

Trump keeps warning us about his second term

How catastrophic would a second Trump presidency be? Worse than you think. Worse, even, than I had feared — before I read his recent Time magazine interview in which Donald Trump lays out his plans. They are, in a word, insane.



EUGENE ROBINSON
WASHINGTON POST

Imagine the National Guard, perhaps aided by active-duty military units, fanning out across the country to round up and deport all undocumented migrants, believed to number roughly 11 million. Imagine these men, women and children being held pending deportation in vast detention camps.

That's what Trump told Time he would do. He said he would ask local police departments to help in this nationwide pogrom, adding that jurisdictions that refuse to participate would be denied federal funding. As he phrased it, "they won't partake in the riches."

Imagine the National Guard

also being sent into cities to fight crime, whether or not governors request such assistance. When Time correspondent Eric Cortellessa noted that violent crime is declining across the country — homicides fell by 13% last year, according to the FBI — Trump insisted, without evidence, that the data is rigged. "It's a lie," he claimed.

Think about what our lives would be like if Trump even tries to do those two things. This is not the kind of country where troops in military gear set up highway checkpoints and raid residential neighborhoods, demanding to see everyone's papers. This is not a country where camo-clad soldiers patrol shopping malls and nightlife districts. Not yet, that is.

Do you like the rule of law? If so, you probably won't like Trump's pledge that "yes, absolutely" he would consider pardoning all the defendants charged with or convicted of crimes stemming from

participation in the Jan. 6, 2021, insurrection at the U.S. Capitol. "I call them the J-6 patriots," he told Time.

Those "patriots" smashed through police lines and into the seat of U.S. democracy, injuring 140 officers and forcing members of Congress first to cower in fear for their lives and then to flee the building. "Hang Mike Pence," they shouted, as they sought Trump's vice president for the stated purpose of lynching him. Trump, meanwhile, sat passively in the White House for hours and watched all of this unfold on television. Now, since the insurrectionists believed Trump's lie that the 2020 election was stolen from him, he would consider absolving them all of any wrongdoing.

In fact, upholding the "big lie" appears to be a prerequisite for serving in a second Trump administration. Asked about hiring anyone who acknowledges that Joe Biden legitimately won, Trump told Time: "I wouldn't feel good about it."

That means Trump would

not be constrained by "mature adults" like those who served in some key White House posts during his first term. The non-MAGA Republican establishment has been vanquished and obliterated. Trump's daughter-in-law, Lara Trump, runs the Republican National Committee alongside another stolen-election Trump loyalist. GOP-aligned think tanks, such as the Heritage Foundation, have fallen in line and are developing detailed plans for shrinking the federal workforce and forcing what's left of it to bend to Trump's imperial will.

"When I first got to Washington, I knew very few people," Trump said in the interview, which was published Tuesday. Now, he knows lots of people who know how to get things done — Lord help us all.

Having created the Supreme Court majority that overturned Roe v. Wade, Trump said that as president he would stick to his latest campaign position, which is trying to have the abortion issue both ways: He says the

question is now entirely up to the states, but he refuses to say whether he would veto federal abortion restrictions if they reached his desk. Would he be comfortable if states decided to monitor pregnancies? Or even prosecute women for having abortions? "It's irrelevant whether I'm comfortable or not," he said — which means that no woman, in any state, should be comfortable.

On foreign affairs, Trump reiterated his threat not to honor our commitment to defend a NATO ally that does not, in his opinion, spend enough on collective defense. "If you're not going to pay, then you're on your own," he said. Asked specifically about continued U.S. aid to Ukraine (not a NATO member), Trump said, "I wouldn't give unless Europe starts equalizing." Think about all of this when you decide whether and how to vote in November. Read the interview. And don't say Trump didn't warn us.

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LAWS

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foundation has chosen to pursue legal action to keep their records hidden from the public and, presumably, our institution.

"The Board of Regents cannot remain idle as the foundation continues to spend funds fighting a lawsuit to prevent the disclosure of their records."

The referenced lawsuit — paid for with funds intended "for the benefit of Kentucky State University or for any student, faculty, or staff member, or any line of work, teaching, or investigation of Kentucky State University" — began with an open records request submitted by former State Journal reporter, Austin Horn, to the foundation in May 2021 — a dark period in KSU's history.

