

# FreeSociety



FreeSociety



**Civil Society or Political Society?** The Choice That Shapes America's Future

VOLUME 1

CATO

“

**All civil virtue and happiness, every moral excellency, all politeness, all good arts and sciences, are produced by liberty.**

”

**Cato's Letter no. 63**  
1723

John Trenchard  
and Thomas Gordon

# Creating free, open, and civil societies founded on libertarian principles.

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## Letter from the President, Peter Goettler

Cato has published nearly 400 books since 1980, but none was a biography until 2018: Tim Sandefur's outstanding *Frederick Douglass: Self-Made Man*. The book was timed to coincide with the Frederick Douglass Bicentennial. We couldn't resist the opportunity to showcase a great American who deserves to be better known, as well as the work of one of our most prolific adjunct scholars.

When writing the first draft of a Cato Institute *Statement of Principles* that was suggested by director David Humphreys and adopted by our board in October 2023, I included a quote from Douglass that I love. In a lecture to the Rochester Ladies' Anti-Slavery Society in 1855, he said, "I would unite with anybody to do right, and with nobody to do wrong."

This quote was incorporated into the *Statement* because its spirit infuses almost all of our work at Cato. Mapping our principles to political philosophies and policy debates illuminates that Cato will have both broad areas of agreement and areas of serious disagreement with nearly everyone, regardless of where they fall on the political spectrum.

Whether it's Democrats or Republicans on Capitol Hill or in state houses around the country, staffers from both sides of the aisle joining our Congressional Fellowship Program, administrations of either political party, or the thousands of educators of Project Sphere (easily the most diverse part of our

community), we share common ground and objectives. And we work together to advance those objectives—whether it's through policy change, efforts to repair our civic culture, or the promotion of universal values such as freedom of expression, freedom of conscience, the Constitution, and the rule of law.

This was much on our minds as Election Day approached, bringing with it what George Will credibly called "the worst presidential choice in US history." And whichever candidate you preferred (or, perhaps, least disliked), it was easy to rue either potential outcome—if for different reasons. But this much was certain: Cato, our policy experts, and our outreach professionals stood ready to work pursuing policy change with either administration—if in vastly different areas.

So with the election of Donald Trump for a second term, we'll be embracing the areas in which we can work with the new administration to move policy in a more liberty-friendly direction. We hope these will include fiscal restraint, tax reform, deregulation—particularly in the areas of finance, energy, and the environment—and administrative law, health care, and foreign policy. As I'm writing this, Cato experts across our economic teams are hard at work putting the finishing touches on a comprehensive road map of reform

to guide the efforts of the Department of Government Efficiency.

But you can also count on us to be pushing back in areas such as trade, legal immigration, and more—where the administration will be trying to shift policy in directions we oppose. And, as ever, Cato will be a loud voice whenever the administration's decisions threaten to undermine the Constitution, exercise extralegal executive action, or compromise the rule of law—or when norms that safeguard the latter are broken. And this will be without regard for the policy objectives at hand. If the first Trump administration is any indication, such a voice will be crucial.

And in all this work, effort, and influence, we will be guided by the Cato principles enumerated in our *Statement*. For, as Douglass himself further challenged us in one of his most famous orations (1852's *What to the Slave Is the Fourth of July?*): "Stand by those principles, be true to them on all occasions, in all places, against all foes, and at whatever cost."

Peter Goettler  
President and CEO

## Recent Op-Eds

### THE HILL

**Don't Like the 2024 Presidential Candidates? Let's Give Them Fewer Things to Break**

—by Peter Goettler

### The Washington Post

**Trump's Immigration Policies Made America Less Safe. Here's the Data.**

—by David J. Bier

### THE WALL STREET JOURNAL

**Letter to the Editor: Woodrow Wilson Redefined Freedom Long Before Kamala Harris**

—by James A. Dorn

### The Atlantic

**What Kamala Harris Doesn't Get about Food Prices**

—by Scott Lincicome

### USA TODAY

**Texas May Execute a Man Based on Flawed Science. Will Abbott Intervene?**

—by Dr. Jeffrey A. Singer

## TV Highlights



Scott Lincicome discusses the economic plans of the 2024 presidential candidates on CNBC's *Squawk Box*.



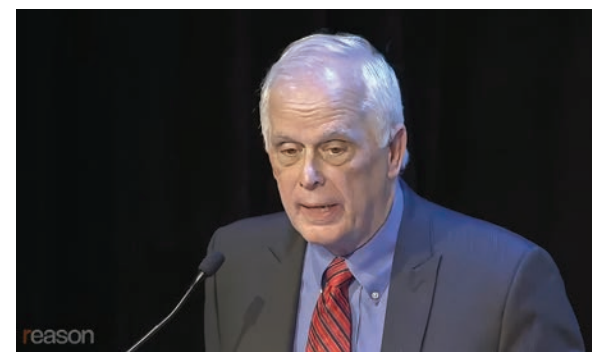
Tad DeHaven examines the East Coast port strike on BBC News *Business Today*.



Jennifer Huddleston discusses the US government's antitrust lawsuit against Google on Deutsche Welle TV's *The Day*.



Cato Institute event headlined by Vivek Ramaswamy about reigning in the administrative state airs on C-SPAN.



John F. Early featured in Soho Forum debate about income inequality on *Reason TV*.



Vanessa Brown Calder explains how zoning regulations restrict the supply of housing on CBN's *The 700 Club*.

## News Notes

### Jordan Peterson Promotes Marian Tupy's Lecture Series on Joe Rogan's Podcast

Marian L. Tupy and Gale L. Pooley's nine-part lecture series, "The Economics of Human Flourishing," debuted on the Peterson Academy website. The series brings their optimism for humanity's future to a new audience, featuring the type of economic analysis and stories of innovation that have made books such as Tupy and Pooley's *Superabundance* so popular. Jordan Peterson highlighted this course on the *Joe Rogan Experience* podcast, which has more than 32 million subscribers.

### Cato Releases In-Depth Issue Polls Pre-Election

Emily Ekins, vice president and director of polling at the Cato Institute, released three polls between July 4 and Election Day. *Politico*, the *Miami Herald*, and MSNBC cited her foreign policy survey of swing state voters, which found that majorities worried we were approaching a third world war. Her trade policy survey, which was cited in the *New York Times*, found that Republicans and Democrats support hypothetical tariffs imposed by their own party but don't support tariffs if they are implemented by the other party.

### Chase Oliver, Sen. Rand Paul Cite Cato's Influence on Their Views

Chase Oliver, the Libertarian Party presidential candidate, called David Boaz's *The Libertarian Mind* "the best primer to the libertarian philosophy" in a recent interview: "It's one of the best communicators of the libertarian framework and values, which deeply influence how I approach politics." Sen. Rand Paul (R-KY) told Bari Weiss on her podcast *Honestly* that he is "a big fan of HumanProgress.org, this is an offshoot of Cato," when discussing the unleashed markets that deliver modern abundance.



# Civil Society or Political Society?



Animosity and resentment have replaced civility for many Americans, driven by populism and demagoguery that arbitrarily pit citizen against citizen. But a rebirth of civil society is possible by reversing the colonization of the civil by the political.

ILLUSTRATIONS BY PABLO DELCAN AND DANIELLE DEL PLATO

## The Choice That Shapes America's Future

*By Tom G. Palmer*

It seems that we live in a time of extreme polarization, of mutual loathing among so many of our citizens, of an unwillingness to live together in a civil society. Political leaders label their opponents “the enemy of the people” and threaten “retribution” and “revenge.” Internet mobs demand—and often get—“cancellation” of those whom they find offensive so that they may not speak again. According to a 2020 YouGov poll, 38 percent of Republicans and 38 percent of Democrats would be “very upset” or “somewhat upset” if their children were to marry people from the other party. Many seem unwilling to live together peacefully as equal citizens of *res publica*, our constitutional republic. The practice of civility is withering, and with it, the civil society a constitutional government is intended to protect.

Many diagnoses have been advanced and many cures or fixes proffered. They are worth examining from not only the perspective of what ought to be done but also what each of us as citizens is capable of doing—and, if we wish to preserve civility, ought to do.

Adam Smith noted that persistent hatred is not only “detestable” but also incompatible with the continued existence of civil society and therefore ought “to be hunted out of all civil society.” (In contrast, even an excess of “friendship and humanity,” although perhaps injurious to the one who is overly friendly, is neither ungraceful nor disagreeable, for “we only regret that it is unfit for the world, because the world is unworthy of it”).

A society whose members hate and resent one another cannot persist for long, certainly not as a civil society. And with the

loss of civil society comes the loss of civil liberty. The rule of law is transformed into rule *by* law, an instrument of retribution, redistribution, and revenge, policies that parties on the left and right have been threatening with increasing vehemence. Far-left “black bloc” militants and rioters (often referred to as “antifa”) and far-right militants and rioters (members of the “Proud Boys” among them) are quite eager for violence; their brutality is a small taste of what may come if civility is not restored.

The alternative to civil society is civil war, which is the ultimate undoing of civility. Some activists, pundits, and politicians relish the thought; the president of one think tank even warned that the “second American revolution” he proposes “will remain bloodless if the left allows it to be.” The implication is clear: “If we lose, prepare for bloodshed.”

Americans should fear a future in which citizens hate one another so much as to promise blood, in which they designate one another not as fellow citizens who may disagree but as enemies who may not be tolerated, who “live like vermin within the confines of our country.”

#### What Is Civil Society?

“Civil society” refers not merely to a specific part of society but to voluntary and self-governing social orders generally. It emerged historically in the absence of central direction. The historian Walter Ullmann rooted civil society in “the manner in which those far away from the gaze of official governments conducted their own affairs,” which in Europe after the Dark Ages included the formation of self-governing cities, the self-governance associations

**“With the loss of civil society comes the loss of civil liberty. The rule of law is transformed into rule *by* law, an instrument of retribution, redistribution, and revenge, policies that parties on the left and right have been threatening with increasing vehemence.”**

that were known as “communes.” Such communes were oath-based fellowships of citizens who provided governance of cities and towns. The term “civil” comes from the Latin “*civitas*,” which refers to a city in its juridical—rather than physical—existence, a distinction that is harder to express in English. Thus, people in the newly founded cities lived in “civil society.” The behavior of their members was civil. (The English word “courtesy” comes from the behavior expected at the royal court. As royal courts have disappeared or diminished in importance, the two terms have approached each other in meaning.)

“Civil” refers not only to the legal and political orders of such cities but also to the standard mode of behavior—civility—that characterized them and the organization of social order through voluntary and contractual relationships. Civil behavior is not restricted only to one’s family or neighbors or co-religionists but can also be extended to strangers, including foreigners. Civility does not require an embracing loyalty to a leader, clan, party, religion, or even city or country. It entails respect for persons, for property (meaning their rights generally, including but not limited to their possessions), and for promises. Such civil societies were typically founded by merchants. In the then-prevailing feudal system, traders had no status; consequently they created, in effect, their own status alongside that of knights, clerics, and peasants.

By joining guilds and communes, people realized their distinct individual identities through voluntary association. As historian Antony Black concluded in his book *Guilds and Civil Society in European Political*



*Thought from the Twelfth Century to the Present*, “The crucial point about both guilds and communes was that here individuation and association went hand in hand. One achieved liberty by belonging to this kind of group. Citizens, merchants, and artisans pursued their own individual goals by banding together under oath.”

That social order was characterized by the virtues common among merchants, who regularly engaged in repeated exchanges with multiple trading partners. Reputation thus became of paramount importance. It became normal to consider others the bearers of rights, notably including the right not to buy, and thus normal to exercise punctuality, honesty, good faith, respectful toleration, and negotiation rather than resort to violence. Historian Geoffrey Parker noted that the merchants of the city of Antwerp, then subject to the Spanish king, objected to the king’s plans to introduce the Inquisition, on the grounds that “the inquisition was contrary to the privileges of Brabant and that, more specifically, so many heretics came to Antwerp to trade that its prosperity would be ruined if a resident inquisition were introduced.”

Respect was—and is—paramount to the maintenance of civil society. In his *Rules of Civility and Decent Behavior*, George Washington listed as the first: “Every action done in company ought to be with some sign of respect to those that are present.”

