



Religious Liberty Matters: Why Johnson Must Change Rhetoric on Topic

Johnson Risks Alienating Important Voting Bloc with Comments

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Libertarian presidential nominee **Gary Johnson** seems to have some sort of chip on his shoulder when it comes to the idea of individual religious freedom. The former governor, on many different occasions (and usually on the highest profile media platforms his ticket is being exposed to), has harshly branded the concept of religious liberty (and by association the people who value it) “a black hole,” telling *The Washington Examiner*:

I mean under the guise of religious freedom, anybody can do anything ... Why shouldn't somebody be able to shoot somebody else because their freedom of religion says that God has spoken to them and that they can shoot somebody dead ... I just see religious freedom, as a category, as just being a black hole.

He used the terminology in the Libertarian Presidential Debate hosted by **John Stossel** in his exchange with opponent **Austin Petersen**. He used it in the interview with *The Washington Examiner*. And he used it again on *Stossel* Friday night when pressed by Stossel about his “Bake the Cake” position (even after he wrote an op-ed to “clarify” what he “meant”). “Discrimination” is his reason: his war cry? **Preventing it**. In the name of fighting discrimination **by private citizens**, Gary seems to have no problem leveraging the full violence and force of the state in order to achieve this purpose, even though I believe he knows it hurts him (and that he shouldn't be saying it).

In the Friday night interview with John Stossel, Governor Johnson agonizingly attempted to walk back on his previous comments (on whether a Jewish baker ought to be forced to bake a cake for a Nazi customer), insisting that the baker should have to bake the cake, but not decorate it. “Decorating it,” he said “would violate his First Amendment right.” When the host asked him, “so the [Jewish] baker must bake the [Nazi] cake, but not decorate it?” Gary seemed anxious, no longer wanting to continue with the question, and simply added, “I really don't have a dog in the fight. I just don't want anything to do with discrimination.”

OK, but what is discrimination really? At the very basic level, discrimination is decision-making. Look at your closest friends. Why are they your friends (and not the others at your work, gym, church, etc.)? Why aren't you friends with every person you've ever met? It is because you made a decision. You prioritized relationship-building with some people rather than others. You discriminated. Every choice we make is discrimination at work. And that is why the government can never be allowed, particularly in a libertarian philosophy, to achieve the power to prevent private citizens from discrimination. It is a slippery slope.

The Supreme Court used similar logic to uphold the individual mandate in the Affordable Care Act (which effectively rendered to the state unlimited legislative power as long as the enforcement mechanism is called a "tax"). Gary's "discrimination" reasoning also leads to that same mephitic destination — unlimited state power to infiltrate and regulate every single decision of individual private citizens.

This very basic libertarian concept is one that most of us understand intuitively. We believe in freedom: freedom of association; freedom of choice; freedom in general. But, we also understand that liberty is not a license to do anything we want to anyone we want; even if, as Gary suggests, God told us to do it. **Thomas Jefferson** said that:

Rightful liberty is unobstructed action according to our will within limits drawn around us by the equal rights of others. I do not add 'within the limits of the law' because law is often but the tyrant's will, and always so when it violates the rights of the individual.

This means any form of liberty — even religious. We are free to do what we will up until it aggresses on the rights of another. This includes the right to associate (or not associate) with whomever we please. *The Cato Institute* laid it out very nicely:

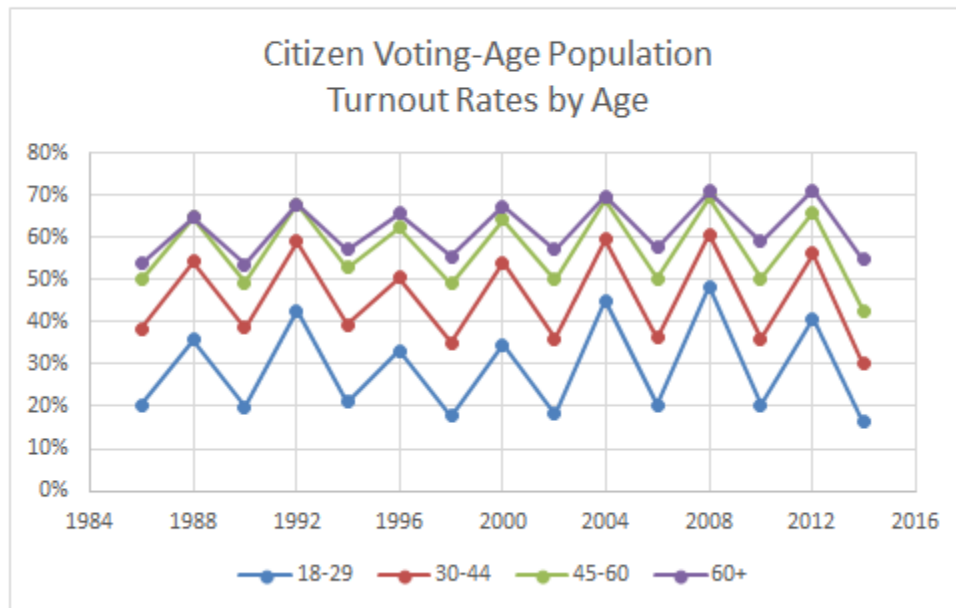
From a legal perspective, discrimination should be permitted in any society that honors freedom of association. A member of one religious or racial or ethnic group should not be required, against his or her will, to associate with members of other groups. On the other hand, it's perfectly consistent to argue from an ethical perspective that religious, racial, and ethnic discrimination is sometimes reprehensible. We should condemn people who practice such discrimination, even as we insist on their legal right to do so. Private discrimination that isn't engineered by government can be censured via nongovernmental means — for example, refusal to patronize bigots, social ostracism, and adverse publicity regarding the discriminatory acts. We can denounce immoral conduct — such as lying, infidelity, and even bigotry — without empowering the state to take remedial action.

We need Gary to stop saying this "black hole" phrase not just because it is wrong, but also because we libertarians need him to do well and make it into the presidential debates. This election poses a unique opportunity for the Libertarian Party to take a huge leap forward in both credibility and influence. Religious people make up a large majority of voters in the US (about 76% of citizens identify with a specific faith when polled).

Data shows that the importance of religion increases with age and that older people are more likely to vote. Many of the people who value religious liberty the most are also among the most

likely to vote in an election. Attacking and insulting them specifically — naming an important (and in many cases the most important) aspect of their lives repeatedly, “a black hole,” is not a sound strategy for a successful electoral outcome. Trump and Clinton have some of the lowest favorability ratings ever recorded, and a whole lot of religious voters are going to be looking for an alternative. There is a good chance Gary won’t be that alternative when they hear what he currently has to say about this issue.

Turnout Rates: Age



Johnson may not be the best, most ideologically-pure libertarian, but he is at least my 85% friend. I want him to do well. I want him to win. But he has got to bring along religious voters who believe in freedom of religion for everyone. He can do that, but he has to let this “black hole” nonsense go into the trash and stay there where it belongs. I hope that he realizes this sooner than later and reaches out to libertarians he respects (maybe **Ron Paul** or Austin Petersen) who can help him come to a better understanding with a fresh perspective on this issue. Liberty belongs to all — the religious included.