy and was comprised of three major actors—rural landowners, devel-opers and government and law enforcement officials. This *rentier* bloc had matured under timber. A kind of scaffolding to timber extraction, they assured timber's easy acquisition and transfer of land, infrastructural support, regula-tory facilitation and control of active and unemployed laborers. Timber was the productive engine upon which these rent-based actors depended—it supported land values, filled tax coffers and instigated private-public infrastructural devel-opments. Without timber, the *rentier* bloc was scaffolding with no structure.

Its inheritance of timber's mantle, then, depended upon the articulation of a convincing developmental schema to guide the county. They advanced a vision characterized by the growth of property values, tourism and low-end service jobs; the policing of the resulting wealth-stratified landscapes; and the minimi-zation of state expenditures on an often-criminalized laboring population. The growth of property values was the economic core of this vision yet, in the late 2000s, amidst the mortgage crisis, property value growth was hardly assured. Regardless, this bloc attempted to manufacture a power transfer from timber. This transfer did not go as planned—not least because of the rise of an opposi-tional smart growth developmental bloc.

This second developmental bloc had emerged from the environmentalist movement of the 1980s and 1990s, developing numerous organizational forms that anchored it in county life, thus setting the stage for the occupation of gov-ernmental positions in the 2000s. They promoted a 'smart growth' developmental vision based upon the development of dense urban spaces, a vibrant civil soci-ety, preservation of nature and rural spaces and transformation of police from a repressive force centered on fighting crime to a civil-regulatory force focused on facilitating orderly commerce and social life (see Foucault 2007). This vision economically hinged upon localism, artisanal cottage production and sustainable resource management, yet, as with the *rentier* bloc, none of these sectors clearly anchored economic development in ways that timber had. As a result, this vision largely remained marginal, best suited to the liberal university town of Arcata and the small lifestyle tourism and telecommuting populations in what was otherwise a remote county nearly six hours from San Francisco and Portland.

In 2007, marijuana production was considered to be largely a nuisance issue in urban areas and a topic only spoken of in whispers in the county's rural areas. In this marijuana-producing county, marijuana production had been largely unaf-fected by the emergence of medical marijuana since 1996, which had liberal-ized distribution and consumption but relegated production to the shadows. Many localities were loath to regulate production for fear of being accused of violat-ing federal law. By 2010, however, the county's shadow economy had burst into the limelight. The Obama administration signaled a greater lenience to medical marijuana and a statewide ballot held out a realistic possibility of full legalization. Suddenly, marijuana production appeared not as a criminal act or nuisance, but as a potential avenue for building a new developmental pathway for the county.

In what follows I argue that both developmental blocs converged on an acceptance of marijuana as a central aspect of development, but that each bloc sought to integrate marijuana in differing ways into county political economy. The *rentier* developmental bloc ambivalently related to marijuana—it was dependent upon marijuana as a value-producing land use but also dependent upon prohibition to realize lucrative land values (see Polson 2013). The smart growth developmental bloc forthrightly sought to formally develop marijuana, configuring its unrealized potential—and its adverse environmental effects—as a problem to be addressed through regulatory interventions to incite formal eco-nomic development (see Li 2007).

Timber's scaffolding: The rentier developmental bloc and ambivalence over marijuana

Rural Landowners: In 2007, Pacific Lumber Company, owned by the multinational Maxxam Corporation, declared bankruptcy and sought to restructure its debt by converting its lands from timber to residential zoning. This conversion, utilized many times before, was a key basis of the political union between timber and rural landowners (and speculators, realtors and financiers). Land could be stripped of timber and when its utility (and value, based upon timber) expired, the lands could be transformed into residential lots. Overnight, the value of depleted lands would multiply (see Polson 2013). Maxxam's release and conversion of lands signified a major transfer of economic—and thus political—power from timber to landowners.

