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County Home Rule

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COUNTY HOME RULE

by

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History of County Government; Discussion of County Government in Texas and in Dallas County, with an Analysis of its Short-comings.

There are 3,069 counties in the United States. The county is a unit of local government in every state except Rhode Island. Delaware has the smallest number and Texas the largest number of counties, 3 and 254, respectively.

Even now, with modern methods of transportation and communication, it would be impracticable, in almost all states, to have the entire machinery of state government located at the capital. Administrative subdivisions are necessary for much of the work of administering state laws and performing the varied functions of state government. The county is such a subdivision. "The legal position of the county is everywhere the same," say Profs. Stuart A. MacCorkle and Wilfred D. Webb, of the Bureau of Municipal Research at the University of Texas, in their booklet, *Forms of Local Government*. "It is created by the state and is wholly subordinate to the state. In the absence of constitutional restrictions, the legislature has absolute power over the extent, organization, and dissolution of counties." In addition to its primary purpose of local administration of general state functions, such as laying and collecting taxes, administering justice and conducting elections, the county is also a unit of local self-government. In recent years the field of its local activities has been much broadened—the building and maintenance of libraries, hospitals and airports are examples.

Historically, county organization in Texas originally followed the large county board plan of New York, with the board composed of justices of the peace. In 1845, however, the Pennsylvania plan of a small county board was adopted, under which the county was divided into a small number of precincts, from each of which a member of the board was chosen. Essentially, this is the plan which is still followed under the provisions of the present state constitution, which was adopted in 1876. Wallace C. Murphy, in his classic *County Government and Administration in Texas*, points out that "with few minor exceptions, the entire county system is set out in the Constitution, a condition which takes from the people of the counties the control of their government and leaves them only the empty honor of electing candidates for the several offices each biennium."

The governmental organization is essentially the same in all of Texas' 254 counties, although the greatest possible differences exist among these counties as to area, population, climate, wealth and resources. Each county has a commissioners' court composed of the county judge, elected at large, and four commissioners, one elected from each precinct. Each county also has a tax assessor and collector (this office is combined with that of sheriff in counties of less than 10,000 population), a county clerk, a county attorney, a county health officer, a county treasurer, constables, justices of the peace, a sheriff, a surveyor and a county board

of school trustees. In counties having a population of 8,000 or more, there is also a clerk of the district court. In counties having 3,000 scholastics or more, a superintendent of schools is elected; while in counties with a smaller scholastic population the county judge acts as school superintendent. Counties of 100,000 population have a chief probation officer, and counties with a population of 35,000 or an assessed valuation of \$15,000,000 have a county auditor. In counties in which there is a resident criminal district attorney, a county attorney is not elected. In a few counties, special legislative acts have changed a small part of this pattern of county organization, notably the appointment by the county board of trustees of the county school superintendent, instead of his election by the voters. However, such changes have been so few that the general plan of county governmental organization is hardly affected.

Although the county is both a unit of local government and an administrative district of the state, it is exceedingly difficult—indeed, almost impossible—to separate these two functions. This fact is of great importance, for, as will appear later, it has proven to be the deathblow of hopes for county home rule under the existing laws.

The principal functions of county government are: maintenance of law and order; administration of justice; maintenance of schools; administration of county finance; recording of various records; construction and care of county roads; and miscellaneous functions, such as the administration of hospitals, libraries, relief, county poor farms, etc. In serving as an administrative district for the state government the county, for example, conducts elections for the state, and it also assesses property and collects taxes for the state.

"The county has been called the 'dead Indian,' the 'dark continent of American politics,' and a 'horse and buggy government,' " report Profs. C. P. Patterson, S. B. McAlister and G. C. Hester in their excellent book, *State and Local Government in Texas*. "It is undoubtedly the most inefficient and irresponsible unit in the American system of government," they continue, "for it lacks sufficient autonomy to be responsible to the voters of the county and lacks the proper state supervision to make it a responsible agent of the state. It should be responsible to the state or be a responsible unit of local self-government. However, it is not properly organized for either of these purposes."

Specific defects of county government are listed as follows by Profs. MacCorkle and Webb in *Forms of Local Government*.

I. There is no chief executive for the county.

II. "The governmental machinery is cumbersome, and there is a lack of businesslike practices in such matters as purchasing supplies and adequate accounting and recording systems."

III. "There are too many elective officers and the term of two years is too brief. The lack of a personnel system based on merit, together with the all too frequent practice of exploiting political power, has neither attracted nor held capable personnel in the county's service."

IV. "As a rule county officers are poorly paid, and far too frequently they have been compensated on a fee basis," although this practice has been greatly decreased, especially in the larger counties.

V. There are too many counties. Some counties are "too small in area and too poor in resources to provide the services that should be provided. In small populated counties it is not unusual for three-fourths of the taxes to go for salaries of officers, leaving little for anything else." And remember that every county, no matter how small or poor, has to have at least a dozen elective officers because of the rigid governmental system provided in the constitution.

VI. "In a few instances, it would seem that the burden of maintaining county government is out of proportion to services rendered. For example, in counties like Bexar [San Antonio], Dallas [Dallas], Harris [Houston], Potter [Amarillo], and Tarrant [Fort Worth], the majority of voters and property values lie within the cities of these counties. There is an urgent need for more city-county co-operation in matters of common interest."

VII. "State supervision over important financial functions performed by the county is slight," for example, in tax collection and property assessment. "The state conducts no training courses for local officials."

The inefficiency of county government is quite generally recognized. Why, then, is it so persistent? Profs. MacCorkle and Webb have put the answer very concisely. "By and large . . . those who have personal or political interest in county government tend to resist any major changes. Individuals who aspire to an elective office prefer a system that provides a great many offices; a number of taxpayers do not relish the idea of scientific assessing methods; and those whose stock-in-trade is patronage see little merit in a personnel system that is based on merit. Most important, the people of this state have never shown any great concern about efficient county government."

County Government Can Be Greatly Improved by County Home Rule; Discussion of County Manager, Limited Executive and Elected Executive Forms of County Government, County Consolidation, City-County Consolidation, and City-County Co-operation.

Having considered the history of county government and the general form of such government in Texas, and having indicated the major shortcomings of the county, the question now to be considered is: How best can county government be improved? The inefficiencies and varying degrees of corruption in county affairs in general throughout the country have been pointed out time and again over the years by individual students of government and by organizations such as the League of Women Voters, the National Municipal League and the bureaus of municipal research at various universities. There is NO doubt that county government in general is wasteful and inefficient, although a few individual counties are shining examples of good administration. The doubt comes in deciding how county government can best be im-

proved. And the hard work starts—and it is tremendously hard work!—when any person or group attempts to improve county government even in minor details!

Many changes for the better can, of course, be made within the existing structure of county government. Procedures in county departments can be critically examined, brought up to date, and streamlined. A few years ago, Westmoreland County in Pennsylvania got splendid results from the methodical scientific assessing of property for tax purposes by expertly trained personnel . . . Space-saving devices (such as micro-filming old county records to relieve congested filing quarters) can, in effect, give county offices appreciably more room and help postpone the need for an additional county office building. Millions of individual sheets of old Dallas County records have been filmed since the legislature authorized the filming of public records in 1947 . . . Labor-saving devices, such as photostating current records, can be employed . . . More capable elected county officials and better qualified appointed personnel in county offices can greatly improve county government, as Dallas County has learned with regard to some of its major departments in the last few years.

Well worth remembering is the fact that **It Is Very Seldom That Top-Notch County Officials Are Obtained Unless There Is a Sizable Proportion of Alert, Informed, Interested and Persistent Voters among the Electorate.**

By enacting laws which affect the structure of county government at various points, the legislature can make county government more efficient. For example, if Texas counties are to have a true merit system for their employees the legislature will probably have to authorize it. The structure of county government was changed somewhat by the 1947 legislature which enacted the optional law under which any county may, by petition and referendum vote, adopt a county unit system of highway administration in place of the older precinct plan. About 30 counties held such elections in 1947, and about 12 adopted the county unit plan.

The legislature can make county services more up to date by the conferring of new powers. For example, the 1947 legislature authorized counties to enact airport zoning regulations to protect the approaches to airports. It also empowered counties of 50,000 or more population and bordering on the Gulf to construct and operate causeways, bridges and tunnels and to issue revenue bonds to pay for such improvements.

Improving county administration within the existing structure of county government, changing the structure in spots for greater efficiency, and conferring new powers on counties can all be helpful to county government, but they are too haphazard, too slow, too uncertain and, in general, too superficial to get at the root of the problem.

Thoroughgoing county re-organization is most worthwhile and "in other states has proved very successful", reports Dr. W. E. Benton, of the Department of Government at Southern Methodist University, in an article in the *Southwestern Social Science Quarterly*, Vol. XXXI,

No. 2. "It has substantially reduced the tax rate, [and] the governmental cost and the county debt have been reduced. At the same time, there has been considerable expansion of county services. Similar county re-organization in Texas is long past due. Texas counties must be made vigorous units of local government. If the local units of government are strengthened, the legislative process will be strengthened also, since the legislature would be liberated from the necessity of passing so many local county bills each session. The inevitable result would be a strengthening of democratic government. If our government is to work effectively at the apex, it must first be made to work efficiently at the base."

Essentially, the organization of Texas counties is that given in the constitution of 1876. Therefore, county organization can be changed only by amending the constitution—a process which requires the favorable vote not only of two-thirds of each house of the legislature but also of the majority of qualified persons voting in a statewide election on the amendment. Obviously, this adds considerably to the difficulties of achieving county re-organization.

In 14 states, thoroughgoing basic county government re-organization has been made possible through providing for home rule charters, which confer upon the people of the county power to rule themselves in matters of local concern, set up their own form of government and provide the services they desire. Authorization for home rule charters stems from either of two sources: (1) constitutional amendment which, with variations in different states, guarantees counties the right to adopt for their own government a charter drafted by the people of the county, so long as it is in accord with the state constitution and general state laws. "Home rule amendment" will be the term used hereinafter to denote this method. (2) Permissive law or constitutional amendment, which provides optional forms of county government, such as the county manager or the commission form. Individual counties are given authority to adopt one of these forms for their government.

In theory, the second method of obtaining county re-organization seems to offer more limited home rule than does the first method, but actually, because of restrictive constitutional provisions, the governmental re-organization authorized by home rule amendment is frequently as limited as that authorized by permissive law or amendment. It would appear to be easier to obtain county re-organization under permissive law or amendment than under home rule amendment, for nine counties have achieved it through the former but only six through the latter. The nine counties are in Georgia, one; Montana, one; North Carolina, two; New York, one; and Virginia, four. The six counties are in California, three; Maryland, two; and Missouri, one. These eight states plus Louisiana, North Dakota, Ohio, Oregon, Texas and Washington make up the 14 states which have authorized home rule for their counties in one form or another and with varying degrees of limitation. It is doubtful if Louisiana should be included in this list, for although the constitution of 1921 requires the legislature to offer optional forms

of county government, no law setting up such forms had been enacted by September, 1949.

What basic, and tremendously important, improvements in county government can be made possible through adoption of a liberal home rule constitutional amendment or permissive law or constitutional amendment?

- I. **Centralized Authority and Responsibility Through**
 - A. Reducing the Number of Elected Officials to, Ideally, a Single Elective Board of Supervisors of Three, Five, Seven or Nine Members, and
 - B. Establishing the County Manager, Limited Executive or Elected Executive Form of County Government.
- II. A True Merit System For County Employees, With Competitive Examinations For New Personnel; Classifying Examinations For Persons Already Employed; Promotion For Merit; Removal Only For Cause; Sicknes, Retirement and Pension Provisions, Etc.
- III. Consolidation of Adjoining Counties, Upon Vote of the Electorates of the Counties Concerned
- IV. City-County Consolidation, Upon Vote of the Electorates of the City and County Concerned
- V. Co-operation Between the County and the Cities and Towns With Regard to Many Services.

Further consideration of these five improvements to county government follows:

Centralized Authority Through Reducing the Number of Elected Officials to, Ideally, a Single Elective Board of Supervisors of Three, Five, Seven or Nine Members and Establishing the County Manager, Limited Executive or Elected Executive Form of County Government. (It should be noted that although the foregoing recommendation of reduction in the number of elected county officials refers to judicial as well as non-judicial officers, the judicial personnel, including judges, justices of the peace, constables, district attorney and county attorney, should be appointed by state officials, according to the authoritative National Municipal League. Consideration of that proposal is not within the scope of this study.) The advantages of electing fewer county officials become convincingly apparent to voters who, every two years, are faced with our long ballot of nominees for county offices and with the virtual impossibility of knowing much of anything pertinent about most of the candidates. The electorate is much more likely to understand and form opinions about the acts of a single board of supervisors than it is about the acts of the large number of county officials elected in each Texas county under the present system. Andrew Carnegie's maxim of "put your eggs in one basket and then watch that basket" seems quite applicable here. The basis of our American system

of government is compromise, which has affected both home rule legislation and the charters adopted under such legislation, so that, in actual practice, only two home rule counties—Petroleum, Montana, and Fulton, Georgia—have reduced the number of elective officials, not including judicial officers, to the ideal of the three, five, seven or nine member board of supervisors. The number of elected non-judicial officials in addition to the board varies, in home rule counties, from a low of two in two California counties, one New York county and one Virginia county, to a high of eight in a California county. But even eight would seem like a short ballot to voters of Dallas County! Five is the usual number of members of the board of supervisors in counties having home rule.

What are the characteristics of the **County Manager Plan**? By definition of the National Municipal League, the authority par excellence regarding governmental forms, the county manager plan "calls for (1) a single elective board with control over practically all county expenditures and personnel, (2) exercising its authority through a county manager of its selection, (3) who, in turn, appoints, removes and directs all administrative appointees and initiates the annual budget, with a minimum of intervention by the board or any of its members in administrative matters."

"The structure is not properly classified as a county manager plan," continues the League, "if a substantial proportion of the county non-judicial personnel and expenditures is left under independent elective officers, or if the department heads and other logical subordinates of the county manager are appointive by the board or its chairman, leaving him without effective power to control or discipline the staff. It is, however, admissible to require the manager's more important appointments to be submitted for confirmation by the board, since a manager holding office at the pleasure of the board must satisfy the latter in all things anyway, but a situation or practice in which the board initiates the selection of those whom the manager is to direct contradicts the theory and intent of the Plan."

As of December, 1949, 15 of the 3,069 counties in the United States have the **County Manager Plan** of government, as defined by the National Municipal League and the International City Managers' Association, which includes county managers also. This is an increase from 11 in 1948 and only 7 in 1940. In addition, according to the *National Municipal Review*, monthly publication of the National Municipal League, "many counties have some modified form of a manager plan which alleviates the worst features of the usual disintegrated type of county government." Also, in New England where a "town" is similar to our county, the town manager plan, similar to the county manager plan, was used in 80 Maine municipalities as of early 1947 and in several other New England towns.

The **County Manager Plan** is favored by authorities on government as being, first, thoroughly responsible to the electorate, and,

second, the most businesslike and efficient form for county organization and operation yet devised. Counties employing it enjoy much better government than they had previously. Anne Arundel County (Annapolis) Maryland, has had the county manager plan since November, 1948, and a recently issued report on the workings of the plan shows undoubted improvement in county affairs. The county manager plan is generally adopted by populous counties containing at least one sizable city, but in 1943 Petroleum County, Montana, population about 2,000, became the first strictly rural county to adopt this form, and in 1947, on the basis of four years' experience, the *National Municipal Review* reported the plan to be very successful, with substantial reductions having been made in the number of county officers, total administrative costs and county indebtedness. Satisfaction with the county manager plan was indicated last year in San Mateo County, California, and in Fulton County, Georgia, where the voters approved, by a majority of three to one, the county manager plans which are in effect there. In Santa Clara County, California, a first home rule charter, setting up the county manager form, was declared invalid by the courts, but a second charter, also containing provisions for a county manager, was adopted overwhelmingly in November, 1950.

The **Limited Executive Plan** has been suggested as a way of meeting objections to the granting of such broad administrative powers to an appointed chief executive as is done in the county manager plan. The limited executive form is similar to the county manager form except that the elected board of supervisors retains the power either to choose directly the department heads or to appoint and remove them upon the recommendation of the executive. Because of the divided responsibility, this plan is considered, by authorities on government, to be less businesslike and efficient than the county manager plan. However, it is a real improvement over the usual type of county organization, and it works well in certain counties in North Carolina and Virginia.

The **Elected Executive Plan** of county government is an additional step away from the most businesslike and efficient form of county organization. It is designed to eliminate the fear that in a plan providing for an appointed chief executive the people of the county lose control of their government. "This fear is no doubt unfounded, but nevertheless it is a very real one in the minds of many citizens," comments Prof. Stuart A. MacCorkle, director of the Bureau of Municipal Research at the University of Texas. Under this plan the elected board of supervisors "is the policy-making agency of the county, as in the other two plans," continues Dr. MacCorkle, "but it does not have the power to appoint and remove the chief executive and his major subordinates. The county executive is elected by the voters and is responsible to them for the conduct of county administration. He appoints and removes the heads of the several departmental operations." Nassau and Westchester counties in New York operate under this plan, and in March, 1950, an elected executive plan was adopted by an overwhelming majority of the voters in St. Louis County, Missouri. The

St. Louis League of Women Voters had a big part in the campaign. It would be interesting to know why the charter commission proposed this plan instead of a county manager or limited executive plan. Probably it was a compromise, without which a county home rule charter could not have been drafted, but whatever differences of opinion there may have been regarding forms of county government were apparently settled within the charter commission, for that group unanimously proposed an elected board-elected executive form of government.

Summarizing this discussion of centralized authority and responsibility in county government through reducing the number of elected officials and establishing the county manager, limited executive or elected executive form of county government, it is important to remember that such centralization is, without doubt, the greatest single need of county government, and that this most fundamental and far-reaching improvement to county government can be made possible through adoption of a liberal home rule constitutional amendment or a permissive law or constitutional amendment.

A True Merit System for County Employees, which is listed as the second improvement becoming possible under home rule, is so broad a topic that our Leagues have spent months studying and investigating it in preparation for attempts to put it in force in various parts of the country. However, the direct connection with this discussion lies in the obvious facts that both the caliber of county employees and the efficiency of county government are greatly improved if jobs are not political plums but are subject to competitive examinations for new personnel; classifying examinations for persons already employed by the county; promotion for merit only; sickness, retirement and pension benefits; and removal only for cause. It is, of course, possible to have well-run, efficient government without the merit system, but it very seldom happens and it does not last long.

Consolidation of Adjoining Counties and Consolidation of a City with its County can also become possible through adoption of a liberal home rule constitutional amendment or a permissive law or amendment. Such changes should never go into effect, of course, unless favored by a majority of the voters of the governmental units involved. The large number of local units of government and the small size of many of them contribute a great deal to our not getting our money's worth from local government. However, despite many attempts at consolidation, only a few county consolidations have been achieved and only eight city-county governments, with varying degrees of consolidation, exist today, i. e., Baltimore, Boston, Denver, New Orleans, New York, Philadelphia, San Francisco and St. Louis. There are several reasons for this poor showing: (1) opposition of most of the governmental personnel involved; (2) the urban-rural conflict, or its companion, jealousy between the inhabitants of adjacent counties; (3) procedural difficulties embedded in the law allowing consolidation; and (4) popular lethargy. Prof. MacCorkle sums it all up clearly and at the same time provides a warning which should be taken to heart when

he says: "Despite the unanimity of expert opinion that consolidation offers economy and efficiency in government, the predominant public sentiment seems to favor a large number of local units of familiar size and organization. At the same time it is widely recognized that we have much at stake in the preservation of a responsible, strong and efficient system of county government; and that small weak units cannot contribute to this end, but may, in fact, hinder its realization."

Functional consolidation, that is, **Co-operation between the County and Its Cities and Towns with Regard to Many Services**, is another major improvement to county government which can be made possible by a liberal home rule constitutional amendment or a permissive law or amendment. "Functional consolidation . . . almost without exception has been an instantaneous success," reported the *National Municipal Review* in February, 1947. Los Angeles County, California, is an interesting example of functional consolidation. The county contains 45 cities, including the city of Los Angeles, and has a population of over 3,000,000. Because of duplications in functions between the county and the municipalities, more or less complete consolidation has been effected in various fields. Forty-two cities use the county assessor's assessment roll figures and the county tax collector's services in handling city collections, which means that, except in Long Beach, Pasadena and Arcadia, taxpayers receive only the one bill for their county and city taxes and that their property is assessed at the same value by both the city and county. The county health department serves the unincorporated area and is also used on a contractual basis by all the cities except Los Angeles, Long Beach, Pasadena, Vernon and Beverly Hills. Building and safety inspection services are provided to 6 cities; 20 cities are part of the county public library system. The county civil service commission gives complete service to 8 and examination service to 5 cities. The road department does street work in 4 cities by contract, and 39 of the 45 cities have contracts under which the county surveyor-engineer does all subdivision map checking. Altogether there are 22 county departments which serve the cities by contract or because of statute requirements. This information about Los Angeles County comes from a speech by H. J. Ostly in June, 1950, to the Southern California Planning Congress. At the conclusion of his talk Mr. Ostly pointed out that "working city-county relationships do not in themselves present the full solution for the administration of local government in the Los Angeles area, as many functions can best be handled on a regional basis, for example, health protection, major crime prevention and law enforcement, fire protection, and water supply. Flood control, sewage-sanitation and air pollution control are done on a regional basis already."

This rather detailed discussion of centralized authority and responsibility, a true merit system for county employees, county consolidation, city-county consolidation, and functional consolidation has seemed necessary to a realization of how tremendously important are the improvements to county government which can be achieved through a liberal,

well-drawn home rule constitutional amendment or permissive law or amendment. The amount of work involved in obtaining such legislation is so immense that any group deciding to be active regarding such legislation must be completely, lastingly and overwhelmingly convinced of the benefits to be derived from county home rule.

The Texas Home Rule Amendment and Enabling Act—Their Provisions, Experiences Under Them, Conclusions Regarding Them, and What Steps Can Be Taken Next.

*Texas has a constitutional amendment permitting county home rule and an enabling act to put it into force, both passed in 1933. But it is not the liberal, well-drawn legislation which is necessary for thoroughgoing basic county government reform. It is apparently unworkable, and experience indicates that even if a county were to succeed in adopting a charter under its provisions only a small amount of home rule could be achieved and only limited changes could be made in present county organization.

The county home rule amendment permits any county with a population of 62,000 or more to adopt a home rule charter by a majority vote of the qualified voters in the incorporated areas of the county plus a majority vote of the qualified voters in the unincorporated areas. This provision for separate majorities is found in the home rule legislation of no other state and indicates the existing urban-rural conflict in Texas. It allows a very small per cent of the voters participating in the election to defeat a home rule charter which is desired by a county-wide majority. By two-thirds vote, the legislature may pass a local law authorizing adoption of a home rule charter by a simple county-wide majority. By two-thirds vote also, the legislature may empower a county of a population less than 62,000 to adopt a charter under the provisions of the amendment. The Texas constitution and the new Missouri constitution, it should be noted, are the only state constitutions which provide a population limitation in connection with county home rule.

The amendment allows a charter to provide for the transfer to the county of the governmental and/or proprietary functions, in whole or in part, of any city, town, district or other political subdivision, but such a transfer cannot take place without the approval of a two-thirds vote of those voting on the issue in the yielding area, plus a separate majority of the qualified votes cast in the rest of the county. By a two-thirds vote, the legislature, again, may authorize a different voting arrangement. The county may contract with the principal city of the county to perform one or more of its functions, but such contracts cannot be valid for more than two years. Authorities on Texas county government differ regarding the wisdom of having in the amendment such a city-county consolidation provision, limited though it is and well safeguarded as it is for the "yielding" jurisdiction. Profs. Patterson, McAlister and Hester, in their book *State and Local Government in Texas*, call this provision "undoubtedly one of the most progressive features of the amendment."

Prof. W. E. Benton, of Southern Methodist University, feels that "this consolidation provision should not have been included in the amendment since Texas is not yet ready for this type of local reform." Unfortunately, this provision has given anti-charter groups potent ammunition. Half-truths and misrepresentations about this provision were a major factor in defeating the El Paso County charter.

