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Exclusive

How to Use Consent Decrees for Fun and Profit

August 3, 2022 (2w ago)

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Even though Democrats hold the presidency and both houses of Congress, conservative-leaning judges have given patriotic Americas huge victories on vaccine mandates, gun rights, EPA overreach, abortion, and a lot more. The wins, particularly at the Supreme Court, have established America's judicial branch as the best branch of government for winning durable conservative victories.

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But patriots and conservatives aren't the only ones who have been able to use the courts to their advantage. And in fact, over the past decade, there is one judicial tactic where the left's ability and success far exceeds that of the right: The strategic use of judicial consent decrees. But if the right can learn to master this tactic as well, they can win even more victories through the courts than before.

Judicial consent decrees are a means of settling criminal or civil court cases. Essentially, the two sides of a case agree to resolve it without a finding of guilt or liability, and instead negotiate a legally-binding agreement that is then approved by a judge.

When the two sides of a court case are actual adversaries, a consent decree makes sense. But when both sides of a lawsuit are actually on the same side, consent decrees become very different: They become a means of writing new laws without a single vote, and plundering the public treasury in the meantime.

The left has developed a mastery at exploiting this central vulnerability. For years, consent decrees have operated as a secret weapon for left-wing non-profits operating in close alignment with sympathetic government bureaucrats.

The strategy works as follows: A progressive plaintiff (typically a non-profit) sues a government department alleging some kind of legal violation — typically of civil rights, environmental, or election law. And then, critically, they win without ever even going to trial to hear the case on its merits. Instead, the defending government body announces that the case is simply so strong, so unstoppable, that they must settle before trial. The resulting settlement is then *legally binding* on the government.

Consent decrees allow government to do quickly what would otherwise be time-consuming or outright impossible. For instance, new federal regulations are typically required to go through a lengthy rule-making process that

usually [takes two to three years](#). By intentionally losing a lawsuit to a left-wing plaintiff, bureaucratic agencies can have these regulations “forced” on them in far less time through a legal settlement.

For six of Barack Obama’s eight years as president, Republicans controlled the House of Representatives, and so Congress was in no rush to pass new environmental legislation. But that was no burden at all for the EPA, as activists found a new way to ram through the regulations they wanted: Simply have the EPA intentionally lose lawsuits. One analysis found that from 2005 to 2016, the EPA [enacted 23 new regulations](#) as a result of “sue-and-settle” lawsuits, imposing more than \$20 billion and millions of paperwork hours in regulatory compliance costs.

But consent decrees don’t just create new regulations for Americans. They also serve to directly enrich those filing the lawsuits. Routinely, the federal government agrees to pay thousands or even millions of dollars to cover the legal fees of those who brought the complaint. [The Daily Caller](#):

Federal agencies have paid out more than \$49 million to groups suing the government under major environmental laws since 2009, according to a Daily Caller News Foundation analysis of the Department of Treasury’s Judgement Fund.

Agencies have been hit by 512 “citizen suits” since 2009, and paid out millions to lawyers often suing to increase regulations on businesses and landowners. Three major environmental laws allow groups to bring citizen suits against federal agencies: the Clean Air Act (CAA), the Clean Water Act (CWA) and the Endangered Species Act (ESA).

Federal agencies paid out \$30 million to attorneys for 237 citizen suits under the ESA. Citizen suits under CAA paid out the second most, at \$13 million for 224 suits, and the 51 CWA suits resulted in \$6.7 million in federal payments.

...

A 2013 study by the U.S. Chamber of Commerce found 71 lawsuits between 2009 and 2012 qualified as “sue-and-settle.” These suits resulted in more than 100 new regulations, many of which imposed more than \$100 million in compliance costs every year.

The Chamber found the Sierra Club used “sue-and-settle” the most of any environmental group. The group sued the government 34 times from 2009 to 2012. The Sierra Club is often represented by Earthjustice, a Sierra Club spin-off formed in 1997 that focuses on environmental litigation.