The conversion, however, was deemed not in accordance with the county's General Plan and was rejected, thereby foiling what might have been a smooth transition from a timber-based economy to an economy based upon rural residential development. Rural landowners responded by forming several property rights organizations, which vehemently fought the regulatory changes, sought to install friendly officials in key offices, and to remove the liberal Community Services Director, who had advanced the restriction on conversions (Burns 2013). The director was in charge of overseeing the General Plan Update, which could either enable or disable the conversion process. With timber no longer a lucrative land use and conversions no longer able to produce a windfall of wealth, rural landowners had to find another land use from which to gather rents. Marijuana was one such land use (Polson 2013). Yet the rents that owners realized on marijuana were dependent upon the price inflation caused by prohibition. Under prohibition, the wholesale price of marijuana was high, resulting in significant wealth for growers and a large rent distribution to owners. As marijuana's distribution system developed under the state's medical system, the price to producers declined precipitously (by anywhere from 55–85 per cent depending on a producer's capacity to command prices). A more complex and competitive commodity chain demanded a redistribution of marijuana's wealth away from producers and, by extension, landowners. Landowners were placed in the odd position of both supporting marijuana production as well as the price supports of prohibition. Thus, when marijuana regulation entered public debate, landowners ambivalently regarded the process.

Commercial Developers: Humboldt's urban areas were centers for the processing and transport of timber but as milling declined, land developers looked for new capital investments. Developers were particularly interested in Eureka, the seat of county government and the county's most populous city. Relying on significant funds from the state, they envisioned Eureka's waterfront as a redevelopment and tourism zone, which would bring a certain kind of growth to the city and county. A monthly arts-walk, a farmers' market, a renovated public square and a focus on improvement of blighted buildings, often through historic restoration funds, were characteristic of this effort, making the area eminently consumable

for the county's gentry and moneyed tourists (Cahill 2012). This higher-end consumption zone was distinct from the rest of the city, which was structured around low-end consumption for meagerly-paid service workers. In this vision, Eureka was informally zoned into areas of investment and disinvestment. This spatial organization represented a *rentier* model of wealth production and produced stratification between owning classes and those that serviced them.

This development model, however, foundered. For instance, one key proponent of the redevelopment of a polluted railroad yard on Eureka's waterfront was rebuffed in his attempts to circumvent environmental review (Faulk 2006) by environmentally-minded organizations, officials and residents. (Notably, this person, one of the counties richest persons, had entered into commercial development and finance after having made his fortune in timber processing.) Developers were also supportive of efforts to widen a major highway connecting the county to the San Francisco Bay Area (Walters 2014). This effort also failed when environmentalists objected that the project would require the removal of old-growth redwood trees. One of the aims of widening the highway was to enable the opening of the county to larger trucks, which would supply big box stores (St. George 2011), like Walmart. But even the effort to bring Walmart to Eureka failed in the late 1999, when local activists objected to the stultifying effects it would have on surrounding commerce and wages (Hodgson 2011). Like rural landowners, commercial developers also lost out in the county's decision to prohibit timber-land conversions to residential uses—major housing developments were stymied. Finally, in 2011 developers received a *coup de grace* when California eliminated funding for all of the state's county-based redevelopment offices (Cahill 2012). Commercial developers found themselves struggling to articulate a convincing economic vision, leaving an economic vacuum into which marijuana distributors walked. In 2010, Eureka, a city known not only as a focal point of commercial development projects but also for its staunch opposition to and heavy policing of marijuana, tepidly agreed to permit marijuana dispensaries within city limits, a development unimaginable just a few years prior.

Government and Law Enforcement: As suggested, anti-marijuana law enforcement was key to the maintenance of timber's developmental regime. Prohibition served to control a cyclical and declining workforce, buttress the dominance of timber capital, and was indicative of the underdevelopment of the government's civil capacities to reproduce labor. Under timber, law enforcement was one of the few developed capacities of county governance and this capacity mushroomed in the 1980s and 1990s with numerous grants and funds for marijuana eradication. It is perhaps no surprise that as timber lost its grip on county governance, law enforcement itself went into crisis. The realignment began in the late 1990s with two signal moments. There was a large public backlash against county law enforcement after pictures surfaced of officers swabbing the eyes of environmentalist protestors with pepper spray (Ganga 1997). The second moment was a staged standoff by medical marijuana activists, who challenged the Sheriff and District Attorney (DA) to arrest a marijuana patient for growing medicine. The county did not take the bait and publicly acknowledged marijuana's limited

and address issues in the community, officer training around mental health and domestic violence issues and a citizen's academy to improve community-police relations (Burns 2011c).