Civil society flourished and over time came to be the dominant form of social interaction, at least in free societies. Slavery, serfdom, absolutism, and persecution were largely swept away by the new civil societies. Those societies became fertile ground for new associations of all sorts. As historian Margaret Jacob notes, civil

society saw a proliferation of “voluntary association, in which strangers could become acquaintances.” These associations included businesses, business associations and laborers’ associations (often known as guilds), Masonic and other lodges, lending libraries, sodalities, charitable societies, temperance societies, and more. As the principles of civil society extended far beyond city limits, they embraced agricultural associations, hunting associations, and a dizzying array of voluntary clubs and groupings.

Masonic lodges put great stock in being voluntary associations of free persons without regard to religion, race, kinship, or social standing, each one governed by its constitution as laid out in 1723 in James Anderson’s *The Constitutions of the Free-Masons*.

In *Democracy in America*, Alexis de Tocqueville distinguished political society (“relations between the federal and particular governments and the citizen of the Union and citizen of each state”) from civil society (“relations of the citizens with each other”) and religious society (“relations between God and the members of society, and of the religious sects with each other”). He observed that in the United States of America, under a relatively limited constitutionally constrained and guided political system, there was an especially robust flowering of voluntary associations:

Of all the countries in the world, America has taken greatest advantage of association and has applied this powerful means of action to the greatest variety of objectives. Apart from permanent associations created by the law, known as towns, cities and

counties, a multitude of others owe their birth and development only to individual wills.

Problems were addressed and solved through voluntary association rather than immediate recourse to a petition to the political authorities.

Americans of all ages, of all conditions, of all minds, constantly unite. Not only do they have commercial and industrial associations in which they all take part, but also they have a thousand other kinds: religious, moral, serious ones, useless ones, very general and very particular ones, immense and very small ones; Americans associate to celebrate holidays, establish seminaries, build inns, erect churches, distribute books, send missionaries to the Antipodes; in this way they create hospitals, prisons, schools. If, finally, it is a

matter of bringing a truth to light or of developing a sentiment with the support of a good example, they associate. Wherever, at the head of a new undertaking, you see in France the government, and in England, a great lord, count on seeing in the United States, an association.

That flourishing civil society provided the foundation for constitutional liberal democracy in America and for a society of civility among strangers. It later became the foundation of the movement to secure civil rights for all—that is, the rights of persons in a civil society. The abolitionist movement is an especially impressive example of a network of civil society organizations that coordinated to demand liberty for all, including helping enslaved people escape to freedom. As black Americans gained greater liberties following the Thirteenth, Fourteenth, and Fifteenth Amendments, that movement was succeeded by a deep network of churches, professional and





**“It’s the multiple crosscutting loyalties of civil society, in which two people may be members of different religious congregations, send their children to different schools, and have very different political views, yet meet together as team members or sports fans, as neighbors or coworkers—in a nutshell, as equal citizens who may differ without enmity—that makes sustainable and harmonious pluralism possible.”**

business clubs, labor unions, and many other associations among black Americans. That network in turn was the basis for the organization of boycotts, political action, mass protests, and other elements of the drive to realize the unfulfilled promise of the American Declaration of Independence, “that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness— That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed.” Civil society makes possible peaceful and mutually beneficial relations among countless strangers and, of great importance to the functioning of liberal democratic politics, the redress of grievances and the reform of injustices.

#### **What Has Happened to Civil Society?**

Civil society seems to be in a bad way. Civility has certainly declined. (During a car ride in 2020, I saw three gigantic billboards that featured the name of a presidential candidate in huge letters, followed by “Because F\*\*k You!”) The behavior is found on both sides of the political divide (“deplorables,” “the Enemy Within,” “racist,” “deranged and sick,” “media scum,” etc.) and is making actual deliberation—a defining feature of liberal democracy—much harder, if not impossible, to pursue.

A commonly noted issue is that many of the associations that once were central to civic life have withered. I often speak to college-aged audiences, and I ask them about a well-known American TV show: the cartoon *The Flintstones*. When I ask the students where Fred and Barney would go

out together in the evenings, eventually a few volunteer, “The lodge?” I reply by asking what the lodge was. Usually not one student can answer. In the early 1960s, when the show originally aired, tens of millions of Americans went to meetings of civic associations, whether called lodges, fraternal societies, clubs, sodalities, or some other name. They provided mutual aid, including medical and life insurance supplemented by fraternal visits and assistance from fellow members; a wide variety of forms of aid to members in need; and charitable activities to benefit suffering nonmembers in their towns and communities. Today these associations are struggling with aging memberships.

One reason for their decline, no doubt, was the rise of insurance companies employing the principles of sound actuarial science. Such companies pool the risks of mishaps more efficiently than groupings of persons with like inclinations, locations, or occupations, which are often susceptible to problems of adverse selection. Another reason that has received too little attention is the way in which political policies have made voluntary associations redundant by taxing people to provide services for which they were previously paying dues or fees. As Tocqueville warned, “The morals and intelligence of a democratic people would run no lesser dangers than their trade and industry, if the government came to take the place of associations everywhere.” In the United Kingdom, the once hugely popular “friendly societies” that provided medical care to millions (and were more popular and numerous than the better-remembered trade unions) went into a steep decline when the National Health

Service began to charge compulsory fees for the same medical services for which members of friendly societies voluntarily paid for coverage for themselves and their families. Why pay twice for the same service, they reasoned. Similar processes have gutted organizations in the United States or made them contractors for state policy, including formerly volunteer-organized and financed Meals on Wheels, Catholic Charities, and many more, which now receive the bulk of their funding (and various associated controls) from federal and state governments. As the magazine of the Fraternal Order of Eagles noted in 1915, “The State is doing or planning to do for the wage-earner what our Order was a pioneer in doing eighteen years ago. All this is lessening the popular appeal of our beneficial features. With that appeal weakened or gone, we shall have lost a strong argument for joining the Order; for no fraternity can depend entirely on its recreational features to attract members.” Such displacement of voluntary associations has many implications, among them the decline of the role of associations as a counterbalance to state power and a check on the overweening ambitions of potential tyrants. Recall that a plethora of voluntary associations of many sorts were what forced the political system to recognize the civil rights of black Americans; had the many voluntary associations of civil society been further weakened by a segregationist state, Jim Crow laws might still be in place.

Those are among the factors that have led to a decline in face-to-face connectedness among Americans. (Labor mobility, which used to be blamed for rootlessness, has in fact been declining

during the same period that membership in lodges and other clubs has been declining, making it a poor candidate for explaining declining membership in voluntary associations.)

### Why the Decline of Civility?

But why the decline of civility? That's a complicated and difficult topic, but it certainly involves a combination of the rise of populist ideologies and demagogues that differentiate between the "true people" and "enemies of the people"; the segregation of the population by income and education, as Charles Murray documented in his disturbing 2012 book *Coming Apart*; the low-level culture war against rural Americans who live in so-called flyover country, which is evident in the mockery they face in films and on television; the creation of echo chambers in social media, in which people hear only the views of those like them and come to regard people who believe otherwise as irredeemably alien and threatening; and the ever-greater politicization of society (or, as some academics might say, "the colonization of civil society by the political"). Some of those causes are best addressed by promulgating changes in behavior and reverting to the norms of civil society, notably respect for everyone and refusal to designate one's political opponents as "enemies of the people."

However, the last of the suggested causes—the colonization of civil society by the political—is clearly a matter for public policy. Nondefense federal spending has risen from 5.1 percent of gross domestic product in 1955 to 18.6 percent today and consumes 48 percent more of our economic output than it did as recently

as 2000. All that additional spending attracts lobbyists and special interests more effectively and quickly than a picnic attracts ants. More than 2,000 trade and professional organizations have their headquarters in Washington, DC, and its suburbs—not because the air around the Capitol is especially conducive to voluntary association or commercial relations but because it's where they can more easily lobby for subsidies, special favors, and other benefits of rent-seeking behavior.

As more and more functions of the voluntary associations of civil society are colonized, taken over, and preempted by the political arena, more and more matters become subjects of political contestation. They become winner-takes-all games, with a structure like that of the religious wars of centuries past. During those wars, if one religion gained the power of the state, the others were persecuted, and thus the stakes were made so high that one's opponents (and rivals for state power) were characterized as heretics and infidels—that is, as irreconcilable enemies. All that mattered was winning; losing meant being burned at the stake. We're seeing a similar dynamic being played out today. Will a federally funded policy have to establish "progressive" or "woke" or "family-friendly" or "traditional" credentials as a condition of receiving funds? Each decision, regardless of which faction is in power, is another move in a culture war, another occasion for hatred and resentment, another nail in the coffin of civility. Such hatred and resentment not only undermine or even negate civility itself, they also make it harder to sustain the pluralism that is central to the functioning of civil society. It's the multiple crosscutting

loyalties of civil society, in which two people may be members of different religious congregations, send their children to different schools, and have very different political views, yet meet together as team members or sports fans, as neighbors or coworkers—in a nutshell, as equal citizens who may differ without enmity—that makes sustainable and harmonious pluralism possible. As Tocqueville noted in *Democracy in America*, "The morals and intelligence of a democratic people would run no lesser dangers than their trade and industry, if the government came to take the place of associations everywhere."

### Reviving Civility

There are many projects underway—one hopes that they are not too late—to revive civility. Sphere Education Initiatives—part of the Cato Institute's Project Sphere, which endeavors to help people learn to listen to one another despite their differences—is working with America's middle and high school teachers to model civil discourse and encourage respectful engagement rather than polarization and demonization. Other organizations, such as the John Locke Institute, teach high school and college students to pass what economist Bryan Caplan calls the "Ideological Turing Test," whereby they compete to state convincingly the very best case for the positions they personally reject, whether on abortion, taxes, trade, transgender sports participation, or other topics. Understanding the best case for the other side is a good way to begin seeing the other side as fellow citizens and not as enemies. Those initiatives are addressing important manifestations of the decline in civility.

Others are clearly needed.

On the policy front, restoring civility will mean rolling back or exercising restraint on the ongoing process of the colonization of civil society by the political. That means not being seduced by the pseudologic of the politician's syllogism—"Something must be done; this is something; therefore, this must be done"—whenever any issue raises concerns and looking instead to the resources of voluntary association. The latter proved far better, to take one prominent example, in curbing alcohol abuse than did Prohibition, which actually increased it. In short, a civil society requires a limited government.

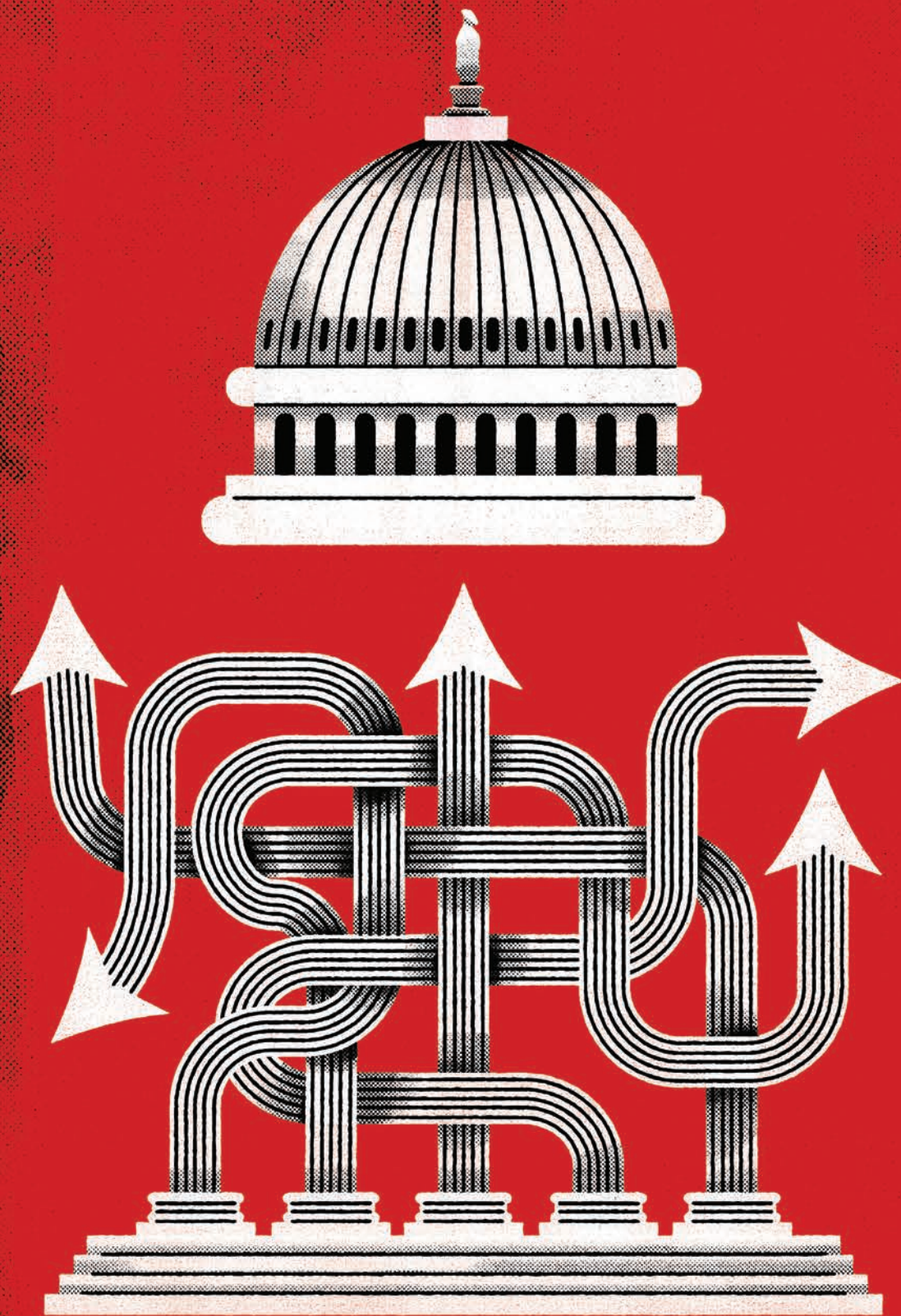
We all have a stake in the outcome. Will we live in a country permanently divided by hatred? Will we slide into civil war? Or will we reaffirm a commitment "to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity"? When we find ourselves consumed with anger and resentment and hatred of "the other party," it would be wise to keep in mind the last rule in George Washington's *Rules of Civility and Decent Behavior*:

