

*State Office*

STATEMENT TO THE EXECUTIVE COMMITTEE OF THE TEXAS CONSTITUTIONAL  
CONVENTION

JAN 28 1974

Lavora Spradlin Arizaga

January 24, 1974

I am Lavora Spradlin Arizaga, vice-president of the League of Women Voters of Houston, speaking for nearly 4500 members of the League of Women Voters of Texas.

The purpose of the League of Women Voters is to encourage political responsibility (or, in other words, good government) through informed and active participation of citizens in government.

The framework for our government in the United States is the U. S. constitution. The framework for Texas government is the Texas Constitution. The League of Women Voters of Texas started studying the Texas Constitution in 1948 when we undertook a "Know Your State" study. By 1954, our members had reached agreement that the Texas Constitution of 1876 needed a complete revision. By 1957 we had adopted eleven principles of a good constitution. Throughout the years following we have studied and reached consensus on many different aspects of the constitution. Some of these are concerned with the executive department and those are what I'm here to talk to you about.

One of the principles of a good constitution is "a clear separation of powers with responsibility definitely assigned." The purpose of such separation of powers is so that there will be a balance of power among the three branches of government. The League of Women Voters of Texas believes that the executive branch of Texas government must be strengthened to achieve a proper balance of power so that the needs of modern state government may be met.

Strengthening the executive involves achieving these specific goals:

- 1) election of the governor, lieutenant governor, and attorney general to four year terms. (Article IV, Sec. 2 of the proposed constitution makes this provision.)
- 2) limitation of the governor to two terms, which may or may not be successive.
- 3) the governor and lieutenant governor to run as a team.
- 4) gubernatorial elections in non-presidential election years. (This will be the case, as things now stand, with no new revision, with four-year terms starting in 1974. In this revision process, please be sure that this timing stays the same.)
- 5) constitutional provision for the succession to the office of the governor should the governor become unable to perform the duties of his office. (Sec. 6 of the proposed constitution makes such provision.)
- 6) a cabinet-type executive department -- the Secretary of State, Comptroller, and Commissioner of the General Land Office appointed by the Governor with Senate approval.
- 7) the governor's budget to be the only budget submitted to the legislature. (Section 15 of the proposed constitution provides for such budget preparation. It does not exclude a separate legislative budget but it makes it clear that budget preparation and presentation to the Legislature is a function of the Governor's office.



- 8) the governor to have, within reasonable safeguards prescribed by law, power to remove appointive officers of the executive department and appointees to boards and commissions.
- 9) reorganization of state boards and commissions along functional lines by grouping them in areas of responsibility. This should not be locked into the constitution but the ability to do it should be provided for in the constitution. (Article IV, Sec. 17 of the proposed constitution makes such provision.)

These are our recommendations concerning the executive branch of our state government. We cannot ask that you study them as long and as carefully as we have. We don't want the convention to go on for years!! We do hope that you will consider them carefully and will be able to concur with our evaluation of their merits. Thank you very much for this opportunity to present the recommendations of the League of Women Voters of Texas.



TESTIMONY BEFORE THE JUDICIARY COMMITTEE OF THE TEXAS CONSTITUTIONAL REVISION COMM.

by

Lavora Spradlin Arizaga

I am Lavora Spradlin Arizaga, vice president of the League of Women Voters of Houston, speaking for the over 4500 members of the League of Women Voters of Texas. We are happy to have this opportunity to speak to you concerning provisions for the Texas judiciary in the state constitution.

Just as essentials of a good constitution are brevity, simplicity and readability so also are these essentials of a good judiciary article. The present Article 5 of the state constitution is more of an exercise for lawyers than a plan for the judicial system of a state set out for the people to read and understand. A new article should be written and specific new provisions included to insure an effective judicial structure for Texas.

The League of Women Voters of Texas supports a single system of centrally administered statewide courts with a uniform fiscal policy. By this we mean a unified, simplified court system with a separation of administrative and judicial duties, all under the direction of the Chief Justice of the Supreme Court.

The League of Women Voters believes that the constitution should state that there should be a uniform code of criminal and civil procedure formulated by the Supreme Court and approved by the legislature.

The League of Women Voters also supports provisions for a full-time judiciary whose members qualify to practice law in Texas and the proposition that all courts should be courts of record.

The League believes that all judges should be assigned according to special training and docket needs and that all judges should be freely transferable at the direction of the Supreme Court.