This new style of community policing posed a challenge to the mode of spatial control envisioned by developers, which divided the city into a waterfront zone of anti-blight, quality-of-life policing (Cahill 2012) and the rest of Eureka, which was treated with much more repressive and violent policing (see Burns 2011c; Herald 2011; Sims 2006). The stratified policing that prevailed in Eureka mirrored the economic stratification implicit to developers' vision: high-end consumption zones for the county's landowning gentry and tourists and low-end consumption zones and heavy policing for the city's service sector and floating population. The reformist police chief thus posed a predicament for Eureka's city council. The council had a supermajority of former law enforcement officials and advocates in 2011 but was also pro-developer. The council was compelled to project support for the police chief, but the chief's actions challenged the accepted program of redevelopment, blight elimination and punitive control of laboring and floating populations. Begrudgingly, they accepted the chief's reforms just as they accepted the process of permitting medical marijuana dispensaries in Eureka.

In sum, the three vestigial pillars of timber's developmental regime—rural landowners, commercial developers and law enforcement-intensive government—were disoriented (if not defeated) by the early 2010s. Their efforts to transfer political-economic power from timber to a new *rentier* economy failed. A re-vision was needed and it was at this time that marijuana regulation and development appeared possible. The *rentier* bloc, however, regarded marijuana ambivalently—partly because it had matured in a system based on prohibition and partly because it depended upon prohibition for the maintenance of its institutional and economic power. In the face of potential legalization and with a growing acknowledgment of marijuana's fundamental economic importance to the county, the *rentier* bloc accepted the need to regard marijuana production as a long-neglected sector in need of development. But they did not take the lead in these efforts.

Smart growth development and the rise of environmentalism

A second bloc of smart-growth environmentalists also converged upon marijuana as a fix for their inability to formulate a countywide vision of development. This bloc had succeeded in reforming timber-dominated environmental review processes, preserving a large amount of county acreage, promoting sustainable forestry, cleaning up Humboldt Bay and making important inroads with county officials. In addition to the DA, who had sued and confronted the county's timber industry, a key ally was the Community Services Director, appointed in 1997 amidst a wave of environmental reforms. He directed the building, planning offices, economic development and natural resources agencies—a powerful position insofar as it oversaw the spatial and economic development of county lands and natural resources at a time when the spatial, economic and environmental

medical allowance. These two events were followed in short order by the arrest and charging of a former county sheriff with misappropriation of funds, placing its credibility in question (North Coast Journal 1998).

The disarray of law enforcement led to the 2002 election of a reformist District Attorney and the defeat of a sheriff who refused to return confiscated medical marijuana to a patient (Gurmon 2003). The DA vowed to clarify medical marijuana rules for law enforcement (Gurmon 2003). The DA also broke with the county's longstanding defense of the timber industry by filing a lawsuit against Pacific Lumber Company for fraudulent environmental impact reports. The DA survived the backlash and then took to reforming the police themselves (Easthouse 2004). He prosecuted two police officers for a shooting and a police chief in a local municipality in addition to reconstructing the priorities and personnel of his prosecutorial team (Burns 2010). By 2010, the DA was an active proponent of marijuana regulation and promoted the repurposing of police from anti-marijuana enforcement to civil regulators of marijuana, ready to double as farm inspectors if the county approved such regulations (Blue Ribbon Commission on Marijuana Policy 2015). The DA was joined in this advocacy by a newly-elected sheriff, whose popularity rose when he endorsed regulation of medical marijuana production. Once in office, he was instrumental in eliminating the department's Marijuana Enforcement Unit, a measure that was complemented by the state government's de-funding of the Humboldt Bay Drug Task Force and the Campaign Against Marijuana Planting, which had been flying eradication missions over Humboldt for nearly 30 years (Burns 2012). The prohibition system, fostered under timber's wing, was crumbling and a new form of law enforcement was emerging.

