

## The Producers

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It's traditional at moments like these to say, "I'm honored to speak to you this afternoon," but the truth is that I really *am* quite honored to speak to you. Because you are unusual people. You, after all, are the *producers*.

What I mean is something like what Thomas Jefferson meant when he said "those who labor in the earth are the chosen people of God." He meant that the producer, the agriculturalist, the wealth-creator, who brings forth from inanimate nature the things we need for nourishment, is the primordial source of everything that makes us human, civilized, and free. Jefferson distinguished producers on one hand who look to their "own soil and industry" for "subsistence" and—on the other hand—people who "depend for [a living] on the casualties and caprice of [others]." The latter are destined for oppression, he thought, because "dependence begets subservience and venality, [which] suffocates the germ of virtue, and prepares fit tools for the designs of ambition."<sup>1</sup>

The argument goes like this: those who transform nature into things of value feel genuine and deserved pride. They don't like to take orders or ask for favors. They prefer *rights* to privileges. They prefer freedom to wealth. But *dependent* people, people whose success depends on the opinions of others, begin to covet fame and favoritism, and are easily seduced into political intrigue. Their basic emotional relation to the world is *fear*. They become infatuated with politicians who promise to give them the earnings of other people—to pay their debts for them—to satisfy their desires for them—to carry them to unearned glory in a sedan chair.

Jefferson hoped that in America, independent farmers and mechanics would not live their lives on the wealth or favors of other people, but would instead devote their energies to peacefully earning a living for themselves and their families. If they did, they would not need or desire a nanny state to take away their freedom in the name of protecting them.

Nowadays, of course, Jeffersonian rhetoric about yeoman farmers strikes many as quaint romanticism—outdated at best, and at worst, an excuse for the slavery on which agriculture depended in his day. And it certainly *is* outdated in *some* respects. Jefferson would have been awestruck by modern agricultural technology—the technology that today feeds us, clothes us, and provides us with a standard of living unimaginable to any previous generation. The advances that have been made in the past two centuries are an almost unmitigated blessing—and an almost *unmeasurable* blessing. When Jefferson died, 72 percent of Americans worked in agriculture. The real farm gross product was about \$16 billion.<sup>2</sup> One farm worker's labor produced enough to support about four people.<sup>3</sup> Today, the agricultural product of the United States is more than a trillion dollars a year.<sup>4</sup> Yet less than two percent of our population lives on farms, and the average farm worker's labor supports 155 people.<sup>5</sup>

Consider another statistic. Last year, 780,000 tons of walnuts were harvested in California alone,<sup>6</sup> which according to my calculations is 271 billion walnuts. To get a rough idea of how large a number that is, population experts tell us that only about six billion Americans have *ever lived*.<sup>7</sup> At all. So in a single year, California alone produces enough walnuts to give 45 to every American throughout all of history. And this in a state where most people could not identify a walnut tree on sight.

That immense growth of productivity and industry is a triumph of fantastic proportions. It is the greatest accomplishment in the history of the human race, a success story so immense that our language is incapable of articulating its magnitude. I mean that quite literally. This is an achievement so gargantuan that language breaks down trying to describe it. Our novelists and poets, our dramatists and singers, have rarely even attempted the monumental task of expressing it. Tradition speaks of a land of milk and honey? Americans produced 223 billion pounds of milk in 2020, and 148 million pounds of honey. We are the first civilization in history where the greatest threat to our health is obesity, not starvation.

That was not done by lawyers like me, let alone by government bureaucrats. It was done by people like you—people who devote their minds and bodies to the great moral task we so often take for granted, and which goes by the dull-sounding phrase “earning a living.” The ordinariness of that phrase masks the critical fact that *production* is the consequence of certain moral and intellectual *virtues*, as well as political and economic policies. That means it’s the result of human choice. Humanity could—and god forbid, might—decide tomorrow to abandon those virtues, obliterate all of that progress, and allow the civilization on which billions of lives now depend, to degenerate into a new dark age.

