

He Just Said No

to the Drug War

The iconoclastic governor of New Mexico, Gary Johnson, is the highest-ranking official ever to call for partial legalization. How did a Republican trip over this issue? **By Matthew Miller**

In a balmy night in Albuquerque, 80 homeowners shuffle into the cafeteria at Whittier Elementary School, where one wall is covered with a mural that suggests a stage. Standing before this "stage" is New Mexico's governor, Gary Johnson, a lithe, boyish figure in a checked blazer and clashing patterned tie. If you saw the sandy-haired, 47-year-old in a crowd, you wouldn't pick him out as a leader. But then he begins. There's no comic introductory patter. He's right into his sermon.

"I made you all a pledge that I was going to put the issues that should be on the front burner on the front burner, regardless of the consequences," he says. "Half of what we spend on law enforcement, half of what we spend on the courts and half of what we spend on the prisons is drug related. Our current policies on drugs are perhaps the biggest problem that this country has."

Everyone tells kids not to do drugs, Johnson says. Despite this chorus, nearly 80 million Americans have tried them, including more than half of this year's graduating high school class. No one condones this, he adds, but do

we really want our kids to be branded "criminals" for having experimented with drugs? If they're not driving or stealing while high, where is the harm? Johnson looks down at his cheat sheet; he's an unpolished if ardent speaker. Last year, he points out, 450,000 people died from smoking cigarettes. Alcohol killed 150,000, and another 100,000 died from legal prescription drugs. How many people died last year from the use of marijuana? Few, if any. From cocaine and heroin? Five thousand.

"Yet we are arresting 1.5 million people a year in this country on drug-related crime," Johnson says, his voice rising. "Half of those arrests are for marijuana, and half those arrested are Hispanics. Tell me that half the users of marijuana in the United States of America are Hispanic! I don't think so." We're locking up nonviolent people senselessly, he tells the mostly white audience, his blue eyes and neck veins bulging. "We ought to legalize marijuana. We need to stop 'getting tough' with drugs."

Row upon row of quizzical faces tilt to one side, as if this were a physiological necessity when processing strange data from a most unlikely source. It's hard to believe this is a Republican governor. People say they want

Photograph by Dan Peebles



politicians who will give it to them straight. Well, this is what straight must sound like. Yet people look dubious. "If everyone were like Gary Johnson and a triathlete, it would be fine," one man tells me. They'd have the fortitude to steer clear of legally available dope. "But they're not."

THAT'S PUTTING IT MILDLY. JOHNSON REGULARLY finishes near the top of his age group in Ironman competitions, which combine a 2.4 mile swim, a 112-mile bike ride and a marathon. He once ran 100 miles in 30 consecutive hours in the Colorado Rockies. And these are just his physical feats. Johnson is manic about being on time. He sets 10 or so goals each year and writes them on the back of a business card; this year, the list includes learning yoga (he's in a class each Wednesday after work), reading a book a month and having one "adventure" each week.

Among the "seven principles of good government" that pepper Johnson's speeches are "always be honest"; "always do what's right and fair"; "determine your goal" and "develop a plan to reach that goal." Friends who watched him build a construction business before sweeping into the governor's office on the antigovernment tide of 1994 say he is the most disciplined person they've ever known. And truthful to the point of annoyance: there are no "gimme" putts during a round of golf with Johnson.

So how did a hokey role model like Johnson come to be viewed by the drug policy establishment as a threat to the nation's youth? By acting like the uncompromising heroes in the Ayn Rand novels he admires. Last summer, a few months into his second and (constitutionally mandated) final term, Johnson told state G.O.P. leaders that he was determined to make the most of his bully pulpit while he had it. Days later, without having thought it all through (he says now), Johnson told reporters that he would support legalizing marijuana and heroin.

Ka-boom! The White House drug czar, Gen. Barry McCaffrey, flew in to condemn him. Ed Bradley came down to do a segment for "60 Minutes." Johnson became the toast of the libertarian Cato Institute and Rolling Stone magazine, on his way to a starring role at the recently convened "shadow conventions." Meanwhile, his chief law-enforcement official quit in protest, a local sheriff called him an "idiot" and his approval rating sank from 54 percent to 35 percent.

"Most of the people surrounding him wish he would stop," says Darren White, the top cop who quit Johnson's cabinet. "But this is vintage Gary Johnson." Meaning pigheaded or principled, depending on whom you ask. Johnson has vetoed a record-shattering 578 bills during his tenure, producing the state's worst gridlock — and lowest spending increases — in decades. When Democrats, who control the Legislature,

laughed at his plan to give every New Mexico child a \$3,500 school voucher, Johnson spurned their offer of a pilot program, vetoed the entire budget and barnstormed the state to drum up support. He lost, but he is back pushing the voucher plan again this year.

