

The Atlantic

Where Libertarians Stand As Donald Trump Rises

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Earlier this month, The Cato Institute asked me to debate the proposition, “Was the libertarian moment wishful thinking?” Alongside Matt Welch of Reason, Ramesh Ponnuru of National Review, and the Cato Institute’s David Boaz, I discussed the political movement in a election when Donald Trump is rising, Rand Paul failed to gain any traction, and the public seems as uninterested as ever in elevating Gary Johnson, a rare politician that I’ve liked ever since learning more about him back in 2011. Below are my opening remarks as prepared for delivery, followed by a video embed of the whole debate.

Donald Trump is as well positioned as anyone to be elected leader of the world's oldest democracy. If he wins, I hope he tires of America quickly and leaves us for a younger, Eastern European country. But if he puts his name in gold letters atop the White House and stays for four years, our next best hope is that right and left, Congress and the courts see new urgency in safeguarding civil liberties, reining in executive power, limiting surveillance, and tyrant-proofing the White House like helicopter parents moving into a new place with a badly behaved toddler.

Libertarians should work to build that tyrant-proofing coalition.

Now, there are people with principles different than mine who say we've actually found “the perfect leader for America's moment of permanent constitutional crisis.” They say we’ve found someone “who cares more about results than process, who cares more about winning the battle than being well-liked, and a person who believes in asking what [they] can get away with rather than what would look best.”

That wasn’t Breitbart.com describing Donald Trump.

It was Matt Yglesias describing Hillary Clinton before Trump’s rise. His article is a reminder that, if she wins, the progressive left will opt out of the tyrant-proofing project. "Committed Democrats and liberal-leaning interest groups," Yglesias wrote, “are facing a reality in which any policy gains they achieve are going to come through the profligate use of executive authority, and Clinton is almost uniquely suited to deliver the goods. More than almost anyone, she knows where the levers of power lie, and she is comfortable pulling them, procedural niceties be damned... if there is a future for making progressive policy, that future is executive action.”

Then again, maybe Ted Cruz will pull out a victory.

In that case, Democrats will rediscover their Bush-era objections to executive power, while Republicans go John Yoo on us again; offer defenses of police officers so unqualified you'd

swear that they don't have YouTube; side with the FBI as it tries to secure a backdoor into our smart phones; and trample on other core liberties besides.

As usual, there are only worrying scenarios for libertarians this election cycle. When the most liberty-loving candidate may well be the socialist with disdain for economic freedom, but with solid anti-war, anti-surveillance, and civil libertarian bonafides, things are not optimal. Still, I stand by my belief that libertarianism is not doomed.

Back in 2014, when everyone was debating whether or not America was experiencing a libertarian moment, I urged against judging the matter using the standard that much of the press reserves for libertarians, where conservatives and progressives are judged with the understanding that political change happens on the margins, whereas with libertarians, antagonists and sympathizers alike act as if success means a radical shift toward an ideologically pure, uncompromising libertarian utopia.

In reality, libertarian ideas will only ever be implemented partially, in a system of checks and balances, where even modest reforms are difficult to achieve. The real question is whether future electorates will support policies that enhance liberty compared to the status quo. If that's what is meant by "a libertarian moment," we're arguably coming off several important ones, and can expect more in years to come.

In recent memory, whole states have legalized marijuana and millions of gays have won the freedom to marry a person of their choosing. Technology continues to be both a blessing and a curse to liberty-loving people. Libertarians face a long, hard fight on surveillance, for example, and there's no guarantee of victory. At the same time, the rise of ubiquitous video had an unexpected benefit: So far, instead of bringing Orwellian dystopia, it has allowed citizens to capture unprecedented footage of police officers, proving a degree of brutality and abuse that libertarians have long known about but that most other Americans had to see in order to believe.

Police killings and overzealous incarceration are horrific infringements on individual liberty. The prospects for reforming both seem relatively bright. The fact that criminal-justice reform and drug-war reform now have conservatives and progressives behind them underscores a larger truth: A lot of libertarian victories aren't going to coincide with political success for libertarian politicians, because as libertarian ideas become electorally viable, they get co-opted by establishment politicians.

That's a good thing.

Some libertarian gains won't even be grounded in libertarian philosophy. The failure of the Iraq War turned Americans away from neoconservatism and liberal interventionism more than any newly embraced principle. No matter. War is the health of the state. In direct and indirect ways, nothing increases the power of government and impinges on civil liberties more reliably than major military conflicts.

Now, both major parties are willing to elevate presidential candidates who argue for noninterventionism. President Obama is in the pages of *The Atlantic* sounding like Dwight Eisenhower warning against the military-industrial complex. Bernie Sanders is frankly anti-war. The only heartening thing about Trump's rise is seeing someone stand on a Republican debate

stage, declare the Iraq War utterly idiotic, and then win GOP primaries even in the most jingoistic states in the union.

Back in 2014, I argued that the abject failure of Democrats and Republicans would create an opening for libertarian-leaning independents to make gains with the public, if they could transcend the cult of personality that surrounds Ron Paul; avoid picking misguided, counterproductive battles like the one over raising the debt ceiling; and embrace a conception of liberty that isn't so narrowly focused on tax rates, property rights, and the safety net, which more libertarians ought to embrace.

Clearly, the electorate was willing to think outside the box this election cycle. That didn't help libertarians. But neither did libertarians put themselves in a position to benefit.

Rand Paul misread the electorate and spent too much time shoring up his conservative bonafides at the very moment when the conservative movement fell apart.

More broadly, when progressives win with hugely charismatic guys like Bill Clinton and Barack Obama, and Republicans win with Ronald Reagan and George W. Bush, while the most charismatic candidates libertarians can muster are Ron Paul, Bob Barr, and Gary Johnson, of course they're going to lose. I say that as someone thrilled to have Rand Paul in the Senate. Why isn't Gary Johnson running for Senate, too? What's the obsession with effecting change through the presidency?

We're a big, sprawling, complicated nation that faces an array of complex policy challenges. Libertarians don't have all the answers any more than any other ideological faction. But they do have one advantage over their more mainstream competitors.

It springs from the law of diminishing returns: We've tried the most popular conservative and progressive ideas. Where libertarians have a realistic chance of winning over their fellow citizens—standing for strong encryption, eliminating inane professional licensing laws, insisting on due process, avoiding wars of choice, ending the war on drugs, reducing the prison population, reforming police—"libertarian moments" would bring America huge benefits. That's why they'll be embraced by majorities who aren't yet sold on the entire libertarian philosophy.

That's good enough for me.