The DA reforms were effective at the county level but had little control over municipal police forces. Since at least the 1935 massacre of striking workers, Eureka was seen to be the control center of timber's power (Cornford 1987). Since 1960 and the slow deflation of the industry, the city's population had been in decline and poverty rates in the 2000s hovered 50 per cent above state averages. With Highway 101 cutting through town, it was a hub for meth and heroin commerce, a large homeless population and the highest crime rate in Humboldt. It had a violent crime rate approximately 90 per cent higher than that of California and, in 2007, it was over twice the national rate. (Sims 2014). Eureka recorded frequent police shootings—one every 19 months (Males 2014)—little surprise for a county that had the second highest police shooting rate in California (Males 2014) and the highest arrest rate of any county in California (Houston 2016a). Relations between an aggressive police force and the community were fraught in a city that had been modeled on zoned development and disinvestment, as described above. When a woman with mental health issues was shot by Eureka's Special Weapons and Tactics (SWAT) team in 2006 (one of three residents shot that year), the Humboldt DA charged Eureka's police chief and a lieutenant with manslaughter following a large public outcry (Burns 2010). Though the case failed, it ousted Eureka's police chief from office and led to the appointment of a reformist police chief, who banned the city's SWAT team, established designated areas for homeless camps and implemented a problem-oriented policing unit to identify

advocates expressed environmental concerns and nearly all advocates employed a (nebulous) discourse of 'sustainability.' This North-South alliance, then, was significant in consolidating a consensus around a general value of environmental care. Third, the working unity of regulation-averse SoHum growers with NoHum regulation-oriented officials was significant in consolidating a full-county commodity chain, spanning production in the county's rural south and distribution and consumption in the denser markets of the north.

In debates over marijuana's regulation, numerous ideas were advanced, ranging from the formation of an environmentally-friendly, boutique, tourist-driven marijuana sector comprised of homesteads and cottage industries to a vertically-integrated county industry, replete with trademark protections, certification processes and inter-jurisdictional marijuana supply arrangements. Running through these ideas were two major themes. First, the emerging industry would be 'local,' meaning that it would seek to protect Humboldt's marijuana from consolidation by outside economic forces—a theme that dovetailed with Humboldt's familial self-understanding. Second, marijuana would be 'sustainable,' meaning that it would forefront care for community, labor, ecology and economic livelihood—thus replacing timber as a purveyor of care and instilling environmental consciousness in the industry from its outset.

Though the process of formulating marijuana regulations surfaced many divisions among advocates, growers and officials, from a distance it was an apex of smart growth development. Born of the environmental movement, this bloc had at its fingertips a budding industry that it sought to develop according to concepts of sustainability, environmental care and an economy based on the development of human capacities through the expansion of regulatory governance. It challenged the extractive relationship of industry to nature; sought to create an economy that relied upon human labor rather than extraction, consumption or the extraction of rent; and aimed to reform a system of policing based upon criminalizing repression of laboring populations. As discussed below, however, this bloc's claim to hegemony was stifled by the resurgence of federal prohibitionism. Its designs on Humboldt's future were curtailed as the county readjusted to a new political-legal environment.

Even this smart growth developmentalism depended upon new criminalizing categories—undocumented workers, polluting producers, unregulated market actors and so on. In this way, throughout the developmental blocs described illegality remains integral to the process of development, thus pointing to the importance of licitness—what is permissible if not sanctioned or legal—discussed in this collection's introduction (see also Galemba 2013). Following this work and Heyman (2013), this chapter has attempted to expand beyond emic notions of what is licit and illicit to highlight how these categories exist in relation to dominant modes of production and governance. Through this we might sustain comparative, broad analyses amidst the uneven development of prohibition and liberalization among regions, nationally and globally. Though this analysis may not produce its own 'general plan,' in the terms of this chapter's introduction, it does provide tools to conceptualize how developmental plans are made through legality, criminality and licitness.

order was rapidly shifting. (The director notably guided the General Plan Update process, mentioned above.) He utilized this power to attempt to clarify shadowy rural land markets, halt timber-to-residential conversions, strengthen conservation programs and promote smart growth efforts to make the county's urban areas more dense, navigable and environmentally sound (Burns 2011b). The director found an important ally in the 2008 election of Supervisor Mark Lovelace, an environmental advocate in Humboldt, who gained notoriety for his role in the 2007 Pacific Lumber bankruptcy case. Lovelace was also a proponent of smart growth. He supported and proposed measures such as low-income housing developments, broadband internet expansion and park creation, and established two organizations to promote environmentally-sound economic development in Humboldt (Houston 2016b). Indicative of a post-extraction trend within county government, these officials represented the ascension of environmental discourses and activists to county prominence. They offered an alternative to timber and opposed the ambitions of the floundering *rentier* bloc—big box stores, rural residential expansion, redevelopment contracts with large developers and so on.

