

Beyond Prohibition: The Case for Drug Legalization

CATO speech by Gov. Gary E. Johnson

I am not a typical politician. I started a business in 1974 as a handyman. By 1994 my wife and I had 1,000 employees specializing in various tasks--electrical, mechanical, plumbing, and pipefitting. It was really a dream come true. I did some things then that I still do today. I told the truth. I was on time. I did a little bit more for my customers than what I promised them I would do. With that formula, you can build and expand a business.

I am also an athlete. I am doing the Ironman Triathlon in two and a half weeks. It will be the third time that I compete in it. I am a competitive triathlete. This has been my hobby now for about 20 years. Going to the Ironman Triathlon is like a baseball player's opportunity to go to the World Series. It's like a football player's chance to go to the Superbowl. It's really exciting for me. I have a goal to climb Mount Everest after I leave office. I think it would be really cool to stand on top of the planet. I think that would be wonderful.

I often say to people that every person needs to determine what makes his or her life work. In my particular case, I found that being as fit as I possibly can be makes my life work. You need to find out what that something is in your lives--whether it's canoeing, playing chess, knitting, reading, or whatever it might be. But get more of what makes your life work and then get rid of those things that get in the way of what you want to do. In my life, I discovered that that was tobacco and alcohol. I don't drink. I haven't had a drink in 12 years. I don't do drugs. I don't even do candy bars. Those things are a handicap. They really are.

I've got a great family. My wife, Dee, and I have two children. Our daughter is 20 and our son is 17. My wife and kids are extremely supportive. Life is happy if you have a great supporting cast, and I do.

I got my degree in political science at the University of New Mexico. I've always believed that life's highest calling is doing good by others. I've always believed that politics can be a way of accomplishing that. So this is something that I've always wanted to do. Now right or

wrong, I never got involved in politics at an earlier level because I felt that if I did, I would somehow be indebted. I wanted to be in a position where I wasn't indebted to anyone. I wanted to get in office and do what I thought was right. That was the formula that I followed. I introduced myself to the Republican Party just two weeks before I announced my candidacy for governor. The response that I got was "We like you, we like what you say, but you need to understand, you'll never get elected. It's just not possible."

Well, I spent a half-a-million dollars of my own money to pursue my goal of becoming the governor of New Mexico. Let me make one point very clear: Not one person asked me to run for governor. Not one person. That was something that I wanted to do and I recognize that I have been given a wonderful opportunity to make a difference. And I believe that I have made a positive difference.

When I am asked about my greatest accomplishment as governor, I respond by saying that we have taken a balanced approach to everything that needs to happen in New Mexico. We have held the line on taxes. We've actually reduced taxes, but not as much as I would like to have seen. We're building 500 miles of four-lane highway in the state of New Mexico--effectively doubling the four-lane highways in the state. We have reduced the number of state employees by about 5 or 6 percent. What I tell New Mexicans is, if you haven't noticed a difference in the services of state government, I want to suggest that we're more efficient because we're doing it with 1,300 fewer state employees. And whenever you save money, that's money you can spend in other areas. There are plenty of areas in government that that money can be spent.

We did shift over to managed care from the Medicaid model, and that was very significant. We had very overcrowded prisons in New Mexico. We built a couple of new prisons, and those prisons are run privately. I fought for that. The cost was two-thirds what it was costing us to do it as a state. Improving education has been a priority, but, regrettably, all I have done since I have taken office when it comes to education is put more and more money into a system that by all measurement is just doing a little bit worse from year to year. I'm afraid that that isn't just the experience of New Mexico. That is the trend nationally. So I am now pressing for school vouchers. School vouchers are something that I believe in. Bring competition to public school systems, and it will make a positive difference.