Earthjustice has received \$4 million from suing federal agencies 39 times since 2009, according to TheDCNF’s findings.

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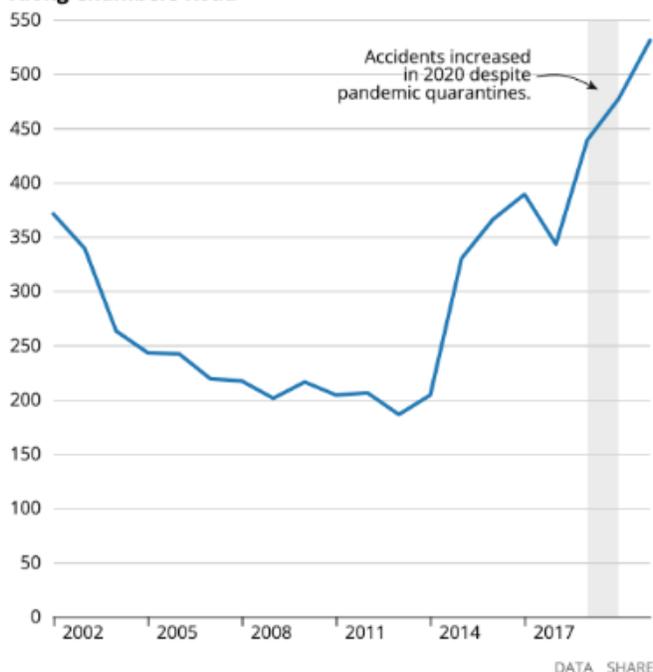
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“Sue-and-settle” isn’t just for left-wing NGOs, though. It’s also a weapon of the federal government itself. Consent decrees, for instance, are the primary means by which the left has imposed dramatic changes on policing practices in major American cities, to the detriment of everyone except criminals. Over and over, the Obama Administration followed a strategy of suing police departments for supposed “civil rights” violations, then pressuring them into agreeing to consent decrees which legally required new policing practices. Without passing a single law or even winning a court case, the Obama Administration left cities legally compelled to scale back their anti-crime efforts.

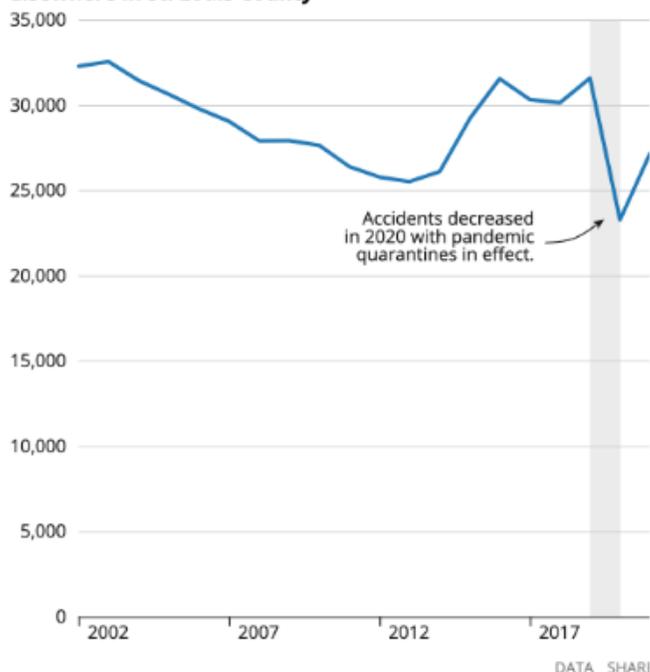
After Officer Darren Wilson’s justified self-defense shooting of Michael Brown, for example, the Obama DOJ made an example of Ferguson, Missouri, suing the city and strong-arming its politicians into a consent decree. The order mandated diversity-based hiring, “anti-bias” training for officers, and imposed limits on police traffic stops. That last point is noteworthy: not only has [violent crime in Ferguson surged](#), but [traffic deaths on the city’s main road](#) have surged as well!