The home rule amendment provides that no charter may abridge the sovereignty of the state, affect its established policies, impair the homestead exemption or "inconsonantly affect the operation of the General Laws of the State relating to the judicial, tax, fiscal, educational, police, highway and health system, or any other department of the State's superior government." Subject to these limitations the charter may give the governing body the power to "create, consolidate or abolish any office or department, whether created by other provisions of the Constitution or by statute . . ." These two provisions apparently are inconsistent, for as Prof. Benton points out, "how could any county office be created, consolidated or abolished, without interfering with the general laws of the state relating to the office in question?"

Since the home rule amendment was not made self-enacting, the legislature in 1933, after approval of the amendment by the people, passed an enabling statute, which prescribes in minute detail the complicated procedure to be followed in obtaining a charter. The enabling act is over 12 pages long. Drafting of a charter proceeds through the following consecutive steps, most of which are hedged about with restrictions which it would be most confusing to enumerate. First there is the petition to the commissioners' court, seeking the calling of precinct and county conventions; then the precinct charter convention, the county convention and the setting up of the charter drafting commission by the county convention. The commission prepares a complete proposed county charter, which is published. Public hearings before the commission follow publication. The commissioners' court sets the date for vote on the charter, the final draft is printed and distributed, the election is held, and the commissioners' court and the charter drafting commission sit jointly as a canvassing board. If a majority of the rural votes cast and a majority of the urban votes cast favor the charter, it is adopted. If it is rejected, no other proposal for the adoption of a charter may be initiated within 12 months.

El Paso is the only county which has made a really determined effort to adopt a home rule charter. The proposed charter provided for an elected county executive and for an elected board of four commissioners, residing one in each of four districts but elected at large. The executive was to preside over the board as chairman and had the right to vote on all questions. He had fairly broad powers of direction, appointment and removal, being authorized to appoint and remove, with the approval of the board of commissioners, the county engineer, the probation officer, the county treasurer and the county health officer. The county judge, judge of the county court at law, county attorney, sheriff, assessor-collector of taxes, county-district clerk, superintendent

of schools and all justices of the peace were to continue to be elective. Most of the officials were to be elected or appointed for two-year terms. Provision was made for a civil service commission and for a rather limited merit system. The charter also specified the procedure to be followed for transferring municipal functions to the county, and the county was authorized to contract with any city for the performance of any governmental or proprietary function of the county.

The El Paso County charter did not offer much improvement in county organization. All the major county officials remained elective, as they had been previously, with the consequent lack of centralized authority and responsibility which is the plague of most county government. The retention of the two-year term for most of the elected and appointed county officials meant a continued emphasis on politics and keeping "political fences mended" which could have been appreciably lessened by provision for four or six-year terms. The requirement that the commissioners and the county executive must be residents of the county for at least three years prior to election, thus limiting possible choice of nominees, could have been detrimental, especially with regard to the county executive. However, the charter also embodied some improvements in county government. The elected county executive acting as chairman, with vote, of the commissioners' court and spending full time on his court and administrative duties, should have made for better efficiency than having the county judge chairman of the commissioners' court and at the same time judge of probate and lunacy courts. The merit system for county employees, although limited in scope, should have resulted in better personnel. The requirement that the commissioners were to be elected from the county at large would tend to do away with the provincialism, or "precinct-ism," which is a cause of jealousy and irresponsibility in county government. The six-year term provided for the civil service commission would tend to minimize political domination of the commission. In brief, El Paso County could have had an improved government under the charter, but the fundamental shortcomings of county government were remedied hardly at all. However, even that degree of improvement is not to be disdained, in view of the tremendous resistance to change characteristic of county government.

By a vote of 3,309 to 2,166, the city of El Paso approved the charter, but outside the city it was defeated by a vote of 761 to 1,609. The separate rural and urban vote requirement provided in the home rule amendment caused the defeat of the charter, despite the 295 county-wide majority which favored adoption. The main reason for defeat in the rural vote was rural fear of urban domination, unfounded though such fear is in view of the safeguards for "yielding" areas provided by the home rule amendment.

The complicated enabling act was the stumbling block in the next attempt at a county charter. In 1934 the Travis County (Austin) charter movement died before it had gotten well started because of probable procedural defects relating to the precinct and county conven-

tions prior to the organization of the charter drafting commission. These affected the commission's status and caused it to take no further action.

The charter movement in Tarrant County, in 1934, after considerable controversy, became controlled by a group which drafted a charter so little, if any, better than the existing form of government that the charter was ignored by the commissioners' court with the tacit consent of both groups.

Bexar County (San Antonio), also in 1934, had such controversies over the commission that the time allowed for drafting a charter (from 60 to 180 days after the organization of the commission) expired before one was drafted.

In Dallas County and Harris County (Houston) charter petitions were circulated in 1934 and presented to the commissioners' court which, in both counties, judged that they contained an insufficient number of valid signatures.

Interest in home rule appeared in McLennan, Galveston and Hidalgo counties in 1934, but in none did the movement reach the point of drawing and circulating petitions.

On the basis of the charter experiences in the six counties mentioned, Prof. Roscoe C. Martin, then of the University of Texas, in the March, 1935, issue of the *Southwestern Social Science Quarterly* listed the following as the major difficulties in achieving county home rule.

- I. Defects in the Amendment and the Enabling Act.
- II. "Certain Arguments, Plausible and to Some Extent Logical, Which May Be Urged Against Home Rule on the Basis of the Provisions of the Amendment and the Enabling Act."
- III. "The Many Factors Which Operate Against Acceptance of Any Proposal Which Departs From the Beaten Path."

In order to supply adequate background for an opinion on what should be done about the home rule amendment, it will be helpful to consider these difficulties more at length.

Defects in the Amendment and the Enabling Act include such length and detail in both that they are confusing. The enabling act—over 12 pages long!—is so complicated and minutely specific about procedure that it is almost impossible for a volunteer group—as charter advocates usually are—to follow the procedure exactly enough so as to withstand the attacks of the enemies of home rule. The Travis County charter movement, as previously noted, disbanded because of this. Then, too, the meaning, both of the amendment and the enabling act, is obscure in places. An example is the provision which states that "the county may contract with the principal city of the county to perform one or more of its functions." What is the antecedent of the word, "its"? Paraphrasing this section to apply to Dallas County, should it read, "Dallas County may contract with Dallas city to perform one or more of Dallas County's functions?" Or should it read, "Dallas County

may contract with Dallas city to perform one or more of Dallas city's functions?" Prof. Martin reports that one of the original sponsors of the amendment first said "county" was the antecedent of "its", then said "principal city" was, and finally said he could not decide what that part of the amendment meant but had a very definite understanding of what it was intended to mean! A further defect is that the amendment and enabling act both have compromises at "every semi-controversial turn," as Prof. Martin puts it. The requirement for separate majorities of rural and city voters for acceptance of a home rule charter, is the compromise which was disastrous to charter adoption in El Paso County. Summarizing, the too-long, too-detailed and frequently confusing language of the amendment and enabling act, together with the obscure meanings and major compromises contained in them, undoubtedly add many difficulties to obtaining county home rule.

One of the **"Certain Arguments, Plausible and to Some Extent Logical, Which May Be Urged Against Home Rule on the Basis of Provisions of the Amendment and the Enabling Act"** concerns the county tax rate on real estate and personal property. The amendment provides that although the home rule county must remain bound by the constitutional limit on the total tax rate, it may fix its own maximum rates for the taxes laid for specific purposes, such as the general fund, the road and bridge fund, etc. Opponents of home rule immediately charged that if a county may set tax rates for specific purposes as high as it pleases, then their total may be more than the maximum total tax rate specified by the constitution, and thus that provision of the constitution would be nullified. Actually, of course, the county could set only such rates for specific purposes as would not amount to more than the total tax rate specified by the constitution. Such a "half-truth" sort of argument is exceedingly hard to combat.

Another **"Plausible and to Some Extent Logical"** argument against home rule stems from the provision in the amendment authorizing a merger of city and county. Opponents of home rule argued that such a merger would result in transferring the debt of the city to the whole county, when the county would have profited only indirectly, if at all, from the purposes for which the city had incurred the debt. Also, the argument went, this transfer of debt would of necessity increase the county's tax rate, and, insult on top of injury, not only the rate but also the assessed valuation would be increased, since the valuation used by cities is practically always higher than that used by counties and the city would be dominant in the merger. This argument ignores entirely, of course, the fact that since two-thirds of the voters of the "yielding" jurisdiction, in this case the county, would have to approve a city-county merger, any merger adopted would, presumably, be to the advantage of the county—no matter what the tax situation—else two-thirds of the voters would not favor it.

In addition to difficulties arising for home rule from defects in the amendment and enabling act and from plausible, although essentially invalid, arguments against home rule, **"There Are Many**

Factors Which Operate Against Acceptance of Any Proposal Which Departs From the Beaten Path." The first of these is the existence of powerful vested interests. "The county is notorious as the greatest remaining stronghold of spoils politics," reports Prof. Martin. "The simple truth is," he continues, "that any proposal for the re-organization of county government strikes, or may strike, at the root of the material well being of a considerable portion of the county's inhabitants, and that home rule has as yet [in Texas] commanded the support of no group with the influence, the money, the organization and the solidarity to overthrow the machine or machines of county office holders."

Two more **Factors Operating Against Any Proposal Which Departs From the Customary in County Government** are the "familiar and apparently ever-present urban-rural conflict," as Prof. Martin calls it, and its relative, "the popular tendency to confuse county re-organization with city-county merger, although the latter is nothing more than a remote possibility which is recognized in the amendment."

The fourth factor which tends to preserve the status quo in county government, according to Prof. Martin's analysis, is "popular lethargy, which nowhere in Texas has been more evident of recent years than in connection with county home rule government. Very few people have interested themselves in the re-organization of county government, and any opportunity offered by home rule for the reform of the present system has been very largely ignored. Here lies what is unquestionably the chief obstacle to the achievement of noteworthy change, and here is the most distressing fact brought to light by the county home rule movement in Texas."

Despite the major difficulties in the way of achieving home rule—the too long, detailed and often obscurely worded amendment and enabling act; the plausible, though non-valid, arguments regarding the county tax rate; the opposition of powerful vested interests, especially the county office holders; the apparently ever-present urban-rural suspicion and conflict; the tenaciously-held delusion that county re-organization meant city-county merger; and the popular lethargy regarding home rule—despite all these, Prof. Martin ended his article in the *Southwestern Social Science Quarterly* as follows: "In conclusion it may be observed that while the amendment and the enabling act leave much to be desired they also include some praiseworthy features. The least that can be said for them is that, poorly planned and drafted though they be, they afford the opportunity for a rather drastic re-organization of county government in Texas. It is doubtful whether a structure satisfactory in every detail could be devised on the basis of the present authorization. It is beyond question, however, that the instruments with which to forge a reasonably adequate system of county government lie ready to hand whenever the people of this state may choose to seize and use them."

This was written in 1935, however, before Delta County, in north-east Texas, made its attempt to secure a home rule charter. The failure of this attempt has resulted in rather general agreement that basic

county re-organization cannot be achieved under the present amendment and enabling act.

Delta County, with a population of around 15,000, is the only county with a population less than 62,000 which has considered home rule. In 1947, by a two-thirds majority in both houses, the legislature passed a local law which authorized Delta County to proceed under the home rule amendment and provided that the charter would be effective when adopted by a county-wide majority vote, not a separate majority from each vote, urban and rural. Delta County thus learned from the experience of El Paso County and made it possible to avoid the situation which had defeated the charter there.

The charter drafted as the result of this local law established a non-salaried elected county commission of five members as the governing body of the county. They were to be elected from the county at large for four-year terms and were to select their own chairman from among their members. The commission was authorized to employ a county manager, who might be a non-resident of the county when he was appointed. His term was indefinite, and he could be removed by a majority vote of the members of the commission. He was made county tax assessor and collector, county treasurer, and head of the finance department. He was to appoint for an indefinite term and could remove certain county officers and department heads, subject to the approval of the commission. His appointees were to be the county clerk, county road engineer, sheriff and the county health officer. The commission was to appoint, for an indefinite term, the county judge and county attorney. In addition to tax, fiscal and contractual powers, the commission was authorized to create departments and define their functions. This county manager charter conformed closely to the model recommended by the National Municipal League and would undoubtedly have given Delta County the machinery for a far more efficient and responsible government than had been possible previously.

However, upon submission to the Attorney General, in 1948, the charter was ruled invalid, so it was never submitted to the voters of the county. Judge Ocie Speer wrote the opinion which was approved by the Attorney General. The section which permitted the county manager to authorize an officer or department head to appoint and remove subordinates was declared to conflict with the home rule amendment. To permit an officer of the state to delegate his official power to another was declared to be "contrary to the long-established policy of the State." For the same reason the delegation to the county manager of the commission's power to control and manage county affairs was declared to be invalid. The opinion held invalid, also, the section of the charter which abolished the office of county tax assessor and collector and established, instead, the county manager as head of the finance department with the powers of the county tax assessor and collector. The opinion stated, "The office of assessor and collector of taxes is a constitutional one, and its functions are not those with respect to county affairs alone, but involve essential State functions as well . . . A county could not

abolish the office of assessor-collector without serious interference with the superior State governmental policies . . . The [home rule] amendment is to implement county control of county affairs, not to surrender functions and prerogatives to another." The proposed abolition of the offices of district clerk, sheriff, justice of the peace, constable and the commissioners' court was ruled invalid for the same reason, even though the commissioners' court was to be reconstituted, with broader powers, as the county's governing commission and there was to be a sheriff appointed by the county manager and the functions of the other abolished offices were to be continued in the duties of other county personnel.

Summarizing, apparently there are three major obstacles in the way of attaining the centralized authority and responsibility in government and the marked reduction in elected officials which are basic to a real reform of county government. These obstacles are: (1) the prohibition in the home rule amendment of any charter abridging sovereignty of the state, affecting its established policies or interfering with the operation of the general laws of the state relating to the judicial, tax, fiscal, educational, police, highway and health systems or any other department of the superior government of the state; (2) the ruling by the Attorney General that the county commission's power to control and manage county affairs could not be delegated to the county manager; and (3) the Attorney General's ruling that the various major county offices could not be abolished or abolished and reconstituted as proposed by the Delta County charter. It would appear, therefore, to be virtually impossible to draft a valid home rule charter providing for any extensive county re-organization under the present home rule constitutional amendment.

In Dallas County the group most interested in starting a charter movement has been the Dallas County Citizens' Association. Dr. C. S. Potts of the Law School and Dr. W. E. Benton of the Department of Government, both of Southern Methodist University, prepared for one group of the association a re-draft of the home rule amendment which was brief and self-executing and modeled in part after the county home rule amendment adopted in 1948 in the state of Washington. "It was not introduced in the legislature," notes Dr. Benton, "because of lack of support from the Dallas delegation." Another group of the association had introduced in the 1949 legislature a local bill which would have required only a county-wide majority for approval of a Dallas County home rule charter. The opposition contended that passage of the bill would open the way for absorption by the city of Dallas of the unincorporated areas of the county, and, although an amendment was added declaring that the bill did not relate to merger, the bill died in committee.

What is the most effective step to take next toward achieving home rule for Texas counties? In the first place, "home rule supporters in the various counties should agree on what their future course of action will be," writes Dr. Benton in the *Southwestern Social Science Quarterly*, Vol. XXXI, No. 2, "for united support will make itself felt."

The following courses of action are open, Dr. Benton points out.

- I. Completely re-write the home rule amendment. The work involved in getting this through the legislature and approved by the voters would be tremendous and would probably extend over several sessions of the legislature, but "in the end, the long way might prove to be the short way," Dr. Benton suggests. It should be realized, also, that any charter which may be adopted—either under a new or the existing amendment—will be contested in the courts.
- II. "A valid charter might be drafted under the present amendment and submitted to the voters, either with or without the separate vote requirement. Even if the charter were defeated in a particular county, the effort might publicize the need for county reorganization."
- III. A declaratory judgment might be obtained, to clarify certain conflicting provisions of the present amendment.
- IV. An amendment to the state constitution might be passed which would authorize various forms of county government among which the electors of each county might choose by majority vote. Virginia has three optional forms of county government—limited executive, county manager and county board. New York has 16 optional forms of county organization. "The legislature might be more receptive to an optional forms plan, which is a compromise between complete home rule and legislative domination," Prof. Benton believes.
- V. An amendment to the constitution might be passed, "authorizing the classification of counties by general law into a certain number of classes [as is done in several states] and providing alternative forms of government for counties of any one particular class."
- VI. The legislature might provide, by general law, optional systems of consolidated county and municipal government.
- VII. "A statewide organization, like the League of Virginia counties, should be established to coordinate the work of counties and county citizen groups in the state. There is still strength in unity and numbers."

Achievements and Setbacks For County Home Rule in 1950.

And now it is in order to inject into this discussion a note of guarded optimism and of deepest admiration engendered by reviewing the home rule charter activities which took place in 1950, as reported in the *National Municipal Review*.

The score stands: four definite defeats for county home rule; two "technical defeats," which, because of circumstances, are not necessarily true defeats; six, outcome still pending or not yet reported; and five definite victories.

The definite defeats were in Loudoun County, Virginia; Cuyahoga County (Cleveland), Ohio; Merced County, California; and Buchanan County (St. Joseph), Missouri. Further information about the last case, as reported by a member of the St. Joseph League of Women Voters, is interesting. "The county manager charter was defeated by a vote of 11,010 to 7,114 at the end of a campaign begun in 1945. The vote was the largest ever cast locally in a special election. The League of Women Voters was very active in supporting the campaign. Opposition came chiefly from the court house and city hall organizations. Only two groups officially opposed the charter—one of them was the A. F. of L. The C. I. O. took no action. There is just one conclusion—more people must become informed before a new start can be made."

Of the two "technical" defeats, one was of the proposed merger of two counties, two cities and one town in Virginia. The charter received a popular majority of 56% of the votes cast, but it failed because the enabling act provided unification only if every political subdivision approved. The second "technical" defeat was in Lane County, Oregon, where a county manager charter proposal was not placed on the ballot because the petition was short two signatures at filing time. The filing deadline was hurriedly moved ahead a few hours from the customary time.

The outcome of county home rule proposals was still pending or yet unreported in King County (Seattle), Washington, Onondaga County, New York, and Baltimore County, Maryland, where the charter movements were fairly well advanced at the time of last report. By the end of 1950, Albuquerque, New Mexico, and its county, Bernalillo, had a joint official commission drafting plans for city-county consolidation after approval early in the year by a statewide referendum vote of a law permitting consolidation to cities and counties in their population bracket. County home rule charter plans were at various stages of advancement in the Wisconsin legislature; in Jefferson County (Golden), Colorado; in Harnett County, North Carolina; in Fresno, Monterey, Stanislaus and San Joaquin counties, California; in Chesterfield County, Virginia, after three previous defeats at the polls; in San Angelo, Texas, where the city commission was studying consolidation with Tom Green County; and in Cook County, Illinois. In the last named the League of Women Voters is investigating the county manager plan as a "possible solution for the fact that a county organization consisting of a board of 15 commissioners and 64 other elected officers is lacking in effective centralized authority."

The five successes for county home rule charters were in San Mateo County, California, and Fulton County (Atlanta) Georgia, where existing county manager governments were overwhelmingly approved by the voters; and in St. Louis County, Missouri, Santa Clara County, California, and Fairfax County, Virginia, where the elected executive form of county government, the county manager form, and the limited executive form, respectively, were adopted. The League of Women Voters took an active part in the St. Louis County and Fairfax County

campaigns. The Santa Clara County achievement is especially interesting. This county adopted a county manager home rule charter in 1948, the lower courts declared it invalid in 1949, and in 1950 citizens started all over again to obtain this form of government. The new charter was put on the ballot for the November, 1950, election, and soon afterwards the highest court in California declared the original charter valid. In the November election Santa Clara County voters approved the second charter by a large majority.

Summary.

In Texas, as elsewhere, the county is the administrative agent of the state. In Texas, more than in many other states, however, its organization is so definitely restricted that it has at the present time almost no opportunity to make fundamental changes. County government in Texas, as in most other states, is notably backward, wasteful, inefficient and resistant to change. It is, indeed, under the existing statutes, incapable of being changed except in rather minor ways.

A liberal, well-drawn home rule constitutional amendment, which repeals conflicting provisions, or a permissive law or constitutional amendment which sets up optional forms of county organization among which counties may make their choice, is necessary before there can be thoroughgoing basic re-organization of county government in Texas. Such an amendment or law has made possible in other states the adoption of a county manager, limited executive or elected executive form of county organization. These, especially the first, have tremendously improved government in the counties in which they operate.

In Texas, experience with the existing constitutional amendment and enabling act which authorize county home rule has proved them virtually impossible to apply so as to obtain any noteworthy degree of change in county government. Various proposals have been made as to what to do next in the fight to achieve the means for county re-organization. Basic to all of them is co-operation among all groups interested in county home rule, a mutually-agreed-upon program for action, and the necessity for arousing widespread and persistent interest in the fundamental re-organization of county government.

The 1950 score for county home rule over the country is five rousing victories, four definite defeats, two "technical" defeats, and a dozen or so cases in which the outcome is still pending or is unreported. This record enforces the conviction that county home rule is achieved only through a tremendous amount of work, carefully planned, and persistently carried out over, probably, a long period of time. This record also justifies a guarded optimism, great admiration for county home rule advocates in various parts of the country, and the conviction that what can be done elsewhere can also be done in Texas.

SUPPLEMENTARY READING

GENERAL BACKGROUND:

Forms of Local Government, by Stuart A. MacCorkle and Wilfred D. Webb, of the Bureau of Municipal Research, University of Texas.

State and Local Government in Texas, by C. P. Patterson, S. B. McAlister and G. C. Hester. Chapters on county government.

COUNTY MANAGER FORM OF GOVERNMENT:

National Municipal Review, April, 1950, p. 196-197. Summary of report on operation of county manager plan in Anne Arundel County, Maryland.

National Municipal Review, February, 1950. Contains detailed description of campaign methods used in fight for a county manager charter for Buchanan County (St. Joseph), Missouri. Charter was defeated, but the techniques and lessons learned should be valuable for any such campaign.

National Municipal Review, Vol. 36, for 1947, pp. 78-82. "Too Small to be Efficient?" Summary of four years experience with county manager form of government in Petroleum County, Montana, population about 2,000.

CITY-COUNTY CONSOLIDATION:

National Municipal Review, Vol. 36, pp. 367-370, July, 1947. "City-county Merger Proposed," by Roscoe C. Martin. Discussion of plan for consolidation of Birmingham, Alabama, with its county, Jefferson. Contains detailed description of techniques used by the commission which laid the groundwork upon which consolidation was to be built. These techniques would be applicable to any effort toward major reform of county government, including securing of a county home rule charter.

Follow up further developments in Birmingham city-Jefferson County consolidation by reading references listed under City-County Consolidation heading in Readers' Guide to Periodical Literature for the period August, 1947, through December, 1949.

TEXAS HOME RULE AMENDMENT:

Southwestern Social Science Quarterly, Vol. XXXI, No. 2. "County Home Rule In Texas," by W. E. Benton. Contains a one-page digest of the 12-page enabling act.

PROPOSED HOME RULE AMENDMENT FOR TEXAS:

Southwestern Social Science Quarterly, Vol. XXXI, No. 2. See above article by W. E. Benton. Contains at end of article the text of the constitutional amendment which has been proposed to replace the present home rule amendment.

League of Women Voters of Texas
1508 Fannin Street
Houston, Texas

October 29, 1951

To:
From: Mrs. Ed Kilman, President

The League of Women Voters of Dallas County have asked that I pass on to you a copy of their brochure, County Home Rule, and a suggested outline for use in discussion groups; with the suggestion that it be studied with the state current agenda in mind.

This item grew out of the local program which Dallas had of a study of County Home Rule. They believe that all Leagues in Texas would be interested in this item for the following reasons:

1. We each live under County Government in Texas but do we realize that the governmental organization is essentially the same in every county in Texas, and that the law requires that each county elect the same number of county officials - regardless of population, area and resources in that particular county?
2. Since County Home Rule simply means to confer upon the people of the County the power to govern themselves in matters of local concern, to set up their own form of government and provide the services they desire, does it not seem appropriate that the people of the counties of Texas - according to their needs - should have this privilege?
3. When you vote for your county officials, does the length of the ballot appal you? Many approved plans for county reorganization greatly reduce the number of elected officials and thus make it easier to vote intelligently.
4. It is true, of course, that there is a so called "Home Rule Amendment" to the Texas Constitution. The limitations and restrictions of this amendment, however, make it virtually impossible for any county to draw up a Home Rule Charter which would be constitutional.

