

September 10, 1953

FROM: Tennessee Municipal League (Home Rule Committee)

TO: His Honor, the Mayor

The key to success or failure of the Tennessee Municipal League campaign for a favorable vote on proposed amendments 6, 7, and 8 in the Constitutional Referendum November 3 is YOU!

For twelve generations city officials have been attempting to rid cities of the anti-home rule influences of the private bill system. Through the League, you and your fellow city officials were finally successful in helping obtain a favorable vote, last fall, for the calling of a constitutional revision convention.

The Constitutional Convention met and worked hard. The League and many individual city officials participated in the discussions. After much work and compromise, the convention adopted three proposed amendments which deal with local government. They are #6, the anti-private bill amendment, #7 the optional home rule amendment, and #8 the amendment which would make a majority vote of both city and county residents mandatory before any consolidation of city-county services could be effected by the General Assembly.

These three amendments are explained fully in this kit. These materials have been prepared by professional writers, working with the Tennessee Municipal League and under the supervision of one of the authors of the home rule measures. They are factually accurate.

You have been asked by your Home Rule Committee, in a previous letter, to appoint a chairman for promotion of the three home rule proposals in your community (your city and the surrounding area). Or, if you wish, you may act as the chairman yourself.

Now we suggest that you familiarize yourself with these three amendments. You can do so quickly by reading item 2 which is an outline of the three amendments. You can become a well-informed "expert" if you'll read the 20-minute speech (item 7) or the background of the three amendments (item 1).

Next, you will want to give this kit of materials to your home rule chairman. He should personally distribute them to the proper persons -- the men and women who will make talks, the newspaper editor, the radio station program director, and the club leaders who will arrange programs about the amendments.

Finally, the League staff in Nashville, and the members of this committee stand ready to provide additional help -- suggestions about campaigning, more information and speakers, if you want such help. Contact us through the League office, 228 Capitol Blvd., Nashville.

Yours for a favorable popular vote for
Constitutional Amendment Proposals 6, 7, 8.

Mayor Emmet Guy, Jackson, Chairman
Mayor John D. Henderson, Morristown
Mayor Marshall Duggin, Woodbury
Mayor Robert Murray, Huntingdon
Mayor R. G. Crossno, Norris
Mayor T. B. Webb, Smithville
Mayor John S. Ridley, Smyrna

FROM: Tennessee Municipal League (Home Rule Committee)

TO: Chairman, Home Rule Campaign

You have been selected by your mayor because of leadership qualities and the status which you hold in your city and the surrounding community.

The mayor and the Tennessee Municipal League Home Rule Committee will provide you with materials for the campaign. But, the materials are useless unless you see that they get into the hands of men and groups who can, in turn, project factual information to the general public before the referendum on constitutional amendments, November 3.

Familiarize yourself with the materials in this kit (and, of course, with the three proposals -- amendments 6, 7, and 8 -- which are the subject of these materials!). This kit contains the following items:

- Outline of the Home Rule Campaign
- How to Use this Kit (Campaign Ideas)
- Background Information 1.
- Resume of Three Proposed Amendments 2.
- Analysis: Three Proposed Amendments
on Local Government 3.
- Questions and Answers on Home Rule 4.
- False Arguments Against Home Rule 5.
- A Short Speech on Home Rule 6.
- A Longer Speech on Home Rule 7.
- The Truth About Home Rule (A series
of Seven Articles) 8.
- Editorials (for the newspaper) 9.
- News Releases (for the newspaper) 10.
- Radio Spot Announcements 11.

OUTLINE OF THE HOME RULE CAMPAIGN

1. Purpose

Mayors and city officials of every community take primary responsibility for informing the citizens of their city and surrounding territory of the soundness of both the "veto" and "optional" home rule amendments, and the city-county consolidation proposal.

2. General Method

Encourage active leadership in the campaign by civic, business, and rural leaders; cooperate with county officials, your local Delegates to the Convention, and the local committee being formed in most counties by the state-wide "Citizens' Committee for Constitutional Amendments."

3. Community Campaign Organization

The mayor should either appoint a HOME RULE CHAIRMAN or should act as the chairman himself. Next a HOME RULE COMMITTEE of community leaders, working under the chairman, should be named. This group can, in turn, designate its own SPEAKERS BUREAU, PUBLICITY CHAIRMAN, (or RADIO CHAIRMAN and NEWSPAPER CHAIRMAN), etc. as needed in your particular community.

4. Doing the Job

This kit contains suggestions for practical application in getting your group together and then putting over the campaign.

5. Tools for the Campaign

The League will furnish as many copies as required of this kit on "Home Rule Facts" to every mayor. It contains complete background materials on these three amendments dealing with local government.

A PRAYER FOR CAMPAIGN WORKERS

Our Heavenly Father: We thank Thee for our God-given right to govern ourselves in our Nation, our State, and in our City. We have been given this task of helping our people understand that the right to govern ourselves at the community level is at stake in the November 3 referendum. Use us to provide true facts to our people before that date. Give us the power to inspire others to exercise their voting rights on that date. And, in the referendum, Thy will be done. Amen

A CAMPAIGN SLOGAN

Help our City (or Town) County, and State
Vote for Six, Seven, and Eight!

HOW TO USE THIS KIT (Campaign Ideas)

The Chairman of Home Rule may want to use all or some of these ideas. This is NOT an all-inclusive list of what to do in the campaign. Many of these ideas can and should be improved upon to suit your own local situation. You may have some ideas for use of this campaign material that are better than these suggestions. By all means use your ideas and those of your committee, in addition to or instead of these.

1. THAT FIRST PEP MEETING

The campaign should start with the calling of a meeting of community leaders. Invite key people in the community. Be sure to include women. Try to get a definite commitment to be present from ALL presidents and/or leading members of civic, business, social, school, and church organizations.

Program:

Mayor's Remarks - the mayor can open the meeting taking not more than five minutes to describe the importance of the three amendments and to introduce the chairman of home rule whom he has appointed.

Chairman - Brief "pep" talk on how each leader is counted on to give people "facts" -- not fiction -- about the home rule proposals. Introduces his committee chairman.

Assignments - Each chairman (Speakers Bureau, Radio, etc.) should announce definite appointments to his committee and make assignments to the persons in attendance (if possible) and get commitments then and there. "Sam -- next Tuesday will you make a 5-minute talk to the Rotary Club?" Give Sam the 5-minute talk from this kit., etc.

Close with Prayer (see kit).

2. TALK TO THE NEWSPAPER EDITOR

Either the Home Rule Chairman, -- or the Newspaper Chairman (if you have one), -- or both chairmen should go to see the newspaper editor (of course, if he is the newspaper chairman, well and good!). Explain to him the purpose of the campaign, the three amendments, and ask for his full cooperation in giving factual information about these three amendments to the people.

Then, ask the editor how you can help him to do this.

Show him the materials you have which he may wish to use. (Kit items #1, #2 or #3, #8 and #9. Item #10 is for newspaper use but should be filled in and handed out at intervals to the newspaper by either the general chairman or the newspaper chairman.)

Tell the editor that he may have a complete kit if he has use for it. If he wants the entire kit, write immediately to the Tennessee Municipal League, 228 Capitol Boulevard, Nashville, sending the editor's name and address and asking that the kit be mailed directly to him.

Several days later, check with the newspaper editor and be certain that he: has all the information he needs, has scheduled some of the items for publication, and/or has received the kit from Nashville.

Check with him during the entire campaign -- to keep him supplied with information and to refresh his memory on what he has promised to do!

3. VISIT THE RADIO STATION

Either the home rule chairman, the radio chairman, or both should go to the radio station and talk with the manager and the program director.

Explain the purpose of the campaign, the three amendments, and ask for the station's public service help -- not to promote the three amendments -- but to provide authoritative, factual information about the three amendments. Explain that the reason

your interest is centered on their three amendments is because they are the only ones involving local government. (Otherwise, the radio station manager may fail to understand that the campaign is not political. It is important that he know the campaign is factual, non-selfish, and non-political.)