All of which means that Johnson, the highest-ranking official ever to call for partial drug legalization, may have just the temperament to force an overdue debate. Can a fitness addict who's an improbable mix of Howard Roarke, Tony Robbins and Stephen Covey break America's \$40-billion-a-year drug-war habit? As kids, Johnson and a pal squeezed clamps onto their tongues to see who could stand the pain the longest. "He'll kill himself," the old tongue rival says, "before he lets you beat him."

IT IS 5 A.M. IN SANTA FE THE MORNING after his elementary school talk, and Gary Johnson is killing me. I've come along for his notorious morning workout. We're running 11 miles up a mountain in the dark. I'm gasping for air after 10 minutes. By the 25-minute mark, he has circled back four times to urge me on. It's like having your own personal gubernatorial trainer. I finally persuade him to go on alone; he'll catch me on the way down. Stones crunch under the governor's feet as he scampers up the trail and disappears.

Johnson has a point system for his workouts — one point each for a running mile, a quarter-mile swim, three miles of biking or 10 minutes of weight lifting. Johnson racks up 77 points a week. (It's one of his goals.) He was up to 104 points before becoming governor. His resting pulse rate is in the 40's. When I ask two aides if Johnson would know what portion of his body weight was fat, they cut me off in chorus: "He'll know." (Eight percent.)

Three years ago, Johnson started a bet with friends to swear off sugary foods. They each put \$100 a month in a pool, with all the money going to the last to resist temptation. It's down to Johnson and a state representative who once worked for him. The price for drinking a Coke is now \$7,200. The state rep has lost 50 pounds.

The governor has other eating rules. You can eat only one sandwich at a sitting, or two slices of pizza, tops. "How many times have you personally eaten a lot more pizza than two pieces," he asks, "when all you really needed was two?"

Johnson hasn't always been this driven. His father was a public school teacher; his mother worked at the Bureau of Indian Affairs. A middling student, Johnson never thought about going anywhere but the University of New Mexico. That's where the pot he started smoking in high school became something of a lifestyle.

The governor talks about those days with remarkable candor. He didn't just "experiment" with marijuana, the invariable confession of boomer politicians. Johnson told me he was high two to three times a week between his senior year of high school and a year after college, when

he decided it was a "handicap" and stopped. He also tried cocaine twice. "Whoa!" Johnson remembers feeling. "I understand why people do it. This is UN-be-LIEV-able." And therefore too dangerous to continue, he reckoned.

Johnson told skeptical college buddies that he would run for president one day, having been hooked from grade school on the idea that "politics was a high calling." But financial independence came first. Having put himself through school with a string of construction jobs, Johnson began his own handyman and remodeling business. His break came a decade later, when Big J Enterprises, by then doing commercial work, got a hefty chunk of a huge Intel plant expansion.

The deal swiftly took Johnson's revenues from \$1.5 million to \$38 million, sparking a classic small-business crisis. Endless days spent chasing receivables to meet his firm's swelling payroll drove him to the brink. "I felt like I understood suicide," he recalls. To cope, he took a night course in time management in 1987. It made him reassess everything. "I realized, looking back over my life," he says, "that when I was fit everything seemed to work." He gave up liquor, ramped up his fitness program (to 54 points) and began writing down goals.

By 1993, at age 40, the now-prosperous Johnson told friends he was ready to run for the United States Senate. But the incumbents looked entrenched, so he decided he would become governor. Republican elders were amused. "I thought this was the most naïve, unacquainted-with-government person that I'd ever seen," recalls John Dendhal, now the state party chairman. They told him a likable young businessman could have a big future if he started with the State Legislature. Johnson thanked them for their advice, plunked down half a million dollars (serious money in New Mexico politics) to win the G.O.P. primary and rode Newt Gingrich's coattails into the Statehouse.

AT THE 1 HOUR 10 MINUTE MARK, I HEAR Johnson's footsteps nearing and join him for the last stretch downhill. The sun is up and the valley is resplendent; aching thighs aside, Team Johnson offers an inspiring way to start the day. I ask Johnson about his political philosophy. He says he is not a true libertarian, because he thinks government often has a role. But he will never qualify as a "compassionate conservative." After six years of his stewardship, New Mexico remains among the nation's poorest states, with one of the highest levels of uninsured citizens. Shouldn't government do more on health coverage? Johnson dismisses the problem, saying that many folks don't want insurance and that with emergency rooms, nobody really goes without.

What about help for the working poor in an age when unskilled folks are losing ground? "I don't buy into that," Johnson snaps. "Anybody that wants to be an entrepreneur in this country can make an absolute fortune." Even somebody who cleans houses, he says.

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Johnson making his case to the Legislature, in this case a student one sponsored by the Y.M.C.A.

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How's that? I ask, huffing behind him.

"If I started a business tomorrow just cleaning houses by myself," he says, "I think I could make \$100,000 a year. You clean four houses at \$100 a day."

"I know what these people do when they come in and clean. In three hours I could do what they do. I just don't buy into the notion that anybody can't still make it today if they are willing to work hard."

