

Perspectives

Richmond Register

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Lawfare Isn't Beaten – In France or America

Elections are supposed to be decided at the ballot box, not in the courtroom — unless you're French, in this country, a liberal.

What a judge in France has just done by disqualifying Marine Le Pen from running in that nation's next presidential election is what Democrats dream of doing here.

The controversial populist was ahead in the polls, but now Le Pen isn't even eligible to run, thanks to a court that found her guilty of using European Union funds to pay for political expenses.

She insists the spending was legitimate, but as things stand French voters won't get to decide for themselves who's right.

Americans might feel safe from this kind of lawfare — when New York County District Attorney Alvin Bragg went after President Donald Trump on campaign-finance technicalities, he won his case but lost his gambit.

The nakedly political prosecution only added to the momentum propelling Trump back to office, and in our country voters, not judges, get the final word: Bragg's convictions couldn't stop the Republican from running, and winning.

Yet, in many ways, the lawfare Democrats waged during and after Trump's

first term succeeded.

The price of serving in a Republican administration has gone up, with incoming staffers urged to buy legal insurance to cover the costs of defending against lawfare.

"It's edging into absolute requirement territory," an official who served in Trump's first administration told NBC News in January.

"It would be reckless" to do without the insurance, he continued, "if you have any assets to protect — the house, college funds, whatever."

The legal bills from complying with — never mind fighting — federal investigations or congressional inquiries can be ruinous, as first-term Trump personnel discovered.

Lawfare isn't just a legal weapon, it's economic warfare, and the threat of it is a deterrent to anyone considering working for Trump.

But it won't stop with Trump: Whatever succeeds against his administration will be used against every future Republican White House, too.

You don't even have to serve in government to be a target.

Some of the most powerful institutions of the legal establishment not only supported the lawfare against Trump but also, after the riot at the Capitol on Jan. 6, 2021, punished lawyers who dared represent anyone questioning the 2020 election.

In one of the defining early moments of the American Revolution,

John Adams went to court to defend the British soldiers who perpetrated the Boston Massacre.

Even they deserved respectable legal representation — but Trump and his associates, in the eyes of Big Law, did not.

Once back in office, Trump's response was to threaten these powerful firms with losing access to government privileges, from security clearances to permission to enter federal buildings — the settings for their lobbying activity.

(It's surprising that progressives, who often view lobbying as inherently corrupt, didn't cheer Trump on for this.)

Firms like Paul Weiss and Skadden, Arps, Slate, Meagher and Flom were quick to come to agreements with the president on how they could change their ways.

Yet what happens once Trump is gone?

Had he lost last year's election, Trump would likely have been sent to prison by his enemies, and other Republicans would have been next on the legal hit list.

If Democrats win back the House next year, they'll use Congress' investigative powers to turn this administration inside-out, forcing testimony on every contentious policy and practice that Trump officials have implemented since Day 1.

And if the Republicans don't hold the White House in 2028, the kinds of political prosecutions that would have happened this year if Kamala Harris had won will take place

four years from now.

Voters said no to lawfare as loudly as possible last November, awarding Trump every presidential battleground state, a popular-vote plurality and GOP control of both chambers of Congress.

But to break bad habits of lawfare will take more than one election cycle.

Democrats themselves have begun complaining that Biden officials can't get the legal representation they want because law firms are now frightened of Trump.

The left's lawfare is turning America into the legal equivalent of a "Mad Max" wasteland, where the instigators of this brutal abuse of law are themselves prey to the forces they've unleashed.

Trump is right to pressure the law firms, and they should be quick to admit their mistakes rather than repeating them — either against Republicans in the future or Democrats now.

As Washington Post columnist Jason Willick has argued, Congress should also step up, codifying into law the Justice Department's guidelines against political prosecutions and legislating to stop state officials like Alvin Bragg from bringing cases using federal campaign-finance laws, which because of their intricacy are easily weaponized.

Yet the only sure and lasting remedy for lawfare is to beat it at the ballot box, and thankfully, we Americans, unlike the French, still get to have our say there.

Could this be the Time?

For decades Richmond, Berea and Madison County governments have had separate comprehensive plans normally updated every five years. All are forward thinking plans for the future of each jurisdiction with minimal consideration given to each other.

Could this be the time all three local governments collaborate on the updating of their comprehensive plans?

It is obvious we are experiencing a population growth explosion. Our total population is expected to exceed 106,000 by 2029, eleven years before the current comprehensive plans predicted! This growth has alarmed some citizens especially regarding traffic issues.

Comprehensive plans are generally intended to provide guidance and direction to manage growth and still preserve the unique character, culture and heritage of each jurisdiction.

Berea and Richmond are currently in the early stages of updating their respective comprehensive plans. Madison County's current plan is four years old and could use updating.