Give the program director kit items #8 and #10. Ask him to schedule them in the best possible radio time -- preferably in the morning around 7:45 to 8:00 and in the evening around 6 or 6:30.

Ask the manager if he would be willing to use either a forum, a quiz show, or a talk, or any other type of 5-to-15 minute program about the three amendments. (See the enclosed suggestions for programs). Then offer to make the arrangements for the speakers and take the responsibility for seeing that speakers are on hand, at the proper place, at the proper time on the occasion(s) of these special broadcasts.

4. QUIZ SHOW

This can be a 15-minute radio show or a presentation before a club.

Participants - a wage-earner, business or professional man, a housewife, and a member of the Home Rule Committee.

Use kit items #4 and #5. Go over the questions beforehand with the participants. Arrange for the three guests to ask questions in turn and for the Committee member to answer them.

Go through the whole thing at least twice, becoming sufficiently familiar with the questions and with the answers so that all participants will be at ease.

If the presentation is for radio, go over it a third time, timing it to 13 minutes, 30 seconds. (Leave out those questions you think are least important for your community.)

If the presentation is for a club group, be certain to time it to the convenience of the group to whom you are talking.

If the same four participants can do this "quiz show" a number of different times and places, they will become seasoned performers and increasingly good.

5. JUST ASK ME!

This is an audience-participation show which could be used on the radio (15 minutes) or before a club group. You will need kit items #4 and #5.

One member of the Home Rule Committee who is well-versed in the three proposals will be the "expert." Members of the listening audience in the case of club appearances -- will ask questions. Be certain to plant at least five key questions with this audience before the show.

In the radio version, the station should use promo announcements for some days in advance of the show: "If you want to know facts about the proposed Home Rule Amendments to the Constitution on which you will vote November 3, listen to _____ (name of "expert") on this station at _____, _____. You will have a chance to (hour) (day) call in your questions at that time...he will attempt to answer them. Find out what you want to know about proposed home rule.

Possible Introduction to such a presentation --

ANNCR: "Just Ask Me" is presented tonight by Station _____ in the public interest. It gives you in the radio (club) audience a chance to ask YOUR question about home rule of _____ who is a member of the local (name of "expert") Home Rule Committee interested in informing our people about proposed constitutional amendments #6, #7, and #8.

(Radio only)

If you want to ask Mr. _____ a question, telephone

_____ now. We have persons
(station phone number)
answering our telephone who will take down your name
and your question.

(Club or radio)

To start the ball rolling, Mr. _____, I'd
like to ask you just what these three amendments are
about?

EXPERT: All three amendments deal with local government and
would affect our own city and county governments...etc.

Other questions to be planted in the radio audience or club
audience: may be selected from those in items #4 and #5 in the
kit.

6. SPEAKERS BUREAU

You will probably need a chairman to head this activity.
He or she should select and get commitments to help from five
to fifteen persons (depending on the size of your city) who will
make talks to groups. Then the Speakers Bureau Chairman should
contact every organization in town and **schedule** talks -- with
every possible group - luncheon clubs, church groups, men's clubs,
service organizations, PTA's, etc. The chairman then assigns
speakers to make these talks and provides them with items #6,
#7, or #2, and #3. If you need extra copies of #6 and #7
(the 5-minute and the 20-minute talks) write TML, 228 Capitol
Blvd., Nashville and they will be provided.

7. DO QUOTE ME

One of your Home Rule Committee members, a lively local
reporter, or a competent club woman might handle this assignment
with relish and good results. Solicit sound, factual quotations
from about ten of the well-known people in your community about
home rule in general or one of the three proposals in particular.

Have the newspaper chairman arrange with the editor to print one or more of these quotes each day (if a daily newspaper) or several each week for a number of weeks (if a weekly). The radio chairman can also arrange to have them used daily on the radio. Either the newspaper feature or the radio feature might be called DO QUOTE ME with the subtitle -- "What folks in our community -- your neighbors and mine -- think about home rule."

Potential "quotes" can be found in kit items #1, #3, #5, and #9. You might begin quoting the mayor, then include the county judge, a prominent businessman, a doctor, a couple of lawyers, a teacher, and a housewife or two in persons to make printable statements in support of home rule.

Sample: Judge _____ of the _____ County Court, says, "I know from sad personal experience how disastrous the present private bill system is for our city government as well as our county government. Certainly we must not permit selfish, private bills to deprive us annually of our right to local government. We must vote on November 3 for proposed amendment #6 which protects us from most private bills."

8. HOME-TOWN WRITERS

The newspaper chairman may arrange with the newspaper to print brief articles about the three home rule amendments -- articles to be written not by some outside expert but by a local author!

Arrange with several local writers to supply these articles. Provide the writers with kit items #1 or #2, #3, #6, or #7. Be certain that the mayor or Home Rule Chairman checks the article for accuracy before it is used. Be sure that the newspaper carries a "by-line" crediting your local author with the article. If yours is like most communities, the voters in the city will be more interested in what a home-town personality has to say than in the articles of outsiders whom they do not know.

9. NEWSPAPER RELEASES

Potential dates of release for these news stories (kit item #10) is shown at the top of each separate release. Be

certain that the release is carefully and accurately filled in before turning it over to the newspaper editor. The Home Rule Committee Chairman should see that the newspaper and radio station gets the releases simultaneously.

Do not give all these releases to the newspaper or the radio station in a lump. They are not news if so handled.

10. FINAL APPEAL TO VOTERS

Later in the campaign, after the League Home Rule Committee has gauged the opposition (if any) to the three proposals, a "final appeal to voters," for use in the newspaper and possibly as a radio speech, will be sent to the Home Rule Chairman. As soon as you get it, place it with the proper persons for use just before November 3.

Meanwhile, if you need additional kits, additional copies of any items in the kits, an outside speaker, more information on any one of the proposed amendments or any other help, write, or call: The Tennessee Municipal League

228 Capitol Boulevard

Nashville, Tennessee. Telephone No. 6-5906

Difficulties of the Present Private Act System

The legal status of cities under the present Constitution of Tennessee has been clearly defined by our Supreme Court in the following terms:

The Legislature has absolute power over the creation of municipal corporations. It may, at its pleasure provide for their creation, or prohibit their creation altogether. It dictates the terms upon which municipal charters shall be granted. It confers such powers and duties and imposes such burdens and restrictions upon them as are deemed expedient. State v. Frost, 103 Tenn. 685, 54 S.W. 986 (1900).

In short, even in matters of exclusively local interest, Tennessee towns and cities are subject to a system of government by remote control. There is no "inherent right," and no constitutional right, of local self-government as things now stand in Tennessee.

In the early days such a system may have been satisfactory. Cities were few, their populations were small and their problems were relatively simple. But all that is now changed. Today Tennessee has several great metropolitan centers and some 250 smaller towns and cities. Each has its own problems and peculiarities. A single

legislative body - the General Assembly - meeting only once every two years for a brief period of some 75 days simply does not have the time or the knowledge of local affairs to act as city council for some 250 different communities.

The result is the system of private act legislation which has long plagued the municipalities of Tennessee and of every other state that operates under the remote control system. As the Tennessee Constitution Revision Commission put it a few years ago, private acts "do not receive any consideration by the entire membership of the Legislature, such local measures generally being adopted as a matter of routine if proposed and approved by the local representatives."

"What happens," as Dean Fordham, has observed "is casual, unstudied enactment of almost any local measure if sought or approved by the representatives of the district concerned. At the 1947 regular session of the General Assembly... the process reached the nadir of legislative irresponsibility. Local bills were passed in blocs.... In the House, [the] Speaker ... and Chief Clerk ... were more interested in ... speed up devices than in ascertaining membership attitudes.... Passage of local bills traditionally has been an abbreviated procedure. But nobody ever kicks. The process calls for the clerk to mumble the first five names on the roll call and

they sing out '65 ayes and no noes.' This is done for each local bill. Friday [the Speaker and Chief Clerk] tried the same procedure on whole blocs of bills. It worked. There were no kicks." In short, the general rule is that private or local bills are not really considered at all by the General Assembly - but they are enacted by the hundreds.