"Labor to keep alive in your breast that little celestial fire called conscience." ♦

### ABOUT THE AUTHOR

Tom G. Palmer is a senior fellow at the Cato Institute, and the George M. Yeager Chair for Advancing Liberty and executive vice president for international programs at Atlas Network.





# A ROAD MAP FOR REFORM:

## 10 Policy Priorities for the New Congress

As a new Congress prepares to convene, the nation's trust in its lawmakers hangs by a thread. James Madison once described Congress as the "confidential guardians of the rights and liberties of the people," but today, a majority of Americans have little or no confidence at all in the legislative branch, according to Gallup polling.

Their skepticism is not misplaced—lawmakers have routinely ignored runaway spending, mounting debt, unchecked government overreach, and other issues that demand immediate action. To guide Congress back toward sound governance, Cato Institute scholars have crafted 10 key policy recommendations. These proposals—including tax reform and addressing Social Security's looming crisis—offer a road map for restoring fiscal sanity, reining in big government, and rebuilding public trust.



## 1. Slash Taxes Across the Board and Eliminate Subsidies and Loopholes

By Adam N. Michel, director of tax policy studies

At the end of 2017, Congress passed the Tax Cuts and Jobs Act. The law included wide-ranging reforms that simplified the tax code and reduced taxes for Americans at every income level. By lowering business taxes, the law boosted investment, wages, and economic growth.

Those individual tax cuts and some of the most economically consequential business provisions are set to expire at the end of 2025. This will present challenges and opportunities for tax reform in the 119th Congress.

To capitalize on this legislative opportunity, Cato recently released an aggressively pro-growth proposal to overhaul the US tax system. It is a roughly revenue-neutral reform that slashes tax rates to near 100-year lows by cutting the top income tax rate to 25 percent, the capital gains rate to 15 percent, and the corporate rate to 12 percent. Cato's plan also consolidates individual tax brackets to approximate a flat tax system, institutes full expensing for all investments, and repeals the estate tax, alternative minimum tax, and net investment income tax.

To offset the revenue loss and improve the tax base, the tax cuts are paired with the elimination of more than \$1.4 trillion in annual tax loopholes and other subsidies, including those for politically popular energy sources, families, education, housing, and health care.

The Cato plan could be adopted without spending cuts or growing the deficit. However, there remains a dire need for cuts to the spending-based drivers of America's fiscal imbalance. Spending reform is the only way to sustainably cut government revenue collections and ensure that taxes stay low for the long term.

## 2. Establish a BRAC-Like Fiscal Commission to Stabilize the Debt

By Romina Boccia, director of budget and entitlement policy

The United States faces a dire fiscal situation, with federal debt and interest costs spiraling out of control. Despite efforts to rein in spending, Congress has repeatedly failed to implement lasting reforms, largely due to the political unpopularity of necessary but difficult decisions that would stabilize the debt.

A promising solution is the creation of a fiscal commission modeled after the Base Realignment and Closure (BRAC) process. This commission would devise reforms that prevent US public debt from exceeding the country's economic output (measured in gross domestic product). Achieving that goal requires curbing the fastest-growing areas of federal spending.

Social Security and Medicare are unsustainable because retiree benefits have grown beyond workers' ability to support them. The unchecked growth of these programs is the primary driver of the debt crisis, as their financing shortfalls account for all the federal government's long-term unfunded obligations. The commission could propose targeted reforms to these

programs that encourage people to work more and save more money, reducing their dependency on government-provided benefits. This approach would slow the rate of spending growth while preserving a safety net for those in need.

The BRAC model provides a blueprint for implementing politically difficult changes. With Congress setting key policy goals while leaving the details to a carefully chosen group of experts, the commission's recommendations would be guided by economic realities, not short-sighted political agendas. Instead of requiring an affirmative vote to enact the commission's proposals, Congress could reject the commission's plan entirely, without amendments. This "Odysseus measure," as *Washington Post* columnist George Will calls it, allows legislators to support necessary reforms while shielding them from direct political fallout.

Congress long ago decided to abdicate its fiscal responsibilities by putting large and far-reaching government programs on autopilot, without any meaningful

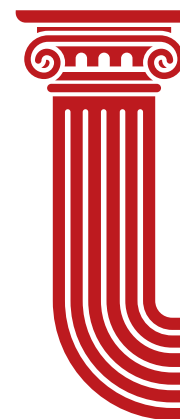
requirement for regular review. Congress should establish a BRAC-like fiscal commission to reclaim fiscal control.

## 3. Ditch Self-Defeating Buy American Rules

By Colin Grabow, associate director at the Cato Institute's Herbert A. Stiefel Center for Trade Policy Studies

The next Congress should prioritize repealing or significantly reforming numerous Buy American-style laws that force the federal government to purchase American products and services. Although advocates of such measures claim they benefit the US economy by supporting American firms—as is typically the case with protectionism—the reality is quite different. Such laws actually inflict considerable harm by driving up costs (thus increasing federal expenditures or ensuring less bang for the buck), extending project timelines, creating complacency among coddled domestic firms, and inviting retaliatory measures from US trading partners, among other downsides.

A prime example of this dysfunction is the 2021 Infrastructure Investment and Jobs Act (IIJA), which mandates that iron, steel, manufactured products, and construction materials used in many infrastructure projects funded with federal



dollars be domestically produced. These requirements, however, reduce the number of possible suppliers, thus increasing the cost and complexity of obtaining needed materials. While the IIJA was ostensibly passed to improve American infrastructure, including such protectionist language directly undermines this goal by making such projects more expensive and time-consuming.

Even national security suffers from such misguided protectionism. The Berry Amendment, for example, requires the Department of Defense to purchase footwear, dinnerware, eating utensils, and numerous other items from domestic suppliers. The result? A handful of firms reap government contracts while the military (and taxpayers) are stuck with higher costs and fewer options—no small matter in the search for comfortable shoes and boots. Arguments that foreign-made forks and footwear threaten national security may be laughable, but the harm (including foot pain) to those tasked with protecting the country certainly isn't.

Mandating the purchase of American-made products may make sense in limited cases (e.g., procuring certain weapons systems), but these are exceptional. Overall, such protectionist measures are best understood as exercises in rent-seeking that damage the country's freedom, prosperity, and even security. As such, they should be prime targets for reform by Congress.

#### **4. End the Distortionary Tax Exclusion for Employer-Sponsored Health Insurance**

*By Michael F. Cannon, director of health policy studies*

Shortly after Congress enacted the second federal income tax in 1913—and before modern health insurance even existed—Treasury Department bureaucrats decreed they would exclude employee health benefits from the new tax. Enacting the federal income tax and excluding employee health benefits ended up creating or exacerbating practically every health care problem Congress has tried to address since then. For 100 years, they have driven up health care prices, inflated health insurance premiums, and stripped sick people of their health insurance. Because it created the tax exclusion for employer-sponsored health insurance, the income tax is truly the original sin of US health policy.

Every president from Ronald Reagan to Barack Obama has tried to cleanse this sin. They all failed. Though the exclusion harms patients, it provides windfall benefits to health insurance companies,

health care providers, large employers, and the human-resources personnel and unions who administer employee health insurance. Reform invariably triggers massive resistance from industries without inspiring countervailing political pressure from the much larger number of people who would benefit.

Until now, perhaps. A new approach to reform holds the potential to unite Democrats and Republicans—and to create immediate benefits for identifiable constituencies that could overcome industry resistance.

Universal health accounts (UHAs) would end or limit the tax exclusion's perverse incentives and harmful consequences. They would apply the tax exclusion solely to deposits that workers or employers make into universally available, worker-owned accounts. Taxpayers could use their accounts to purchase health insurance and medical care. UHAs would improve both efficiency and equity in the health sector and labor markets by reducing health care prices and bringing health care within the reach of more vulnerable patients.

Every year throughout the economy, UHAs would free workers to control \$1 trillion of their earnings that the exclusion now lets employers control. They would increase cash wages by more than \$17,000 per worker with family coverage, with larger-than-average increases for women, older workers, union members, and workers with expensive medical conditions. They would free financial institutions to compete to provide workers greater value for that \$1 trillion.

UHAs would put patients back in charge of their spending, leading to a more consumer-centered and competitive market for health care.

#### **5. Reform Social Security and Boost Personal Savings**

*By Romina Boccia, director of budget and entitlement policy*

Social Security is facing substantial funding challenges due to its unsustainable pay-as-you-go structure that relies on taxes paid by younger workers to pay out benefits. Originally intended as a modest anti-poverty initiative, Social Security has evolved into the single largest federal program, accounting for about 5 percent of gross domestic product annually. Payroll taxes cover less than 90 percent of annual program spending, with government borrowing filling in the remaining gap. These persistent cash-flow deficits will widen as the US population ages and benefits rise in line with wages, resulting in a projected cumulative shortfall of \$4.1 trillion over the next decade. Absent reform, Social Security will experience automatic benefit cuts between 20 and 25 percent by 2033.

To address these challenges, Congress should reduce benefits by focusing on the system's original goal of preventing old-age poverty while avoiding further tax increases. Key reforms include raising the early and full retirement ages by three years and indexing these ages to life expectancy, switching from wage indexing to price indexing for initial benefits, adopting the Chained Consumer Price Index for cost-of-living adjustments to curtail excessive spending growth, and reducing benefits for higher-income earners instead of raising their taxes. The long-term goal should be to transition Social Security into a predictable benefit focused on preventing poverty in old age. This transition should also enhance personal savings, allowing Americans to own and control more of their income while

**“The United States, a nation founded on the principles of limited government and free enterprise—and one that, at its Founding, had protections against the direct government provision of money—should be leading the fight for greater financial privacy and monetary competition, not restricting it.”**

ensuring the program’s fiscal sustainability. The government should neither dictate Americans’ retirement savings nor overburden workers by redistributing their income to retirees, regardless of need.

Beyond Social Security reform, legislators can strengthen private retirement savings through the introduction of universal savings accounts, which would offer the flexibility to access funds at any time without penalty. This would appeal to younger and low-income workers, who are often reluctant to commit to traditional retirement accounts.

## **6. Rein in the Federal Reserve and Restore Sound Monetary Policy**

*By Jai Kedia, research fellow at the Cato Institute’s Center for Monetary and Financial Alternatives*

The Federal Reserve’s history is marred by monetary policy decisions that have negatively affected financial markets and the US economy. In earlier periods, the Fed operated with a narrower mandate and had fewer tools at its disposal. Today, its mandate is excessively broad and ill-defined. Since the 2008 financial crisis, the Federal Reserve has exercised increasing discretion, and its operational framework has grown opaque, becoming detached from clear, objective policymaking principles.

