

When it began, ‘I had no idea what it would look like’

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Two decades have passed since Jason Sorens, then 24, a convinced libertarian pursuing a doctorate in political science at Yale University, first broached what he called the “free state strategy” in an essay carried in the July 2001 issue of *The Libertarian Enterprise*.

“Libertarian activists need to face a somber reality: nothing’s working,” he wrote. Instead, he proposed that “freedom-minded people of all stripes (libertarians, anarchocapitalists, pacifists, even people who just call themselves liberals or conservatives)” become residents of a small state, take over the state government, then cut taxes, shrink budgets, scrap regulations and expand personal freedom.

Sorens calculated that 20,000 libertarian migrants would be enough in a state with less than a million people and began soliciting pledges to move within five years. In 2003, the 5,000 who had enrolled chose New Hampshire from among 10 states and then-Gov. Craig Benson put out the welcome mat. A year later, the ménage à trois involving libertarians, local folks and black bears in Grafton was in full swing, and soon after Robin Hooders took to the streets of Keene.

Since then, Sorens has earned his Ph.D. from Yale and pursued a career in academia, teaching at the University of Buffalo and Dartmouth College before landing at Saint Anselm College in 2019, where he is director of the Center for Ethics and Society.

Sorens is also an affiliate and consultant to several libertarian think tanks, including the Cato Institute, for which he has co-authored with William Ruger five editions of “Freedom in the 50 States,” a quantitative analysis of fiscal, regulatory and personal freedom drawing on more than 230 weighted indices. New Hampshire placed second to Florida among the freest of states in 2018, the most recent rating.

Interviewed about the Free State Project in 2013, Sorens told Reason magazine: “When I started it, I thought it would work, and I thought there was a real possibility people would move, but I had no idea what it would look like.”

More recently, he said the Free State Project “gets people to move here, but doesn’t tell them what to do once they get here.”

Although there is no precise tally, the number of Free State migrants in New Hampshire has fallen shy of the target. In 2016, the project announced that 20,000 people had pledged to move here and counted 5,223 who had arrived. However, Sorens said the Free State Project has drawn a significant number of residents to the so-called “liberty movement.” Interviewed in 2016, he spoke of 5,000 liberty activists — roughly 2,000 migrants and 3,000 residents.

Sorens said the Free State Project’s appeal among Granite Staters has confirmed its choice of New Hampshire. The state, he said, offered “the full package” for a libertarian movement: low taxes, limited government, light regulation, economic prosperity and a political culture that prizes freedom as signaled by its motto, “Live Free or Die.”

“What we’re trying to do is seed the conversation about ideas in this state,” he said.

Sorens envisioned the project as an alternative to the Libertarian Party, which has consistently failed at the polls. He describes libertarianism as a philosophy with appeal across the political spectrum.

At the same time, Sorens believes that, to get elected, libertarians must align themselves with established parties. He recalled the first Free Stater elected was a Democrat, Joel Winters of Nashua, who served three terms in the House between 2006 and 2014 and spoke at the New Hampshire Liberty Alliance's annual Liberty Forum in 2014.

However, Sorens' vision of a diverse liberty coalition with toeholds, if not footholds, in both legacy parties was eclipsed as the liberty movement, with a tailwind from the self-described "constitutional conservatives" of the Tea Party, gathered momentum.

Liberty Alliance

When the Free State Project began, Linda Fowler, a professor of government at Dartmouth College, doubted it would significantly impact state politics. "People who engage in that sort of radical individualism," she said at the time, "are not likely to be very effective in collective enterprises."

But in 2003, libertarians formed the N.H. Liberty Alliance, as a nonprofit, nonpartisan organization with a political action committee that endorses and funds candidates seeking election to the Legislature. At every legislative session, the alliance issues its "Gold Standard," designates bills as pro-liberty or anti-liberty, records the votes and scores lawmakers to compile its annual "Liberty Rating" for all lawmakers.

The Liberty Alliance has since shed its nonpartisan guise to become the dominant bloc within the House Republican caucus. This year, the alliance gave 150 representatives "A" grades and

another 45 received a “B” for voting as recommended on between 87 and 100 percent of 49 tracked bills. All were Republicans.

In fact, among House Republicans, only eight received the lowest score. In other words, 195 members of the caucus, which numbered 213 when the session began and 211 when it ended, aligned themselves closely with the alliance. The “nonpartisan” alliance has placed itself at the forefront of the partisan contest.

Meanwhile, of the 177 Democrats, 18 were given a “D” grade and 24 received an “F,” while the other 135 were graded “CT,” or “constitutional threat,” and “considered unfaithful to their oath of office to uphold the New Hampshire Constitution and the principle of liberty.”

