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## The Trump Administration Is a Libertarian's Worst Nightmare

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Self-proclaimed libertarian Rand Paul may be Donald Trump's new golfing buddy, and Peter Thiel one of his most prominent backers, but the Trump administration is rapidly becoming a libertarian's worst nightmare.

Two barely reported executive actions from this past month provide telling examples: Attorney General Jeff Sessions's resurrection of civil asset forfeiture, and Energy Secretary Rick Perry's (I still can't believe that) mind-blowing proposal of corporate welfare for coal companies. "Civil asset forfeiture" may sound arcane, but it's one of those police-state policies in which liberals and libertarians both find plenty to hate. Essentially, it allows local and state police departments to seize any assets that might be part of a criminal operation—even without the suspect being charged, let alone convicted, of a crime.

Officially, asset forfeiture is supposed to help the cops shut down big drug operations. In practice, however, it's used primarily against poor people who have committed minor offenses. A 2015 study conducted in Philadelphia, for example, found that the median value of seized assets was \$192, and most assets came from the city's poorest neighborhood.

We're talking low-level drug offenders: users, mules, street dealers, not kingpins. And mostly poor folks, mostly people of color, mostly people without access to legal assistance. (Unlike those in criminal proceedings, people whose assets are seized don't even have a right to a public defender.)

And again, these are people who are never even charged with anything. Over a nine-year period, the Drug Enforcement Agency helped cops seize \$3.2 billion in assets from people who were never charged with a crime.

Stories of abuse are legion. Two years ago, The Daily Beast broke the story of a 27-year-old man who was stopped after driving “too close to the white line.” Police then reported the “odor of burnt marijuana.” Morrow was arrested, and his car was seized.

And this year, we reported how IRS agents showed up at another man’s farm one day, and announced that they had already seized \$65,000 from his bank account because they suspected he had committed a crime. (He hadn’t.) It took years to recover the money.

That’s why there has been outrage on both sides of the aisle. It’s why, according to the Cato Institute, 84 percent of Americans oppose the practice (once they are told what it is). It’s why President Obama’s attorney general, Eric Holder, scaled back the federal program that incentivized local law enforcement to seize anything and everything they could. And it’s why earlier this year, a Republican and a Democrat introduced a bill to rein in the practice on the part of the IRS.

Consensus be damned. In July, Sessions brought back asset forfeiture full-steam. And the program that Holder rolled back (but never eliminated) and Sessions has now brought back makes the federal government into the world’s largest pawn shop, taking a 20 percent cut of revenue of assets seized and distributing them to law-enforcement agencies around the country. Facing criticism from Congress, Sessions last week proposed the flimsiest of band-aids: an internal DOJ official to at once provide “accountability” and “coordination” of the program. While some have characterized the position as a “watchdog,” in fact the official will also be tasked with administering the program more widely.

“This is part of Sessions’ agenda to bring back the failed and racist War on Drugs,” said the ACLU’s Kanya Bennett in a statement when the expansion was announced.

This is what Trump’s “Law & Order” policy looks like in practice: a huge expansion of the police state on the backs of poor people, and a libertarian’s (and liberal’s) worst nightmare. Rick Perry’s “grid reliability” plan is about rich people in suits, not poor folks on the street, but its offensiveness to any notion of libertarianism is equally extreme.

As is well known, President Trump has vowed to be “big on coal,” and falsely claimed that coal was dying because of a governmental “war on coal” in the name of (fictive) climate change. In fact, coal is dying because other energy sources—fracked natural gas and renewables like solar and wind—are cheaper and cleaner. Blame capitalism, not Obama.

So how do you save a dying industry? Easy: government handouts.

Perry’s new “Grid Reliability” plan will pay coal and nuclear plants to stay online, even when the energy they produce is not needed. That’s right, just like agricultural subsidies that pay farmers not to grow anything, the Perry plan is an energy subsidy that will pay plants not to produce anything.

Perry, who testified last week that because natural gas, solar, and wind plants are vulnerable to weather fluctuations, we need these obsolete technologies to avoid electrical shutdowns.

Only, none of that is true.

Mega-batteries already store excess energy from renewables, and newer natural gas plants don't shut down in the cold the way older ones did. The grid has not gone down during extreme climactic events and the free market is already ensuring that it won't. The reliability problems that do appear have to do with infrastructure, not available energy; this plan fixes the wrong thing.

Meanwhile, the cost of this corporate welfare has been estimated to be between \$800 million and \$3.8 billion per year, which will be paid by higher electricity rates.

When asked about those costs, Perry waxed eloquent. "I think you take costs into account, but what's the cost of freedom?" he asked rhetorically. "What's the cost to keep America free? I'm not sure I want to leave that up to the free market."

Indeed. What a difference a year makes. Not long ago, Gov. Perry told us that more oil exploration and less regulation would enable the free market to provide all the energy security America needs. Now we need socialism.

Of course, everyone knows what it is: a handout to coal companies to keep those plants open, even though no one needs them.

While Sessions's and Perry's plans are in totally different areas of law, they have a lot in common. They are opposed on right and left, and by libertarians and liberals alike. They are administrative actions that will require either congressional action or litigation to stop them. (The ACLU has such a case brewing in Arizona regarding that state's asset-forfeiture law.)

And they are part and parcel of the Trump administration's disregard for science, expertise, economics, and data. No one who studies these subjects thinks that civil asset forfeiture is effective or that Rick Perry's plan has anything to do with grid reliability. These policies are as ignorant as they are offensive.

Just as the swamp has not been drained, the beast has not been starved. On the contrary, it is growing bigger and dumber than ever.