They also believe that such an item for the state agenda meets the standards set for suitability.

We suggest you include your idea on this item in your recommendation for state current agenda.

To: Local League Presidents
From: Mrs. Ed Kilman, President

October 26, 1951

The 1952 edition of Texas Election Laws, published by the Steck Company of Austin, is now available at \$1.50 per copy. We have some copies here in the office if you prefer to order from us.

MRS ED KILMAN
1508 FANNIN ST
HOUSTON 2 TEX

The League of Women Voters of New Jersey, an integral part of the League of Women Voters of the U. S., 53 Washington Street, Newark 2, N. J. President, Mrs. J. C. Merrill, Editor, Mrs. R. A. Betts. Published monthly except July and August. Annual subscription 50c. Entered as second class matter September 11, 1931, at the Post Office of Newark, N. J., under the act of March 3, 1879.

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Co. Govt

Bulletin of the League of Women Voters of New Jersey

Vol. XXI No. 9



May, 1952

vision of the public assistance code hasn't seen any concrete results as yet, but the study commission was continued by the Legislature and reports should be forthcoming. In that "no man's land" of state tax structure revision, the State Tax Policy Commission was requested to investigate equalization of assessments, which is a step in the right direction. The "equal pay for equal work" bill, while not all we had hoped for, is also a beginning and establishes the principle of no discrimination on the basis of sex. The League successfully supported an election bill to prevent "secret" registering of voters resulting in possible fraud and successfully opposed reconstitution of the milk appeal board.

These successes are due, of course, to the League membership as a whole and to the hard work and many hours spent in making the League program a living thing. Special thanks are due to Mrs. Arline Charnock, Mrs. Martin Summerfield, Mrs. E. D. McGee, Mrs. William Boyd and Mrs. Howard Vermilyea whose assistance at the Legislature made your chairman's job easier and more valuable to you.

VIRGINIA C. VAN DYKE,
(MRS. D. E.)

Chairman, State Legislation

SPEAKING OF POLITICS

"Politics is What You Make It," the April '52 Public Affairs Pamphlet by Joseph McLean, lists the League of Women Voters as an organization through which the individual may exercise political power outside the political parties; tells of some League accomplishments and lists a League publication, "Is Politics Your Job?" in the pamphlet's bibliography.

VOTING MACHINES FOR ATLANTIC COUNTY?

* * *

With their current agenda "The study and use of voting machines," the Atlantic City League launched a drive to familiarize citizens with the efficiency and accuracy of the machine. The public attended a three-day demonstration in droves. School children and adults were taught first on a miniature machine, then each in turn used the proper machine for voting. The public response was enthusiastic and the press coverage was outstanding. Two radio stations interviewed the Chairman and the League President. Interest ran high.

Their annual meeting following the demonstration voted a new item for local emphasis: "The education of the public in voting machines." Says an editorial in the Atlantic City Evening Union, "When earnest-minded, energetic and resourceful women get behind a project, it will go over—or else! There's something about a situation like that which provokes an allusion to the 'Irresistible force'—and by all the signs something may happen with respect to the introduction of voting machines in this county. . . . When women really become interested in public affairs, they can do something to improve them. And since the men have made a pretty poor job of it in some respects, it may be helpful to let the women take over—or at any rate do their part in bettering conditions."

County government has been called the "dark continent" of American government because so little is known about it. For the same reason, it has been called also an "anachronism," "home of the boss," "arbitrary area."

But what's in a name? People who come here from other states where the governing body of the county is known as "supervisors," "board of commissioners," or "judge and commissioners" often express an interest in the historical name, "Board of Chosen Freeholders" which has been retained only in New Jersey. Many of our individual county names in New Jersey date back to pre-revolutionary days and serve to remind us that the idea of county government was inherited from England.

The word, "Freeholder," serves to remind us that voting privileges are no longer confined to landowners, and that suffrage has been extended again and again since that title was adopted. The word, "chosen," sometimes raises the questions: by whom? according to what qualifications? to perform what services?

New Jersey is, however, not the only state in which the county governing body, being a "board" or a "commission" and lacking a true chief executive, reminds us that the county was set up originally for administering royal business. Traditionally, the county had no business of its own. And the tradition of governing by board or commission reflects an old revolutionary prejudice against the executive power of the king. The prejudice persists and has been transferred to executives who are "chosen."

Prejudice influences thinking about whole levels of government. Some people revere anything which is antique. To other people, the very fact that county government is old is synonymous with "outmoded." In 1931, the Martin report said, "It is difficult to regard the county . . . as a type of structure, and not as an end in itself. Services are so strongly associated with the particular structure which has customarily provided them that any proposal to modify or alter the structure meets strong opposition based on a fear . . . that the service will disappear when its familiar and customary structural source can no longer be seen."

All levels of government from international to local go through periods of increasing or decreasing popularity. Citizens of counties which have corrupt governments assume that it is the level of government, rather than the neglect of that level, which has fostered corruption. Residents of the New York metropolitan area of New Jersey are aware of the fact that hundreds of local agencies, working separately are trying to cope with common problems of taxation, policing, fire protection, sewage disposal, streets and roads, health, sanitation and recreation. Citizens of rural counties tend to look to the county level of government for services which their municipalities are too small to supply. Will the citizens of the metropolitan areas look to the county level for services which their municipalities are too many to supply? Or will prejudice against the county level influence them to demand a readjustment of areas service by service?

THERE WILL BE NO ROUND TABLES OR CONFERENCES IN MAY

The Legislature has not yet apportioned the number of Assemblymen from each county according to the 1950 census. It is not an easy decision to make, but how much harder it would be to shift county borders to conform to population shifts! It is not impossible however. The subdivision of the State into counties was not completed until 1857 and changes of boundary lines have been made since then. When it is done for partisan political advantage it is called "Gerrymandering." County borders have been criticised because they don't happen to outline what someone considers a good service area for health, education, welfare, roads, or law enforcement. Shifting borders to accommodate first one and then another of these services could seriously hinder the development of all. So far, no word has been coined to describe such a process. It is not too late, however, to prevent the growing need for enlarged service areas from being described as "patchwork."

Contrary to the impression created by sporadic crime investigations, the majority of county politicians are not corrupt. And county government was not foisted upon us. It was created to serve the purpose of a convenient unit for the administration of state laws. To the extent that it may have become less convenient for the original purpose or may have acquired other purposes, it has been affected one way or the other each year by a multitude of bills passed by the Legislature, by the consent of the governed. Citizens can direct the small changes which will decide, eventually, whether the county will increase its services or will have so many of its functions absorbed by larger areas of government that it will become a "shell."

It may be that we do not need any intermediate level of government between the state and the municipality. Serious intention to delete the county would have to be accompanied by a responsible proposal to re-allocate services between the state and municipal structures of government.

It may be that we need an intermediate level of government, but constructive action can result only from a conviction that we do. No action can result from a reluctant "make-do" attitude toward "an anachronism that we're stuck with." Analysis of county government in New Jersey should not be made on the basis of what has been done about county government in other states which are different in size, population grouping, organization of state and local government, wealth and needed services. Nor should decisions be based on a particularly good or bad performance by any one county in this state.

New Jersey is establishing something of a record for improvement in government structure. We have a new Constitution under which our judicial, administrative and legislative branches are undergoing reorganization. We have new optional charter laws for our municipal governments. It may be that the reorganization of these two levels will make them strong enough to carry, successfully, the whole business of the state. It may be, however, that we will need, to work with these two levels, an intermediate level of government, modern, efficient, and responsible to the people. It may be that we will call it "county."

MRS. B. G. GRIFFITH,
Chairman, County Government

AFTER THE SHOUTING AND THE TUMULT . . .

The weeks before the Primary Election on April 15 were full ones for hundreds of League members. Campaigns for the registration of new voters, candidates' views of public issues compiled and published, radio spot announcements, record attendance at candidates' meetings were some of the things that filled busy days. Some Leagues undertook to explain the longest ballot in history, unusually complicated by the new preferential vote for President of the U. S. and the number of delegates for the party conventions. Others presented the short dramatic skit, "Party Line," to stimulate

interest in the Primary at meetings of other groups.

Reports rolling in to the State Office are telling a great story of public service of the League to its community. There is an apt cartoon which shows a smiling citizen, conscience easy, upon his pillow. The title, "Sleep happy. I voted!" For those who gave so generously of their time to show that politics is everybody's job and an important part of that job is voting in the Primary, may their slumbers also be sweet . . . for the next job is the November election!

The New Jersey Legislature set its own style notes for 1952 . . . a shorter session featuring a "new look" for the caucus with the center of attraction being The Election Year. Opening day was January 8th; seventeen meetings and some 900 bills later it was all over except for the Governor's approval or disapproval. Bills that find themselves in this latter category will be returned to the Legislature for further consideration at its Constitutional session on May 27th.

In the space allotted here, it is impossible to give a complete accounting of this year's session. Such an account has been attempted in the series of *News Letters* written by your observer during the session. However, there are some points that might bear highlighting.

Let's examine the "new-look" caucus and see how it worked out. Both the Senate and Assembly Republicans made changes in their unwritten caucus rules designed to give greater freedom in considering legislation. In the Assembly it was decided that committees would be given a more important role, and the caucus should be used as a testing device to measure a bill's popularity and strength rather than a controlling factor in legislation. It was also agreed that Assembly members would not have to vote on the floor the same way as they voted in caucus. The Senate majority group reduced from 11 to 9 the number of caucus votes necessary to bring a bill to the floor for a vote. This change might not have seemed as far-reaching as those in the lower House, but it was felt to be significant since in the past, bills were stymied by the proportionately large number of Senate caucus votes needed. As a result of these changes, two controversial bills, bingo and the chiropractic control board, were passed. In previous years, bills which brought out as much diversity of opinion as these did would have been held in caucus. Of course, this is not a testimonial to these bills, merely two cases in point of the relaxing of the majority party's control over legislation. A good word (if unexpected) may be said for the conduct of the caucus this year. Meetings were usually held so the sessions were

not unduly interrupted nor delayed. This at least is a sign of consideration for those of us not invited into the "conference room." The success of plans for placing more responsibility on committees, however, was far from spectacular. Past practices were continued with few committees meeting at all and none regularly. One thing we may be thankful for, and that is the size of our Legislature . . . because it is relatively small its present methods of operation are not as disastrous as they might be. This brings but little consolation and is certainly no brief for continuing on a hit-or-miss basis. Perhaps the Legislature, too, is beginning to feel this way. On the last day a bill setting up a Legislative Council was introduced. It arrived too late for this year, to be sure, but it may be a promise for the future.

So much for the conduct of the Legislature, and now for a glance at the general legislative picture. The keynote was as usual "no new taxes," and it was followed to the letter in spite of New Jersey's increased budget. However, interesting trends in the financial aspect of the State could be noted. The advisability of using authorities to solve our problems was debated strongly during the questions of more highways and expansion of the state building construction program. Provisions for broadening and relaxing the State's investment policies were adopted in an attempt to find more revenue. At the same time financial relief in the form of state grants was being sought by counties and municipalities to maintain their highways, bridges and other services. Labor, veterans, education, crime and fish were categories that also received a good deal of consideration. There were many pieces of legislation that could have been labelled "special" for although they were worded generally, they were designed for specific persons, places and things. Of course there is leeway in the Constitution for this type of legislation, but to all intents and purposes "special legislation" as such was written out.

As for the League . . . well, it was a fairly successful legislative year. Our work on re-

9-26-58

Horty dear --

Thanks so much for your continuing reports on "what's happening" to the county home rule amendment. Since I didn't get your letter about the 27th meeting until today -- decided there wasn't any alerting I could do. You're so right about the small West Texas counties -- which was one reason I felt the home rule proposal at Convention should get much interest....which it apparently didn't, did it?

I (with Anno's approval) have taken your suggestion for inviting Mr. Wilmot to the area conference --- but haven't yet gotten to the point of asking him (tho I must go to San Antonio today and will try to talk with him about this). In any case, we'll allow plenty of time at the AC for discussion of this -- content and League action -- tho the AC agenda for the metro. Leagues will include other things considered as or more important. Think it will be invaluable to have Christine Urban here to help in discussions of special problems of Leagues in multi-government areas.

And I'm looking forward to seeing you!

affec.

C. Urban

Mrs. Malcolm F. Sher
3819 Purdue
Houston 5, Texas

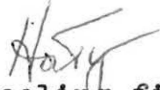
September 24, 1958

Dear Cookie:

Enclosed you will find copy of letter I sent in reply to request for copies of Home Rule Amendment. Hope you get this in time to alert anyone else interested in this coming meeting. Seems that there now is a great deal of interest in County Home Rule in rather small counties in West Texas which have been contacted by the Fort Worth Chamber of Commerce. Maybe this interest could be useful to building Leagues. I found out about this meeting just yesterday when I attended a drafting committee meeting to approve some changes in the resolution.

I have requested 70 copies of the final form of the Resolution for Austin. Will that be enough? It is not short. It is now quite a bit longer than the copy I sent you. Surprisingly, I learned that Dallas is the only large county not yet sold on this--by this they mean, I think, the Dallas Chamber of Commerce.

Fondly,



P.S. Hope this finds you feeling fine again, already for Miss Urban.

September 24, 1958

Mrs. W. R. Owens
5405 Westcreek Dr.
Fort Worth 15, Texas

Dear Mrs. Owens:

I am very sorry that I do not now have a correct copy of the Home Rule Resolution. It is being again revised and re-mimeographed for a meeting in Fort Worth this coming Saturday. At that time it is to be presented to representatives of the Chambers of Commerce of all the Standard Metropolitan Counties in Texas (some 17).

yes - 9/27

May I suggest that you contact the President of your Chamber of Commerce and see if you can get yourself invited to this meeting? If you can, you will hear it discussed and argued and it will be truly meaningful to you. They will probably welcome you if they know your League is interested in and studying the problem.

Sincerely yours,

Horty Sher

P.S. I will bring copies for everyone
to Austin on 10/21. HBS

LEAGUE OF WOMEN VOTERS OF HOUSTON
3005 BRAZOS STREET



AFFILIATED WITH THE LEAGUE OF
WOMEN VOTERS OF THE UNITED STATES

HOUSTON 6, TEXAS

August 18, 1958

Dear Cookie:

So sorry to hear that you have been ill. Trust this is now all in the past tense and that it wasn't because we are all getting you down.

Enclosed is a clipping from Sunday's "Post" which I thought might intrigue you too.

Enclosed also a letter I am sending Elizabeth Brownscombe. If indeed, her information is correct, and an amendment was also written in San Antonio, I think we should exchange these different drafts, but I think the one I sent you was sent over there.

Please, see to it that the flyer on the Constitutional Amendments is so printed that space is left for it to be folded and mailed without being put in an envelope. Please. We can get much better distribution much more easily that way. Then we can ask various organizations to mail them to Their members.

Note my suggestion about the Wilmots. He is the executive secretary of the San Antonio Research - - -. She told me that he doesn't want her to have anything to do therefore, with local agenda but she is on the San Antonio Board.

Fondly,

H. F. Sher
Mrs. Malcolm F. Sher

County Home
Rule
repealed
amendment
(last session)

10/21/58

CONSTITUTIONAL AMENDMENT - ESTABLISHMENT

OF HOME RULE COUNTIES

_____ J. R. NO. _____

Proposing an amendment to Article IX of the Constitution of the State of Texas, by amending Section 3 to read as set out in this Resolution, to provide for the adoption by Counties having a population of more than _____ inhabitants according to the last Federal census, of a charter for the creation of home rule government; providing a method of creating charter commissions and adoption of a charter by a vote of the qualified voters; providing an amendment and repeal method of organizing county government; providing for its powers, taxation, borrowing money, assumption of powers, duties and functions of cities, towns, villages and districts; providing for urban and non-urban taxing districts; for separate districts within the county; and providing the amendment to be self-executing.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

"Section 1. That Article IX, Section 3 of the Constitution of the State of Texas be amended to read as follows:

"Section 1. Any county having a population of more than _____ inhabitants according to the then last federal census, may form and adopt a Charter for its own government as provided in this article, and upon such adoption shall be a body corporate and politic.

LIMITATION

"Section 2. A charter commission may be proposed by petition signed by a number of qualified voters of the county equal to 10 percent of the number voting in that county for the office of County Judge in the last preceding general election.

CREATION OF
CHARTER
COMMISSION

Upon such petition being presented to the Commissioners' Court or other governing body of such county, the said Commissioners' Court shall examine the same, and, upon a determination that it is in all things in conformity to the requirements hereof, shall order an election on the question:

"Shall _____ County authorize the appointment of a Commission to frame a county charter."

The election on such question shall be held within sixty days after the filing of such petition, and if a majority of the qualified voters casting their ballots at such election shall be in favor of the appointment of a Commission to frame a County Charter, such Commission to consist of twenty-five members, shall be appointed within 30 days by the District Judge or by a majority vote of the District Judges elected and serving within the County.

A charter commission shall also be appointed aforesaid by the District Judge or Judges if a majority of the Commissioners' Court of the said County shall, by resolution, authorize the creation of a charter commission, in which event the Commission of twenty-five members shall be appointed by the District Judge or Judges elected and serving within the County.

The charter shall provide for the process of amendment upon a majority vote of the qualified voters voting at a charter amendment election; provided that no charter shall be amended more often than every two years.

"Section 3. The Commission shall establish its rules of procedure which shall include provision for public hearings and within twelve months following appointment, the Charter Commission shall frame a charter and shall deliver the same to the Commissioners' Court of the County, which shall, within 10 days call a special election on the question of adopting the charter to be held not less than thirty or more than sixty days after the call of such election. The charter shall take effect on the day fixed therein and shall supercede any existing charter or government, if approved by a vote of a majority of the qualified electors of the County voting on the question.

ADOPTION OF
CHARTER

"Section 4. A charter shall provide the form of county government. It shall create and prescribe the powers of an executive and a governing body under such names as may be designated in the charter, and provide for the selection, removal, compensation and terms of office, not exceeding six (6) years, of such officers.

FORM OF
GOVERNMENT

The Charter shall provide for any other officers of the county, and may create, consolidate, organize, reorganize or abrogate any office, or department of the County, whether created by other provisions of this Constitution or by statute, define the duties and jurisdiction thereof, fix the compensation for service therein, prescribe the manner of selection and the time, qualifications and conditions for tenure in any such office.

OFFICERS OF
COUNTY

The Charter shall also provide for the creation of a County Court of Record which shall have original jurisdiction in all cases at law, equity and probate not within the exclusive jurisdiction of the District Court. Such Court may sit in divisions and shall have

COURT OF
RECORD

as many judges as may be provided by the Charter and with the qualifications, tenure, compensation and manner of selection also provided by the Charter, which qualifications shall not be less than those required for the district judge.

ORGANIZATION

The Charter may vest in the governing body of the County, the power to organize or reorganize the executive department as may be provided in this charter. Provided, however, that said Charter shall not affect members of the State Legislature or other State officers or State Courts, and provided, further, that the county shall be required to render and perform, through some officers or employees of the county, or otherwise provide for, the duties, services and functions of the State Government which are or may be required of counties by the Constitution or general laws enacted thereunder.

POWERS

"Section 5. A home rule charter may provide for the exercise of governmental and proprietary powers, including, but not limited to, those powers already granted to counties or to a home rule city by any general or special acts of legislation prior to the adoption of such charter, notwithstanding any other provision of this constitution, or those powers granted to counties by any general act of the legislature thereafter. No act shall be deemed a general act unless applicable to all counties. The county may sue and be sued and shall be liable to the same extent as a city may be liable under the same facts and circumstances.

TAXATION

Such counties shall have the power, and the charter shall authorize such counties to levy, assess and collect taxes; provided, however, that no ad valorem property tax for any purpose shall ever be lawful for any one year which shall exceed two and one-half per cent of the assessed value of the taxable property of such county, except that in the event of an assumption of powers, duties and functions of any city, town, village, district, or other political subdivision of the county, as authorized by Section 6 herein, it shall be lawful for such county to levy an additional ad valorem tax on the taxable property of the area in which such powers, duties and functions are assumed.

The Home Rule County shall have the power to borrow money for all purposes lawful under its Charter, to include the refunding

CREATION
OF DEBT

of a lawful debt, in a manner conforming to the General Laws of the State, and may issue therefor its obligations. Such obligations, other than those to refund a lawful debt and other than those that are payable from revenues other than taxation as may be provided in the Charter, shall not be valid unless authorized by a majority of the qualified property tax-paying voters of the area affected by the taxes required to retire such obligations, voting at an election held for that purpose. Such obligations may pledge the full faith and credit of the county; but in no event shall the aggregate obligations so issued, in principal amount outstanding at any one time, exceed the then existing Constitutional limits for such obligations and such indebtedness and its supporting tax shall constitute a first and superior lien upon the property taxable in such county. No obligation issued hereunder shall be valid unless prior to the time of the issuance thereof there be levied a tax sufficient to retire the same as it matures. Such county shall have such other fiscal powers as may be necessary to accomplish the purposes of this Section.

ASSUMPTION
OF POWERS
AND DUTIES
OF CITIES

"Section 6. A County Home Rule Charter adopted under the provisions of this amendment may provide for the assumption of the powers, duties and functions, either governmental or proprietary, in whole or in part, of any city, town, village, district or other political subdivision of the county with the consent of a majority of the qualified voters of such city, town, village, district or other political unit voting at an election held for that purpose. The charter shall provide for the procedures and methods that may be necessary and appropriate to effectuate the assumption of any such powers, duties and functions.

The charter may provide for the exercise by the county government of any powers appropriate and necessary to a city, town, village, county, district or other governmental unit as is necessary to carry out the intent of this provision, notwithstanding any other provision of this constitution; but no charter provision granting such powers shall be effective insofar as it is in conflict with any general act of the legislature withholding such powers from all counties.

URBAN AND
NON-URBAN
TAX
DISTRICTS

"Section 7. In the event of the assumption of powers, duties and functions of any city, town, village, district, or other political subdivision of the county as provided for by Section 6, the charter shall provide for the establishment of an urban tax levy applicable to the area in which such powers, duties and functions have been assumed and a non-urban tax levy applicable to the remaining area of the county, and provide that taxes at different rates may be levied, assessed and collected for such defined urban and non-urban tax districts. Such charter provision shall prescribe specific standards for defining such urban and non-urban tax districts. The boundaries of such urban and non-urban tax districts may be altered pursuant to the county charter.

SEPARATE
DISTRICTS
WITHIN
COUNTY

"Section 8. The charter may provide in its provisions, or empower the governing body of the county, to define and create, and to administer, either by separate boards or through its governing body, districts for purposes of local government, which may include, but not be limited to zoning, firefighting, sewage disposal and water supply, and have and exercise the powers and authority granted by the Constitution and laws relative to such local governments.

CONTROLLING
PROVISIONS

"Section 9. The provisions of this Section 3, Article IX shall govern the powers, duties and functions of any county adopting a charter hereunder, and any other provisions of this Constitution inconsistent with the provisions of this Section shall be superceded by this Section.

AMENDMENT
SELF-
EXECUTING

"Section 10. This amendment shall be deemed in all things self-executing, and may be availed of by any county within its terms at any time after its effective date.



By **RAYMOND BROOKS**

And **SAM WOOD**

Colonel J. T. Ellis Jr., former member of the Legislature from Weslaco, is Governor Price Daniel's advisor on tax matters. Col. Ellis, who became an expert in legislative appropriations, and played a big part in shaping the general appropriations bill while a member of the House, has been digging into statistics for use by the governor when he shapes his revenue recommendations to the next Legislature.

Col. Ellis served in the last Legislature. He is well acquainted with the fiscal thinking of House and Senate leaders. His prediction is the Legislature will trim budgets to the bone, as close as they can without throttling state services. He believes the legislators will conscientiously dig into the question of new revenue to wipe out the deficit and meet necessary budget requirements — but will be exceedingly gunshy of any new legislation that requires financing.

THE LEAGUE of Texas Municipalities will make a third try in January to get a workable constitutional amendment for county home rule.

They are drafting a proposed amendment, based on studies made by the Harris County Home Rule Commission. The drive this year appears to stem from the Houston group of citizens. Basically, the effort always has been by city resident groups, seeking simpler, less costly local government.

