



Reason *in Revolt*

JACOBIN

Gary Johnson's Hard-Right Record

Gary Johnson spent his time as New Mexico's governor championing private prisons and austerity. He's not worth a protest vote.

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Gary Johnson, the Libertarian Party nominee for president, told the *New Yorker* in July that he'd taken a quiz on ISideWith.com to see which other candidate's views aligned most with his own. The answer, it turned out, was Bernie Sanders. "It's about everything but economics," he said, adding that they agree broadly on marijuana legalization, foreign policy, and "crony capitalism."

The remark was characteristic in several ways. As *New Yorker* writer Ryan Lizza noted in the story, Johnson — who joined the party in 2011 — has consciously broken from fellow libertarian Ron Paul by emphasizing his common ground with those who lean left, rather than right. He's been making the rounds with other mainstream liberal publications like *New York* and with late-night TV hosts like Samantha Bee and Stephen Colbert, casting himself as a sort of quasi-hippie who just wants to legalize pot and end the wars.

At worst, he can come across as a harmless idiot, as when the *Economist* reported that he once shut himself in a freezer "to prove he could withstand the cold."

But a few issues aside, Johnson's politics are toxic. And it's disingenuous for him to suggest that economics can be set aside as a discrete category. What he downplays as "economics" is actually the core of his political philosophy: his fierce belief that the "free market" knows best, and that most anything the state can do, private business can do better.

This was borne out during his tenure, from 1995 to 2003, as New Mexico's Republican governor — the only political office he's ever held. Those eight years were marked by drastic calls for austerity and a relentless drive to privatize or eliminate functions of state government.

After inaugurating New Mexico's use of private prisons, Johnson made it his top political priority to install a school voucher system (an effort that failed because of the legislature's opposition). He also annulled public employees' collective-bargaining rights, slashed funding for social programs, reduced taxes for the wealthy, implemented one of the country's strictest welfare-reform programs, and pushed for harsher sentencing laws.

In 2002, the libertarian Cato Institute could only lament that the Democratic legislature was standing in the way of Johnson's bold agenda. The Republican governor, Cato raved, "has done much to create private-sector jobs and to erode the culture of dependence on government in New Mexico."

Privatize and Penalize

Gary Johnson was born in Minot, North Dakota in 1953. During his adolescence, Johnson's family moved to New Mexico, where his father became a public school teacher. He told the *New Yorker* he embraced libertarianism at the age of eighteen, after discovering a book on the subject that took him thirty minutes to read (he no longer remembers the title).

Once in college, Johnson worked as a handyman and, during his senior year, parlayed the job into a construction company. It turned out to be a cash cow. In the late 1980s, after winning a contract with Intel to produce microchips, the company blossomed into one of the largest in the state. In 1994, now flush with cash, Johnson used \$400,000 of his own money to fund an uphill gubernatorial bid. He won in a three-way race.

Former colleagues remember Johnson as an ideologue, sincerely committed to his project of dismantling government. "He made it very clear to me that by the time he graduated from third grade, he knew all there was to know about government," said Raymond Sanchez, who was speaker of New Mexico's House of Representatives for six years of Johnson's tenure. "He tried to privatize everything he could think of — everything that was in reach." By 2003, he had set the state record for vetoes, rejecting 739 bills passed by the Democratic legislature.

But he's best remembered for the prisons. Johnson originally ran on a platform of privatizing every jail in the state — "that way," he reasoned, "we'll always have the latest and greatest and best." His first budget proposal included \$91 million for a new privately run state prison.

As Joseph T. Hallinan reports in his book on the US prison system, *Going Up the River*, Johnson accepted at least \$9,000 in campaign donations from a prison company that ultimately won a state contract. By the time he left office, New Mexico led the country in for-profit prisons, housing 44 percent of its inmates in private facilities. Only Alaska, with 31 percent, came close.

Whenever problems surfaced in the for-profit prisons, Johnson turned extremely defensive. In 2000, after four inmates and a guard were killed in private facilities, Johnson vetoed an oversight bill and startled reporters by insisting that New Mexico had the best prisons in the nation. When a riot in a private prison prompted him to send 109 inmates elsewhere, he selected a supermax prison run by the same company in Virginia — despite previous reports of human-rights violations. To this day Johnson is remorseless, saying he "saved taxpayers a lot of money."

Johnson's preference for private prisons dovetailed with his tough-on-crime philosophy. As governor, he advocated a three-strikes sentencing policy and a law eliminating early parole. He also sought to limit appeals from death row and even said capital punishment should sometimes be used on minors. (He later changed his mind and said he wanted to eliminate the death penalty altogether; he still believed in "an eye for an eye" but thought that as a policy, it was too costly and unfair.)

Then there was Johnson's antagonism toward labor, which dated back to his days as a small-business owner. In 1991, a jury penalized his construction company \$600,000 for dismissing an employee who reported safety concerns to OSHA. Once in office, Johnson enacted spending cuts that caused the state to eliminate its toll-free hotline for reporting similar safety violations.

He rejected minimum-wage increases and backed "right-to-work" bills. And in 1999, when public employee unions' right to collectively bargain was set to expire, Johnson vetoed a bill to extend it. Thanks to Johnson's actions, AFSCME's Carter Bundy told me, ten thousand government workers saw their wages frozen. "He was incredibly hostile to labor," said Morty Simon, an attorney who represented labor groups in the '90s. "We were just totally shut out of the Gary Johnson administration. No contact, no nothing."

At the same time, Johnson seized on Bill Clinton's welfare-reform law to push more poor people into minimum-wage jobs. The law required states to tighten up their rules for welfare recipients: for instance, states had to stop doling out benefits to families after five years.