The League supports a merit system for selecting appellate judges--a combination of commission nomination, executive appointment, and non-competitive and non-partisan election. (The governor would appoint judges from a short list of qualified nominees submitted to him by a nominating commission for a certain term--usually six years. At the end of the term the judge would be subject to approval or rejection by the voters.

The League also favors compulsory retirement and effective removal procedures for appellate judges in the judiciary article and, of course, the elimination of contradictory provisions scattered throughout the constitution.

An example of a unified court system is this. There are variations. There would be one Supreme Court which would rule on constitutional questions or on questions of statutory construction and would act to resolve conflicts of divisions of the Court of Appeals. We currently have two "highest courts"--one called the Supreme Court which rules only on civil cases and one called the Court of Criminal Appeals which rules only on criminal cases. The unified system would have one Court of Appeals (with as many judges and courtrooms and geographical locations as needed) that handles both civil and criminal cases.



We now have 14 courts of civil appeals handling only civil cases and having little relationship one to another. A unified, simplified court system would have one trial court, again divided into as many courtrooms as necessary, but with the same procedural rules, the high qualifications for judges, and the same fiscal policies. This would not eliminate specialized judges but facilitate their utilization.

Divisions of the one trial court into domestic relations courts, juvenile courts, small claims courts, traffic courts, civil courts, criminal courts, etc., would make better use of the specialization of judges while insuring that caseloads would be equalized and that all cases would be handled by qualified judges in a court of record. Most people who come in contact with the justice system as a defendant or complainant do so at what is generally considered a lower or minor court. Justice denied or justice delayed (which sometimes amounts to the same thing) at this level creates a bad public image and has to have an impact on the rising disrespect for the law and the increasing crime rate.

In Texas, now we have 245 district courts, 254 county courts, 57 specialized county courts, over 1,000 justice of the peace courts, and over 1,000 municipal courts. Many of these courts have concurrent powers and overlapping and each court is independent of the others. Some courts are astoundingly overloaded,.

Aside from the Supreme Court's limited authority to supervise some rules of procedure in the lower civil courts, Texas courts are largely autonomous.

The justice of the peace courts and municipal courts are not courts of record and their judges are not required to be qualified to practice law in the state of Texas. Only about 50 of the over 1,000 are lawyers and only about 250 of the over 1,000 municipal judges are lawyers.

A single system of centrally administered statewide courts with a uniform fiscal policy; a uniform code of criminal and civil procedure formulated by the Supreme Court with legislative approval; a full-time judiciary whose members qualify to practice law in Texas; assignment of judges according to special training and docket needs; all courts made courts of record; merit selection of judges, compulsory retirement and effective removal procedures for judges--these provisions will not guarantee absolute justice for all citizens of Texas on all occasions, but it will make that goal a great deal nearer. The League of Women Voters of Texas urgently request that you incorporate these provisions in your recommendations for a new judiciary article for the constitution of Texas,

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LEAGUE OF WOMEN VOTERS OF TEXAS  
DICKINSON PLAZA CENTER  
DICKINSON, TEXAS 77539

STATEMENT TO THE TEXAS CONSTITUTIONAL REVISION COMMISSION HEARING

by  
Mrs. Darvin M. Winick  
May 25, 1973  
Houston, Texas

I am Mrs. Darvin M. Winick, President of the League of Women Voters of Texas.

I am speaking today for almost 4500 League members who are vitally interested in the work of this Constitutional Revision Commission.

Since we have received comments from commission members regarding the testimony of League of Women Voters representatives at previous commission hearings, I would like to take this opportunity to clearly state our position and our overall attitude toward the constitutional revision process.

The League of Women Voters carefully studies many issues and after reaching consensus takes a stand. Our consensus most often involves broad and general principals so that we are subsequently able to evaluate specific legislative or other political proposals to see if they fall within our admittedly broad positions. Only when we have carefully studied and judged specific issues will we make specific suggestions.

As you no doubt know, the League of Women Voters of Texas has been actively involved in attempts to change the state constitution since 1948. You have heard and may hear again from our members throughout the state. I will not take your time to repeat or review testimony that individual members may wish to present. Rather, I would like to review the general criteria against which we will judge your work in our report to the voters of this state. I will yield to the technicians and professionals to frame the detailed items needed to replace a polyglot of statutory law with a basic legal foundation document. Cut down to the essential criteria, here is what we expect in the form of the final document.

