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Rand Paul and missed opportunities

Radley Balko

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Sen. Rand Paul (R-Ky.) suspended his presidential campaign yesterday, although it has been clear for a while that this was coming. For advocates of civil liberties and criminal justice reform who may have once saw promise in Paul's campaign (like me), the announcement itself isn't a major disappointment — it's more the conclusion to a couple of years of watching that promise slowly fizzle away.

As a legislator, Paul has taken strong, high-profile stands against both the Obama administration and his own party leadership on issues such as National Security Agency spying, drones and the reauthorization of the Patriot Act. He has advocated for a less bellicose, less interventionist foreign policy. He has sponsored numerous pieces of legislation aimed at reforming the criminal justice system, talked about the importance of redemption and second chances, and advocated for restoring voting rights to felons in his home state of Kentucky.

Unfortunately, Rand Paul the presidential candidate was a different politician. He spent a good deal of time railing against Planned Parenthood, opposing allowing Syrian refugees into the United States and slaying various culture war bogeymen. For all the headlines about Donald Trump wanting to ban Muslim immigration, Paul actually beat Trump to the punch in December with his absurd proposal to halt all immigration from the Middle East. At the same time, Paul cast suspicion — with no evidence — on the 150,000 people from that region currently in the United States on student visas. He (sort of) defended Kentucky county clerk Kim Davis's refusal to grant marriage licenses to gay couples. He demagogued the terrorism in Paris to attack candidates like Sen. Marco Rubio (R-Fla.) supporting policies allowing foreign tech workers into the country.

For the most part, Paul stopped talking about the issues that once earned him the label “the most interesting man in politics.” Paul was the rare presidential candidate who *had* walked the walk, but for some reason refused to talk the talk.

During the debates, Paul did manage a few rhetorical flourishes in which he went after the NSA, advocated for a more restrained foreign policy and briefly made the case for criminal justice reform. But those moments generally came in response to questions from moderators, or in

exchanges with other candidates — usually New Jersey Gov. Chris Christie. For the most part, Paul and his campaign seem to have consciously buried the issues that made him stand out.

It isn't that Paul's statements on abortion rights, immigration or gay rights during the campaign came as a surprise. He hadn't exactly changed his position on those issues. Paul has some libertarian inclinations, but he has never claimed to be a doctrinaire libertarian. The surprise was — to put it in terms familiar to economic libertarians like Paul — he ignored his comparative advantage. The journalist and civil liberties advocate Glenn Greenwald, who has said some nice things about Paul in the past, summarized the problem back in August, when polls started to show that the senator was in trouble:

Rand Paul adviser: seems like there will be 18 candidates. Let's dilute everything interesting/different about you.

The following month, Cato Institute founder Ed Crane ceased operations of the super PAC he had started in support of Paul, telling Politico that the ideas that had excited libertarians about Paul's candidacy had all but disappeared. Paul's poll numbers and fundraising continued to tank.

I'm not invoking the Pundit's Fallacy here. I don't think that had Paul put more emphasis on issues such as criminal justice reform, domestic spying or foreign policy, he'd be sitting atop the polls.

But it's hard to see how he could have done much worse. In such a crowded field, Paul went from making headlines by giving (sometimes awkward) speeches at historically black colleges and filibustering for NSA reform to being just another Republican railing against immigrants and Planned Parenthood.

Of all the GOP presidential candidates, you'd think Paul would have been the one to find some common ground with Black Lives Matter. Paul has been to Ferguson, Mo. He has criticized police militarization. But during the campaign Paul was dismissive of the group, even trotting out the tired canard that the group should change its name. Perhaps Paul calculated that showing some respect for the movement would have been a political liability in a conservative primary, particularly in overwhelmingly white states such as Iowa and New Hampshire. That's a cynical political calculation, but it may not even be true. Contrast Paul's flip responses about Black Lives Matter to the thoughtful, empathetic answer Rubio gave when asked about the group's popularity. Rubio then clobbered Paul in Iowa.

It didn't begin this way. Back in June 2014, I noted here that Paul was going to Iowa to talk to very white, very conservative crowds about concepts such as redemption and issues such as voting rights for convicts. That wasn't pandering. It was bold. He was making the conservative case for criminal justice reform. He was calling out law-and-order Christians for neglecting the values of forgiveness and absolution. The following month, Paul was actually leading the GOP field, though most candidates were still undeclared. A year or so later, as Paul was sounding off

on Planned Parenthood and Kim Davis, he was polling at less than 4 percent and his fundraising was going dry.

No, these issues wouldn't have won Paul the nomination. But he was doing quite a bit better when he was outspoken about them. He'd almost certainly have had more success harnessing enthusiasm from his father's still significant following (particularly among young people) and perhaps won some crossover voters in open primary states. He could have forced the other Republican candidates to address these issues, revealed the ignorance of those candidates who haven't thought much about them and called out the clownish, factually inaccurate law-and-order posturing from blowhards such as Trump, Christie and Sen. Ted Cruz (R-Tex.). Paul's actual record on criminal justice reform, and the sincerity he has shown in pursuing it before it was a hot issue, would also have stood in sharp contrast with Hillary Clinton, who advocated for some of her husband's more draconian policies and only showed remorse and an enthusiasm for reform once she started running for president.

Over the long term, Paul might have put himself in a great position for the inevitable day when the GOP finally realizes it can't continue to rely solely on white voters to win elections.