

Remarks from Freedom Foundation Annual Dinner

There's an old joke about politics. The word comes from "poli" meaning many, and "tics," meaning small blood-sucking creatures.

I've always believed politics can be something more. That beyond the griminess and sharp edges, the practice of politics can bring people together for a shared purpose. It can allow each of us to look beyond the horizon of our own lives and to think about the common good.

For the Ancient Greeks, this was the very definition of citizenship: "having a share in the social and political community." It was that spirit of antiquity that America's Founders introduced to the modern world. Republican self-government was their great innovation.

Alexis de Tocqueville bore witness to this in his celebrated work *Democracy in America*. What astounded him most about the new American Republic was the constant flurry of political activity. "Almost the only pleasure of which an American has any idea, is to take apart in the Government, and to discuss the part he has taken," he wrote. "The whole community is engaged in the task."

Five years at today's California State Capitol is enough to make anyone lose faith that this kind of politics is even possible anymore. The building was literally barricaded for much of the last year. The U.S. Capitol remains closed to the public to this day.

This is the tragedy of modern politics that the last two years have taken to a whole new level: meaningful participation in public life is increasingly reserved for a narrow few, a professional political class insulated in distant Capitols, with ordinary citizens left to watch from afar.

I believe this is at the root of the deep divisions and rancor that mark our political discourse: We are given less and less opportunity to truly govern ourselves. In the America de Tocqueville described, there were sharp disagreements, to be sure, but the project of self-government also engendered a sense of common purpose. The emphasis was on what citizens shared rather than what set them apart.

But as we as citizens have lost our stake in public life, we've been reduced to spectators, and are more apt to do what do spectators do – well, yell.

I've been asked today to discuss the topic of patriotic citizenship, and it is an extremely timely one. Because everywhere I go, what I am seeing right now is more and more people refusing to be spectators.

Organizations like the Freedom Foundation have kept the flame of America's Founding alive, and we now have an extraordinary opportunity for it to spread, to reignite our institutions of freedom and self-government. I'd like to briefly relate a few stories to point us in the right direction.

The Bus Boycott

The first comes from the mid-1950s. By this point, of course, the America described by Tocqueville was largely a thing of the past. But for a brief moment it reemerged in the birth of the American Civil Rights movement.

I've probably read every word every recorded from Martin Luther King. But the passage that I find most memorable is how he described the Montgomery Bus Boycott. Following Rosa Parks refusal to be relegated to the back of the bus, the black community in Montgomery boycotted the buses for a full year, sometimes walking great distances to get to work.

This was a great hardship, of course, but here's how King described it:

So profoundly had the spirit of the protest become a part of the people's lives that sometimes they even preferred to walk when a ride was available. The act of walking, for many, had become of symbolic importance.

Eventually, the boycott was successful. A court decision gave them what they were working for, integrated buses. King's description of that victory is not quite what you'd expect:

This was the moment toward which they had pressed for more than a year. The return to the buses, on an integrated basis, was a new beginning. But it was a conclusion, too, the end of an effort that had drawn [them] together as never before. To many of those present the joy was not unmixed. [They] found a spiritual strength in sacrifice to a cause; now the sacrifice was no longer necessary. Like many consummations, this one left a slight aftertaste of sadness.

There is a joy to political life, a profound sense of meaning and satisfaction we can derive, that is less about the actual achievement of our goals and more about the fact that we are pursuing them together. This sort of political engagement, in Kings words, "transformed the common man into the star performer."

The Homeschool Bill

The second story is from 2018. By this point, Tocqueville's America had very much vanished. But May 10 of that year was my favorite day in my five years at the State Capitol.

The Legislature had proposed a bill that was a direct attack on homeschool families. It was an attempt to regulate them, harass them, even to send government agents into their homes. In response, several thousand homeschool students and parents came to the Capitol.

A sergeant who had been working there thirty years told me he had never seen so many people. The halls of the Capitol were very hot from the body heat.

The bill was being heard by the Education Committee, which I was the Vice Chair of. The Chair chose to skip the hearing, so I was able to run the meeting. And I got to watch all of those people, one at a time, come to the microphone. They each got only a few seconds, enough to say, for example, I'm Kevin, I'm a homeschool student, and I oppose this bill.

