



Libertarian Solutions to Reforming a Police State

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July 4, 2020

Americans are finally seeing the need to reform the way our society enforces laws, as the issue of police force has been placed front and center before us.

The Libertarian Party has been ahead of the game for decades on the issues of reforming our criminal justice system.

Since the 1960s, we have advocated for getting rid of laws that create “victimless crimes.” We have long believed in holding police accountable. Last but not least, Libertarians believe that the job descriptions, policies, and procedures of the police departments need to be reformed.

In fact, back in 1969, Lanny Friedlander, founder of the leading Libertarian magazine, Reason, said, “The police of a free society, engaging in retaliatory force only, enforcing laws of a defensive nature only, would be bound by the same laws they enforced and would stand fully accountable for their actions.”

Achieving this free society starts with getting rid of “victimless crimes.” In other words, we need to minimize the opportunity for the police to act against the public. This means fewer laws and less intrusive enforcement of the laws that we do have.

In 1971, the fledgling Libertarian Party called for “the repeal of all ‘crimes without victims,’ such as the prohibitions on drug use that have driven so much of the escalation in aggressive police tactics.”

Fifty years later, the Libertarian Party platform states: “Government force must be limited to the protection of the rights of individuals to life, liberty, and property, and governments must never be permitted to violate these rights.”

“We favor the repeal of all laws creating ‘crimes without victims,’ such as gambling, the use of drugs for medicinal or recreational purposes, and consensual transactions involving sexual services.”

Voters in Michigan took a huge step toward repealing drug laws when they voted for recreational marijuana to be legal. According to Pew Research, in 2018, 40 percent of all arrests in the United States were for marijuana offenses. Making this drug legal certainly helps reduce the opportunity for the police to act against the public.

In addition to repealing victimless crimes, Libertarians favor holding government agencies and their employees accountable for their actions.

"We support full restitution for all loss suffered by persons arrested, indicted, tried, imprisoned, or otherwise injured in the course of criminal proceedings against them which do not result in their conviction," the Libertarian Party declared in 1979.

"Law enforcement agencies should be liable for this restitution unless malfeasance of the officials involved is proven, in which case they should be personally liable."

More recently, Grand Rapids' Justin Amash, the only Libertarian in the U.S. Congress, introduced the first-ever "tri-partisan bill," which would eliminate qualified immunity.

"The Ending Qualified Immunity Act will ... restore Americans' ability to obtain relief when police officers violate their constitutionally secured rights," stated Amash.

"The brutal killing of George Floyd by Minneapolis police is merely the latest in a long line of incidents of egregious police misconduct. This pattern continues because police are legally, politically, and culturally insulated from consequences for violating the rights of the people whom they have sworn to serve."

In addition to holding police officers accountable and eliminating victimless crimes, Libertarians believe that we must take back some of the tremendous power that society has given to police.

"Over the last 25 years, America has seen a disturbing militarization of its civilian law enforcement, along with a dramatic and unsettling rise in the use of paramilitary police units for routine police work," warned the Cato Institute's Radley Balko in his 2013 book, "Rise of the Warrior Cop."

He explained that he was referring to Special Weapons and Tactics, or SWAT, teams. These types of teams perform "no-knock raids," which so often end in tragedy when police kick in the wrong door, or when a suddenly awakened resident tries to defend against intruders.

This month, libertarian-leaning Senator Rand Paul introduced legislation to stop the use of no-knock warrants, an idea that Democrats are also pushing in their calls for police reform. The bill requires law enforcement officers to give notice of their authority and purpose before entering a home.

In addition to qualified immunity and ending no-knock warrants, there are many other reforms that need to happen. Nearly all Americans favor at least some level of change to the nation's criminal justice system, according to a poll from The Associated Press-NORC Center for Public Affairs Research, which concluded that "Americans overwhelmingly want clear standards on when police officers may use force and consequences for officers who do so excessively."

Thankfully, Americans are finally agreeing with Libertarians and implementing many of the reforms and policy changes that we have been fighting for decades.

The Libertarian party might have the deck stacked against it during elections. However, we have always been the first — and often the only — party to fight the battle against abusive government power.