From a preliminary outline of the unfinished amendment, it appears the sponsors are getting ready to make the same mistake the Fort Worth group did on the amendment now on the books. Then, masses of detailed procedures that should have been put in statute were included. The one amendment was nearly as long as all the constitution prior to its adoption. It was so confusing and contradictory that all counties that have considered home rule charters have agreed it is unworkable.

A second "short" amendment failed to advance the county home rule cause.

The pending amendment is almost as long, complex and confusing as the first, and they haven't finished writing it.

THE FIRST amendment put principal emphasis on consolidation of city and county government. The "Houston Plan" centers more on changing the form of county government, but it also gets into the complications of merging city and county governments or functions. It also tentatively includes the provision that a new county government, under home rule charter, could abolish any subsidiary district or agency within the county.

Under home rule, people of a county could set up a form of government similar to a city's, with the governing board empowered to create departments and hire personnel as it saw fit, eliminating the long list of county elective offices. Also, a county would be freed of all state regulations as to pay of its officials and deputies. The simple idea of merging a big city and a county seems a long way off in achievement.

GOV. PRICE DANIEL had not announced early this week selection of a successor to Jake Jacobsen, his executive assistant. Jacobsen will leave the governor's office soon to enter law practice in Austin.

It will be quite a task to fill his spot in the executive office. Jacobsen was a key member of Daniel's staff as attorney general; then he went on to Washington as administrative assistant to Daniel as United States senator. He came in as the top member of the staff when Daniel took office as governor.

Jacobsen recently lightened his load of duties by checking out of the Democratic Party post of state executive committee secretary. He is the Texas representative of the governor on the Interstate Oil Compact Commission, and this year is vice chairman of the commission.

Usually, a governor's executive assistant is a lawyer, but this is not mandatory.

TWO CALLED sessions of the Legislature in 1957, called by the governor to pass legislation he could not wiggle through the regular session, cost taxpayers a minimum of \$582,127.03. Broken down by the comptroller, members of the Legislature received \$230,845 for the 60 days of extra lawmaking; they were paid \$8,802.71 in mileage and \$72,284.93 in other expenses. More than half the total cost of the two called sessions was in salaries paid to employees, a total of \$270,194.39.

GOOD MORNING

Copy #4

October 29, 1958

Mrs. E. R. Browncombe
1420 El Campo Drive
Dallas, 18, Texas

Dear Elizabeth:

Enclosed you will find a rough draft of an article on County Home Rule which I think we should request be included in the November Voter. Please edit it or change it or re-write it, I have no small pride of authorship. But I would like it, or reasonably facsimile thereof to be before the State Board for consideration.

I gathered from what Cooky said in Austin that the Capitol committee could only watch this for us, if they had a large enough committee and not too many other items to watch.

I have personally requested that the Texas County Home Rule Association get out a "flyer" on the subject as soon as possible. I think they will, but first they have set themselves the task of raising \$5,000. I suggested that perhaps we could buy some and distribute them.

The men in Houston who attended last Saturday's meeting in Dallas feel certain that Lubbock and Abilene will declare themselves in on this amendment. Thus what we do may also pertain to the Lubbock League.

The Chamber here will have someone detailed to watch this in the coming legislative session and I can, I believe, be kept informed in this way. It is just too bad that the State League can't speak at a hearing as I think we have something to say that the others won't namely, that a new, easily understood form of government with a short ballot will a truly responsible executive makes it so much easier for the average citizen to be a good citizen.

I'm also enclosing the clippings from the Houston Post as they should prove useful. Maybe they too would be worth while sending along to the State Board meeting?

cc Florence Pasmore
State Office

Fondly,

Mrs. Malcolm Sher
3819 Purdue
Houston 5, Texas

Copy #4

COUNTY HOME RULE

A new County Home Rule Amendment has been written and will be presented at the coming session of the Legislature. As all who have read TCR should know, the present county home rule provision in our patchwork constitution is unworkable and worthless. Dallas, Harris, Tarrant and Bexar Counties feel that they cannot wait for a new constitution to solve their pressing problems of overlapping, duplication, and omission of local functions of government. Therefore, they are seeking permission to have, if their voters approve, County Charter Commissions which may bring a new form of government for their consideration.

We did not, at our last State Convention, decide to have County Home Rule as State Current Agenda, but we did give permission to the Dallas, San Antonio and Houston Leagues to work on this on a State level as they had studied their county governments and had concluded that their counties needed a new form of government to cope with the complexities caused in these areas by so many people, with so many cars, living so close together, with so many children.

The amendment which will be submitted is approved by the three Leagues most concerned with the problem, which really concerns us all. They will urge their representatives to work for passage of the bill which will refer to counties of 250,000 in population or more, and any others which request inclusion by name.

The Texas County Home Rule Association has been formed with Mr. Ben Belt of Houston as Chairman. Our three city Leagues will cooperate with them in making the facts about the proposed

Copy #4

amendment generally available. In brief, if it passes unharmed through the Legislature, then it must receive a majority vote in the 1960 general election. If this occurs then those counties affected may, either by petitioning the Commissioner's Court or by action of the Commissioner's Court, have a 25-member Charter Commission, appointed by the district judges of that county, who will be charged with submitting a charter to the voters of that county 12 months later. The Constitutional Amendment is permissive legislation only. The appropriate place for ironing out differences of opinion as to the form of the new government is the home rule charter commission.

Opposition to this amendment has already been raised by some County Commissioners who fear loss of their positions and prestige, but aren't they being foolish to assume that there won't be room for them in a new government?

Mr. Burke Holman of Houston was chairman of the drafting committee which wrote the amendment. Mrs. Malcolm Sher, 3819 Purdue, Houston 5, has served on this committee and will be glad to send a copy of the proposed amendment to any Texas Leaguer who wishes a copy, as long as her supply holds out.

u
(w/Ann)

November 7, 1958

Mr. Ben C. Belt
President of the Texas County Home Rule Association
Houston Chamber of Commerce
Houston, Texas

My dear Mr. Belt:

The board of directors of the League of Women Voters of Dallas has asked me to tell you that the League will support and work for the County Home Rule amendment proposed by the Texas County Home Rule Association for introduction in the 1959 Legislature.

The League hopes- and I'm sure your organization also hopes- that the bill in its progress through the Legislature will emerge in a form which your Association and the League can continue to support.

When the proper time comes the League will be ready to go to work and believes that your organization's efforts and ours can be effectively coordinated.

Most sincerely,

Mrs. Colin J. Macdonald, President
League of Women Voters of Dallas

Cookie- I sent the same letter to Mr. Paul Carrington of Dallas and a copy to Mrs. Sher.

6620 Broadway,
San Antonio, Texas.
March 8, 1959.

Mrs. Horton Wayne Smith, President,
League of Women Voters of Texas,
1007 West 24th Street,
Austin, Texas.

Dear Cookie:

Our committee for County Home Rule, made up of members from the Chamber of Commerce, the League of Women Voters, the Taxpayers League and the Research and Planning Council, have been in liaison with committees from other metropolitan areas. There have been meetings in San Antonio, Dallas, Houston, Fort Worth and Austin.

Last October the Texas Home Rule Commission was organized with Mr. Ben Belt of Houston as Chairman. However, this organization was rather loosely formed, and included wonderful people but terribly busy people, and it has never seemed to be able to get off the ground. Members from Houston and San Antonio have had attendance at each meeting.

The draft that was presented at the Regional Conference of the League in Austin was not acceptable to the Harris legislators. The Houston delegation proposed a compromise, but San Antonio rejected it mainly on two points. The population bracket was upped to 350,000 and this statement was inserted "no consolidation of any city, town or village with the county shall take place prior to 1975". It also required an enabling act.

It has been the hope of many of us that an amendment could be jointly sponsored by the four big metropolitan counties, but by the end of February, the Bexar County delegation felt that if any action was to be attempted this session, it would have to be as "special legislation for Bexar County". We believe we have the support of our legislators. We realize that this type of legislation has many ramifications, but if we win, and if it is not crippled by amendments, it would certainly open the door for other counties in the future. We will need reinforcements for passage in the House and Senate for a 2/3 vote as well as before the hearings.

HJR 45 has been filed in the House by Representative Raymond Russell, and we have started action at the local level for support. I am attaching some of the press releases. Copies of the bill are being mimeographed and shall be sent you.

I have had nothing concrete to report before, but from now on I hope we will have much to write about. Your guidance, your suggestions, your voice with your legislators, will be needed.

Copies to Sher, Brownscombe,
Hughes and Pettis.

With best regards,

Blanche Passmore
Mrs. B. H. Passmore

From the desk of

Mrs. B. H. Passmore

6620 Broadway

Tuesday.

Dear Cookie,

We are still working
away at our Home Rule
Amendment for Beaver County.

Our speakers have
been well received and
we have talked to over
65 groups. Calls are still
coming in.

Will alert you when
it comes to the floor.

Love,
Florence

Statement before Constitutional Amendments
Committee — of the House,
Austin, Texas

4/7/59

Mrs. B. H. Passmore

I am Mrs. B. H. Passmore, chairman of the Bexar County Home Rule Association which is composed of members from the Chamber of Commerce, the League of Women Voters, the Taxpayers League and other interested citizens. Our object is, with your help, to provide a workable home rule amendment to the Constitution of Texas for Bexar County.

We believe the citizens of Bexar County do desire and could draft a charter for county government that would be directly responsible to the citizens, and could be the local, responsible, governmental unit of the State that is required.

Citizens of Texas have been interested in county home rule for at least 30 years. Let me briefly review the history of the movement.

It must have taken a great many people and a great deal of time, energy and voices to write the 1933 Home Rule Amendment that is part of State law. It must have been the intent of those framers of the amendment that a county could adopt the right to Home Rule, draft a local charter, and thus effect reforms with the authority of the voters in their counties. That was 26 years ago and no county has been able to get Home Rule.

After its passage in 1933, the citizens of El Paso made a really determined effort to adopt county home rule. They went through all the steps prescribed in the amendment, drafted a charter, and by majority vote of the people across the county the charter was approved. However, because of the election procedures and a minority negative vote, its adoption was blocked.

In 1934, citizens groups in Travis, Tarrant, Bexar, Dallas and Harris counties made definite efforts to draft charters, but bogged down.

The stumbling blocks were the complicated enabling act, the paradoxes within the amendment, and the complications on commission procedures.

In 1947, Delta County, with a population of 15,000, and with a special 2/3 majority vote in both houses, was given authority to proceed and work for county home rule. They too carried out each provision of the amendment, but when the charter was submitted to the Attorney General, in 1948, the charter was declared invalid, so it was never submitted to the voters of that county.

The 1933 Amendment has been tried and found to be completely unworkable.

Then, after 21 years there appeared some light after the darkness. Harris County by legislative action in 1955 was given permission to set up a Harris County Home Rule Commission and was given the task of suggesting to the legislature what constitutional amendments or statutes might be necessary to simplify the structure of local government to meet the demands of modern expansion. The Commission was composed of persons widely representative of Harris County and appointed by the Governor. To do an adequate job of study and reporting, the Commission was generously supported by three private foundations, the M. D. Anderson Foundation, the Houston Foundation, Inc., and the West Foundation.

This work stimulated statewide interest, and liaison between interested groups in the large counties was established, and many attended meetings from the less populated areas. Conferences were held in Fort Worth, Dallas, Houston, San Antonio and in Austin where citizens met to explore the avenues for securing a workable home rule amendment that might be applicable to their own counties. Some of those who attended were:

SA - Mr. Weiss and Mr. Leo Brewer, lawyers, Mr. Melvin Sisk of the Chamber, Commissioner Sam Jorrie and Mr. Harold Keller, real estate and investments.

Houston - Mr. Burke Holman and Mr. Carl Illig, lawyers, Mr. Gail Whitcomb, Humble Oil & Refining Co., Mr. Henry Mudd, Telephone Co., and Mr. Ben Belt, Gulf Oil, and Mr. Fred Flannigan of the Chamber of Commerce.

Dallas representatives were Paul Carrington, attorney, Dr. J. M. Claunch of SMU, Jerome Crossman, businessman, Granville Moore, ex-VP Greater Dallas Planning Commission.

From Fort Worth, Mr. Burl Godfrey, a banker and lawyer, Mr. W. O. Jones of the Chamber.

Members from the Leagues of Women Voters of Dallas, Ft. Worth, Houston and San Antonio attended these conferences and watched them with great interest.

25 other centers had individual delegations, including:

County Judge Raymon Thompson of Young County;
County Judge Joe Evans of Burnet;
Representative Louis Anderson of Midland;
County Judge R. H. Weaver of Big Spring;
Freeman Carney, Chamber representative from Tyler;
Marion E. Fox and Jack H. Drake from the Valley;
C. W. Rattliff, newspaper man from Lubbock.

Work on drafting an amendment went on for months by these civic-minded Texans. County officials were invited to join in the conferences. In October the Texas Home Rule Association was organized. It was the hope that an acceptable amendment could be jointly sponsored by the four largest counties. For their own reasons, the other counties withdrew. The delegation from Bexar County realized that in order to secure a workable home rule amendment for Bexar County, we must ask for "special legislation." Studies had been made, conferences held, amendments examined by citizens and able lawyers, including Mr. Theo Weiss, Mr. Stanley Banks Jr., Mr. A. William Worthy, Mr. Leo Brewer and Mr. Burke Holman, and on March 5th, Representative Raymond Russell filed HJR 45 for Bexar County.

Briefly, what is in HJR 45? Upon the petition of 10% of the qualified voters who voted for the County Judge in the last election

or at the initiative of Commissioners' Court, an election must be called on the proposition, "Shall Bexar County authorize the appointment of a Commission to write a County Charter?"

If the proposition is approved by a majority of the voters, a Commission to frame a charter will be appointed by the majority of the District Judges in the County.

Within twelve months the Commission is obligated to frame a charter, after public hearings, which will provide for all operating requirements and functions needed in County Government.

It is especially provided that State Courts, State Officers, and Legislators can in no wise be affected by the Charter and that the County must perform duties and functions as required by the State of Texas.

The Charter will then be submitted to the electorate of the County and if approved by a majority of the voters will be the operating framework for Bexar County's government.

We believe that HJR 45 constitutes a workable amendment. We hope it will be approved but we sincerely urge your careful scrutiny and assistance in perfecting it. It is subject to the vote of the people in all its provisions. It is permissive and not mandatory. It is the outcome of drafting by able Texans and citizens of Bexar County.

The citizens of Bexar County have always been pioneers. We were one of the first populated areas in Texas. Our forefathers fought for independence. This amendment may provide another testing ground for citizens of Bexar, but within the due process of the laws of our State. We ask that you help us have the opportunity to try county home rule.

CONSTITUTIONAL AMENDMENTS COMMITTEE
HOUSE OF REPRESENTATIVES
1959

*This is the
very first
committee before
which we will appear
for HJR 45-
any steps to get
a favorable
report issued
be considered
Long, Threlkeld
Parramore*

JAMES M. COTTEN, Chairman
Dist. 72 Weatherford (Jack, Parker, Wise)

FRANK B. MCGREGOR, Vice Chairman
Dist. 53 Waco (McLennan)

BEN ATWELL
Dist. 51 Dallas (Dallas)

RAYMOND A. BARTRAM
Dist. 67 New Braunfels (Comal, Guadalupe, Kendall)

ROBERT D. BULLOCK
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JOHN T. COX
Dist. 63 Temple (Bell)

BOB ECKHARDT
Dist. 22 Houston (Harris)

W. W. GLASS
Dist. 17 Jacksonville (Cherokee)

BILL HOLLOWELL
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MENTON J. MURRAY
Dist. 39 Harlingen (Cameron)

TED W. MYATT
Dist. 61 Cleburne (Hood, Johnson, Somervell)

MAURO ROSAS
Dist. 105 El Paso (El Paso)

✓ CHARLES L. SANDAHL, JR.
Dist. 65 Austin (Travis)

WILL L. SMITH
Dist. 9 Beaumont (Jefferson)

JAMES A. TURMAN
Dist. 24 Gober (Fannin)

H. G. WELLS
Dist. 89 Tulia (Briscoe, Floyd, Hale, Swisher)

BOB WHEELER
Dist. 69 Tilden (Atascosa,
Frio, La Salle, Live Oak,
McMullen)

HERMAN YEZAK
Dist. 56 Bremond (Milam,
Robertson)

The Congress

THURSDAY, MARCH 5, 1959

- **SENATE**—The administration urged the armed services committee to support extension of the draft law as a vital defense step.
- **SENATE**—Majority Leader Lyndon Johnson predicted the Senate would act on the Hawaiian statehood bill before the Easter recess. Other bills he expected to be considered before that time were measures already approved in the House to extend the draft, and to create a new system of federal tax on insurance companies.

Legislature

- **HOUSE**—Bexar Rep. Raymond Russell Jr. filed a proposed constitutional amendment which would authorize a statewide election to allow Bexar County to adopt a home rule charter.
- **HOUSE**—A subcommittee approved a controversial measure which would make lowering of firemen's and policemen's hours mandatory. A rival bill backed by Texas cities was bottled up in the same subcommittee.
- **HOUSE**—Clergymen would be prohibited from disclosing communications with persons seeking their spiritual advice in confidence under terms of a bill proposed.
- **HOUSE**—Rep. Max Smith of San Marcos introduced a bill to provide licensing and controls of livestock auction markets.
- **SENATE**—Uvalde rancher Joe Harry Bower renewed his opposition to building of a ranch-to-market road in Edwards County before a finance subcommittee.
- **HOUSE**—A bill was filed which would bring so-called party records under the statute banning pornography.
- **HOUSE**—A proposal to reorganize the State Board of Insurance was introduced, calling for replacement of the present three-man board with a nine-member commission appointed by the governor for six year terms.
- **HOUSE**—Approved and sent to the Senate were bills that would allow independent school districts to contract with each other; authorize investment companies less coverage on collateral held for mortgage loans; prohibit county judges from being absent from their duties more than six days without permission of the commissioners' court; change absentee voting procedures to provide that ballots cast in person must be handled just as ballots that are mailed to the county clerk's office.
- **HOUSE**—The state affairs committee next Monday night will consider two bills calling for establishment of a new state medical school at either San Antonio or Austin. A subcommittee reported the bills back Wednesday night, saying it thought there was a need for such a school. The site was left to the full committee.
- **HOUSE**—Defeating the hold-the-line economy block, the House approved a plan to make Tarleton State College at Stephenville a four-year institution. Arlington state was made a four-year school Wednesday.
- **GOVERNOR**—Gov. Price Daniel asked the legislature for an emergency appropriation to allow the attorney general to continue his anti-trust investigations.
- **SENATE**—A bill introduced would prohibit gas or electric companies which furnish cities with power from selling any appliances which use their produce.
- **SENATE**—A bill was introduced providing for longevity pay for state employees.

By PAUL THOMPSON

What suburban traffic judge bought three bottles of whisky and paid for them with a \$15 check made out to his court? . . . The ceramics crowd, mostly ladies, are out to get Councilman Mike Passur on grounds he discriminated against their nice little city-paid setup over on Woodlawn Lake . . .

Sgt. Bob Cruz, who sold Fort Worth police \$3 million insurance, also got the police business in Laredo. Before the year is out, he figures to sign cops in Houston and Kansas City, Mo. Cruz just purchased a 1959, all-white Cadillac. At home, 2610 Benrus, he keeps a swimming pool. Why, after 20 years, does he stay in police work? "It's in my blood," said Cruz. "Besides, I've got a pension coming" . . .

Ghastly Tune

What's the point in that raucous juke box cutting loose with things like "Tijuana Jail" at the Chinese Sunken Gardens, center of beauty and culture? . . .

Despite threats, Supt. Bill Reader probably won't sue the North East school board and former Lackland skating rink co-owner Morris Jaffe probably won't sue True Magazine and reporter David Nevin . . .

It is apparent to everyone by now the Fred Benke performed the greatest disappearing act since Ambrose Bierce . . .

Catholics must like city politics. The Citizens ticket has seven — John Toudouze, Parker Southern, Benny Cantu, Bill Bennett, Ruben Nunez, Zot Zottarelli and Craig B. Kennedy. There are three Catholics on the Good Government League ticket. That makes 10 out of 18 men running on both slates.

Sudden Death

Bus drivers and water works employees are joining police and firemen in the wage-hour fight here. State Sen. Henry Gonzalez was to meet with busmen at 2 a.m. today . . .

Dr. Joe McConnell, young intern removed at Robert B. Green Hospital following narcotics charges against him, died recently in Galveston . . .

The measure of Citizens' campaign director Harold Hall: How many GGL members, his old friends in city battles, can he lure away? . . .

Jefferson High band director Joe Bellamah soaks students a nickel per mistake during rehearsals. As of yesterday, he had \$1.95 in fines for a band coke party later on. The move, said Joe, has all but eliminated musical "squeaks" . . .

Social Lion

City Clerk Frank Gallagher has had a dashing career. At the age of 10 he was pageboy in the state legislature. In 1917, he was a major in the U.S. Air Force. He learned about politics from Cactus Jack Garner and Pat Neff, which is probably why he kept his clerk job through many city hall shake-ups. And how many people know that Gallagher used to be president of Order of the Alamo, socially pure group that picks out Fiesta queens?

The Zachrys

At least 50 city policemen will climb aboard one Greyhound bus for a trip to Austin next Wednesday. They want to be present when their wage-hour bill hits the senate floor. Jim Zachry, son of contractor H. B. Zachry, will pay the bus bill—\$75.50.

And city firemen plan to send two busloads to Austin that same day. Their "Fire Fighting" local will foot that bill.

Off-duty men will make up the police-fire contingents.

Young Zachry, president of Citizens Republic Insurance Co., which owns the Transit Tower (E. B. Zachry owns both), says he is "interested in" the police cause.

Big Brain

Calvin Hughes, convicted robber, writes his 18-year-old wife here that he had the highest IQ of all prisoners admitted to the Terre Haute, Ind., federal pen last month. At the moment, he's using all those brains in solitary confinement . . .

Father Sherill Smith of Mission Espada just got a scorching letter that denounced him for "sticking your nose in" the local Tex-Son strike. This surprised the priest, who only asked everyone to stay peaceful . . .

At a Highland Park meeting of Alcoholics Anonymous the other night, a man in his cups sat through proceedings, then demanded: "I want an attendance receipt!" Told there was no such thing, he said: "My wife wants to be sure I came here." Members tried to placate him but it didn't work. He was escorted out, yelling: "Where's my receipt?"

5 Days On the Moon

Another Space-Age Exclusive
by Werner von Braun



Von Braun

How to Garden

6 PAGES OF TIPS TO GARDENERS



Sunday's
Express and News
Hits the Target



Strange Story of Singer Jimmy Rogers

Saturday EXPRESS and NEWS

San Antonio Express

SAN ANTONIO

NEWS

5 Cents

NO. 66—94TH YEAR

SAN ANTONIO, TEXAS, SATURDAY, MARCH 7, 1959

SAN ANTONIO AND VICINITY—Fair and mild.

★ 48 PAGES IN 4 SECTIONS



SLEEPY WELCOME—David Chan, 3, seems asleep with his own thoughts as he helped welcome the liner SS President Cleveland to San Francisco. Aboard the vessel were 103 Chinese refugees. David, between dreams, waved a welcome with a small American flag.—AP Wirephoto.

Leaders Back Ike On Berlin

Home Rule Action Boils on 2 Fronts

Proposed Bill Gets Backing

The Bexar County Home Rule Association was formed Friday to support a proposed constitutional amendment to give the people the right to decide on county government reforms.

Mrs. V. H. Passmore, past president of the League of Women Voters, was elected chairman and Melvin H. Sisk, executive secretary of the San Antonio Chamber of Commerce, vice chairman.

Rep. Raymond Russell Jr., who introduced in the legislature the amendment applicable to Bexar County alone, attended the meeting of the Chamber of Commerce and urged an immediate educational campaign for voters throughout Bexar County.

"I have studied the bill," said Russell, "and I know it is permissive legislation only and leaves every step to be taken up to the voters, but already there is propaganda that it is designed to knock out county jobs. We must explain the provisions to the people, for it is they who will make the decisions."

Amendment 'Clean'

Mr. Passmore and Sisk invited all organizations interested in county home rule to meet immediately and consider the amendment which will be available upon request. Each organization which endorses the bill, known as House Joint Resolution 45, may send a representative to the executive committee of the association which will be formed immediately.

County Commissioner Sam Jorrie said the proposed amendment is "as clean as a hound's tooth" and does nothing but give the people the right to vote on government reform.