The result frequently is that selfish pressure groups have a field day at the expense of important local interests. As the Tennessee Constitution Revision Commission observed, "Individual members of the Legislature have from time to time brought about changes in city charters purely for [selfish] political purposes, including changes affecting the basic structure of municipalities, and in many instances such changes have been effected through legislative courtesy [see Dean Fordham's remarks, above] where such proposed changes were not an issue in the election of legislative representatives and were known to be contrary to the wishes of a great majority of the people affected."

Until 1875 private legislation directed at a single municipality was the rule in virtually every state. "Often such legislation served a useful purpose, for it could fit local government to local needs. The practice, however, led

to numerous abuses. Since such laws were of little concern to most members of the legislature, they were easy to pass. Often they were passed before the citizens of the affected community knew of their existence. Pressure groups found the device particularly useful.

"Local legislation (i.e. the private act system) burdens the state government with local matters of no real concern to the state. It leaves insufficient time for considering problems of state-wide importance, and accentuates the feeling of localism in the legislature. By encouraging the trading of votes, it prevents fair consideration of both private and general legislation. The system brings uncertainty and confusion to municipalities, injects state-wide politics into local affairs, and makes local self-government difficult."

A concrete example of what the private act system may mean in practice appears in the following extract from a newspaper editorial dated July 7, 1953:

Spring City held an election this week and as a result the town now has two sets of city commissioners. One set was named in a private bill passed in the Legislature by Rep. Ross Fischesser.

Citizens rebelled at this high-handed business and in a referendum elected to choose another set of officials under a general state law.

Along with a number of other ripper bills passed by Rep. Fischesser, the commission act is being challenged in the courts. But it will be months before the matter reaches the State Supreme Court and Spring City citizens can know which set of city commissioners is in charge.

Another particularly unfortunate problem that home rule is designed to avoid relates to city finances. All too often state legislators (usually at the instance of pressure groups) find it easy to vote "improvements" which not they, but city councils, will have to find a way to finance. The result is that often municipalities find themselves burdened with fiscal obligations imposed upon them by outsiders. The effect upon already strained municipal budgets is frequently intolerable.

The whole purpose of home rule is to get rid of evils of this sort.

What Home Rule Is.

"It is not by the consolidation or concentration of powers, but by their distribution, that good government is effected. Were not this country already divided into states, that division must be made, that each might do for itself what concerns itself directly, and what it can so much better do than a distant authority. Each state again is divided into counties and municipalities, each to take care of what lies within its local bounds.... It is by this partition of cares, descending in gradation from general to particular, that the

mass of human affairs may best be managed for the good and prosperity of all."

- Thomas Jefferson

A basic American tradition is that problems which are national in scope shall be handled by the national government, while problems of merely state-wide concern are left for state government. Municipal home rule is the application of this basic principal in the relationship of the state to its towns and cities. To put the matter in the most simple and direct terms -- nothing should be done at the national level that can be done efficiently by the states and nothing should be handled at the state level that can be dealt with effectively by the local community. It is by such sub-division of governmental power and responsibility that we in America have sought to solve "the inherent difficulty which bigness begets -- whether in the government of industry, university or nation -- namely, the task of getting things done, consistently with that large regard for individual variations which is the essence of democracy."

What Home Rule Is Not.

Let us be quite clear - home rule is not anarchy. It does not mean that each town and city becomes a law unto

itself. It means merely that municipalities are (a) freed from the evils of the private act system, and (b) permitted to govern local affairs to the extent that the state legislature does not find it necessary to govern them by general legislation. Thus the state retains its full sovereignty! Towns and cities are regulated from the outside only by laws which are general in terms and effect. This means that no single community can be singled out for discriminatory purposes. It means an end to the so called system of "legislative courtesy" whereby most members of the state legislature vote blindly for a private bill because they know it will not affect them or their voters back home. This "blind voting" on private acts may be a "courtesy" to some selfish politician or interest group, but (as seen above) it is often a detriment to the community affected.

The requirement of general legislation is the very essence of the representative system. It is an aspect of the old familiar expression "there's safety in numbers." When a legislator votes on a general measures he knows he is voting on something which, if adopted, will most likely affect him, his family, his friends, or the people back home

in his own community - not merely someone far off in a community with which he has no connections.

Finally, as we shall see later, the home rule proposals that Tennessee citizens will have an opportunity to vote on next November do not increase any town's or city's taxing power. Nor do they authorize any municipality to expand or reduce its boundaries.

History of Home Rule In the United States.

Until 1875 the private act system of government for municipalities was the universal rule throughout this country. But by then its abuses were already well known. A constitutional convention of the State of Missouri proposed in 1875, and the voters adopted, the first home rule system in the United States. Since then some twenty-three additional states have followed Missouri's lead - and an additional eight states have adopted legislative home rule, i.e. home rule by legislative, rather than constitutional, change. Thus today at least thirty-two states have some form of municipal home rule. Moreover at least forty-two state constitutions contain limitations upon private acts relating to towns and cities. The twenty-four states now enjoying constitutional home rule

are: Arizona (1912), California (1879), Colorado (1902), Connecticut (1951), Georgia (1951), Illinois (1951), Louisiana (1952), Maryland (1915 & 1951), Michigan (1908), Minnesota (1896), Missouri (1875), Nebraska (1912), New Jersey (1950), New York (1923), Ohio (1912), Oklahoma (1908), Oregon (1906), Pennsylvania (1923), Rhode Island (1951), Texas (1912), Utah (1932), Washington (1889), West Virginia (1936), Wisconsin (1924).

Home rule does not merely free cities from irksome remote control of purely local affairs. It also relieves the already overburdened state legislature from the time consuming and thankless task of serving as city council for hundreds of communities whose special problems it cannot reasonably be expected to comprehend. In short, home rule is beneficial to both state and local government. It is, after all, only another aspect of that division of labor which is the rule of modern life.

I. The Private Act Amendment, (#6)

A. Applies to Counties, Towns and Cities

B. Puts Restrictions on Private Acts

1. No private act may alter the compensation of any local official during his term of office.
2. No private act may alter the term of office or remove local official from office prior to the expiration of the term for which he was selected.
3. No other private act applicable to any county or municipality shall be effective unless by its terms it requires approval of the locality involved. Such approval may be obtained in one of the following ways (either one of which must be specified in each private act):
 - a. Two-thirds vote of the local legislative body.
 - b. Majority of local voters who vote on the matter.

II. The Optional Home Rule Amendment, (#7)

A. Applies only to towns and cities, i.e. not to counties.

B. Optional, not compulsory. If amendment is adopted municipal government may by ordinance submit the following question to local voters, "Shall this municipality adopt home rule?" City or town becomes home rule municipality only in case of affirmative vote of majority of those voting. (Home rule may be abandoned in same manner).

C. Adoption of home rule means following changes in municipal government:

1. No future private acts. (State legislature may deal with home rule municipality only by laws which are general in terms and effect.) Only one matter which general act may not deal with; namely, wages and salaries of municipal officers and employees. This is left entirely within control of local citizens as provided in municipal charter (which local voters may amend, see below).
2. Home rule municipality may continue under existing charter or may amend existing charter or adopt new one, as follows:
 - a. Proposals for amendments or new charter may be made by ordinance of local governing body, or by locally elected charter commission.
 - b. Such proposals to be voted upon by local voters. Not to be effective unless approved by majority of those voting thereon.
 - c. Since approval must be in a general state election, proposals cannot be submitted for popular approval more often than once in two years.
3. New charter or charter amendments may deal with any problem in any manner satisfactory to local voters, provided:
 - a. No charter provision may run counter to any general act of the state legislature, or to any provision of the state or national constitutions, or to federal law.
 - b. No charter provision may authorize the collection of any taxes except as authorized by the state legislature, i.e. home rule does not change existing system of taxation (except that under optional home rule amendment state legislature could not authorize any municipal estate or inheritance tax).
 - c. No charter provision may authorize alteration or extension of municipal boundaries. This, like taxation above, remains exclusively within the control of state legislature as during past 83 years.

