



LEGISLATOR'S GUIDE TO THE ISSUES 2021-2022

Local Control vs. Local Liberty

The Issue

Liberty is the animating principle that should inform and direct our public policymakers. Local control is the instrument through which this aim ought to be realized. In other words, the former is end, the latter is the means.

It is through the lens of local liberty that Texas's elected officials should view matters of local governance. After all, the ultimate aim of all government is to protect life, liberty, and property rights. Local government is no exception. Its rules, regulations, and ordinances should respect those freedoms and be curtailed when they do not. Local control is not a blank check.

Like all government power, local control must be confined and monitored to avoid abuse and misapplication. Such checks are particularly important given local governments' peculiar vulnerability to persuasive leaders and factions. As Founding Father James Madison explains in the Federalist No. 10:

The influence of factious leaders may kindle a flame within their particular States, but will be unable to spread a general conflagration through the other States. A religious sect may degenerate into a political faction in a part of the Confederacy; but the variety of sects dispersed over the entire face of it must secure the national councils against any danger from that source. A rage for paper money, for an abolition of debts, for an equal division of property, or for any other improper or wicked project, will be less apt to pervade the whole body of the Union than a particular member of it; in the same proportion as such a malady is more likely to taint a particular county or district, than an entire State.

Since the nation's founding, our leaders have recognized the vulnerabilities of local governmental structures and the need for

proper supervision from state authorities. This view—that state government serves as a check on local government overreach—is correct.

The state acts as a safeguard in our system of checks-and-balances, ensuring that local public policy does not turn tyrannical. Its sovereign authority is needed to curtail bad behavior when it does. This supervisory role is appropriate, especially as local governments are creatures of the state. Its first duty is to ensure that all Texas governments protect life, liberty, and property rights.

The Facts

- Texas is being California-nized with a patchwork quilt of bans, rules, and regulations enacted at the local level.
- Liberty, not local control, is the overriding principle that should inform and direct our public policymakers.
- State government is an important safeguard in our system of checks-and-balances.

Recommendations

- Allow liberty, not local control, to be the overriding principle that informs and directs Texas's public policymaking process.
- Curtail onerous regulations and prevent the California-zation of Texas.

Resources

- "[Local Government Myths](#)" by Bill Peacock, Texas Public Policy Foundation (July 11, 2017).
- "[Local Control Is a Tool for Something Bigger: Liberty](#)" by James Quintero, *Austin American-Statesman* (Jan. 14, 2019).
- "[The Changing Face of City Governance](#)" by James Quintero, *Austin American-Statesman* (June 10, 2019).