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Authoritarian Sen. Tom Cotton wants more nonviolent criminals to needlessly rot in jail

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As President Trump, conservative Republicans Sens. Tim Scott, Mike Lee, and Rand Paul and even liberal pundit Van Jones came together last week to praise the current criminal justice reform bill in the Senate (Jones even called Trump “Uniter-in-chief”), one Republican wasn’t having it.

It’s a “jailbreak” bill, says Sen. Tom Cotton, R-Ark.

"Under no circumstances should Congress cut mandatory minimum sentences for serious crimes or give judges more discretion to reduce those sentences," Cotton wrote in August, condemning the First Step Act that passed the House in May (a significantly weaker version of the current Senate reform bill). "That foolish approach is not criminal-justice reform — it’s a jailbreak that would endanger communities and undercut President Trump’s campaign promise to restore law and order."

Presumably Cotton thought it foolish in June when Trump granted clemency (or a “jailbreak”) to Alice Johnson, a 63-year-old grandmother who was imprisoned in 1996 for a nonviolent first offense drug crime.

Johnson served more time than many rapists and murderers due to federal mandatory minimum sentencing laws. It’s hard to imagine this grandmother and now- ordained minister endangering her community. Cotton might not want judges to have more discretion in sentence lengths, but so many black-robed men and women who actually have to deliver these sentences, and who have to face these people, strongly disagree.

Johnson is by no means wholly representative of every offender that criminal justice reform would positively affect, but there are thousands currently suffering who are far more similar to her story than not.

Still, the bullheaded Cotton writes, "The U.S. faces a drug epidemic today, exactly the wrong time to go soft on crime ... Criminals, especially first-time offenders who grew up in rough environments, deserve second chances — once they have done their time."

Johnson's "time" was life in prison.

No one with half a brain or ounce of heart believes Johnson still belongs behind bars. What kind of mindless fealty to "law and order" should supersede her freedom?

Yet Cotton's lack of empathy shouldn't surprise anyone.

I've long said to my libertarian friends and others that the opposite of "libertarian" isn't necessarily conservative or liberal but "authoritarian." While libertarians generally err on the side of liberty and against authority, however perfect or imperfect, their polar opposites reverse those priorities. Authoritarians err on the side of authority and against liberty.

Cotton might be the most consistently authoritarian member of Congress.

Cotton is not only the loudest voice in Washington arguing that people unjustly imprisoned for decades should remain so indefinitely (based on little more than arbitrary laws implemented in 1994 by his fellow Arkansan, President Bill Clinton) but on most civil liberties fronts the senator sides with big government over the guarding of basic individual rights.

In 2013, while many Americans worried about government mass surveillance in the wake of Edward Snowden's NSA revelations, Cotton not only wanted the whistleblower to "rot in jail" but also sought to make warrantless mass spying on U.S. citizens permanent. You won't find a more staunch defender of the Patriot Act than Cotton.

Whereas some on the Left and Right have legal and moral concerns about the indefinite detention of war prisoners, Cotton wants to expand Guantanamo Bay and hopes the detainees "rot in hell" (there's a lot of "rotting" in store for alleged baddies in Cotton land).

Regarding criminal justice reform, even though the U.S. has more people in prison than any other country in the world, Cotton remarkably says America has an "under-incarceration" problem. This is so cartoonishly authoritarian that to my knowledge no other prominent politician has said this, including our "law and order" president.

There are exceptions to Cotton's authority bent, like when he joined the libertarian-leaning Sen. Lee to make a federalist argument for states and cities to be able to regulate certain drone monitoring activity. But even on federalism, Cotton often makes bold federal power the priority over individual rights and liberties. For example, while Cotton says states should be able to set their own marijuana policies, he also wants to keep the federal war on drugs basically intact. Obviously Cotton has no problem with the government being virtually unlimited in its power to spy on Americans.

This libertarian-authoritarian divide cannot be reduced to mere Left or Right. There are Democrats and liberals who are more civil liberties-minded, like Sen. Ron Wyden, Rep. Ro Khanna, or pundit Glenn Greenwald, just as there are those on the Left who are more authoritarian, like Hillary Clinton or Sen. Bob Menendez. On the Right, there are obvious friends of liberty like the aforementioned Sens. Paul and Lee, as well as Reps. Justin Amash and Thomas Massie, just as there are more authoritarian-leaning Republicans (too many) with Cotton leading the pack.

For libertarians, human flourishing and accompanying safety begins with promoting freedom undergirded by the unassailable protection of basic individual rights. The Constitution (which

Cato Institute's Randy Barnett has said "may be the most explicitly libertarian governing document ever actually enacted into law") specifically enumerated those rights for a reason. Liberty lovers in the United States generally believe the Founders' classically liberal vision was the right one and seek to protect that patrimony.

For authoritarians, the world has become much more dangerous since 1789, as they constantly tell us, and thus people need "protection" by any means necessary. They believe no individual right, constitutional or otherwise, is more important than this elusive safety. Though authoritarians Right or Left rarely say this forthright, they more often see the Constitution as an archaic and annoying obstacle than a sacrosanct document. This heavy-handed path has unsurprisingly meant spying on all citizens, holding alleged combatants without trial or charge, or even putting nonviolent people in jail for most of their lives, among other efforts.

Perhaps worse, this authoritarian mindset has meant ignoring the human cost of these policies. Proponents tend to think ignoring suffering is somehow "toughness." I can't tell if most of them genuinely buy this or it's simply a defense mechanism to clear their consciences.

Alice Johnson, for example, thanked President Trump for giving her a second chance. She now says she's "free to live life and free to start over." Cotton's counter-prescription seems to be, "Stay in jail for life, grandma, if that's what it takes to keep us 'safe.'"

Authoritarians put "law and order" above all else and at any cost. In that boorish mission, government is an all-purpose hammer where freedom becomes a nuisance, liberty becomes a luxury, and human beings just get in the way.

Just ask Tom Cotton.