Throughout much of the 2010s and following the COVID-19 pandemic, the Fed kept interest rates low and relied on large-scale asset purchases under its quantitative easing program. Consequently, the central bank now holds risky securities, and its balance sheet has ballooned to \$7.1 trillion—roughly 30 percent the size of the entire US commercial banking sector. Crucially, the Fed failed at its most fundamental job: to keep prices stable. Yet, some government officials want to expand the Fed’s responsibilities further, including tasks such as addressing climate change.

The Fed’s performance requires a broader discussion of its mission. This conversation should explore private alternatives to the current centralized monetary regime. However, if the Fed exists in its current form, it must be reined in immediately. Congress should move the Fed away from discretionary decisionmaking and toward objective, clearly defined goals and policy decisions. Its current focus on a

“broad-based and inclusive” interpretation of maximum employment and its vague approach to average inflation targeting should be replaced by clear, measurable targets for both employment and inflation. These targets must be insulated from political influence. The Fed should commit to a monetary policy rule to meet these goals, as proposed in the 2015 Fed Oversight Reform and Modernization Act. These changes would provide transparency for consumers and the private sector while allowing Americans to hold the Fed accountable.

## **7. Unlocking America’s Potential Through Immigration Reform**

*By David J. Bier, director of immigration studies*

The next Congress should recognize the need to reform America’s legal immigration system, which legislative dysfunction has preserved for decades like a prehistoric bug in amber. The last notable reforms occurred in 1990, and the basic structure of the system dates to 1924, when Congress invented the caps on visas and category preferences for family members.

America’s economy drives immigration. As more Americans retire than enter the labor force, immigrants will become even more critical to economic growth. Recent experience with illegal immigration should clearly demonstrate the urgent need for a wholesale restructuring of how immigrants enter the United States.

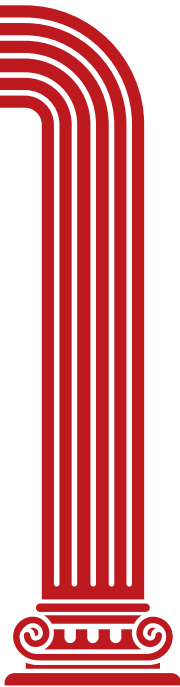
According to Cato research, only 3 percent of the individuals applying for permanent residence in the United States this year will receive it. Congress should start reform by addressing three critical issues: (1) the lack of

any option for low-skilled guest workers to enter legally for year-round jobs; (2) the low caps on H-2B visas for seasonal nonagricultural workers and on H-1B visas for high-skilled workers; and (3) the removal of the overall and per country caps for employer-sponsored immigrants—particularly for individuals already living and working in the United States.

These reforms would allow immigrants to fill the needs of Americans in many industries, including health care, construction, and information technology. Without them, illegal immigration and border disorder will continue.







## 8. Audit the Scourge of Coercive Plea Bargaining with a Trial Lottery

*By Clark Neily, senior vice president for legal studies*

The Bill of Rights devotes more words to the subject of criminal procedure—and specifically, the process for obtaining a conviction—than any other. And for good reason. The Founders understood from personal experience that the power to convict and punish is readily abused by oppressive governments. They sought to prevent that by making citizen jurors the ultimate arbiters of guilt or innocence. But jury trials have been supplanted by so-called plea bargaining, which now accounts for more than 98 percent of all federal criminal convictions.

Proponents of mass plea bargaining claim that guilty pleas are fully voluntary and every bit as reliable as constitutionally prescribed jury trials. But they're wrong. Of the more than 3,000 people on the National

Registry of Exonerations, 17 percent pleaded guilty to crimes they did not commit.

Given the outsized role that plea bargaining plays in our system, there may be no more important question in criminal law than this: How often is the government able to induce a guilty plea from someone whom it would have been unable to convict at trial?

Fortunately, there's no need to guess. We could audit the system using a so-called trial lottery. This involves sending a random sample of cases where a plea agreement has been reached but a trial has not yet begun to determine the possible outcome. If the defendant is convicted in the lottery trial, they receive whatever punishment was previously agreed upon; if they're acquitted, they walk. Over time, a robust body of data would tell us with great precision just how reliable plea bargaining really is.

Proponents of today's system assure us that plea bargaining is reliably free of coercion and the horror of false convictions that punish the innocent while leaving the real perpetrators free to victimize others. It's time to test those assurances instead of taking them for granted.

## 9. A Light-Touch Approach to Artificial Intelligence

*By Jennifer Huddleston, senior fellow in technology policy*

Both the public and policymakers have been captivated by the emergence of artificial intelligence (AI), a disruptive innovation with broader applications than those experienced during the rise of the internet over 30 years ago. While consumer products such as ChatGPT have gained the most attention, AI and other types of machine learning are much more general-purpose technologies.

Given the various technical components involved with the development and deployment of AI, generalized AI policy is best managed at the federal level. When the internet was in its infancy, the United States took a light-touch approach and limited regulation to cases that involved clear harms that existing laws did not address. Congress should do the same with AI. Before passing any new regulations for AI, policymakers should examine whether existing laws addressing issues such as discrimination or fraud sufficiently cover any harms caused by AI and whether the harms come from the technology itself or its misuse by bad actors.

Not all AI applications are general. Particularly in highly regulated industries, policymakers should consider removing occupational licensing requirements or other regulatory barriers that might prevent the deployment of beneficial AI in fields such as transportation, finance, and medicine.

Policymakers at both the state and federal levels need to focus on benefits as well as risks when considering the potential trade-offs of AI policy. We should be cautious of overly prescriptive regulation that could prevent innovative developments or dissuade entrepreneurs from solving novel problems.

## 10. Protect Financial Freedom by Preventing a Central Bank Digital Currency

*By Norbert Michel, vice president and director of the Cato Institute's Center for Monetary and Financial Alternatives*

More than 100 countries have launched or are exploring a central bank digital currency (CBDC). A CBDC is a digital liability of the federal government that poses acute threats

to financial freedom and human liberty. Although supporters claim that CBDCs are just another kind of money, such claims could not be further from the truth. A CBDC would electronically tether the government to anyone who uses it, giving the state complete control over the money going into and coming out of each person's digital wallet. CBDCs are also programmable, which means the government can prevent people from spending more than a certain amount, stop them from buying certain goods or services, and penalize them for failing to spend "enough."

Although the adoption has been lackluster, government officials throughout the world have been launching their own CBDCs. One of the most notorious examples is China, an authoritarian country that launched a CBDC in 2020. Meanwhile, government officials in many *non*-authoritarian countries have openly boasted that CBDCs will allow them to program money so that they may control how, when, and where people spend money.

The United States, a nation founded on the principles of limited government and free enterprise—and one that, at its Founding, had protections against the direct government provision of money—should be leading the fight for greater financial privacy and monetary competition, not restricting it. The 119th Congress should amend the Federal Reserve Act to ensure that neither the Fed nor the Treasury can issue a CBDC. ♦



# Reining in the Imperial Presidency: A Plan for Repealing Harmful Executive Orders

By Alex Nowrasteh

ILLUSTRATION BY KEITH NEGLEY

President-elect Donald Trump is preparing to move back into the Oval Office, where he will reclaim extraordinary power to shape the lives of millions with a simple stroke of a pen.

Executive orders (EOs), a president's most potent tool for unilateral action, have quietly become the primary vehicle for enforcing sweeping policy changes. The appeal of EOs to presidents is understandable. As Bill Clinton's adviser Paul Begala famously quipped, "Stroke of the pen. Law of the land. Kind of cool." But for proponents of limited government, this "cool" ease of governance represents a creeping authoritarianism that should leave them cold.

Historically, EOs were intended as a way for a president to efficiently manage the executive branch. George Washington's first EO, for instance, was a simple request for information from department heads. But since the New Deal, the executive branch's power has expanded dramatically, fueled by national emergencies, wars, and crises that have allowed presidents to claim ever more

authority—often with Congress abdicating its own responsibilities. Today, they often serve as formidable instruments of power, used to direct agencies to enact broad and sometimes controversial regulations.

Presidents today wield a suite of powers that go far beyond what the Founders envisioned. They can declare emergencies, direct vast bureaucratic machinery to their own ends, make war without congressional approval, and more.

From regulations affecting health care, immigration, and the economy to decisions on military action and civil rights, EOs are a president's means to bypass Congress and impose their will. The most notorious example remains Franklin Delano Roosevelt's EO that ordered the internment of Japanese Americans during World War II—a stark reminder of how dangerous this unchecked power can be.

Yet despite the growing influence of EOs, American law offers no clear definition of what an executive order even is. Most troubling, the courts rarely challenge



**“From health care, immigration, and the economy to decisions on military action and civil rights, executive orders are a president’s means to bypass Congress and impose their will.”**

the president’s use of EOs. One notable exception was the Youngstown Steel case, where the Supreme Court blocked President Truman’s attempt to nationalize the steel industry during the Korean War. But such instances are few and far between. Even Congress’s traditional check—the power of the purse—has proven ineffective, as evidenced by President Trump redirecting

funds to build a border wall despite congressional opposition.

Impeachment, too, has become a dead letter, while the Supreme Court’s recent decision in *Trump v. US*, which broadened presidential immunity from criminal prosecution for official acts, further shields the office from meaningful oversight. As it stands, the two remaining checks on presidential power are the courts—staffed by presidential appointees—and the electoral process, a disheartening reality for anyone who believes in a truly balanced federal government.

The trajectory is clear: If left unchecked, the presidency risks becoming an elected doge in all but name, with Congress playing a diminished role. This is why it’s more critical than ever to restore the presidency to its proper constitutional limits that would provide a legal straitjacket that prevents the president from harming the country. Yet we must also be realistic and prepare for the continuation of the “imperial presidency.”

To that end, Cato recently published the *Cato Handbook on Executive Orders and Presidential Directives*, a critical guide that highlights some of the most harmful executive orders in recent history. Our goal is to help the next administration identify and revoke EOs that undermine individual liberty, limited government, free markets, and peace. While the handbook is not exhaustive, it offers a starting point for undoing some of the most egregious executive overreach in areas like health care, immigration, foreign policy, trade, and divisive cultural issues.

For example, President Biden’s EO 13991, which promoted ineffective public health measures such as mask mandates during the

pandemic, should be revoked. Furthermore, several other health care–related EOs worsen the inefficiencies in Medicare, Medicaid, and the Affordable Care Act, and President-elect Trump should amend or rescind them to restore a more market-based approach to health care.

On climate and energy, Cato scholars have identified five EOs related to clean energy and climate change that unnecessarily raise costs and impose excessive burdens on Americans. These orders prompt federal agencies to exaggerate the risks of climate change, leading to misguided regulations. Repealing them would ease the regulatory load on businesses and consumers alike.

One especially destructive move by the Biden administration was a memorandum exempting IRS tax regulations from review by the Office of Information and Regulatory Affairs. This lack of oversight weakens accountability and transparency in tax policy—a key area where regulatory scrutiny is crucial. President-elect Trump should revoke this memo and restore proper oversight of IRS regulations.

The Biden administration also took a regulation-heavy approach to artificial intelligence (AI) in an EO that could hamper the development of this critical technology. While the EO includes some positive provisions, such as streamlining immigration for highly skilled workers, its regulation-first stance should be revisited. President-elect Trump should amend the EO to allow private firms to build AI without regulatory interference while maintaining the pro-immigration aspects.

Beyond these domestic concerns, President-elect Trump has the power to finally close Guantanamo Bay. Revoking

an EO issued by President Trump and reinstating Obama-era policies to shutter the prison camp would be a vital step in restoring America’s global standing. Similarly, several EOs imposed by previous administrations have led to unnecessary foreign sanctions and the misuse of the US military in anti-drug operations—both of which should be reconsidered or reversed by the 2024 administration.

Another troubling area is trade. Numerous EOs and proclamations currently impose restrictive Buy American provisions that limit competition and inflate costs for domestic firms. These outdated trade barriers should be repealed, clearing the way for a more open and competitive market.

The presidency has grown far too powerful, and much of that power is wielded through EOs. Congress must act decisively to rein in this overreach and restore the balance envisioned by the Constitution. In the meantime, there’s much President-elect Trump can do to at least reduce the harm imposed by previous administrations, one EO at a time. When the dust settles and real policy discussions resume, our handbook will be there to help guide the new administration toward greater liberty. ✨

#### ABOUT THE AUTHOR

Alex Nowrasteh is the vice president for economic and social policy studies at the Cato Institute. He is the editor of the recently released *Cato Handbook on Executive Orders and Presidential Directives*, which recommends revoking several specific executive orders and making systemic changes to presidential power.



