



AMERICA'S MOST DANGEROUS POLITICIAN



**New Mexico Gov. Gary Johnson
speaks out on taxes, school vouchers,
and drug policy.**

Interviewed by Michael W. Lynch



I've been in New Mexico less than 10 minutes when I realize that no ordinary politician rules the Land of Enchantment. After the young woman working the rental car counter discovers I need wheels to visit her very own governor, she starts talking excitedly and positively about his efforts to pass a school choice bill. One of her co-workers, a Democratic activist, tries to straighten her out, and the conversation soon grows to include other employees, all of whom are surprisingly well-informed due to the governor's high-profile efforts to pass a statewide voucher program. The Democrat wants to make something else clear about New Mexico's top pol: She doesn't appreciate his crusade for drug legalization. Struggling to come up with the worst possible epithet, she finally spits out, "I think he's a *liberal*," adding that as one he embarrasses her state. (Such is the New West that even Democrats think of liberals as lower than rattlesnakes.)

PHOTOS: EMILY MEDVEC



New Mexico Gov. Gary Johnson is many things—a successful businessman, a two-term governor, an Iron Man triathlete, an aspiring conqueror of Mt. Everest. He's hardly a liberal, though, unless one uses the term in its original sense of someone who believes that a minimal state is best suited for a free people. Even then, the term doesn't fully do justice to this energetic man. When pressed on his vision of the state's role, the 47-year-old Johnson speaks of "ensuring a level playing field and [making certain] that liberties and freedoms are equally available to all." He argues that the government only "needs to ensure that no one is harmful to anyone else."

To be sure, Johnson's limited-government iconoclasm is more that of an accountant—or a motivational speaker—than that of a philosopher-king. When I first ask him to explain his overarching governing philosophy, he pulls from his wallet a card containing his seven-count 'em—principles of good government, which seem to be culled equally from Ben Franklin and Tony Robbins. Number 1: Become reality driven. Number 2: Always be honest and tell the truth. Number 7: Be willing to do whatever it takes to get the job done.

"My overriding philosophy is the common-sense business approach to state government, period," says Johnson. "Best product, best service, lowest price." On issues ranging from health care for the poor to road construction to drug prohibition to education, he's convinced you get the best product at the lowest cost when private enterprise injects competition into the process.

This practical approach drives his notorious attitude toward drug prohibition, which Johnson has attacked more forcefully and visibly than any other elected official in America today. He rails against the drug war mostly, though not exclusively, on the grounds that it is inefficient. In general, he is more interested in pragmatic concerns than in defending anything as abstract as inalienable rights. When I bring up prostitution, another consensual crime, he endorses decriminalization, but not on the grounds that people own their bodies or that it's not the state's business. Instead he frames his response this way: "Given that prostitution takes place, the question is, 'Are you safer engaging a prostitute in Nevada or New Mexico?' I think you are clearly safer engaging one in Nevada in a licensed prostitution establishment."

Such unorthodox positions and the willingness to discuss them openly reflect the unlikely path Johnson traveled before acquiring political power. Most successful pols spend their salad days engaged in political hackery, always making sure their "future political viability" is kept safe from harm. Johnson was on another plan altogether: He spent years smoking dope a couple times a week, competing vigorously in athletics, and then, with his wife of 24 years, building a construction business called Big J Construction. (Though the rental car workers suggested the

name referred to his pot smoking days, the governor denies it stems from anything but the first letter of his last name.) In the mid-1990s, Johnson decided it was time to dabble in public service, and he approached the state Republican Party about running for the top statewide office. The Republicans were polite but dismissive, telling him that as an unknown businessman he couldn't win. He thought otherwise, and he spent \$500,000 of his own money to saturate the state with his message of a "common-sense business approach to politics." When the ballots were tallied in 1994, he'd won with 50 percent of the vote



in a three-way race. He increased his share of the vote in 1998 by 5 percent, making him the first governor in New Mexico history to be elected to two consecutive four-year terms.

I talked with Johnson in his Santa Fe office for about an hour in mid-August. We spoke of his accomplishments: no tax increases in six years, a major road building program, shifting Medicaid to managed care, constructing two new private prisons, canning 1,200 state employees, and vetoing a record number of bills. Says Johnson, "Every time you pass a law it is a little bite out of freedom." But we spent the majority of time focusing on the two issues that have put the governor in the national spotlight—issues on which he hasn't achieved anything close to success: drug legalization and school choice.



