



WEEKLY UPDATE APRIL 23 - 30, 2023

THIS WEEK

NO BOARD OF SUPERVISORS MEETING

PLANNING COMMISSION CANCELLED

OTHER AGENCIES OFF UNTIL MAY

LAST WEEK

BOS RESCINDS LEGAL DISTRICT MAP 3/2

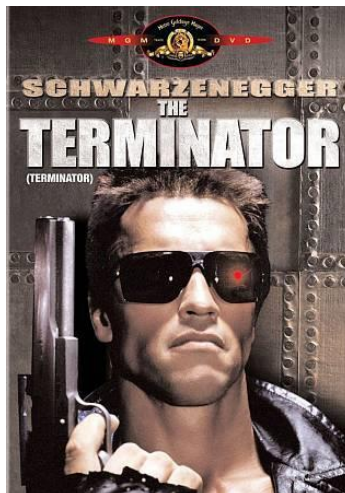
ESSENTIALLY 2011 DISTRICTS REINSTATED

LAWSUITS LIKELY

GIBSON RECALL TALK

CITIZENS REDISTRICTING COMMISSION IN FUTURE?

HOW ABOUT AI PICKING DISTRICT MAPS?



**SPECIAL BOS MEETING APRIL 19
SELECTION OF A NEW COUNTY ADMINISTRATOR
NO ACTION REPORTED AFTER 3 HOUR MEETING**

LAFCO MEETING LIGHT

EMERGENT ISSUES

**ARE THE PEOPLE READY TO TAKE BACK NORTH
COUNTY & THE BOS MAJORITY?
KENNEY ENNEY WINS PASO ROBLES SCHOOL BOARD RACE**

**COLAB IN DEPTH
SEE PAGE 17**

**CAN WE DO ANYTHING ABOUT AMERICA'S
DECLINE?**

The remedies are agreed upon, but the needed medicine is feared more than the disease. Because today, the government is the cause of our many crises.

BY VICTOR DAVIS HANSON

**THE REGULATORY LABYRINTH
CALIFORNIA'S ENTREPRENEURS AND CITIZENS FIND
THEMSELVES LOST IN A BUREAUCRATIC MAZE**

BY JUDGE GLOCK



THIS WEEK'S HIGHLIGHTS

No Board of Supervisors Meeting on Tuesday, April 25, 2023 (Not Scheduled)

LAST WEEK'S HIGHLIGHTS

Board of Supervisors Meeting of Tuesday, April 18, 2023 (Completed)

Item 4 - Request to terminate the July 13, 2021 Proclamation of Local Emergency for drought pursuant to Government Code section 8630. The termination was approved on the consent calendar without comment or questions.

Some provisions will lapse, but others remain:

On March 23, 2023, Governor Gavin Newsom, by Executive Order N-5-23, terminated various provisions of the drought proclamations:

- *The voluntary 15% water conservation target, while continuing to encourage that Californians make conservation a way of life;*
- *The requirement that local water agencies implement level 2 of their drought contingency plans;*
- *Maintains the ban on wasteful water uses, such as watering ornamental grass on commercial properties;*
- *Preserves all current emergency orders focused on groundwater supply, where the effects of the multi- year drought continue to be devastating;*
- *Maintains orders focused on specific watersheds that have not benefited as much from recent rains, including the Klamath River and Colorado River basins, which both remain in drought;*
- *Retains a state of emergency for all 58 counties to allow for drought response and recovery efforts to continue*

Local Reservoir	% Capacity October 2022	% Capacity April 2023
Nacimiento	17%	93%
Lopez	23%	100%
Salinas (Santa Margarita Lake)	50%	100%
Whale Rock	71%	100%

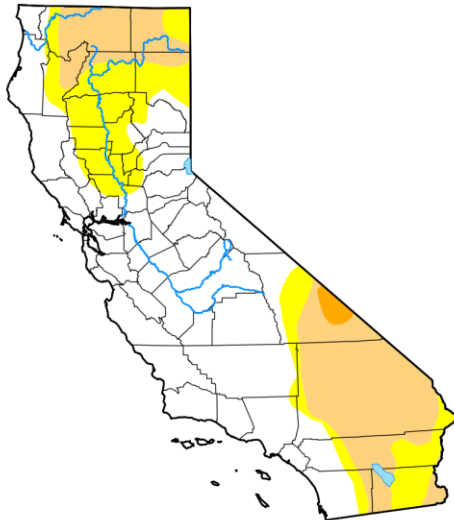
Rainfall Totals since	7/1/22	% of AVG
Salinas Dam	50.71"	230%
Lopez Dam	47.23"	236%
Rocky Butte	96.28"	241%
Morro Toro	56.97"	203%
Templeton	33.49"	186%
Nipomo East	37.15"	206%

State Water Allocations

2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
5%	20%	60%	85%	35%	75%	20%	5%	5%	75%

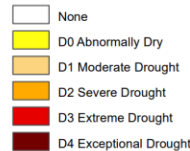
Attachment 1
U.S. Drought Monitor
California

April 4, 2023
 (Released Thursday, Apr. 6, 2023)
 Valid 8 a.m. EDT



Page 1 of 1

Intensity:



The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. For more information on the Drought Monitor, go to <https://droughtmonitor.unl.edu/About.aspx>

Author:

David Simeral
 Western Regional Climate Center



droughtmonitor.unl.edu

Item 30 - Request to approve a resolution supporting the California State Association of Counties 'AT HOME' Plan. The item was approved on the consent calendar. Bruce Gibson made comments on the item to the effect that it represented an effort by the counties and state to develop an overall homeless prevention and remediation strategy. Everyone's roles will be clarified and coordinated. How many times in the last 15 years have you heard this promise?

This appeared to be a feel-good item, as it lists some vague goals to address homelessness, which are already embodied in programs all over the state:

- *A – Accountability: Clear responsibilities aligned to authority, resources, and flexibility for all levels of government*
- *T – Transparency: Integrate and expand data to improve program effectiveness*
- *H – Housing: Increase and maintain housing units across the spectrum*
- *O – Outreach: Develop sustainable outreach systems and increase workforce to support these systems*
- *M – Mitigation: Strengthen safety net programs*
- *E – Economic Opportunity: Create employment and education pathways, as well as supports for basic need*

What about accountability for drug use, alcohol use, laziness, and inability to manage medications? Now what?



Item 35 - Hearing to Adopt Ordinance to Amend Chapter 2.60 of the County Code to change Supervisorial District boundaries and submittal of a resolution confirming the Board's findings in support of the new district boundaries.

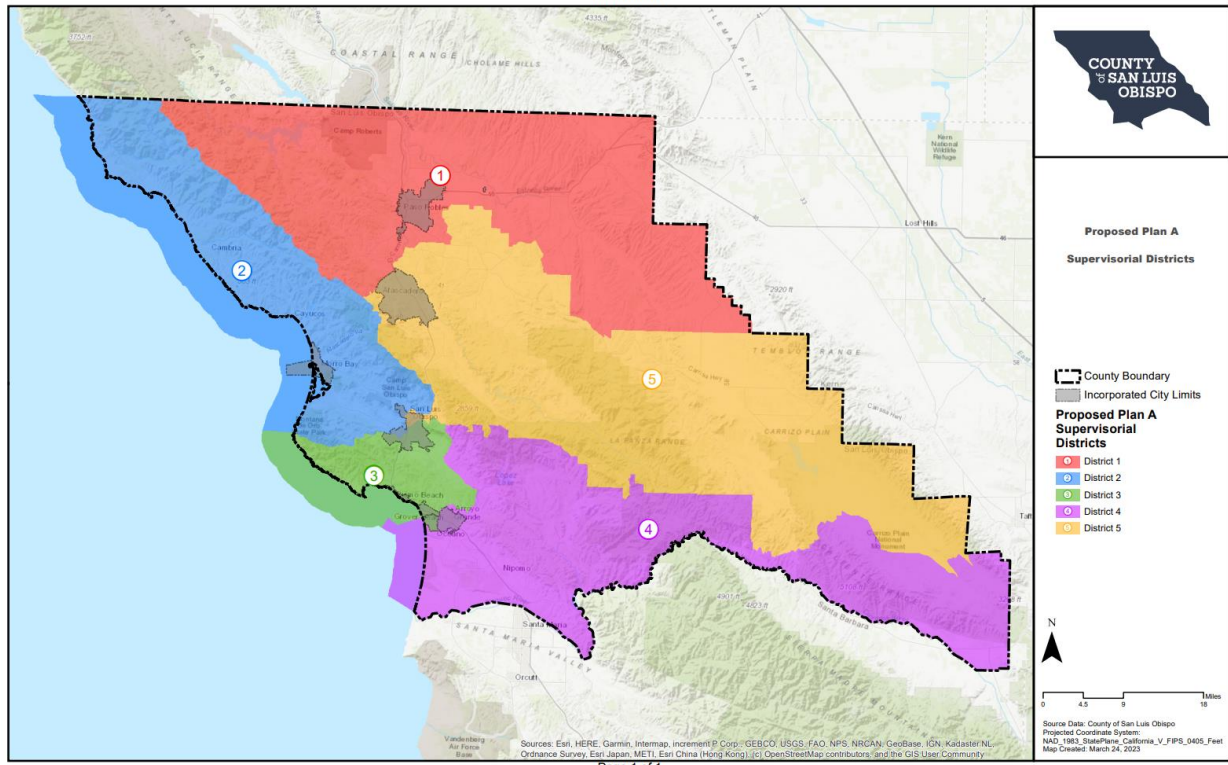
It is recommended that the Board:

