



Local Control and Liberty: HB 2595

Testimony before the House Committee on Urban Affairs

by Bill Peacock, Vice President of Research and Director of the Center for Economic Freedom

Madame Chairman and Members of the Committee:

My name is Bill Peacock and I'm the vice president for research and the director for the Center for Economic Freedom with the Texas Public Policy Foundation. I am here today testifying in favor of HB 2595.

The debate over local control this session has been contentious. One group has called legislation asserting state authority over local government as "big government" bills. Yet the opposite is true; it is the excesses of local governments that these bills are trying to reign in.

It is important to remember in this debate that local control is not a principal for governance. Yes, there are times when local governments can do a better job of governing than the state or federal governments. But the ruling principle of governance here is liberty, not local control. And there are plenty of instances of local ordinances and initiatives could that infringe upon individual liberty. In the case of HB 2595, we are focused on property rights.

The role of the state here is of primary importance. The states created both the federal government and local governments. So while the protection of liberty is the first guiding principle for all levels of government, our constitutional structure of government has set states in the center of the effort to protect liberty.

This includes protecting individual liberty, such as the right to own and use private property, from what has been called the tyranny of the majority. In his book, *Democracy in America*, Alexis de Tocqueville, discusses the problem of unlimited power of the majority in the United States and its consequences:

If it be admitted that a man possessing absolute power may misuse that power by wronging his adversaries, why should not a majority be liable to the same reproach? Men do not change their characters by uniting with one another; nor does their patience in the presence of obstacles increase with their strength. For my own part, I cannot believe it; the power to do everything, which I should refuse to one of my equals, I will never grant to any number of them.

The Foundation fully supports local initiative and referendum as a means for local citizens to promote liberty. But as de Tocqueville points out, the use of initiative and referendum should not be unlimited, because it can be used to restrict, rather than promote, liberty. A democracy requires the protection of minority rights.

The Foundation believes that HB 2595 properly asserts the authority of the states to promote liberty in the initiative and referendum process. ★