III. Consolidation Amendment, (#8)

- A. Permits state legislature to provide for consolidation of county and municipal functions in whole or in part.
- B. Such consolidation not to become effective unless approved by majority of those voting in county and also by majority of those voting in affected city.

The Tennessee Constitutional Convention which convened in the Spring of 1953 proposed three separate amendments dealing with local government. One would impose limitations on private acts affecting counties and municipalities; another would provide for optional municipal home rule; the third deals with the consolidation of county and municipal functions. Following is an analysis of each of these three proposed amendments:

The Private Act Amendment (#6)

This proposed amendment, #6, may be divided into two parts. Both of them provide certain safeguards for counties and municipalities against private acts. Part one would prohibit "ripper" legislation designed to (a) remove local officials from office (b) alter their terms of office or (c) alter their salaries. Part two would make all other private acts dealing with local government inoperative until approved by resolution of two-thirds of the members of the local legislative body, or, in the discretion of the General Assembly, by a majority of the local voters in a popular referendum.

It will be noted that this proposal is purely negative. It would merely impose certain limitations upon the state legislature. It would not give any right of local self-government to any community. In short it deals with only half the problem. The General Assembly would still have to act as city council for some 250 municipalities and 99 counties. The same old "blind voting" via "legislative courtesy" would still prevail.

Local matters would still get tied into state politics and vice versa. The same old "you scratch my back and I'll scratch yours" would prevail as between local delegations to the General Assembly. But, of course, counties, towns and cities would have at least a veto to protect themselves from undesirable private acts. On the unfavorable side of the ledger the following also may be noted. The popular referendum is a cumbersome and costly affair; while the two-thirds vote requirement would permit a minority of the local legislative body to block needed changes. Thus both methods for local approval of private acts have weaknesses. Voters will have to decide whether these weaknesses outweigh the advantages promised. Finally the ripper bill prohibition would make it impossible by private act to get rid of local boards and commissions whose members hold staggered terms.

There are numerous county road commissions, municipal recreation and library boards, and other more or less independent boards and commissions now in existence. Their members almost invariably hold staggered terms and are frequently self-perpetuating. The possibilities of abuse in such a system are numerous. Many will think it undesirable to place them beyond the reach of private acts in a system in which private acts are the principle governing medium.

But, of course, if the optional home rule amendment is adopted along with the private act amendment municipalities could get free of all of the above mentioned difficulties (see below) and at the same time enjoy all of the advantages mentioned.

The Optional Home Rule Amendment (#7)

First it must be noted that the proposed home rule amendment (i.e. number 7) does not apply to counties at all. And even, if adopted in the November election, it would not go into effect in any town or city until locally approved as follows. The municipal governing body could, if it chose to do so, submit the following question to the people of the community: "Shall this municipality adopt home rule?" In the event of an affirmative vote by a majority of those qualified voters who vote on the question, the town or city in question would

then become a home rule municipality. This would mean that no future private acts relating to such municipality would be permissible. It would also mean that such community could continue to operate under its existing charter, or by popular vote, could alter such charter in any manner not inconsistent with general state or federal law. Thus local citizens would be their own bosses and could run their local affairs as they saw fit, provided; (1) that they stay within the requirements of general law, (2) that, no ordinance or charter provision that might be adopted could alter or enlarge the municipality's taxing power and (3) that no charter or ordinance provision could alter or enlarge municipal boundaries except in accordance (as now) with the provisions of state law. In short home rule would give no city any authority over its boundaries or taxes - those matters would remain where they are now, i.e. with the General Assembly.

In only one matter would a home rule city have final authority. That would be with respect to compensation of municipal personnel. Charter provisions approved by local voters would be conclusive as to the wages and salaries of municipal officers and employees - no outside interference would be permissible.

The proposed home rule amendment also provides that home rule charter changes may be proposed by municipal ordinance,

by a charter commission as authorized by state law, or, in the absence of state law, by a charter commission locally elected, not more often than once in two years, upon petition of at least ten per cent of the local voters. But, however such proposals might be made, no change in a municipal charter could become effective until approved by the local voters.

Finally any town or city that had adopted home rule, could give it up in the same manner in which it had been adopted. That is, by act of the local governing body approved by the local voters.

Abandonment of home rule would mean that a municipality would thereafter operate under the charter which it had on the date home rule was abandoned. Such a community could thereafter be subject to government by the private act system.

The Proposed Consolidation Amendment (#8)

The proposed consolidation amendment (i.e. number 8) would authorize the General Assembly to provide methods by which all or some city and county functions could be consolidated. But no such consolidation could become effective until approved by popular vote, i.e. by a majority of those voting thereon in the affected municipality and also a majority of those voting thereon in the affected county.

The thought behind this proposal is that as Tennessee changes from a primarily agricultural to an industrial state with large metropolitan areas, there will be increasing need for the reduction of governmental costs by combining city and county functions or services. For example, in some large metropolitan areas it might be desirable to have a single school system for all county and city children, rather than two separate systems as is the rule today.

Of course, the General Assembly already has the power to do this anyway. All that the proposed amendment does is to require that consolidation could not become effective until approved as indicated above, by the local voters of both county and municipality.

Q: What proposals did the Limited Constitutional Convention make with respect to municipal and county government?

A: Three of the eight proposed amendments deal with local government. One puts certain limitations upon private acts affecting town and county government. Another deals with home rule for towns and cities. The third authorizes consolidation of town and county functions, if local voters desire it.

Q: Please explain the private act amendment.

A: In the past the private act "ripper" system has caused many towns and counties a great deal of trouble. Selfish political factions have been able by means of ripper bills to bring on changes in a local government that the local citizens did not want. Sometimes a city would wake up one morning to find its whole system of government changed - though the local citizens had had no opportunity to discuss or express any opinion on the matter. Spring City in Rhea County, for example, recently discovered that overnight it had acquired, in addition to its old, a new set of city

commissioners and a self-appointed city manager. This made two competing city governments in the same city, thanks to the private act system.

To abolish such evils the proposed private act amendment would prohibit all private acts that would abolish any local office or alter the term or compensation of any local officer. This would prevent private act interference with local officers during the term for which they had been elected by the local voters. Of course, if the local voters want to remove such officials or alter their pay, that is the business of the local voters. The point is it's not anyone else's business!

The private act amendment would also mean that no other kind of private act would become effective in any town or county unless approved by the local voters or by a two-thirds vote of the local governing body. This means, of course, that no one could put anything over on a local community that it did not want. In short, towns and counties would have a veto over undesirable private acts.

Q: Does this private act amendment give home rule?

A: No, it does not. It is purely negative. It merely gives the local community a veto against undesirable outside inter-

ference in local affairs. But it would not give any local community any affirmative right to local self-government. Under this proposal towns and cities would still be governed from Nashville. Nothing could be done, no matter how purely local in nature, without permission from the state capitol.

Q: What then is home rule exactly?

A: In essence home rule means local self-government. That is, in purely local affairs towns and cities which adopt home rule would have the power to run their own local affairs as they saw fit. But, of course, home rule towns and cities could not do anything contrary to the state and national constitution, nor contrary to the requirements of general law.

Q: What exactly does the proposed optional home rule amendment provide?

A: In the first place it provides merely an option. That is, no community would be compelled to have home rule. The proposed amendment simply provides that a town or city, if it chooses, may vote on whether or not to adopt home rule.