Though the smart growth bloc focused on a reformulation of county governance, it had a limited economic plan, hoping that telecommuters, artisanal local producers and sustainable resource management would carry the economy (for example, see SmartVoter.org 2012). In 2010, this bloc (along with the recently elected Sheriff) took the lead in endorsing efforts to regulate—and economically develop—marijuana. Indicative of this trend, Supervisor Lovelace had initially viewed marijuana as a nuisance issue and found political support among irritated homeowners hoping to stop indoor urban marijuana growing. Two years later, he was a guiding force in crafting Humboldt's regulatory response to a monumental meeting of marijuana growers to discuss the industry's future (see Brady 2012), the first semi-public meeting of its kind in recent memory. At its most basic, pro-environment smart growth advocates lacked an economic motor, while marijuana producers lacked a regulatory framework to protect their communities and livelihoods if and when marijuana became legal. The political-economic alliance was the basis of a renewed smart growth bloc that advanced marijuana regulation at the county level.

Lovelace's partnership with producers was symbolically significant for three reasons, all of which revolve around the geographic, social and political divisions between Northern Humboldt (NoHum) and Southern Humboldt (SoHum). First, marijuana production largely began in SoHum, home of a back-to-the-land intelligentsia, which viewed county government, located in NoHum, as a distant and invasive force (manifested in code enforcement, marijuana raids and pro-timber politicians) (see Anders 1990). The cooperation of SoHum marijuana producers with NoHum government officials was significant in garnering a North-South alliance to propose marijuana development. Second, as a NoHum environmentalist, Lovelace's version of environmentalism valued state preservation of rural lands, whereas SoHum environmentalists generally advocated a working conservation, administered by local communities (often in opposition to the state). Although not all marijuana growers were environmentalists, the most vocal regulatory

Back to the future: Prohibition, property and the new regulation

In late 2011, the US Attorney of the Northern District sent a letter to Eureka's city manager assuring him that regulating marijuana would violate federal law and regulators may be held civilly or criminally responsible for its abrogation. The letter halted Eureka's marijuana dispensary permitting process. By mid-2012, Arcata and Humboldt County governments followed suit (Burns 2011a). A chill descended upon California's marijuana industry, which found itself caught in a several-year federal offensive targeting the medical marijuana industry.

The power to regulate marijuana reverted from civil to criminal law. The pro-regulation DA and Sheriff became de facto regulators, utilizing discretionary powers to enforce and prosecute according to their priorities. These priorities centered around those who harm the environment, violate land use codes or employ undocumented laborers (Suzelle 2014), but the ability of the DA and Sheriff to dictate these priorities was compromised by their involvement with federally led multi-agency efforts to pursue cases that aligned with different priorities (Burns 2012).

The failure of marijuana regulation was a significant blow to smart growth development. Supervisor Lovelace found himself the lone environmental smart growth advocate on the county board when two new supervisors were elected, both who were supported by a key county developer and the county's primary property rights and rural landowner organization (St. George 2012). This new board dissolved the Community Services Department, thereby eliminating the director's position—and his influence over land use, conservation policy and natural resources (Tam 2012). The General Plan to this day remains in contention.

A resurgent prohibition favored the *rentier* bloc's developmental vision. The two new property rightist supervisors were pivotal in appointing a controversial property rightist rural landowner to a position on the county's planning commission (Burns 2017). In Eureka, a Walmart was approved to open (Hodgson 2011) and the city council began planning for a new development vision for its waterfront (Burns 2015) after it fired its reformist police chief. Soon, the interim police chief (a veteran of the force since 1957) returned to raiding homeless encampments (Cejnar 2012). A furor erupted when a conditional offer was made to replace the interim police chief with one of the officers involved in a 2006 police shooting of a woman with mental issues (Poor 2013). Though this officer was not hired, only months after a new chief took office, community-police relations were once again inflamed when a hard-of-hearing 22 year old man with a BB gun was fatally shot by officers (Iovino 2017), thus jeopardizing the shift to community policing and the governance shift it implied.

Marijuana went underground again. Multiple dispensaries closed and those remaining retreated to quasi-formal shadows. Producers, some of whom had been starring in reality television shows a few years prior, returned to the illegal market or left the sector altogether (Mozingo 2012). Marijuana advocacy organizations, which had arisen in response to the county's call to regulate marijuana, dissolved. Reinstated prohibition dovetailed with a trend toward outdoor growing,

leading to a boom in land prices and a windfall to rural landowners who leased or transacted lands (Smith 2016).