# America's Election System Dodged Disaster This Time—Here's How We Can Protect It Next Time

By Walter Olson

The problems with America's election system extend to how we select candidates, how votes are counted, and who gets to make the rules. But there are solutions.



In response to the mob that stormed the Capitol building on January 6, 2021, Congress passed the Electoral Count Reform Act, which clarifies that the vice president's role is purely ceremonial and raises the threshold for lawmakers to object to the electoral count. (GETTY IMAGES)

**T**rust in American elections, once considered a bedrock of our democracy, has been declining for years. It's a trend that if left unchecked threatens the stability of the political system itself. Recent surveys show that nearly half of the country believes election outcomes are no longer trustworthy, with divisions strongly following party lines. While this election season has not seen violence as of this writing—it helped a lot that the White House results were not close enough to leave room for dispute as to who won—the defensive preparations were unprecedented, with fortresslike security for vote-counting centers in some

states and the election director of at least one state choosing to wear a bulletproof vest. Given the extent of polarization and suspicion, an outbreak of violence in some future election cycle, if not this one, must be seen as a genuine concern.

Our electoral system, long admired for its openness and fairness, now faces threats on multiple fronts, such as gerrymandering that distorts representation, a primary process that sidelines moderate candidates, and laws that might one day enable bad actors to derail the reporting of certified results. These flaws are undermining faith in our political process.

Reform isn't optional—it's essential.





TOP: The failed attempt to stop the certification of the 2020 election results exposed vulnerabilities in the presidential election process. (GETTY IMAGES)

BOTTOM: Cato Institute senior fellow Walter Olson (behind Maryland Gov. Larry Hogan on the left) served as cochair of the Maryland Redistricting Reform Commission, which sought to curb gerrymandering.

### The Appearance—and the Reality—of Honest Elections

Fortunately for all of us, the 2024 vote passed with few logistical alarms. A wave of bomb threats closed polling places temporarily in some states, someone in the Pacific Northwest committed several ballot drop-box arsons, and forged videos circulated misrepresenting candidates. In general, though, law enforcement proved equal to these challenges, and the misinformation in particular was met by the rapid dissemination of accurate counterinformation—which libertarians stress is a remedy suited to a free society, unlike attempts at censorship.

The 2024 US election was fair and honest. So was the 2020 US election, run largely by the same methods under largely the same laws and often by the same people. (Beware candidates who endorse the validity of one of the two elections while contesting the other or whose interest in election security begins and ends with trying to explain away the elections they lose.)

America achieves high standards of election integrity in part through careful updating and maintenance of voter registration lists, audits both before and after the vote, and use of technologies such as weight sensors to detect unauthorized removal or addition of ballots. And yet it is crucial that election processes be secure in appearance as well as in reality. There is always room for improvement—and Cato is part of that debate. We can and should harmonize needed safeguards for the security and integrity of elections with efforts to make it easy and convenient for all lawful voters to cast a ballot.

One priority of some urgency in restoring public trust is to make the tabulation of votes rapid—ideally by Election Night, a

standard achieved by Florida and a number of other states. When counting drags out for days and even weeks, there is an opening for reports of skulduggery to circulate, accurately or not. Most countries tabulate results quickly, and that’s the right approach.

### The Aftermath of 2021

The events of January 2021 exposed deep vulnerabilities on a different topic, the way we certify election results. More than 100 members of Congress moved to block the outcome of a presidential election that had been certified by the states. They did so under the outdated and ambiguous Electoral Count Act of 1887, which allowed Congress to delay and question the results of an election in ways the Framers of the Constitution never intended.

This wasn’t just a procedural error; it was a crisis of legitimacy. The failure to swiftly and clearly affirm the results of a certified election shook public confidence and set the stage for future disruption. If we can’t trust the process, what holds the system together?

In response, a cross-ideological coalition came together to reform this broken system, culminating in the passage of the Electoral Count Reform Act of 2022. While Congress took the final steps to enact the law, it was a behind-the-scenes collaboration that made the reform possible. Organizations like the Cato Institute played a key role in drafting language that ensured the bill would not only fix the problems of 2021 but also be fully constitutional. Cato’s team worked to keep the reforms focused on protecting the rights of the states to certify elections, staying true to the original intent of the Framers in Article II, Section 1 of the Constitution.

The result was legislation that clarified Congress’s limited role in certifying elections, reduced opportunities for



**“Our electoral system, long admired for its openness and fairness, now faces threats on multiple fronts, such as gerrymandering that distorts representation, a primary process that sidelines moderate candidates, and laws that might one day enable bad actors to derail the reporting of certified results.”**

frivolous objections, and protected the integrity of the process. It was a victory for both the Constitution and for those working to safeguard elections from future crises.

#### **Improving the Candidate-Screening System**

One of the most glaring weaknesses in American elections is the primary system. The reformers of the Progressive Era believed that primaries would democratize candidate selection by taking the power away from party bosses. In practice, however, primaries have created a different problem, narrowing the field to candidates who appeal to the most committed—often the most extreme—voters within a party. Candidates who might run strongly in a general election often get squeezed out.

In many cases, primary elections draw a small fraction of the electorate, but they determine the outcome in districts heavily skewed toward one party. As a result, general elections have become a formality in many races, and the candidates who make it through often reflect the most polarized views.

This isn't just a procedural glitch; it's a systemic issue that stifles competition and discourages bridge-building between different political factions.

What to do? America's election heritage is one of diversity and innovation, and Cato is part of the discussion on how states and localities might design better methods.

Alaska has experimented with one potential solution: a system known as “Final Four.” In this model, all candidates compete in a nonpartisan primary, with the top four or five advancing to a general election decided by ranked-choice voting. Ranked-choice voting allows voters to rank candidates in order of preference, ensuring

that the eventual winner has broader support across the electorate.

Alaskans narrowly voted to keep ranked-choice voting in the 2024 election, but voters in several other states rejected similar electoral reforms. Despite those setbacks, the impact in Alaska has been promising. Candidates are forced to appeal to a wider audience, and the overall tone of campaigns has shifted toward more constructive and less divisive messaging. This is the kind of innovation that has the potential to reshape our elections. Yet it's important as well that election administrators and voters themselves see any new scheme as practical and understandable.

#### **The Case Against Federalizing Elections**

While states and cities are moving toward innovative solutions, there are constant pressures to centralize control over elections at the federal level. The idea seems simple: Create national standards to ensure uniformity and fairness across the board. However, the risks of this approach far outweigh the potential benefits.

In particular, gathering power over election administration in the nation's capital invites a danger that forces in Washington could manipulate national election outcomes, undermining the system's integrity. Local oversight serves as a check on the possibility that any one group or institution will gain excessive control over the process.

Cato has been a consistent voice in warning against the dangers of federalizing elections. Our scholars have argued that keeping elections managed at the state and local level builds resilience into the system, ensuring that no single point of failure can disrupt the entire process. Local administration allows for the sort of trial-and-error reforms—

currently being tried around the country—that can gradually improve outcomes without widespread disruption.

#### **Looking Ahead**

America's election system is at a critical juncture. While reforms like the Electoral Count Reform Act have yielded important improvements, deeper structural changes are needed to restore trust in the process. The problems go beyond outdated laws and unclear procedures—they touch the very way we select candidates, the way votes are counted, and who gets to make the rules.

But there are solutions. Alaska's experiment and other versions of ranked-choice voting could offer a step toward addressing the polarization that the current system entrenches. Maintaining local control of elections ensures that we avoid the pitfalls of centralizing too much power. And perhaps most important, reforms like these offer a path to restoring public confidence in elections—confidence essential to the health of any democracy.

Cato's work in this area underscores the importance of constitutional principles, nonpartisan analysis, and a commitment to improving the system from the ground up. The stakes are high, but the path forward is clear: America can fix its election system—but only if we make the necessary changes before it's too late. ♦

#### **ABOUT THE AUTHOR**

Walter Olson is a senior fellow at the Cato Institute's Robert A. Levy Center for Constitutional Studies. He is the author of four books on the American legal system, most recently *Schools for Misrule*, and the founder of the law blog *Overlawyered.com*.

# From Lab to Table: The Potential of Lab-Grown Meat and the Protectionist Push to Ban It

By Paul Best

An army of start-ups backed by investors with deep pockets is trying to turn lab-grown meat into a reality, promising slaughter-free products with less of an environmental impact than traditional agriculture. But even as technological setbacks and challenges abound for lab-grown meat, some elected officials are trying to kneecap the nascent industry with protectionist bans before it has a chance to get off the ground.

The first taste of a lab-grown burger—a five-ounce patty made of breadcrumbs, egg powder, red beet juice, saffron, and 20,000 cell-cultivated muscle strands—was in London in 2013. Google cofounder Sergey Brin bankrolled the \$325,000 project, which he called a “proof of concept” warranting optimism that the cultivated meat industry could “really scale by leaps and bounds.”

Mark Post, a professor at Maastricht University in the Netherlands who spearheaded that first cultivated burger, said at the time that it would be 10 to 20 years before products hit the market. In the decade since, private investors have poured \$3.1 billion into more than 170 companies trying to produce cultivated

meat that is both appetizing and affordable for consumers.

Investors range from tech visionaries like Brin and Microsoft founder Bill Gates to traditional meat giants like Tyson and JBS. Many of them have been drawn not only to the rapidly expanding market for meat but also to the potential to alleviate many of the animal welfare concerns and possible environmental harms associated with conventional meat production.

By some reports, the livestock sector accounts for about 15 percent of all human-induced greenhouse gas (GHG) emissions. Roughly a quarter of the Earth’s ice-free land is used for livestock grazing, which can lead to other environmental harms like deforestation, biodiversity loss, and water



Private companies are racing to develop the technology for mass-produced lab-grown meat, such as these chicken skewers created by GOOD Meat.

pollution. Innovations in agriculture and advances in animal science have reduced these environmental impacts over time—livestock now use 62 percent less land and emit 48 percent less GHG emissions per calorie than in 1961, according to one study. That has freed up resources for further innovations that have improved human well-being. Investors in lab-grown meat production believe that cell-cultivated goods can be one of the next steps in dramatically reducing agriculture’s environmental impact while supplying the world with affordable food.

“You’ve got this problem where you have meat being a relatively inefficient form of protein, you have global protein demand increasing, and then . . . as countries develop, a higher percentage of their protein demand is for conventional meat. Something’s got to break,” said Tom Rossmeissl of GOOD Meat, which is one of two cultivated meat companies approved to sell products in the United States.

“We need to find more tools to address the demand for protein, and cultivated [meat] is not the only tool but, I think, a really promising one that lets consumers have something that they want and they crave in the marketplace without having to have that detriment on our planet.”

GOOD Meat started selling products in Singapore in 2020 and then partnered with Washington, DC’s China Chilcano—one of the restaurants owned by acclaimed chef José Andrés—for a limited tasting menu in 2023 after getting final approval from the Department of Agriculture and Food and Drug Administration. UPSIDE Foods, the other company that has won regulatory approval, started selling cultivated chicken in 2023 at the Michelin-star restaurant Bar Crenn in San Francisco.

But letting consumers have their choice in the marketplace has not been a priority for some elected officials. Florida and Alabama both banned cultivated meat earlier this year, turning the issue into a





ABOVE: Justin Kolbeck (left), a former diplomat, and Aryé Effenbein (right), a cardiologist, founded the lab-grown salmon company Wildtype in 2016.

LEFT: Companies have created lab-grown meat on a small scale using cell culture dishes and bottles but have struggled to scale the production process using large bioreactors.

new front for the culture war mixed with blatant protectionism.

“Florida is fighting back against the global elite’s plan to force the world to eat meat grown in a petri dish or bugs to achieve their authoritarian goals,” Florida Governor Ron DeSantis said after signing a bill that makes it a criminal offense to manufacture and sell cultivated meat. “Our administration will continue to focus on investing in our local farmers and ranchers, and we will save our beef.”

At the bill-signing ceremony, DeSantis was flanked by a group of cattle ranchers who would benefit from such measures. Other elected officials have also invoked protectionist reasons for bans on cultivated meat. In Alabama, Jack Williams, a Republican state senator, said his bill is about “protecting our farmers and the integrity of American agriculture.”