- 1. Select and adopt one of the three previously introduced ordinances which repeals Ordinance No. 3467 and establishes new supervisorial districts based on the supervisorial boundaries described in either Map A, Map B, or the Chamber Map; and**
- 2. Waive the reading of the ordinance; and**
- 3. Adopt one of the three attached resolutions corresponding to the selected ordinance (Map A, Map B, or the Chamber Map) confirming the Board's findings in support of the new district boundaries; and**
- 4. Direct the Clerk of the Board to publish the ordinance summary as a one-quarter display advertisement in a newspaper of general circulation within 15 days after adoption with the names of those supervisors voting for and against the matter, pursuant to Government Code Section 25124(b)(2).**

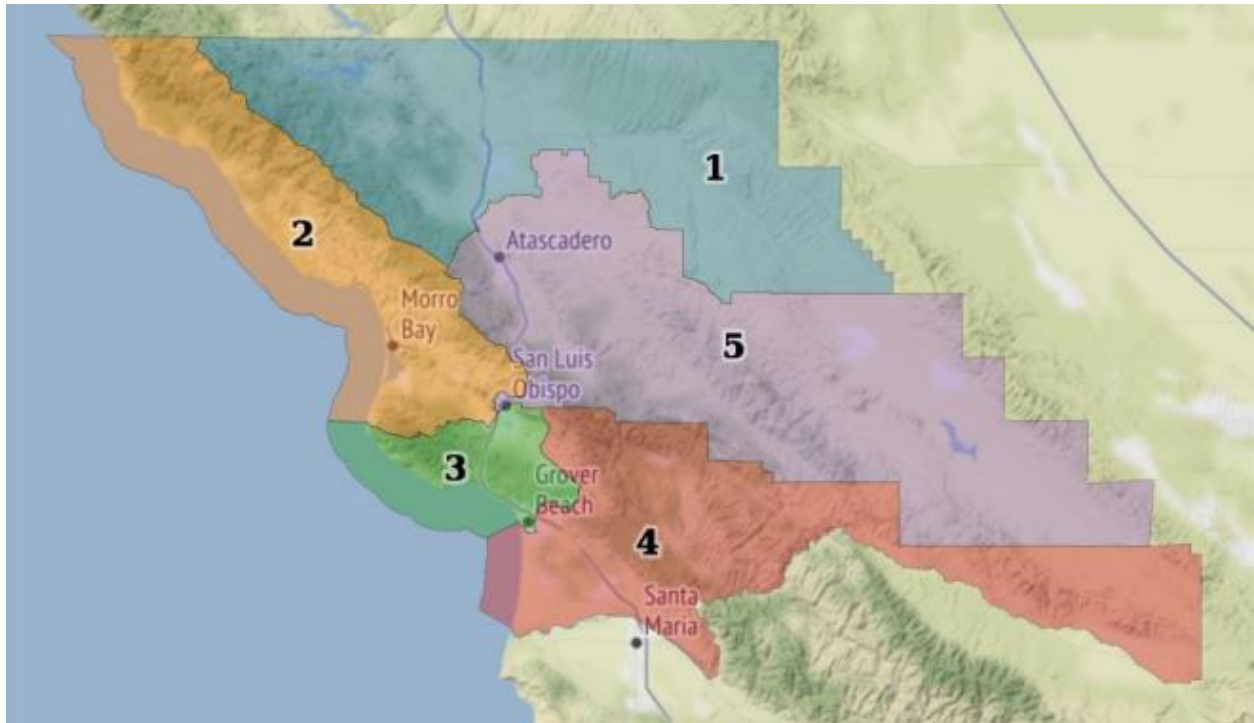
The Board selected Map A on a 3/2 vote, with Supervisors Arnold and Peschong dissenting. Map A was originally developed by the staff back in 2021 as the redistricting process began. It is essentially the same map that was adopted for the 2011 redistricting.

Map A

Attachment 5



The 2011 Map below.



Is Map A actually the Leslie Brown map from 2011?

The 2011 map was developed by the County Administrator's office. An Administrative Analyst in the office, Leslie Brown, led the County redistricting process that resulted in the 2011 map. Ms. Brown retired in 2019. Since 2021 she has been a frequent public supporter of Map A and an opponent of the Patten map. How much outside of the chain of command influence did Gibson have in the CAO's office in 2011?

Ms. Brown also appears to be an active member of the SLO County League of Women Voters, which opposed the Patten map and joined in the so-called Citizens for Good Government lawsuit against the County, which was settled (politically surrendered) by the new leftist 3-member Board majority. Map A could actually be called the Leslie Brown Map and might prospectively enjoy a 20-year reign – 2011 through 2031.

The SLO League appears committed to leftist policies and candidates. It is not known if the local League, which purports to base its positions on analysis by various committees, has ever studied the merits of the modern conservative movement in America or the consequences of the policies and candidates which the League supports.

The League's statewide annual convention is coming up. A quick look at their State website indicates that one of the main events at the convention includes a drag show:



At least it's in the place where they have decades of big-league expertise – sort of the Met Opera of drag shows.

The League of Women Voters (LWV or the League) states that it is a *nonprofit, nonpartisan political organization in the United States. Founded in 1920, its ongoing major activities include registering voters, providing voter information, and advocating for voting rights.* What if it isn't?

Litigation Threatened Over the Board Adoption of Map A

Expert elections attorney Charles Bell, Jr. filed a letter in advance of the meeting, warning the Supervisors that the Board Majority and staff's rationale for rescinding the Patten Map and adopting Map A is illegal. He provided a detailed 20-page analysis supported by case law and references, which is too long to repeat here. The summary states:

Summary of Arguments

- 1. Adoption of any supervisorial redistricting map at the April 18, 2023, hearing would violate the four public meetings provisions of the Fair Maps Act, Elec. Code §§ 21507 and 21507.1.**
- 2. The litigation settlement agreement contemplates consideration of plans other than Plans A, B and the SLO Chamber Map, and the limitation to those choices in the motion approving the staff document in Agenda Item 6 of the board's April 4, 2023, meeting was inconsistent with the law. This is necessary because for the reasons set forth below, adoption of Plans A, B or the SLO Chamber Map would violate the Fair Maps Act.**
- 3. Plans A and B, drawn by county administrative staff without public input, and the SLO Chamber Map, the latter essentially reproducing Plans A and B, all readopt the "status quo" 2011 redistricting map, which was drawn before adoption of the Fair Maps Act in 2019, and violate its criteria.**
- 4. Plans A, B and the SLO Chamber Map all violate the Fair Maps Act's geographic contiguity, geographic integrity of communities of interest, cities and census designated places, and the geographic contiguity of districts criteria.**
- 5. Adoption of Plan A, Plan B or the SLO Chamber Map would constitute taking the residences of incumbents into account in violation of the second Fair Maps Act criterion, Elec. Code § 21500(c)(2), and the political discrimination provisions of Fair Maps Act, Elec. Code § 21500(d).**
- 6. If the Board fails to take into consideration these and other submissions by witness testimony or evidence, it would very likely be liable in litigation against one of these plans, if adopted.**
- 7. The attached analysis below identifies the specific ways in which Plans A and B and the SLO Chamber Map violate the Fair Maps Act, defends the lack of political data to support the claim the Patten Map discriminated against Democrats, and supports why the Board accept and consider all claims made as to the illegality of the 3 redistricting maps it is considering.**

When a Board Member asked County Counsel about item number 1 (above), she opined from the dais that the fact that the maps in contention went through the process in 2021 meant that the requirements were met. Nevertheless, Gibson had the adopting Resolution amended the adopting Resolution on the fly to add a clause to the effect that the prior record of 2021 is included in the Board's findings. Perhaps County Counsel is worried. Perhaps the last minute insertion is an admission that they are on thin ice.

As we noted above, Map A is actually a map drawn originally by staff in 2011.

Similarly, San Louis Obispo Attorney Stew Jenkins, who is also an election expert, filed a separate letter warning the Board that rescinding the Patten map and repealing it with any of the 3 maps in contention would be illegal.

Re: Agenda Item 35, April 18, 2023, meeting – warning concerning violation of the California Fair Maps Act if recommendation to adopt any one of the three maps proposed at said meeting is followed. Lawsuit settlement cannot sanctify an unlawful Map.

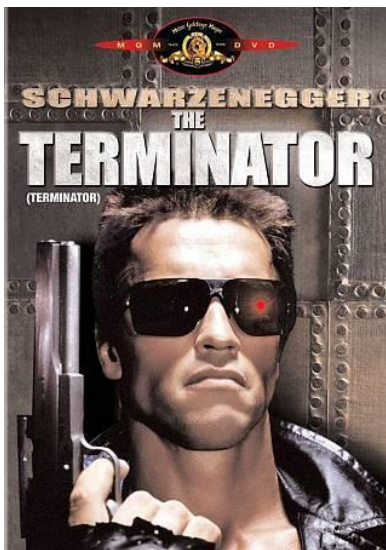
AND

5. While § 21503 of The Fair Maps Act permits a mid-decade “districting” or “redistricting” when the “board is settling a legal claim that its supervisorial district boundaries violate the United States Constitution, the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.), or this chapter [§ 21500, et seq.]; in order to accomplish the proposed “districting” or “redistricting” triggered by the settlement, the Board of Supervisors is required to follow ALL of the mandated procedures and conditions set out in the full chapter from the beginning. All four of the required public hearings must be held, one at night, one on a weekend, and two others offering the public full participation in the process. **Failure to follow the public process set forth in the Fair Maps Act now will result in a violation of the Act, making whatever map the board now may adopt unlawful.**

Gibson Added Direction to Form a Redistricting Commission

This is an option under State law by which the Board of Supervisors could delegate the task of redistricting to an “independent Commission,” which would analyze the facts, hold the hearings, and determine the boundaries. Santa Barbara County used this process in 2021. The use of such commissions can be buffered somewhat from political actors, but in the end the same subjective issues come into play.