It has happened before, as our founding fathers knew. They were students of history, and they had read the work of writers such as Edward Gibbon, who discussed the connection between virtue and politics on one hand and the success or failure of civilization on the other. In his *Decline and Fall of the Roman Empire*, Gibbon explained that Rome’s failure resulted more from the decay of character among the Romans themselves, than from invasion by its enemies. For example, he wrote that the growth of religious monasteries contributed to Rome’s collapse partly because it discouraged intelligent and industrious people from contributing their labor and their inventions to the economy, and partly because it removed so much land from cultivation: “Time continually increased, and accidents could seldom diminish, the estates of the popular monasteries,” Gibbon wrote, “[so that] for the benefit of the poor, the Christian monks had reduced a great part of mankind to a state of beggary.”<sup>8</sup> As monasteries grew in wealth and power, church leaders became “corrupted by prosperity” so that they “embraced the vain and sensual pleasures of the world, which they had renounced.” But the consequences among the rank and file were even worse, writes Gibbon: “The freedom of the mind...was destroyed by the habits of credulity and submission; and the monk, contracting the vices of a slave, devoutly followed the faith and passions of his ecclesiastical tyrant.” As a result, the great thinkers and innovators retreated from society and “contented [themselves] with the silent, sedentary occupation of making wooden sandals, or of twisting the leaves of the palm-tree into mats and baskets.”<sup>9</sup>

This is just one example of how the Roman people slowly abandoned the virtues that had made them great, and instead of being destroyed, essentially defaulted on their own character. Like a tree eaten from the inside by termites, Roman civilization toppled when gently pushed by outsiders.

America’s founding fathers feared this nation might someday suffer a similar fate. They knew, as Abraham Lincoln put it, that as a free people, we will either live forever or die by suicide. One thing they dreaded was that our very success could endanger us. They knew that when people become addicted to comfort and ease, they lose the habits of hard work, and begin to rely on the favors of other people, especially politicians, for their living and their sense of self-validation, instead of *earning* their pride. They become dependent, and sacrifice liberty without realizing it—and without even caring.

When Jefferson’s friend George Mason wrote the Virginia Declaration of Rights—the very first bill of rights, only a month before the Declaration of Independence—he put it this way: “No free government, or the blessings of liberty, can be preserved to any people but by a firm adherence to justice, moderation, temperance, frugality, and virtue and by frequent recurrence to fundamental principles.” To be enslaved is one thing, but to willingly abandon freedom because it’s *just too hard* is more horrific. Unless Americans “frequently recur to fundamental principles,” they will waste what you might call their “character capital”—and squander the blessings previous generations have given us.

I fear that we are the brink of that dilemma today. And I fear that we are confronted by the question of whether we are going to put our character capital to use—or throw it away out of a misguided sense of compassion.

I know it sounds very highfalutin to talk about Edward Gibbon and Thomas Jefferson and the fall of Rome and the virtues of character. The reality is that these philosophical and moral questions about productivity and the political and cultural environment necessary for the productive virtues to survive, have practical, real life consequences in every moment of our existence. Today’s regulatory welfare state is rapidly reaching the point at which the qualities of innovation and entrepreneurship—of diligence and foresight—of prudence and honesty—are punished, while the vices of ignorance, profligacy, heedlessness, and political scheming are rewarded. We are systematically closing off the sources of prosperity, spending our grandchildren into an oblivion of debt, and creating a world in which being innovative and diligent are essentially self-destructive neuroses.

I fear our society has become so accustomed to our desires being met that we are inured to the consequences of our regulatory burdens. Politicians and the voters they pay for continue to expand the size and scope of regulatory mandates and restrictions, blithely assuming that our society’s producers will find *some way* to deal with it. In the past decade, regulatory costs on farmers in the San Joaquin Valley have increased by *265 percent*.<sup>10</sup> Another study found that the regulatory burden on lettuce growers in the Salinas Valley alone, increased by *795 percent* in the years between 2006 and 2017.<sup>11</sup>

These burdens are not just economic, although they are that, too. *Somebody* must pay for all the time and energy it takes to fill out the paperwork, to obtain permission from bureaucrats, to install new environmental equipment and safety devices the law requires—to design the product labels that carry all the Prop. 65 warnings—to pay for lawyers when a business is sued for failing to comply. These costs are all born ultimately by the people, in terms of higher food bills, or—what is the same thing—the disappearance of supply.