(continued)



1. We expect a constitution that speaks only to fundamental rights and responsibilities of our citizens. It is obvious that a constitution composed of detailed, inflexible and special provisions is antagonistic to effective government or responsiveness to the needs of the general population. We will judge your work on the ability you have to resist the pressures from interest groups who would have you write their particular legislation into a basic foundation document.
2. We expect a constitution that specifies a state governmental organization that is directly responsive to the will of the citizens who must live and be protected by that organization. We will judge your work on the ability you have to build basic protections for the citizens right to be heard and to impact their government.
3. We expect a constitution that guarantees an open and public governing process. The public's business must be accomplished in public. We will judge your work on your ability to evaluate the proper balance between open government and the personal privacy of those who wish to serve. Certainly, recent events in this state and in this nation underscore the need for an open public and clearly understood governmental process.
4. We expect a constitution that can be read and understood by the citizens. Great religious documents, literary epics and far-reaching national policy statements can be understood in the language of the average citizen. Reason cries that a Texas Constitution can be also penned. We will judge your work on your ability to write briefly and clearly.

At other times the League of Women Voters will make known our views on the judicial and legislative articles, apportionment, voting rights, state-local relations and the protection of human resources. Today, I have rather chosen to speak to the larger issues of the basic form of an acceptable new constitution. We commend the commission for holding these public hearings and thank you for this opportunity to be heard.



JAN 28 1974

## League of Women Voters of Texas



MRS. DARVIN M. WINICK, PRESIDENT

STATEMENT TO THE LEGISLATURE COMMITTEE OF THE CONSTITUTIONAL CONVENTION  
by  
Nancy Holmes  
January 24, 1974

I am Nancy Holmes, a director of the League of Women Voters of Texas. I appreciate this opportunity to speak to you on behalf of over 4,000 League members throughout the state. The League is very interested in this historic endeavor to revise the State Constitution of 1876.

In 1966 members of the League of Women Voters of Texas began an evaluation of the organization and functioning of the Texas Legislature. The total study encompassed 4 years, and revealed a number of areas where improvement or change is needed. As a result of its study, the League of Women Voters of Texas supports measures to increase the efficiency and responsiveness of the Texas Legislature.

The League has actively supported its positions on legislative changes in testifying before legislative committees and working for the adoption of Constitutional Amendments in several elections. Most recently League members supported Amendment no. 4, annual sessions and increased legislative salaries. I am here today to speak to you about League positions that have to do with changes in the Legislature Article of the Constitution.

1. The League supports annual sessions of sufficient length and scope to permit the efficient handling of legislative business.

Our legislators represent 11.5 million Texans, appropriate a \$9 billion dollar biennial budget and consider approximately 2500 bills and resolutions. We can no longer afford to run our state on a biennial part-time basis. Even the legislative bodies of our cities, counties, and special districts meet at least monthly (some weekly) to meet the demands of their office. Surely the demands of the State are as continuous and the legislative process of the state is as continuous as these smaller branches of government. Legislative problems should be faced when they arise. The recent calling of the special session to deal with the speed limit in response to Federal legislation illustrates my point.

In 1950, 7 states had annual sessions. Today 39 of the 50 states have annual sessions. Texas has called 15 special sessions in the last 14 years. Annual sessions would add to the continuity of the legislators experience and possibly reduce the turnover. Freshmen legislators who now have only the one regular session to learn the legislative procedure would have the 2nd regular session to apply their experience before having to run again for re-election. Second year sessions could begin with officers, membership and organization intact. The work of the interim committees could be acted upon by those legislators who have actually participated in the intensive study and analysis of the problems.



# League of Women Voters of Texas



MRS. DARVIN M. WINICK, PRESIDENT

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Therefore the League urges you to include annual sessions in the revised Constitution to allow the Legislature to have closer control of the operation of state government, and to be in a position to respond more rapidly to the fluctuations in the economy, constantly changing federal programs, and the needs of local units of government.

2. The League supports adequate compensation for legislators and the elimination of salary amounts from the Constitution.

The League of Women Voters of Texas believes that to serve in the Texas Legislature is a great honor, but should not require great financial sacrifice. Each senator represents approximately 370,000 citizens. Each house member represents approximately 64,000 citizens. Both work long hours during the session, attend committee meetings, hearings, make speeches, give interviews, investigate, study and research on behalf of their constituents. Adequate compensation is necessary to allow them to give the kind of attention to these responsibilities that will benefit all Texans. Such compensation we believe to be a matter of statutory law.

Therefore we urge you to remove the specific salary amounts from the Constitution and provide for legislators salaries with a simple statement of principle permitting statutory law.