At the federal level, Sen. Mike Rounds (R-SD) introduced a bill this year that would ban cultivated meat in schools, saying that the legislation “benefits South Dakota producers.” A press release about the bill from Sen. Jon Tester (D-MT), who coauthored it with Rounds, was headlined

by the boast that “Tester champions Montana’s ranchers.”

UPSIDE Foods challenged Florida’s ban in federal court in August, arguing that it violates the supremacy and commerce clauses of the Constitution and was enacted only to protect the state’s cattle industry.

“Our intent was never to be a political issue. We believe this is about consumer choice and about American innovation, and that is the case with any other number of industries that have somehow been cast into a political light,” Amy Chen, UPSIDE Foods chief operating officer, told *Free Society*.

“Our sense has always been: If you aren’t excited about cultivated meat, if you don’t think it has a place in your life, then don’t buy it. No one, and certainly not us, is trying to force anybody to make a choice that they don’t want to make. We simply believe that our markets work well when they’re allowed to work, and we have a proposition that we are excited to share with consumers.”

While lawmakers in Florida, Alabama, and other states are pushing bans on lab-grown meat, a technological race is still underway to figure out how to mass-produce it. A sample of stem cells is placed in a large tank

called a bioreactor, where it’s mixed with a solution of proteins, vitamins, minerals, and other nutrients the cells need to multiply and grow. After these cells turn into muscle, fat, and other tissues, they are harvested and shaped into products that consumers are familiar with, such as ground meat or steaks.

Cultivated chicken and beef have been the main focus of investment so far, but companies are also working on lab-grown pork, duck, seafood, and even organ meats. For some of these products, the selling point is that they are not only better for the environment but also healthier for humans.

“Because we polluted our oceans and our rivers so much, it’s very hard to find seafood that doesn’t have some level of mercury or microplastics, antibiotics, arsenic,” said Justin Kolbeck, the cofounder of Wildtype, a cultivated salmon start-up. “So, there’s a really important public health benefit, I would say in particular, for this kind of [cultivated] seafood. From a food safety perspective, we’ve had a very high degree of confidence that this is the safest salmon you can eat on the planet for years now.”

But the quest for rows of bioreactors growing slaughter-free meat has not come without setbacks. A Bloomberg investigation earlier this year claimed that UPSIDE can still only grow small amounts of chicken cells that are harvested bit by bit and molded by hand, a much more time-consuming and labor-intensive process than many envisioned. A *New York Times* report detailed challenges at GOOD Meat, including lawsuits over allegedly unpaid bills and a contaminated cell line for duck products.

The much-heralded environmental benefits have also been called into question. In a paper that has not yet been peer-reviewed, researchers at the University of California, Davis, found that

the environmental impact of cultivated meat could be orders of magnitude higher than conventional meat production in the near term, given current technology and production processes.

Parts of the industry have been prone to hubris, but many of these start-ups are not evasive about the technological challenges that lie ahead.

“We’re not surprised that there’s skepticism,” said Rossmeissl of GOOD Meat, pointing to deep-seated skepticism of other emerging technologies over the past century, such as satellite communications, the home computer, and electric vehicles.

“We know there’s a series of things that we have to overcome in order to achieve mass scale and get to price parity. . . . How do we bring down the cost of the growth media? How do we increase cell density? How do we bring down the cost of bioreactors? [Those are] three of hundreds of R&D challenges ahead of companies like us and the broader industry. We’re working on it—all these things are ultimately achievable, but it’s going to take a lot of resources.”

It is impossible to say for sure whether consumers will embrace cultivated meat, much less whether these start-ups will figure out how to mass-produce it at an affordable price. But innovation thrives only when the fate of new technologies is determined by consumers, not lawmakers eager to shield entrenched interests from competition. Elected officials should let cultivated meat live or die by its merits. ♦

#### ABOUT THE AUTHOR

Paul Best is a senior writer and managing editor for *Free Society*. Before joining the Cato Institute, he worked as a news reporter and television producer.



# “Nobody Is Coming to Save You”: Jane Coaston Explains How Skepticism Informs Her Worldview

By Alex Nowrasteh

Journalist and commentator Jane Coaston joins Cato’s Alex Nowrasteh to discuss the futility of culture wars, where libertarianism fits in today’s political landscape, and the evolving role of the Libertarian Party. Coaston, the host of Crooked Media’s *What a Day* podcast, a contributing writer to the *New York Times*, and the former host of the *Times’ The Argument* podcast, is known for her incisive coverage of the conservative movement, American politics, and the complexities of identity. Coaston’s trademark blend of skepticism and optimism cuts through ideological dogma as she reflects on the future of liberty in an increasingly polarized world.





**ALEX NOWRASTEH:** You've said of yourself that you are "especially distrustful of efforts by the state to get people to do things." What caused your distrust?

**JANE COASTON:** A couple of things. One, I hate being told what to do. And I actually think that that's a very general American sense. It's a funny thing I've noticed, because you see along the national conservative right, this belief in kind of hammering people toward the "common good," and I just keep thinking, "You've met people, right?" They don't want to be hammered into the common good. If you hammer them into the common good, they will hammer back. So, I think just kind of a general sentiment of not wanting to be told what to do.

I also think that I tend to be very concerned about uses of the state to get people to do things, especially because it's not just the state—it's people within the state. The state is constructed of people who can make mistakes, people who can have bad motivations, people who can just be having a weird day. I think that's something that's made me very distrustful, and that also goes for institutions more broadly. It's been interesting to see people who are very opposed to state intervention but are also like, "Please, billionaire, help me, save me." And I'm like, "Nobody is coming to save you." There are just people with varying degrees of power, trying to figure it out the best they can and sometimes not the best they can. And I think that general skepticism has informed my view.

**ALEX:** Do you think that's innate to you, your personality, or is this something born of experiences? I know you've written and talked about your experiences growing

up in a mixed-race household and being a minority in that way as well as a sexual minority—do you think that's informed it? Or is it more just your personality, just innate to you?

**JANE:** A little bit of both. I think that growing up as a minority in any way informs how you respond to the majority. Even when you become the majority, even if you move to a different place and more people are like you, you're still informed by your experiences of not having that. I think that's something we don't talk about enough is that so many people who move to left-leaning cities or regions are coming from places that were very conservative. You're responding to an experience of being the minority without really remembering that you are now the majority.

But I would also say it's just kind of natural to my personality. I am always asking questions in a really irritating way. I used to joke that I got into journalism because I'm an intensely nosy person. If you are having an interesting conversation at a restaurant near me, I am listening. I can't help it. It's just who I am. So all of those pieces have come together.

As you get older, you see changes in how people talk. I think about this a lot—I went to Catholic school, and I also spent a lot of time in my youth attempting to be an evangelical Christian, very ineffectively. For people who remember the 1990s and early 2000s, purity culture was a big deal—abstinence-only education, a real emphasis on the idea that sex is bad, having sex is terrible, teen pregnancy is the worst thing that could possibly happen to you. And now we're starting to see the pro-natalist right arguing, "Actually, teen pregnancy is

pretty OK." People are getting very upset when you see reports that teens are having sex less, when in 1997, it would have been greeted with a parade. So I think that there's a sense, to me, of an inherent skepticism now, seeing how people who were so willing to demonize people who had sex before marriage, or people who got pregnant as teens, and now those same exact people are performing outrage that teens aren't having enough sex.

**ALEX:** It seems like the social conservatives won, and they're just not happy with it.

**JANE:** I've been thinking about this a lot, this idea of a final victory in politics—it doesn't exist. There is no such thing. I remember joking about this a couple of years ago when Donald Trump first won in 2016, and it seemed to me that he believed that winning the presidency was like winning a gold medal in the Olympics, like you wouldn't have to go do anything else. You'd win, and everyone would celebrate. And actually, being president is a terrible job. I don't think he really liked being president. I keep seeing people assuming that there will be a final victory in politics, where every knee shall bend and every tongue will confess that they were right the whole time. But there is no final victory.

And also, culture wars can't permit a win. I think you see this with the Dobbs decision, which I've said was the greatest "dog that caught the car" decision in American politics, because you had 50 years of people saying, "We want to overturn *Roe v. Wade*. That's our main goal, and once we do that, everything is going to be awesome, and everyone will be happy, and we don't have to think about anything." It was always

presented as something you were fighting for, but you kind of assumed you'd never get it. I think that's how politicians used the issue as a carrot to wave over people who oppose abortion, to get them to vote, and then they got it, and it turns out people weren't happy with it. And it turns out that even the people who thought everyone would be happy with it now kind of have to dissemble and lie about it.

I think a lot about how those two factors—there is no final victory in politics and culture wars won't permit victory—I think that really informs how I see a lot of these issues, especially when people flip-flop so dramatically on them.

**ALEX:** We had this so-called libertarian moment before Donald Trump came on the scene.

**JANE:** Haven't we had, like, 10 libertarian moments?

**ALEX:** I mean, I have one daily, but politically, yeah, you're right. I admit, at the time I was fairly enthusiastic about it, but then it got just immediately replaced by Donald Trump, populism, national conservatism. Was it real? Or was it just like an illusion where we're just fooling ourselves?

**JANE:** It was an illusion. I think that whenever government is unpopular, people who are libertarian—"small-l" libertarian-minded—they see that as a moment to talk about how the government's too big, and it does the wrong things, and it has too much power over our lives.

I remember thinking that talking about the stories of white Americans or Native Americans and Indigenous folks who'd been

killed by police wrongly would get people on board with criminal justice reform. And you still see this with people who were like, “Well, the January 6 protesters who are still stuck in detention in DC—they complain about the conditions.” And you hear prison reform people being like, “Yeah, the conditions are really bad. You know where they’re also really bad? Rikers.” It *should* mean that people would get on board with policies that would curtail the power of the state, or curtail the power of government, or do something about prison conditions. But it doesn’t. It just doesn’t, because what we see over and over again, especially with regard to the libertarian moment, is that people don’t like the government, but they really want the government to do these other things.

**ALEX:** There was a time when the Libertarian Party waved a kooky but principled flag. They weren’t very serious, but at least they held some deep principles and commitments. Then, over the last several years, they have increasingly taken up a lot of fairly extreme, right-wing policy positions. You can’t follow the Libertarian Party of New Hampshire Twitter account and not be deeply disturbed by the lack of libertarianism, its obsession with trolling—they’re basically just promoting Trump. What caused the LP, which used to be this kooky, principled standard bearer, to just drift so far into these nether reaches of the internet?

**JANE:** I think the LP faces the same challenge that any movement does, which is a tendency toward a purity spiral. A purity spiral shows up in any movement, but the challenge of it is that the purity

spiral—you can’t get out of it, because it can’t be disproven. There is no reason for anyone who is within a purity spiral to get out, because doing so would be less pure. I think about this a lot with people who are on the very far left, people who are advocating democratic socialism, and they get very upset at candidates who are advocating their values, but doing so in a way that they don’t think is pure enough, because the most pure thing to do would be to never win elections. And you see this now with the Republican Party, where it is physically impossible for them to say, “No, this is wrong.” They may say it’s ineffective, but that’s not the same thing as wrong. They can’t turn down their furthest right flank.

You see this with religion; you see this with pretty much anything. The LP, I think, succumbed to a purity spiral. The Mises Caucus took over a couple of years ago, and I think that there was a real sense to them that winning votes wasn’t the point. Gary Johnson technically had the best performance of any Libertarian Party candidate for president ever, and people were furious because he thought that driver’s licenses were OK.

The Libertarian Party has nominated and elected candidates in down-ballot races, and many people vote for Libertarian candidates in presidential runs. But I think that once the party itself became about a purity spiral, then you invite the worst possible elements.

**ALEX:** So where does this leave libertarians? Is there a viable space in American politics for small-l libertarianism?

**JANE:** I think small-l libertarianism is always at its most effective when it is

**“Doomerism is a political ideology that leads nowhere. There are many people who seem to be convinced that if they just complain about how bad things are, things will get better because of the complaining. But that’s not how this works.”**

trying to influence the actions of the two major parties. We’ve seen that actually quite effectively with Democrats and the YIMBY movement [“yes in my back yard”] and talking about making housing more available and reducing regulations. You actually had people talking at the DNC about reducing housing regulations. I think Barack Obama talked about cutting regulations. But that wasn’t because of purity spiraling. That was because people were talking about these issues and doing so based on policy and being convincing and making the point that places that could build housing were doing better, and places that couldn’t weren’t

doing as well. So, I think when you can push the two parties toward a more libertarian direction—though with both of them, it’s kind of kicking and screaming—I think that is where libertarians find their place.