Perhaps artificial intelligence, (AI) would be the best solution for redistricting. The fear is that AI might become self-aware and morph into something such as in the attempt to extinguish humanity in the Terminator movie franchise. Take your pick: Gibson, Paulding, Terminators, or whatever.



Background: The Board selected the final map on November 30, 2021, known as the Patten map, on a vote of 3/2 with Gibson and Ortiz-Legg dissenting. The other map in contention was the SLO Chamber of Commerce map. After formal adoption of the Patten map, a group of progressive Democrats, the SLO “Citizens” for Good Government (the Citizens) filed a lawsuit seeking the Court to overturn the Board action on the grounds that the Patten map violated the Fair Maps Act. The leftist plaintiffs asserted that the Patten map violated the Elections Code, which states in part that: *The board is prohibited from adopting supervisorial district boundaries for the purpose of favoring or discriminating against a political party.*

The “Citizens” asserted that the Patten map violated the Code on 2 grounds:

1. *Among other things, the Patten Map changed the boundaries of District 4 to give Lynn Compton a big advantage in the upcoming June 2022 election. In 2016, under the prior District 4 boundaries, Compton won against Paulding by 60 votes. So the Board carved Oceano out of District 4 and replaced it with the Edna Valley Country Club Estates neighborhood. This removed thousands of Democrats and added thousands of Republicans to District 4 to give Compton a better chance of winning. Indeed, in 2016 60% of Oceano voted for Paulding. What this also means is that citizens in Oceano will not be allowed to vote for a Supervisor in 2022 as they normally would have, while residents in the Country Club will get to vote twice in 2022 – once for the Supervisor of District 3 under the old boundaries and once for District 4 under the new boundaries.*

And

2. *The same adverse effect on fundamental voting rights is also happening on the north coast to voters in Los Osos, Cayucos, and Cambria. For example, voters in Los Osos are being removed from District 2 and transferred to District 5, thereby depriving them of their vote in 2022 and delaying their vote to 2024. Equally troubling is that coastal Cayucos and Cambria are being separated from their longstanding connection to coastal Los Osos and instead combined with rural Atascadero and San Miguel. This has the effect of changing the voting constituency from its former ratio of 46 percent democrat and 26% republican to the new ratio of 34% democrat and 39% republican – flipping the district. This reflects a blatant violation of the redistricting law prohibiting redistricting in order to favor one political party over another.*

The “Citizens” complaint is based on inference rather than direct evidence. The plaintiff citizens simply rely on the changes from the 2011 map to the new 2021 map as evidence of nefarious manipulation. There are no witnesses, emails, or other independent evidence that would prove that Patten conspired with Republicans to design the map. He himself has stated that he designed the map to comply with the law. The County’s independent redistricting consultant, Redistricting Consultants, specifically stated to the Board that the Patten map was legal. Since the new Board majority surrendered the issue, there has been no pretrial discovery of facts or witness interviews. It has never been objectively proven that the map is illegal.

In effect, the Patten map meets the requirements of the Fair Maps Act in every respect and better than the other maps, which have been resurrected as part of the County Board majority legal settlement.

Criteria for Redrawing Districts Under the California Elections Code, new supervisorial districts must be redrawn using the following criteria, in the following order of priority:

- 1) *To the extent practicable, districts shall be geographically contiguous.*
- 2) *To the extent practicable, the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division.*
- 3) *To the extent practicable, the geographic integrity of a city or census designated place shall be respected in a manner that minimizes its division.*

4) Supervisorial district boundaries should be easily identifiable and understandable by residents. To the extent practicable, supervisorial districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the county.

5) To the extent practicable, and where it does not conflict with the preceding criteria, supervisorial districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.

The inference that the adopted map is illegal is false. The map does not violate any of the criteria above. In fact, the map meets these criteria better than any of the other maps. It replaces the 2011 map, which had been manipulated to benefit Democratic party. This is a case of the proverbial “pot calling the kettle black,” in that the 2011 map was gerrymandered by the Democrats to inject a portion of San Luis Obispo and Cal Poly leftist neighborhoods into District 5, which mainly represents a large portion of the north County; it also split Templeton to lessen its conservative impact. A citizen filed a lawsuit on this clear violation, but ran out of money while awaiting the appeal court to take up the matter.

The leftist citizens, on the other hand, were well funded and hired the gilt-edged Shute, Mihaly and Weinberger out of San Francisco, which is California’s oldest and most famous environmental law firm. The firm is heavily staffed out of UC Berkeley, Stanford, UC Hastings, and Harvard Law schools. Lauren Tarpey is the actual attorney from the firm working on this case. Her background includes:

Supporting local governments’ adoption of policies to phase out the use of natural gas in their building stock.

Serving as Co-Editor in Chief of the Stanford Environmental Law Journal.

Stanford Law School, JD, 2017

Stanford Emmett Interdisciplinary Program on the Environment and Resources, MS, 2017

University of Chicago, BA in Public Policy and Environmental Studies, 2012

Clerkship: Honorable R. Brooke Jackson, U.S. District Court for the District of Colorado.

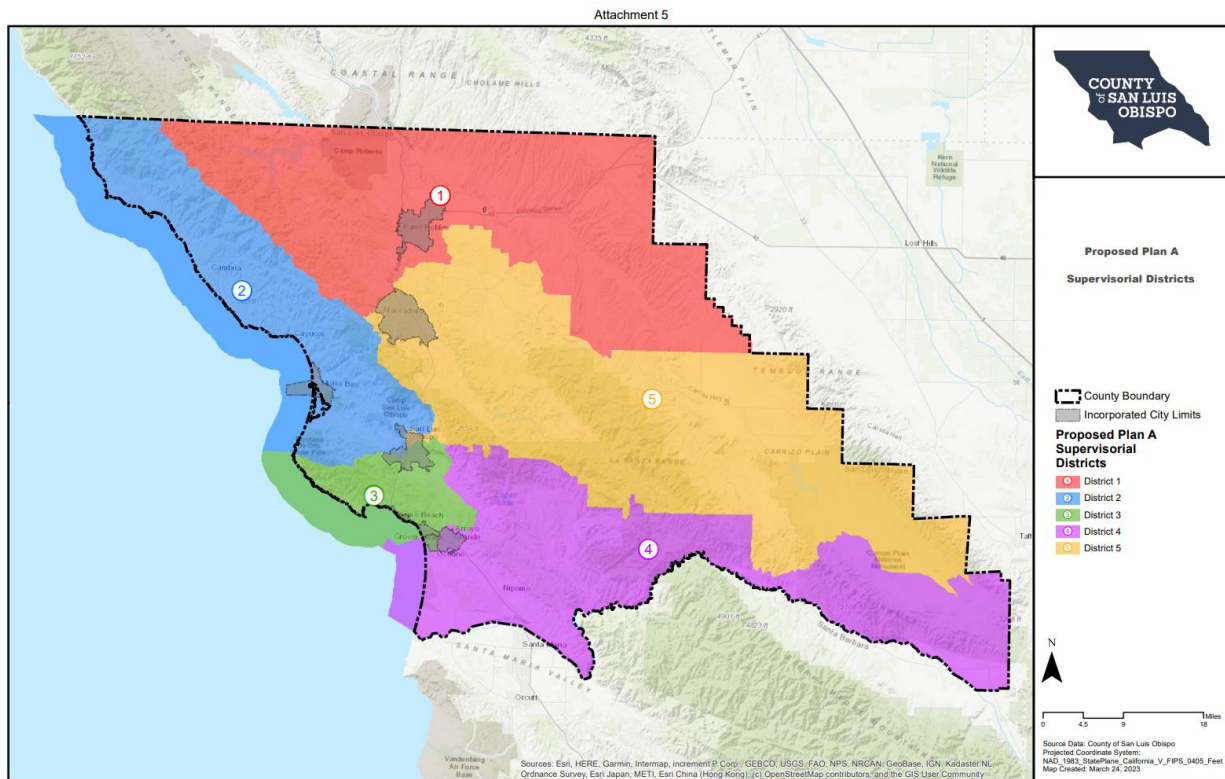
No wonder the County had to pony up \$300,000 to settle the case.

Any attempt to overturn the Board majority’s action will need to be very well funded. Supervisor Gibson won by 13 votes out of 23,431, and Supervisor Paulding won by 639 votes out of 20,899. They are jamming through their entire leftist agenda, even though these vote margins do not demonstrate a massive one-sided support for their policies. In fact, it is quite marginal. Any mistake or event could trigger a voter backlash. It is not as if they won by 70%. Yet they are behaving as if they have some sort of huge mandate.

