

FORT MYERS
FLORIDA WEEKLY
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GUEST OPINION

Questions about Fred need to be answered

The conventional wisdom about Fred Thompson is that he might have waited too long to get into the presidential race, even though by the standard of past election cycles he's right on schedule. The best question for the Thompson campaign doesn't have to do with timing, but with rationale; it isn't about "When?" but "Why?"

His delay in announcing his presidential bid needn't seriously hurt him if he is a candidate on par with or better than his top rivals. In the national glare, both Mitt Romney and Rudy Giuliani have proven themselves good fundraisers, adept debaters and indefatigable campaigners with appealing outsider reformist messages. It's not clear yet that Thompson is any of these things.

Thompson isn't "lazy" — the rap against him — by any reasonable measure. He didn't become a Watergate investigator, prosecutor, actor and senator by sleeping late and watching daytime TV. But his Senate career works against him. Not because he didn't have the energy to make much of it, but because he apparently didn't have the desire.

Thompson has two main draws. One

is stylistic, even though he has a kind of anti-style — a low-key, no-nonsense bearing that gives him a sense of quiet authority. The downside is that this can seem to be a lack of passion. His appearance on "The Tonight Show With Jay Leno" announcing his candidacy was so somnolent that you could be forgiven for wondering if he wasn't already bored with running for president.

His other appeal is ideological. Thompson has a more consistent conservative record than Romney or Giuliani. But a product of the moderate-conservative Tennessee GOP, he was never a firebrand either. In the gotcha environment of the primary race, Thompson will have to defend past heterodoxies on abortion, immigration, campaign-finance reform and tort reform. The deeper problem, though, is that what ails the Republican party isn't a lack of down-the-line conservatism.

Republicans need more fresh thinking, and Thompson's devotion to federalism emphatically doesn't count. In terms of domestic policy, the best news in the Republican race so far is that Romney and Giuliani have offered forward-looking health-care proposals.

Thompson will have to excel in the ideas race rather than rest on a conservative voting record.

The one advantage Republicans might have in a tough election year in 2008 is that they likely will be running against a Democratic senator or former senator with no executive experience. That creates an opening for Romney or Giuliani — both successful executives who made their political reputations outside the beltway — to argue they are better suited to fix Washington. Thompson, in contrast, has a similar profile as the Democrats — a former senator with no experience running things, whose kitchen table is in the haute Washington, D.C., suburb of McLean, Va.

All that said, it's the most wide-open Republican primary race in 50 years. Before even announcing, Thompson was in second place in national polls. It is understandable that when considering a run he looked at those polls and concluded, "Why not?" Now, he has to answer the tougher question: "Why?" ■

— Rich Lowry is editor of the *National Review*.

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GUEST OPINION

I protest!

The News Press and Mayor Jim Humphrey are attempting to force Warren Wright to breach his confidential settlement with me and a developer we sued. If Warren Wright gives in to this outrageous effort to interfere with my contract rights, I lose.

If Warren Wright reveals the terms of his confidential settlement contract with me and the developer, it is void.

Jim Humphrey has put political pressure on Wright to breach his settlement contract. Humphrey had his own lawyer confront Wright in a City Council meeting without advance warning. The goal was to have the council join in pressuring Wright breach his promise to keep the settlement confidential. The Mayor and his private lawyer have persuaded The News Press to join in his effort to interfere with the settlement contract.

The News Press for their part of this coordinated effort has demanded that Wright breach his contract and threatened him with jail if he refused. They have filed suit and publicly announced that Wright could be forced to pay their fees, a form of overt economic intimidation.

The settlement agreement the Mayor and The News-Press seek to frustrate arose from a legal challenge to a decision by the Humphrey appointed Board of Adjustments in Fort Myers. These out-of-control administrative boards granted variances from virtually every development rule the city's laws apply to a site on Billy's creek in Fort Myers.

These variances from the rules applied to all other others in the same zoning district, dramatically reduced setbacks, permitted much greater height and three times the density available to others. Variances of this kind

are supposed to be minimal in degree and allowed only for specific hardships greatly frustrating reasonable use of the property. The alleged hardship in this case was only that the developer's needed more density to make the profits they wanted.

Substantial changes to development regulations of this sort are usually the providence of elected officials, implemented through changes in zoning laws. But our city's lax zoning laws and growth management practices allow dramatic changes to be adopted by unelected officials. A person aggrieved by this sort of action cannot appeal to his elected representative. There is no other remedy, but to go directly to court, as Warren Wright and I did.

What happened in the Billy's Creek case is not isolated.

In my own McGregor Blvd neighborhood our rogue Board of Adjustments has approved a similar set of variances for a downtown developer. No neighborhood in Fort Myers is immune to this sort of thing.

Following the only course open to him, Warren Wright filed suit as an individual to protect the future home site he acquired well before he entered politics. The Mayor's claim that he did this as a councilperson is disingenuous. The pleadings and transcripts clearly show he did not and could not sue as a councilperson.

I joined this suit for a different reason. I have devoted a significant part of my adult life to helping land use regulations in this area strike the proper balance between private property rights and the public interest. Striking that balance is the essence of the growth management challenge. The planning, zoning and adjustment procedures of

my city are a mess. They can only be cleaned up by electing new people and by court challenges.

Unfortunately, the power of concerned citizens to sue their government when it acts illegally is limited. The courts have set a high hurdle called "standing to sue." This hurdle was set very high by appellate courts years ago in order to limit the courts' workload.

Relaxing these barriers is essential to balanced growth management today. Local governments have become especially vulnerable to the political influence of the growth industry. To provide balance in the system, concerned citizens need the opportunity to attack improper actions favoring unrestrained development. Because this kind of litigation is very expensive, the old barriers are no longer needed and are too onerous. Relaxing them a bit on appeal was my goal.

I am not a wealthy person. I am just a retiree with a heart condition who cares about how growth is managed. Faced with an expensive court battle to make a point that provides no direct personal benefit and an advantageous settlement, I chose to settle. By agreement I gave up my right to take my issue to a court with the power to make new law. Now Jim Humphrey and The News-Press want to interfere with that legal contract, leaving me with nothing for my public concern and efforts.

That is just too much to ask merely because The News Press is suspicious and believes that public officials have no right to privacy in their personal affairs. That is certainly too much to give up just because Jim Humphrey has a longstanding political vendetta with Warren Wright. ■

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