



7 American Libertarians You Need To Know

R. Brownell

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“Randy E. Barnett is a lawyer and legal theorist, and a Senior Fellow of the Cato Institute. He is the Carmack Waterhouse Professor of Legal Theory at Georgetown University.

Barnett writes about the libertarian theory of law and contract theory, constitutional law, and jurisprudence and is especially interested in the history and original meaning of the Second and Ninth Amendments to the United States Constitution. He fleshes out his argument for an originalist theory of constitutional interpretation in his book, *Restoring the Lost Constitution*, in which he advocates constitutional construction based on a presumption of liberty, instead of popular sovereignty.

Barnett is a strong proponent of federalism and has proposed a number of Constitutional Amendments to restore a more originalist balance of power, including a “Repeal Amendment,” which would give two-thirds of the states the power to repeal any federal law or regulation, and The Bill of Federalism, a list of ten proposed amendments drafted in response to the Tea Party movement’s emphasis on limiting federal powers.

In 1998, Barnett won the Ralph Gregory Elliot Book Award for his book, *The Structure of Liberty*, on “the liberal conception of justice,” his term for a libertarian theory of law and politics.

In 2004, he appeared before the Supreme Court to argue *Gonzales v. Raich*, claiming that federal action against legal marijuana patients violated the Commerce Clause. Though the case, then *Ashcroft v. Raich*, had won a victory before the Ninth Circuit, the Supreme Court ruled on June 6, 2005 that Congress had the power to prevent states from legalizing medical marijuana.”