New Mexico's legislature passed a modest series of reforms, but Johnson vetoed these and announced his own rules: a three-year instead of a five-year limit on benefits, a requirement that recipients find work within sixty days of getting on the welfare rolls, and a provision stipulating that recipients over twenty years old could no longer enroll in college or vocational school instead of working. For good measure, he slashed \$10 million from the state's welfare budget.

(The *Albuquerque Journal* reported that the average welfare recipient was a single woman with two children who earned less than \$8,600 a year.)

And what about areas where there were no minimum-wage jobs to be had? "We don't have an answer," Johnson admitted during a visit to the town of Las Vegas, New Mexico. "But it's our belief, that in this kind of situation, maybe you'll move to where the jobs are." He added that he was committed to building another prison nearby, which would mean more jobs.

Within just a few months, the state had knocked more than 16,000 people off its welfare rolls, and its poverty rate had risen to first in the nation, according to a report from the state's legislature.

But Johnson's cavalier approach landed him in legal hot water. The New Mexico Supreme Court ordered the governor to cease his reform program, ruling that he had illegally defied the legislature by implementing it. When he refused, the Court held him in contempt. Boxed into a corner, Johnson worked out a compromise with the House and Senate the following year that required recipients to find work within two years (instead of sixty days) and cut off benefits after five years (instead of three).

When it came to the state budget, Johnson always put the onus on public programs to justify their existence. And few programs passed his muster.

In 1995, for instance, he vetoed hundreds of line items, including one that involved children's cancer treatment and another for evaluations of kids who had been sexually abused. (He restored the funding after a backlash.)

Later that year, when the state's health department faced a budget crunch, his solution was to impose a time limit on benefits for disabled adults, which immediately threw 731 people off the rolls. (The maximum payment was \$231 per month. A judge later invalidated the limit and said it violated federal law.)

Three years later, Johnson eliminated roughly \$48 million from the state budget. He slashed funding for programs that subsidized drugs for AIDS patients, for domestic-violence victims, for home-care services, and for a toll-free line to the legislature.

And in the early aughts, after the Department of Health created a jail-diversion program for the mentally ill, the state cut off funding because health-workers wouldn't kick patients out after eighteen months. In 2002, Johnson's budget called for a \$7 million reduction to the department's behavioral-health division, which would have required it to tear down infrastructure and lay off staff. (The legislature ultimately avoided draconian cuts by overriding Johnson's veto on its own alternative budget.)

Johnson's eagerness to slash programs was matched by a zeal to cut taxes — especially for the wealthy. He argued lower rates would attract more “high-skill, well-paid jobs” to New Mexico, including those of corporate executives. The legislature again proved the chief impediment, however. While he succeeded in bringing down the top-bracket rate for personal incomes taxes in the 1990s, it only dropped from 8.5 to 8.2 percent. Still, he convinced the legislature in 2001 to reduce taxes across the board by a total of \$72 million (albeit, in some cases, temporarily).

On education, Johnson's unrealized dream was a voucher program that would have diverted students — and tax dollars — from public schools to private ones. He wanted to offer parents several thousand dollars to send their kids to whichever school they preferred, parochial or otherwise, claiming it would improve public schools by forcing them to compete and cause the underperforming ones to close. Year after year, he made it a top priority in legislative sessions, but the legislature never signed on — thanks largely to the lobbying of public-education advocates.

For Democratic legislators, the trouble wasn't just that Johnson wanted to divert money from the public system to private institutions. It was that his plan would privilege rich families in the long run, said Charles Bowyer, who served as government-relations director of the teachers' union during Johnson's tenure. Tuition at the most prestigious private schools often cost around \$8,000 or \$9,000 — meaning low-income families could never afford them, even with vouchers. And private schools would still be able to reject special-needs students.

For better or worse, Bowyer says that legislators might have gone along with a plan that only offered vouchers to poor families. But Johnson wanted to include everyone. Even under his compromises — including one version that would have made only the lowest-income families eligible in the first year — Johnson's voucher plan would've weakened the public education system while subsidizing private schools for the wealthy.

No Friend of the Left

Former colleagues and advocates say they don't remember Johnson speaking in favor of LGBT rights or other "socially liberal" causes during his governorship. It was only when he embraced marijuana legalization in 1999 that Johnson openly embraced this side of libertarianism.

To his credit, Johnson did advocate gay marriage long before it was legalized by the Supreme Court, and he's said during the 2016 presidential campaign that the government should forbid businesses from discriminating against gay couples. He also criticizes mass surveillance and foreign interventions, and calls for an end to the War on Drugs.

These positions are admirable, to be sure. But none of them suggests a substantive change in the way Johnson thinks about property relations or workers' rights. He's still the same governor who attacked public employees' collective bargaining rights, who leapt at the opportunity to punish welfare recipients, who thought it prudent to directly introduce the profit motive into prison operations.

If anything, he's doubled down on his hard-right economic views since leaving the governor's mansion. Johnson's current platform calls for scrapping income and payroll taxes in favor of a national consumption tax — an incredibly regressive proposal that would deepen existing inequalities. And he opposes all deficit spending, a position that would make further doses of austerity the only option during economic downturns.

So make no mistake: obligatory references to "crony capitalism" notwithstanding, Johnson's faith in capitalist markets is unwavering. He is no friend of the Left, no legitimate vessel for carrying forward any kind of progressive political revolution. He remains, at heart, the teenager who thinks economics can be taught in one lesson, and that freedom means protecting the liberty of the propertied.