Regulation is often sold to the public as a means of protecting us from the dangers posed by evil, greedy corporations. But the reality is that the costs of regulation fall hardest on those who can least afford to escape their burdens. Consider Proposition 12, the “animal welfare” law that sets minimum required sizes for pens for hogs and sows. In reality, this regulation will apply to fewer than one percent of American pigs, and virtually none of the pigs in California. But because the initiative requires costly inspections for compliance, and bans the commingling of pork from non-compliant sources, the law is likely to result in a total economic loss of some \$320 million.<sup>12</sup> That means an increase in pork prices by twenty-five cents per pound, which may not sound like a lot to you and me, but for people trying to make it on a budget, it’s just another way in which the state is engaging in social engineering—and forcing workers to pay the cost. It is just one of the ways that, to paraphrase Gibbon, our political leaders are reducing a great part of mankind to a state of beggary to benefit the poor.

Mostly, the costs of regulation take the form of all the goods and services that never become available in the first place—the opportunities that would have existed, if government had not stood in the way. Like the monks of ancient Rome, many Americans, when confronted with the regulatory costs of starting a new business, simply say “Why bother?”

Much of the increase in regulatory burdens is due to federal environmental laws and the Affordable Care Act. But most often, these regulations are not even adopted by elected representatives. Instead, they are produced by hired bureaucrats in regulatory agencies, who are not only unelected, but are members of government unions, so they cannot even be fired.

Here’s how the process works. Mr. Smith decides to run for Congress—on the “No Bad Things” platform. “I’m against bad things,” he says. And his campaign promise is that he will end all of the bad things. Of course, I’m against bad things—and so are you, aren’t you? So we all vote for him, and sure enough, once in office, he writes the No Bad Things Act of 2021, which is very simple: just two sentences long. It says “1. There shall be no bad things. 2. There shall be a Federal No Bad Things Agency, which will define bad things, investigate potential bad things, and punish bad things.”

And he’s done his job! He can take credit for ending all the bad things, and go do something else. Meanwhile, the bureaucrats get to work.

And if the bureaucrats do something terrible, he can haul them before his committee and scold them and say “That’s not what I meant at all! Shame on you!”—and then go back to doing his thing, and the bureaucrats go back to doing their thing, and nobody gets fired and nothing changes.

This is how the modern regulatory state works. And it touches on what I consider the most important thing you can possibly know about government, which is this: *Government gets paid even when it gets the answer wrong.*

If I go to Taco Bell and order a burrito and they don’t give me what I want, I can go to Del Taco instead. I don’t buy from Taco Bell anymore, and they don’t get paid. But if a government agency gets my order wrong—nothing happens. They don’t get fired, they don’t get their budgets cut. If anything, they get *more* money, because they tell politicians that the reason they got the answer wrong was because their budgets are too small.

And if government gets paid even if it gets the answer wrong, why in the world would you trust it to get the answer *right*?

This sounds like typical complaining about big government—and I suppose it is that. But it connects with what I said earlier about the virtues of productivity. As I said, productivity does not just happen. It is the consequence of individual choices, and specifically, moral choices by people who every day face the decision of whether to go to work or not—whether to find a solution to the problem or quit—whether to pay their bills or screw their creditors—whether to find a way, or blame somebody else—whether to create wealth, or whether to live on the wealth that others create.

More than anyone else in human society, the agriculturalist—the farmer, the grower—stands at the crossroads of that choice. There is a reason we use the word “produce” to refer to the food growers create—because it is produced by someone. Who?—and more importantly, how? The answer to that question lies at the intersection of morality and politics, and it has been well expressed by the economist Dierdre McCloskey, who has written about what she calls the “bourgeois virtues.” These are the virtues that underlie our modern civilization. They differ from the virtues of ancient warrior societies, such as bravery in the face of the enemy, or honor among one’s comrades. Those are valuable things, no doubt. But beginning about five hundred

years ago, and especially taking off about two hundred years ago, humanity began to embrace a new set of values. Among those McCloskey lists are:

The prudence to trade rather than invade

The temperance to save, accumulate, educate oneself, listen to the customer, and resist the temptation to cheat.

The Justice to insist on private property honestly acquired, to pay for work, to honor labor, to value people for what they accomplish rather than who they are.

The courage to try a new business or to face a bankruptcy and overcome it,  
--and so forth.<sup>13</sup>

I would boil these virtues down to one basic theme: the producer is the person whose primary focus is the conquest of nature, as opposed to the conquest of other people. The producer is interested in the facts of reality and taking the steps necessary to transform reality to a desired purpose—as opposed to being fixated on the opinions and favors of others. The producer does not ask others to pay her bills. She recognizes that maturity means paying your own bills. The producer does not ask to control other people’s lives—she feels that controlling other people is a shameful and ugly thing. The producer does not ask to be protected and cared for. She is willing to take risks, and suffer the consequences of bad choices, as long as she can enjoy the rewards of good choices. The producer does not look to other people for validation. She has the sense of accomplishment that one can only give oneself.