**ALEX:** I think a libertarian cynic would hear what you’re saying and think, “Well, Jane’s endorsing fusionism,” this alliance between conservatives and libertarians. And a lot of libertarians seem pretty upset about that, because they see what’s happened to the conservative movement. But are you talking about fusionism, or are you talking about just an alliance of convenience?

**JANE:** Alliances of convenience. The point of fusionism was not that people agreed. It said they had a common enemy, and if we don’t have that common enemy, well, things are more difficult. It’s politics—if you want something to happen, occasionally you’re going to have to work with people you don’t really like all that much. So, I think being willing to say, “I disagree with this person on all of these issues, but on this one really important issue to me, I’m going to support them” [is important]. If you think that it is good when there’s more housing or fewer regulations for small businesses, or if you support licensing reform so that people who want to braid hair don’t need to get an expensive license to do so, you will likely be working with people who you disagree with on a host of other issues, and you can continue to disagree with them.

I think the challenge with fusionism was not that people were making an alliance on specific issues. It was like a moral rubric of saying, “We are together. We stand together athwart this giant challenge.” Which could have been a more concise challenge—it



# “I hate being told what to do. And I think that’s a very general American sense.”

could have been saying, “We oppose the Soviet Union,” but then it became, “Oh, we oppose big government, or we oppose these ideas.” And then when you get down to it, you’re like, are you all agreed on what you’re actually doing here?

I think you must be willing to say, on this issue I’m going to support this person, on this issue I’m going to support this person. Having a more diverse politic—I think that’s the requirement of any person with libertarian views. Nobody’s going to make you happy, everybody’s annoying, but some people are going to be correct on certain issues, and you can support them.

**ALEX:** You’ve spoken before about tribalism and about the decrease in tolerance in the United States—tolerance for ideas, different people, different ways of living, just disagreement in general. And the world certainly does seem more intolerant in multiple different ways. What’s the cause of this? Is it that we lack a common enemy? Is it the internet? Was it always there?

**JANE:** I think tribalism is eternal. We’ve always been this way. I think that it might

become more visible. I think this is also one of those moments in which I urge people to go outside. I live in West Hollywood, which is a fascinating place, because it is, like, half hipster gay folks and ultra-Orthodox Jews. Everybody’s just kind of bopping along, and it’s fine—folks are going to shul; some folks are going to the bar. We just kind of intersect and we’re OK. So, I think the disagreement and the rancor, a lot of that is because it pays. It’s because media negativity, cultural negativity, cultural rancor gets clicks and people to pay for it, and they like it.

There’s a way in which now, because we have the use of social media, which provides a fun-house mirror into how the world works, I think that we are simultaneously just as bad at responding to new ideas and new concepts we disagree with as we always were, but now we’re all really aware of it. But I do think we can’t look backward without being in that time, without being in that context, remembering that for much of the 20th century, the people permitted to have ideas in public was very limited. And now it’s way less limited, which is good, but we’re hearing more ideas that we hate and trying to respond to all of those, and we’re being observed in kind of a panopticon while we do so.

**ALEX:** So, we’ve talked a lot about things that are not going super well in American society and in the libertarian movement. What do you think is going well in American political culture and society, and what’s going well among libertarians in the libertarian movement?

**JANE:** I’m glad you asked me that, because I am actually a deeply avowed optimist. I hate negativity. I hate doomerism. Doomerism

is a political ideology that leads nowhere. There are many people who seem to be convinced that if they just complain about how bad things are, things will get better because of the complaining. But that’s not how this works. So, I would say lots of things are going really, really well in American culture and American society. For example, I think the massive improvements that we’ve seen across the board with regard to access to technology—great. I mentioned teen pregnancy earlier—teen pregnancy has dropped 79 percent since the 1990s; that is an achievement the likes of which people would have been having parades for. There are lots of different places where people can live across the board. I think all the time about how in very conservative areas, there will be pockets of really liberal places. That’s great, the diversifying of American states like Ohio, Michigan, Minnesota. There are more different kinds of people living among each other peacefully than ever before in the history of human civilization.

Whenever people ask, “What time would you want to be born in?,” I’m like, literally right now. There’s never in history been a better time to be alive. It’s just true. You go back 30, 40 years, and you start edging into, how much access do I have to the Albuterol inhaler that I need sometimes? How much access do I have to medications, to contact lenses, to just basic things?

**ALEX:** If there’s one thing that you’ve learned about American libertarianism in the last 5 or 10 years that you wish a younger version of yourself knew, what is it?

**JANE:** Nobody has any idea what the hell they’re doing. Actually, that would be a

secondary thing. I think the main thing is to know that small-I libertarianism and big-I libertarianism are always going to be different, because I think small-I libertarianism is something that everybody kind of has. I talk about the idea of personal libertarianism, and it can be extraordinarily selfish, which I know people who are libertarians get accused of being selfish all the time. And I will say that there’s a form of personal libertarianism which is, like, “I should be able to do what I want, and you should have to do what I want.” You see this a little bit with driving regulations, or with some of those ticky-tack laws that have gotten people killed before, in which people violate them all the time, and then they call the cops on somebody they see violating them. So, I think that the challenge has always been translating little-I personal libertarianism, widening it to be like a libertarianism for everybody, the belief that if I see someone breaking a ticky-tack law, I’m not going to call the cops, because I wouldn’t want them to do the same to me.

The difficulty of translating personal libertarianism to libertarianism writ large—I think that’s the biggest challenge. I thought when I was younger, perhaps, that libertarianism spoke for itself, and it doesn’t. It just doesn’t.

**ALEX:** I love what you said there. Nobody knows what they’re doing—probably the shortest and most succinct criticism of central planning I’ve ever heard. ♦

*Editor’s note: This interview has been edited for length and clarity.*

# Unmasking the Surveillance State: Patrick Eddington's Fight for Government Transparency

*By Joshua Hardman*

Patrick Eddington was a CIA whistleblower. Now, he's keeping all intelligence agencies accountable.



Earlier this year, Patrick G. Eddington exposed a disturbing case of government overreach: The Justice Department thwarted legislation that could have reformed a secretive surveillance program violating Americans' privacy (Section 702 of the Foreign Intelligence Surveillance Act). It was just the latest revelation from Eddington, a senior fellow at the Cato Institute, who has been a relentless watchdog ever since he resigned from the CIA in 1996 after exposing agency lies about Operation Desert Storm. Since then, he has been waging a legal battle for transparency across the government, filing hundreds of Freedom of Information Act (FOIA) requests and lawsuits with other Cato scholars.

"Cinematic" would be an apt word to describe his life's work. Eddington and his wife, Robin, hold the distinction of being the only married couple to blow the whistle on US surveillance agencies. In 1996, they both resigned from the CIA; the same year, they publicly accused the agency of hiding evidence that American troops were exposed to Iraqi chemical weapons during the Gulf War—weapons possibly built with materials exported from the United States.

During his time at the CIA, Eddington's job was to analyze satellite imagery of Soviet military activity, but in his off-hours, he was searching for proof that could corroborate reports of chemical-agent exposure among Gulf War veterans. His wife, meanwhile, was





Eddington viewing a mounted version of the October 30, 1996, *New York Times* article that reported on how he and his wife blew the whistle on the CIA's cover-up of chemical exposures among US troops during and after the 1991 Persian Gulf War.

investigating the same issue while working with the Senate Banking Committee. The Eddingtons shared information behind the scenes, but their findings were met with hostility from CIA officials, whose postwar reports denied any chemical exposure.

“I didn’t care,” Eddington says. “These were my fellow veterans. I could have been called up for duty myself, and it outraged me that officials were dismissing the soldiers’ illnesses as being ‘all in their heads.’” He had found a study showing cognitive damage in monkeys exposed to low-level chemical nerve agents—evidence CIA analysts had missed.

The *New York Times* later broke the story of the Eddingtons’ findings: US military commanders had been warned of chemical weapons near American troops, but this information was hidden. After intense confrontations with agency officials and repeated denials of Robin Eddington’s impending promotion, the couple resigned.

The agency, Eddington says, had no intention of reviewing the evidence objectively because he and his wife were viewed as outsiders. It’s an organizational pathology highlighted by former CIA Director Robert Gates, who once described the CIA as “deeply averse to change”

and “one of the most closed bureaucracies in Washington.”

After departing, Eddington spent the next four years volunteering and later doing paid work on behalf of sick Desert Storm veterans. Afterward, Rep. Rush Holt (D-NJ) hired him as a policy adviser. To this day, Holt is the only member of Congress to hire a national security whistleblower, and policymakers on both sides of the aisle looked to his office for expertise on surveillance issues during his tenure.

Since then, Eddington’s expertise in navigating the labyrinth of government secrecy through FOIA requests has put Cato in a class of its own. The FBI recently labeled Cato a “vexsome” organization filing FOIA requests—a badge of honor in Eddington’s book.

Two years ago, he unearthed troubling abuses by the FBI in its use of “assessments”—a type of investigation into Americans’ communications and associations without any criminal basis. “If that sounds like a recipe for abuse, you’re right,” Eddington says. “I had no idea they could open an investigation without a warrant until I started digging.” This discovery triggered a Government Accountability Office probe into the FBI, but the fight isn’t over.

Eddington is also now locked in a legal battle with the Justice Department over its mishandling of the Section 702 surveillance program. Under Section 702, Americans’ private communications are swept into a database along with those of foreign nationals. Warrantless searches of these data violate the Fourth Amendment, yet the government openly claims it conducted 3.4 million such searches in 2021 and several hundred thousand in 2022. Eddington argues that these queries often have little to

do with real national security threats.

Congress recently extended the Section 702 program, in part because the Department of Justice withheld key information about its misuse. Eddington’s FOIA requests uncovered that the Justice Department had misled a federal judge about the department’s ability to deliver program audits, stalling just long enough for Congress to vote on its extension. Now, with litigation ongoing, Eddington continues to press for answers about how deep the abuse runs.

“All federal judges need to take a hard look at the executive branch when it comes to surveillance cases,” he warns.

Patrick Eddington has spent decades pulling back the curtain on government secrecy, and his work is far from over. FOIA remains a powerful tool for uncovering the truth, and in Eddington’s hands, it’s a weapon against unchecked power. As long as government agencies seek to evade accountability, Eddington will be a watchdog and advocate for Americans’ constitutional rights.

To learn more about how intelligence agencies have evolved over the years, you can read Eddington’s upcoming book, *The Triumph of Fear: Domestic Surveillance and Political Repression from McKinley to Eisenhower* (April 2025); for a deep dive into his time at the CIA, read *Long Strange Journey: An Intelligence Memoir*. ♦

#### ABOUT THE AUTHOR

Joshua Hardman is a development communications manager and contributing writer for *Free Society*. In each capacity he is a storyteller, helping keep Cato’s Partners and friends up to date on Cato’s important work.



## EVENTS



### Surveillance Week 2024

This year saw many advancements in artificial intelligence and other technologies, altering what's possible for law enforcement. During one of four Surveillance Week events, Patrick G. Eddington (top left), senior fellow at the Cato Institute, hosted journalist Radley Balko (top right); Albert Fox Cahn (bottom left), founder and executive director of the Surveillance Technology Oversight Project; and Jay Stanley (bottom right), senior policy analyst with the American Civil Liberties Union's Speech, Privacy, and Technology Project, to review the year in local law enforcement.



### 23rd Annual Constitution Day Conference

Hon. Neomi Rao (pictured), serving the US Court of Appeals for the DC Circuit, delivered the annual B. Kenneth Simon lecture at this year's Constitution Day conference. In it, she critiqued legal schools of thought that emphasize preferred policy outcomes and other flawed approaches to legal interpretation. Cato hosted noted scholars of diverse perspectives to discuss the recently concluded Supreme Court term and the important cases coming up for separation of powers, technology, speech, and more.



### Financial Privacy Under Fire

As financial services have become increasingly digitized, the volume of financial records to which the government has easy—and often unfettered—access has grown exponentially. Halfway through the full day of expert panels, Jennifer Schulp (right), director of financial regulation studies at the Center for Monetary and Financial Alternatives, moderated a discussion with Rep. Patrick McHenry (R-NC, left). McHenry, chair of the House Financial Services Committee, commented that Cato, unlike many organizations in Washington, DC, is an “equal opportunity offender” when it comes to calling out bad policy on both the left and the right.



