



No, Libertarians Have Not Thrown in With Trump

Ilya Somin

January 30, 2018

In a recent *New York Magazine* article, prominent political commentator Jonathan Chait argues that libertarians have largely come around to supporting Trump, despite some previous doubts:

When Donald Trump first emerged as a genuine threat to seize the Republican nomination, Charles and David Koch represented the epitome of elite right-wing opposition to the populist interloper....

The latest development in the relationship between the Kochs (right-wing heirs to a business fortune) and Trump (also the right-wing heir to a business fortune) is that the former have thrown the weight of their massive organization unhesitatingly behind the latter. Largely satisfied with Trump's conservative judicial appointments, lax regulation of business, and regressive tax cutting, the Kochs are spending several hundred millions of dollars to protect the Republican majority. Whatever points of contention remain between the two have been reduced to squabbles between friends.

The Koch rapprochement mirrors a broader trend: Among the conservative intelligentsia — where resistance to Trump has always run far deeper than it has among the Republican rank and file — libertarians have displayed some of the greatest levels of friendliness to the Trump administration.

Chait reaches this conclusion only by completely ignoring several of the nation's leading libertarian organizations and intellectuals, and the positions they have taken on the administration. The only libertarian critics of Trump he mentions are those associated with the Niskanen Center, which he describes (with some justice) as having moved away from traditional libertarian positions on many economic issues, and therefore not very representative of libertarians generally.

He does not even discuss the Cato Institute - by far the best known libertarian think tank or *Reason* (the nation's most prominent libertarian magazine and website). Cato and Reason writers such as [Alex Nowrasteh](#) and [Shikha Dalmia](#) have been among the toughest and most prominent critics of Trump's attacks on immigration. Others at both organizations have been harshly critical of the administration on [trade](#), [government spending](#), civil liberties, executive power (Gene Healy, Cato's leading expert on this subject, has [argued that Trump should be impeached](#)), [health care reform](#), and a good many other issues.

Rep. Justin Amash, probably the most libertarian member of Congress, has also been one of the most thoroughgoing GOP critics of Trump. The same goes for libertarian-leaning GOP Senator Jeff Flake. Chait cites Ron Paul and Rand Paul as examples of libertarian-leaning politicians who have "staunchly defended the president." I am, to understate the point, no great fan of Ron Paul. But Chait is simply wrong about his take on Trump. Paul has been consistently negative about the president, whose economic and foreign policies he recently denounced in the course of an interview in where he also expressed the hope that Trump will be vulnerable in the 2020 GOP primaries.

Unlike his father, Rand Paul, in my view, has indeed been overly friendly with the administration on some issues. And he has gotten - and deserves - considerable libertarian criticism for actions such as voting to confirm Jeff Sessions as attorney general. But he has also publicly attacked it on important issues like sentencing, electronic surveillance, marijuana legalization, and others. It is entirely fair to criticize Rand Paul for being too soft on Trump. But it is also important to recognize that he has been at odds with the president considerably more often than most members of Congress typically oppose an administration of their own party.

The main villains of Chait's piece (as of many other recent left-wing attacks on libertarians) are the Koch brothers - the libertarian billionaires who fund a variety of political and social causes. It is indeed true that they plan to spend a lot of money trying to maintain GOP majorities in Congress. I think they are wrong to do so. In addition, to imposing tougher constraints on Trump, the return of divided government is desirable from a libertarian point of view, because divided government tends to reduce government spending relative to unified government.

It does not follow, however, that the Kochs have "thrown the weight of their massive organization unhesitatingly behind" Trump. Far from it. In addition to spending money on congressional races, the Kochs have also, in recent months, devoted extensive resources to lobbying Congress to protect DACA recipients without simultaneously reducing legal immigration (the latter, of course, a major priority of Trump's), protecting immigrants more generally, opposing Jeff Sessions' efforts to expand the War on Drugs, and promoting criminal justice reform of a sort that is largely the opposite of the administration's philosophy.

I am obviously not privy to the Kochs political calculations. But it is possible they believe that, given various tensions between the congressional GOP and Trump, supporting the former does not imply supporting the latter, and that continued GOP majorities in Congress won't do much to help Trump on those issues where he is especially odious (immigration, trade, civil liberties). It is also possible they think that - given his record unpopularity - Trump is unlikely to be reelected, and they want to maintain GOP control of Congress as a hedge against what might be a very liberal Democratic president elected in 2020. If these are indeed the Kochs' views, I have considerable reservations about them, for the reasons I noted above. But a libertarian can hold them without "unhesitatingly" supporting Trump, and indeed without necessarily supporting him much at all.

To say that Chait's indictment of libertarians is wrong, is not to say that all is well with the libertarian world. Some libertarians have indeed supported the administration far more than can

be justified - in most cases not because of love of Trump, but because of fear of the left. At least for the moment, Bernie Sanders-style left-wing populism is gaining ground in the Democratic party, and it is understandable for libertarians to fear the rise of a movement that seeks to massively expand government control over the economy and society, especially one led by a man notorious for his praise of brutal communist regimes. Unfortunately, such fear leads some libertarians to take it easy on an administration they see as a valuable "enemy of my enemy." It may also account for the Kochs' overly optimistic take on the consequences of maintaining GOP control of Congress. Many libertarians (like many other people) may not realize that the administration's extensive expansion of regulation on immigration and trade increase government control over the economy and society a good deal more than its relatively limited deregulatory actions elsewhere have reduced it.

Even more troublingly, a small but vocal group of self-described libertarians have supported the administration and right-wing "blood and soil" nationalism not as a lesser evil, but as a positive good. In my view, and that of most mainstream libertarian intellectuals, such ideas are utterly inimical to the libertarian tradition, properly understood. But it cannot be denied that they have appeal for some people who think of themselves as libertarians, and that libertarians need to do more to counter their rise.

In sum, Chait is wrong to tar libertarians, as a group, for supposedly being thoroughgoing supporters of Trump. But it would also be wrong for libertarians to become complacent about either Trump, or the more general threat to liberty posed by the kind of nationalism he exemplifies.

DISCLOSURE: The Volokh Conspiracy blog is hosted by *Reason*, though editorially independent of it; I have written several previous articles for *Reason*, as well. I am a Cato Institute adjunct scholar (an unpaid external affiliation), and have written a number of papers for Cato, and spoken at many Cato events. I have, over the years, spoken (and sometimes gotten speaker fees) at a number of events sponsored by organizations partially funded by the Kochs, including most recently at a Cornell University panel on Trump's immigration policies that was partly sponsored by the Koch Foundation, where I argued that Trump's travel ban is unconstitutional. I have also spoken about these and other issues at events sponsored by conservative and liberal/progressive organizations, such as the American Constitution Society. If readers wish to discount what I say on these issues because of the above affiliations, they are free to do so. I will only say that I have not hesitated to differ with either the Kochs or other libertarians, over the years, and that I also have an extensive history of being highly critical of both Trump and the GOP generally.

Ilya Somin is Professor of Law at George Mason University and the author of Democracy and Political Ignorance: Why Smaller Government Is Smarter and The Grasping Hand: Kelo v. City of New London and the Limits of Eminent Domain.