But the virtues of productivity cannot survive in a vacuum. Virtues are like trees—if they’re starved of water and sunlight, if they’re burned or exposed to pest infestations, they will not thrive and produce fruit. If the productive individuals in our society are punished and sacrificed, they will either withdraw, as Edward Gibbon said, into private seclusion, or some few heroic fools will continue to exercise virtues that only make them bigger targets.

Meanwhile, the powerful grow more and more contemptuous of their responsibilities toward the people, whom they consider subservient. I mentioned Gibbon’s description of the corrupt monasteries of the Dark Ages, where church leaders “embraced the vain and sensual pleasures of the world” and governed society off the backs of the producers. Is that not a fair description of today’s regulators, who purport to dictate to us how we may live our lives and run our businesses—while enjoying their fancy dinners at the French Laundry?

I ask you, which does our society today appear to prefer? The productive and industrious? The enterprising and diligent? Or does our society instead reward the shiftless, the scheming, the ignorant, and the violent—and excuse the crimes of the latter on the theory that it’s our duty to “understand” them and feel “compassion”?

I fear our society is rapidly becoming what I have called “the permission society”—one in which we must ask for permission from some government official before we may do virtually anything, as opposed to a society where we are free to act, but must bear the responsibility if we act wrongly.

America was founded on the proposition that each of us is born free, and that *we* give the government permission, instead of the other way around. But today, more and more of our lives are subject to some type of permit requirement or licensing restriction, so that you can not start a business, hire someone, pay someone wages, accept a job, receive pay, use your property, design a house, buy a gun, donate to a political campaign, or exercise many other basic freedoms without some form of official permission beforehand. We increasingly live not in a free society, but in a permission society.

That is not just economically wasteful and politically dangerous. It's offensive to the fundamental character of the American people. *Rights* are things that we can claim on our own—but *permissions*, we must ask for. A free society, in which we may act without seeking permission first—in which government officials recognize that they are our employees, not our bosses—encourages self-reliance and well-earned pride. It is the environment in which the producer thrives. A permission society, by contrast, breeds into people the habits of submission—teaches them to flatter their rulers and treat them as superiors. And it diminishes their optimism and makes them lower their aspirations.

What do I mean by that? One of the great virtues of producers is their optimism—their belief not only that the world can be improved, but that joy and beauty are possible if only we will try. You all saw on the news that Jeff Bezos recently paid to build and ride a rocket into space, alongside *Star Trek* actor William Shatner. The ride was only a few minutes long, and it cost millions of dollars. What a Quixotic—what a romantic—thing to do. What a gesture toward the beautiful possibilities of life. What an inspiration to future generations—what a magnificent moment to experience. Shatner, you may recall, was so overcome by the experience that he broke down in tears when he landed. “I had no idea,” he said. “Everyone must experience this.”

One can hardly imagine something less “materialistic” than to blow a million dollars on a few minutes of riding in space. They did it for the glory of the gesture. Yet Shatner and Bezos were subjected to a blast of condemnation and hostility in the popular press, attacked by political activists who accused them of being greedy and wasteful and materialistic. They should spend the money on welfare for the poor, instead. How dare they not give their money to charity.

There's no denying that there are many people in need today. And Mr. Bezos and Mr. Shatner have already given much of their fortunes to charities to help the poor. Yet these criticisms were not really about that. They were about expressing an attitude that says it is stupid and wasteful to spend your own money on trying to reach the stars—that your responsibility instead is to look not at the stars but at the ground—to keep your focus on the here and now, on misery and deprivation rather than the joy of possibilities. Amazingly enough, it becomes clear that it's *these critics* who are the actual materialists—not Mr. Bezos and Mr. Shatner.

As *Spiked* columnist Tim Black put it,

What Shatner's trip to space showcased was something that we could do with far more of right now—sheer, overweening human ambition.... Shatner is no Neil Armstrong. And Bezos's sub-orbital mission is no Moonshot. But they do both demonstrate what Armstrong said of the Apollo missions—namely, that “humanity is not forever chained to this planet... [that] our opportunities are unlimited....” Shatner's little trip into space sticks in the craw of our smug, doom-laden elites [because] they embrace the *culture of limits*.... For several weightless minutes, [Shatner] exposed their earthbound cynicism, their eco-miserabilism, for what it is—a comfortable, fatalistic myth.<sup>14</sup>

I love that term “eco-miserabilism.” What a perfect term for the thing that motivates those who condemn our society's producers, and try to harness, regulate, and control them. The regulators of our society do, indeed, believe fundamentally in the “culture of limits.”