Hours later, when the last person had testified, it came time to vote. The bill didn't even get a motion. Not a single legislator would support it.

The best headline was in a Fresno paper: "Homeschool Lessons in Civics: How To Kill a Bill." To this day when I speak to homeschool families everyone remembers every moment of that day. It wasn't just that they had stopped a very bad bill, but that they did it together.

The sense of elation came from winning the battle to protect homeschooling, but also from the fact that the voice of the people actually, for once, mattered.

The Lawsuit

The third story is from June 12, 2020. For three months, at that point, we had seen Tocqueville's American completely turned on its head, in an unprecedented form of one-man rule. Along with my colleague James Gallagher, I had filed a lawsuit to defend the American form of government.

On that day, June 12, we won a preliminary restraining order against further unconstitutional executive orders.

It happened very quickly, and I wasn't quite prepared for the sheer force of the public reaction. There was a widespread sense of elation, even from people who didn't know exactly what the case was about. For the first time in months, the voice of more than one person mattered. The reported death of the other two branches of government, to paraphrase Mark Twain, had perhaps been exaggerated. A semblance of our cherished American institutions had returned.

It was like driving all night through a remote stretch of highway where the radio is all static, and then suddenly you're almost within range and can hear the faint rhythm of music.

This showed me that in everything that ails modern politics, there is still a yearning on the part of ordinary Americans to have a stake in our shared political future. After the lawsuit this took the form a Recall, and whether you were happy or not with the outcome of that election, there is no denying that it gave a voice and sense of political agency to millions of people who felt silenced and disempowered.

In my role as an elected representative, I often think about a famous essay by Max Weber on the practice of politics. Weber draws a distinction between what he calls an *ethic of responsibility* and an *ethic of ultimate ends*. It's essentially a distinction between pragmatism and idealism. An ethic of responsibility is concerned with the consequences of your actions and an ethic of ultimate ends is about your commitment to principles, regardless of the consequences.

Weber is not very impressed with those who are purely idealists. He says, "in nine out of ten cases I deal with windbags who intoxicate themselves with romantic sensations." (If only Weber had lived to see Twitter.)

"From a human point of view this is not very interesting to me, nor does it move me profoundly. However," he says, "it is immensely moving when a mature man – no matter whether old or young in years – is aware of a responsibility for the consequences of his conduct and really feels such responsibility with heart and soul. He then acts by following an ethic of responsibility and somewhere he reaches the point where he says: 'Here I stand; I can do no other.'"

That," Weber says, "is something genuinely human and moving. And every one of us who is not spiritually dead must realize the possibility of finding himself at some time in that position." He concludes that "an ethic of ultimate ends and an ethic of responsibility are not absolute contrasts but rather supplements, which only in unison constitute a genuine man – a man who can have the 'calling for politics.'"

Those of course are the words first spoken not by Martin Luther King but by Martin Luther: here I stand, I can do no other. I've certainly found myself in that position several times over the last two years.

Weber gave his address in the immediate aftermath of World War I. It was not a happy time. What lay ahead, he predicted, was "a polar night of icy darkness." It was a moment of historic political failure, yet he was trying to redeem the practice of politics, to present an optimistic and hopeful vision. He said we need "heroes in a very sober sense of the word."

We are not in the midst of a great war, at least not on this continent. I don't know if I'd call it a polar night of icy darkness. But we have, in many ways, been living through a dark era: a dark era of government control.

That is precisely why this is such an important moment in our history: it's a chance to pursue a different vision politics, to think anew about how we can all play a part in forming a better political community, where "the calling for politics" is something that is felt not just by politicians, but by everyone. It's the civic life that Tocqueville observed, where everyone is engaged in the task; that Martin Luther King witnessed for a brief flicker of time: where the ordinary citizen is the star performer.

In this moment, I believe we can turn the page on this dark era of government control by lighting a new spark of liberty.

This is a moment to reimagine American citizenship, to redeem the American experiment of self-government, to revitalize the meaning of freedom. And what better organization than the Freedom Foundation to lead the charge.

Thank you for the tremendous work you do. Your role is more important than ever.