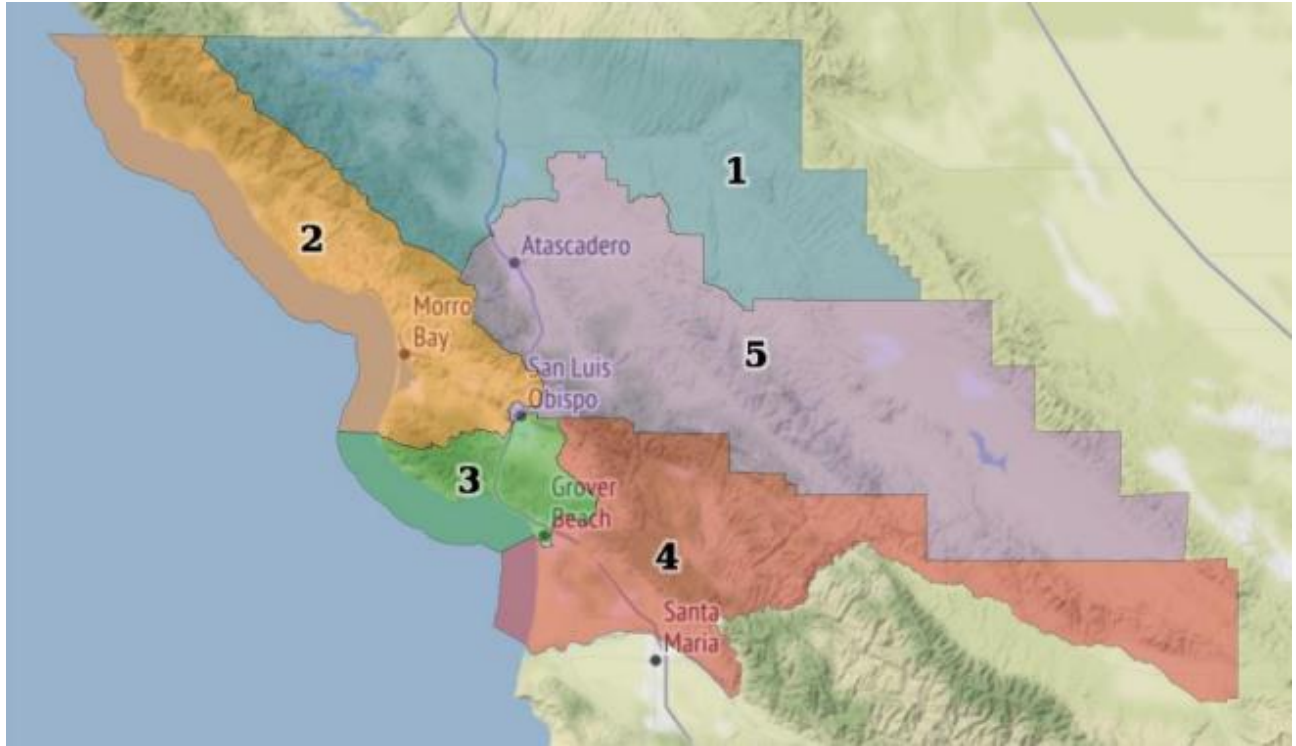
The League of Women Voters (the other Plaintiff) has become a totally leftist shill instead of a good government reform organization. In SLO it seems to be made up of retired former government administrators.

Summary of Litigation and Settlement: *On January 12, 2022, an organization called SLO County Citizens for Good Government and three other individuals filed a lawsuit in San Luis Obispo Superior Court challenging the validity of the Board’s approval of the Adopted Map. The lawsuit alleged that the County violated the California Fair Maps Act, among other things. On June 17, 2022, the Court allowed the League of Women’s Voters to join the lawsuit as an additional Petitioner. On January 26, 2022, Petitioners filed a motion with the court requesting the Court issue a Temporary Restraining Order asking the Court to temporarily invalidate the map for the upcoming 2022 election. The Court denied the motion on the basis that there would be “...[a] significant disruption...if the Court were to order the County to use a different map due to the impending deadlines faced by the Clerk Recorder for the June 2022 primary election.” However, the Court did find that the Petitioners “...have established a reasonable probability of prevailing on their claim under [Elections Code § 21500] subdivision (d).” More exactly, the Court made a preliminary determination that the County Board should have considered the evidence in the record on political demographics and the effects when it approved the Adopted Map. The Court did not rule that the map per se violated the Fair Maps Act.*

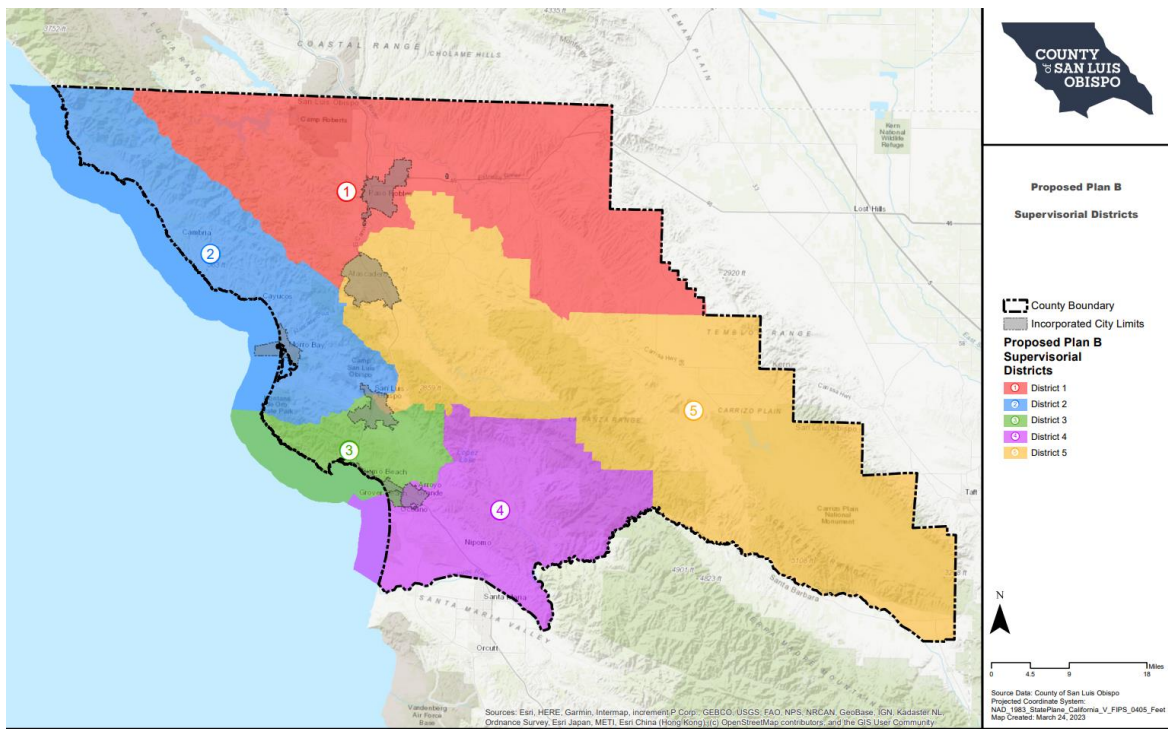
Newly Adopted Map A



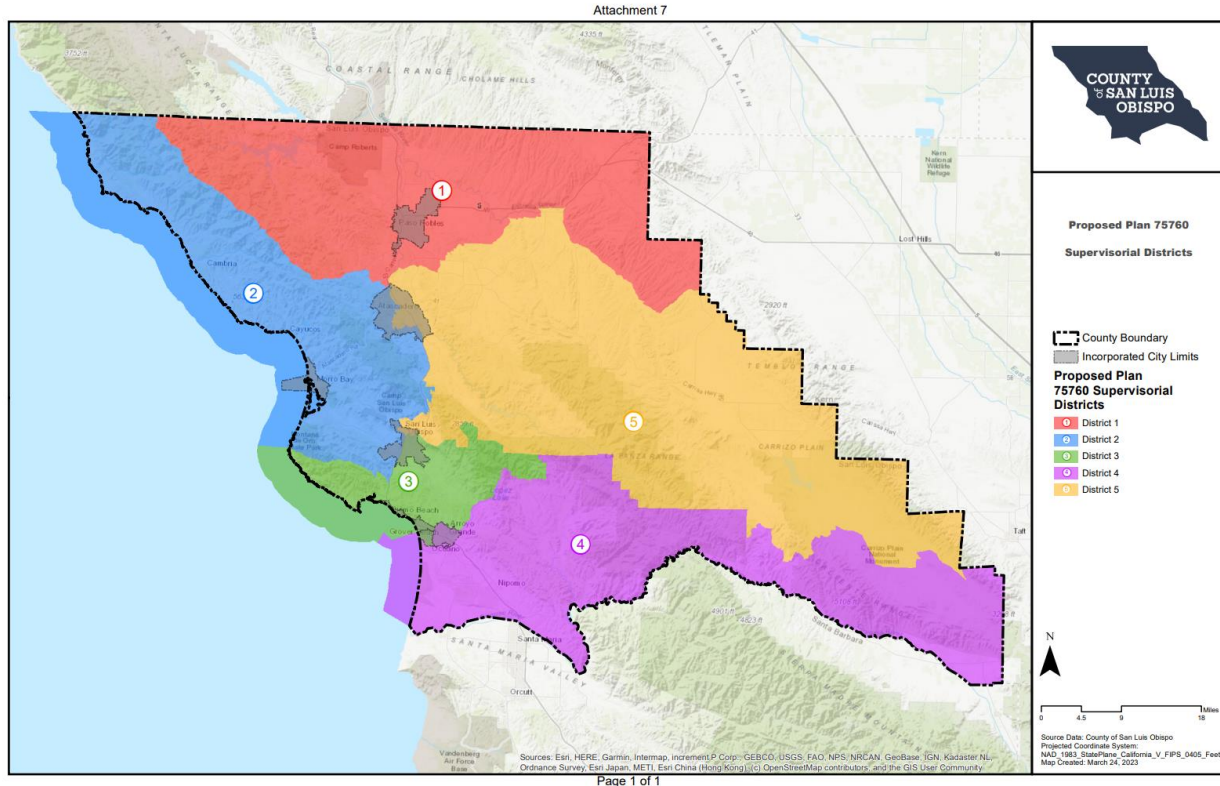
2011 Map - No real difference.