Traffic accidents in St. Louis County, 2002-2021

Along Chambers Road



Elsewhere in St. Louis County



SOURCE: Post-Dispatch analysis of data from the Missouri Highway Patrol; NOTE: Figures for 2021 are preliminary and may change.

In Seattle, a 2012 consent decree means that police are 50 percent less likely to use force. They also endure “extensive training in crisis management.” Crime is now [the highest it’s been in decades](#), so... mission accomplished?

The apex of the consent decree abuse, though, came with the 2020 election, when Georgia’s grossly incompetent Secretary of State Brad Raffensberger simply allowed Democratic Party activists to rewrite the state’s election laws wholesale, with not a single vote required. Mollie Hemingway [explains in her book](#), “Rigged: How the Media, Big Tech, and the Democrats Seized Our Elections” (emphasis ours):

Long before COVID-19, the Democratic Party of Georgia, Democratic Senatorial Campaign Committee, and Democratic Congressional Campaign Committee sued Georgia secretary of state Brad Raffensberger in November 2019 to get him to water down the state’s requirements for checking signatures on mail-in ballots. Governor Kemp, under pressure from Democratic groups alleging voter suppression, had already signed a law earlier in 2019 that relaxed signature requirements and made it more difficult to reject ballots for signature mismatch or other ballot problems. Elias, who was leading the lawsuits, wanted the requirements relaxed even more.

On March 6, Raffensberger, with the advice and counsel of much of the state and national Republican establishment, entered a “consent decree” conceding to Elias’s and the Democratic Party’s demands, including a new procedure for reviewing signatures on mail-in ballots. When other Republicans learned what Raffensberger had done, they were shocked. Democrats’ high-

powered attorneys introduced several significant changes defining how Georgia law regarding the “curing” of ballots should be interpreted. ... Most important, the settlement got rid of any meaningful signature match for mail-in ballots [and] also made it more difficult to reject mail-in ballots. Under the new rules, a ballot could only be rejected if a majority of registrars, deputy registrars, and ballot clerks assigned to the task agreed to it, another burden that made it easier to just let all ballots through without scrutiny.

...

The change to the law, combined with the consent decree, did exactly what the Democrats had hoped: it made it more difficult for election officials to reject absentee ballots. Critics would later note that the absentee ballot rejection rate in Georgia had plummeted since 2016, when 6.4 percent of mail-in ballots were rejected, and 2018, when 3.6 percent of mail-in ballots were rejected. In 2020, just .4 percent of absentee ballots in the general election were rejected.

[\[M. Hemingway, *Rigged*, p. 69-71\]](#)

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So, consent decrees are appalling, and arguably shouldn't be allowed at all when they involve creating new regulations out of thin air. But conservatives have complained about them for about a decade now, and nothing has happened. In 2017, Trump EPA Administrator Scott Pruitt issued an order ending “sue-and-settle” for his agency, but in a noteworthy reversal, the Biden Administration [revived it](#) earlier this year. Meanwhile, along with persecuting January 6 defendants and investigating angry public school parents, Attorney General Merrick Garland also [added consent decrees](#) back into the DOJ arsenal.

So you know what they say: If you can beat 'em, join 'em. There is nothing that stops patriots from using the same legal tools that have so empowered the Democrats to sabotage the left instead.

Patriots can start passing their own “sue-and-settle” laws, inspired by the laws so beloved by environmentalists. Imagine if pro-gun activist groups could collect millions in attorney's fees for striking down anti-gun laws in big cities. Or, imagine if a successful lawsuit striking down excessive federal regulation carried the same kind of prizes that come with forcing the EPA to adopt new ones.

Consider the notorious epidemic of Soros prosecutors turning America's cities into Mad Max-style Thunderdomes. If every police department in America lives in fear of a federal DOJ investigation ruining their day, why shouldn't every prosecutor's office? Many of them could be targeted with the exact same far-reaching civil rights laws used to harass police.