I said earlier that dependent people's primary emotional response to the world is “fear,” and this is what I mean: their habit is to emphasize what mankind *cannot* do and *should not*

*attempt*—instead of imagining the future and asking, why not? In other words, the culture of limits is based on an attitude I like to call “use less,” as opposed to “create more.”

What I mean is this. In a world of limited resources, there are two strategies you can employ: you can make more, or you can use less. There isn’t enough energy to power everything human beings would like to power. So we can either *make more* energy—building more power plants, for example—or we can *use less* of what we already have, and try to ration it better.

There aren’t enough doctors to go around? Either we can *make more* doctors—by opening more medical schools, revising the licensing laws that irrationally limit what paraprofessionals can do, reducing the regulatory barriers that block people from getting medicine they need, such as laws that prohibit doctors from advising patients on the internet. Or we can *use less*, by restricting people’s access and making it hard for patients to see doctors when they want to.

There’s a lot of traffic congestion? We could either *make more* highways—or we can force people to use less, by taxing their cars, imposing restrictions on gasoline, spending \$100 billion on a so-called “bullet train” that according to its most enthusiastic supporters will at best take people from San Francisco to L.A. in three hours...twice the time it takes to fly.

In every circumstance we face, we can either *make more*, or we can *use less*.

There are certainly times when the “use less” strategy is wise. If your ship sinks and you’re stuck in a lifeboat, you can’t make more—so it’s wise to use less. And even in ordinary life, we sometimes waste things we should save; “use less” makes sense in such cases. But there are limits to the “use less” strategy. At some point, you cannot *eat* less. You cannot *drink* less. You cannot get less sleep. In the long run, the “use less” strategy is suicidal. The “make more” strategy is the path of growth, expansion, and life.

The “use less” strategy comes naturally to the regulator, who lives in the culture of limits. He cannot imagine the manifold possibilities of life—he simply wants to make everyone equal—nobody superlative, nobody unique—so he seeks to redistribute. And, sure enough, we see all around us, the “use less” mindset becoming more popular. We are told we must use less energy, rather than build more power plants—and as a result, we see major cities in first-world industrial societies such as California experiencing blackouts. We are told we must restrict construction in order to protect endangered weeds and insects—and as a result, we have fewer homes and hospitals. We even see the “use less” strategy being embraced in our foreign policy. Rather than defeat our enemies who seek to destroy us, our government insists on withdrawing into ourselves and curtailing our own freedom to satisfy and appease hostile powers around the globe.

There are even some sectors of our society that romanticize the “use less” mindset as if it were virtuous. Just weeks ago, *The Atlantic* ran an article begging people not to buy what it called “junk,” because

Experienced workers and truck space and loading docks and time itself are not limitless resources. In a system asked to function beyond its capacity, if the distributor of hundred-dollar throw pillows can pay more for access to trucking capacity than a local food distributor that serves schools can, then their pillows go on the truck.<sup>15</sup>

In other words, the author was urging us not to buy stuff we want, but to lower our expectations so others can have things instead. This is the “use less” mentality. And maybe it

sounds reasonable to you at first—why not hold off on buying your luxury thing, if that means someone else can more easily get something important? But the whole point of our free market society is that you don't have to have less in order for others to have more. The free market lets people choose for themselves what they do or do not need, and lets producers accommodate those needs in terms of the available resources. If there aren't enough trucks to ship goods to people, then businesses *should make more*. But government, of course, does not allow that to happen.

