



## **More Instances Of Plagiarism In Rand Paul's Book**

### **Another four cut-and-paste jobs in the senator's 2012 book.**

By: Andrew Kaczynski – November 7, 2013

Several more sections of Kentucky Sen. Rand Paul's 2012 book *Government Bullies* appear to be plagiarized from articles by think tank scholars, BuzzFeed has found.

As BuzzFeed previously reported, more than three pages of the book were plagiarized from The Heritage Foundation and Cato Institute, and another section of the Kentucky senator's book was plagiarized from a *Forbes* article.

As was the case with the other cut-and-pasted jobs, Paul included links to the works in his book's footnotes but made no effort to indicate that the words themselves had been taken from other sources.

In this case, Paul copied nearly verbatim a section from an article by Timothy Sandefur of the Pacific Legal Foundation that ran in *Regulation*, the Cato Institute's quarterly journal in January 2012. In another instance, Paul copied nearly verbatim a section from an article by Jonathan Adler that ran in the magazine in 2010. Another section copied nearly verbatim a section that ran in *Environmental Protection*.

Sandefur is an adjunct scholar at the Cato Institute, and Adler is a professor of law at Case Western Reserve University. Adler was unaware Paul used his work.

Here's how Sandefur wrote part of an article detailing a case of the Sackett family, who fought a legal battle with the Environmental Protection Agency over building their home on disputer wetlands:

The Sacketts requested a hearing before the EPA, where they could challenge the agency's claim that their property is a wetland and is subject to federal regulation. But the EPA refused According to the agency, the CWA does not give property owners any right to a hearing about compliance orders.

And here's how Paul wrote it:

They requested a hearing before the EPA where they could challenge the agency's claim that their property was a wetland. The EPA refused. According to the agency, the Clean Water Act does not give property owners any right to a hearing regarding compliance orders.

Here's how Sandefur wrote it:

But rather than applying a more skeptical eye to these autonomous entities, courts generally take a deferential attitude, allowing the agencies to act as they will, except in the most extreme cases.

Here's how Paul wrote the section:

Rather than applying a more skeptical eye to autonomous entities such as the EPA, courts generally take a deferential attitude, allowing the agencies to act as they please, except in the most extreme cases.

In that section of the book, Paul even quotes Sandefur earlier in the chapter before going on to present his words without attribution.

Here's how Alder wrote his article on John Rapanos, who also entangled with the EPA over disputed wetlands:

Rapanos was not a revolutionary decision, but a logical sequel to SWANCC. In Rapanos the Supreme Court reaffirmed the existence of both statutory and constitutional limits on the scope of federal regulatory jurisdiction over private lands and waters. The Court rejected the Army Corps and EPA's expansive interpretation of their own authority, and reaffirmed that federal regulatory authority only extends to those wetlands that have a "significant nexus" to navigable waters of the United States.

And here's how Paul wrote it:

The state of property rights in the aftermath of Rapanos v. United States was not a sea change, but rather a logical sequel to SWANCC. In the Rapanos decision, the Supreme Court reaffirmed the existence of both statutory and constitutional limits on the scope of federal regulatory jurisdiction over private lands and waters. The Supreme Court rejected the EPA and the Army Corps' expansive interpretation of their own authority, and reiterated that federal regulatory authority only extends to those wetlands that have "significant nexus" to navigable waters of the United States.

"As an academic, it's always gratifying to know that my work is being read and cited by policymakers. Quotes would be nice, and it's unfortunate that Sen. Paul's staff was not more careful, but spreading the ideas is more important," Adler said. "Sen. Paul is hardly the first politician to appropriate the words of others without following proper citation conventions, and he will not be the last."

"Our ideas got in the book, we got credited in the notes. So that seems like a good thing for a think tank," David Boaz, the executive vice president of the Cato Institute, said after BuzzFeed was asked to call him by Paul's office when reporting on the first instance of plagiarism Saturday.

In another instance, Paul copied a section that ran in the October 2005 edition of *Environmental Protection*. Paul cited in the book the PDF of the article that ran on Heartland.org and was posted there by the Pacific Legal Foundation.

Here's how the article ran in the October 2005 edition of *Environmental Protection*.

On remand, federal officials changed course, claiming they had authority over Mr. Rapanos' property because the disputed wetlands were "hydrologically connected" to navigable waters—even though the property is many miles away from any such waters. The trial court ruled in Rapanos's favor, but on appeal, the Sixth Circuit adopted a very narrow reading of SWANCC, and reinstated his conviction.

And here's how Sen. Paul wrote it:

Federal prosecutors changed their argument and began claiming that they had authority over the Rapanos' property because the land was "hydrologically connected" to navigable waters— even though the property is twenty miles away from said waters. The court again ruled in Rapanos's favor, but on appeal the Sixth Circuit harbored a narrow interpretation of SWANCC and reinstated his conviction.

Center Street, the publisher of Kentucky Sen. Rand Paul's 2012 book, said Tuesday it will update future printings to include attributions to The Heritage Foundation and Cato Institute, but didn't return a request for comment Wednesday about the section from the *Forbes* article that was not used with permission.

Bill Singer, the author of the *Forbes* piece, was unaware of the plagiarism but told BuzzFeed, "Plagiarism is a very sincere form of flattery."

"We are informed that the material used from the Heritage Foundation and the Cato Institute was used with permission, which was indicated in the source notes at the end of the book," said Rolf Zettersten, the senior vice president and publisher of Center Street. "To avoid any future misunderstanding, future printings will include the attribution in the narrative."

The Kentucky senator's office said, "A new approval process implemented by Sen. Paul will ensure proper citation and accountability in all collaborative works going forward."

Paul has remained defiant in interviews, however.

"It annoys the hell out of me," Paul told *National Review* in an interview Wednesday. "I feel like if I could just go to detention after school for a couple days, then everything would be okay. But do I have to be in detention for the rest of my career?"

"I'm being criticized for not having proper attribution, and yet they are able to write stuff that if I were their journalism teacher in college, I would fail them," he said.

How Paul cites the work:

[http://heartland.org/sites/all/modules/custom/heartland\\_migration/files/pdfs/19322.pdf](http://heartland.org/sites/all/modules/custom/heartland_migration/files/pdfs/19322.pdf)

- “The Clean Water Land Grab”:

<http://www.cato.org/pubs/regulation/regv32n4/v32n4-5.pdf>

- “Sunroom, Guest, Mad, Dip, & Inland Law”

- “Compliance—or Else”:

<http://www.cato.org/pubs/regulation/regv34n4/v34n4-2.pdf>