Any community that voted to adopt home rule would thereafter be free of all future private acts. It could then continue to live under its existing charter, or by popular vote could change its charter to fit local needs. In short a home rule city would have full authority to manage its own affairs so long as it stayed within the requirements of general law and the state and national constitutions. There would be, however, two additional limitations upon the powers of a home rule town or city. Adoption of home rule would not give any community any additional taxing power, nor any power to extend its own boundaries. These matters would remain exactly where they are now - with the state legislature. In short optional home rule does not extend to taxation or boundary extension.

Q: Could a town give up home rule once it had been voted in?

A: Yes, indeed. Home rule would be purely optional. The local voters could vote it in or vote it out to suit their needs.

Q: Have any other states tried home rule?

A: More than half the states already have home rule. Actually it was first adopted in Missouri in 1875. It has proven very successful and very popular in the experience of other states.

Q: It appears from your discussion that the home rule amendment deals only with towns and cities - not with counties.

Is that correct?

A: That is correct. The proposed amendment makes home rule optional only for municipalities.

Q: What does the consolidation amendment provide?

A: This proposal authorizes the state legislature to provide for the merging of city and county functions. Again it is purely optional. The proposed amendment simply means that the General Assembly could provide that, if any city and county think they could get better or less expensive service by combining some or all of their functions, they may do so.

Q: Could you give an example?

A: Yes, in some situations it might be desirable to have a single school system for all county and city children - or a single public health program. Normally this sort of thing would occur only in a county which contains a metropolitan community. The purpose behind the consolidation idea is to get rid of the high cost of duplicated facilities.

Q: Would such consolidation be compulsory?

A: Not at all. No consolidation plan could become effective

without approval of the city voters and the county voters.
In other words only a mutually satisfactory plan could be
put intoeffect.

Q: To summarize then, there are three proposed amendments
dealing with local government. One is the private act
amendment which will be numbered 6 on the ballot in
November. Another is the home rule amendment which
will be numbered 7. The last is the consolidation
amendment to be numbered 8.

A: That is correct.

Q: One more question. Will voters in the November elections
be able to vote on all three of these proposals?

A: Yes, indeed. It is not an "either-or" proposition.
Voters will be free to vote for as many, or as few, of the
amendments as they choose.

1. It would permit towns and cities to levy privilege, income and other taxes not now permissible.

False! The proposed home rule amendment clearly and purposely provides that the concept of home rule shall not extend to tax matters. That is, home rule towns and cities, like all others that did not choose to adopt home rule, would have only such taxing powers as the General Assembly might give them.

This is exactly the same situation that has existed for the last 83 years in Tennessee! It is exactly the same situation that would exist, if the optional home rule amendment were not adopted. It is exactly the same situation that would exist if no amendment were to be adopted, or if only the private act amendment were adopted.

In short no matter what amendments are adopted or rejected the state legislature will continue, as in the past, to have full, unqualified control of all municipal taxes and taxing power. But the home rule amendment does outlaw some taxes which the General Assembly could now authorize - and which the General Assembly could authorize for non-home rule towns and

cities. Thus the last paragraph of the proposed optional home rule amendment prohibits the General Assembly from authorizing municipal taxes on estates or inheritances.

2. The people would have to be on guard every day against extension of municipal boundaries.

False! The proposed optional home rule amendment would not give any power to any city or town to change its boundaries. This, like to taxing power, remains unchanged in the hands of the General Assembly.

3. It would give city officials power to set their own salaries.

False! It gives the people of a city the power to set salaries. The people would have complete control of all municipal wages and salaries through their municipal charters. These charters in a home rule city could not be altered or amended in any way without approval of a majority of the local voters.

4. It would permit amendments to a home rule city charter to be made every week.

False! Proposed amendments have to be submitted to the local voters in a general state election. Since such elections are held only once every two years, it follows that charter changes could not be made more often than that.

5. It would take sovereignty away from the state.

No! The state would remain in full control. No town or city could do anything contrary to general state law. The only exception relates to the compensation of municipal personnel. The reason for this exception is that since a municipality has to pay wages and salaries it must be able to set the amount thereof to prevent unbalancing of local budgets by outsiders.

6. It departs from our republican principles.

It does not. Rather it enforces them. A basic principle of republican government is that each level of government - national, state and local - shall handle its own affairs and not interfere with other levels. National government is to stick to national affairs. State government should confine itself to matters of state-wide concern. Municipal government similarly should be free to handle purely local matters. Home rule is simply an expression of this ancient Jeffersonian principle. The state should not interfere in purely local affairs any more than Washington should interfere with purely state matters.

Address, five minutes in length

The Tennessee Limited Constitutional Convention which met last spring proposed three amendments dealing with local government. They will be presented separately for acceptance or rejection by the people on November third. This means that Tennessee voters will have an opportunity to vote for any or all of these three proposals. It is not a matter of having to choose one and reject the others! Each voter may vote for as many of the three proposals as he thinks should be incorporated into the Tennessee Constitution.

One of the three proposed amendments deals only with private legislation. It may be called the private act amendment. If adopted by the voters it would prohibit "ripper" legislation - private acts removing any town or county official from office, or changing his pay or term of office. The same amendment, if adopted, would also mean that no other private act could go into effect in any town or county until approved either by the local voters or by a two-thirds vote of the local governing body.

This proposal, of course, is purely negative. It does not provide home rule. It merely gives each community freedom from certain ripper acts, and a veto over other types of private legislation affecting local affairs. This proposal will appear as amendment number 6 on the ballot in November.

The second proposed amendment deals with optional home rule for municipalities. Under it any town or city that wanted to do so could adopt home rule by a majority vote of its residents. By adopting home rule a municipality would free itself absolutely from all future private act legislation. It could then continue under its existing charter, ~~on~~ by popular vote could amend its charter, to govern its local affairs as it saw fit. But no such charter change could increase any town's taxing power, extend its boundaries or run counter to any general state law.

In short, home rule would be entirely optional. A town or city that chose to adopt it would be free of all private act interference in local affairs. But, of course, a home rule community would have to abide by the state and national constitutions and by all general laws which the sovereign State of Tennessee saw fit to adopt for the pro-

tection of its people. Finally, of course, home rule would not give any town or city any additional taxing or boundary extension power. These matters would remain where they are now - in the hands of the General Assembly.

It might be that many Tennessee communities are not yet ready to adopt home rule. Nothing in the proposed amendment requires them to do so - or even to consider or vote on the matter. But it leaves all towns and cities free to have home rule, if they want it. The beauty of the amendment is that its terms are optional - no town and no city would be compelled to do anything that it didn't want to do. By setting the matter up in this way there is enough flexibility to avoid the trouble and cost of another consitutional convention in the near future. The proposed optional home rule amendment will be numbered 7 on the ballot in November.

The third proposed local government amendment authorizes the General Assembly to provide for the consolidation of municipal with county functions but only with voter approval. Again it is purely optional. In some situations it might be desirable to have a single school system for county and city students - or a single public health system for city and county patients.

Of course, the General Assembly already has the power to provide for such consolidation of functions. Thus, in fact, all that the amendment would add is the requirement that a majority of city voters and of county voters must approve any such consolidation before it could go into effect.

The consolidation proposal will be numbered 8 on the November ballots.

Citizens may free themselves from private bills by voting for Constitutional Amendment number 6...may make home rule possible by voting for number 7...may insure voter-consideration of consolidation of city-county services by voting for number 8.

Address, 20 minutes in length

On November 3, Voters of Tennessee will make a decision about home rule. They will vote on three amendments to the Tennessee Constitution which deal with municipal government. There is nothing academic about these proposals. They spring from hard experience throughout the state.

To understand what the three proposed amendments mean it is necessary to understand the framework written which Tennessee towns and cities have been operating in the past - and in the present. If we understand the abuses and difficulties of the existing system, we can readily understand the changes proposed by the Limited Constitutional Convention.

The legal status of cities under the present Constitution of Tennessee has been clearly defined by our Supreme Court in the following terms:

The Legislature has absolute power over the creation of municipal corporations. It may, at its pleasure provide for their creation, or prohibit their creation altogether. It dictates the terms upon which municipal charters shall be granted. It confers such powers and duties and imposes such burdens and restrictions upon them as are deemed expedient. State v. Frost, 103 Tenn. 685, 54 S.W. 986 (1900).