3. The League supports the apportionment of both houses of the state legislature substantially on population.

The League believes that it is important for all citizens to be represented equally. We support single member representative districts. We believe that each representative, acting on behalf of an equal number of constituents, would speak with an equal voice and have an equal vote.

4. The League supports procedures that facilitate public knowledge of legislative activities.

We believe that all committee meetings should be posted and open to the public. The business of representatives of the people, on behalf of the people, should be open and accessible to the people.

These are the matters that we believe should be considered by the Convention in drafting a revised Constitution. I hope this committee will weigh each of them carefully. The League is interested in a flexible and fundamental Constitution that will serve the people of Texas well for generations to come. We will watch with interest your contributions to this significant historic event. Thank you.



STATEMENT TO THE EXECUTIVE COMMITTEE OF THE CONSTITUTIONAL REVISION COMMISSION

by  
Mrs. Winthrop Clark  
May 12, 1973

I am Mrs. Winthrop Clark, President of the Dallas League of Women Voters, speaking on behalf of all members of the League of Women Voters of Texas.

League members in all parts of Texas completed a section by section study of our present state constitution in 1954. In 1968 we began a specific study of the Executive Department. We looked at the office of governor--its strengths and its weaknesses--as well as other offices in the executive department, together with some of the major appointed boards and commissions. After comparing Texas' executive department with those of many other states, together with recommendations in the Model State Constitution of the National Municipal League, members agreed on a number of desirable changes in our present system. (When I say "our members" I am including, of course, the Leagues in this area--Tarrant County, Irving, Garland, Richardson, Sherman, Denton, and Dallas--as well as those in other parts of Texas.)

We firmly believe in having a Governor in Texas--a governor with stronger powers than now exist, with a greater degree of responsibility than now exists.

Toward these ends, we agreed that four year terms with a limit of two consecutive terms not only would cut campaign costs and time spent on campaigning, but also, and more importantly, would give a chief executive an opportunity for long-range planning and the culmination of at least some of these plans. We think the governor and the lieutenant governor should run as a team and that gubernatorial elections be held in nonpresidential election years.

A limit of two terms for the governor would avoid concentration of political power in one person or party.

Another section of the executive article of concern to League members has been that of succession to the governorship. At present the Texas Constitution provides for succession by the Lieutenant Governor, followed by the President of the Senate, pro tempore, but there is no definition of what would constitute the Governor's inability to serve, nor is there a provision for who would decide this inability. The League of Women Voters of Texas would like to see provisions similar to Article XXV of the United States Constitution which gives to the vice president and majority of either the principal officers of the executive departments or such other body as Congress (the legislature, in our case) may by law provide, the right to make this decision.

We have agreed also that the other elective offices within the executive department should have four year terms, but we would much prefer to see the offices of Comptroller of Public Accounts, Treasurer, Commissioner of Agriculture, and Commissioner of the General Land Office not be elected at all. They, together with the Secretary of State, should be appointed by the Governor, with Senate approval, for four year terms. The governor should have, within reasonable safeguards prescribed by law, the power to remove these officers. You will notice I have not included the Attorney General in our cabinet proposal. We believe the Attorney General should remain an elective office, with a four year term also.



It makes little sense to us to have the above mentioned offices elective. After all, reasons for these to be elective offices could also be used to have statewide elections of the heads of the Highway Commission, Insurance Board, Water Development Board, etc. We believe democratic government is equally well served by a short ballot.

At present, the functions of state administration are scattered among numerous agencies. There is no systematic plan for their coordination to eliminate duplication of activities. The governor should be accountable for these functions and would have, under a cabinet system, a greater authority over these agencies and commissions.

The executive department, with the governor at its head, should, above all, be given flexibility. The cabinet departments should be organized along functional lines and existing or proposed boards and commissions be grouped by functions under these cabinet departments. We believe such agencies that at present in Texas are nearly autonomous should not be spelled out in the Constitution at all, but set up by statutes. The heads of these agencies should be appointed by the governor, with consent of the Senate. The governor should have, within reasonable safeguards prescribed by law, the power to remove these appointed officers also. By our proposed method the governor is given increased responsibility for the execution of the laws passed by the legislature--what we believe is the true meaning of our system of checks and balances.

Along with our proposals for administrative responsibilities, we believe the governor should have more responsibility for fiscal policies. Texas is the only state that has both an executive and a legislative budget. The legislature tends to prefer its own budget, but we think the governor's budget should be the only one presented to the legislature.