The *Atlantic* article went on to bewail the fact that in America, “resources get allocated according to little other than profit.” And what else, I wonder, should determine how resources are allocated? The opposite of profit is loss. Should *loss* determine how resources are allocated? Or is the idea that bureaucratic officials—who, as I've said, are paid even if they get things wrong—can decide better than we can how to allocate our resources? How and when has any society ever wisely allocated resources through bureaucracy? The historical record shows, to the contrary, that every society that has allowed bureaucrats instead of profit to decide where resources are allocated, has learned the hard way that politicians get all the resources and the people are left with the crumbs. When we say that profit determines the allocation of resources, what that really means is that people decide to sell things where they are most valued—which means, where society really needs them. If I have a thousand walnuts and I can make more selling them in L.A. than in San Francisco, that's because people want them more in L.A. than in San Francisco. The reason I make greater profit is because that's where people most value those walnuts. No bureaucrat could possibly determine beforehand where walnuts should go from day to day, but the price system of the free market instantaneously figures that out all day long. And if I were to insist on selling them in San Francisco at a loss, instead—perhaps under the idiotic slogan “people, not profit”—what would be the consequence? Economic waste: people would throw away my undesired walnuts—while the people in L.A., who want them, would have to do without.

That's exactly why socialist societies, where everything is run by bureaucrats and nothing is allocated for profit, have invariably been societies of deprivation and even starvation—even when blessed with plentiful natural resources. The Ukraine has long been called “the breadbasket of Europe.” It includes prime agricultural land. In 2018, it grew some \$18 billion worth of wheat, and it is the fourth largest exporter of corn and barley in the world. Yet under the rule of Soviet communism, Ukraine experienced the famine known as the Holodomor, which resulted in the deaths of some three and a half million people. Why? Because it was consciously not organized for profit.

This ignorant *Atlantic* writer concluded her foolishness by claiming that “America's central organizing principle is thoughtless consumption.” But the truth is that America's organizing principle is *the pursuit of happiness*—or, more accurately, that America *has no* “central organizing” principle. Instead, we have a *decentralized* principle, not of “organization” but of *freedom*. In our society individuals decide for themselves what to buy and sell, and can make those decisions based on their *own* priorities, instead of having those choices made for them by authority figures who think they can centrally organize our lives. And history shows that it is only government bureaucracies that implement, institute, and enforce truly “thoughtless consumption”—an intentional matter of policy.

We are fortunate, of course, that we have never experienced anything like Holodomor. But there is nothing written in the book of fate to suggest that we Americans are immune from the laws of logic and history that placed Rome on the path to demise. What this *Atlantic* writer is

urging is precisely the moral degeneration Edward Gibbon wrote about. If Americans ever decided to follow her advice and lower their expectations in this way, they will have squandered their character capital—and committed a kind of suicide on a par with the fall of Rome. Amazingly, in today’s world, our intellectual leaders prefer to ignore or blind themselves to the lessons of the past—to such a degree that today it is considered politically incorrect even to speak of Rome having fallen. I’m not kidding. According to one professor of ancient history, to speak of the fall of Rome is to “demonize the barbarians and problematize the barbarian settlements.”<sup>16</sup>

In any case, I hope I’ve made clear how the mentality of “use less”—the regulatory mentality rooted in the “culture of limits”—is not only unsustainable, but can destroy the virtues that lead to productivity and growth, and endanger all of our freedoms.

Can anything be done to fix this situation? The answer, of course, is yes. All these problems are human-created, and could be solved tomorrow if we chose. In Arizona in recent years, we have begun to point the way, adopting a series of transformational laws that reduce the impact of government on business, and better ensure that economic opportunity is open to all based on merit, rather than favoritism.

We adopted the Right to Earn a Living Act in 2016, which prohibits bureaucratic agencies from limiting people’s right to pursue an occupation, unless officials can prove in court that those restrictions are necessary to protect public safety. We followed that up with a law that requires judges to decide for themselves whether bureaucrats have obeyed the law—instead of deferring to the bureaucrats’ decisions. Last year, we adopted our Universal Recognition Law, which says that if you have a license for your job in another state, and move to Arizona, you automatically get a license to do that job in Arizona, too. We passed another law that gives businesses an option to challenge burdensome regulations before an independent commission, which has authority to limit the power of state bureaucracies. We won important court cases that sharply limit the government’s ability to subsidize businesses with tax dollars. And we are moving forward with legislation we call “Permit Freedom,” which simply says that any time government imposes a licensing requirement or a permit requirement, the conditions for getting the permit must be clear and unambiguous—none of this “good cause” stuff—you must be given a specific date when you will get a yes or a no—and there must be a real opportunity to go before a judge and challenge it if the government wrongly denies you a permit.

These are modest steps, but important ones in preserving the right to earn a living without unreasonable government interference.