In short, even in matters of exclusively local interest, Tennessee towns and cities are subject to a system of government by remote control. There is no "inherent right," and no constitutional right, of local self-government as things now stand in Tennessee.

In the early days such a system may have been satisfactory. Cities ~~were~~ few, their populations were small and their problems were relatively simple. But all that is now changed. Today Tennessee has several great metropolitan centers and some 250 smaller towns and cities. Each has its own problems and peculiarities. A single legislative body - the General Assembly - meeting only once every two years for a brief period of some 75 days simply does not have the time or the knowledge of local affairs to act as city council for some 250 different communities.

The result is the system of private act legislation which has long plagued the municipalities of Tennessee and of every other state that operates under the remote control system. As the Tennessee Constitution Revision Commission put it a few years ago, private acts "do not receive any consideration by the entire membership of the Legislature, such local measures generally being adopted as a matter of routine if proposed and approved by the local representatives."

"What happens," as Dean Fordham, has observed "is casual, unstudied enactment of almost any local measure if sought or approved by the representatives of the district concerned. At the 1947 regular session of the General Assembly...the process reached the nadir of legislative irresponsibility. Local bills were passed in blocs.... In the house, the Speaker ... and Chief Clerk ... were more interested in ... speed-up devices than in ascertaining membership attitudes.... Passage of local bills traditionally has been an abbreviated procedure. But nobody ever kicks. The process calls for the clerk to mumble the first five names on the roll call and then sing out '65 ayes and no noes.' This is done for each local bill. Friday the Speaker and Chief Clerk tried the same procedure on whole blocs of bills. It worked. There were no kicks." In short, the general rule is that private or local bills are not really considered at all by the General Assembly - but they are enacted by the hundreds.

The result frequently is that selfish pressure groups have a field day at the expense of important local interests. As the Tennessee Constitution Revision Commission observed, "Individual members of the Legislature have from time to time brought about changes in city charters purely for selfish political purposes, including changes affecting the basic structure of

municipalities, and in many instances such changes have been effected through legislative courtesy [see Dean Fordham's remarks, above] where such proposed changes were not an issue in the election of legislative representatives and were known to be contrary to the wishes of a great majority of the people affected."

To eliminate this type of abuse the proposed private act amendment imposes two limitations upon the private act system. First, it prohibits absolutely any private act that would remove any county, town or city official from office, or reduce his term of office or pay during the period for which such officer was elected to serve. This is the so-called anti-ripper bill provision. The second provision of the same amendment holds that no other private act affecting any county, town or city shall become effective until approved by the local community involved. Such approval can be had in either one of two ways, as provided in the private act itself. That is, either by a two-thirds vote of the local legislative body, or by popular vote of the local citizens.

It will be seen that this private act amendment is purely negative. It does not give any county or municipality any power of self-government. It merely prohibits certain private acts altogether, and makes all others that would affect local

government subject to a local veto.

But this would solve only half the problem. If it alone were adopted, counties, cities and towns would still have to depend upon Nashville for all their needs. They would still be subject to government by remote control. The General Assembly would still have to act as city council for some 250 towns and cities and as county court for 95 counties. Special local problems would still be beyond the power of local citizens.

Accordingly another proposed amendment would authorize home rule. This proposal is positive in its terms. It would give towns and cities (not counties) certain affirmative powers with respect to their own local affairs.

It must be pointed out that the home rule amendment is optional, not compulsory. This means that even if the proposed home rule amendment is adopted in the November elections, home rule would not automatically become affective anywhere. For the proposal provides that before any community can acquire home rule, it must be adopted by popular vote of the local citizens, after the issue is submitted to them by the local city government. This means that no town or city would have to have home rule, if it didn't want it. And no community would even have to vote on the matter, unless it were proposed for vote by the city government, i.e. the city council or commission.

Assuming that a city were to vote to adopt home rule, what would happen? In the first place the city would be free of all future private acts. This does not mean that it would be free of all state control. Not at all. It means merely that home rule cities are subject only to the state and federal Constitutions and general laws. By general laws we mean laws generally applicable throughout the state. Thus home rule cities are protected from all kinds of special and discriminatory treatment by outsiders. But the state, of course, retains full power to deal with and protect the general welfare by general law, just as it does today.

What of local matters which the state does not find sufficiently important to deal with on a state-wide basis by general law? Such local matters are left in the hands of the home rule community. Each town or city that adopts home rule thereby acquires power, by popular vote, to amend its own charter in any way that it sees fit to deal with purely local problems, not dealt with by general law. There are two basic limitations upon the home rule charter-making power. One is that no home rule city can give itself any taxing powers. The other is that no home rule city can extend its own boundaries. Thus, even for cities that adopt home rule, the power of taxation and the power to extend boundaries would remain completely subject

to control by the state legislature. To put it in a nut shell - home rule under the proposed amendment would not give cities local control over taxation or boundaries. And, of course, home rule cities would have to stay within and abide by general state laws.

There is another exception to the proposition that home rule cities would be completely subject to general law. This exception concerns the wages and salaries of municipal officers and workers. With respect to such wages and salaries home rule cities, through their charters, would have the final voice. Thus, there is only one matter over which a home rule city would be in complete control.

The reason for this control being given to cities rests in sad experience. Too many times in the past the General Assembly has voted for pay raises which throw city budgets out of balance. It is all too easy for legislators at Nashville to succumb to pressure groups by granting wage increases which local city councils will have to find the money to finance. By giving the local home rule community full power over the compensation of its own officers and employees, local finances are protected from this kind of legislation which has put so many city budgets in the red.

This does not mean that home rule city officials can set their own salaries. It means that the local voters, through their city charters, have full and final control over all compensation rates for municipal officers and employees.

How would charter amendments be made in a home rule city? Of course a home rule municipality could continue to live under its existing charter. But if changes were thought necessary they could be proposed either by the local governing body or by an elected charter commission. But no proposed charter amendment could become effective until adopted by popular vote of the local citizens.

To summarize: The proposed home rule amendment would make home rule optional, not mandatory, for any town or city. Home rule would leave the taxing and boundary powers just where they are now - in the General Assembly. Other matters, not covered by general law, would be in the hands of the local voters. These matters would be dealt with by the local voters through their power to alter and amend their city charter. The state would remain sovereign. Any matter which the state deemed of sufficient importance generally, it could deal with by general law. The only exception to this would be the home rule city's full control

over wages and salaries of municipal employees, a control necessary to prevent the unbalancing of local budgets by outsiders.

Finally, it should be noted that any municipality that had voted to adopt home rule could also, if it saw fit, vote to abolish home rule and revert to a non-home rule status.

The third proposed amendment dealing with local government concerns the consolidation of city and county functions. In some of the large metropolitan areas, it is sometimes wasteful to have, for example, two separate public health systems - one run by the county, another by the city. The proposed amendment authorizes the state legislature to provide ways for consolidating or merging such functions - with the approval of the voters of both the county and city concerned. Of course, the General Assembly already has this power and indeed has already used it in some cases. Thus, all that the amendment really adds is that, in the future, consolidations can not be accomplished without a majority vote both in the county and in the city affected.

In conclusion let me say this: On November 3 you may vote for none of these amendments, for any one of them or for all of them. They are not inconsistent. They do not overlap. It is not a question of having to choose between

them. All three amendments make a complete package. As a package, they deal with the most pressing problems of local government. By adopting all of them the people of Tennessee will free themselves of several headaches that have plagued many towns and cities in the past.

This cure - these three amendments have been carefully worked out by practical men, from all walks of life, from all parts of the state. Members of the Constitutional Convention worked hard. They have produced an excellent product. Do not, by indifference or laziness, let their work go for nothing.