The modern-day university is another institution that gleefully violates civil rights all the time. An aggressive Republican administration could have the DOJ launch investigations of schools for flagrant anti-white racial discrimination, then propose consent decrees that would create legally-mandated meritocracy and fairness.

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Some of this will have to wait until Republicans retake the federal government again, but there's no reason red states couldn't start experimenting with the tactic right away. Plenty of the worst prosecutors and most revolting universities are located in blue bastions of red states. State legislatures could pass laws making it far easier to sue prosecutors whose offices fail to protect the public; they could even try and hold such prosecutors personally liable for the harms they cause to communities. States could expose local universities to dramatic financial penalties if they are caught engaging in anti-white or anti-Asian discrimination.

Much like with [fighting transgender insanity](#), the only limit is our own imaginations. Make the left feel the same terror of lawsuits that they inflict on everybody else.

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★★★★ Josey ★★★★★ • 13 days ago

Interesting idea, if only the GOP ever fought for anything in their voters' interests. The ONLY time the Republicans ever even try to beat the Democrats is the Congressional Baseball Game. The rest of the time they roll over like the despicable little b1tches they are.

28 | • Reply • Share >



Chopper Dropper ★★★★★ Josey ★★★★★ • 13 days ago

If only republican voters knew this.

11 | 1 • Reply • Share >



WhyTheLongFaceJohnKerry? Chopper Dropper • 12 days ago

We do, dammit. Sucks, right?

2 | • Reply • Share >



Chopper Dropper WhyTheLongFaceJohnKerry? • 12 days ago

If you knew you wouldn't be a republican voter.

| 6 • Reply • Share >



WhyTheLongFaceJohnKerry? Chopper Dropper • 12 days ago

Yeah, I should vote for Demonrats. In your delusional dreams. And don't give me that third party crap either. Speaking of delusional ...

9 | • Reply • Share >



Chopper Dropper WhyTheLongFaceJohnKerry? • 10 days ago

Why would you imagine voting for a democrat would be any better than voting for a republican? They're bought and paid for corrupt scumbags. There's not one who isn't.

1 | • Reply • Share >



picpoule Chopper Dropper • 9 days ago

Extremists run California and they aren't Republicans.

1 ^ | v • Reply • Share >



WhyTheLongFaceJohnKerry? → Chopper Dropper • 9 days ago

I'm writing in Jody Hice, as I said originally. Last time I checked, he's a REPUBLICAN.

^ | v • Reply • Share >



David Earl-Graef → ★★★ Josey ★★★ • 10 days ago • edited

Look at Senate Res 511 declaring John Mc Cain a natural born citizen and eligible to run for president and who sponsored it. Why would Obama and Hillary help McCain run for president? The corruption runs deeper than you can possibly imagine.

7 ^ | v • Reply • Share >



TheMule61 → ★★★ Josey ★★★ • 9 days ago

So, true... All the GOP cares about is tax breaks for top donors, more easy access to illegal cheap labor, and more wars. Everything else they claim to be for never seem to happen. The filthy democrats play the same game but toss in protecting perverts and criminals into the mix. Of course the worthless GOP does nothing to stop them.

3 ^ | v 2 • Reply • Share >



ShortyQ → TheMule61 • 9 days ago

LeMule61- why in the world were you downvoted? The ReBoobs are bad too. Not just dims. I've stated that 100% of the demNAZI/KKKkommunist party is corrupt, and at least 50% of the rebooblicans are corrupt. What is so hard for people to get? And they divide and conquer to keep us peasants fighting.

^ | v • Reply • Share >



Gunofason → ★★★ Josey ★★★ • 8 days ago

Republicans are good though at writing sternly worded letters.