If the head of a business corporation was required to operate under the same system as Texas' chief executive, the business would most probably be inefficient and less profitable. Voters and taxpayers should expect, among other things, that their government not be wasteful of either time or money.

In sum, we believe our proposals for the Executive Article in a new Texas Constitution meet the criteria for a good constitution....a clear separation of powers with responsibility definitely assigned.



LWV of Texas

STATEMENT TO THE LEGISLATIVE COMMITTEE OF THE CONSTITUTIONAL REVISION COMMISSION

by

Mrs. Thomas Litras

May 26, 1973

I am Mrs. Thomas Litras, a director of the League of Women Voters of Texas, speaking for League members throughout the state. The League of Women Voters of Texas is most happy to have this opportunity to share with the Legislative Committee of the Texas Constitutional Revision Commission our concerns about the legislative issues as they relate to a revised constitution.

In 1966 League members began an evaluation of the organization and functioning of the Texas Legislature. The total study encompassed four years. Although these studies were far from all inclusive, they revealed a number of areas where improvement or change is needed in our state legislature. As a result of its study, the League of Women Voters of Texas supports measures to increase the efficiency and responsiveness of the Texas Legislature.

A number of the League positions under this study will not concern us here today as they deal in areas of statutory law or procedural matters determined by legislative rules. Therefore, I will confine my remarks to two areas of our legislative position which address themselves to two of the eleven basic principles for a good state constitution developed by the League: That it should be a framework of basic law and provide a clear separation of power in state government, with responsibility definitely assigned.

I would like to urge your most serious consideration of two proposals in the legislative field which we believe would have far reaching impact on the quality of the legislature's performance and importance in the years ahead.

Annual sessions of the Texas Legislature of sufficient length and scope to permit the efficient handling of legislative business and adequate compensation for legislators with the elimination of the salary amount from the constitution.

The League of Women Voters of Texas believes that the complexity of the problems facing the modern legislature in a quickly changing world cannot be dealt with adequately in meeting every other year. What other organization, public or private, which has the vast responsibilities faced by a state legislature, would limit itself to meeting biennially? Does the administrative arm of our state government do so? The judicial arm? Certainly not.

More and more states are recognizing the inadequacy of biennial sessions. Since 1941, the states holding annual sessions has increased from 4 to 36 in 1972.

Annual sessions would be both a challenge and an opportunity to the Texas Legislature, a challenge to meet the great issues facing Texas head on and an opportunity to be a fully active participant in the political life of the state.

The problems and work of the legislature are continuous--the sessions of the legislature should be scheduled to acknowledge that fact and be annual.



Closely tied, and perhaps inseparable from annual sessions is the question of legislative compensation. The League of Women Voters of Texas believes that legislators should be adequately compensated. It also wants to see this salary amount eliminated from the constitution and set by statute.

Legislative salaries must be high enough to attract a qualified cross section of candidates for legislative office. It seems totally unrealistic to ask the modern legislator to serve at personal financial sacrifice. It seems totally unjust to bar a possible candidate because his job demands year round attendance. No one questions the fact that our legislators cannot possibly live on their present salaries. Why don't we change it? If we want independent legislators, we must be prepared to pay them a wage which will enable them to be free from conflict of interest and lobbying importunities.

One way to achieve this the League believes is to remove legislative salary amount from the constitution.

To quote Alan Erwin, writing for the Austin Sun Bureau in 1971, "For a state the size of Texas with the economic power and the potential that Texas has to run its business on a part-time basis is a gross injustice to the people of Texas.

For members of the legislature to act on important issues. . . . every two years at a salary lower than most of the janitorial staff of the capitol building is a gross underestimation of the value of our state's business."

Thank you.

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More and more states are recognizing the inadequacy of biennial sessions. Since 1941, the states holding annual sessions has increased from 6 to 36 in 1971.

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The problems and work of the legislature are continuous--the sessions of the legislature should be scheduled to recognize that fact and be annual.



STATEMENT TO THE GENERAL PROVISION COMMITTEE OF THE TEXAS CONSTITUTIONAL REVISION COMM.

by  
Mrs. Wilfred Higgins  
May 12, 1973

I am Mrs. Wilfred Higgins, Director of Environmental Quality for the League of Women Voters of Texas.

To be speaking on this occasion means very much to our organization. I cannot help but reflect that a generation of League members stands with me today, since the League of Women Voters has been studying and working for Constitutional Revision for twenty-five years. We are gratified that the people of Texas have seen fit to join us and the many other concerned citizen groups who have long recognized the need for revision, and we are indeed grateful to the members of this committee for giving us an opportunity to present this statement.

