

8:45-9:00, Western States Bar Conference, 3/22/18

JRH Rmarks

Welcome and thank you for choosing to hold your annual meeting here in Santa Barbara, even during this first major rain storm after the Jan 9 Debris Flow. You are an intrepid group. We are delighted and honored to have you here and I am pleased that our much beloved District Attorney, Joyce Dudley, suggested that I be given the opportunity to address you today.

I very much appreciate your conference theme: *Restoring Trust in Our Institutions*. As a local elected official, my most disturbing nightmare has always been Hurricane Katrina, where government at all levels failed miserably. Competence builds trust and gross incompetence eviscerates it. SBC has had a LOT of experience with emergencies and I am proud of our County's response to the Thomas Fire and Floods and the vast majority of residents agree.

As Americans' trust in democratic institutions has been eroding, at least trust in local government has remained fairly steady, at about 72%, over the last decade. Local government ranks right up with the military as one of our two most trusted institutions. I feel a tremendous personal sense of responsibility to make local government work well, realizing the promise of democracy, and even offering some lessons for other levels of government.

Thriving democracies rest on a solid foundation of trust. They rely on citizens trusting one another—believing that *other* people are reliable partners in civic life. They also rely on citizens trusting their leaders and their institutions—believing that leaders *are* acting in good faith to promote the general welfare—and that the institutions *are* fair, not rigged.

Trust can expand and open outward from people and institutions we *know* to those we *don't*, creating an atmosphere of social trust in which we see others as trustworthy and dependable. That other driver is going to stop at the light; the government is going to address critical priorities.

Why is this generalized trust so important?

Trust reduces transaction costs. With trust, life runs more smoothly, with less effort expended on second-guessing and oversight. Societies with higher levels of social trust tend to perform better economically and their citizens score higher on measures of psychological satisfaction. They are more efficient—and less aggravating. We might say that citizens in high trust societies enjoy greater freedom. Moreover, trustworthiness builds more trust in a positive feedback. (See sources below)

In many ways, though, it seems that **today trust is spiraling downward**: Our fellow citizens, our leaders, our government are increasingly seen as undependable, ignorant or even duplicitous. We live with an increasing sense of suspicion and defensiveness.

- The Pew Research Center found that today only 1/3 of the American public has a high level of trust in the political competence of **fellow citizens**; that's down from 2/3rds in 1999.
- In the U.S., **trust in government** has dropped from about 75% of the population in the mid-60s to less than 20%, the lowest ever recorded today.

This phenomenon is occurring not just here in the US

- The Organization for Economic Cooperation found that fewer than 4 in 10 citizens in Western democracies had moderate-to-high levels of trust in government
- Worldwide, since 2000, democracies, which had been on the rise, have gone into retreat, with authoritarian leadership gaining ground.

Why has this occurred?

- Economic dislocation resulting from automation and globalization;
- Decline in shared spiritual traditions, and the religious triumph of secularism or capitalist consumerism;
- Complexity and the inability of most of us to understand the basic workings of the systems that we depend upon, accompanied by a kind of mythical thinking;
- Media fragmentation and our ability to isolate ourselves in information bubbles that reinforce pre-existing beliefs;
- Sophisticated exploitation of social divisions for political gain (Russian interference)
- Work demands that undercut family and community;
- On-demand entertainment and escapism.

I could elaborate on any of these explanations for the decline in trust—and I imagine you will touch on them during the conference—but the question I keep returning to is **why has faith in local government persisted over time? And what can I do to keep that faith, build upon it, not squander it in the hope that it might expand upward to other levels.**

Again, there are a **range of reasons that make trust easier to sustain at the local level.**

- Local government still offers that opportunity for face-to-face interactions that help hold people accountable. (This also explains why people tend to like their own Congress member, but Congress as a body has only a 12% approval rating)
- Local government deals with very immediate issues whose significance is readily apparent and understood
 - Are my roads repaired
 - How quickly do the sheriff's deputies arrive when I call
 - Does government protect us during emergencies
- Local government is less a black box and more transparent

- Issues regularly covered in local media
- Easy to attend or observe meetings
- During emergencies, SBC holds daily 4 o'clock press conferences. Citizens have expressed sincere appreciation. They are glad for the information, but they like to see behind the curtain. Their public servants are capable and inspire confidence.
- At the local level, too, people can readily make themselves heard on issues of concern; easier to have a voice

But the issue I would like to focus on transcends the level of government and seems to me a key in whether government spirals into dysfunction and worse, or whether it functions well: **Well-functioning government entities observe the norms of restraint.**

On any issue, the majority can vote to roll the minority, but conflict is reduced by keeping to custom—E.g., On our 5-member BoS,

- Each year we rotate the Board chair. The new majority in a neighboring county stopped their rotation, creating open division and hostility. The bad blood demoralizes county government employees and unsettles residents throughout the county (It seems as though congressional tactics at the federal level are infecting local government creating the same kind of disaffection)
- Our Board also follows a custom on committee assignments: a supervisor stays until deciding to relinquish (no one is pushed off)
 - In City of SB a council member is suing the City in an effort to deny the elected mayor the customary seat on our regional transportation agency, again creating discord
- Respect districts
 - During Board meetings, the supervisor in whose district a project is located gets first crack at asking questions or making a motion to shape the discussion
 - We also take care not to meddle in another's district without first letting the supervisor know

The majority could seize absolute power by vote, but to keep the machinery of government well-lubricated, it's much better to exercise restraint, forbearance, showing respect and civility even if you are in the majority. Little things matter; they add up to trust.