Jorrie worked with groups from other major counties in Texas for a home rule amendment which would apply to metropolitan areas. When Harris County legislators refused to join in introduction of the joint bill, Jorrie had it redrawn to apply to Bexar alone.

Gonzalez Agrees

Jorrie said the Bexar delegation in the House with the exception of Rep. Franklin Spears favored the amendment. He added that Sen. Henry Gonzalez had agreed to sponsor it in the Senate if the House passed the bill.

The amendment is a "local bill" and as such usually would pass quickly in either House through endorsement of local delegations.

However, the state organization of county commissioners is expected to fight even a local bill which would permit reform of county government. Bexar County Commissioners, with Jorrie dissenting, passed a resolution against the amendment earlier Friday.

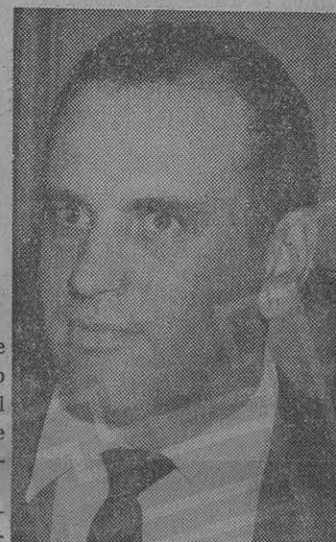
All Texas voters would have to approve the Constitutional amendment in November, 1960, for it to be effective.

Then these steps would be required before any change:

1. Ten percent of the qualified

See BILL, Page 2A

Gift problems? Gold charms from Joske's Diamond Salon.—(Adv.)



SAM JORRIE



MRS. PASSMORE

The Last Call For Downtown Contest Entry

This is last call.

Amateur city planners have until midnight Saturday to get their entries in for the \$250 Downtown Development Contest. If your entry is hand-carried, it must be in Room 307, Express Publishing Co. building by noon. If it is mailed, it must be postmarked on or before midnight.

Scores of entries have been received and all will be turned over to the Chamber of Commerce Downtown Development Committee to judge. Winners will be notified and all entries will go to city planners.

This contest was sponsored as a public service by the Chamber Committee and by the San Antonio Express and News. Its aim is to stimulate public interest in renewal of vital areas of our city and to find ways to do it. Response has been encouraging. See Page 15-A.

Today's Chuckle

At the end of the fifth round the heavyweight staggered to his corner, dazed and battered. His manager whispered in his ear: "Say slugger, I've got a great idea: Next time he hits you, hit him back."

Sam Jorrie Blasted For Stand

By KEN KENNAMER

Friday was a tough day for Com. Jorrie.

He was verbally drawn and quartered, ridiculed and abused, out-talked and outvoted by all four of the other members of Commissioners Court.

But, to his credit, he left the meeting with head high, a smile on his lips and his principles still intact.

It all started over Jorrie's backing of a county home rule amendment now before the state legislature, an extremely unpopular piece of legislation with county officials. Some of the milder remarks by fellow commissioners Friday included:

Com. Albert Pena Jr.: "For two years, you've been working against this court, doing your best to destroy the court. You deliberately campaigned against one of your own colleagues (a reference to Marvin Cobb's unsuccessful bid to unseat Com. A. J. Ploch last summer), throwing your own money into the race. You couldn't destroy the court that way, now you're trying another way."

"Pure Hot Air

Jorrie: "That's pure hot air."

Ploch: "Sam" is sincere. He's sincere as hell. The trouble is he just doesn't know what he's talking about. We don't want to change a government of the people and by the people. We're for home rule that would be governed by home people."

Pena: "We have a good example right here of what happens when a city manager runs a government, haven't we? Of the damage that can be done when out-of-towners take the place of local governing bodies?"

Jorrie: "I don't agree with you. I think we have a fine city government."

Pena: "You're completely brainwashed, Mr. Jorrie."

Ploch: "The people who started this movement (for county home rule amendments) have already have city government well in their clutches. You know who I mean. I mean the syndicate. The Texas League of Municipalities."

Judge Surprised

County Judge Charles Anderson: "I thought this thing was dead. I knew that Houston had turned it down cold and it looked as if no one was going to bring it up before the legislature (the home rule amendment.) I see you (Jorrie) have revived it."

Ploch: "You know this syndicate uses the taxpayers' own money to mislead them. The city pays \$4,368 a year to be a member of that syndicate, then spend more of the taxpayers' money to put out a yearly report in the newspapers on the great things they've accomplished. Great things, you know, like telling the people they've appointed Ted Pinson to the council. We're not against county home rule if that's what it would be. We're against appointive government."

Anderson: "I have a resolution here for the court's approval in

See JORRIE, Page 2A

Solons United In Stand

WASHINGTON (AP)—The four men who lead Congress met for 90 minutes with President Eisenhower Thursday and promptly proclaimed bipartisan backing of his firm stand against Red threats to Berlin.

"The Communists will discover that this country and our free allies are determined to preserve the free world," Senate Democratic Leader Lyndon B. Johnson of Texas said.

"We are unified; we don't have any parties in this thing," Speaker of the House Sam Rayburn (D-Tex.) said.

"A common and unified posture," Senate Republican Leader Everett M. Dirksen of Illinois added.

Could Settle

House Republican Leader Charles A. Halleck of Indiana emphasized that this did not mean a firmness which barred a negotiated settlement.

"Every honorable avenue for peace will be constantly explored, and anything that can be done with honor will be done to maintain the peace," Halleck said.

The White House session came as a patent part of Eisenhower's campaign to impress upon the Kremlin that the West refuses to be pushed out of Berlin.

It followed by three hours a White House announcement that British Prime Minister Harold Macmillan and Foreign Secretary Selwyn Lloyd will confer with Eisenhower in Washington on March 20. They are due to arrive March 19 after a one-day consultation with Canadian Prime Minister John Diefenbaker in Ottawa.

To Tell Ike

Macmillan's purpose in coming here, officials said, is to give Eisenhower a fill-in on his 10-day visit to Moscow, and to nail down a unified Allied position. Reports are gaining currency that the Allied chiefs are having trouble agreeing on whether the Soviet Union really means business or is bluffing.

Sen. Johnson told a news conference after returning to Capitol Hill that the approaching Berlin crisis "sharpens the necessity" for military preparedness.

"Both parties are uniting to evolve a strong foreign policy," he said, "one that will be equal to any dictator's challenge."

Johnson announced the Joint Chiefs of Staff and the director of the Central Intelligence Agency, Allen W. Dulles, will be invited before the Senate Preparedness subcommittee, probably next week, to review the military situation. Johnson is chairman of the subcommittee.

From Bonn, meanwhile, came word which in no way dispelled the impression of a French-West German axis which favors a very tough reaction to Soviet moves. A Bonn government spokesman said French President Charles de Gaulle and West German Chancellor Konrad Adenauer agreed at their recent meeting to oppose all plans of disengagement in central Europe.

The cause of it all, Soviet Premier Nikita Khrushchev, spent the day smiling his way through exhibits at the trade fair in Leipzig, East Germany.

Khrushchev last November demanded Allied withdrawal from West Berlin within six months, saying he intended to turn control of East Berlin over to East Germany if no East-West talks were

See LEADERS, Page 2A

Nine More Candidates File in City Election

The field for nine city council posts in the April 7 election bulged with 32 candidates Friday after a flurry of filing led by Charter Revision hopefuls.

Deadline for filing at the office of City Clerk J. Frank Gallagher is midnight Saturday.

Four Charter Revision candidates filed for the city contest, bringing to six the number on the ticket which, if elected, would change to a commission form of government and eliminate the job of city manager.

They were Harry Gerhardt, Ray Saldana, Harry S. Pierce and Joe Chacon.

The San Antonio Citizens slate

See CANDIDATES, Page 2A

Radio Dies, Pioneer IV Gone Forever

WASHINGTON (AP)—The radio aboard America's sun satellite faded out Friday and a space agency spokesman said "Pioneer IV is gone forever."

A powerful government radio telescope lost contact with the 13-pound cone at 10:24 a.m. EST. The General Electric Co. tracking station at Schenectady, N.Y., reported flickering signals until shortly after 11:30 a.m.

Before the gold-washed space craft passed from man's electronic reach, its position was calculated at 406,020 miles from earth; its speed as 3,899 miles an hour.

From there, Pioneer drove deeper into space on what scientists believe may be an endless journey in a great curving orbit around the sun.

Pickup Truck Crash Is Fatal To Woman, 66

A 66-year-old woman was killed when the pickup truck she was driving collided with an auto at Wicks and Spieren streets at 10:24 p.m.

Mrs. Ruth Luebke, of 224 S. Main Ave., was dead on arrival at Baptist Memorial Hospital. Patrolman V. Holub said Mrs. Luebke's pickup was in collision with a car driven by Jesus G. Guzman, Jr., 19, of 618 Cedar.

Mrs. Luebke's husband, Charles, also 66, a passenger in the truck, was uninjured. An ambulance dispatched to the accident scene was in collision with another car at Augusta and Navarro streets before reaching the wreck. A second ambulance was sent and the woman was rushed to the hospital.

Nobody was injured in the ambulance wreck, according to Cooper Ambulance Co. officials.



WEEKEND MEMO

GRAND OPERA — "Boris Godunoff," impressive for its grandeur and featuring George London as the czar, leads off the final weekend of the 15th annual San Antonio Opera Festival at 8 p.m. Saturday at Municipal Auditorium. On Sunday at 2 p.m. it will be "Madame Butterfly" with San Antonio favorite Dorothy Kirsten in the title role. See Page 2-B.

SPORT AND BOAT SHOW — The San Antonio Sport and Boat Show is expected to draw large crowds to Joe Freeman Coliseum during the final two days of its current run, Saturday and Sunday. Along with 150 top exhibits, there is a variety of entertainment.

DOG SHOW — San Antonio Kennel Club's annual dog show opens at 9 a.m. Sunday at the Coliseum. Final judging will start at 6 p.m.

Amuse ... 15C Church ... 6-7B Mkts ... 6-7D Sports ... 1-4D
Astro ... 8D Class ... 4-11C Oil ... 7D TV ... 5D
Bridge ... 8B Comics 13-14C Radio ... 5D Weather ... 14A
Cattle ... 7D Graham ... 15C Real Est. 1-3C Wide World 12A

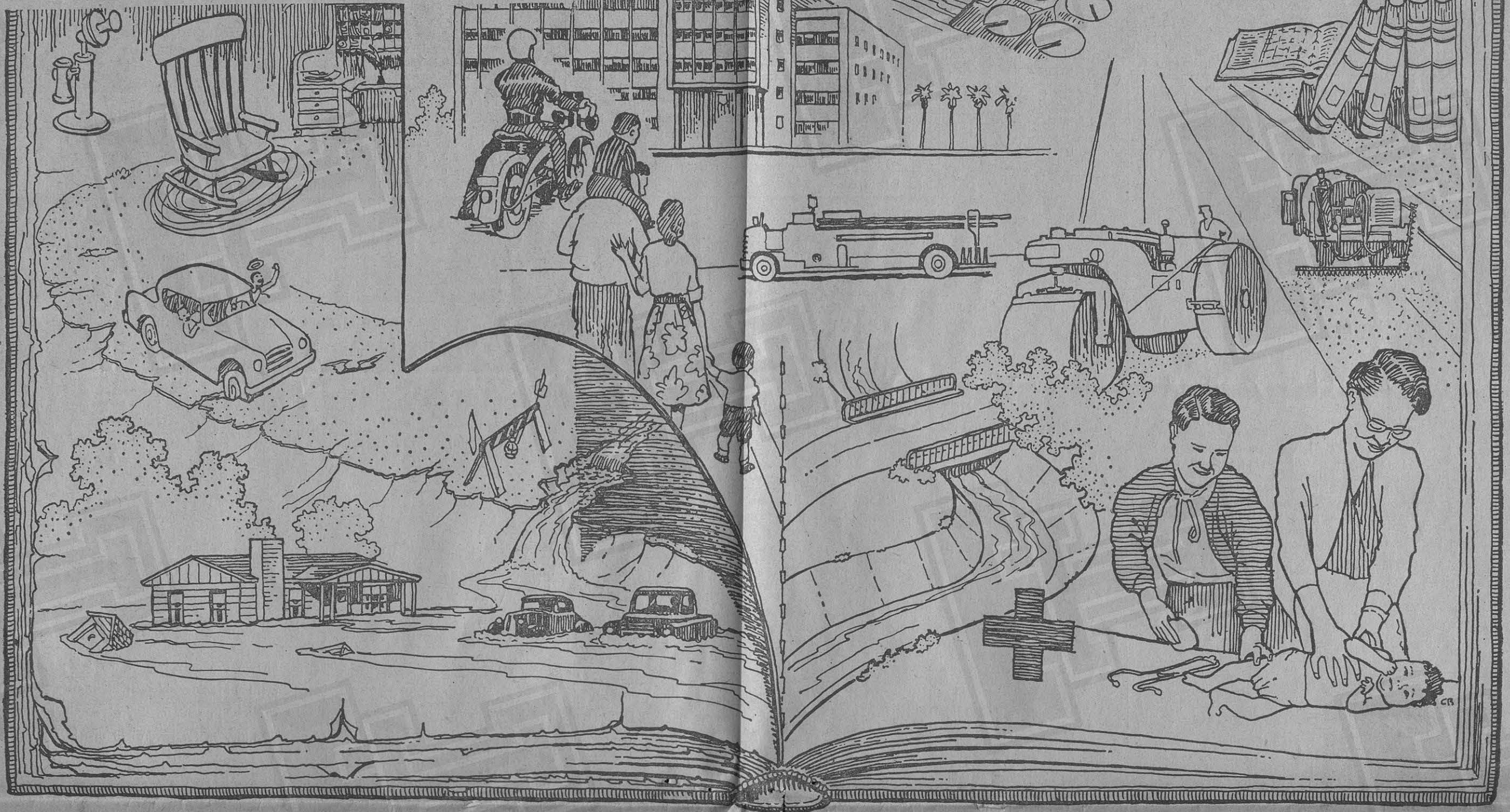
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SAN ANTONIO

TOMORROW

Saturday, March 28, 1959 San Antonio EXPRESS AND NEWS Page 4-B



TURNING OVER A NEW LEAF—Keeping a large and growing city in good repair is a big job that costs lots of money. The key to the whole operation is public support for public work that must be done.

Key to support, it has been demonstrated, is confidence in government. San Antonio has much work to do. Fortunately, public confidence has been expressed in approval of bond funds sufficient to make

major progress in public works. Architect Clarence Rinard, AIA, contrasts some of the progress on this "book," showing yesterday's pages being passed as tomorrow's pages come into view. The city-county

jail and police buildings; expanded fire protection to the entire county; drainage and sewer improvements, airport expansion, street building and maintenance, improved and integrated tax systems and an integrated city-county public health program.

Streamlined Government Seen by '70

(Last of a Series of Nine Pages)

When Bexar County voters approved a combined city-county jail in 1958, they gave the signal that they want duplicating services of local governmental units consolidated to provide more efficient results from their tax dollars.

With 38 local government units in existence, strong forces are at work in San Antonio and Bexar



County to seek simplification, improve the efficiency, effectiveness and popular control of their functions in the metropolitan area.

By 1970, when the Great San Antonio area is expected to have nearly a million people, there are signs that many essential services will be streamlined to meet the Space Age.

A climate of honest, good and efficient local government, providing services equitable with tax outlay, is essential to the expansion of the economic life of any metropolitan area.

Leaders of business and industry have made it clear that they do not wish to invest in communities where government cannot keep pace with the needs of a growing society efficiently and economically.

90 Per Cent Live in S.A.

San Antonio, where 90 per cent of Bexar's people live, missed out on industrial development because antiquated, unbusiness-like and often corrupt government over a 50-year period was not attractive to investors.

But back in 1951 when voters adopted a council-manager charter looking to efficient and professionalized government, a new trend was started leading to the last four years when City Council, sponsored by the Good Government League, led the community into its most spectacular era of progress.

Before the Legislature today is a proposed Constitutional Amendment which would allow Bexar voters to decide for themselves how they want to solve the urgent and complex problem of too much and too expensive local government.

A permissive measure which would require the approval of all Texas voters before it could become effective, the home rule amendment, applicable to this county alone, could be the quickest means of streamlining local government.

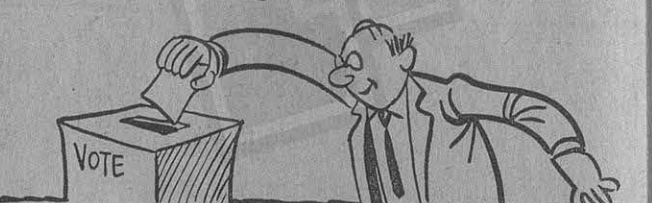
Through home rule—favorable votes of the people—such services as police and fire protection, tax collecting and assessing, zoning, traffic control, health and sanitation and public works—could be consolidated into more cohesive and efficient functions.

Many Governmental Units

There are now 12 incorporated cities, 17 school districts, Bexar County Commissioners' Court with four precincts and other special districts, such as the Junior College and Hospital, in the complex local government picture.

Most of them go their own way with little regard for overall governmental problems.

The artificial boundary lines of these governmental units are like filter paper—common problems pass through, but organized administration is not allowed to penetrate.



On the city-county jail issue, it took a Citizens' Committee for Law Enforcement, backed by the Express and News, to get the question to a vote. The Court House almost unanimously was against the proposition and still is stalling in the location of a site.

Piecemeal and uncoordinated attacks on metropolitan area problems by different types of local governments have proved both expensive and inadequate.

Home Rule Association

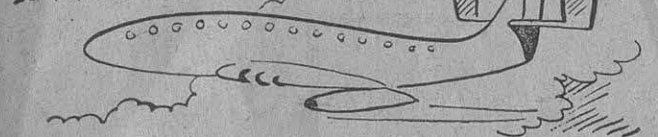
The Bexar County Home Rule Association has been formed to get from the Legislature and the people of the state the legal right to attack the metropolitan government problems on a broad, coordinated basis.

Should the amendment pass, voters could petition County Court for a vote on a charter-writing

commission. The commission, appointed by district judges, then could take a year to study needs. Its findings then would go back to the people for a vote.

San Antonio's airport, although under the control of City Council, serves all the people in Bexar

SAN ANTONIO IN 20 MINUTES...



County. The city-county jail likewise will do so, for there are now separate city and county jails. The new City Water Board is expanding its services so that ultimately it can take care of the whole county's needs. The Public Service Board, guardian of electricity and gas, already has met metropolitan needs by serving the entire county.

But there is a multiplicity of fire and police services, public works planning, health and sanitary divisions, tax collecting and assessing offices, zoning and building regulations, traffic regulation and a multitude of duplicating public officials in the metropolitan area.

Home rule would allow a thorough evaluation of them all and would give the people the opportunity to vote for fitting them into the needs of the growing population without scores of artificial boundary lines.

City-County Consolidation

Many believe that under home rule, city-county consolidation would be the best answer. This would require that voters approve a metropolitan government embracing the whole of the county such as New Orleans, Boston, Philadelphia, New York and Baton Rouge, among others, have put into effect.

Others think that a federation of the governmental units to handle specific area-wide functions should be the answer.

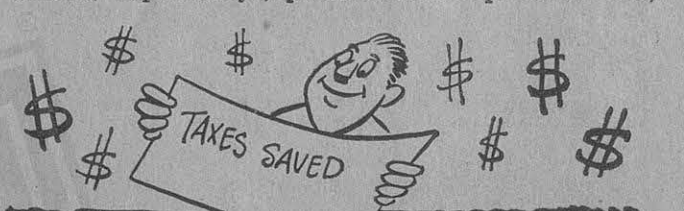
Miami and Dade County in Florida have set up such metropolitan government without destroying its cities as such. Organized political efforts to knock out the federation failed in the last year. The voters made it plain they want general services consolidated and streamlined and under one over-all governing body.

There are also advocates for the plan whereby the cities transfer metropolitan functions to the county government, which would perform urban-type services in unincorporated but urbanized areas. This does not eliminate the unnecessary multiplicity of incorporated suburbs, and it requires a much better county governmental structure than exists here. But objections could be overcome with the proper type of county home-rule powers and, of course, a first-class program of county government improvement. California in particular has developed the urban county type of government.

Program of Progress Here

Bexar County, of course, is dominated by the City of San Antonio. The program of progress initiated under council-manager system and Good Government League leadership has attracted national attention.

The City has vigorously attacked problems of streets, expressways, police and fire protection,



health and sanitation and other areas long neglected. The City's authority has not extended to suburbs nor into the county, but the example has shown those areas what master planning and efficient execution can do in a short period of time.

Because of investors' confidence in good government here, the city's rating has advanced from BAA to A.

Confidence in City Government

The ratings amount to confidence in the local government. When there is doubt among investors about the progressiveness of a community's political leaders, they want more interest for the use of their capital.

So, if the voters keep up their trend of the last four years, there is great hope for good and better government—in 1970—an essential in the expanding for an expanding number of people.

Pre-Easter Storms Hit Much of U.S.

ASSOCIATED PRESS
A fast-moving pre-Easter storm plastered parts of the Northeast with up to nine inches of wet snow Friday. Some airline flights were disrupted.

Powered by strong winds, the storm dumped snow or heavy rains in areas from Colorado to New England.

Western New York State took the heaviest pounding from the storm's parting blows.

Heavy snow warnings were issued from Massachusetts to Maine, with accumulations of four to eight inches expected. From two to five inches were expected in Upstate New York.

The storm left downtown Boston and sections of southern New England covered with about two inches of soggy snow. Western Massachusetts, New Hampshire, Vermont and Maine braced for heavier falls.

S.A. Backers For New Air Route Sought

The Southern Transcontinental Service Case, which would make San Antonio a major stopping point on flights between Miami and Los Angeles, will be heard by the Civil Aeronautics Board in Houston May 5.

P. H. Swearingen, chairman of the Chamber of Commerce Aviation Committee, said the hearing is set for 10 a.m. in the Grecian Room of the Shamrock-Hilton Hotel.

Swearingen said witnesses would be needed to help the Alamo City cause. He has appointed Dudley Whitehill as chairman of a committee to screen local users of air transportation to the east or west coast who would volunteer as witnesses at the hearing.

Swearingen asked that any person wishing to back up San Antonio's case for improved air service could contact Whitehill at CA-6-8289, or Mrs. Kirkwood at the Chamber of Commerce, CA-7-8181.

However, clearing and warmer weather was forecast for New England Saturday with clear skies and seasonable temperatures predicted for Easter.

Behind the storm front, skies cleared in the Rockies, Great Plains and parts of the Midwest. But a snow carpet covered much of the northern regions from the Rockies eastward, with Easter only a day away.

The body of an oil field engineer was found Friday in his stalled car on a snow-drifted road in Nebraska, a victim of carbon monoxide.

Another six inches of snow fell on Bonneville, N.Y., boosting the snow cover there to 47 inches.

Driving conditions were hazardous throughout the snow area.

South of the snow belt, occasional rain pelted areas from the Ohio Valley to the Atlantic Coast. Thunderstorms broke out from western Pennsylvania into the Virginias.

Cooler overnight temperatures were on tap for the eastern third of the nation, with some warming in prospect for the middle and upper Mississippi Valley and New England on Saturday.

Rain dampened coastal sections of the Pacific Northwest, but clearing was forecast for Saturday.

Clowns Treat TB Unit Kids

Easter cheer will be spread to the youngsters at the State Tuberculosis Hospital Saturday by the Alzafar Shrine clown unit, the Nemnut.

The eight clowns will entertain the approximately 50 youngsters at the hospital who range in age from one to six years of age with their specialties in their colorful and distinctive clown costumes.

Following the entertainments and tricks by the clowns, the children will be given Easter baskets, live baby chicks, prize kologgs packages and other surprises, according to William Coffey, chief of the clown unit.



SNOW-MOBILES—These cars parked in front of a Sidney, Neb., motel during Thursday's snow storm had a super streamlined look Friday morning. As much as 25 inches of snow fell in western Nebraska.—AP Wirephoto.

Liz Taylor Embraces Judaism

HOLLYWOOD (AP)—Elizabeth Taylor has surprised Hollywood by embracing Judaism.

It is the faith of her late husband, Mike Todd, and of singer Eddie Fisher, expected to be her next husband.