The specific area we are concerned with at this hearing is that of the environment. Briefly, the League of Women Voters of Texas supports the position that an affirmative command to protect the environment should be included in the constitution. It is our opinion that the section in the present constitution dealing with the environment (Subsection 6 of Section 59 of Article XVI), which pertains primarily to the conservation and development of natural resources, while commendable in some ways, does not meet the needs of our environmentally threatened age. In particular, this section, which was written in 1917, does not recognize our present day pollution problems.

The League of Women Voters has a long history of environmental concern, having been pioneers in our 15 year efforts to protect water resources, and having been for the past three years, involved in study and action for the protection of air quality. Although we realize too well the ever-growing pressures of our many serious environmental problems, we do not suggest that a lengthy section, with many specific restrictive details be included in the revised constitution. While we might be tempted to do so in an effort to solve current environmental ills, we realize that times change, and needs change, and technology changes. Therefore, we believe that the inclusion of specific details, based on current technological knowledge, might become cumbersome obstructions, rather than the palliative helps they were meant to be. Thus, we opt for the general affirmative command, which could then be flexible enough to be responsive to changing needs.

Since we do NOT advocate a long, involved, and rigidly structured section on the environment, we would like for you to consider carefully the words "affirmative command." As applied to this section, we believe these words to mean, simply put, YES, all citizens have a right to live in a healthful environment, and YES, it is the responsibility of the government to see that this right is not infringed upon. We believe that the effectiveness of this section will depend on the thought and care that goes into the wording of it, which we hope would reflect deep commitment to, and genuine concern for, the environmental well-being of all of the citizens of this state.

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**TESTIMONY BEFORE CONSTITUTIONAL REVISION SUB-COMMITTEE ON EDUCATION**

by

**Mrs. Richard Avena**

**June 30, 1973**

I am Mrs. Richard Avena, Human Resources Chairwoman for the League of Women Voters of Texas. I would like to give you a brief presentation to reflect the League's thinking with regard to revision of the educational article of the Texas Constitution.

The League of Women Voters believes every citizen should have access to free public education which provides equal opportunity for all. We of the Texas League have committed ourselves to work in support of measures to achieve this goal. League members have lobbied at the state, national, and local level to further our contention that all levels of government must participate in the effort to achieve equal educational opportunity.

Now that Texas is engaged in the long-awaited process of rewriting the fundamental law of our state, we have turned our attention to this important work.

You of the education sub-committee will soon be redrafting this important article. We urge to include specific mention of such a guarantee within the article.

The League of Women Voters believes that the Constitution should be a basic framework of law, rather than a detailed, cumbersome document full of statutory provisions. In keeping with this philosophy, we would encourage you to draft an education article that is a brief statement of general principles. Such an article will establish fundamental guidelines which will enable the legislative, executive, and judicial branches to work to make free and equal education a reality for the people of Texas.

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LWV of Texas

TESTIMONY TO THE VOTING RIGHTS COMMITTEE OF THE TEXAS CONSTITUTIONAL REVISION COMM.

by

Mrs. Thomas Sugihara

June 15, 1973

I am Mrs. Thomas Sugihara, speaking on behalf of over 4500 members of the League of Women Voters of Texas on the subject of voting rights.

The Bill of Rights of the Texas Constitution states in Section 2, that "All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit." The primary means by which the people may exercise this power is the secret ballot. The voter ballots reflect the people's decisions about who will best represent them in the government, which issues deserve priority, and the direction in which the state or locality should move in resolving its problems.

What a terrible responsibility to place upon the people! It is one that is impossible unless the people have access to all the information that they need to make their decisions, all governmental processes are comprehensible and open to public scrutiny, and their chosen representatives can be held directly accountable for the results of their action or inaction. It is also impossible unless each individual may vote his convictions, without being subject to intimidation or influence by other persons, and unless each individual is assured that his vote will be protected from loss or dilution by fraud or inefficient administrative practices.

Everything I have said is obvious, but the League has found that the voter is often forgotten until election time, when he is courted by candidates and special interests with an avalanche of advertising which is frequently designed to obscure instead of clarify the issues. At his voting place, he is sometimes subject to slipshod administrative procedures which tend to diminish the importance and dignity of the system.

The League therefore asks you to keep the voter constantly in mind as you draft your recommendations. We first need a framework of government which recognizes in every part the final authority of the people. Then, in a suffrage article, the people can be defined by designating those who may exercise the fundamental right to vote.