If you like the amendment prohibiting private acts vote for amendment No. 6. If you like optional home rule, vote for amendment No. 7. If you want to insure a popular vote on consolidation of city-county functions, vote for amendment No. 8 on November 3. If you want democratic, home rule processes, vote for the three amendments - 6, 7, and 8.

To the newspaper editor

To the radio station manager

The following series of seven "shorts" have been prepared by a professional writer specifically for use as a series of newspaper items (possibly boxed) or as a series of spot announcements on the radio. The factual data was provided by an author of the three local government amendments and is positively accurate.

The information is designed to inform the general public on the several points about which there has been some deliberate falsification..and much rumor and misinformation. Because your media is a dispenser of facts to the people of the community you serve, these items should be useful to you.

Suggested schedule:

Daily paper: One item per day for the seven days preceding November 3 or preceding the week containing November 3.

Weekly paper: One item per week for the seven weeks preceding the week containing November 3 or one item on each page of the newspaper of the week just preceding November 3.

Radio: One item per day (at the same hour or hours if possible) for two weeks preceding the week of November 3, (repeating the items the second week, of course).

THE TRUTH ABOUT HOME RULE

(First in a series)

Three proposals -- 6, 7, and 8 in the forthcoming vote on constitutional amendments -- deal with local government. Number 6 limits private bills in the state legislature. Number 7 makes it possible for Tennessee cities to adopt home rule by popular vote. (Number 7 does not impose home rule on any city -- it merely gives any city the right to adopt home rule if it wants to.) Number 8 makes it necessary for a majority of voters in this city and in this county to approve any consolidation of services before consolidation can take place.

THE TRUTH ABOUT HOME RULE

(Second in a series)

What does the phrase "Optional Home Rule" mean? Optional Home Rule is one of the proposals -- it's #7 -- for an amendment to the Tennessee Constitution on which citizens of _____ will vote on November 3. It is (name of city) called "optional" home rule because even if the amendment is approved on November 3, no city could obtain home rule unless residents of the city voted later, in a referendum, for home rule. Thus home rule is "optional" -- up to the choice of people in this or any city which wants to hold such a referendum.

THE TRUTH ABOUT HOME RULE

(Third in a series)

Some falsehoods and many erroneous rumors about Optional Home Rule -- proposed Constitutional Amendment #7 -- have been spread. One of them is that, if our city or any city decides to become a "home rule" city, the city government could then enlarge its taxing powers. This is not true. Provisions in the Optional Home Rule Amendment expressly prohibit any local extension of a city's taxing power.

THE TRUTH ABOUT HOME RULE

(Fourth in a series)

Some one -- either deliberately lying or by repeating misinformation -- has said that if the Optional Home Rule Amendment is approved on November 3, and if later we decide to become a "home rule" city, _____, (name of city) would then have new power to extend its city limits.

This is not true. The Optional Home Rule Amendment would not give towns or cities any new power -- over and above what they now have -- to extend boundaries.

THE TRUTH ABOUT HOME RULE

. (Fifth in a series)

The proposed Optional Home Rule Amendment -- #7 -- on which citizens of _____ will vote November 3, does not infringe on the sovereign powers of the General Assembly to protect the rights of Tennessee citizens. You may have been told that Optional Home Rule would destroy or reduce State control over matters of general state-wide concern. This is not true. Optional Home Rule would allow local control only in those matters of purely local concern.

THE TRUTH ABOUT HOME RULE

(Sixth in a series)

There is a reason why proposed Constitutional Amendment #6 -- the anti-private legislation measure on which you will vote November 3 -- is not real home rule. Number 6 merely limits private legislation. It would not give local people any affirmative power to manage their own local affairs. Only the Optional Home Rule Amendment, if approved by the voters of Tennessee, would permit any city to adopt home rule by vote of the local citizens. You do not have to choose between #6 and #7. You can vote for both proposals -- 6 and 7 -- they complement one another.

THE TRUTH ABOUT HOME RULE

(Seventh in a series)

This series of "truths" about home rule proposals on which citizens of _____ and _____
(name of city) (name of county)
County will vote on November 3 have been carried on

(call letters of radio station)

in _____
(name of the newspaper)

in an effort to provide factual information about the three proposed amendments -- #6, #7, and #8 -- which deal with local government. If you believe purely local affairs belong in the hands of our local people; that many private bills are against the best interests of this city and county; that citizens should have an opportunity to vote before any city and county services are consolidated, you should vote for all three amendment resolutions -- 6, 7, and 8. But, however you vote -- go to the polls next Tuesday!

Get Out And Vote On Constitutional Amendments

Last fall a majority of voters in Tennessee, including many of you, agreed that the State Constitution needed an examination to see what, if any, changes must be made in it to suit present-day living. This year delegates to the Constitutional Convention waded through thousands of proposals. The Convention cost every one of us tax dollars.

This fall, on November 3, the eight proposals for changes in the Constitution, will be submitted to the people of Tennessee -- that includes every qualified voter in

_____ and _____ County. If we
(name of city) (name of county)
fail to go to the polls we will have wasted our votes last fall, the efforts of Constitutional delegates we selected, and the dollars we spent on the Convention. Each of us has a personal stake in the voting November 3. Each of us has a duty to vote and take our neighbors to vote on proposed constitutional amendments.

In our city and county we are interested in proposed changes #6, #7, and #8. You can vote for any one of these or you can vote for all three. Voting for all three will

make possible real local home control -- that's control by you and control by me -- of our purely local affairs and our purely local money.

If you believe in local people and local self-government, vote for all three proposals -- #6, #7, and #8. Get out and vote on November 3.

EDITORIALS

Home Rule Can Not Enlarge City's Taxing Powers

Before the people of _____ go to the polls
(name of city)
on November 3 to decide what, if any, changes are to be made
in the State Constitution, they must have the truth about
one of the important proposed amendments. It is #7, the
Optional Home Rule resolution.

Rumor-carriers and outright falsifiers have hinted or
said that if this amendment is adopted, and later approved by
voters in an individual city desiring home rule, it will
enable the city to set up some new kinds of taxes. This is
not true.

The facts are these. The proposed amendment #7 --
Optional Home Rule -- expressly provides that home rule shall
not extend to taxing powers. That is, a city which decides
it wants home rule can not give itself any new taxing powers.
It will still have only those taxing powers which it now has.
Amendment proposals #7 and #8, also dealing with municipal
government but in no-wise concerned with taxing powers, like-
wise can not in any way enlarge taxing powers of a city.

EDITORIALS

Home Rule "Straight": Six, Seven, and Eight!

Every man and woman voter in _____ needs to understand the three proposed amendments to the Constitution which deal with the municipal government. They are amendments #6, #7, and #8.

Number 6 is an anti-private act resolution which would eliminate those disastrous private measures, enacted in successive General Assemblies, which tear up our local government as though it were a private concern of the politicians.

_____ needs the protection of #6.
(Name of city)

Number 7 is optional home rule. If approved on November 3, it would allow citizens of this or any community to hold a referendum on home rule. If the people of a community voted for home rule, they would then have power to amend their city's charter as desired EXCEPT that the home rule city could not enlarge its taxing powers in any manner whatsoever, could not destroy or reduce the sovereign powers of the General Assembly in matters of State General laws, and would not give a city any power to extend its boundaries

over and above what a city has right now. _____
(Name of city)
would be in your hands if #7 is adopted and, later, if we,
the citizens of _____, decide to come under home
(name of city)
rule.

Number 8 would make it necessary for a majority of
voters in a city and a majority of voters in a county to
approve any consolidation of city and county services, such
as school systems or health services. The General Assembly
now has the power to provide for such consolidations. If
amendment #8 is adopted, the General Assembly will still
have that power but subject to the control of the people of
the city and of the county who would be affected by consolida-
tion.

You can vote for none of these conservative but realistic
proposals. You can vote for only one or two of them. We
believe that citizens of _____ can have better
(name of city)
government and more democratic government by voting for all
three: #6, #7, and #8.