### Biden Rule Will Strip Many Sick Patients of Health Insurance

Congress exempts short-term, limited-duration insurance (STLDI) from nearly all federal regulation. In September, the government imposed rules limiting STLDI policies to no more than three months. Michael F. Cannon (left), Cato's director of health policy studies, argues that the rules eliminate consumer protections and will strip health insurance from the sick, leaving them uninsured for up to 12 months. He spoke with Natasha Murphy (middle), director of health policy at the Center for American Progress, and Sal Nuzzo (right), executive director of Consumers Defense.



### Politics Without Ethics and Democracy in Crisis

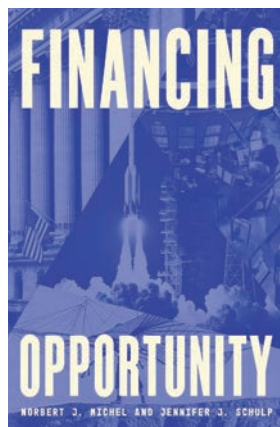
Politics is a brutal game, but Robert F. Bauer (right), professor at the New York University School of Law, asks: Where does the line fall between the hardball of politics and attacks on the very foundation of democracy? Bauer outlined the arguments in his book *The Unraveling: Reflections on Politics Without Ethics and Democracy in Crisis* with John Samples (left), vice president and director of Cato's Center for Representative Government. Bauer was White House counsel to President Barack Obama.



View all past and upcoming Cato events at [cato.org/events](https://cato.org/events) or scan the code to the left with your phone's camera.



PUBLICATIONS



**Financing Opportunity**  
Many would be shocked to learn how many financial market distortions are caused by government policies. Authors Norbert Michel, vice president and director of the Center for Monetary and Financial Alternatives (CMFA), and Jennifer J. Schulp,

director of financial regulation studies at the CMFA, provide a thorough yet easily accessible explanation of US financial markets. Their new book, *Financing Opportunity*, proposes ways to improve how they function.

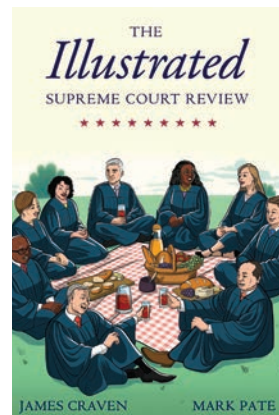
**“Perennial false narratives . . . hold that our financial markets are underregulated casinos and that they drain capital from the productive sectors of our economy. Norbert Michel and Jennifer Schulp effectively refute both notions. They show that . . . the depth and sophistication of our public and private financial markets help drive American growth.”**

—Pat Toomey, former ranking member of the Senate Committee on Banking, Housing, and Urban Affairs



**Cato Handbook on Executive Orders and Presidential Directives**  
Executive orders and other presidential directives that conflict with the principles of individual liberty, free markets, limited government, peace, and the US Constitution can and should be revoked or amended by the next

president—with the stroke of a pen, as they were enacted. This handbook, edited by Alex Nowrasteh, vice president for economic and social policy studies, provides a list and explanation of the executive orders that should be first to go. Eight policy areas are covered, including the administrative state, health care, technology, and more. Notably, the handbook analyzes reforms that would properly confine the president’s power, including legislation that could reclaim congressional powers and courts revisiting the nondelegation doctrine. Otherwise, the back-and-forth of polarizing executive orders will drive our country further apart.



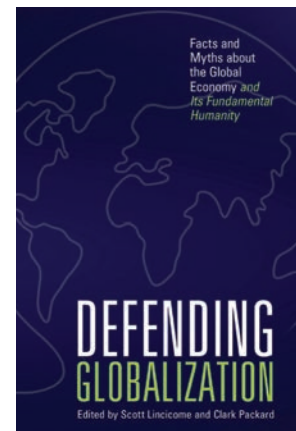
**Illustrated Supreme Court Review**

To complement the latest *Cato Supreme Court Review* (for 2023–2024), Cato’s legal scholars collaborated with a talented artist to create the first-ever edition of the *Illustrated Supreme Court Review*. Legal concepts come to life

as terms like the “Chevron two-step” transform into literal dances between the executive and judicial branches. This volume, akin to a graphic novel, is a perfect introduction to the Supreme Court term for nonlawyers and lawyers alike, both young and old. This volume will be distributed to new Cato audiences, such as high school courses and civic education programs.



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**Defending Globalization**

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RECENT CATO STUDIES



**A Bigger Government Means Giving Up Almost Half Your Paycheck**

Absent significant spending reforms, Americans may face a future resembling the European tax system, requiring an almost 50 percent tax increase on middle-class Americans. This report by Adam N. Michel, director of tax policy studies, describes the tax systems used to finance European levels of spending, the middle-class tax burden in the United States, and the negative impact of high taxes on incentives to work.



**Fiscal Policy Report Card 2024**

The *Wall Street Journal*, *Politico*, and other publications reported on the results of the *Fiscal Policy Report Card on America’s Governors 2024*. Tim Walz (D-MN) came in last for his state budget actions since 2022, while Kim Reynolds (R-IA) earned the top score for restraining state taxes and spending during that time. Across the nation, state government budgets grew from federal aid during the COVID-19 pandemic. With that funding waning, governors who scored well stabilized spending and cut individual or income tax rates. Chris Edwards, Kilts Family Chair in Fiscal Studies at Cato and author of the biennial report, also examined states’ rainy day funds, debt levels, business subsidies, and more.

**Why US Immigration Officials Should Allow “Digital Nomad” Admissions**

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By George Selgin

# A Voice for Liberty in Washington

By Brian Mullis

“I wish everyone had a chance to spend some time in Washington and really see how the federal government works,” says Jane Johnson about her partnership with Cato. “Most Americans are totally unaware,” she continues. “Cato informs Americans about what’s actually happening in Washington while also advancing the principles I believe in.”

In the late 1970s, Jane experienced Washington firsthand while working at the Department of Health, Education, and Welfare during the reauthorization of the Higher Education Act. “It’s mostly about process, but then there are places like Cato that actually do policy.”

Several years ago, Jane relocated to California, where she had lived in the 1960s and 1970s as a graduate student at the University of California, Berkeley. Experiencing California’s changes over the years has strengthened her passion for supporting limited government and equal opportunity. “When I was a student at Berkeley, California was a relatively well-run state, but now it’s a mess. Successful people are leaving—and more will follow—because our system is rotten to the core.” The latest proposals for convoluted and harmful wealth taxes to fix the state’s

fiscal crisis are yet another indication that policies in California are headed in the wrong direction.

She also notes that she’s become increasingly concerned about the damaging effects of interventionist policies on individuals, businesses, and government itself. “I’m increasingly concerned about the ever-expanding regulatory state,” Jane says. “Most Americans don’t understand the difference between laws and regulations or how invasive the regulatory apparatus is in our daily lives.”

Jane has been gratified by recent developments such as the Supreme Court’s ruling to overturn the Chevron deference. “I look forward to seeing how this plays out,” she says. “The regulatory state is far more dominant than when I worked in the federal government in the late ‘70s.”

In addition to Cato, Jane supports other organizations that align with her values, including the American Enterprise Institute, Manhattan Institute, and Independent Institute.

Jane now uses qualified charitable distributions (QCDs) from her retirement savings—a tax-efficient way to meet her IRA’s required minimum distributions (RMDs)—to support Cato’s work. “There are

**“I’m increasingly concerned about the ever-expanding regulatory state. Most Americans don’t understand the difference between laws and regulations or how invasive the regulatory apparatus is in our daily lives.”**



JANE JOHNSON

many people like me who planned ahead and fortunately don’t need to live off RMDs,” Jane says. “I’m so glad I found out about the qualified distributions for charities, and I believe everyone should know about them.”

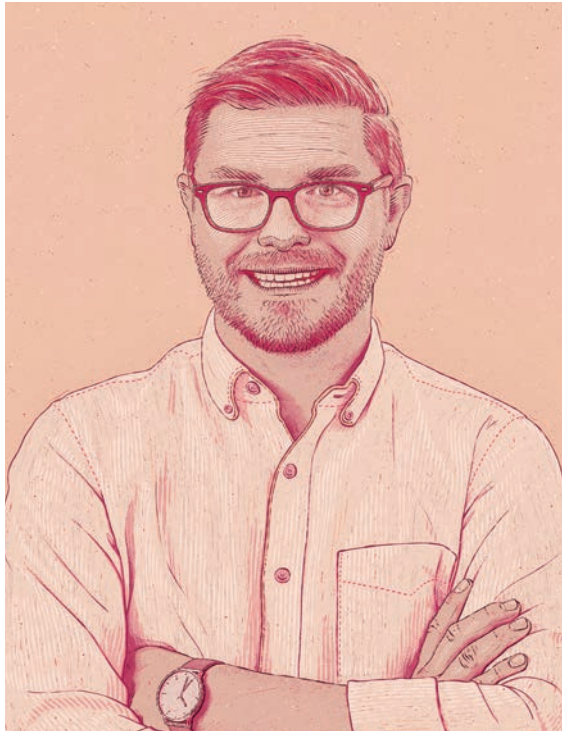
We are incredibly honored that she has also chosen to name Cato as a beneficiary of her retirement accounts. Her commitment to liberty strengthens our ability to plan and advance freedom and prosperity for generations to come. As she notes, “Live and let live might be my motto in life, and I’m proud to support Cato’s mission to protect that ideal.” ♦

For information on Cato’s Legacy Society, please contact Brian Mullis at [bmullis@cato.org](mailto:bmullis@cato.org). To learn more about planned giving, please visit [Cato.org/plannedgiving](https://Cato.org/plannedgiving).



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ALLAN CAREY

## Last Word: The Lost Art of Disagreeing

By Allan Carey

ILLUSTRATION BY BARTOSZ KOSOWSKI

**W**e used to be able to talk to one another, even about politics, and enjoy ourselves. In fact, in the far distant shadows of human history that was 2016, a majority of people found conversations with people they disagreed with ideologically to be “informative and interesting,” according to research from the Pew Research Center. Now? Six in ten describe those conversations as “stressful or irritating,” if they even have them at all.

So, how do we return to those days when civil discourse was the norm and not the exception?

The Cato Institute’s Sphere Education Initiatives, which I have the pleasure of leading, has worked with more than 10,000 teachers in the past five years, building the habits of civil discourse, promoting free speech, and engaging constructively with diverse viewpoints in our nation’s schools. The rampant polarization and tribalism we see in society at large are just as prevalent in our K–12 classrooms—by the time they are 11 years old, children are now just as polarized as adults, according to a recent study by Stanford University researchers. Here are a few tips and tricks we’ve learned about how to have productive conversations with those you disagree with. These might be especially helpful this holiday season.

*Begin from a place of curiosity.* If you start by assuming good intent on the part of your conversation partner, and show genuine interest in learning from them, you’re a lot more likely to have a civil conversation. The more you wonder about who they are and how they came to believe what they do, the easier it is to show genuine curiosity.

*Show that you’ve heard and respect the other person.* You need not respect the ideas shared or the arguments being made, but you can and should still respect the person making them. Polarization gets the better

**“Polarization gets the better of us when we lose sight of the humanity of others.”**

of us when we lose sight of the humanity of others. Try stating back a summary of what you’ve heard—something like, “What I hear you saying is \_\_\_\_\_. Is that right?” Or, before sharing your way of thinking, pick something you want to hear more about and use phrases like, “Tell me more.”

*Find points of common ground.* Most Americans still agree on a lot more than they disagree on and tend to be wildly mistaken about what those with different ideological perspectives actually believe. Avoid the tendency to begin responses with “no” or “but” and instead highlight where you agree through “yes, and” statements. This shows that you’ve been listening and is a nonconfrontational way to add context or points of disagreement. It’s easy for the temperature of a conversation to get too hot. This helps keep it cool.

We can all benefit from keeping in mind the wise words of John Stuart Mill, who in *On Liberty* wrote, “He who knows only his side of the case knows little of that.” If we take the time to learn the other side of the case as someone else sees it, we’re all the more likely to have civil—perhaps even enjoyable—conversations with those with whom we disagree. And just maybe, we’ll learn something along the way. ♦

### ABOUT THE AUTHOR

Allan Carey is the director of Sphere Education Initiatives at the Cato Institute, where he leads the organization’s efforts to engage grade 5–12 educators on civics education, civil discourse, and the institutions of civic culture.

# Free Society

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“

**I would unite with  
anybody to do  
right** and with  
nobody to do wrong.

”

— Frederick Douglass, 1855