1 ^ | v • Reply • Share >



Soundwave → ★★★ Josey ★★★ • 10 days ago

Yep

^ | v • Reply • Share >



LastBoomer • 12 days ago

Raffensperger, is SCUM SCUM SCUM

10 ^ | v • Reply • Share >



WhyTheLongFaceJohnKerry? → LastBoomer • 12 days ago

In Georgia we in my household refuse to vote for him. We plan to write in Jody Hice. F him and Kemp.

6 ^ | v • Reply • Share >



patriot → WhyTheLongFaceJohnKerry? • 11 days ago



That is not a good idea. You are giving your vote to the Democrats. Raffensperger is a snake but we might be able to impeach him. Give the seat to a Democrat then we lose our elections in Georgia forever.

The SOS is a very critical position.

I don't like kemp or raffensperger but both are far better than Democrats.

3 ^ | v • Reply • Share >



WhyTheLongFaceJohnKerry? → patriot • 11 days ago

I have total disdain for Little Bri Bri but I fail to see how Rattenspurter is any better than a Demonrat.

3 ^ | v • Reply • Share >



patriot → WhyTheLongFaceJohnKerry? • 10 days ago

It's about the party holding the seat, not the individual.

1 ^ | v • Reply • Share >



WhyTheLongFaceJohnKerry? → patriot • 10 days ago • edited

I don't buy it. The days when I blithely voted for scumbags just because they found it expedient to put an "R" beside their names are over. Over. Over.

2 ^ | v • Reply • Share >



patriot → WhyTheLongFaceJohnKerry? • 10 days ago

That's too bad, because that's the way it works. Nothing to "buy" here, it's really pretty simple. William F. Buckley had a good rule "always vote the farthest right possible".

1 ^ | v • Reply • Share >



WhyTheLongFaceJohnKerry? → patriot • 10 days ago

And you have some reason to believe Rattenspurter is ANYWHERE to the right of the spectrum? That's why he cut secret deals with the Demonrats to help them steal the election. If he had been a Demonrat, what would he have done differently? Nada, my friend.

2 ^ | v • Reply • Share >



Herve • 13 days ago • edited

My fellow conservatives just don't get it. We can't make common cause with people who don't agree with us on the basics of life. The 'virtues' if you will. We don't agree on what is beautiful, true and right - they have been utterly subverted and despoiled and corrupted by an insidious neo-marxist cultural revolution. They believe only outcomes matter, that only their winning matters cuz they are SO sure they are on the side of the angels. It's gotten to the point that even when they are caught doing just awful stuff they merely shrug. Anything is worth their victory.

To put it simply, the Dem/Left maniacs are never operating in a spirit of good faith with us. They are never dealing with us fairly or honestly. So it comes naturally to them to abuse and twist every single

institution and law and situation. If it's not the courts, it's the administrative courts in the agencies. Or it's the rule making process itself and the labyrinthian "interagency process" - like us going on the legal warpath and using consent decrees to circumvent the legislature isn't a silver bullet. While we fix that, the Left is literally busy in 1000 other places screwing things up beyond all imagination.

They need to be stopped utterly. Or else you are just kidding yourself and you will watch our nation go through a major collapse in the coming years. Perhaps due to war or economic calamity or a currency collapse or a civil war. We are done, we have lost. The Left has won.

The MAGA types were asleep for far too long ignoring politics while it destroyed you. Some of you are

[see more](#)

12 ^ | v 1 • Reply • Share >



Augustus McBoomer → Herve • 13 days ago

short version: there is no political solution

10 ^ | v • Reply • Share >



Herve → Augustus McBoomer • 13 days ago • edited

Bingo. Or as von Clausewitz might have said, 'politics by other means' is all we are left. But move the piece down the chess board - what's next? The revolution/civil war required would be so bloody and devastating I don't think we could ever recover as a nation. And while I'm a patriot and not afraid, I don't have the stomach for that much slaughter. As a Catholic I could not start that war, I fear my eternal soul would be damned. Perhaps I'm supposed to suffer?

