



THE WEEK

The overblown importance of the Virginia governor's race

Joel Mathis

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Among the many downsides to the nationalization of politics, there's this: It's exhausting.

Voters in Virginia today will choose their next governor, either Republican Glenn Youngkin or Democrat Terry McAuliffe. But this is not just a Virginia story — the national political media has been consumed in recent weeks by every little development in the race. We've been treated to extended coverage of the controversy over the reading of Toni Morrison in the state's high schools, stories on how the race might be affected by endless congressional dicking over President Biden's agenda, arguments over how much former President Donald Trump matters to the campaign, and the controversy over a stupid anti-Youngkin stunt pulled off by The Lincoln Project. Outside of whatever Sen. Joe Manchin is saying today, it's the biggest story in politics.

If I lived in Virginia, I'd be more than informed enough to cast a vote in today's election. But I don't live in Virginia. Neither do you, most likely. So why should non-Virginians care so much about that state's election?

I suspect we shouldn't, and that we probably wouldn't — at least not to this degree reflected in the news coverage — if not for the fact that so much of our political media corps is concentrated in Washington, D.C., which makes the Virginia race a backyard story for so many of the reporters covering it. A similar dynamic exists in New York, where saturation coverage of the June mayoral primary election won by Eric Adams drew an outsized number of think pieces in ostensibly non-New York outlets about What It All Means. Compare that treatment to Boston, another big East Coast city that is electing a mayor today but hasn't received nearly the same level of national scrutiny.

But the political media has also become obsessive in recent years about parsing every off-year race or special election for its national implications, for what it says about Trump or Biden or the Democrats or Republicans or crime or whatever. (Hey, I'm guilty too.) That means the national

election cycle never really ends, or even slows. And it can distort the meaning of those campaigns, which often turn on local, parochial concerns like Youngkin's vow to end Virginia's grocery tax.

There's a tendency these days to dismiss the old adage as outdated that "all politics is local." Maybe it is. But ultimately the Virginia election will necessarily mean more to Virginia voters than it does to the rest of us, and that's OK. The rest of us don't have to care quite this much.

For a while in 2020, "there was some hope that the Supreme Court might walk back its 50-year jurisprudence on qualified immunity, the doctrine that makes it nearly impossible to recover damages when police violate the Constitution," *The Washington Post's* Radley Balko noted last week. There was political momentum on the issue after the murder of George Floyd by Minneapolis police — I wrote about this at the time — and, as Balko recalls, "the court ruled last term in favor for the plaintiffs in two cases involving horrific abuse by prison guards."

Last month, however, SCOTUS unanimously overturned two appeals court decisions, granting qualified immunity to officers in use-of-force cases in Oklahoma and California. And on Monday, the court declined to hear *Frasier v. Evans*, a case in which police officers in Denver violated the First Amendment rights of a man, Levi Frasier, who was recording their conduct, including "officers hitting [a] suspect in the face and knocking a pregnant woman onto the ground."

Here's a summary of key facts of the case from Cato Institute attorney Jay Schweikert:

[T]he City of Denver had instructed its officers on the right to record police since 2007, and the defendants here had taken a course covering exactly this subject just a year before the incident. The record also plainly supported the conclusion that the officers' subjective motive was retaliation against Frasier for recording them: one of them yelled "Camera!" as Frasier recorded them using force on an arrestee; the officers followed Frasier to his van and demanded both his identification and the video; they threatened to arrest him after he refused to volunteer his video; they illegally searched his tablet for the recording; and they let him leave only when they thought he did not have any video recording of them. [Jay Schweikert via *Unlawful Shield*]

If that seems like unlawful conduct for which law enforcement officers, of all people, should be held to account, well, welcome to frustration about qualified immunity — and about the Supreme Court's apparent refusal to correct this problem of the court system's own making.