I am a "cost-benefit" analysis person. What's the cost and what's the benefit? A couple of things scream out as failing cost-benefit criteria. One is education. The other is the war on drugs. We are presently spending \$50 billion a year on the war on drugs. I'm talking about police, courts, and jails. For the amount of money that we're putting into the war on drugs, I want to suggest that it is an absolute failure. The "outrageous" hypothesis that I have been raising is that under a legalized scenario, we could actually hold drug use level or see it decline. I realize that is arguable. But with respect to drug abuse, I don't think you can argue about that. Under a legalized scenario, we would see the level of drug use remain the same or decline. And the same would happen with respect to drug abuse.

Sometimes people say to me, "Governor, I am absolutely opposed to your stand on drugs." I respond by asking them, "You're for drugs, you want to see kids use drugs?" Let me make something clear. I'm not pro-drug. I'm against drugs. Don't do drugs. Drugs are a real handicap. Don't do alcohol. Don't do tobacco. They are a real handicap.

There's another issue beyond cost-benefit criteria. Should you go to jail for using drugs? And I'm not talking about doing drugs and committing a crime or doing drugs and driving a car. Should you go to jail for simply doing drugs? I say no. I say that you shouldn't. People ask me, "What do you tell kids?" Well, you tell them the truth, that's what you tell them. You tell them that by legalizing drugs, we can control them, regulate them, and tax them. If we legalize drugs, we might have a healthier society. And you explain to them how that might take place. But you tell them that drugs are a bad choice. Don't do drugs. But if you do drugs, we're not going to throw you in jail for that.

Under a legalized scenario, I say there is going to be a whole new set of laws. Let me just mention a few of those new laws. Let's say you can't do drugs if you're under 21 years of age. You can't sell drugs to kids. I say employers should be able to discriminate against drug users. Employers should be able to conduct drug tests and they should not have to comply with the American with Disabilities Act. Do drugs and do crime? Make it like a gun. Enhance the penalty for the crime in the same way we do today with guns. Do drugs and drive? There should be a law similar to the law we have now for driving under the influence of alcohol.

I am proposing that we redirect the \$50 billion that we're presently spending (state and federal) on the old set of laws to enforce a new set of laws. I sense a new society out there when you're talking about enforcing these new laws and enhancing the ability of law enforcement to focus on other crimes that are being committed. Police can crack down on speeding violations, burglaries, and other crimes that law enforcement does not have the opportunity to enforce.

Under a legalized scenario, there will be a new set of problems. And we can all point them out. We can talk all day about the new set of problems that will accompany legalization. But I suggest to you that the new problems are going to be about half the negative consequence of what we've got today. A legalization model will be a dynamic process that will be fine-tuned as we go along.

I recall when I was in high school in 1971. An Albuquerque police officer came in, lit up some marijuana weeds and said, "If you smell this, run. This is marijuana and you need to know that if you do marijuana, we're going to catch you and we're going to put you in jail." I remember raising my hand at that time, asking, "What are you going to do, put 15 million people in jail?" The police officer said, "I don't care about that. I just care about the fact that if you do it, we're going to catch you and we're going to put you in jail." I'm afraid that prophecy may be coming true. In 1997 there were about 700,000 arrests for marijuana-related offenses.

Does anybody want to press a button that would retroactively punish the 80 million Americans who have done illegal drugs over the years? I might point out that I'm one of those individuals. In running for my first term in office, I offered up the fact that I had smoked marijuana. And the media was very quick to say, "Oh, so you experimented with marijuana?" "No," I said, "I smoked marijuana!" This is something that I did. I did it along with a lot of other people. I look back on it now and I view drugs as a handicap. I stopped because it was a handicap. The same with drinking and tobacco. But did my friends and I belong in jail? I don't think that we should continue to lock up Americans because of bad choices.