Johnson's empathy gap highlights a paradox in his approach to drugs. His fierce belief in personal responsibility is what convinced him that the drug war is a waste of money; if you're spending \$40 billion and the drugs keep coming in, he figured, why not just legalize the stuff and work on people so they don't get hooked? Yet he has vetoed millions for drug treatment partly because he seems to feel people should be able to straighten themselves out by an act of willpower, just as he did. As a result, he has alienated natural allies in the public health community in a state that boasts the country with the highest death rate from heroin overdoses in the country.

ALTHOUGH THE DRUG DEBATE OFTEN REDUCES to a series of confusing statistical duels over whether, say, American interdiction efforts or Holland's lenient pot laws are working, some facts are not in dispute. In 1980, government at all levels spent less than \$5 billion on drug control and incarcerated about 50,000 Americans for nonviolent drug offenses; today, it spends some \$40 billion and jails more than 450,000 (more than Europe, with a larger population, jails for everything). Blacks make up 17 percent of cocaine users but also 88 percent of those convicted on crack cocaine charges. Casual drug use is down substantially from two decades ago, while the population of hard-core addicts (responsible for most drug-related crime) has held steady at around five million. Drugs remain widely available, at low prices, to those who want them. Half of the addicts who need treatment can't get it, and dirty needles are a major factor in the spread of H.I.V.

Gary Johnson isn't the first official to say

there's something wrong with this picture, but a crusade by a sitting Republican governor marks a new high point for dissent. For years, conservative intellectuals like Milton Friedman and William F. Buckley Jr. have made a libertarian case for legalization. But both political parties found prison-building, "tough" sentencing laws and calls to "Just Say No" politically irresistible. Then, in 1988, Kurt Schmoke, the black mayor of Baltimore and a rising Democratic star, stunned the U.S. Conference of Mayors by saying the drug war was doing more harm than good. All options, decriminalization included, he said, should be considered. Schmoke's stand landed him on the front page of newspapers around the country. When he was re-elected twice afterward, it proved that a black, big-city mayor, at least, could buck the bromides and survive.

Schmoke says that he made a mistake in not being ready with a clear set of solutions at the time he defined the problem; that allowed his foes to put him on the defensive. Johnson feels he made a similar error by glibly floating the notion of providing heroin legally by prescription, following the Swiss model. "People were totally turned off to that," he says. "This was no longer about common sense. It was insane."

The intervening year or so has seen the taming of Gary Johnson, with the governor reaching out for advice and reinforcements. He now seeks legalization for marijuana only and promotes "harm reduction" strategies for other drugs, a policy associated with reformers like Ethan Nadelmann of the George Soros-backed Lindesmith Center. These analysts view drugs as a public health problem, not a criminal one, and back broad programs for needle exchange and methadone maintenance. They also criticize "mandatory minimum" sentences that can leave nonviolent drug offenders in jail longer than rapists or burglars. General McCaffrey, who has himself fought to fix unfair sentencing laws, nonetheless views much of the harm-reduction agenda as a ploy to pave the way toward full legalization. Johnson's efforts, he tells me sharply, are "irresponsible," "misguided" and "anathema to America's parents."

Maybe so, but back at Whittier Elementary School, at least, a lot of parents see it differently. Johnson has been taking questions for almost an hour now, making arguments so original and sincere that you can't help thinking he has a point. What other politician says we need to tell kids the truth about how good pot really is (because if we don't, and they find out we were scaremongering, they'll assume we were lying about LSD and heroin, too)? Yes, Johnson admits, there would be problems under the legal marijuana regime he envisions, but they'd be half as bad as the disaster of today's prohibition. Johnson's candor is contagious: several citizens openly admit their own pot use.

Then something remarkable happens. A Vietnam veteran, an elderly man in a red baseball jacket and a 40-ish professional type rise one after another to say they don't usually agree with Johnson but admire his courage in raising this issue. There's assent and applause from the crowd. A woman corners Johnson as he is leaving. "I'm afraid you're gonna get assassinated," she blurts out.

Johnson says that a number of governors have told him privately they respect what he's doing; they also say their careers would be over if they tried it. But the issue is gaining steam. A California ballot initiative this November would divert nonviolent first-time drug offenders to treatment; New York's chief judge recently introduced a similar system administratively. Johnson, meanwhile, has his first-ever bipartisan task force coming back in December with a slate of reforms in drug policy, which he says could even include pardons for nonviolent offenders.

Johnson is determined to get something done. "I would have figured the first person over the hill on this issue is going to get shot," he says. But the governor is optimistic. He has been at it only a year, and he has two and a half more to go before he leaves office. After that, as everyone in the state seems to know, Johnson's only firm plan is to climb Mount Everest. Discussing this, Raymond Sanchez, the speaker of New Mexico's House of Representatives, hunts down his copy of "Into Thin Air," Jon Krakauer's best seller about the 1996 Everest disaster, and cites this passage to sum up what you need to know about Gary Johnson: "Any person who would seriously consider" climbing Everest, Krakauer writes, "is almost by definition beyond the sway of reasoned argument." ■