Reason: Most politicians who admit to using drugs explain it in terms of a redemption narrative: "I did it, I ought not have done it, and no one else should do it." You tell a different story.

Gary Johnson: Like a lot of other people, I've smoked marijuana. It is what goes on in this country. At the time [the early 1970s], I thought it was a mind-expanding experience, just like a lot of kids and a lot of adults do. Most people who smoke marijuana do it in a way similar to having

cocktails in the evening.

I don't smoke marijuana anymore. I don't drink. Marijuana is a handicap. So is alcohol. Alcohol is a terrible handicap. But in spite of being a handicap, it shouldn't be criminal. At one point in this country's history, alcohol was criminal. I think it's a bad choice. But in no way should you end up in jail for doing that.

You should end up in jail for drinking and driving, drinking and doing crime, drinking and doing harm, just like you should end up in jail if you are going to smoke marijuana and

much harder to concentrate on a book after having smoked marijuana.

Reason: If it was a handicap, why did you keep doing it?

Johnson: Because it was fun. At the time I was doing it, it was not a handicap. I only came to that conclusion later. There was one particular incident where it really hit home. That's when I quit being a chronic marijuana smoker.

I was out of college and pursuing a career as a professional skier. I remember setting up gates one morning at the Schweitzer ski basin in Idaho and running through the gates

"I'VE SMOKED MARIJUANA. I THOUGHT IT WAS A MIND-EXPANDING EXPERIENCE, JUST LIKE A LOT OF KIDS AND A LOT OF ADULTS DO."

drive, just like if you are going to smoke marijuana and do crime. Those are the lines that we need to draw.

Reason: What prompted you to be so honest about your past drug use?

Johnson: I personally reacted to President Clinton's statement that he didn't inhale. Come on! I needed to be honest about this, so it was something that I volunteered.

Reason: You say drugs are a handicap and people shouldn't do them. But you also say that the most people who use drugs do so responsibly. So are they really a handicap? People could relax at a party by taking a hit off a joint rather than drinking to excess. Why is that a handicap and not a life-enhancing experience?

Johnson: Clearly, it is a handicap. You are slowed down in your reactions. You are not as quick mentally, and you are not as quick physically. [Then again], as stoned as I have ever been on marijuana, the impairment does not compare to being drunk.

Reason: Aren't there times when being "slowed down" can be both appropriate and fun—like when you're watching a Cheech & Chong movie or *Austin Powers*?

Johnson: It is a handicap because you are not being as productive as you could be. I'm speaking for myself, but why are you watching Cheech & Chong in the first place? Why aren't you out riding a bicycle? Why aren't you reading a book? It's

and checking my times. My first run was 16 seconds. My next run was 15.25 seconds. I went down again, this time in 14.5 seconds. On the lift back up the mountain, I was riding with a ski patroller who pulled out a joint. We got high and then got to the top of the course. I really smoked the next run—I figured I went through that course faster than ever before! You know what I mean. This was going to be a 13, I was thinking. Yet it took me 18 seconds. I had thought I was that much faster but I was that much slower. It was just one of those big gongs going off in your head: Wow, this is not what I thought it was. Wait a minute!

Reason: But was that run fun?

Johnson: Oh yeah. But was it faster? You've got to remember what my goal was. My goal was to be a professional racer.

Reason: You've obviously been a big success. How about your buddies that you smoked pot with in high school and college? Have most of them been successful?

Johnson: Yes.

Reason: Gone on to sort of normal lives....

Johnson: Every one of 'em. (Laughs.)

Reason: No one in jail?

Johnson: I do have acquaintances, like we all do, who have overdosed and others who aren't successful. But my core group, my real close buddies, have all grown up to be successful men and women.

Reason: You've said that it's an absolute political taboo for a presidential candidate today to talk about legalizing marijuana. If, as you say, 75 percent of people don't think it should be criminal, why is it such a taboo topic?

Johnson: I don't have the answer. When you ask people, "How many in this room believe that smoking marijuana within the confines of your own home, doing no harm to anybody except arguably yourself, how many think someone belongs in jail for that?" 90 percent of the room raises their hand to say no, people shouldn't go to jail for that.

Then you ask how many believe people should go to jail for selling marijuana. Eighty percent of the room believes people should go to jail for *selling* marijuana. That's the disconnect. People think it's OK to do it as long as you are not doing any harm to anyone, but it's not OK to sell it. But how are you going to get it? They don't understand who the pusher is. The pusher is just a user who sells a little bit based on their own habit. Nobody is going to the police department and saying, "This person sold me drugs, and I want them arrested." Everybody is getting arrested because they sold to an undercover agent.

