



Written by [Thomas R. Eddlem](#) on May 28, 2010

Rand Paul Shakes Up His Campaign Staff

Kentucky Republican U.S. Senate nominee and Tea Party hero Rand Paul made a major change to his campaign staff this week, promoting Jesse Benton to campaign manager and relegating current campaign manager David Adams to campaign chairman. Benton has served as an aide to Rand Paul's father, former presidential candidate and Congressman Ron Paul of Texas, and is related by marriage to the family.



The campaign change will have to deal with two separate new controversies that have arisen in the past two weeks from both his left-wing opponents as well as a rising rebellion from his constitutionalist/libertarian base.

Louisville ABC-TV affiliate correspondent Joe Arnold [reported](#) May 26 that "Benton tells me that the changes are not a result of the controversy sparked by Rand Paul's interview on MSNBC, in which the Bowling Green eye surgeon said he would have worked to modify a provision of the Civil Rights Act of 1964 that prohibits racial discrimination by private businesses such as restaurants. Paul has disputed Democratic opponent Jack Conway's claim that Paul wanted to repeal the Civil Rights Act. Benton, who has been advising the Paul campaign for months, says the campaign changes are a 'clarification of the operation already running' and of the roles he and Adams were already filling in the campaign."

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The *Liberal Talking Points Memo* blog [spun](#) the staff shake-up as a hardening of position in the Rand Paul camp. "Rather than embrace an establishment vet to run things after his libertarian-style views caused so much trouble, Paul has doubled-down on his father's political legacy by choosing longtime Paul family operative Jesse Benton to take over."

On the [Rachel Maddow show back on May 19](#), Dr. Paul supported the rights of private property while at the same time opposing both government and individual racial discrimination. "I'm not in favor of discrimination in any form," Dr. Paul said, essentially arguing that property rights were no less important than free speech rights. "What about freedom of speech? Should we limit speech from people we find abhorrent? Should we limit racists from speaking? I don't want to be associated with those people, but I also don't want to limit their speech in any way, in the sense that we tolerate boorish and uncivilized behavior because that's one of the things freedom requires is that we allow people to be boorish and uncivilized. That doesn't mean we approve of it."

Maddow pressed about what he would do about a private business engaging in racism, such as a segregated lunch counter, bowling alley, or skating rink. "You may think that's abhorrent," Maddow [argued](#), "and you may think that that's a bad business decision, but unless it's illegal, there's nothing under your worldview to stop the country from resegregating like we were before the Civil Rights Act of



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1964 which you say you've got some issues with."

But the reality is that more than 100 years of government-enforced discrimination created discriminatory business practices, rather than the other way around. Historically, businesses have always been an influence against segregation, while generations of government laws have occasionally forced bad habits on the part of some businesses. The 47-year-old Paul also [argued](#) that he would have marched with Martin Luther King against discrimination had he been an adult in the 1960s. "Most of the things he was fighting were laws. He was fighting Jim Crow laws. He was fighting legalized and institutional racism, and I'd be right there with him."

While Dr. Paul was roundly criticized by the institutional left for taking this position, much of the criticism from his constitutionalist/libertarian base on this issue has been relegated to Monday morning quarterbacking of what Dr. Paul should have said on the Rachel Maddow show. The larger issue Benton may have to deal with is an increasing fissure in his base of libertarian, anti-war supporters from his father's presidential campaign. Rand Paul had initially taken a platform that was remarkably similar to that of his libertarian-minded father, with a more socially conservative emphasis. And this is how the elder Dr. Paul has depicted the differences between the two. Asked on the [Alan Colmes Show](#) "Do you and he part company on any major issues?," the anti-war Ron Paul replied that he and Rand were close philosophically. "I would say on the major issues we're very close, but I think his tone is different. I think his approach is a little bit different."