Map B



Chamber Map



Special Board of Supervisors Meeting of Wednesday, April 19, 2023 (Completed) 9:00 AM

Item 1 - Closed Session: PERSONNEL (Government Code section 54957.) It is the intention of the Board to meet in closed session to: (1) Consider Public Employee Appointment for the Position of County Administrative Officer. The meeting, which lasted 3 hours and 37 minutes, ended with a thud. County Counsel emerged and stated that no reportable action had been taken.

As we have reported, the meeting could have involved any number of potential actions and/or discussions involving the appointment of a successor to CAO Wade Horton. The Board could have taken any number of possible actions:

1. Appoint a permanent CAO who could be waiting in the wings.
2. Appoint an interim CAO. The logical choice would be the current Assistant CAO Rebecca Campbell. Campbell is a local government professional with significant credentials and experience.
3. Let the matter ride. Wade Horton does not leave until May.

4. Decide on the terms and conditions for a recruitment. Matters such as education, experience, past successes, pay, etc., could be discussed. Would the recruitment be national or limited to California?

5. Will the County HR Department conduct the recruitment, or will they hire a professional recruiting firm?

6. Some combination of the above.

Since the Board was holding a long special meeting, the purpose could have been to meet with a professional recruitment firm representative to go over the qualifications, desired education and experience, leadership attributes, and other material that would be included in the recruitment profile. There are a number of highly qualified city managers in the area, including some who have served in leftist oriented communities. Such candidates could be attractive to the current progressive Board majority; however, professional city and county CEOs are sworn by their professional association (the International City County Management Association) to stay out of politics and provide recommendations based on the best independent analysis. Those candidates that adhere to the Code are generally not received well by highly doctrinaire leftists who promote a socialist society.

Unfortunately, there are a number of executives in the business, as well as vulture department heads, who will apply for jobs and do the bidding of whoever has 3 votes. The \$300,000 plus salary and benefits package with a defined benefit pension is just too tempting. Where else can you pretend to run a large organization and not have to worry about making a profit or meeting the payroll? You don't even have to go to lunch with your banker.

At this point there are 3 types of local government CEOs in the business.

1. Apolitical professionals who believe in the code of ethics and who do the actual work.
2. Political hacks that bend to every whim and grease the internal policy, appointments, and contractual wheels for the dominant political group – the servile asshole type.
3. Symbolic managers who appear presentable, speak well, go to all the not-for-profit social events, travel, and otherwise go along and get along.

Unfortunately, just about everyone in the business has been educated and acculturated to believe that the city or county in which they serve exists to expand, hire more people, and provide more services, and that the employees' pay and benefits are sacred to the mission. Few understand that the original and proper mission of upper-level executives and managers in cities and counties is to ensure the most effective use of the taxpayers' money, maximization of the units of service delivery, maximization of the hours of actual work that provide services, and otherwise run a tight ship. Values of self-starting, analytical capacity, sense of urgency, mental alertness,



delivering successful outcomes, doing more with less, eliminating process steps which are unneeded, and financial success of the community have been abandoned.

Instead, vague notions of collaboration, inclusion, equity, innovation, balanced life work/lifestyle, and all forms of value relativism permeate the business.



Local Agency Formation Commission Meeting of Thursday, April 20, 2023 (Completed)

Agenda in General: The meeting agenda was confined to administrative matters, including a quarterly financial report, the proposed FY 2023-24 Budget (about \$301,000), and requests for extensions of several small applications for annexation to community service districts. It also contained a municipal service review of the Heritage Ranch Community Service District. The review found the District to be financially healthy and in compliance with State and local requirements.

EMERGENT ISSUES

Paso School Board Race - Once Evicted Kenney Enney Elected Back to Board. The leftists kicked him off and now he’s back. The conservatives got their act together on this one. Now they can recall Gibson for jamming through a huge leftist program on the basis of 13 votes and willfully violating the Fair Maps Act.

Paso Robles Joint Unified School District, Governing Board Member (PARTIAL TERM) (Vote for 1)

Precincts Reported: 18 of 18 (100.00%)

	Polling	Vote by Mail	Total	
Times Cast	462	11,537	11,999 / 30,705	39.08%
Undervotes	2	72	74	
Overvotes	0	4	4	
Candidate	Polling	Vote by Mail	Total	
KENNETH ENNEY	427	6,049	6,476	54.32%
ANGELA HOLLANDER	33	5,412	5,445	45.68%
Total Votes	460	11,461	11,921	
	Polling	Vote by Mail	Total	
Unresolved Write-In	0	0	0	

COLAB IN DEPTH

IN FIGHTING THE TROUBLESOME LOCAL DAY-TO-DAY ASSAULTS ON OUR FREEDOM AND PROPERTY, IT IS ALSO IMPORTANT TO KEEP IN MIND THE LARGER UNDERLYING IDEOLOGICAL, POLITICAL, AND ECONOMIC CAUSES

CAN WE DO ANYTHING ABOUT AMERICA'S DECLINE?

The remedies are agreed upon, but the needed medicine is feared more than the disease. Because today, the government is the cause of our many crises.

BY VICTOR DAVIS HANSON

Twenty-first-century America was on a trajectory of gradual decline—until it began to implode.

Was the accelerant the COVID-19 pandemic and unhinged lockdowns? Or was the catalyst the woke revolution fueled by the 2020 summer of exempted rioting, looting, arson, and violence? Or was it perhaps the deranged fixation on removing Donald Trump from the presidency and destroying the rule of law in the process? Or all that and more?

Now with the election of Joe Biden, what had been a fast-tracked decline has accelerated at such an astonishing rate we can scarcely recognize our country.

Our largest cities are becoming uninhabitable—dilapidated, dangerous, and dysfunctional. The challenge is not just rampant crime, but the realization that if you, the citizen, are stabbed, shot, or beaten up on the street, the perpetrators may well be exempt from most punishments. And the victim either will be forgotten in his misery or, indeed, blamed for bringing such violence upon himself.

Urban schools are not places of instruction anymore. That fact is accepted by teachers' unions, whose operative principle seems to be that the more hopeless the idea of educating urban youth is understood to be, the less burdensome the workload, and the greater their hazardous duty pay.

Urban chain stores are closing down on the principle that if police cannot or will not stop consumer violence and theft, then consumers there should not have any store to buy anything, anyway. If there is no store, how can it be looted or shop-lifted?

The only mystery remaining is how long these Democrat-controlled, racially charged, and corrupt municipalities can sustain their budgets and pension commitments with increasingly

declining revenue. One can tax the well off, and perhaps even gouge them as California does. But one cannot insult and ridicule them in the process. Being highly taxed is one thing, being highly taxed while hated is quite another.

How eerie that medievalism—defecating, urinating, fornicating, injecting in the street—is relabeled “homelessness—as if the problem is merely a shortage of apartments or tent cities. Somehow cities developed the notion that it was crueler to be told not to pull down one’s pants and defecate in the street than it was for a pedestrian to step into infectious human excrement.

In the next five years, either cities will seek new governance to reduce taxes, break up municipal unions, mandate charter schools, restore police funding and manpower, recalibrate pensions, and prosecute criminals and corrupt officials—or Los Angeles, San Francisco, Seattle, Portland, Minneapolis, and a score of others will become Detroit.

One of the strangest phenomena amid our current debility are the millions of affluent leftists and liberals who have fled their unworkable, now unlivable blue-run, but naturally beautiful cities like San Francisco or Portland. They seem to lack an abstract recognition why they are leaving, or why and how their new chosen destinations are so different and therefore so inviting to them. Is their motto, “I am fleeing what I created, but I still hate those who created what I want”?

To have a “border problem,” one must have a border. The United States has no southern border.

Upwards of 7 million illegal entries since the Biden inauguration are proof enough of that tragedy. Mexico brags that 40 million have come into the United States. It urges them to vote Democratic. And it relies on still more illegal entries to ensure yearly increases in its current \$60 billion in remittance income sent from its expatriates in the United States. The donors apparently grow fonder of Mexico—the more they are safely distant from it.

America could close the border tomorrow and actually “make Mexico pay for the wall” by simply slapping a 10 percent export tax on all remittances sent to Mexico. Or we could make it illegal to send money out of the country if one is receiving federal subsidies and aid. Or we could fine employers for hiring those who are here illegally. Or, as a deterrent to future illegal entries, we could immediately deport all who illegally entered and reside in the United States—if they came within the last five years, or if they have a criminal record, or if they are not working and are on public assistance.

The result would not just be a restoration of American sovereignty, and decline in spiraling social service costs. There would follow better relations with Latin America and Mexico. Both treat us with contempt as a hectoring weakling because, unlike themselves, we do not believe in our own physical space, our own borders, and our freedom to do as we please rather than what others tell us to do.

Abroad, our allies and neutrals are distancing themselves from America—France, Saudi Arabia, Egypt, India, Turkey, South Korea—on the Ukraine War, China, the dollar as the global currency, and our popular culture.

Why? Our increasingly former friends conclude it is now dangerous to ally openly with the United States and for a variety of reasons:

1) They see the once indomitable United States as weak—as a possible liability rather than an asset. After China’s balloon surveillances, the Afghanistan flight, the inability to achieve strategic victory after intervening in Iraq and Libya, the current embarrassing Pentagon leak, the Anchorage mini-summit, the woke obsessions in the U.S. military, and the inability to ensure its military is well-staffed, apolitical, and equipped with the world’s most plentiful and cutting-edge weaponry, allies assume that the United States will not necessarily win any intervention it undertakes but may well drag them down with it.

2) The United States may suddenly turn on an ally, demonize it, and refuse to meet with its leaders, as Biden gratuitously maligned Saudi Arabia and Israel.

3) America asks allies to join its cause of the day regardless of whether it is in those nations’ own interest. So South Korea, Japan, India, or Egypt do not believe boycotting Russian oil or openly selling Ukraine weapons is necessarily in their interests.