The Texas Constitution starts out with a list of those who may not enjoy this right--certainly a negative approach. We would prefer a more positive attitude and simply state the necessary qualifications: citizenship, age, and residency. Most states disqualify persons who have been determined mentally incompetent and those who are serving a prison sentence upon conviction of felony, a term made more specific in Section 2 of Article 16 as "bribery, perjury, forgery, or other high crimes." The League has no objection to either of these disqualifications, but we strongly urge, in the latter instance, that a person who has served his prison term be granted his voting rights if he is otherwise qualified. Texas also excludes from voting "paupers supported by a county!" The League would like this provision struck from the constitution on the ground that discrimination among citizens cannot be made on the basis of their economic fortunes.



Finally, the legislature should be directed to ensure the secrecy of the ballot and provide for efficient and fraud-proof registration, absentee voting, and election administration which would encourage the maximum number of qualified citizens to participate.

Section 2 of the General Provisions Article stipulates that "the privilege of free suffrage shall be protected by laws regulating elections and prohibiting under adequate penalties all undue influence therein from power, bribery, tumult, or other improper practice." We question the necessity of directing the legislature to impose more penalties; we would prefer the legislature to think about laws which would produce well-conducted elections, intended for the benefit and convenience of the people.

What a terrible responsibility to place upon the people. It is one that is impossible unless the people have access to all the information that they need to make their decisions. All governmental processes are constitutional and open to public scrutiny. And their chosen representatives can be held directly accountable for the results of their action or inaction. It is also impossible unless each individual may vote his conscience, without being subject to intimidation or influence by other persons, and unless each individual is assured that his vote will be protected from loss or dilution by fraud or inefficient administrative practices.

Everything I have said is obvious, but the League has found that the voter is often forgotten until election time, when he is courted by candidates and special interests with an avalanche of advertising which is frequently designed to obscure instead of clarify the issues. As his voting place, he is sometimes subject to assigned administrative procedures which tend to diminish the importance and dignity of the system.

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The Texas Constitution starts out with a list of those who may not enjoy this right--certainly a negative approach. We would prefer a more positive attitude and simply state the necessary qualifications: citizenship, age, and residency. Most states disqualify persons who have been determined mentally incompetent, and those who are serving a prison sentence upon conviction of felony, a term made more specific in Section 2 of Article 2 as "felony, perjury, forgery, or other crime." The League has no objection to either of these disqualifications, but we strongly urge, in the latter instance, that a person who has served his prison term be granted the voting rights if he is otherwise qualified. Texas also excludes from voting "persons suspended by a county." The League would like this provision struck from the constitution on the ground that discrimination on the basis of economic fortune.

The League therefore asks you to keep the voter constantly in mind as you draft your recommendations. We think need a framework of government which recognizes in every part the final authority of the people. There is a suffrage article. The people can be defined by the voting laws we may enact. The fundamental right to vote.



STATEMENT TO THE TEXAS CONSTITUTIONAL REVISION COMMISSION RE VOTING RIGHTS

by

Mrs. Thomas Sugihara

June 15, 1973

I am Mrs. Thomas Sugihara, speaking on behalf of over 4500 members of the League of Women Voters of Texas on the important subject of voting rights.

The Bill of Rights of the Texas Constitution states in Section 2, that "All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit." The primary means by which the people may exercise this power is the secret ballot. The voted ballots reflect the people's decisions about who will best represent them in the government, which issues deserve priority, and the direction in which the state or locality should move in resolving its problems.

What a terrible responsibility to place upon the people! It is a burden that can be shouldered only if (1) the people have access to all the information that they need to make their decisions, (2) all governmental processes are comprehensible and open to their scrutiny, and (3) their chosen representatives can be held directly accountable for the results of their action or inaction. Furthermore, the people must be assured that each individual may vote his convictions, without being subject to intimidation or influence by other persons, and that his vote will be protected from loss or dilution by fraud or inefficient administrative practices.

Everything I have said is obvious, but the League has found that the voter is often forgotten until election time, when he is courted by candidates and special interests with an avalanche of advertising which is frequently designed to obscure instead of clarify the issues. At his voting place, he is sometimes subject to slipshod administrative procedures which tend to diminish the importance and dignity of the system.

