



Libertarian Gary Johnson Should Win the Election

But What Good Will That Do Him?

Brian Doherty | October 3, 2012

Libertarian Party presidential candidate Gary Johnson did something amazing last week: got double-digits (10 percent) in a September poll of likely voters in Ohio. He's simultaneously getting the usual smattering of positive press, the most popular of which has been Conor Friedersdorf in *The Atlantic* declaring that he intends to vote for Johnson. Friedersdorf explains that serious liberals should have serious problems with President Obama on war, civil liberties, and executive power, issues on which Johnson is superior.

Beyond that sort of principled iconoclasm, serious news sources such as NPR are declaring Johnson might likely sway the election in that third party role as "spoiler" for both Obama and Romney in swing states. Johnson told C-SPAN this week that his own polling has found that in New Mexico and Colorado, he takes more from Obama, and in North Carolina and Michigan he takes more away from Romney. A Reason-Rupe poll finds him taking equally from both nationally.

Is it possible the Libertarian Party, in a year of great discontent with both major party candidates, can make a real difference, or at least earn more than 1 percent, a feat that hasn't been matched since the 1980 campaign of L.A. attorney Ed Clark and billionaire industrialist David Koch?

The biggest barriers to Johnson's success are money and attention.

According to FEC filings as of the end of September, Johnson's LP campaign had spent \$1.6 million through August. Johnson told C-SPAN this week the campaign has spent more than \$2 million. (In comparison, Bob Barr spent \$1.4 million in his 2008 Libertarian campaign.) While *Politico* reported in late September that "significant super PAC support for Johnson has yet to materialize," at least one Johnson-oriented SuperPac, Freedom and Liberty PAC, has spent to support Johnson in August and September, according to FEC filings, \$35,000 on telephone surveys, \$80,000 on making TV commercials, \$100,000 on a website, and a quarter million on advertising in August and September.

Money is so important that Johnson's campaign did something liable to piss off many hardcore libertarians who don't believe in publicly financed elections. He sued the FEC, trying to get \$750,000 out of them before the election that he claims he is legally entitled to and has not received, as the *Miami Herald* reported

last week. (Johnson has qualified for some federal matching funds, under a separate funding program, and the *Herald* reports he has gotten \$303,000.)

More important than money—since it's the thing the money buys—is attention. Johnson is also seeking a legal remedy to get more of that via the presidential debates: the desperate and un-libertarian expedient of an antitrust suit against the debate's sponsors, the Commission on Presidential Debates, and the Republican and Democratic National Committees. The suit claims they are "conspiring in restraint of trade" to keep him and his Vice Presidential candidate Judge Jim Gray out of the debates they jointly control, and are trying to illegitimately "monopolize the field in the race." (Johnson will be providing online commentary on the debate he's excluded from and has failed to halt tonight at Google Hangout.) The attendant pressure revealing the merely bipartisan nature of the debates has led three of the debate's 10 sponsors to withdraw their sponsorship.

Johnson has reason to feel he just needs a little more help, like money or debates, to push him over a hump. A September Reason-Rupe poll shows Johnson polling 6 percent nationally (with the majority of his supporters seeing themselves as independent-leaning Republicans). Despite this, a forthcoming *Reason* cover story on Johnson by Garrett Quinn reveals that most LP insiders outside the Johnson/Gray bubble (both men still insist they are running to win) doubt their ticket can even beat the record of slightly over 1 percent set 32 years ago by Clark and Koch. And that was in a year with a Republican candidate, Ronald Reagan, whose pretty good libertarian rhetoric was not yet belied by his record, and with a third-party candidate, GOP renegade John Anderson, who pulled over 6 percent.

My own prediction? Based largely on my immersion in the world of Ron Paul fans I would make a rough guess, based on mere experience and not rigorous survey data, that about a quarter to a third of Paul's fans seem inclined to go Johnson. I think Johnson will pull between 750,000-800,000 votes; I can't be sure what percentage that will end up being as I'm also guessing a very low turnout based on general disgust with the Republican and Democratic choices.

In recent memory the only real newsmakers in terms of raw numbers for third parties were George Wallace in 1968 with his 13 percent, Anderson and his 6.6 in 1980, and Ross Perot, with his 19 percent in 1992 and the anticlimactic but still impressive 8 percent in 1996. (Perot also pulled pretty equally from both parties, and he also drew in many nonvoters.)

What can Johnson learn from these third-party predecessors? George Wallace had his unique, thank goodness, set of race and class resentments to play off. What Anderson and Perot both had, and Johnson sued to get for himself, was presence in at least one national debate.

Anderson appeared in a debate with just Reagan, who magnanimously agreed to joust with Anderson while President Carter refused. Anderson was indeed polling above the 15-percent mark nationally. But even though he and many debate coaches thought he won, Anderson sank as the election approached and was excluded from a later Carter-Reagan dustup. Anderson himself is sure that getting in that second debate would have doubled his results.