Now a politics reporter for The Lexington Herald Leader, Horn requested documentation from the foundation related to soon to be deposed KSU President M. Christopher Brown's "travel and birthday party expenses and any payments over \$1,500." The foundation denied the request, asserting that it is not a public agency subject to the open records law.

The ensuing scandal toppled the Brown administration, revealed a university in near financial collapse, resulted in sweeping oversight and reform, and — most importantly in our context — exposed a singularly recalcitrant university foundation.

And this is only one of many recent examples of why Kentucky's open

records laws matter. Open government is responsible government.

Three years after the foundation denied Horn's original request — prompting an open records appeal to the Kentucky Attorney General and three subsequent rulings in Horn's favor by the Attorney General, the Franklin Circuit Court, and the Court of Appeals — the foundation continues to squander resources "intended for the benefit" of KSU to defend the legally unsupportable position that it is not a public agency for open records purposes in defiance of precedent dating back to 1992.

In the earliest of these governing authorities, the Kentucky Supreme Court declared:

"An interpretation of K.R.S. 61.870(1) [defining public agency,] which does not include the Foundation as a public agency, is clearly inconsistent with the natural and harmonious reading of K.R.S. 61.870 considering the overall purpose of the Kentucky Open Records law. The obvious purpose of the Open Records law is to make available for public inspection, all records in the custody of public agencies by whatever label they have at the moment."

(Note: an adopted then "unadopted" committee sub to the thankfully unsuccessful bill that threatened the open records laws in the last session, House Bill 509, would have redefined the expansive definition of "public agency" to exclude everything but "governmental entities" — arguably removing the foundation from the open records laws after July 15,

the effective date of new legislation.)

The KSU Foundation's desperate attempt to subsequently "distance" itself from the university to evade public oversight under the Supreme Court's 1992 opinion — a futile and even laughable undertaking in the eyes of each of these adjudicative bodies — has now been flatly rejected. But the foundation persists in its campaign to avoid public accountability, pursuing a last gasp effort to resuscitate this terminal open records case against The State Journal. In so doing, the foundation raises every conceivable "red flag."

Out of the ashes of the Chris Brown debacle rose a new Kentucky State University and new leadership. If the board's letter is an accurate indicator, it is a KSU that has finally come to terms with the value of transparency and responsible governance. The board's decision to "freeze" relations with its secretive foundation unless and until the foundation abandons its frivolous open records litigation against The State Journal — and makes a full financial accounting to the university and its regents — gives us reason to believe that KSU is turning the corner.

"If the foundation continues to refuse to align with our mission of solely supporting Kentucky State University's students and programs, as well as continues with the obstruction of transparency of funds to benefit said students with their lawsuit, we will be prepared to dissolve our relationship with the foundation and

request an immediate transfer of all funds to Kentucky State University," the board has advised alumni and supporters.

Assuming the KSU Board of Regents makes good on this threat, its action is deserving of praise. The board's April 21 letter may not entirely restore public confidence in the institution, but it reaffirms the value and importance of the open records laws and reminds us that we can ill afford to allow lawmakers, and a governor, to undermine them on a patently false "privacy" premise.

• Remember this as a new legislative session begins in January 2025.

• At the time of posting, we learned that KSU's National Alumni Association had issued a letter in which its leadership ques-

tioned the Board of Regents decision to "freeze" its association with the foundation, criticized the board's decision to make the controversy public, and called for cooperation between the university and foundation.

As one who is professionally acquainted with past transparency issues at the university — dating back to the early '90s — who has closely followed the current foundation's open records lawsuit against The State Journal, and who views the foundation's duty of financial and operational transparency to the university and its board as "neither an ideal nor a suggestion, [but instead] the law," I view the association's letter as counterproductive.

But for these unusual circumstances, and the

Auditor of Public Accounts' specific charge to the administration and board in the 2023 university audit to "require monthly or quarterly reporting of available funds held at the Foundation," it seems unlikely the university and board would gratuitously make these problems public. The fact that it did must be construed as compliance with the auditor's recommendation and a positive step toward greater fiscal responsibility, improved governance, and enhanced transparency.

Amye Bensenhaver is a retired Kentucky assistant attorney general who wrote open records and open meetings decisions for 25 years. She is co-founder and co-director of the Kentucky Open Government Coalition.



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