4) Our woke revolution is so volatile, irrational, and unpredictable that allies never know when they will be accused of being homophobic, transphobic, racist, or sexist and treated accordingly—or whether the United States will be eternally crippled by internal woke dissension and civil unrest.

5) The allies do not believe the United States can keep secrets, especially after the latest leak. From the *Dobbs* draft leak and the Comey leak of a confidential conversation with President Trump to the Vindman-Ciaramella-Schiff impeachment psychodrama leaks to Chelsea Manning and Edward Snowden, leakers and “whistleblowers” feel there are few consequences to leaking classified information (unless it is embarrassing to leftist administrations), or indeed leaking to the media to overturn institutions and presidencies.

America must reform the entire Pentagon process of spending and appropriations. It must end woke and identity politics, ideological indoctrination, and return to a meritocracy. It should prohibit retiring generals and admirals from revolving into defense contractor boards and lobbyists. It should finally enforce the Uniform Code of Military Justice that prohibits active and retired high-ranking officers from publicly attacking their current commander-in-chief. It should charge leakers with felonies and prosecute perjury. Had the government done that with Andrew McCabe, John Brennan, James Comey, and James Clapper the accruing deterrence would have discouraged others with lower profiles.

Biden is on schedule to run up a \$2 trillion annual deficit, adhering to the Bush, Obama, and Trump legacy of unfettered spending. In Biden’s case, he insanely printed over \$4 trillion at a time when labor participation rates were already in decline, COVID-suppressed demand was returning, and transportation and production interruptions were reducing supply. He raised taxes, increased regulations, cut projected increases in gas and oil production, and canceled energy projects. The result was the highest inflation in 40 years, near-record energy costs, soaring interest rates, the largest modern percentage of debt to GDP at 130 percent, the greatest debt in

our history at \$33 trillion, and stagnant GDP. All that and more prompt the current Chinese-led effort to dethrone the dollar as the world's currency.

The remedies are agreed upon, but the needed medicine is feared more than the disease. Our elected leaders know we must, but never even attempt to, cut spending, reduce the size of the federal government radically, simplify the tax code and reduce taxes, deregulate, recalibrate Medicare and Social Security, develop our mineral, gas, and oil resources, and require labor participation for able-bodied entitlement recipients.

Never have Americans spent more on K-12 and higher education and never have they received less in return. The education industry is woke and nonmeritocratic. Research is diverted, sidetracked, and polluted by ideological commissars, endangering the U.S. lead in science, math, engineering, and the professions. Even scientists have become deductive, starting out with a preconceived woke conclusion they feel will win influence, grants, and notoriety and then scrambling to warp evidence to fit it.

The solutions are straightforward. Tax university endowment income—and lots of superfluous and harmful programs will vanish.

Stop federal student loan guarantees, and soaring tuition and room-and-board costs will decline to the annual rate of inflation once universities must guarantee their own student loans.

Require universities that receive federal funds of any sort to honor existing laws from the Bill of Rights to the 1964 Civil Rights Act. That would end segregated dorms and graduations. The next time administrators at Stanford or San Francisco State either aid or ignore student efforts to shout down or disrupt speakers and suppress free expression, their institutions should quickly be fined by the U.S. government or have their federal funding yanked.

If SAT and ACT entrance tests are being abolished, then they could be rebooted as exit tests required for a bachelor's degree analogous to a bar exam. With such minimum standards, we might ascertain what, if anything, students had learned upon graduation. College graduates should be able to choose between an academic master's degree or the school of education credential to teach K-12. Most would flee the latter option. Right-to-teach laws and the end to mandatory teacher union dues, along with the end of tenure and its replacement by five-year contracts with required minimum standards of achievement, would all bring some accountability to what is now an entirely unaccountable profession.

Race is no longer an accurate barometer of either victimhood or legitimate grievance. If "affirmative" action were to continue, it should be based entirely on class considerations, not the current system of Elizabeth Warrenesque fakery or delusions that the elite children of Eric Holder, the Obamas, the Duchess of Sussex, or LeBron James are in some need of compensatory privilege for college admissions, appointments, or hiring.

Because America is now multiracial, with untold ethnic and racial agendas, and countless and contorted collective grievances, it is impossible to sort out victimizers and victims. Junk the entire illiberal and patently illegal system of racial discrimination, and there would be an organic

return to merit, and with it, race would become incidental, not essential to American identities. After 1964, it seems Orwellian that liberal institutions could continue to assign dorms by race, segregate graduations, and impose racial requisites to participate in special programs.

America's former strength—the most transparent, accurate, and trustworthy elections in the world—have descended into its greatest liability. In the space of a mere eight years, and especially in reaction to radical political changes made under the cover of the COVID lockdown, we have gone from 70 percent of the electorate in most states voting on election day to a mere 30 percent. Yet the ballot rejection rate somehow diminished, with the flood of non-Election-Day ballots that overwhelmed accustomed audit and verification.

Election night is a mere construct. It is mostly meaningless. Local, state, and federal election results are stalled and descend into days, weeks, and sometimes even months of bickering, counter charges of ballot tampering and fraud, ballot harvesting and curing, and a loss of confidence in the integrity of the final result. Debates mean little anymore, once a large portion of the electorate has already voted. No wonder deceased candidates can win. Gaffes are now determined by whether they occur before or after the majority of voters has cast their ballots.

There should be a national uniform standard that allows states to set their ballot procedures—as long as they result in 70 percent of the electorate voting in person on election day.

America is in a similar position to where it was in 1861, 1929, 1941, and 1968—only perhaps worse, given in all those cases, there was at least a president and Congress that identified and reacted to the crisis, whereas today *our elected government is what caused the crisis*.

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THE REGULATORY LABYRINTH CALIFORNIA'S ENTREPRENEURS AND CITIZENS FIND THEMSELVES LOST IN A BUREAUCRATIC MAZE BY JUDGE GLOCK

Say you want to develop a property in Riverside County in California. You assume that you will need the usual permits for building and electrical codes—and you will. But what may surprise

you is that you'll first often have to hire a [professional archaeologist](#) to survey the lot. The archaeologist will then write the equivalent of an academic article on the history of the lot, from its "prehistoric context" to the present day, including a review of any similar reports about surrounding lots. (One project found 60 such reports for nearby properties.) If evidence exists that something old may be present on the lot, the archaeologist will have to write either one or two more reports, which will include "oral histories" from people who may have walked across the lot and descriptions of any agreements with Native American tribes to supervise digging—for research, not development. If some clay pipes or old bricks are found, you may have to pay for archaeological and Native American monitoring during construction itself and then provide yet another report, which will describe, among other things, how you arranged for "mandatory cultural resources sensitivity training" for your construction workers. The official county archaeologist will then decide whether your report was adequate before allowing the normal building permits—provided, of course, that no problems are found with your paleontological, biological, or other reports.

California was once the powerhouse of American growth and innovation, a place that let people pursue their dreams without inhibition. Its latitudinarian attitude toward builders and entrepreneurs made the state a magnet for migrants from around the world. It grew to become the world's fifth-largest economy. Its population exploded from 1.5 million in 1900 to about 18 million in 1964, when it became the largest state in the nation, to almost [40 million](#) today.

Yet that expansive, optimistic era is now over. In 2020 and 2021, for the first time in its history, California's population shrank. Early indications are that it shrank again in 2022. The main reason: the state makes it increasingly hard for people to do a great many things. Indeed, few places in the Western world today make it tougher to construct a new house or launch a new business. When Mercatus Center researchers [ranked](#) the states on the number of separate demands in their regulations, California had by far the most, with almost 400,000 rules. New York was a distant second, with 300,000. California is dead last on the [Cato Institute's](#) and the [Pacific Research Institute's](#) state rankings on regulatory burdens.

Regulations are choking California, transforming a dynamic center of innovation and job creation into a place where pettifogging bureaucrats besiege citizens and entrepreneurs with demands covering even the minutest actions. It's no surprise that people are leaving.

California has become notorious for its stratospheric housing prices, and nothing has done more to sap the state's entrepreneurial energy and drain its citizens' pocketbooks than restrictions on new building, which drive up those prices. In much of the United States, the median house costs about four times the median income; but in San Diego and Los Angeles, it's more than ten times the median income, in San Francisco more than 11 times, and in San Jose more than 12 times. The [median single-family house](#) sold in San Jose now costs about \$1.6 million.

The rules for development are absurdly abstruse. California developers must navigate a labyrinth of environmental, historical, and design reviews, in addition to typical zoning requirements. Even when a development meets all the planners' regulatory demands, bureaucrats and politicians in many cities have "[discretionary review](#)" of proposals, enabling them to reject projects based on vague criteria or no criteria at all. Endless public hearings about local projects stymie developers and give politicians more reasons to exercise their veto. San Francisco builders must go through about a dozen [public hearings](#) before getting approval, even for a

straightforward project. (A [recent state law](#), championed by the pro-building Yes-In-My-Backyard, or YIMBY, movement, seeks to limit such hearings to five.)

Many California cities make developers sell new units below cost—an idea known as “inclusionary zoning.” Under this system, if a builder puts up something new or fixes up old units, he has to add cheaper units. As a Los Angeles ordinance says, wherever “the result of the rehabilitation would be a net increase in available dwelling units,” builders have to create up to 20 percent new “[affordable](#)” units, too. Again not surprisingly, both economic theory and research [show](#) that punishing developers for building more houses leads to, well, fewer houses. Cities’ bureaucratic processes for allocating these cheaper housing units is so slow that, despite the tight housing market and their below-market rents, hundreds of these affordable apartments [sit vacant](#), sometimes for years, depriving builders of even the minimal funds that they could get for renting them.