Friends and associates of the 27-year-old English-born actress were unaware that she had been studying Judaism the last six months.

Miss Taylor told a newsman she was raised as a Christian Scientist but had been interested in Judaism ever since her marriage to Todd.

She and her three children leave Saturday for Las Vegas, Nev., where she has leased a dude ranch while singer Eddie Fisher appears at a resort hotel. He opens a four-week engagement Wednesday.

Her conversion was announced Thursday night by Rabbi Max Nussbaum of Hollywood's Temple Israel after simple ceremonies bringing Miss Taylor into the Reform Branch of Judaism. Her parents, Mr. and Mrs. Howard Taylor, attended the rites.

Miss Taylor apparently had been thinking about taking the step for more than two years. Rabbi Nussbaum said her desire to enter the Jewish faith was intensified by the death of Todd in a plane crash March 22, 1958. Miss Taylor had married Todd, son of a Rabbi, Feb. 2, 1957.

Miss Taylor was unavailable for comment.

Her agent, Kurt Frings, said she told him: "This has nothing to do with any future marriage plans. This is something I have wanted to do for a long time."

A romance between Miss Taylor and Fisher developed last fall. They have been constant companions since his recent divorce from Debbie Reynolds. They appeared together at a Jewish fund-raising dinner at which Miss Taylor pledged \$100,000 for Israel bonds.

Boy Bomb Plotter Hurt

HOUSTON (AP)—A boy's plot to set his school on fire backfired when an incendiary device exploded in his hip pocket as he sat in a classroom.

The 14-year-old received severe burns about the back and hips yesterday at the Jane Long Junior High School in suburban Sharpstown.

He told school authorities he and two 15-year-old friends had rigged up a time bomb to burn the school during the Easter holidays which began with the end of classes Thursday.

The device had been made of potassium permanganate and glycerine. The boy said they had planned to leave it in a school locker.

"If correctly set, such a device could have burned down that whole end of town," said Floyd E. McDonald, police chemist.

John W. Brandstetter, assistant principal of the school, said downtown school authorities reported the matter to police arson investigators.

"I think it was a prank but a serious one," he said.

SAC Features Gospel Sing

A four-hour gospel singing program featuring the Chuck Wagon Gang will be held Saturday, April 4, in McAllister Auditorium of San Antonio College.

Sponsored by the Quartet Singing Assn., the program will begin at 8 p.m. With the Chuck Wagon Gang will be the Plainsmen Quartet of Dallas.

DeWitt Grand Jury Returns Eleven Bills

CUERO — (Sp.)—Eleven indictments have been returned Tuesday by the winter-spring grand jury of DeWitt county.

Indicted on felony offenses were:

Kenneth Cooper, cattle theft; Elroy Williams, theft; Bobby George Williams and Bobby West, burglary and theft; Wendell Lucas, burglary; Ronnie Rhoades and Bobby West, two indictments charging burglary; Bobby George Williams, Bobby West and Kenneth West, burglary.

Gus Brautig of Yorktown served as jury foreman. Other jurors were Adam Frank of Yoakum, H. O. Angerstein of Meyersville, George T. Hahn of Westhoff, William Henson of Cuero, F. A. Butler of Nordheim, Mrs. J. F. Hough of Yoakum, Victor Goebel of Cuero, John A. Fuchs of Westhoff, E. T. Summer Jr. of Cuero, James W. Monroe of Yorktown and Leslie F. Ploeger of Yoakum.

VOTE FOR BETTER NEWS

KENS 680 RADIO

SAN ANTONIO

KENS-TV PRESENTS

REAL LIFE AIR DRAMA

FLIGHT

**AVIATION'S OWN SAGA DRAMATIZING
EXPLOITS OF THE MEN WHOSE
COURAGE AND ENTERPRISE
HAVE PROPELLED
FLYING TO
TODAY'S
SUPERSONIC
AIRCRAFT**

CHANNEL 5 10 TONIGHT

SMART! LISTENING

KENS 680 RADIO
SAN ANTONIO

our jewelry's in full bloom!

FASHION FLAIR

Spring Garden
by **CORO**

Lovely new floral jewelry for the loveliest time of the year! Come, pick flowers that twinkle and glow with every new mood of fashion. How you'll love the fresh, springtime colorings!

\$2.00
Plus Tax

\$2.00
Plus Tax

Other Coro Jewelry

\$1.00 Plus Tax

Copy Calf and Patent

Easter Handbags

by Garay

You are sure to find the Handbag you want! Your choice in assorted shapes and colors.

\$2.98 to \$4.98

\$5.98
Sizes S-M-L

BRUNERS

2126 FREDERICKSBURG
2701 SOUTH PRESA
1605 NOGALITOS
805 S. W. MILITARY DR.
4815 BROADWAY
805 BANDERA

FREE PARKING AT ALL 4 STORES

Open Week Nights Till 7:30 • Saturdays Till 8 P. M.

Easter Blouses

in self-controlled
combed cotton

- White and
softest pastels

Shown are only two of our wide assortment of Easter blouses. Softly feminine styles with your choice of detailed trim. So hurry in for several at this low price.

Sizes 32-38

\$2.98

On the loveliest legs in the Easter Parade...

glamorous

MOJUD

stockings

You'll walk in beauty in Mojuds...

Mojud stockings do the nicest things for your entire Easter outfit! For Mojud's exclusive "magic motion" makes a stocking fit smooth as your own sweet skin — and flatter every inch of the way. It "gives" when you move, springs back into shape when you stop, always stays wrinkle-free. This year, wear Mojud — and give your legs an Easter treat!

Sizes 8½ to 11

15 denier, 51 gauge.....	\$1.00
Seamless.....	\$1.15
60 gauge.....	\$1.35

Women's Bouffant Petticoats

Baby Horsehair

Full sweep bouffant petticoats in permanent finish baby horsehair. Make your Easter Dress outstanding!

\$5.98
Sizes S-M-L

May 28, 1959

Mrs. B. H. Passmore
6620 Broadway
San Antonio 9, Texas

Dear Florence:

Just a word on paper to tell you how disappointed we all were at the fate of HJR 45, and to tell you how proud we are of the campaign you waged in its behalf.

I'm sure there's no thought in your mind of quitting until you are successful, and I do hope that we can develop ways to involve all Texas Leagues, at a very early date, in your future plans.

There was a word introduced at National Council which may hold a clue to some possibility for more general action on your Home Rule amendment two years from now. The word is "concurrence" and I'm an idiot to mention it until the State Board and others have had a chance to discuss the various possible uses of this proposed new technique. It may have no possible connotation in the campaign for a County Home Rule amendment, but I want to mention it to get us started thinking of new ideas and new techniques which may be of help in your next legislative effort.

Again, my congratulations and you know you have my good wishes for success.

Affectionately,

Mrs. Horton Wayne Smith

cc: Mrs. Malcolm Sher
Mrs. E. R. Brownscombe
Mrs. Eugene Hughes
Mrs. Frank Bridwell

Cookie

1420 El Campo Drive,
Dallas 18, Texas
March 12, 1959

Mrs. B. H. Passmore,
6620 Broadway,
San Antonio, Texas

Dear Mrs. Passmore:

Thank you so much for your note, the page from the San Antonio Express and News and the copy of the letter to Cookie. The last named answered the question we'd been asking ourselves as to why the amendment worked out by the Texas Home Rule Association seemingly would not be introduced in the legislature. The only clues we had previously had to this situation were: reports of a vicious smear campaign in Harris County against the amendment, reported opposition by the state association of justices of the peace and the Harris County Commissioners' Court, and a news article in the January 24th Dallas Morning News which reported that Harris and Dallas County commissioners had met together behind closed doors and that courthouse observers speculated that the proposed county home rule amendment was among topics discussed.

I've read your letter to Mrs. Macdonald, our president, Mrs. Warren, our legislative chairman, and Mrs. Solender, our program vice-president, and this reply is concurred in by all of us.

From a friend of the League who is also a former legislator I obtained the following information which may be helpful. A county home rule amendment which applies only to one county has a much better chance of passage than does one of more general application. If HJR 45 is supported by Bexar County legislators and key Bexar County officials, especially the commissioners' court, it would probably pass the legislature because of "legislative courtesy" and despite the expected opposition of the state association of county commissioners and judges. People of counties not affected by a local bill must proceed very cautiously in contacting their legislators about such a bill, since a basic argument for a local bill is that it affects only the one county and should therefore stand or fall according to the wishes of the people of that county. Our consultant feels that it would do no harm and might be helpful for the Dallas League to send a friendly letter to Dallas legislators who are rather favorable to the people being allowed to vote on county home rule. Such a letter might say that even though the proposal in which we are interested is dead, we do hope that the people of Bexar County will be allowed to have their chance to decide what form of county government they would want. It seems to us that a conversation along these lines with possibly two of our legislators at the time of Presidents' Council in Austin would be better than a letter. Please understand that we have no reason

March 12, 1959

to feel that our legislators are favorable to county home rule as such. But we do believe that possibly two of them are willing to let the people vote on the issue. In view of all this, we would want you to tell our delegates to Presidents' Council whether you would wish them to speak to any of our legislators.

The only mention of HJR 45 in the Dallas newspapers was the two-sentence announcement of its introduction which led me to phone Mr. Sisk about it. Both Dallas papers have consistently supported county home rule, but quite possibly they will not comment on HJR 45 since it is a local bill.

I know that three of the small newspapers in the county have taken a virulent anti-county home rule stand. Since it seems almost traditional that suburban and small town newspapers oppose county home rule, it is quite possible that other newspapers which I do not see are also opposing it.

Because the opposition of one newspaper, The Park Cities and North Dallas News, bears directly on what the Dallas League might expect to accomplish with Dallas County legislators, the following detailed account may be useful.

This suburban newspaper serves particularly Highland Park and University Park, separate municipalities which are completely surrounded by Dallas, but has some coverage of North Dallas news. The newspaper is mostly ads and news of businesses within its area. It regularly carries "The Washington Report" by Fulton Lewis, Jr. and has no other national news columns or coverage.

I am enclosing the first pages of four issues of the paper (February 12 through March 5) and have marked the articles which deal with county home rule. The February 19th article headed "Dallas Delegation Gives Views on Home Rule" is especially to be noted, I think. We do not know just how to evaluate this article, but we have no information indicating that Senator Parkhouse and Representative Atwell, for example, are more favorably inclined than the article states toward county home rule, at least as a general proposition.

Mrs. Colin Macdonald, 5502 Glenwick Lane, Dallas 9, and Mrs. Lewis Daniel are the Dallas LWV delegates to Presidents' Council, and Mrs. S. E. Ziegler of our League will also be there. I'm sending this letter air mail, special delivery, in case you want to write Mrs. Macdonald re Dallas legislators before she leaves for Presidents' Council early on Tuesday, the 17th.

I wish that there were more that we could do or suggest to help with HJR 45. We do feel that in this legislation you are fighting not only for yourselves but also for us and for everyone else who believes in county home rule, and it is really frustrating that the best help we can give you would seem to be to virtually keep hands off.

Yours,

CC to Scher, Smith, Hughes, Pettis,
Macdonald, Solender, Warren

Copy

May 26, 1959

Dear Mrs. Passmore:

I was most disappointed to learn that your fine County Home Rule Amendment didn't make it out of committee, even after your wonderful statement in it's behalf.

The gentlemen most interested in the whole problem in Houston have sort of bogged down. Some feel that the whole movement cannot be successful unless Dallas (the powers that be there) joins in the effort and these are holding up the rest. *Elizabeth - is it true that "they" are opposed?*

The League here knows that public education is essential and will try to get out a pamphlet on the County Government, showing areas of service that might be improved.

I tried to interest the Chamber of Commerce committee in the subject of entire State Constitutional revision as one means of attaining County Home Rule, but this was too slow for most of them.

For the enclosed 50¢ please send me 2 copies of your pamphlet on Bexar County.

Following the article in the Texas Voter in February, I received only two requests for the amendment, 1 from Pasadena and 1 from Corpus Christi.

What do you think is the proper course of action on this project from here on? Personally, I feel that if it is not possible to achieve County Home Rule for all large counties in 1961, then it would still be a great step forward if it could be achieved for Bexar County and then the rest could follow. I do think, though, that we should all to our best to keep the issue alive.

We here continue to be plagued by that "1313" article from the American Mercury. This has been broadly distributed by some of our county officials but I'm hoping that eventually all will realize how foolish it is, and so maybe it will prove a blessing in disguise.

Sincerely,

CC
Mr. Brown
20 South

Henry Shier
Mrs. Malcolm F. Shier

1/60

Outline for Discussion of County Home Rule
(Local Item I) Work for adoption of
County Home Rule for Harris County.)

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II. Some proposed solutions:

- A. Extensive annexation by the central city.
- B. City-county consolidation.
- C. Exchange of functions between the city and the county.
- D. Intergovernmental cooperation.
- E. Creation of an overall metropolitan area district government.

III. One approach to the problem currently being emphasized is adoption of county home rule, which is a permissive power written into a state constitution granting the voters in a county the right to choose their own form of county government by specified elective procedures. Through county home rule it becomes possible to adopt one or more of the solutions listed above in a more effective manner than is now possible.

- A. Under our present legislation, all bounties in Texas are subject to the same regulations and carry the same responsibilities regardless of vast differences in size, population, natural and fiscal resources, literacy rate, industrialization, etc. Without having recourse to the amendments providing for county home rule it would be impossible, for example, for any county in Texas to modernize or make more efficient its local government. A county cannot eliminate an office, no matter how outmoded or superfluous it has become, without going through complicated legislative and constitutional procedures on the state level.
- B. By adopting a Home Rule Charter a county might without recourse to the State legislature effect reforms in its own government simply by being authorized to do so by the voters within a county.
- C. Following are only a few of the advantages which authorities on government agree would accrue from county home rule.
 - 1. A government tailored to fit the needs of the county.
 - 2. More freedom in matters of local concern.
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IV. Structure and function of our present county government and its faults.

- A. As prescribed by the state constitution, our county officers are county judge, county commissioner, county clerk, assessor and collector of taxes, sheriff, county attorney, surveyor, treasurer, justice of the peace, and constable. State statutes establish three more positions: school superintendent, school trustee, and public weigher.
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3. There is no budget system worthy of the name, no cost control, and no merit system. The spoils system is very much in effect and county jobs are usually filled by patronage.

C. Reasons for the perpetuation of this form of government.

1. The county stays in the background and escapes citizens scrutiny. Having no real direct contact with the county government, the citizen tends to forget its existence.

2. County taxes seem low compared to city and school taxes because most counties do not attempt to furnish costly urban services such as fire protection and garbage collection.

3. It is legally difficult to change the basic structure of the county government, without first amending the state constitution.

4. It is also politically difficult to change county government due to the obvious extreme reluctance of those in power to approve any alteration in the status quo.

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3. Stuart, Patricia, A Handbook For Texas Voters, Institute of Public Affairs, University of Texas, Austin, Texas, 1952.

4. Willmott, John F. "The Coming Change In County Government," T.R.A., Tax Research Association of Houston and Harris County. July, 1958.

LEAGUE OF WOMEN VOTERS OF HOUSTON

3005 BRAZOS STREET



HOUSTON 6, TEXAS

March 7, 1960

Dear Mrs. Seigler,

Thank you for sending On The Home Front (Supplement). I have been wanting a copy of this for some time.

I am happy to send you several copies of this discussion outline. My Committee and I worked it up from the materials listed on the back of the outline. We found it to be very helpful.

I don't remember if I told you that we also sent every member of The Houston League a copy of the enclosed article before Unit meetings. This too, proved very worthwhile, and I thought you might like a copy for your files.

Sincerely,
Betty Rigby

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(Local Item I) Work for adoption of
County Home Rule for Harris County.)

I. Our county and city governments are not meeting efficiently the needs of the metropolitan community. Many taxpayers in metropolitan areas might be able to get more for their money if local government were modernized. By financing units with unnecessarily duplicating functions they pay twice where once should suffice. By supporting municipal services that out-of-city neighbors enjoy, city taxpayers bear a disproportionate share of the cost of government. As all people in the metropolitan area benefit if the central city is a profitable place to work and an enjoyable place to play, so everyone should contribute his just share to finance governmental functions.

II. Some proposed solutions:

- A. Extensive annexation by the central city.
- B. City-county consolidation.
- C. Exchange of functions between the city and the county.
- D. Intergovernmental cooperation.
- E. Creation of an overall metropolitan area district government.

III. One approach to the problem currently being emphasized is adoption of county home rule, which is a permissive power written into a state constitution granting the voters in a county the right to choose their own form of county government by specified elective procedures. Through county home rule it becomes possible to adopt one or more of the solutions listed above in a more effective manner than is now possible.

- A. Under our present legislation, all counties in Texas are subject to the same regulations and carry the same responsibilities regardless of vast differences in size, population, natural and fiscal resources, literacy rate, industrialization, etc. Without having recourse to the amendments providing for county home rule it would be impossible, for example, for any county in Texas to modernize or make more efficient its local government. A county cannot eliminate an office, no matter how outmoded or superfluous it has become, without going through complicated legislative and constitutional procedures on the state level.
- B. By adopting a Home Rule Charter a county might without recourse to the State legislature effect reforms in its own government simply by being authorized to do so by the voters within a county.
- C. Following are only a few of the advantages which authorities on government agree would accrue from county home rule.
 - 1. A government tailored to fit the needs of the county.
 - 2. More freedom in matters of local concern.
 - 3. Consolidation of city-county service where advantageous.

IV. Structure and function of our present county government and its faults.

- A. As prescribed by the state constitution, our county officers are county judge, county commissioner, county clerk, assessor and collector of taxes, sheriff, county attorney, surveyor, treasurer, justice of the peace, and constable. State statutes establish three more positions: school superintendent, school trustee, and public weigher.
 - 1. The county judge is the chief administrative officer of the county, the presiding officer of the commissioners court, and judge of the county court.
 - 2. The commissioners court has the responsibility for the following: roads and bridges, county welfare program, establishing no more than eight or less than four Justice of the Peace precincts, establishing court houses and jails, appointing county health officer and other county officers, determining county tax rate, determining county budget and dispersing of monies, and letting contracts for the county.
- B. Faults of present county government.
 - 1. There is no real head of county government. No officials who can be held accountable for the efficient and economical operation of the county government as a whole.

2. There is no chief administrator and therefore no administrative leadership. Although the county judge has the power to prepare the budget, his administrative functions allow him no control over any of the other elective officials, such as sheriff, or the county clerk, who are theoretically responsible only to the people.

3. There is no budget system worthy of the name, no cost control, and no merit system. The spoils system is very much in effect and county jobs are usually filled by patronage.

C. Reasons for the perpetuation of this form of government.

1. The county stays in the background and escapes citizens scrutiny. Having no real direct contact with the county government, the citizen tends to forget its existence.

2. County taxes seem low compared to city and school taxes because most counties do not attempt to furnish costly urban services such as fire protection and garbage collection.

3. It is legally difficult to change the basic structure of the county government, without first amending the state constitution.

4. It is also politically difficult to change county government due to the obvious extreme reluctance of those in power to approve any alteration in the status quo.

This outline was prepared from the following materials:

1. Gillespie, John, "Governing Texas Metropolitan Areas," Public Affairs Comment Institute of Public Affairs, University of Texas, Austin, Texas, Vol. 1, #3.

2. League of Women Voters of San Antonio, Citizens Handbook of Bexar County and Directory of County Offices, Oct. 1957.

3. Stuart, Patricia, A Handbook For Texas Voters, Institute of Public Affairs, University of Texas, Austin, Texas, 1952.

4. Willmott, John F. "The Coming Change In County Government," T.R.A., Tax Research Association of Houston and Harris County. July, 1958.

On Standing Order

League of Women Voters of Texas

2114 SEALY AVENUE

GALVESTON, TEXAS

November 10, 1960

TO: Boards of Directors, LWV of Dallas, Houston, San Antonio, and Fort Worth

FROM: Mrs. Harold E. Murphree, Jr., 1st Vice President, Program

RE: Permission to work on County Home Rule in the 57th Texas Legislature

At the request of Mrs. Colin Macdonald, President of the Dallas League, the State Board granted permission for your local League to work for a County Home Rule amendment to the Texas Constitution in the 57th Legislature.

The CAPITOL COMMITTEE, under the direction of State Board member, Mrs. Wilson Nolle of Austin, is presently making plans for its work in the coming legislative session. This Committee is responsible, and reports only, to the State Board. At the moment, it will only be in a position to watch for bills introduced in this field, and to note the committee to which they are assigned.

The Capitol Committee is limited in woman-power and finances, and its first obligation and responsibility is, of course, to State Program involving 5 items of which several have many facets. It will be impossible for the Capitol Committee to attend hearings concerning County Home Rule, but it may be possible, and every effort will be made, to notify you when such hearings will be held. You understand, of course, that oftentimes, these hearings are scheduled on the spur of the moment. Your best legislative contact will still be your own legislators.

It will be helpful and more efficient for us if you will channel your questions and requests for assistance in this work through the State Office rather than directly to the Capitol Committee.

Lots of luck!

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Proposing an Amendment of Article IX of the Constitution of the State of Texas, by adding thereto a new section 3A to provide for the adoption by Bexar County of a home rule charter.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Article IX of the Constitution of the State of Texas be amended by adding thereto following Section 3 a new section numbered 3A to read as follows:

"Section 3A. Bexar County may form, by elected charter commission or otherwise as may be provided by the Commissioners Court, and may, by a majority vote of the qualified voters of said county, adopt a charter for its own government as provided in this Section, and upon such adoption shall be a body corporate and politic; provided however, that upon the receipt of a petition of ten percent of the qualified voters voting in the most recent election for County Judge, the Commissioners Court shall call an election within not less than thirty (30) days nor more than sixty (60) days from the date of the receipt of the petition, of not less than seven (7) and not more than fifteen (15) charter writing commissioners. Upon completion of the charter by said charter writing commission, Commissioners Court shall, within not less than thirty (30) and not more than sixty (60) days, provide for the submission of the charter to the qualified voters of Bexar County at an election called for that purpose.

"(1) Said charter shall provide the form of county government. It shall create a governing body for the county government and prescribe the powers and duties of the governing body, and provide for the election, removal, compensation and terms of office, not exceeding four (4) years, of the members of the governing body.

"(2) Said Charter shall provide for such other officers or employees of the county as may be deemed necessary or appropriate, and may create, consolidate, organize, reorganize or abrogate any office or department of the county, whether created by other provisions of this Constitution or by statute, define the duties and jurisdiction thereof, fix the compensation for service therein, prescribe the manner of selection, and the time, qualifications and conditions for tenure of any such office or employment.

"(3) Said Charter shall provide for the rendition and performance, through some officers or employees of the county, or otherwise, all the duties, services and functions of the State Government which are or may be required of counties by the Constitution or general laws.

"(4) Said Charter shall not affect members of the State Legislature, or any judicial officers of the State Courts, or the judicial functions of the County Judge or the County Courts at Law.

"(5) Said Charter shall provide for its amendment or repeal by a majority vote of the qualified voters; provided that no charter may be amended or repealed more often than every two years.

"(6) Said Charter may provide for the exercise of governmental powers, including, but not limited to, those powers granted to counties and to a home rule city by any provisions of the Constitution or by general law; provided,

that no ad valorem property tax for any purpose shall ever be lawful for any one year which shall exceed two and one-half per cent of the assessed value of the taxable property of the county, except that in the event of an assumption of the powers and duties and functions of any city, town, village, district, or other political subdivision of the county, as authorized herein, it shall be lawful for the county to levy within said political subdivision an additional ad valorem tax not to exceed the tax which said city, town, village, district, or other political subdivision is authorized by law to levy, assess and collect.

"(7) Said Charter may provide for the assumption of the powers, duties, and functions, either governmental or proprietary, in whole or in part, of any city, town, village, district or other political subdivision of the county with the consent of a majority of the qualified voters of such city, town, village, district or other political subdivision voting at an election held for that purpose. No charter provision granting such powers shall be effective insofar as it is in conflict with any general act of the Legislature withholding such powers from all counties.

"(8) This Amendment shall be deemed in all things self-executing."

Section 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at an election to be held on the _____ day of _____, 19____, at which election the ballots shall have printed thereon the following:

"For the Constitutional Amendment authorizing Bexar County to adopt a home rule charter."

"Against the Constitutional Amendment authorizing Bexar County to adopt a home rule charter."

