

MUTINY IN NEW MEXICO

GOV. GARY E. JOHNSON is the highest-ranking elected official to blast the War on Drugs. And the most unlikely: He's not just a drug-free, squeaky-clean triathlete. He's a **REPUBLICAN**

By **MIKE GRAY**

IN THIS AGE OF MACHINE-tooled politicians, Gov. Gary E. Johnson of New Mexico is a throwback to the Jeffersonian ideal of the citizen-legislator. He arrived in the governor's office five years ago out of the blue, a self-made Republican multimillionaire whose money came from the construction business, with no political experience whatsoever. And now this novice politician is weathering the fiercest of attacks for denouncing the government's War on Drugs. Arguing that drug prohibition impinges on the rights of citizens and drains the treasury, Johnson has taken his campaign national and is receiving — along with the hostility — quiet but emphatic support from politicians and law-enforcement officials across the country.

Johnson was first pushed into taking a public stand last June 22nd. Reporter Tim Archuleta of the *Albuquerque Tribune*, acting on a tip, caught Johnson at a Republican conference in Albuquerque. Archuleta asked him whether he was going to recommend decriminalizing drug use in New Mexico. The governor confessed that indeed he was. He told Archuleta: "Our present course is not working. Our War on Drugs is a real failure." Archuleta's story hit newsstands at noon the next day, and at the governor's next stop, he was confronted by television cameras and shouting reporters. The *Santa Fe New Mexican* headline read,

JOHNSON SAYS POT-SMOKING IS NOT A CRIME.

Suddenly, the national spotlight was on the forty-seven-year-old governor. While the chorus of anti-war activists has grown to include mayors, federal judges, police chiefs, economists and former Reagan Secretary of State George Shultz, the defection of this conservative Republican governor was a major crack in the dike. Johnson was condemned on Capitol Hill, and White House drug czar Gen. Barry R. McCaffrey, clearly blindsided by this unexpected break in the ranks, fired off a five-page letter defending the drug war and accusing Johnson of false statements and of misleading the American people.

From his fellow governors across the country there was resounding silence: Nobody wanted to get near this political land mine. Even Gov. Jesse Ventura of Minnesota, who suggested legalizing marijuana during his 1998 campaign, has not addressed the subject since he took office. At the National Governors' Association meeting in St. Louis in August, Johnson didn't even bother to bring it up. "I'm not naive," he says. "But I was surprised at some people's statements that we can't even talk about an alternative because it's 'crazy and irresponsible' — that's from McCaffrey."

Back in New Mexico, Johnson's Republican peers are frantically distancing themselves from his heresy. "He's had some good ideas," said Senate Minority



Floor Leader Skip Vernon. "He's had some bad ideas. And this is the worst." State Sen. Billy McKibben is livid. "I think he's an idiot," said McKibben. "I think he's still smokin' the stuff." State Rep. Andy Kissner said Johnson's suggestions are "just outrageous." The state's lawmen are equally appalled. Sheriff Ray Sisneros of Santa Fe said Johnson should check himself into a mental hospital, and the secretary of public safety accused him of damaging the morale of law-enforcement officers, then resigned. But from Johnson's viewpoint, everything seems to be going pretty much according to plan.

The governor disarmed his attackers

by freely admitting that he'd used marijuana in college while noting that today his body is his temple. A competitive triathlete who hang-glides from mountaintops and rides around the state on a bicycle, he doesn't even eat junk food. He gave up booze thirteen years ago. He thinks drug use is a handicap. "I'm against drugs," he has said. "But should you go to jail for simply doing drugs? I say no. People ask me, 'What do you tell kids?' Well, you tell them the truth. You tell them that by legalizing drugs we can control them, regulate them and tax them. But you tell them that drugs are a bad choice — but if you do drugs, we're not going to throw you in jail." When

the governor talks about this issue, it's clear his background isn't politics. Instead of doublespeak, his language reflects the direct, unambiguous style of a construction foreman.

John Dendahl, the state Republican Party chairman, was at the fateful luncheon last June where Johnson announced that he was thinking about taking on the drug war. The governor began listing the damage wrought by prohibition: the violence, the corruption, the erosion of the Constitution and the fact that kids now have ready access to cheap drugs everywhere. Johnson said, "I have to go public with the discussion of alternatives to the drug war, like decriminalization."

Surprisingly, Dendahl agreed to back him. The pair set out to lay the groundwork. Dendahl would massage the party stalwarts and try to soften the blow. The governor would meet privately with key legislators and U.S. Sen. Pete V. Domenici's people so they could brace for the shock wave. Then somebody tipped off the *Albuquerque Tribune*, and the fat was in the fire.

While most politicians were publicly scrambling to get out of the way, Johnson was privately getting encouragement from other quarters. Steve Bunch, an Albuquerque attorney who heads the New Mexico Drug Policy Foundation, a local reform group, was busily connecting the governor with experts from all over the country, and they were piling his desk with books and articles. The deeper Johnson dug, the more convinced he became that the drug war itself was the problem. By the time he arrived in Washington, D.C., to deliver a speech to the libertarian Cato Institute in early October, he was openly advocating the legalization of all drugs, including cocaine and heroin.

McCaffrey was incredulous. Here was this governor from an empty Western state, in Washington, on the general's home turf, attacking everything he stood for. He immediately issued a statement calling Johnson's message "pro-drug" and claiming that his actions "serve as a terrible model for the rest of the nation." Two days later, McCaffrey flew to Albuquerque for a dawn assault.