Reason: If you feel that smoking pot—or even selling it—does not make a person a criminal, why not pardon people in New Mexico who are doing time for simple possession?

Johnson: It's complex. Nobody is in jail on the basis of use. They are in jail on the basis of possession of large amounts of drugs that qualify as trafficking. They are in jail for selling drugs. And it is often attached to property crime. That is where I do draw a line. I have a chance here to change the law. I think that it is OK to launch the discussion and have the debate. But I don't think it's right to take it upon myself to pardon convicted criminals based on laws that the population has supported by electing the people that they have elected.

Reason: What about other drugs? I know your model for heroin is similar to the Swiss model.

Johnson: Let's think about a model that could exist in this country. You are an addict. So maybe you could go to a heroin maintenance program where you could get a prescription for heroin from a doctor. When you went to get your heroin you would have to go to a clinic and actually ingest the heroin at the clinic. I bet it would cost one-tenth of what it costs out on the street. You wouldn't have AIDS or Hepatitis C, since you wouldn't use dirty needles. You are not going to have an overdose because the quantity and the impurities are not going to kill you. Since it's so much cheaper than what's on the street, you wouldn't have to engage in crime to pay for it. You wouldn't have the motivation to recruit other heroin addicts to pay for your own habit.

I think this would be a better situation than what is hap-

pening today. There are tens of thousands of heroin addicts with one thing on their mind: Where are they going to get their next fix, and how are they going to pay for it? You and I pay for that every single day.

Reason: What about other drugs that are more popular than heroin? Cocaine, say?

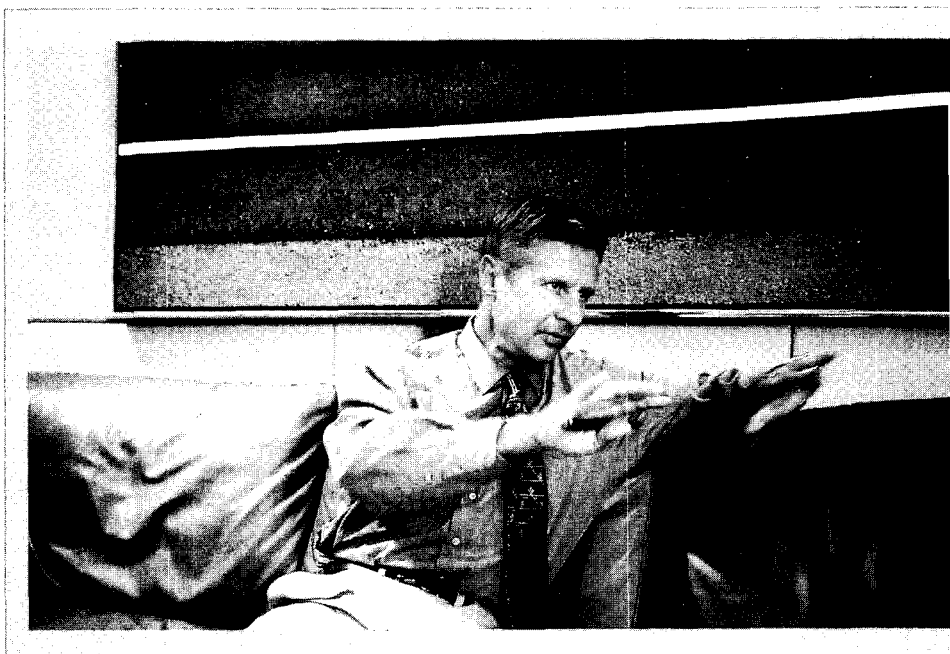
Johnson: I don't have an answer when it comes to cocaine. I've always said that. I am not advocating the legalization of cocaine. I don't know how you do that.

Reason: Isn't the parallel to alcohol the same with coke as it is with pot?

Johnson: I'm trying to be reality-based in this. Start off talking about marijuana, start off talking about harm reduction strategies, and start off talking about how to move away from making a cocaine user a criminal. I believe that if you made all drugs legal, just made them over-the-counter—which I'm not advocating—it would be a better situation than we have today. A much better situation than we have today. But I'm not advocating that.

Reason: As you've said elsewhere, this issue is a political zero—it doesn't make you popular or win you votes. So why is it worth your energy?