This may be somewhat easier at the local level, which is ostensibly nonpartisan; potholes know no party. But ideological views nonetheless come into play. In SBC, oil, is the fault line that can fracture decorum. . . .

Conservative commentator, David Horowitz recently came to town. He spoke to high schooler's at a conference sponsored by Young America's Foundation. He explained

his mission: “to get conservatives to stop being so nice to liberals. These people are evil and they intend evil.”

Provocateurs up their speaking fees with such rants. But it infiltrates everyday life. The Anti-Defamation League and others offer courses to combat extreme speech, teaching comebacks such as

- Did you really mean to say something so extreme?
- I don't think such generalizations are helpful.

Such a lack of restraint *should* be called out as violating the norms of civility. We don't just want to remain silent, complicit. It is hard, though, when we see that kind of speech not just from commentators but our political leaders. Instead of starting from an attitude of respect—viewing others as legitimate rivals who can help us sharpen our skills through debate and discussion—it sets the stage for no-holds-barred, all-out war.

- It chills speech; more moderate voices retreat from the field, leaving it to the more sensational and outrageous speakers.
- Our local, newspapers have stopped the anonymous online commentary due to the vitriol and lack of civility of the few who took it over and commented constantly.

In another example, the lack of restraint or abuse of power in one branch, invites reciprocal abuses elsewhere to correct the imbalance. Nowhere is this more apparent, now, than immigration. An overreach by the executive—banning immigrants based on religion or targeting specific ethnic groups for deportation—may have resulted in overreach by the courts and states and local government as they try to check this power. If one part of government gets out of its lane, another may veer out too, making clashes more probable. The fear is of destabilizing the broader system, so that ultimately the military steps in to impose order—a theme of a new book: *How Democracies Die*.

Restraint, decorum, forbearance—these are all key for civil society, elected officials, and the different arms of government.

The flip side is positive engagement. How do we engage people of different perspectives and find common ground? How do I honor my self-described Tea Party, libertarian and arch-conservative colleague on the BoS? Sometimes it feels like a spiritual practice. . . think loving kindness when I'd really like to tune him out, or wring his neck!

I try to recognize that we each begin with different emphases, we elevate somewhat different values—

- Community v. Individual Self reliance
- Balance of nature v. human dominance
- Compassion/Nurturance v. Discipline, Order

- Humility v. Hubris/Can-do

It isn't really either/or, but both/and and a matter of balance.

New brain research suggests some of these tendencies may be hard-wired

So can I begin to articulate questions of policy in terms of his values?

- Renewable energy is path towards greater self-reliance?
- Housing First programs are designed to restore self reliance, not promote dependence

Clearly, I have some work to do. But, a strong democracy is a function of a healthy civic society and a healthy civic society requires, well, civility.

After all, in a democracy, we join together to debate openly, grow through the dialog, and make decisions together about where we are headed. Joh Stuart Mill once explained that a democracy, with all its imperfections, is still better than a benevolent dictator who would make all the right decisions. Why? Because in a democracy we learn from each other and grow from the interaction. *We are citizens, not subjects.* Growing to be better citizens is really at the heart of Western political thought since Plato.

That growth is fostered by education, by a vibrant media, by a commitment to finding truth—or at least better and worse—according to facts that can be proved or disproved.

We understand that individuals may falter, but we design institutions to correct for individual failings, overreach & ambition:

- Science as an enterprise with requirements for replicability and peer review, roots out mistakes or deceptions;
- Solid journalistic practices with requirements for fact checking, corroboration, accuracy and evenhandedness promotes veracity;
- Law with high professional standards of ethics and appeals courts check passions and mistakes.

Democracy relies on our trust for each other—and for a trust in the processes that ensure that the bigger enterprise corrects for the faults of individual practitioners. I consider that every day as I go about my job.

We all share a calling to keep faith, build trust, and counter the forces working to undermine our confidence in each other and our institutions.

So thank you for allowing me to consider this critical topic. Again, I am so pleased you are here and I know that you will be enlightened and inspired by this conference.

<https://www.usatoday.com/story/opinion/2017/10/12/how-news-media-social-media-citizens-can-restore-trust-u-s-democracy-marx-woodson-column/753817001/>

<http://www.pewglobal.org/2017/10/16/many-unhappy-with-current-political-system/>

<https://www.cardus.ca/comment/article/5024/liberal-democracy-has-trust-issues/>