Marijuana's development did not halt, then, it just articulated with illegality under a resurgent federal prohibition. In the absence of formal regulation, the primary regulatory force upon producers was profit, the need to pay rents for land being used illegally, and, correlatively, maximum extraction from the land. Conjuring timber's ghost, marijuana increasingly looked like a new extractive industry, evidenced by an uptick in illegal deforestation (Butsic and Brenner 2016; Zuckerman 2013). The reformulated *rentier* bloc is now well positioned to capitalize upon a newly legalized marijuana. Whether this has the same implications for the underdevelopment of civil governing capacities, devastation of nature and unequal distribution of wealth remains to be seen.

Although the *rentier* bloc advanced at the county level, environmentally minded producers reconnoitered at the state level through an environmentally informed growers' association. Their advocacy paid off in 2015 when they helped craft medical marijuana legislation preventing vertical consolidation of the marijuana industry, protecting the market position of small producers and implementing significant environmental protections (Harkinson 2015). For places like Humboldt, it remains to be seen whether an industry can emerge that bucks the history of minimalist, extractive governance that has presided for so long. Such a shift would not only sweep away the residue of prohibition—it would deeply challenge the relation of capital to nature, labor and governance. The road to this future, however, remains undeveloped.

Notes

- 1 Even when marijuana was medicalized and county government attempted to allow marijuana as a land use, it was always under a 'special' or 'conditional' permission. Thus, marijuana was always an exception to the General Plan and land use regulations, requiring case-by-case exceptions to be made in what was otherwise a landscape exclusive of marijuana.
- 2 Pempel (1999; also see Wylde 2014) defines developmental regimes as an agglomeration of relationships among social, economic and governmental actors, institutions and public policies. Ghermer (2015) and Campbell (2015) highlight the importance of everyday practices, discourses, imaginaries and artifacts in constituting these regimes.
- 3 At its most basic level, this chapter builds upon work done on the relation of illegitimation to political economy (Chambliss 1975; Greenberg 1981; Hall *et al.* 1978; Linebaugh 1976; Thompson 1975), a relation that attempted to understand the relationship between economic modes of production and political-legal forms. This literature was prematurely dismissed in simplistic characterizations of structuralist concepts of base, superstructure and determination, a dismissal that lost much of what was valuable about Marxian historical political economy—namely the ability to grasp the complex interrelationships between value production, institutional arrangements, law and that which lies beyond formal economies.
- 4 Throughout this chapter I refer to 'regional political economy' although my unit of study is at the county and municipal levels.
- 5 Even the federal marijuana prohibition of 1937 was the culmination of multiple regional projects, such as efforts to contain and police demobilized farmworkers in Southern

California, manage US-Mexican relations along the Texas border and maintain Jim Crow segregation through the targeting of jazz clubs in northern US cities (Sloman 1979). This is not to dismiss the interrelatedness of scales (Smith 1990; Swyngedouw 1997), but rather to highlight how scaled processes, like prohibition or statewide policy reform, materialize through particular political-economic dynamics.

For instance, settler-colonists could petition for the removal of Native Americans from any lands they desired—a petition received and granted without the testimony of Native Americans who were barred from testifying in court. Once consigned to penury and vagrancy they could be arrested and put up for auction. According to the new laws bounding land and its movable property, if they 'stole' cattle to ameliorate their impoverishment, they would not only be met with legal sanctions but often roving massacres by legally-inspired colonists. The question of whether Native Americans could be subjected to settler-colonial law, namely the Major Crimes Act of 1885, was settled by a case from Humboldt (*US v Kagama*)—a decision that allows for the host of rights of Native Americans to federal criminal law even as it denies them the host of rights guaranteed to citizens.

Corporate in the double sense of forming a singular, though differentiated, social body as well as a paternalism guided by timber corporations.

The depth of this forced fissure between environmentalists and marijuana growers emerged after 2008 when marijuana growers in one watershed initiated a countywide debate over the environmental effects of marijuana growing. Not only had several informants felt the pressure of a choice between politics and economics but some felt they could not even discuss the environmental impacts of their marijuana growing on their own watersheds.

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