Perot got to debate both his opponents in 1992. At the time he had little going for him but wealth, eccentricity, a strong business record, and the beginnings of a prescient obsession with debt and deficits that, alas, has had little political staying power. Despite all that, he made modern third-party history.

We hear that libertarian attitudes are ever-growing in the public, and Johnson is the only candidate offering actual solutions to pressing national problems of the fiscal crisis, the massive debt, and imperial overreach. He isn't as sharp as former GOP candidate Ron Paul was in hardcore libertarian terms on tax policy (Johnson's support for the "fair tax" annoys some libertarians because it is, after all, a new national sales tax), and he is less consistent on opposition to foreign intervention.

Reason and logic might dictate that Johnson should at the very least get the votes of the 2.1 million who went for Ron Paul in the GOP primary season. As Paul has pointed out to me, his people believe many disillusioned leftists, peaceniks, and anti-drug-warriors, who would not otherwise have anything to do with a Republican primary, stand with Paul and thus with Johnson on those issues.

Yet, as the dour assessment of many LP insiders show, there is something about long experience that just leads you to doubt anything interesting can happen for third parties, no matter what the current polls or logic show. Third party candidates regularly end up earning far fewer votes than the heights of their polling indicate. That was the case for Perot (who was leading both Bush and Clinton at one time) as well as Anderson. Ralph Nader underperformed his early polling, and even the LP's last standard bearer, former GOP congressman from Georgia Bob Barr had polls showing him getting anywhere from 3-7 percent in the months leading up to an election in which he earned 0.4 percent.

Beyond what data we have now—not particularly useful given Johnson's lack of presence in most polling or media—the two-party wagons have weeks to circle. An *Examiner* article by Karl Dickey that blithely declares 5 million votes for Johnson makes the bad assumption that people who would directly benefit from his winning and who are directly harmed by either of his opponents' winning — like internet gamblers or pot smokers — will perforce vote for Johnson. Alas, people don't actually vote their self-interest, and even pot smokers and gamblers can't be counted on to be single-issue voters. That sort of libertarian

triumphalism based on who benefits from a more libertarian world will continue to lead to overly optimistic libertarians astray.

Which is more than a shame. Johnson can win, in theory. He's on the ballot so far in every state but Pennsylvania, Michigan and Oklahoma. At least one online survey discussed by Fox Business showed "that if the Presidential race was based on people's beliefs, it would be between Obama and Johnson." But David Kirby at the Cato Institute, dredging data from a Reason-Rupe poll from September, decides that Romney will be capturing 70 percent of what he identifies as the libertarian vote, even with Johnson in the mix.

One huge flaw with how Kirby decided who qualified as "libertarian" is that it includes no consideration of foreign policy, where any libertarian would be hard pressed to see anything to support in Romney, and a great deal to love with Johnson.

Johnson is saying the right things about stopping the wars and how we've departed from our nation's founding principles. He's trying very hard to appeal to the rising generation by stressing drug legalization, by explaining how the current system screws the young, and of course by crowd-surfing, handing out rolling papers with his image, wearing the same peace sign T-shirt for days in a row, making silly zombie videos and answering questions of all comers on Reddit three times. (Alas for a youth-based strategy, it's very hard to get them out to vote in large numbers; not even Obama could do it.) Johnson is trying to avoid scaring people out of the political paradigm they've embraced for life by mildly asking them to "be libertarian with me" for just one election, not rethink their politics entirely.

It may be that what everyone really wants is not liberty for themselves or others, but income redistribution, a government that they think will solve their problems or be on their side in a culture war, or otherwise play dangerous games that are nothing but a recipe for crisis. Johnson has a lot going for him—except the imprimatur of the two party system, the mark of normalcy that is all too mysteriously necessary in American politics even when we hear of huge expressed dissatisfaction with both of them.

A May Reason-Rupe poll found 80 percent saying they'd consider voting independent, but if experience teaches us anything, it's that nearly all of them really won't. Both sides' likely voters seem highly motivated by a strong dislike for the other choice, such that they aren't inclined to "risk" the other winning by going third party (though any individual voter can rest assured the results will by a mathematical certainty be the same no matter what he or she does).

Perot and Anderson did well not so much by challenging a two-party status quo as by selling the same nonsense under different labels and with styles that stood out from their particular opponents. Johnson, to his credit as a thinker and his

detriment as a politician, is selling something truly new, necessary, disconcerting and scary: a government that actually lives within its means, stops trying to manage our lives and does not presume to control the world. His failure to excel won't hurt him; he's got a good private life and seems inclined to run again anyway. But it will hurt America.

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