Section 3. The Governor of Texas shall issue the necessary proclamation for the election and this Amendment shall be published in the manner and for the length of time as required by the Constitution and Laws of this State.

Passed out to all
State Board.

Rec'd @ San Antonio

1-13-61 San Antonio

1/23 - Copies to
Smith & Bridwell

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San Antonio Home Rule

I received a letter from the president of the San Antonio League during the summer - in June actually - about the proposed county home rule provision of the new Texas Constitution. She wanted to know where she could get a copy of it, whether they could testify before the Commission and whether they could write letters. Both Virginia McKinlay and I answered the letter. (It was addressed to Virginia as well as to me.) I sent a typewritten copy of the proposed provision. I suggested that the SB would take the responsibility (and already had) for representing the League before the Commission insofar as testifying was concerned. I said that I would consult with other SB members about the advisability of a presentation by the San Antonio League. (I did this by sending a carbon of my letter to various people.) I said that the SB would also advise about letter writing. I did suggest that the San Antonio League could work with Mayor McAllister, who is chairman of the Political Subdivisions Committee that drew up the county home rule provision and with whom the SA League has worked in the past on county home rule. The Commission has more or less taken its final action, and I see no point in their testifying at this late date. I have not so informed them, though. The TCR Chairman of the SA League was here in August and received a copy of the Local Government section of the proposed Texas Constitution.

Joan Ramey's Report on the Public Relations Seminar in June

I found Joan Ramey's report on the PR seminar in June very interesting and very good, as all of you did. I would like to make a couple of comments about League effectiveness in the Legislature, after making the point that individual lobbyists can over-value their own effectiveness. The League does not use the same techniques as others, and necessarily we cannot be judged on the same basis as others. On the other hand, despite our own self-imposed restrictions we do have a reputation for effectiveness among some who ought to know. At a party a year or so ago, a lawyer who works in one of the most politically influential firms in town told me and all within listening range that the League was one of the most effective groups at the Capitol. At another party this summer some academics said that we were definitely in the "power structure." So we do have some kind of reputation. We can see results on individual men. Senator Tom Creighton has moved more in our direction on election laws, according to Peggy Nolle, almost strictly on account of our efforts. So let us not despair. Keep in mind that Governor Connally did not get all he wanted from the Legislature either.

Legislative Service

The Legislative Service has sent me the first in a series of news clippings from around the state on issues likely to be considered in the 69th Legislature. The Service also sent me a summary of the proposed Texas Constitution, if Virginia and her committee are interested. We might be able to get extra copies. I have also found out about proposed meetings and subjects of the new Election Law Study Committee, if Eloise is interested.

State Party Conventions

As this is being written, preparations are underway to have the League testify before the Democratic and Republican State Conventions in the persons of Virginia McKinlay and myself. The date is September 17.

VOTER Articles

Two VOTER articles are promised for the November issue: one on the Lobby School and the other on the 69th Legislature.

* * * * *

TO ALL TO WHOM THESE PRESENTS MAY COME--GREETINGS:

WHEREAS, The Harris County Home Rule Commission did, in its 1957 Report, recommend a new County Home Rule Amendment to the Texas Constitution, to replace the existing home rule amendment; and

WHEREAS, The Harris County Home Rule Commission did, in the aforesaid report, recommend certain provisions which, in the opinion of said Commission, should be contained within the suggested new amendment; and

WHEREAS, an amendment containing the provisions, as recommended by said Commission, if such be passed, would take from the municipalities located within a county subject to said amendment, the right of local self-government, and strip from the citizens of such municipalities the inherent right of local self-government, a right which thus far has all too often been taken from local governmental units to be placed under the Bureaucratic and unsympathetic thumbs of central governmental units; and

WHEREAS, an amendment containing the provisions as recommended would by replacing elective officials with appointive officials, take from the citizens affected the one great power which they, in order to insure good government, do hold, that Power of the Ballot, and consequently destroy government as we of a democracy know it, Government by the People, of the People, and for the People; and

WHEREAS, an amendment containing the provisions as recommended would, with the broad powers to be contained therein relative to compensation, terms of office, qualifications and related factors, tend to bring on corruption in Government and the creation of awesome political machines; and

WHEREAS, the movement at present would appear to be aimed at obtaining a new Home Rule Amendment which would be peculiar to Harris County alone, but it is known that the supporters of such an amendment are resorting to clandestine meetings with their apparent objective being to make, through subversive activity, said amendment applicable to each and every county of the State of Texas, none excepted, irrespective of the needs or desires of the citizens of said counties.

NOW THEREFORE, BE IT RESOLVED BY THE COUNTY JUDGES AND COMMISSIONERS ASSOCIATION OF THE STATE OF TEXAS, at this its 1958 Convention, assembled in Dallas, Texas, that this Association is opposed to both the theory and the content of those provisions recommended by the Harris County Home Rule Commission to be included in a new County Home Rule Amendment to the Texas Constitution, on the grounds that an amendment containing these provisions would be contrary to a Democratic form of Government, and BE IT FURTHER RESOLVED, that the Secretary of this Association be, and he is hereby, instructed to send a copy of this resolution to the Governor, the Lieutenant-Governor, the Attorney General, and to each and every Senator and Legislator of this State.

President

ATTEST:

Secretary

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Secretary

2 Home Rule (for County)

The right of a County to frame, adopt, and amend its own form of government and to determine the scope of its local powers and functions within the framework of the general laws and constitution of the State. (Tex. Land Review, p. 993)

Optional forms of Co. Gov. - (same page)

The American-Statesman

Austin, Texas, Sunday, November 19, 1961 — Page B-1



Harry Hartley

Today's Case for Home Rule

Today's Case for Home Rule

The Duplication and Overlapping by Local Governing Bodies Continue To Grow, Primarily Because the Counties Are Almost Helplessly Lawbound

By WRAY WEDDELL JR.

It's not surprising that the stranger thought the people of the County of Travis had lost their minds on the day that it all happened.

There they were doing away with their police departments, their City Council, their County Commissioners Court, their tax offices — even their school systems.

But when the stranger learned the truth of what they were about, he had only one question: Why had they waited so long?

Someone should have explained that the waiting wasn't their idea—that they tried to do what they were doing way back in 1934 and ran into a peck of legal and political trouble.

The thing that astonished the stranger was a sight to see. The Travis Countians took hold of the many branches of their old system of divided local government and shook it all real good. A lot of stuff no one needed fell out of the budgets.

This useless stuff had been a part of life as long as any one could remember. It was the way things had been done. It went back to the good old days of courting by buggy by night and plowing by mule by day.

This, though, was no time for nostalgia. The people were tired of paying for what they didn't need. What they had to have was costing enough. Here, at last, was a chance to be practical. They put the useless stuff in the ash can.

HODGEPODGE GONE

When they were done, the people of Travis had made common and economical sense out of the wasteful hodgepodge that had been their county and city governments. The political science professor would say that they consolidated, abrogated, and created.

They made one department out of two where one could do the job better and at less cost. They abolished the outdated and brought forth that which the changing times demanded.

For example, they established one department of public works for all the county. They made one tax office, one school system, and one police department. At the top they put one elected governing body. They called it a city-county council. Under the council they put a chief administrator. They called him a county manager.

You could say that it was a city manager form of government on a countywide scale. And it was no new scheme—just the first in Texas.

Naturally, when the Travis Countians got rid of the overlaps and duplications between the county courthouse and city hall they put quite a few people on the public payroll out of work. The people were sorry that this was the way it had to be. Nobody was mad at anybody.

It was just that the people wanted to stop scattering their tax dollars here and there and yonder for a system in which too many did the same thing, and some had hardly anything to do.

You can imagine the shock of all this in the government house of other counties. There was a bit of a panic on the political futures market. That thing in Travis could spread. The bottom might drop out of the old reliable public trough.

Of course, this tale of what the Travis Countians did one day is pure fantasy. Nothing of the sort has ever happened in Texas. But it could.

It's a pretty safe bet that something like it, or close kin, will happen if "county home rule" ever comes to pass in this state. That's the key to it all—county home rule.

This is the first of a three-part editorial series on one of the most important local topics of our time—consolidation of city and county government through county home rule. The second and third parts will appear on this page next Sunday and the following Sunday. The writer, American-Statesman Staffer Wray Weddell Jr., is a longtime reporter of local governmental affairs.

Possess that key and you can make a current events report out of the fairy tale about the stranger and the Travis Countians.

Claim it for your own and the door to modernization of county government is finally open. Then you can retire the obsolete, put the needed to work, and consolidate city and county functions where it makes dollars and cents sense.

Without home rule you can count on plodding along behind the same old tax eating ox in the same old ditch that was dug when Civil War veterans were young.

The reason you are ditched with the ox

is simple. The way out is not, and there are people at every turn trying to push you back.

HOGTIED BY STATE

The nature of the county government is the simple part of it. The courthouse is a hogtied creature of the state. It has no rights except those spelled out in the state constitution and the statutes.

There are 55 sections in the constitution devoted to telling the county government what to do and how to do it. They were written in 1876. At that time the urban population of Texas was only 9.2 per cent. Today it is 75 per cent!

Small wonder then that the complex-urban communities of today pose problems of public need which the county has no chance of solving. Little surprise that there are county offices which would be of more value in a museum beside the stage coach and Billy the Kid's saddle. No cause for astonishment at the sight of two tax dollars going out for what one could buy.

The county government simply isn't with us any more. Freeways streak where buggy lanes rambled. Shopping centers jostle for selling room, and homes rub side yards where the cotton tails played. And the men in the courthouse? They work under dicums which were years old before any one was asked to remember the Maine.

Be assured that this unrealistic and costly tie to the slower and quieter past will remain a part of the noisy jet age so long as the county is a vassal of the state. The people at home can do almost nothing to pull it into the 20th Century. They must look to the legislature. Precious little has been accomplished there.

The unassailable truth is that county government is not local government. No bookie in his right mind would take bets against modernization until the county is given a will of its own.

A will of its own means county home rule. And that is nothing more startling than giving the home folks the right to choose the kind of government they want—to make local decisions in one's own pasture.

Certainly this is no radical new concept. Texas cities have had home rule for almost half a century. But look to the local government that time forgot—the county. There you find scant resemblance to self determination.

True, the state constitution has been host to a county home rule amendment since 1933. It's worthless. Students of law and government will tell you that it's an empty promise—cynical lip service. Too clumsy and contradictory, they vow. It must be. Not a single county has been able to make it work. Several have tried.

THE TRAVIS ATTEMPT

One of the first attempts was in Travis County in 1934. It soon was lost in legal mumbo jumbo. Some political scuffling was involved, too. But at the time the spell of the legal hoodoo was blamed.

Those pioneers of 27 years ago need not blush at their failure. Those who talk on such topics at coffee breaks say the '33 home rule amendment is a hopeless phony.

So, if county government is ever to become local government a new amendment must be had. That will be quite a project. Enter here those who would push you back.

First there is the legislature. A two thirds majority of both houses is needed just to submit a constitutional change to the people of the state. The peril here is that the legislature is outlandishly lopsided with representatives from rural districts where many people are suspicious of county home rule. They fear that through consolidation they would become peons of the cities.

This state of mind contributed to wrecking the Travis County home rule movement in 1934. In the same year in El Paso County it was the hand which held the killing dagger.

Look no further than early 1961 to measure the height of the legislative obstacle. Proposed then was a home rule amendment which would have applied to Bexar County (San Antonio) only. It got the senatorial axe. Two years earlier an amendment of broader scope suffered a like fate.

Should an amendment escape the legislative veto, then comes the job of selling the state's voters. A majority must approve.

From then on it's strictly a local affair. A commission is named—the amendment says how—to draft a county home rule charter. Ratification or rejection is up to the county's voters.

Rough and tough will be the opposition all the way. The idea of county home rule, and the streamlined, consolidated local government it could lead to, frightens those who fear change because it is change.

And there are others who have charged before and would charge again that county home rule is the road to a monster government with an administrative dictator. Unswayed are they with the proposition that a county manager answerable to an elected county council would be no more of a dictator than a city manager under a city council. Most are foes of city manager government, too.

Understandably, many of the more outspoken critics are occupants of public offices unlikely to survive county government modernization and merging of duplicating city and county functions. They have self survival cause to be well organized and full of fight.

They are. Their well-entrenched position has hardly been dented, but the picket line is strong.

A TROUBLED HOUSE

Witness San Antonio in September. Delegates to the annual convention of county judges and county commissioners quickly

buried a resolution which spoke kindly of home rule for the county government.

Yet all is not well in their house. Many county officials admit the sad and wasteful shape of their domain. The man who introduced the convention resolution so rapidly interred was a county commissioner—Bexar County's Sam Jorrie. He knew what the reception would be. It was only a skirmish in what he calls a taxpayer defense campaign.

Had he been around then, Sam Jorrie most likely would have been among those shocked not long after the turn of the century by Lincoln Staffens' "The Shame of the Cities." That was a stomach-turning chronicle of waste and corruption in the metropolises of the time.

Only a few years later a forgotten writer named Gilbertson wrote of the county government. He called his work, "The County, the Dark Continent of American Politics."

Steffens had the impact. The book-of-the-month clubbers of the era evidently overlooked Gilbertson.

Reform came to the cities soon after Steffens' "Shame." It brought the city manager system with its businesslike approach to administration, merit employment in place of spoils reward, long range planning.

In Texas in 1912 municipal reform rode the broad shoulders of city home rule. To the city dwellers it bestowed the constitutional right to choose the form of government that suited them best.

But the student of county government in Texas should still ask the library for the "Dark Continent." It's current reading.

No charge of rampant corruption is intended or intimated. Blame the system for the waste and the tilt with the times.

The county home rule team in Texas has an unblemished record of defeat and frustration. In any rating of losers, they would rank number one. But belay the trip to the showers. It's a long season. And if not this season, wait till the next.

Patting this season's team on the po-po, and training tomorrow's players, are such coaches as the Research and Planning Council of San Antonio. In a pep talk it calls today's county system "a jungle of confusion, disorganization and tax waste."

These people take pity on conscientious county officials. "They are stuck," says the council, "with an antiquated, inefficient system which is imposed by state law and which is so disorganized that not even geniuses could make it work well. The amazing thing is that they are able to make it work at all."

The research council then scores these points:

- No one is effectively responsible for doing anything about anything which involves the entire county government. There is no administrative head to hold responsible—not even a group.

- The county government is actually a group of little governments. County Commissioners have virtually no control over department heads aside from fixing lump sum budgets. The county judge, regarded by many as the chief administrator, has even less say so.

"It's not a case of poor management," concludes the council. "It's a case of no overall management at all. Things have a tendency to just drift. Any business operated this way would soon be bankrupt."

From the National Association of County Officials comes courthouse rattling agreement. In a policy statement with which many in this state do not agree, the association says of reform by way of county home rule:

"It is a cornerstone of our American democracy. Our state legislatures have not always recognized this and have been notoriously slow to delegate authority to local officials to solve purely local problems. Counties have been hamstrung by antiquated state statutes and constitutional provisions."

And a plaintive plea from University of Houston political science professor David W. Knepper. "All we ask is that the legislature give local communities the right to study their problems and—if they desire—to consolidate some services."

In California, where county home rule is old hat, an eloquent voice speaks of survival and Shangri-la. The voice is that of William R. MacDougall, general counsel and manager for the County Supervisors Association of California.

"County home rule is not only the route to modern county government," says MacDougall, "but it is the road to survival of American county government. If county home rule principles are widely applied intelligently, the 'dark continent of American politics' will become the Shangri-la of local democracy."

INADEQUACY GROWS

Amidst the oratory, evidence of the inadequacy of county government in this state mounts daily. Special districts, with a dismaying assortment of tax policies and beholden to little authority, grow like Johnson grass. Their stated purpose is to fill the public service gap left by the chained and bound county.

At last count there were almost 700 little governments in Texas, exclusive of school districts. Water districts—many in frightful financial condition and levying exorbitant taxes—were in the majority.

"We are proliferating with new political subdivisions—an incomprehensible and costly mess," said San Antonio's Henry Gonzalez—a state senator when he spoke, now a congressman. It was Gonzalez who introduced the soon scuttled Bexar County home rule amendment in the 57th Legislature.

The University of Texas Institute of Public Affairs provides a catalogue of some of the special taxing bodies politic: districts for mosquito abatement, grasshopper suppression, predatory animal control, and noxious weed eradication.

"Probably the most potent cause of non-school district growth," says the widely respected Institute, "can be traced to the inability, alleged or otherwise, or existing government to perform wanted services. The rural special district was early designed to fill a governmental need which county government was, and largely still is, unable to meet."

Look right at home for illustration. The people of West Lake Hills, plagued periodically by timber fires, are organizing a fire control district. They will pay extra—and dearly—for it.

And from out of the last legislature's regular session comes a striking example of the county government's helplessness. There is no question that much suburban and rural property in Travis County is escaping a fair share of the tax load because

the county is without effective means of keeping up with improvements.

Yet a bill to authorize the creation of a county building inspector's office was given a ride to the cemetery which would leave even the most daring police escort barely out of the funeral parlor. Ignored were the pleas of County Tax Collector Steve Hefington, who was under fire at the time for unequal taxation.

One senator from an East Texas rural district made a little speech in which he declared that he would never require his constituents to get a permit every time they wanted to build a hog pen. This was not the bill's intent, but scorn was the victor.

While the subservient county cannot create an answer to need, neither can it do away with the useless.

EXAMPLES IN TRAVIS

Again a Travis County example. There are four justices of the peace in rural precincts who have so little to do that their total of annual fees collected amounts to less than the salary of the lowest paid. But the constitution decrees that the county have a certain number of JPs—only two less than the present total.

Caught in this political trap, the County Commissioners have frozen. They could abolish two of the wasteful courts along with their constables. Instead, they recently increased the pay of all four of the almost idle JPs and their gun-toting constables when they voted a generous raise for all county officials and employees.

And consider the strange case of George Corse. He is the fellow who was elected county school superintendent at Graham on a promise to abolish the office because it was no longer needed there. Corse made good on his promise this year, but it took two sessions of the legislature to do it.

At the same time, Houston legislators failed with a bill to save the cost of the Harris County school superintendent's office. It has only one small school under its jurisdiction.

Such is the extent of your control over affairs of county government.

How long the dark continent? When the day of the stranger and the Travis Countians?

A man long in the business of government research, John F. Willmott of San Antonio, is positive that in time reform will come. Willmott is dead certain that ever

increasing taxes to foot the bill for city and county duplications and county ineffectiveness will move those who pay to pause and take a look at what they are buying.

"When they realize," he predicts, "how much waste and inefficiency is in the county tax dollar, a complete reorganization of the county government will be demanded."

But Willmott does not belittle the strength of the opposition, especially to any form of county home rule which might lead to consolidation of courthouse and city hall functions.

Likewise Houston State Senator Bob Baker. He was a member of an interim legislative committee which held hearings over the state on county home rule prior to the last legislature.

"We found nothing but resentment and open hostility on the part of most county and precinct officials," recalls the man now running for lieutenant governor.

This is no unexpected human factor. In 1854, Ralph Waldo Emerson wrote of opposition to building a lighthouse on Cape Cod: "It would injure the wrecking business."

No New Deal for 1934 Travis County Pioneers

By WRAY WEDDELL JR.

Outlaws Clyde Barrow and Bonnie Parker were soon to die at a roadblock in Louisiana . . . Britain, France and Italy were warning Adolf Hitler to keep his Nazi hands off Austria . . . The Texas Longhorns got a new football coach named Jack Chevigny.

And people of many interests were pioneering in Travis County in a hopeful effort to bring forth a more practical, less costly form of local government.

The year was 1934. Franklin Roosevelt's New Deal was big in the land. The people in Travis County also talked about a new deal in home government.

Texans the year before had ratified an amendment to their constitution which they thought would give them an effective voice in running their county government. The amendment had a nice name — county home rule. One of the first attempts to use this promised freedom was made in Travis County.

Failure came early. But the effort was not a total loss. It helped show that the 1933 amendment is a legal vehicle with a faulty steering gear and wheels which turn in opposite directions.

This is the second part of a three-part editorial series on modernization of local government through county home rule and consolidations. The concluding installment will appear on this page next Sunday.

FAMILIAR RING

The arguments for county home rule 27 years ago have a familiar ring. They went like this: The structure of county government, dictated by the state constitution and the statutes, is too rigid to meet the needs of a growing community . . . There is no central administrative authority on which to place responsibility . . . There is great waste in duplicating and overlapping functions of the city and county.

Today the complaints are exactly the same. Nothing has been added or taken away. The only difference is that greater growth has meant greater waste.

Proposed in 1934 was a county manager government under an elected county council. Mergers

with the city were to come later. The city was free to join in. Home rule had come to Texas cities 22 years earlier. It lead in 1926 to city manager government in Austin.

ROUGH TIME

Early in the year petitions were in circulation calling for a county convention to elect members of a commission to draft a county home rule charter. The people would pass on the charter in a countywide election.

It was a rough time for politicians. It was a local election year, and they didn't know how the voters felt about this new idea. Also, there was the torment of wondering if they were running for offices which might disappear if city-county consolidations followed freeing of the county from state domination.

From home rule champions came a stream of assurances. Nothing in the way of consolidation would be written into the original charter. That could come later by amendments. The politicians were further promised that nothing would happen to their offices until they served out their terms.

The organization behind the movement was loaded with influence and energy. A quick of tongue, nimble minded young attorney, Emmett Shelton, was a pusher. He soon was the center of a political hassle. W. L. Heierman headed a committee for home rule.

There was a charter study group. On it were such citizens as County Democratic Chairman J. M. Patterson, City Attorney J. Bouldin Rector, University of Texas government professor C. Perry Patterson, lawyer William L. Yelderman, and tax expert John T. Smith.

On a public information committee were H. H. Allen of Cedar Valley, Jim Johnson of Del Valle, Henry Nauert of Dessau, and John C. Ross, Henry Wukasch, and Walt Paulissou of Austin.

A speakers pool included Q. C. Taylor, Ireland Graves, W. A. Keeling, W. H. Wendland, and Emmett Shelton. On a finance committee were Herman Brown, T. H. Davis, Louis N. Goldberg, Solon Walker, L. J. Schneider, and A. C. Baldwin.

Thus, it was an imposing group which petitioned the County Commissioners to call the convention. Roy C. Archer was county judge. He now is presiding judge of the Third Court of Civil Appeals. The convention was called for March 17, 1934. Delegates were elected in precinct conventions.

Politics kicked up a rumpus even before the convention convened. Conservatives claimed that Emmett Shelton was trying to pack the roll of delegates with "reliefers"—that he had designs on controlling the proposed bright new government.

Shelton, who was a member of the County Welfare Board, denied any such intent. He still does. Shelton wore the liberal tag then. His views have changed little, but today he is a conservative. So goes politics.

RURAL COMPLAINT

The political fuss was still going when another uproar rocked the convention. Rural delegates complained that the convention chairman had denied them a chance to caucus on their choices for the charter-drafting commission. The chairman was a tall, tousle headed young attorney named Wright Stubbs.

This storm subsided long enough for the commission to be named. It included: Two farmers, F. A. Collier and Calvin Hughes; an Austin merchant, George Ferris; a dairyman, Eugene V. Giles; a nurseryman, Eugene Howard; a Pflugerville justice of the peace, C. C. Kuempel; a member of the musicians' union, N. A. Ladd.

Also, the secretary of the County Democratic Committee, Mrs. J. M. Loving; two University government professors, C. Perry Patterson and Roscoe C. Martin; three attorneys, Emmett Shelton, Q. C. Taylor and Mrs. Anna Sandbo; the editor of the Texas Tax Journal, John T. Smith; and an insurance man, Gus Urbantke.

The beginning of the end was only two weeks away. While the convention was still in recess, rural delegates bolted and condemned county home rule. County chairman Patterson joined them. So did three members of the charter commission — Howard, Hughes and Giles.

J. M. Patterson stated the case for the rural rebels: County home rule would put them under the thumb of their city cousins. This would be so because to amend the charter only a simple majority of all the county's voters would be needed. The city folks had too many votes.

John T. Smith soon joined the walkout. He questioned the taxing and debt-making power of a county manager government.

THE LAST STRAW

But a legal straw was blamed for finally breaking the movement's back. A question was raised whether the convention had followed to the letter a multitude of directives contained in the 3,000-word constitutional amendment and its 5,500-word enabling act.