"I was at home getting ready for the day," says the governor's legislative liaison, Dave Miller. "I knew he was coming on, so I flipped on the 7 A.M. news, and he was on two channels with the same line: 'I hear kids in New Mexico are calling the governor "Puff Daddy" Johnson.'"

McCaffrey hammered the line again at a breakfast meeting with local law-

men organized by John J. Kelly, the U.S. attorney for the district of New Mexico. Then the general was off to a treatment center and a hastily arranged Rotary Club luncheon. Backed by a phalanx of law-enforcement officials, he called Johnson worse than irresponsible. "This is goofy thinking that's harmful to New Mexico," McCaffrey said. "He ought to be ashamed of himself."

At the Statehouse in Santa Fe, after listening to five hours of battering from McCaffrey, Miller peeked into the pressroom and found it packed with reporters waiting for Johnson's reaction.

A FORMER DRUG user who is now an Ironman competitor, Gov. Johnson has extra credibility in calling for legalization.

"I had rarely seen the pressroom that hot," he says. He went to the governor's office and found Johnson watching the noon report on his little TV. There was the general, ridiculing Johnson as ignorant and uninformed, saying, "He's getting some of these sound bites out of *ROLLING STONE* magazine."

It was Miller's turn to be shocked. "I had done a little research on McCaffrey," he says. "So I thought, 'Well, he's a class act, a four-star general - he's gonna really know his stuff.' As a staffer, I always worry that we're just gonna get creamed, that he's gonna really do us in with facts and figures. And then he starts in with the 'Puff Daddy' stuff." But Johnson told Miller, "When you get this kind of attention from somebody who's supposed to be at the top of the heap, you're gonna advance your cause."

McCaffrey, with his vitriolic attack, was playing right into their hands. "God," said Miller, "does it get any better than this?"

A few minutes later they entered the pressroom, where the reporters clamored for a response. Johnson, polite and respectful, simply welcomed the general to the debate, even though McCaffrey didn't bother to meet with him in person. "What *ROLLING STONE* and a lot of others who really understand this issue are presenting," Johnson said, "is the truth." Why, asked Johnson, if drug use is falling, as the general claimed, are record numbers being arrested? "In the late Seventies we spent \$1 billion in federal money fighting drug-related crime," said Johnson. "Today we're spending \$17.8 billion. The number of people arrested has jumped from 200,000 in the late Seventies to 1.6 million.

When it comes to a cost-benefit analysis, this really stinks."

The public reaction to this shootout seemed to surprise everyone but the governor. The phone lines, e-mail and fax machines were overflowing, and ninety percent of the voters were swinging with Johnson.

"This has been unbelievable," said Johnson in his Cato Institute speech. "Two elderly ladies came up to my table at dinner the other night and said, 'We're teachers, and we think your school-voucher idea sucks. But your position on the War on Drugs - right on!'"

Johnson knows that these voters don't necessarily agree with his ideas about legalization, but they do agree that the drug war is a failure and that it's time to look at alternatives. "Every single day I am approached by people on the street saying this is long overdue, oftentimes relating personal experiences," he says. "I've had prominent New Mexicans tell me about drug arrests." These privileged citizens usually had their charges dismissed, says Johnson, "but it was dismissed by the grace of God - and who you happen to know."

Johnson has three years left in his term - after which, he says, he will leave politics to climb Mount Everest - and he intends to maintain his attack. At the Cato Institute meeting, he said: "I'm trying to communicate what I believe in. I believe in this issue." And he finished his speech with a telling insight: "I do understand my value in this. I'm trying to make the most out of having been given the stage." Requests for speaking engagements have been flooding in from all over the country, and *60 Minutes* is at work on a profile.

In November, Johnson scheduled several educational seminars featuring drug-war critics like Ethan Nadelmann, a leading spokesman for the reform movement, and they played to standing-

room-only crowds. Perhaps audiences are drawn to the governor's honesty. He has even discussed the pleasures of cocaine: "You know why people do it. It's wonderful. *Whoaaa! Whewwww!*"

And while his candor has inflamed the drug warriors, most of them prefer to engage him from a distance rather than one on one. A debate that was to include the governor and one of his most vociferous critics, U.S. attorney Kelly, was scheduled for late November at the University of New Mexico law school, but Kelly bowed out at the last minute.

In the end, Johnson believes, history will vindicate him. How soon? He laughs. "I wouldn't be doing this if I didn't think this was a Berlin Wall-type situation," he says. "You're gonna get a critical mass here, and all of a sudden it's just gonna topple."

Does he see anyone behind him ready to mount the wall? "I see all sorts of people," he says. "Elected officials from across the spectrum, law enforcement, people in the courts. They say, 'You're right, but I can't [say so].'" It's a measure of the political fear surrounding this issue that Johnson refuses to name names. He doesn't want to spook his potential allies - they're already skittish enough. The voters, he says, are well ahead of the politicians, but the politicians are coming around. "There is a more positive response among them behind closed doors," says Johnson. "Time will tell if they support it down the road publicly. We believe that public sentiment is going to change their position."

Johnson wants to make it safe for other public figures to say out loud what they're whispering to him in private. "People are really fed up," he says. "People absolutely, genuinely recognize it as crazy. And the taboo is that you can't even talk about it."

In the state of New Mexico, the taboo no longer applies. ○

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MIKE GRAY is the author of "Drug Crazy" (*Random House*). He wrote "Texas Heroin Massacre" in *RS* 813.