Meanwhile, the legal community has become increasingly concerned about the threat of the bureaucratic regulatory state. The Mississippi and Wisconsin Supreme Courts recently overruled old precedents that gave broad authority to state regulatory agencies, making clear that it’s the judge’s role to determine whether the bureaucrats acted lawfully. At the federal level, Supreme Court Justice Neil Gorsuch is well known for his skepticism toward regulatory agencies. He, along with Justices Roberts, Alito, and Thomas, have all written strong opinions in recent years that will help resist the ever-expanding power of federal regulators. Prominent law professors have published books recently with titles like *Is Administrative Law Unlawful?* and organizations like the Goldwater Institute have taken steps toward restoring meaningful constitutional protections against the bureaucracy. Progress will take time, but these are all extremely hopeful signs.

Or consider the past two years. When the pandemic struck, many regulatory agencies began imposing various restrictions and mandates on people. But in many other cases, they

found it wiser to *reduce* regulatory burdens. States began allowing nurses to provide more medical services, and restaurants to sell groceries, and food delivery businesses to sell alcohol. They deferred certain unnecessary continuing education requirements to allow people to keep their licenses, suspended rules that prohibited telemedicine, and gave parents more freedom to choose the proper educational options for their kids. And in those cases where the regulators refused to back down, the media made clear to people that government was the problem, not the solution: the delays and obstruction caused by the FDA and the CDC were highlighted and they forced a national conversation about reforming these dinosaur bureaucracies.

What about California? Is there hope for the pyrite state? It's a good question to ask. California has an unhealthy political culture that demonizes producers, trusts bureaucrats, and makes an almost religious faith out of the doctrine of "use less." The state is \$500 billion in debt<sup>17</sup>—that's more than the GDP of Colorado—and it's in the top ten highest tax states. The Tax Foundation ranks it 49th in terms of business tax environment<sup>18</sup>—only New Jersey is worse—and California's population actually shrank in 2020—for the first time in more than a century—as people fled for freer and more affordable economies.<sup>19</sup>

But even here, I see reason for hope. This is the state that gave us Ronald Reagan, after all, and within a lifetime, it was an important contributor to what my friend Grover Norquist has called the "leave us alone coalition." The drastic shift to the left in California has been a consequence of the culture war, but as voters experience the high costs and stagnation caused by California's ever-growing regulatory burden, the opportunities to challenge the status quo will only increase. I believe the pendulum has gone about as far as it can before it starts to swing back. Already we are seeing signs of a backlash. Walgreens has announced it will close five stores in San Francisco due to the city's refusal to protect them against shoplifting.<sup>20</sup> Voters are poised to recall several school board members there, who preferred to spend time on culture war nonsense than to actually teach children.<sup>21</sup> And even the Disney corporation has announced that it will be moving 2,000 jobs to Florida, because that state is more business friendly.<sup>22</sup> These are welcome signs of producers standing up for their rights.

But change, when it comes must not be just economic. It must be rooted in a deeper moral and cultural change, and I mean specifically, a restoration of respect for producers and for the bourgeois virtues that make production possible.

Everything we have in the world is either grown, mined, or hunted—but we have become so spoiled as to forget that fact—and as a result, we keep slicing deeper and deeper into the golden goose, assuming it will always be there to lay another egg. Californians must reawaken to the rights of our producers.

My hope is not pollyannish; it's rooted in real experience. I think most Americans are disgusted when confronted with the facts of the regulatory welfare state. Unraveling this tangled web is going to be an extremely complicated task. But I think Americans are, by and large, fed up with the cost, delay, and injustice caused by state and federal regulators. And I think that's particularly true in the west.

That should come as no surprise. The American west is a very special thing. It is the dreamland of liberty—it is the heart of the myth. It is the land in which is rooted the most American of all visions: the frontier. The west is the opposite of the "culture of limits." It is the natural home of the producer. The poet Badger Clark put the point well in his poem "The Westerner":

My fathers sleep on the sunrise plains,

And each one sleeps alone.  
Their trails may dim to the grass and rains,  
For I choose to make my own....

They built high towns on their old log sills,  
Where the great, slow rivers gleamed,  
But with new, live rock from the savage hills  
I'll build as they only dreamed....

I dream no dreams of a nursemaid State  
That will spoon me out my food.  
A stout heart sings in the fray with fate  
And the shock and sweat are good....

What good to me is a vague "maybe"  
Or a mournful "might have been,"  
For the sun wheels swift from morn to morn  
And the world began when I was born  
And the world is mine to win.

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