Both choices end in the ruin of our nation. I don't think there is a way out tbh. We are done, stick a fork in us. The only consolation I take is that most human beings live under oppressive, screwed up govts. I've been lucky...

3 ^ | v • Reply • Share >



plastic person of the U → Herve • 13 days ago

'As a Catholic I could not start that war". Don't be a sap. Righteous Catholics have slaughtered millions over the centuries. The true reason not to start that war is: it would only give them an excuse to treat us all like Guy Reffitt. If you could somehow make a deal with Soros, he'd pay you 100 million to "start that war"!

2 ^ | v • Reply • Share >



WhyTheLongFaceJohnKerry? → plastic person of the U • 12 days ago

I most definitely could. I have more compassion for a rock than I do for the demons on the Left.

1 ^ | v • Reply • Share >



Herve → plastic person of the U • 12 days ago

I can defend myself, but it would be immoral to participate in a revolution that I know would yield massive bloodshed and not put us in a better place. I know, the... Americans to think there is a... We get to... The U.S. is

IT'S VERY AMERICAN TO THINK THERE IS ALWAYS A WAY OUT. IT'S NOT TRUE. THE U.S. IS CIRCLING THE BOWL, THE ONLY QUESTION IS WHEN OUR IMPLOSION WILL OCCUR? AS FAR AS I'M CONCERNED, WE COULD MELT DOWN AT ANY TIME.

1 ^ | v • Reply • Share >



DickHair → Herve • 11 days ago

For Christ sake, these people are already talking openly about cannibalism. You gonna wait until they begin cooking shows on fav recipes?

1 ^ | v • Reply • Share >



WhyTheLongFaceJohnKerry? → Herve • 12 days ago

Gee, if you were in charge in the 1770's, we'd all be speaking with a British accent ... old chap.

1 ^ | v 1 • Reply • Share >



picpoule → Herve • 9 days ago

Herve, America is gone it's just at the lip of the toilet drain.

^ | v • Reply • Share >



Herve → picpoule • 9 days ago

Indeed. We are a pickle that can't wish its way back to being a cucumber. It's so sick, think about it - the Marxists won. How the hell did the Right let that happen?

^ | v • Reply • Share >



BMac → Herve • 12 days ago

"But God"

^ | v • Reply • Share >



Augustus McBoomer → Herve • 8 days ago

I am a soldier of Christ. We don't start the war, but we certainly will finish it...and we already know that ultimately God and the side of Good will prevail. So you don't have to start anything, my friend, put your life into God's hands.

^ | v • Reply • Share >



Herve → Augustus McBoomer • 6 days ago

Hey idiot - we don't want to start a holy war. Biggest problem with the fundu right is that you are turning our political problems into your religious views and think being Christian is the cure to all our ills. Go back to the founding times of the U.S. and do your research. Go find out how many Americans were actually devout or even churchgoing.

^ | v • Reply • Share >



Augustus McBoomer → Herve • 4 days ago

aw, did the mention of God trigger you? Calling me fundu is hilarious, I can't remember the last time I was in a church. I am still a soldier of God, and won't

REMEMBER THE LAST TIME I WAS IN A CHURCH. I AM STILL A SOLDIER OF GOD, AND WON'T pick on you because you are too stupid and religiously brainwashed to understand what that means. I must be "fundo right" in your ignorant, easy to troll, widdle commie mind. I'm laughing at you, not with you, dipstick.

^ | v • Reply • Share >



Herve → Augustus McBoomer • 2 days ago

No, I'm actually a faithful Catholic. You clearly have a "roll your own" religion and dogma. Cool story, bro. Now move along, you delusional loudmouth.

^ | v • Reply • Share >



hogprint → Herve • 10 days ago

I fear we've crossed the Rubicon and will never go back. As patriots we all believe we'd fight Hammer&Tong against all enemies foreign mainly but domestic? I think for all our posturing, all our preparedness, the marxists demonizing conservatives have declawed us. I'm not sure there is any real fight for domestic Terrorists like we saw. Will we take up arms and do our duty if the time comes?