The Kentucky Housing Corporation recently released a comprehensive study detailing a severe housing shortage across the state. The study indicated that Madison County had over a 2800 housing unit shortage in 2024 and that the shortage will exceed 6700 by 2029.

If this data is accurate all three governments need to work closely together to determine the best approaches to accommodate this many housing units.

Not all Madison Countians are residents of the City of Richmond or the City of Berea, yet all the city citizens are residents of Madison County. Hardly any resident is cognizant of the boundaries between any of the jurisdictions.

Now would be an ideal time for all three entities to sit down with professional guidance to create an overall vision and mission for our great historic county.

The three jurisdictions are like three great ships. We all need to be sailing in formation for the sake of our future. To quote Kentucky's state motto, "United we stand, divided we fall".

As always, I welcome your input at wcrhughes@gmail.com

■ OPINION PAGE FAQ

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Progressivism explains much of what the new book 'Abundance' deplores

Many years ago, after reconstruction of Manhattan's West Side Highway took 35 years, Daniel Patrick Moynihan noted that the more challenging construction of the George Washington Bridge took just 39 months. Moynihan, New York's four-term Democratic senator, lamented that whereas Americans once celebrated people who built things, "in the 1970s, civic reputation began to be acquired by people who prevented things from happening."

Many decades later, two center-left journalists, Ezra Klein (the New York Times) and Derek Thompson (the Atlantic), know that this problem has worsened, and that solving it is a prerequisite for reviving the Democratic Party. In their book "Abundance," they properly applaud what Democratic Gov. Josh Shapiro of Pennsylvania did when, in 2023, a tanker-truck explosion collapsed a bridge in Philadelphia's section of Interstate 95, a crucial artery for East Coast commerce.

If all the environmental, diversity, equity, inclusion of minority-owned firms, and other laws, rules, and procedural fetishes had been adhered to, just issuing the construction contract would have consumed 12 to 24 months. Because Shapiro shredded laws and red tape, I-95 was reopened in 12 days.

Government, Klein and Thompson demonstrate, is one reason the median home price, which was 2.2 times the average annual income in 1950, is now six times this. And as Democrats anguish over a CNN poll showing the Democratic Party with an anemic 29 percent favorability rating, Klein and

Thompson say liberals should be angry about the condition of the states and cities that liberals govern. "Liberals should be able to say: Vote for us and we will govern the country the way we govern California! Instead, conservatives are able to say: Vote for them and they will govern the country the way they govern California!"

California's housing affordability problem is the nation's worst, but 30 percent of all American adults are "house poor" — spending at least 30 percent of their incomes on housing — partly because of what the authors call "lawn-sign liberalism." You know the multicolored signs: "Kindness is Everything," "No Human Being is Illegal." Klein and Thompson: "Those signs sit in yards zoned for single families, in communities that organize" for anti-growth regulations requiring larger lots, more parking, etc. Since 2015, Texas, which now has 9 million fewer residents than California, has authorized construction of twice as many homes as California.

What Klein and Thompson call environmentalists' "trade-off denial" helps to produce this: Whereas the Empire State Building was built in 410 days (1930-1931), in 2023 in San Francisco it took, on average, 523 days to get clearance to construct housing, and 605 days to secure permits.

What the authors call "everything-bagel liberalism" overloads public projects with goals that should be extraneous: environmental fastidiousness, "equity" strategies (the "e" in DEI), child care for construction workers, etc. These make the bagel become (if not a chimera, like California's tragi-comic high-speed rail) ludicrously over budget and overdue.

Writing in Foreign Affairs, Jason Furman, former chair of Barack Obama's Council of Economic

Advisers, says Joe Biden's "muscular" governing was enfeebled by government: Despite a more than \$500 billion infrastructure law, "the costs of construction have left the United States building less than it was before the law's passage." This is partly because of maddeningly slow permitting, and because Biden, even more foolishly than Donald Trump, "enforced 'Buy American' rules for government procurement."

Progressivism explains much of what "Abundance" deplores. The opposite of abundance is scarcity, in which progressives see opportunity. They (mistakenly) think scarcities justify rationing; hence detailed government supervision of society; hence the administrative state, which is a full-employment program for lawyers, and a reason America has so many. And a pesky perennial — human nature — guarantees a steady supply of people who derive pleasure from regulating others. Hence a steady supply of progressives.

Klein and Thompson face facts: "Almost every part of America shifted right" in 2024, and the shift was largest in blue states and blue cities. Nearly every California county shifted right. On the other coast, Queens and the Bronx did by 21 and 22 points, respectively.

The authors robustly defend government, especially its indispensable support for innovation-through-science. They say, however, that this is "a molten moment when old institutions are failing, traditional elites are flailing, and the public is casting about for a politics that feels like it is of today rather than of yesterday." They might ruefully sympathize with this from a president's inaugural address 44 years ago: "In this present crisis, government is not the solution to our problem; government is the problem."



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