Johnson: I made a pledge to myself that I am not going to get out of office thinking, "Coulda, shoulda, woulda." This is definitely one of those issues that would be easy not to ad-



dress because to say anything contrary to the status quo is political suicide. I had my eyes open when I went into this.

Reason: What has been the reaction from other politicians here in New Mexico and elsewhere?

Johnson: The responses in this office—the calls, faxes, letters, e-mails, people coming up to me on the street—is about 95 percent positive. The response from elected officials and those in law enforcement—and I am not talking about the guys on the street: I'm talking about those in charge—has been about 100 percent negative. However, I have been approached

by many elected officials who say, "Way to go. This needs to be said. Your position is right. But you are not going to hear that from me in public."

Reason: Why won't other elected officials speak out?

Johnson: Politics is a herd mentality. Politicians don't really lead. Politicians reflect what they think is consensus opinion.

I see drug policy changing. No question—no *ifs*, *ands*, or *buts*. In the early 1970s, all my friends and I looked around and thought that the law would get changed. Of course, we were smoking marijuana, and we knew that it was illegal, we knew that it was criminal, and we knew that it shouldn't be criminal. But the law hasn't been changed.

Reason: Is that partly because drug laws don't cause much pain to people who can change them? When Al Gore's son gets caught smoking pot at prep school, he doesn't get arrested, he doesn't go to jail, he doesn't even wind up in the newspaper because his daddy makes a few calls.

Johnson: Class plays a role. But I also know people who smoke pot regularly but don't think that marijuana should be legalized. They say, "I smoke marijuana, but you know what? I am in control, I can afford this, and I am not going to get caught if I'm careful."

Reason: What do you hope to achieve by putting forward this issue of drug legalization as you have?

spending, half of prison spending, half of court spending. What are we getting for it? We are arresting 1.6 million people a year in this country on drug-related charges, and it's a failure.

Reason: Let's talk about another controversial program that you have been pushing hard: school vouchers. What is your program, how have you been selling it, and what audience has been the most receptive?

Johnson: What I've proposed is that every single K-12 student in the state of New Mexico, all 300,000 of them, get a voucher to attend whatever school they want. The value of the voucher would be about \$3,500. That's my proposal.

I have taken this on the stump, and I will continue to take it on the stump for the next two and a half years. I have talked to any group that will ask me to come talk about vouchers. Same, by the way, when it comes to drugs. So I think New Mexico is getting better and better educated on vouchers. After a couple of years on this issue, the needle has moved. No question about it, the needle has moved! Has it gone far enough? No. All you can do is keep going, going, going.

Reason: Why is it so hard to get vouchers passed?

Johnson: The biggest criticism is that it will take money away from public schools, that it will destroy the public school system. My plan would actually increase the per capita funding for kids who remain in public schools.

We are actually spending about \$5,500 dollars per child, and

"SCHOOL VOUCHERS ARE FOR THE POOR, WHO LIVE IN THE WORST NEIGHBORHOODS, GO TO THE WORST SCHOOLS, AND CAN'T GET AWAY FROM THEM."

Johnson: That we might actually move the needle in the right direction. Any movement at all in the needle is significant, given the depth of the problem. Any movement at all that reduces disease, that reduces overdoses, that reduces property crime, that reduces violent crime is good.

I'm a cost-benefit analysis person: What are we spending and what are we getting? My premise is the war in drugs is a miserable failure. I don't know of a bigger problem in every single state, or a bigger expense that might actually have alternative solutions. Drugs account for half of law enforcement

each public school district would get the \$2,000 differential for each student who opted out. The example I use is this: Say that every student in Santa Fe were to opt out of public schools, which isn't possible and is not going to happen. But if it did, Santa Fe public schools would be left with about 40 percent of their budget and no students. Tell me how that takes away from public education.

Reason: How do your opponents deal with that?

Johnson: I don't think they do. It's one of those pins in the balloon. Go down the list of the main criticisms: Vouchers

only favor the rich. Baloney! People with money live in good neighborhoods that have good schools. Give me a break. Vouchers are for the poor. Vouchers are for those that don't have money, who live in the worst neighborhoods, go to the worst schools, and can't get away from them.

Keep going down the list: Vouchers are unconstitutional because you're giving money to private schools. No. If you want to start calling vouchers unconstitutional, then every single state has got a lot of unconstitutional programs. We give low-income parents money so they can go take their child to child care. We don't tell them where to take their child. The examples go on and on. You can just go on and on with the criticisms and the rebuttals of the criticisms.