California also makes it tougher for people to rent or sell properties, further depressing incentives to build. In 2019, the state became only the second to impose [statewide rent control](#), and it’s the only one that allows local governments to adopt their own, additional rent-control measures on top of the state mandate. A [San Francisco law](#) from the same year mandates that sales of buildings with three or more apartments must first offer them to the city’s famously ineffective housing nonprofits. California also imposes [ridiculous amounts of paperwork](#) on developers, who must provide new residents with information on how to recycle and obtain state solar-energy subsidies, “educational material on the positive impacts of an interior relative humidity between 30 and 60 percent,” and lists of public transportation or carpool options in the area, as if newcomers have never heard of Google.

Restrictive building codes inhibit construction, too. The state’s [building standards](#) account for more than 75,000 of its 400,000 regulatory demands. Many go beyond basic health and safety requirements and seek to make every home an environmental mecca. For instance, new homes with garages must have a 208- or 240-volt electric-vehicle charging space. For apartment buildings, the [mandated charging space](#) must be at least 18 feet long and nine feet wide, with a slope of no more than 2.083 percent in any direction. Pity the developer whose charging space slopes 2.1 percent west.

Eighty percent of the state’s water use goes to agriculture, but the state codes nevertheless mandate that housing developers add costly [water-saving features](#), such as using only “climate adapted plants” and providing the government with a “[Landscape Documentation Package](#)” describing all the ways the building [limits](#) water use. The state’s water regulations also make life harder for those inside the buildings. Toilets can’t use more than 1.28 gallons per flush, and showerheads can’t release more than 1.8 gallons per minute. Though bathroom faucets are [limited to](#) 1.2 gallons per minute, regulations generously allow 1.8 gallons a minute for kitchen faucets.

Many of these codes originate in state laws, passed in normal democratic and logrolling fashion by the legislature. Yet California also gives untold powers to bureaucrats, who can impose new regulations on building projects with zero political input. The five-member California Energy Commission, for example, decided in 2018 that new single-family homes, as well as multifamily homes up to three stories tall, must come with solar-power panels. In 2021, it expanded the rule to new hotels, offices, medical offices, restaurants, grocery stores, and schools. Given that the

average solar-panel array in California costs [nearly \\$15,000](#), in one bureaucratic stroke the commission added thousands of dollars to the price tag of new buildings.

If someone wants to build in lots up to five miles from the ocean, he is subject to the [tender mercies](#) of the California Coastal Commission. A developer will need to obtain a [Coastal Development Permit](#) from it, filling out a [24-page application](#) and paying up to \$10,000 per house for the privilege. Since the commission's rules appear completely arbitrary, entire businesses have [emerged](#) to help developers get the permits. And sometimes no permission is forthcoming. In 2015, the commission shot down a proposed 1,375-house development in Southern California by arguing that the 400-acre tract stood on a precious ecological refuge. Fenced off and closed to the public, the site had been used for 70 years for oil production. The [developer's plan](#) to clean up the area and turn the majority of it into a nature preserve proved of no avail.

If developers want to tear down old buildings to make new ones, other barriers arise. In a confused bid to mandate housing, California prevents the demolition of residential units unless the new project replaces them with at least the same number of new units, including the same proportion of rent-controlled and "affordable" ones. If a tenant in a demolished unit is low-income, the developer must give him relocation aid and right of first refusal for a new apartment. All these impositions [increase](#) the cost of new buildings—and reduce the likelihood of their getting built in the first place. California also demands that 65 percent of construction waste be reused or recycled. Contractors must submit a "[Construction Waste Management Plan](#)," showing how they will achieve these goals.

[“The state demands that new developments show that future residents will drive 15 percent less than current residents.”](#)

Thanks to California's byzantine reporting requirements, academics and progressive activists have what amounts to a full-employment act for writing unnecessary studies. When developer Robert Tillman recently tried to bulldoze and redevelop a laundry in San Francisco, he was hit with complaints that the place was historic. A 135-page, \$23,000 study determined that no, it was not. That was separate from the two "[shadow studies](#)" that Tillman had to complete, showing what shadows the proposed building would cast at different times of the year. And the mandated archaeological reports for Riverside County lots were no outlier. When a developer tried to start a condominium project in San Diego County, the county required just such a report. Though 47 similar studies had been conducted within a one-mile radius of the property, and there were no indications of significant artifacts at the project site, the report still recommended hiring a "qualified archaeologist and Native American Monitor" to oversee construction.

The most unnecessary and burdensome studies are those required by the notorious California Environmental Quality Act (CEQA). These can run for thousands of pages and cost millions of dollars. One [estimate](#) is that the writing and fees associated with CEQA reports add more than \$2,500 to the cost of every home—and that doesn't include the many millions of dollars each year spent on CEQA-related lawsuits and delays.

California's cities are, by some measures, the densest in the United States. The reason: though the state makes it hard to build up, it makes it harder still to build out. Many cities impose "[urban growth boundaries](#)," preventing any development outside of existing lines, or "slope density ordinances," making it impossible to build on hills. Often, cities and the state just buy up land to

head off future building. Last year, for instance, California [helped purchase](#) 6,000 acres of scrubby rangeland in crowded Los Angeles County—the equivalent of seven Central Parks or so, without the charm—to stave off development.

Another obstacle to building outward is California’s climate-change regime. To discourage driving, the state demands that new developments show that future residents will drive 15 percent less than current residents—exceedingly difficult for any site located more than a few miles from built-up urban areas. The irony is that almost all [housing](#) in California is “greener” than housing elsewhere. Due largely to its balmy climate, Californians produce about half the greenhouse gases compared with people in the rest of the United States. Thus, California’s attempts to block building and “sprawl” have hurt the climate by pushing residents to hotter, but freer, states, such as Nevada and Arizona.

While the federal government has the Endangered Species Act, California has its own endangered species act that often curbs development. The act seeks to [protect the habitats](#) of certain birds, mammals, reptiles, and fish. A California court recently conducted a wildly creative reading of the act, claiming that bees are a type of fish. According to one advisory service, new projects will need to hire a [qualified biologist](#) to write a report and possibly apply for an “incidental take permit” if the site is [home to bees](#) or similar “fish.”

California’s high housing costs drive away many skilled workers, but even if such workers could afford to live in the state, it is often illegal for them to practice their craft there. According to the Institute for Justice, California is the second-worst state in the nation in terms of occupational license regulations. The state requires licenses from makeup artists, shampooers, high school sports coaches, upholsterers, and travel agents. It is one of only three states that require licenses for home entertainment system installers, and one of only eight that require them for tree trimmers. California’s fees for these licenses are almost double the national average.

The state has found myriad other ways to make it hard for businesses to find and employ good workers. Besides typical laws against discrimination, for example, California now protects people from getting fired for smoking pot off the job, including if they test positive on urine or blood tests. For the purposes of employment law, smoking pot is now [treated](#) the same as fundamental characteristics such as religion or race.

In a more direct blow to entrepreneurialism, the measure AB 5, passed in 2019, [forbids](#) companies from using independent contractors unless they meet numerous state rules. Though the website Vox trumpeted the law as a “win” for gig workers, who could now unionize and get the supposed protections of full-time employees, the company Vox Media, seeking to avoid penalties, cut ties with almost 200 California freelancers before the law went into effect. It’s no coincidence that AB 5 was written by Assemblywoman Lorena Gonzalez, a former union official, who later resigned her position in the assembly to become a leader in the state AFL-CIO. The ultimate goal of AB 5 was, and is, to [force workers](#) into stodgy, hierarchal companies with stodgy, hierarchal unions attached to them.

One reason that California and, more importantly, California unions try to restrict independent contractors is that the state mandates so many rules for regular employees. Employers [must pay](#) sick leave and provide meal and rest breaks. The state in 2022 required a \$15 minimum wage for large employers, the highest of any state, which [increased](#) to \$15.50 this year and which

now applies to all employers. California is also experimenting with European-style labor regulation of whole sectors. Last year, it set up a council composed of labor and employers to set minimum wage and labor standards in the fast-food industry. The Service Employees International Union, the main backer of the bill, now doesn't have to do the hard work of organizing each local McDonald's and actually winning workers' votes. They can just [run the industry](#) from Sacramento.

California was once a shining example of how to attract good manufacturing workers and businesses—but government overreach ended that. While [manufacturing employment](#) nationally peaked back in 1979, it kept expanding in California for another decade. Back then, the state had about the same proportion of manufacturing employment as the nation did, but it was some of the most advanced manufacturing on earth, including many silicon chip “fabs” and aerospace engineering facilities. Then California regulation really got going. From 1992 to 2002, the state passed an average of 15 labor-law changes yearly, four times the national average, with advanced and heavy industries feeling the harshest impact. Since the early 1990s, the state has gone from having almost 16 percent of its workforce in manufacturing to [less than half](#) that and is now far below the national average.

Though Southern California was once an epicenter of oil drilling and chemical by-products, manufacturing involving fossil fuels now must meet 13,000 rules in the state code. Both chemical and paper manufacturing operate under [10,000 different restrictions](#). The state's extreme Covid lockdowns and mandates didn't help manufacturing, either. Elon Musk moved the headquarters and the new manufacturing center of his world-leading Tesla company from the Bay Area to Texas after local officials kept [sabotaging his plant](#) with pandemic rules. California thus lost one of the most successful manufacturing firms in modern history.

Businesses understand the danger of this [overregulation](#). In 2021, a *Chief Executive* survey confirmed that “once again—yawn—California” was the least attractive state for business. When *Site Selection* published a list of large business projects by state, including everything from new factories to new call centers, California ranked 46th on projects per capita. Businesses refuse to build in the Golden State, and workers are suffering for it.