I may be wrong. Kyle Rittenhouse stood up alone and took out the trash one night. Maybe we should take his lead and all start doing more.

^ | v • Reply • Share >



Mama MiMi → Herve • 10 days ago

Fighting to keep our country from turning full commie now would give your kids, grandkids and so a better life in the future. My granddaughter is sitting next to me at the moment. If someone walked in and started shooting, I would cover her body with mine to save her from harm... Of course, that shooter better kill me first shot because since we still have second amendment rights, I am pretty confident my first shot I would get the POS. Anyway, as adults, it is not about whether our lives would be uncomfortable, it's about making making the world a better place for our family. Now, I am certainly not saying we have reached that point where violence is our next choice. We haven't tried all other things. For example, how many hundreds of millions of Patriots are in this country? Let's guesstimate 275,000,00.

How many dirtbags are there trying to destroy our country? Now I look at it this way, I am 105 lb. A 300 lb man doesn't have to actually punch me to get out of his way. Again, 275,000,000 Patriots to nowhere near as many communist pricks. Maybe if we all just stand up and in a very very persuasive way scream, Get the fudge out of the way of our freedom Pricks! Lol And that is the rest of my theory. Lol

^ | v • Reply • Share >



TheArmoredNight → Herve • 12 days ago

To address the comment about losing to goatherders; our policy of trying to not create collateral damage has been our downfall in every war since WWII. The only way to defeat an enemy it to declare total war on the enemv. Give them a chance to surrender or the other option is total

destruction. Every city, every village, everything. If the people of these lands won't stop their leadership from allowing them to be destroyed then they have what's coming to them. Especially places like third world countries populated by people with 7th century beliefs. Either get you act together or be destroyed. That's the only thing they understand; utter violence.

^ | v • Reply • Share >



Attila_the_hun • 13 days ago

That's why government at all levels need to be cut to size. Specially federal government.

6 ^ | v • Reply • Share >



Chopper Dropper → Attila_the_hun • 13 days ago

It's not the size of the govt that's the problem. It's who owns the politicians. Hint: they're all super zionist.

5 ^ | v 3 • Reply • Share >



Weminuche45 • 13 days ago • edited

they are devious f@ckers
masters of innuendo and plausible deniability...
masters of feminine aggression

4 ^ | v • Reply • Share >



Recyclops • 12 days ago

GOP/DNC - same thing
it's a rigged shell game and these people have contempt for us

3 ^ | v • Reply • Share >



lavictoria67 • 13 days ago • edited

Excellent. Excellent. Now come up with specific ideas and recruit plaintiffs. I'm game.

3 ^ | v • Reply • Share >



Ysleta Guy • 12 days ago • edited

The problem of Blue (Democrat) cities in Red (Republican) states is real. Currently, the largest Republican run city in America is Tulsa, Oklahoma. Every single other city larger than Tulsa is run by Democrats. In Texas, it means the Democrats run Houston, Dallas, San Antonio, Austin and El Paso, the five biggest cities in the state, three of which (Houston, Dallas, and San Antonio) are in the nation's top-10 most populous cities. In Pennsylvania, it means the Democrats run Philadelphia and Pittsburgh, despite most of the rest of the state being solidly Republican. Guess where the votes are counted? In the big cities that are seats of the counties in which they are located. Guess where voter turn-out determines the direction of the entire state? In those same big Democrat-run cities.

When the cities decide for the state, the states decide for the nation.

That is why the Democrats succeeded in stealing the presidency of Donald J. Trump from the American people . . . because they had local political machines in places like Atlanta, Philadelphia, Phoenix, Milwaukee and Detroit that made it possible for the vote to be stolen there, and the way that the rest of the state voted did not matter because the number of voters there was too small to

withstand the massive number of fraudulent votes given electoral effect in the cities.

The GOP has failed to neutralize the effects of the DemocRAT fraud, and it cannot, because its priorities are out of whack

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