Reason: Why are vouchers important? Why not just fix the public schools?

Johnson: Since I have been governor, K-12 educational spending has gone from \$1.1 billion a year to \$1.6 billion a year. By all measurements, students are doing just a little bit worse from year to year. For all that money, shouldn't we be doing just a little bit better? All I suggest is to make K-12 like higher education. Higher education in the United States is the best in the world because these institutions compete with each other for your tuition dollar. Let's just bring competition to public education. This is not about getting rid of public education; it is about providing alternatives that public schools very, very quickly will react to. Public schools will get better if they are subject to competition.

Reason: What role do charter schools play in injecting competition into the system?

Johnson: This last year we passed a comprehensive charter schools act. Great! This is a way for public schools to become better. Add vouchers. Give every single student in the state of New Mexico a voucher, and charter schools will become the vehicle by which public schools compete. Pass vouchers, and every single school will become a charter school overnight.

Reason: What do you consider your major accomplishments as governor of New Mexico?

Johnson: Building 500 miles of four-lane highway in the state. We have reduced taxes by about \$123 million annually. More significantly, before my taking office there was never a set of six years in the state of New Mexico where not a single tax had gone up. We reformed Medicaid and got Medicaid costs under control. We built a couple of new, private prisons in New Mexico. We had prisoners housed out of state, and the federal court system had been running prisons in New Mexico under a consent decree since 1980. We are now out from under that consent decree. We have approximately 1,200 fewer employees in state government today than we did when I took office.

Reason: What's the thinking behind your road building programs? Traditionally those are often pork projects.

Johnson: Economic growth occurs only if you are connected with a four-lane highway. A lot of New Mexico is rural, and building 500 miles of four-lane highway is going to make a huge economic difference to all those communities. Basically, now we have connected every town in New Mexico with 30,000 people.

To save money, we looked at private alternatives in building the roads. The highway project on Highway 44, which is Albuquerque to Farmington, is designed, financed, built, and guaranteed by a private company. This is completely unique. We are actually the first state in the United States to adopt an innovative financing program for Highway 44, by bonding federal revenues. As a result, other states are copying it, and Wall Street is embracing it.

Reason: Private prisons. Why did you build them, and how did you get them through the legislature?

Johnson: First off, let's go with an assumption. It doesn't have to be private prisons. It can be private roads being built, it can be private schools, it can be anything. If you are getting better goods and services and it is the same price, you go with the same price, better goods and services. If what you are getting is the same goods and services but you are paying significantly less, than you go with paying significantly less. That is the situation with private prisons in New Mexico. We are getting the same product as we have always had—I would argue we are getting a better product—and we are getting it for significantly less. That's good government.

Reason: How were you able to get this through the legislature?

Johnson: We weren't. This was something that we accomplished administratively. There was absolutely no cooperation whatsoever to get these things built.

Reason: You've said that you have always believed that life's highest calling is to do good by others, and that politics is a way of accomplishing that. But you have spent most of your life doing good by others in the private sector. I consider building a company and providing goods and services doing good by others. Have you been able to do more good by others as a politician than as a private citizen?

Johnson: No question. Being governor of a state gives you enormous ability to do just that. I think we have moved the needle in the right direction. I'll be honest with you about where I think we have moved the needle the least. It's probably in the welfare reform areas, in getting a handle on child support. I don't think I have done anything to move the needle on education in New Mexico other than funding by about \$500 million more.

Reason: How about tax cuts? Did you get the tax cuts you wanted to see?

Johnson: No. I cut taxes to the tune of about \$123 million on an annual basis. [New Mexico's budget will be \$3.5 billion in fiscal year 2001.] But any citizen in the state would be hard pressed to tell you what any of those were. Every single year, I have advocated significant income tax reduction, and I will continue to do so. It's significant that we've had no tax increases in New Mexico since I've been governor. It has never happened before. But we haven't had the cuts I've wanted either.

Reason: Your term's up January 1, 2003. What's next for you? More politics?

Johnson: No politics in my future. I have effectively pulled the pin on my political career with my stance on drugs, and I recognize that up front.



he latest round in the perennial legal battle over the separation of church and state ended on June 19, when the U.S. Supreme Court struck down a Texas school district's policy permitting voluntary, student-initiated public prayers before high school football games. But the litigation over religious expression in public schools is likely to continue. It is a

conflict in which two key First

Amendment protections—freedom of speech and the prohibition against

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