And what about the bad choices regarding alcohol and tobacco? I've heard people say, "Governor, you're not comparing alcohol to drugs? You're not comparing tobacco to drugs?" I say, "Hell no! Alcohol killed 150,000 people

last year. And I'm not talking about drinking and driving. I'm just talking about the health effects. The health effects of tobacco killed 450,000 people last year." I don't mean to be flippant, but I don't know of anybody that ever died from a marijuana overdose. I'm sure there are a few that smoked enough marijuana to probably die from it. I'm sure that that's the case. I understand that 2,000 to 3,000 people died last year from cocaine and heroine. Under a legalized scenario, theoretically speaking, those deaths go away. Those don't become accidental deaths anymore. They become suicides because we'd be talking about a legalized scenario where drugs will be controlled, where drugs will be taxed, where we would have education to go along with it. I want to be so bold as to say that marijuana is never going to have the devastating effects on society that alcohol has had on us.

My own informal poll among doctors is that 75 to 80 percent of people that doctors examine have health-related problems due to alcohol and tobacco. My brother is a cardio thoracic surgeon, performing heart transplants. My brother says that 80 percent of the problems that he sees are alcohol and tobacco related. He says he sees about six people a year who have infected heart valves because of intravenous drug use, but the infection isn't from the drugs themselves. It's the dirty needles that cause the health problems.

Marijuana is said to be a gateway drug. We all know that, right? You're 85 times more likely to do cocaine if you do marijuana. I don't mean to be flippant, but 100 percent of all substance abuse starts with milk. You've heard it, but that bears repeating. My new mantra here is "Just Say Know." Just know that there are two sides to all these arguments. I think the facts boil down to drugs being a bad choice. Drugs are a handicap. But should someone go to jail for just doing drugs? That is the reality of what is happening today. I believe the time has come for that to end.

I've been talking about legalization and not decriminalization. Legalization means we educate, regulate, tax, and control the estimated \$400 billion a year drug industry. That's larger than the automobile industry. Decriminalization is a muddy term. It turns its back to half the problems that we're facing--which is to get the entire economy of drugs above the line. So that's why I talk about legalization, meaning control, the ability to tax, the ability to regulate, and the ability to educate.

We need to make drugs a controlled substance just like alcohol. Perhaps we ought to let the government regulate it; let the government grow it; let the government manufacture it, distribute it, market it; and if that doesn't lead to decreased drug use, I don't know what would!

Kids today will tell you that legal prescription drugs are harder to come by than illegal drugs. Well, of course. To get legal drugs, you must walk into a pharmacy and show identification. It's the difference between a controlled substance and an illegal substance. A teenager today will tell you that a bottle of beer is harder to come by than a marijuana joint. That's where we've come to today. It's where we've come to with regard to controlling alcohol, but it shows how out of control drugs have become.

A legalization scenario isn't going to be like the end of alcohol prohibition. When Prohibition ended, there were advertisements on the radio right away that said, "Hey! Drink and be merry. It's cool." I don't see this like tobacco, where for so long we saw advertisements that said, "Hey! Smoking is good for your health." There are constitutional questions, but I envision advertising campaigns that discourage drug use. I don't see today's advertising campaigns as being honest, and that's part of the problem.

The Partnership for a Drug Free America was bragging to me that it was responsible for the "Here's your brain, and here's your brain on drugs" ad. Well, some kids believe that, perhaps three year olds, maybe even nine year olds or ten year olds. But at some point, kids have friends that smoke marijuana for the first time. Like everybody else, I was also told that if you smoke marijuana, you're going to go crazy. You're going to do crime. You're going to lose your mind. Then you smoked marijuana for the first time and none of those things happened. Actually, it was kind of nice. And then you realized that they weren't telling you the truth. That's why I envision advertising that tells the truth, which says drugs are kind of nice and that's the lure of drugs. But the reality is that if you continue to do drugs, they are a real handicap. We need to have an honest educational campaign about drugs.

