



Churchill: New York, home of the unfree?

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ALBANY — We here in New York like to think of ourselves as residing in a symbolic beacon of freedom, a state that has welcomed many millions of arrivals hoping to toss aside the shackles of their homelands.

A new ranking, though, calls the mythology into question, which is nothing new, really. The Cato Institute's "Freedom in the 50 States" index has put New York dead last every year for decades now, suggesting that freedom is suffering in the home of Ellis Island.

Of course, the concept of "freedom" is tremendously subjective.

For me, being free might entail loading up on heroin before taking the old AR-15 into the backyard for target practice. You, on the other hand, might find freedom in a place where narcotics are strictly controlled and nobody need worry about being shot. Different strokes for different folks, right?

The Cato Institute's view of freedom is distinctly libertarian, favoring a *laissez-faire* approach that emphasizes letting people do pretty much what they want.

"We define freedom as freedom from interference," said Jason Sorens, a co-author of the report who is also director of the Center for Ethics in Society at Saint Anselm College in New Hampshire — the state that tops the Cato ranking. Live free or die, as its license plates say.

The Cato view might be considered liberal on issues such as drug legalization, immigration and criminal justice. (Freedom includes having fewer people in prison.) But the Washington think tank is conservative on guns, taxation and most economic issues.

Given that polling suggests Americans tend to be socially conservative but economically liberal, it's fair to say that voters, generally speaking, are perfectly fine with a government that gets in the way from time to time.

Still, as anyone who has tried to open a business or buy a bottle of wine in a grocery will know, the hand of government in New York is a heavy one. This is a state that does not trust its citizenry.

That isn't necessarily about ideology. After all, Cato notes that some blue states (Vermont is one) rank near the top on personal freedoms, while red states are generally better for economic freedoms. New York ranks dead last in both.

Among its many findings, the freedom index notes that New York forbids the sale of raw milk, hasn't bothered to reform eminent domain laws and is perhaps the worst state for home schoolers. It says "combined state and local taxes are crushing" and sky-high cigarette taxes "are almost tantamount to prohibition."

"Naturally, the state also has a vaping ban," it adds, before noting that "gun rights are hedged about with all kinds of restrictions."

The report isn't entirely down on New York. It credits the state for a declining prison population and for making driver's licenses available to undocumented immigrants. It cheers the legalization of recreational marijuana and sports betting, and points out that New York's "criminal justice policies are reasonably decent."

After New Hampshire, the report ranks Florida, Nevada, Tennessee and South Dakota in the top five for freedom. Joining New York at the bottom are Oregon, California, New Jersey and Hawaii.

Some of you, I would guess, are wondering about pandemic policies, since nothing has sharpened the debate over the benefits and costs of personal freedoms like the arrival of COVID-19.

Alas, while the report does blame the pandemic for a "growing paternalistic mindset" characterized by "excessive deference to experts," it doesn't rank states on their policies. Here's guessing New York would not score highly if it did.

The report also excludes abortion from its measurement, reflecting disagreements among libertarians over whether pro-choice or pro-life policies best align with a "freedom-from-interference" approach.

Sorens told me, as he sucked in that oh-so-free New Hampshire air, that Cato hopes the report will lead voters to consider the choices made by their states and perhaps lead them to push for reforms. He also said the index can serve as a relocation guide for businesses and families.

So, who's moving to South Dakota? Anyone? Well, as I said, freedom is subjective, and some will find the policies celebrated in the report repellant rather than attractive.

Still, most of us know New Yorkers who have gone elsewhere seeking lower taxes or fewer rules on small businesses. Many of us left behind wish the state would deign to let us buy wine with cheese, among other changes that would lighten the state's heavy hand.

We aren't huddled masses, but we yearn to breathe a little more free.