

The Libertarian Surge

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Libertarianism — the political philosophy that says limited government is the best kind of government — is having its moment. Unfortunately, that's mostly because government has been expanding in the aftermath of the Sept. 11 attacks and the financial crisis. Somehow government failures lead to even more government.

When the financial crisis hit in the fall of 2008, the politicians in Washington had one response: start printing money and bailing out big businesses. First it was Bear Stearns, then Fannie Mae and Freddie Mac, then most of Wall Street. But voters had a different response. Polls showed widespread opposition to the bailouts. When Congress prepared to vote on President George W. Bush's \$700 billion Troubled Asset Relief Program, Americans made their opinions known in no uncertain terms. Ohio Sen. Sherrod Brown reported, "Like my colleagues, my phones have been ringing off the hook. The sentiment from Ohioans about this proposal is universally negative."

In the end, though, Congress took another vote, and the lobbyists won. Wall Street got its bailout. And we can date the birth of the tea party movement to that very week.

Meanwhile, the government's response to the financial crisis sent people looking for answers. Sales of Ayn Rand's "Atlas Shrugged" and Friedrich Hayek's "The Road to Serfdom" soared. The Cato Institute's pocket edition of the Declaration of Independence and the Constitution even hit The Washington Post best-seller list.

Libertarian ideas often cross left-right boundaries. Lots of libertarians were involved in the tea party and the opposition to the bailouts, the car company takeovers, the 2009 stimulus bill and the quasi-nationalization of health care. But libertarians were also involved in the movement for gay marriage. Indeed, John Podesta, a top adviser to Presidents Bill Clinton and Barack Obama and founder of the Center for American Progress, noted in 2011 that you probably had to have been a libertarian to have supported gay marriage 15 years earlier. Or take marijuana legalization, which is just now becoming a majority position: Libertarians have been leaders in the opposition to the drug war for many years.

Libertarians have played a key role in the defense of the right to keep and bear arms over the years, notably in the two recent Supreme Court cases that affirmed that the Second Amendment means what it says: Individuals have a right to own guns. Support for stricter gun control has been declining for years.

Much of the libertarian energy in the past few years was generated by the presidential campaigns of former Rep. Ron Paul of Texas, and then by the leadership of his son Rand Paul representing Kentucky in the Senate. When Ron Paul began his campaign in 2007, he didn't attract much attention. But then, in a nationally televised debate, he clashed with former New York Mayor Rudy Giuliani over the causes of the Sept. 11 terrorist attacks. The confrontation became the cable TV moment of the night.

The next day, the conservative magazine National Review declared it a victory for Giuliani. But his campaign never got off the ground, while Ron Paul's took off. "Ron Paul" briefly even became one of the most popular search terms on Google News. Paul's support, especially online and among young voters, was intense, but it wasn't broad enough to win any primaries.

Paul ran again in 2012, and he found even more success. He hadn't changed much; indeed, his themes sounded like what he'd been saying since he entered Congress in 1976: The federal government is spending too much, printing too much money and launching too many wars. But the country, and the issues, had changed.

In 2007, Ron Paul warned that an economy based on debt and cheap money from the Federal Reserve was not sustainable, but the economy was booming and nobody wanted to listen. After the crash of 2008, they started listening.

In 2007, Paul criticized excessive federal spending, but with a Republican in the White House Republicans weren't much interested. When Obama opened taxpayers' wallets, they listened.

In 2007, Paul criticized endless military intervention, but most Republicans were content to repeat, "The surge is working." By 2012, even Republicans were getting weary of 10 years of war. They listened.

In 2007, Ron Paul said that Congress and the president should not act outside their powers under the Constitution, but Republicans didn't want to hear about unconstitutional acts by a Republican president. After the bailouts and the health care takeover and Obama's unauthorized war in Libya, they listened.

And in 2010, a hitherto unknown ophthalmologist in my home state of Kentucky got elected to the U.S. Senate, helped by being the son of Ron Paul and by the energy of the tea party. Rand Paul upset the Republican establishment candidate in the primary, then comfortably defeated the Democratic attorney general in November.

Rand Paul, like his father, doesn't agree with libertarians on everything. But in the Senate he's been a strong voice for freedom on a wide range of issues. He introduced a bill to cut spending and actually balance the federal budget. He spoke out against President Obama's intervention in Libya. He managed to kill a particularly bad piece of indefinite detainment legislation just by demanding that the Senate vote on it in public view. He fought "government bullies" from the EPA to the TSA, and even managed to get detained by the TSA when he objected to a full-body patdown.

Most memorably, in 2013 he stood like Jimmy Stewart in the movie “Mr. Smith Goes to Washington” at a desk in the Senate for 13 straight hours to force the country’s attention on the issue of unmanned drone strikes.

Shortly after Paul’s filibuster, America’s libertarian soul was pricked again by a series of revelations about government surveillance, overreach and abuse of power. First came the reports suggesting that the IRS had targeted tea party groups and those engaged in “educating on the Constitution and Bill of Rights” for extra scrutiny and delays in confirming their tax-exempt status. Then we learned that the Justice Department had been looking at the telephone records of as many as 20 reporters and editors at The Associated Press as well as Fox News reporter James Rosen. Both those efforts were part of the Obama administration’s unprecedented war on whistleblowers.

Then came the stunning revelations about the massive surveillance of Americans’ phone calls and emails by the National Security Agency. We learned that in more than a dozen secret rulings, the secret surveillance court has created a secret body of law authorizing the NSA to amass vast collections of data on Americans. The NSA broke privacy rules or overstepped its legal authority thousands of times a year.

Americans were shocked. Members of Congress expressed outrage. President Obama defended the surveillance programs and assured us that the people with access to all this data “take this work very seriously. They cherish our Constitution.”

But distrust of government is in America’s DNA. As Thomas Jefferson wrote in condemning the Alien and Sedition Acts: “Confidence is everywhere the parent of despotism. Free government is founded in jealousy, and not in confidence; it is jealousy, and not confidence, which prescribes limited constitutions to bind down those whom we are obliged to trust with power.”

This time it wasn’t “Atlas Shrugged” or “The Road to Serfdom” that shot up on the best-seller lists, it was another libertarian classic: George Orwell’s “1984,” known for its warning that “Big Brother is watching.”

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