Drug Czar Barry McCaffrey has made me his poster child for drug legalization. He claims that drug use has been cut in half and that we are winning the drug war. Well, let's assume that we have cut it in half. I don't buy

that for a minute, but let's assume that it's true. Let's assume that drug use has, in fact, dropped in half. Well, if it has, in the late 1970s we were spending a billion dollars federally on the drug war. Today, the feds are spending \$19 billion a year on the drug war. In the late 1970s, we were arresting a few hundred thousand people. Today, we're arresting 1.6 million people. Does that mean as drug use declines (according to McCaffrey, it has declined by half) that we're going to be spending \$36 billion federally and that we're going to be arresting 3.2 million people annually? I mean, to follow that logic, when we're left with a few hundred users nationwide, we're going to be spending the entire gross national product on drug law enforcement!

I think it would be interesting to see some push polling done on the issue of drugs in this country. In other words, if the following is true, then how do you feel about "x." If the following is true, how do you feel about "y." But the questions that get asked today, I really feel like I understand the answers. People have been conditioned and believe that drugs are dangerous. The polls should ask, "Should you go to jail for just using drugs?" People overwhelmingly say no. But ask the question, "Should you go to jail for pushing drugs," people say yes. People don't understand the profile of a pusher. Most people don't understand, as we New Mexicans do, that the mules are carrying the drugs in. I'm talking about Mexican citizens who are paid a couple of hundred dollars to bring drugs across the border, and they don't even know who has given them the money. They just know that it's a king's ransom and that there are more than enough Mexican citizens willing to do that. The federal government is catching many of the mules, but the arrests are not making a difference in our war on drugs. We are catching some kingpins. Let's not deny that. But those that are caught, those links out of the chain, don't make any difference in the overall war on drugs.

I want to tell you a little bit about the response that I've been getting to this, the response to what I've been saying. Politically, this is a zero. This is absolutely a zero. Politically, for anybody holding office, for anybody that aspires to hold office, for anybody who's held office, or for anybody who has a job associated with politics, this is verboten. I am in the ground, and the dirt is being thrown on top of my coffin. But what I want to tell you is that among the public, this is absolutely overwhelming. I suggest to you that this is the biggest head-in-the-sand issue that exists in this country today. In New Mexico, I am being approached rapid fire with

people saying "right on" with your statements regarding the war on drugs. And I want to suggest to you that it's a 97 to 3 difference among the public. This has been unbelievable. To give you one example, two elderly ladies came up to my table during dinner the other night, Gertrude and Mabel. They said, "We're teachers and we just think your school voucher idea sucks. But your position on the war on drugs... Right on! Right on!"

What I believe I have discovered, and it's been said before, is that the war on drugs is thousands of miles long, but it's only about a quarter-inch deep. That's my belief. I do understand my value in all this. I appreciate the work that has already been done by all of you. I've been given the stage and I understand that. And I'm trying to make the most out of having been given the stage. I was on Good Morning, America earlier, and I'm the one that was given the six minutes of

air-time. And I'm trying to make the most out of it. I'm trying to communicate what I believe in. I believe in this issue. I believe that drugs are bad, but I believe that we need to stop arresting and locking up the entire country.

I'd like to end this talk with my "Seven Principles of Good Government." This is something that I authored when I took office and you'll find that these principles dictate everything that I do.

1. Become reality driven. Don't kid yourself or others. Find out what's what and base your decisions and actions on that.

2. Always be honest and tell the truth. It's extremely difficult to do any damage to anybody when you are willing to tell the truth--regardless of the consequences.

3. Always do what's right and fair. Remember, the more you actually accomplish, the louder your critics become. You've got to learn to ignore your critics. You've got to continue to do what you think is right. You've got to maintain your integrity.

4. Determine your goal, develop a plan to reach that goal, and then act. Don't procrastinate.

5. Make sure everybody who ought to know what you're doing knows what you're doing. Communicate.

6. Don't hesitate to deliver bad news. There is always time to salvage things. There is always time to fix things. Henry Kissinger said that anything that can be revealed eventually should be revealed immediately.

7. Last, be willing to do whatever it takes to get your job done. If you've got a job that you don't love enough to do what it takes to get your job done, then quit and get one that you do love, and then make a difference.

Thank you very much.