One exception to this was Rand Paul's endorsement of creating "military tribunals" for terrorist suspects held at Guantanamo bay. "I believe we try the terrorists captured on the battlefield in military tribunals at GITMO," Rand has on his [campaign website](#). "I do not believe in trying them in civilian court." The establishment phrase "military tribunals" does not imply that terror suspects would be given military trials under the same courts procedures and rules that members of the U.S. military must be tried under, but rather that an entirely new and separate court system would be created to try them in secrecy and with reduced fairness. Rand Paul's position is a flat-out contradiction of several requirements in the Constitution's [Sixth Amendment](#), which reads:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law...

The Sixth Amendment bans creating courts *after* an offense to try suspects, something that "military tribunals" under the Bush Administration (and Congress' Military Commissions Act of 2006) attempted before being [struck down as unconstitutional by the U.S. Supreme Court](#). Military tribunals set up in recent years have had neither impartial juries nor the traditional common law-required unanimity required for verdicts. Nor would defendants have had the right to face their accusers as required by the [Fifth Amendment](#) to the U.S. Constitution.

Many of Rand Paul's libertarian and constitutionalist supporters abhorred this position and its blatant unconstitutionality. But they hoped that perhaps the younger Paul would see the light with a little explanation, perhaps guidance from his father, and thereby be persuaded to follow his oath of office to "support and defend" the U.S. Constitution. Instead, the younger Dr. Paul took another offensive position in a May 19 interview with Fox News host Bill O'Reilly after his big primary victory, claiming that [preemptive war with Iran should be a possibility](#):

Rand Paul: I don't think you don't take it off the table.



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O'Reilly: Okay so you're not going to say you're opposed to it.

Rand Paul: I don't think you preannounce what your strategy is in every military situation.

The latter position, which conflicts directly with Christian just war theories (best summed up by British thinker [G.K. Chesterton](#) as "The only defensible war is a war of defense."), served as the last straw for some non-interventionists. Antiwar.com's Justin Raimondo [railed](#) sarcastically against the younger Paul in a May 23 column, exclaiming that "when asked to describe his politics, Rand regularly disdains the libertarian label and avers that he's a 'constitutional conservative.' You know, as opposed to those unconstitutional conservatives — the sort who want to give the President the power to suspend habeas corpus, lock up 'enemy combatants' in Guantanamo, and throw away the key."

Raimondo noted that Rand Paul had done some backtracking on the issue of the Civil Rights Act of 1964, and [suggested](#): "why doesn't he spend a few moments backtracking from his morally reprehensible refusal to take nuking Iran 'out of the equation'? Now that's something he really ought to get down on his hands and knees and beg forgiveness for — and maybe (just maybe!) libertarians will think about supporting him. Until that apology — or 'clarification' — is forthcoming, I wouldn't give Rand Paul the time of day."

Such a "clarification" of position might be helpful, if Rand Paul can avoid appearing wishy-washy. The O'Reilly interview squarely hit many on the anti-war right as both wrong and poorly timed politically, in part because it was delivered after Dr. Paul had already prevailed against a more jingoistic Republican primary opponent. Most political observers would have counseled Dr. Paul to have started tacking to the non-militaristic political center in tone after that primary victory. The tone in the O'Reilly interview seemed to go against both the presumed political legacy of Rand Paul as well as common political sense, as no Democrat is going to defeat a Republican for being militarily weak. All of a sudden, many of Rand Paul's core supporters are asking themselves if they had backed the wrong candidate.

Politically, it now makes sense for Rand Paul to be tacking toward the non-interventionist "left" on foreign policy as he heads into the general election. Such a position would widen his appeal to Democrats and independents and salve the wounds with his base, who have felt like an abandoned date at a prom lately. The anti-war right coalition of libertarians and constitutionalists brought Rand Paul to the dance in November. The task before Jesse Benton appears to be how to refute attacks from the left while ensuring Rand Paul, as [the saying](#) goes, "remember who brung ya to the dance."

Photo: Rand Paul at a party unity rally in Frankfort, Ky., May 22, 2010: AP Images



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