Candidates endorsed by the Liberty Alliance have received financial support from national political committees — Make Liberty Win and Americans for Prosperity — which together spent some \$1.4 million on New Hampshire legislative races in 2020.

While acknowledging that the project was “party to the foundation” of the Liberty Alliance and that the two have “a fairly close relationship,” Sorens said “there is no formal institutional relationship between them.”

“The liberty movement has made a lot of progress,” Sorens said, highlighting the reduction in both business and property taxes, repeal of the interest and dividends tax and introduction of an expansive school choice program in the last legislative session. He also pointed to legislation repealing the certificate of need process, granting the right to carry a firearm without a license, deregulating home-schooling, reforming civil asset forfeiture, restricting eminent domain, decriminalizing marijuana possession, allowing medicinal marijuana and easing regulation of micro- and nanobreweries.

‘Divisive concepts’

While Sorens credited the partnership with the GOP for a share of this success, he regretted that “libertarians don’t have more of a presence in both parties. Both have legacies of cherishing and promoting freedom,” he continued, “and it’s not just about cutting taxes and spending. Issues like criminal justice, housing and employment are equally or more important.” At Saint Anselm, Sorens is engaged in a program exploring innovative solutions to the dire shortage of affordable housing in the state.

In the last legislative session, House Bill 111, limiting the immunity protecting public officials, especially the police, was among the most controversial bills to draw support from both liberal Democrats and liberty-leaning Republicans. Sponsored by five Democrats and three Republicans, the bill failed in the House by less than a handful of votes as both parties fractured.

Some libertarians advocate secession, but Sorens has abandoned his original position.

When he first proposed the Free State Project in 2001, he suggested using the threat of secession to gain the state greater autonomy from the federal government. But a week later he backtracked, when his suggestion was welcomed by Confederate loyalists, white supremacists and provocateurs.

Since then, Sorens has written a book and several articles about secession, a course he allows may be appropriate to ethnic, linguistic minorities with well-defined cultures suffering discrimination in large states. Since these criteria do not apply to the 50 states, he dismissed secession by New Hampshire, as advocated for by Rep. Michael Sylvania, R-Belmont, and other libertarians, as “not likely or desirable.”

As for firearms, Sorens said, the loosening of laws “has reached a point where there is no room for further deregulation.” Moreover, he said, the state should not forbid private property owners, business establishments and autonomous public institutions, including schools, from imposing

restrictions. He subscribes to the notion that one person's freedom ends at another person's nose, and said "we need to build a culture of civic responsibility."

Sorens said he had no firm opinion on the so-called "divisive concepts" legislation, although he said, "It's a lot better than what other Republican states have done," adding that "the main risk is to academic freedom in higher education. It all depends on how it is interpreted and applied."

Although he described critical race theory — which opponents have seized upon as the source of those "divisive concepts" — as "a bad, illiberal theory," and said "we can explore our terrible history of racism in this country without it," he added that "I would never want to stop a professor from writing or teaching about it."

"I am pessimistic about politics, but optimistic about society," Sorens once remarked. He faulted those who responded to COVID-19 by opening another front in the culture wars, which he called "a distraction." Likewise, he found legislation that would have prohibited private employers from prescribing measures to contain the virus "most worrisome." Like his approach to firearms, when it comes to rights, he tips the scale in favor of employers and property owners.

Sorens expressed reservations about "the rightish libertarian movement" within the ranks of the GOP, which he traced to the presidential campaign of Rand Paul as well as to the growing strength of Christian conservatives, nationalists and populists.

Above all, Sorens is troubled by Donald Trump, who he called "an anti-libertarian figure," as well as the MAGA coalition. He described his opposition as "vociferous" and "outspoken."

"I hope liberty Republicans will never indulge conspiracy theories about the 2020 election," he said. "So far, the state GOP has not required candidates to take a hard-line pro-Trump position."

While Sorens remains a director and volunteer of the Free State Project and has many friendships in the liberty movement, he eschews partisan politics.

“I am very comfortable being a pure independent,” Sorens said. “I have voted for Democrats I found thoughtful and responsible as well as Republicans,” he said, recalling the maxim of the Englishman Edmund Burke, who in 1774 told his voters, “Your representative owes you, not his industry only, but his judgment, and he betrays instead of serving you, if he sacrifices it to your opinion.”

“I would be happy to see a 90-percent reduction in government in my lifetime, as a student.” But, as a teacher, Sorens says, “There’s no Utopia at the end of the tunnel. All we can do is stimulate conversation and hopefully make the state a better place.”