For almost every national regulator and attached code, California has its own stricter regulators and codes. The California Environmental Protection Agency and the California Department of Industrial Relations compete not just to enforce but to layer more requirements on top of federal environmental and labor rules. Among other things, California's equivalent of the federal Occupational Safety and Health Administration requires companies with outdoor workers to provide training about how to deal with heat stress. The California Office of Administrative Law supervises more than [200 state agencies and commissions](#) with the power to issue regulations, including the Health Information Integrity Office, the Bureau of Household Goods and Services, the Naturopathic Medicine Committee, and the Department of Pesticide Regulation.

For years, the California Air Resources Board enjoyed a special [federal exemption](#) that allowed it, unlike regulators in other states, to impose automobile fuel-efficiency requirements exceeding federal standards. These standards had a significant, but still limited, impact on the national automotive industry. But last year, the unelected bureaucrats at the board voted to end the sales of gas-powered cars by 2035, which could [reshape](#) the national auto industry in one stroke. They also proposed to [end the sale](#) of gas-powered trucks by 2040. As Secretary of Transportation Pete

Buttigieg might say, “[Let them buy Teslas](#)” (of course, now made elsewhere). The only comfort for families forced to go electric is that California’s gasoline taxes and regulations already make gas cost [about a dollar](#) a gallon more than the national average.

Even when California tries to encourage businesses to come to the state, it manages to put in place yet more barriers and regulations. One of California’s favorite tactics is to promise tax discounts for certain businesses, but then condition them on achieving some of the state’s progressive policy goals. To get tax credits from the California Film Commission, for instance, applicants will need to show a “diversity workplan,” with statements about “diversity goals” and a breakdown of wages paid by race and gender. The commission can [reject](#) the deal if it thinks that the film company’s plan isn’t up to its standards, and it can remove tax benefits if the company isn’t making a “good faith” effort to carry out its plan.

California requires large insurers, hospitals, water companies, and telephone companies, among other businesses, to submit [various diversity plans](#)—from “supplier diversity policy statements” to statements on “outreach and communications to minority, women, LGBT, veteran, and disabled veteran business enterprises.” The California Public Utilities Commission requires large utilities to submit LGBT procurement goals, meaning that these firms [must ask](#) their contractors if they are gay or bisexual, which some might not want to divulge.

The state has required these hortatory plans in part because its courts have forbidden explicit racial and gender mandates for businesses. Even California’s state courts couldn’t stomach two laws that imposed quotas of women and “underrepresented communities” for corporate board directors. These communities included not just different races but anyone who “[self-identifies](#)” as gay, lesbian, bisexual, or transgender. Courts, however, have not stopped the state law that says that large toy stores must have a “[gender neutral](#)” toy aisle.

California often pronounces onerous new regulations, and then allows almost anyone to sue if businesses don’t abide by them. First-time visitors to the state will notice strange signs on products warning about exposure to certain chemicals “known to the State of California to cause cancer and birth defects or other reproductive harm.” Proposition 65, passed in 1986, established this labeling rule. The current state list contains more than 900 chemicals, used to make every imaginable product, from shoes to cars to computer parts. Just to ensure your safety, some trees for sale in the Golden State [feature](#) Prop. 65 warnings.

Many California businesses, if they happen to contain one of the chemicals somewhere on their property, also post the [warnings](#), including theme parks, bars, and gas stations. If firms ignore the labeling rule, they better watch out. Since 2000, businesses have paid more than [\\$300 million](#) in legal settlements for failure to post warnings, with attorneys garnering nearly three-fourths of the total. The combination of Prop. 65 and litigation means that many companies, such as BJ’s Wholesale Club, now [refuse](#) to ship products to California, worried that they might send an improperly labeled item.

California also uses lawsuits to enforce federal rules against businesses. For instance, the Americans with Disabilities Act lets people sue businesses that are inaccessible to the disabled, but a win forces the businesses only to fix the issue. In California, though, a plaintiff can get special monetary rewards for suing successfully. One serial plaintiff, Orlando Garcia, worked with “entrepreneurial” lawyers to file more than 100 lawsuits against businesses, many of them

small, in 2021 alone. As Jaynry Mak, owner of Dim Sum Corner in San Francisco's Chinatown, [put it](#), "It's kind of a shakedown for small mom-and-pop businesses."



The state recently banned the sale of eggs from caged chickens, contributing to shortages and price increases; the cost of a dozen eggs in California tripled over the course of a year. (I RYU/VCG/GETTY IMAGES)

Sometimes, California kneecaps businesses by banning them outright. In 2008, Los Angeles nixed new fast-food restaurants in some poorer neighborhoods, contending that such eateries increased obesity (one [study](#) showed that obesity rose faster in the areas with the ban). San Francisco forbids chain retail stores from opening without a special permit. It was only after a public kerfuffle with the city that a beloved local taqueria, El Farolito, [could expand](#) to another location. The California Air Resources Board [voted to ban](#) the sale of gas-powered furnaces and water heaters by 2030, which would disrupt much of the HVAC industry. The state [banned](#) the manufacture or sale of products using chemicals in the group PFAS, though the federal government says that the danger of these chemicals is low to nonexistent for consumer products. California recently banned the sale of eggs from caged chickens. This not only upset many farmers' livelihoods but also contributed to egg shortages in the state. An avian flu outbreak and the limited supply of cage-free chickens caused the price of a dozen eggs in California to go from \$2.35 in January 2022 to \$7.37 in January of this year, if a shopper could find them at all. Years ago, the state said that supermarkets could no longer hand out plastic bags at checkout; in 2022, it [banned](#) supermarkets from providing them even for vegetables or raw meat. Supermarkets now face [potential lawsuits](#) if they fail to abide by the plastic bans.

An abundance of [economic literature](#) shows that complex rules tend to breed corruption, since they enable politicians to extract funds from businesses in exchange for exemptions and special favors. And though many assume that California's political culture is less corrupt than, say, that of Illinois, the state's politicians have modern, progressive ways to extract funds.

Though California has strict rules on political donations, it has some surprising gaps. California has no rules against large state contractors providing campaign contributions to the governor,

something that even Illinois banned years ago. Almost 1,000 state vendors and their employees gave a total of over \$10 million to now-governor Gavin Newsom during his state campaigns. These companies secured over \$6 billion in government payments just in 2021.

Politicians also can get firms to “behest” payments for favored charities or private groups. Jennifer Siebel Newsom, the governor’s wife, is the cofounder of the [California Partners Project](#), a group whose goal has been “supporting women’s representation on boards.” (It [railed against](#) the courts’ striking down of board quota laws.) The governor has behested businesses and others to make “charitable” contributions to this group, even though it is not listed as a charity in any government or other database and no information is available on how much Siebel Newsom receives from it. Businesses, including many regulated by the state, such as the Silicon Valley Bank of Menlo Park, have [complied](#) with Governor Newsom’s entreaties, and his wife’s group has raised \$1.6 million from such arrangements.

“State vendors and their employees gave a total of over \$10 million to Newsom during his state campaigns.”

As the *Sacramento Bee* [reported](#), Siebel Newsom’s actual registered charity—the Representation Project, which claims to use “the transformative power of storytelling to awaken consciousness around harmful gender stereotypes”—also benefited from gifts after the governor’s intercessions. The givers include state-regulated businesses such as AT&T and Comcast. The charity has paid Siebel Newsom almost \$300,000 a year, adding up to at least \$2.3 million in salary over the previous decade. Her salary ate up about 20 percent of the charity’s donations. Besides directly lining her pocket, the charity made a few films that featured the governor, as well as other allies like Nancy Pelosi and Senator Dianne Feinstein.

Few public officials in California are so [remiss](#) as to ignore the possibilities of behested payments. In 2020, the governor’s requests to firms and individuals led to payments of more than \$200 million to his favored groups. Mayor Eric Garcetti of Los Angeles had a Mayor’s Fund for Los Angeles that raised six-figure gifts from companies like Snap Inc. and Edison International. State Senator Maria Elena Durazo managed to get almost \$1.5 million behested for the California Latino Legislative Caucus Foundation, including a six-figure sum from Altria, the tobacco group. How some of these nonprofits differ from traditional political slush funds is hard to divine.

Though California has empowered regulators to micromanage every aspect of modern life, other states have shown that it is possible to rein in regulators and limit their power. Wisconsin requires agencies to point to explicit legal authority for new regulations and prevents them from using vague statements to expand their power. Idaho mandates that some regulations “sunset” every five years unless regulators can show that they are “the least restrictive” means to protect the public. New Hampshire requires new regulations to have a cost-benefit analysis, completed not by the regulators themselves, as in most places, but by an independent analyst. The Ohio Supreme Court recently said that courts should not give deference to regulators when they are interpreting their own laws or expanding their powers.

Yet California’s politicians show little appetite for reining in the regulatory state. After all, they are reaping the rewards of their own intervention. The more they regulate developers and businesses, the more they can ask them for funds in exchange for special exemptions and favors.

The problem is that everyone has a breaking point—and in our federal system, if businesses and people don't like your rules and your demands, they can move. A recent Hoover Institution [analysis](#) showed that 352 company headquarters left the state from 2018 to 2021, including 11 Fortune 1000 companies. Hundreds of thousands of people, including this writer, have departed, too. If California's politicians and bureaucrats think that businesses and people will abide by ever more rules and hand over ever more money, even as other states roll back regulations and mandates, they're dreaming.

Judge Glock is the director of research and a senior fellow at the Manhattan Institute, as well as a contributing editor of City Journal. This article first appeared in the City Journal April 17, 2023.



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