Professor Patterson, a staunch friend of county home rule, urged the charter commission to disband. He said it probably had no legal status due to "irregularities in the primary steps" of organization. The commission fell apart in June after hearing a report which backed up Professor Patterson's fears.

On June 9, 1934, The Austin Statesman said, "Home rule in Travis County was a dead issue Saturday, at least for the present and immediate future." How true.

Many reasons are advanced today for the movement's collapse even before the drafting of a charter. Veteran American-Statesman reporter Raymond Brooks blames plain old politics. "Austin at that time," he recalls, "had several thousand people on

the relief rolls and a political faction playing to them and lining them up for political purposes."

Brooks says that friends of home rule killed the movement to keep it out of the hands of a machine built upon the votes of "reliefers."

Emmett Shelton well remembers the squabble. "They thought I was trying to build a political machine," he now says. Was he? "Hell, no. I thought home rule would be a good thing."

Shelton believes the opposition of the late county chairman Patterson was the big factor because of his influence with rural voters. They held full veto power. Shelton thinks the legal questions were raised to escape sure defeat in the rural precincts. "We knew we couldn't have won them."

POWER IN COUNTRY

Rural voters held a veto because the 1933 constitutional amendment requires separate charter ratifying elections in urban and rural areas. This power out in the country was felt in El Paso County — the only place where a county home rule charter has gone to a vote in Texas. That, too, was in 1934. City voters there approved the charter 3,309 to 2,166. The rural precincts rejected it 1,609 to 761.

Dr. Perry Patterson is now living in retirement after many years as chairman of the University government department. He blames the influential opposition of office holders for the 1934 failure. "It (home rule) probably would have meant reducing the number of elected offices, and you know how office holders have gotten so that they stay almost for life," he says.

Dr. Patterson also mentions the fear of rural people that they would be dominated by city voters. But after so long a time he doesn't clearly recall the legal difficulties which he stressed in recommending that the charter commission disband.

Mrs. J. M. Loving — recall that she was the County Democratic Committee secretary — feels today that the people were not given enough information on what county home rule could mean in tax dollar savings. She is still a strong advocate. "People," she says, "need to think about what could be saved in administrative cost. I don't feel it's necessary to have two-separate local governments."

Attorney Q. C. Taylor agrees with Prof. Patterson that office holders did the most to bring the movement to ruin. "We just couldn't buck them. Nobody in office wanted to face the prospect of giving up his job." Taylor stood

for far-reaching city-county consolidation. "I thought it would be a good thing, and I still do."

But Taylor is resigned to disappointment so long as the 1933 amendment is the only route to county home rule. Almost nothing can be done to cut government cost by merging duplicating city and county functions until the county is as free as the home rule cities. And the 28-year-old amendment has been proven time and again to be simply unworkable.

The Research and Planning Council of San Antonio says flatly: "Any attempt to use the 1933 amendment is a waste of time and effort." In addition to the veto held by the rural minority, the council makes these illustrative points:

The amendment and its enabling act are too extreme in prescribing procedure.

The amendment states that no county charter shall "inconsonantly affect the operation of the general laws of the state relating to the judicial, tax, fiscal, education, police, highway, and health system, or any other department of the state's superior government."

Delta County in Northeast Texas learned in 1948 what this sweeping declaration means. The attorney general ruled that Delta's proposed county home rule charter would cause "serious interference with superior state government policies."

TROUBLE IN BEXAR

In San Antonio's fabulously ugly county courthouse, a husky man with crew cut salt and pepper hair is causing serious interference of his own — with the peace of mind of his colleagues. Bexar County Commissioner Sam Jorrie is about as popular as a traffic ticket around the big red courthouse.

He asked for it. Jorrie could have rocked along selling bed springs and carpets. He owns the Jorrie Furniture Company. But at age 41, Sam Jorrie is a man on a mission — to bring home rule to his county of more than 600,000 population.

If Jorrie ever gets to claim mission accomplished, his office very likely would be among the victims of modernization. For he stands and almost yells for consolidation of many city and county functions, including most of what a county commissioner does.

Jorrie has the voters in his big north San Antonio precinct behind him. They sent him back in 1960 for a second four-year term. But many another county official looks upon Sam Jorrie as something of a Bexar County Benedict Arnold. So be it. Jorrie couldn't care less.

In fact, he admits that he enjoys inflaming the defenders of status quo.

Why, though, would a man in retail business stick his neck so far out? The answer comes back in a flash. "I got tired of paying taxes to two competing, quarreling governments."

Sam Jorrie doesn't come right out and say it, but what he is working for is the same thing the Travis County home rulers sought in 1934 — a county manager administration under a county council.

Down by Buffalo Bayou the very mention of this sets E. A. (Squatty) Lyons to talking like a machine pistol. Lyons is a Harris County Commissioner with 300,000 people in his Houston and environs precinct. Everyone calls him Squatty. He's built that way.

But Squatty Lyons stands tall among foes of county home rule. He's head of a Harris County association fighting it.

"IT'S BOSS RULE"

Bring up the subject of county manager government and Lyons jabs a stubby pipe in his mouth and goes into action. "You're not talking about home rule — it's boss rule," he says with the assurance of a man 12 years in office.

"It would be government by appointment, not by elected officials. It would set up a central dictator. It would minimize the value of the poll tax. Centralization of government isn't democracy."

Lyons here is jumping on proposals that a county manager should appoint many officials now elected. There is, for instance, considerable support for taking the county tax collector's office out of politics by making it appointive.

To charges of boss rule, the answer is made that a county manager would be just as accountable to the people through an elected county council as is a city manager through a city council.

Lyons is unmoved. He objects to city manager government, too. "At no instance has a city manager system been economical," he declares.

To the suggestion that perhaps merging city and county departments doing pretty much the same thing would save money, Lyons points his pipe like a lance and concludes correctly, "You've been talking to Sam Jorrie."

What then would this fellow Jorrie do if he had the tools of county home rule in hand? He would:

- Consolidate all local taxing authorities to eliminate overlapping administration and a strange jumble of varying assessments.

- Put all public schools in the

county under one administration.

- Make one metropolitan law enforcement agency out of the city police department and the sheriff's office. "The sheriff is just a paper server and jail keeper."

- Abolish the office of county surveyor. "He does zero. We give him free space in the courthouse and he runs his private business right there. We gave him the junkiest place in the building hoping he would leave, but he won't go."

- Tailor the number of justice of the peace courts to fit need.

- Create a county building inspector's office to extend building code regulations to rural areas and to keep track of improvements there for tax purposes.

- Abolish the county treasurer's office. "He and the county auditor are doing about the same thing."

Sam Jorrie was one of the busiest workers behind an effort early this year to persuade the Legislature to submit a new county home rule amendment to the state's voters. Although it would have applied to Bexar County only, it got nowhere.

This effort was a strong one. While essentially the work of political conservatives, the amendment was sponsored in the senate by the ranking prince of San Antonio liberals, Henry B. Gonzalez. He is now Congressman Gonzalez.

An Alamo City newspaper editorialized: "Government tends to grow so complex that mere citizens can not hope to understand what goes on and why. Bexar County has a rare opportunity to simplify at least the local level of government."

The opportunity was short lived.

At first it looked like Gonzalez had enough votes in the senate for the two-thirds majority needed to submit a constitutional amendment to the people. Soon, though, the pressure from courthouses at home began to tell. The support melted away.

Gonzalez speaks also of the organized opposition from associations representing county commissioners, sheriffs, justices of the peace, and constables. The senators were told over and over, Gonzalez says, that the Bexar County amendment would "set a dangerous precedent for the entire state."

Last September, Sam Jorrie

tweaked the nose of the opposition bear just for fun. The scene was the annual convention of the County Judges and County Commissioners Association in San Antonio. Jorrie introduced a resolution supporting county home rule. It was promptly tabled.

"They booed and hissed me and said I was subversive," says Jorrie.

If Sam Jorrie is subversive because he believes in rule from home for the county, then San Antonio is in the odd position of having a subversive Chamber of Commerce and League of Women Voters.

A SELLING JOB

They backed the luckless 1961 amendment, as did the Taxpayers League, Business and Professional Women's Club, and the Research and Planning Council.

In such company is the learned professor of political science who was talking like a huckster in the cozily relaxed University of Houston faculty club.

As he talked, Dr. David Knepper (pronounced Nipper) pulled deep on a big black pipe. He looks a little like moviemanager Melvyn Douglas—an Ivy League version. A few feet away other PhDs figured the angles on a pool table.

In towering midtown Houston a man who wants to be lieutenant governor also talked of sell, sell, sell. State Senator Bob Baker is heavy set, honestly friendly, ambitious, and popular in his county of more than a million people.

Both the professor and the senator were speaking of how the county home rule concept will have to be sold to the people and through them to the legislature. The topic is tricky for a man in one high public office seeking a higher one. But lawyer Baker spoke freely. It's his nature.

Of the 1933 amendment, he says "I don't believe any one could operate under it." History is on his side. No county has. "Some day soon," Bob Baker goes on, "we're going to have to cope with the whole big problem—no question about it."

Baker is not a county home ruler who would use freedom of choice to establish the one big countywide government which some advocate. But he does

stand for consolidating like city and county functions.

Baker also is not a handwringing. It only makes the knuckles red. He proposes getting on with the selling job. "There will have to be quite a process of educating the public," Baker says. "We will have to convince the voters that county home rule is the most economical and feasible type of government."

Dr. Knepper could not agree more. "We've got to get the people to talking," he says while pipe filling and lighting. "Eventually a lot of people will get on their feet and say, 'Well, confound it, that is how it should be'."

Sen. Baker well knows the determination and strength of the opposition. He was in the senate in 1959 when a new statewide county home rule constitutional amendment was proposed. "That amendment didn't get any movement at all," Baker recalls. However, the lawmakers did create an interim study committee. Baker was a member. Hearings were held over the state.

OPEN HOSTILITY

"We met with open hostility from most county and precinct officials," says Baker. Enemies of county home rule were also on the committee. "We couldn't get enough agreement to even write a report."

This is saddening and mystifying to professor Knepper. He finds it hard to understand why local communities are denied the right to do with county government what the majority feels needs to be done. Knepper is sure there are areas of local government in which city-county consolidation would make good practical sense, including taxing, public works and law enforcement.

Knepper was a member of a commission appointed by Governor Price Daniel in 1955 to study streamlining of local government in Harris County. The commission recommended a new home rule amendment, and suggested that serious thought be given to eventual consolidation, through the flexibility of home rule, of Houston's city government and the county.

At the same time the Tax Research Association of Harris County made this accurate observation:

"As extensions of the state,

counties have no powers except those specifically set forth in the constitution and the statutes. Action by the legislature is necessary every time modification is desired, no matter how insignificant. Legislative action can be tedious and slow, for every action must be viewed in the light of its statewide implications."

This state of bondage is what stood in the way of a plan advanced in Tarrant County in 1959 by the county judge. He suggested that the county government enter into contracts to provide services for the ring of small "bedroom" municipalities around Fort Worth.

His plan was for the county to furnish the contracting cities with such services as sewerage, police protection, traffic regulation, water, zoning and planning, and a unified school system. It was pointed out that Tarrant County then had 30 incorporated communities with 30 different sets of regulations and tax collectors. Nothing came of the judge's idea. Nothing could without county home rule.

COPY OF L.A.

The Fort Worth plan was a copy of a long-established system in Los Angeles County. The county government there makes 42 services available to 63 municipalities through contracts and service agreements.

All but two large cities—Pasadena and Long Beach—contract with Los Angeles County for tax assessment and collection. The other most popular agreements cover public health (57 cities), election services (54 cities), jail facilities (52 cities), and library service (34 cities).

Another effort to bring order out of metropolitan chaos survived an election test in late October in Dade County (Miami), Fla. The first county manager form of government in the US is functioning there under an elected 13-member county commission.

In both Los Angeles and Miami there had been the familiar waste of duplication. California gave its counties home rule in 1938. Dade County got it from Florida voters in 1956.

Texans are still talking about it.

Home Rule: Conclusion

By WRAY WEDDELL JR.

Jack Christian could double any day for the Mr. Wilson of television's *Dennis the Menace*. And like Mr. Wilson, Mr. Christian was in trouble.

It was 1960 and Jack Christian was campaigning for a second term as mayor-president of East Baton Rouge Parish, La. His opponent, a popular man, was making a strong challenge for the \$18,000 a year job. It was very possible that Mr. Christian would be second best in a popularity contest.

Then the seemingly front-running challenger made a whooper of a blunder. He made noises which sounded as though he would favor changes in Baton Rouge's almost totally consolidated city and parish (county) government. The contest was over; Christian was home in a walk.

A dozen years earlier the parishioners had rebelled against the extravagance of two completely separate local governments. The story of Mr. Christian and the mutiny on the Mississippi is a full color illustration of the popularity of the modernized, streamlined system.

MUCH LIKE AUSTIN

This event on the east shore of Old Man River is of interest on the banks of the Colorado because Baton Rouge and Austin are much alike. Both are centers of government and education. Both are belt buckle deep in affairs of politics and football. And their populations are about the same.

But there are two areas of community being in which there is no comparison. One is industry. Baton Rouge has a lot of it, while Austin stands with arms outstretched in invitation. This, however, doesn't matter in this instance.

What does matter very much is that the citizens of the Pelican State's capital city have a local government that suits them because they have the right of choice. This right would be called county home rule in Louisiana's 49 sister states. If the day should come when a majority wants to do things in a different way, they can make changes on their own. They won't have to go to the legislature on bended knee—or ask the people from New Orleans to Shreveport to amend the state constitution. All they have to do is re-

This is the concluding part of a three-part editorial series on modernization of local government through county home rule and consolidation of duplicating city and county functions.

write their parish home rule charter.

Don't waste your time looking for any thing of the sort on this side of the Sabine. All that big neighbor Texas has is a promise of county home rule nullified by legal hanky panky. This Indian gift is a 28-year-old county home rule amendment in the Texas constitution which has been many times proven to be as worthless as okra left too long on the stalk.

There are many who feel it was never intended to be any good. Regardless of intent, the 1933 amendment has been a one hundred percent bust. Every county in Texas—from the Old South piney woods to frontier Big Bend—is still rigidly controlled by constitutional dictums written 85 years ago.

While the men in the statehouse pay oratorical tribute to defending "state's rights" against federal intrusion, the state is the biggest intruder of all—completely dominating the counties.

NO CONTEST NOW

What is this thing denied Texans—this county home rule business? It really is nothing more than self government. All it does is bestow upon the people at home the right to say what kind of county government they want, give them the legal tools with which to do away with things no longer needed, bring into being new things which are needed, and—if the majority wills—to merge city and county functions which waste the tax dollar by overlap and duplication.

Strangely enough, Texas cities of more than 5,000 population have had self government within broad bounds since the year 1912. That's why Austin has a city manager government. A majority decided a quarter of a century ago that it was the form of municipal government they wanted. You can change it any day you've got enough votes to amend the city home rule charter.

But everybody in the county can

demonstrate with brass bands twice before breakfast and three times before lunch for a change in the outdated county government and all they will get is exercise. That is—until there is new and effective county home rule authority in the constitution.

Louisianians put the right of local choice in their constitution in 1947. That same year the voters of East Baton Rouge Parish approved a parish charter containing broad powers for building a more practical local government structure on an extensive foundation of consolidation.

The decision was close. Ratification was by only 307 votes out of 13,717 counted. Today no one in Baton Rouge doubts but that approval would be by a landslide.

"The Plan"—as it is still called in Baton Rouge—became effective Jan. 1, 1949. This is how they tote their local government barge:

- For the entire parish there is one governing body—a city-parish council. It replaced the separate city commission and parish police jury (county commissioners court). Seven members are elected at large from the city of Baton Rouge, the population center. Two others represent two rural wards (precincts).

- The seven city councilmen act when the business on the table affects only the city of Baton Rouge. The full council sits for parish-wide matters.

- The mayor-president—also chosen by the voters, as witness Mr. Christian—is the chief administrator for all of the parish. Actually, he is an elected county manager. And like a city manager, he has broad appointive powers. He names the heads of most of the consolidated city-parish departments, and that takes in just about all of the local government.

The Baton Rouge parishioners, aiming for economical efficiency, went almost all the way with city-parish merging. This includes public works, public schools, tax collection, zoning and planning, and on and on. The Louisiana home rule amendment does not, however, provide for consolidation of the city police department and the sheriff's office. For that reason alone are they separate in Baton Rouge.

Mayor-President Christian talked of the waste of the old divided system as he inhaled unfiltered cigarettes in his spacious, leather bound office on Government Street. Christian chose public works for the best example: "When we had five wards, we had five bulldozers and draglines. Now we buy only what we need for the whole parish."

That the system works and

works well is evidenced by the report of a special commission which recently gave it a thorough examination. Not a single major alteration was recommended.

MEAT AXE WON'T DO

Mayor Pro Tem Frank McConnell, who looks like a halfback but never was, says of the commission: "It included some hard headed businessmen who took a long look at where their tax money is going."

McConnell is such a booster of The Plan that he offers to come to Austin to explain it to all who will listen. If McConnell comes, you can count on hearing him say of the Baton Rouge system: "This government is extremely well received. I don't think you could change it under any circumstances."

While McConnell is volunteering for missionary work, John F. Willmott is "sawing wood" in his downtown San Antonio office. Most any casting director in need of a public accountant type would stop looking the moment he spied Willmott. But someone had better see to it that John Willmott sticks to the script. He doesn't talk like a CPA, which he isn't.

Item: "You can't take out an appendix with a meat axe." In translation, Willmott is saying that any major change in county government in Texas will mean a long and delicate operation.

For almost 40 years Willmott has been helping perform government reform operations as a research analyst. Today he is executive vice president for the Research and Planning Council of San Antonio. His is one of the strongest and most effective voices in the growing clamor for county home rule in this state.

John Willmott's pen is more in the style of the researcher than his speech, but with either means of expression his explanation of what ails county government goes straight to the point.

From the pen: "Citizens of a county can not choose or change the basic organization of county government. They are hamstrung at every turn by antiquated organization and by a governmental set-up which is totally unsatisfactory for meeting today's urban and suburban needs. The whole system is frozen 1876 style in the state constitution."

Willmott then ad-libs this appraisal of the 1933 home rule amendment: "It's a phony." He is more specific in his writing: "Too complicated, contradictory and restrictive—simply unworkable."

The people who tried to use the amendment in Travis County in 1934 know what Willmott means. So do the people in other counties where frustration has been the re-

ward. A retired Austin judge has this unjudicial verdict for the old amendment: "It's an all day sucker."

Granted, then, that the road to county home rule is blocked by a complicated phony and a restrictive all day sucker. How can you get there? Here is the map for a long, hard trip:

(1) Obtain the agreement of two thirds of both houses of the legislature to submit a new amendment to the people which can be used. (2) Ratification by a majority of the state's voters. (3) Naming by the county's voters of a commission to draft a county home rule charter. (4) Adoption of the charter by the county's voters.

It doesn't sound simple and it isn't. The opposition is determined and unbeaten. In 1909 and early this year new home rule amendments were buried in the legislature. Leading the cheers from the balcony were county office holders who fear what reform might do to their jobs.

As researcher John Willmott says: "They're afraid someone will pull their feet out of the public trough."

Willmott does not mean to include all county officials. He knows there are many who realize the shortcomings of county government and would welcome a means of doing something about it. He sympathizes with them in their hopeless efforts to make the worn out old system work well.

Suppose, now, that one fine day Texas counties are freed from state domination—that at last the home folks have a say about county government. With a home rule county as free to act as a home rule city, what to do with such freedom?

There certainly is no shortage of ideas. They pour out from study commissions, research groups, and such rebels among the entrenched as Bexar County Commissioner Sam Jorrie. And there are working examples, as in Baton Rouge.

From all of these sources come these thought provoking possibilities for Travis County:

● Establish a county-wide department of public works. Today we have five—the city and the four county commissioner precincts. Each purchases and maintains its own equipment, and overall planning is rare. It seems a reasonable assumption that consolidation would cut administrative cost and reduce the equipment inventory. It worked that way in Baton Rouge.

● Merge the city police depart-

ment and the sheriff's office into a metropolitan area law enforcement agency. Then there would be one communications system instead of two, one administrative staff, one detective force, and countywide traffic control. The two departments with their overlapping jurisdiction are now costing almost \$2 million a year.

● Consolidate the city and county jails. The city is spending \$63,572 this fiscal year for jail maintenance. The county jail budget is \$37,245. Soon \$600,000 will be spent for a courthouse addition to make room for county jail expansion.

● Create one tax assessing and collecting department for the whole county. This year's outlay to run the municipal tax office is \$307,000. The county is spending \$207,255 for tax administration. Yet 80 per cent of county tax revenue comes from city residents, and the county simply copies city assessment figures for county levies inside Austin.

One tax office would mean one tax policy throughout the county. Rates would vary between urban and rural areas according to services received, but the assessment base would be the same.

That there is great disparity now was clearly shown by the recent merger of the Summitt School District just north of the city with the Austin Independent School District. With completion of the merger, the city tax office moved in to fix assessments for the city school district tax. In Walnut Forest, where the county had assessed a modern home at \$1,760, the city appraisers put down a taxable value of \$6,200. Where the county had placed a \$500 assessment on 100 acres with frontage in Lake Austin, the city said \$11,410.

● Consolidate the public schools into one county-wide district with uniform policies and single administration. There are now 10 districts, including six under County School Board jurisdiction and four independents, with current operating budgets totalling \$14,538,614.

● Extend planning and zoning control throughout the county under a city-county commission. The city has annexed many a headache because the county lacks zoning authority.

● Create a county-wide building inspection division to enforce a building code and to keep a record for tax purposes of property improvements in rural and suburban areas.

● Reduce the number of justice of the peace courts to fit need.

Those in rural areas have almost nothing to do—so little that fees collected amounts to only a fraction of salaries for the judges and their constables.

- Abolish the office of constable. A metropolitan police force could easily absorb this long outdated office.

- Abolish the office of county surveyor. He does nothing. Although the county pays him in ratio to what he does, the surveyor is provided free courthouse office space.

- Create a county parks and recreation department.

- Combine the city finance department and the county auditor's office into one county department of audit and finance.

- Abolish the county treasurer's office. This is a bookkeeping function which a joint city-county finance department could perform.

- Consolidate the offices of city and county clerk. Do the same thing with offices of city attorney and county attorney. And establish one purchasing agency for all city-county departments.

- For a head for this slenderized body politic, create an elected city-county council after abolishing the city council and county commissioners court. When they adopt their county home rule charter the voters would say how the councilmen are to be elected.

Here would be the legislating, policy fixing board for the entire county. In today's county government there is almost no coordination of policy or anything else. It's an assortment of little govern-

ments run by independent department heads—often jealously independent.

A highly placed Travis County official who shys away from identification puts it this way: "Everybody thinks the commissioners court is responsible for policy. That's the way it should be, but it isn't. The court can make suggestions and that's all."

- For day to day administration, create the office of county manager. The manager could be appointed by the council or elected. The choice of how the office is filled would be the people's.

Regardless of the choice, the making of policy would be wholly in the hands of the council. To see that it is carried out would be the manager's function.

Borrow from the successful Baton Rouge plan and the county manager would appoint most heads of city-county departments. The feeling is growing among students of government, practitioners of government, and the governed that some public offices should be removed from direct politics. Most frequently mentioned is the county tax office.

This idea arouses the more vocal foes of county home rule to warn that reducing the number of elective offices is a sure path to boss rule. They say that a county manager with broad appointive powers would become a "little dictator."

THE OTHER SIDE

From the other side comes the rebuttal observation that this would be quite a trick. How, they ask, could the county manager become a dictator, big or little, if elected by the people? Or if he is

appointed, how could he head up boss rule if his job depends on pleasing the appointing council whose members are directly accountable to the voters?

The truth is—if the county manager plan be boss rule, then so is city manager government. Unaware that it was oppressed, Austin has progressed since 1926 under the city manager system. And Dallas hasn't done badly.

But never mind. Such debate today is purely academic. So it will remain until freedom of choice comes through county home rule.

And all the ideas for abrogation, consolidation and creation? Slippery Rock College will beat the Longhorns at football before anything of the like occurs without home rule.

Will Texas counties ever get self government?

Researcher John Willmott is confident that in time it will come to pass. He counsels, "Work hard and be patient. We never get discouraged—just keep on sawing wood."

Concludes Willmott, "There's nothing like a kick in the teeth from the tax collector to make people think—and then act."