Instructions: These news releases should NOT be turned over to the newspaper or publicity chairman but should come directly from the Mayor /or/ the Home Rule Chairman.

A suggested release date for each item is shown at the top of each release. DO NOT DISTRIBUTE ALL THE RELEASES AT ONE TIME. YOU CANNOT KNOW THE FACTS AND FIGURES AT THE OUTSET.

Every blank should be neatly and accurately filled-in (spell names correctly, type or write legibly) before turning releases over to the newspaper and radio people for use.

If possible, of course, the entire release with the proper local names inserted, might be retyped before it goes to your editor. It will impress him more than a "filled in" release.

IMPORTANT: The last 2 pages are radio releases. Tear them apart, and release each item at the same time you release corresponding news to the newspapers.

RELEASE IMMEDIATELY AFTER CHAIRMAN ACCEPTS APPOINTMENT

FROM: City Hall, Mayor _____

TO: Newspaper _____

Mayor _____ has appointed _____
as Chairman of Home Rule for _____ and said today
that a complete Home Rule Committee will be named in the next
several days. _____ will direct the local campaign
to inform voters about the three proposed amendments, to the State
Constitution, which deal with local government. Citizens of _____
_____ will vote on the proposals, Resolutions 6, 7, and 8, on
November 3.

The campaign will start immediately, according to Chairman
_____ and will include information in this paper
(announcements on station _____) and talks before every
civic and social club in the community. Club program chairmen and
speakers who are interested in helping distribute "factual informa-
tion to our citizens" are urged to volunteer their help, Chairman
_____ said. "The entire campaign," he promised,
"will be conducted at the local level by local people." However,
he pointed out, similar campaigns are being carried on, under

direction of municipal officials in each of the other 249 cities in Tennessee.

Proposed Amendment 6 prohibits certain types of private bills. Proposal 7 -- the "Optional Home Rule" measure -- would allow a community desiring "home rule" to adopt it, but only if the people of a city, in a later referendum, approved home rule. Proposal 8 makes it mandatory that before the General Assembly could provide for the consolidation of any city and county services, a majority of people in the affected city and the county must approve the consolidation. At the present time the General Assembly could provide for consolidation without reference to the people who would be affected.

Mayor _____ and Home Rule Chairman _____ emphasized that the campaign for these three proposals does not indicate opposition to the other five proposed amendments. They pointed out that only these three -- 6, 7, and 8, -- deal with local government.

RELEASE THE DAY HOME RULE CHAIRMAN SETS A DATE FOR THE MEETING OF
COMMUNITY LEADERS (See How to Use This Kit - Campaign Ideas)

FROM: Home Rule Chairman _____

TO: Newspaper _____

A meeting of community leaders in _____ and _____
County has been called for _____ at _____ PM by Home Rule
Chairman _____. The meeting will be held at the _____
_____ and a Home Rule Committee to campaign for proposed
constitutional amendments 6, 7, and 8 -- the three dealing with
local government -- will be named at the meeting.

Chairman _____ says that representatives of
every civic, social, and service club in the city will be invited
to the meeting. A Speakers Bureau, whose members will make
explanatory talks about the proposed home rule amendments before
club groups, is to be organized at the community meeting. The
"information" campaign is designed, the chairman said, "to let
out people know exactly what they will be called on to vote about
next November 3." He went on to say that "while the amendments are
simply worded, their implication for our city and county government
is extensive."

Both city and county officials here have expressed a desire
to let citizens know how these proposed amendments would affect the
local governments.

RELEASE WEEK BEFORE SPEECH IS TO BE GIVEN (for weeklies) or DAY
BEFORE (for dailies)

NOTE: THIS IS A SAMPLE RELEASE NOT THE RELEASE PROPER. IT WILL
HAVE TO BE RETYPED WITH PROPER NAMES INSERTED AND NECESSARY
REVISIONS EACH TIME IT IS USED.

FROM: Home Rule Chairman _____

TO: Newspaper _____

Members of the (name of club) Club will study three proposed
changes in the State Constitution and will hear explanatory remarks
from (Speaker's name) at the meeting (day of week), (hour) in the
(Place of meeting). (Speaker's name) is a member of the Speakers
Bureau, organized by the local Home Rule Committee in (city) and
(county) County. The (name of club) Club is one of approximately
(number) organizations which will devote its program to home rule
as a preliminary to the popular vote on the three proposals, -
Resolutions 6, 7, and 8 - on November 3.

Home Rule Chairman (name) said that last week the (club-
names), and (etc.) heard talks on home rule and the importance
of the three proposals dealing with local government. The local
campaign is part of a state-wide effort, sparked by municipal
officials, for a favorable vote in the November referendum.

FROM: Mayor _____

TO: Radio Station _____ RELEASE ON RECEIPT

Mayor _____ today named _____ the Home Rule Chairman to direct the campaign in _____ and _____ County for a favorable popular vote on three proposed Constitutional Amendments dealing with local government.

Chairman _____ says that he hopes to call a meeting of community leaders within the next several days to organize a Home Rule Committee and a Speakers Bureau. The effort is aimed at informing local voters about the home rule amendments -- Resolutions six, seven, and eight -- on which they are to vote November 3.

"These amendments can have tremendous impact on our local government," Mayor _____ believes. He and Chairman _____ have called on this radio station and the local newspaper to help spread factual information about the amendments.

In addition, the local Home Rule Committee hopes to schedule talks and question-and-answer sessions before all organizations in this community. Club officers and program chairman desiring such programs are asked to contact Chairman _____.

FROM: Home Rule Chairman _____

TO: Radio Station _____ FOR RELEASE ON RECEIPT

Home Rule Chairman _____ has called a meeting of community leaders for _____ night at the _____, _____ PM. A Home Rule Committee and a Speakers Bureau will be appointed at the meeting. Invitations to attend the meeting have gone to presidents of church, civic, social, and business groups in this community.

Chairman _____ says that the purpose of the meeting is to organize an educational effort to explain the three home rule proposals to citizens before the referendum on them, November 3.

FROM: Home Rule Chairman _____

TO: Radio Station _____ RELEASE ON RECEIPT

_____ will be the speaker tomorrow at the meeting of the _____ Club, _____ AM/PM, in the _____. The subject at this meeting will be "Three Home Rule Proposals -- What they are, how they'll affect our city, what I can do about them."

Tomorrow's discussion at the _____ Club is one of many scheduled by the local Home Rule Committee. _____ is Home Rule Chairman.

30 seconds

If you want our local governments protected from private legislation, vote for constitutional amendment number six. If you want a chance for citizens to decide whether or not they want home rule in _____
(name of city)
vote for Optional Home Rule, proposal number seven. If you want citizens of this city and this county to decide, by a referendum, if they want a consolidation of any city or county services, vote for proposal number eight. If you want local control over local affairs, vote for all three amendments - six, seven and eight!

15 seconds

If you believe purely local affairs belong in the hands of our local people; that many private bills are against the best interests of this city and county; that citizens should have an opportunity to vote before any city and county services are consolidated, VOTE NOVEMBER THIRD FOR CONSTITUTIONAL AMENDMENTS SIX, SEVEN, AND EIGHT.

One minute

November third is the date citizens of _____
(name of city)
and _____ County go to the polls to decide the
(name of county)
future of local government by their vote on proposed constitutional amendments six, seven, and eight. Number six would protect our local government against private bills. It controls undesirable private acts on matters of public concern to this city and this county. Number seven would permit citizens of _____ to adopt home rule if
(name of city)
they want it. Number eight makes possible consolidation of some city-county services -- for instance the school systems or the health services -- but only if people of the affected city and county approve consolidation. These amendments have been carefully worked out. They are conservative. But they would provide more local control over purely local affairs. If you believe in the democratic procedure, vote for proposed constitutional amendments six, seven, and eight on November third.

Chain break (10 seconds)

For a better city, county, and State:

Vote for resolutions six, seven, and eight!

Go to the polls November third and vote for

constitutional amendments six, seven and eight.