The League therefore asks you to keep the voter constantly in mind as you draft your recommendations. We first need a framework of government which recognizes in every part the final authority of the people. Mrs. Stiles, of the Beaumont League of Women Voters, has eloquently explained how the constitution, as a statement of fundamental law, could permit needed flexibility in county and municipal government by keeping control of changes firmly in the hands of the voters most likely to be affected by them.

Once the framework is established, a suffrage article can define those who may exercise the fundamental right to vote--the people. The present suffrage article starts out with a list of those who may not vote--certainly a negative approach. We prefer a more positive attitude and think that the article should simply state the necessary qualifications: U.S. citizenship, the minimum age, and residence in Texas. The specifics of how to determine residence for voting purposes should be left to the legislature.

Like many other states, Texas disqualifies persons who have been determined mentally incompetent and those who are serving a prison sentence upon conviction of felony. The League has no objections to either of these disqualifications.



However, the constitution might leave to the legislature the precise definition of mental incompetence in view of the changing state of knowledge on the subject. It might also permit the legislature to determine whether or not a person who has served his prison term should be granted his voting rights if he is otherwise qualified. This is a measure that the League strongly urges. We should not continue to deny full citizenship rights to a person who has paid the penalty for his criminal actions and must resume his place in society.

Texas also excludes from voting "paupers supported by a county." The League would like this provision struck from the constitution on the ground that discrimination among citizens cannot be made on the basis of their economic fortunes.

Finally, the legislature should be directed to ensure the secrecy of the ballot and provide for efficient and fraud-proof registration, absentee voting, and election administration which would encourage the maximum number of qualified citizens to participate.

Section 2 of the General Provisions Article stipulates that the "privilege of free suffrage shall be protected by laws regulating elections and prohibiting under adequate penalties all undue influence therein from power, bribery, tumult, or other improper practice." Today, we consider voting a right, not a privilege; and to protect free suffrage, we do not need more penalties. We need laws which will produce well-conducted, honest elections, intended for the benefit and convenience of the people. By language reflecting these attitudes, the constitution can guide our lawmakers.

Thank you for the privilege of speaking here today.

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The League therefore asks you to keep the voter constantly in mind as you draft your recommendations. We first need a framework of government which recognizes in every part the final authority of the people. Mrs. Stiles of the Beaumont League of Women Voters has eloquently explained how the constitution, as a statement of fundamental law, could permit needed flexibility in county and municipal government by keeping control of changes firmly in the hands of the voters most likely to be affected by them.

Once the framework is established, a suffrage article can define those who may exercise the fundamental right to vote--the people. The present suffrage article starts out with a list of those who may not vote--certainly a negative approach. We prefer a more positive attitude and think that the article should simply state the necessary qualifications: U.S. citizenship, the minimum age, and residence in Texas. The specifics of how to determine residence for voting purposes should be left to the legislature.

Like many other states, Texas disqualified persons who have been determined mentally incompetent and those who are serving a prison sentence upon conviction of felony. The League has no objection to either of these disqualifications.



STATEMENT BEFORE THE CONSTITUTIONAL REVISION SUB-COMMITTEE ON GENERAL PROVISIONS

by

Mrs. Richard Avena

June 30, 1973

I am Mrs. Richard Avena, Human Resources chairwoman for the League of Women Voters of Texas. I am speaking on behalf of over 4000 members of the League to express our contention that the constitutional limitation on expenditures for public assistance must be totally removed from the revised constitution.

The League of Women Voters believes the authority for determining what should be spent for public assistance should rest with the governor and legislators. Welfare is the only area of state finance in which appropriations are determined through the costly process of constitutional amendment.

Public assistance grants are predicated on federal regulations and court cases over which the state has little control. Changes in these regulations, court decisions, and a growing awareness of the availability of assistance programs have greatly increased the number of eligible applicants. As the number of recipients has grown, the Welfare Department has been faced with a dilemma. There is simply not enough money to go around. And, because of the welfare ceiling, no more can be appropriated by the legislature.

This dilemma of too many recipients and not enough money has resulted in a system of grant allocation in which many recipients are given only a PERCENTAGE of the amount the STATE determines they must have to live at a bare, minimal level. The hardship of this system is most keenly felt by those who receive Aid To Families with Dependent Children. AFDC families are given only 75% of their state-determined needs. One can easily understand the plight of the recipient. How does a mother buy 75% of a pair of baby shoes or pay 75% of the cost of a bed for her child?

To say that Texas welfare recipients have fared poorly under this system would be an understatement. Texas average grant level in EACH category of assistance are among the lowest in the nation. In three categories we are among the five lowest-paying states.

It is not the recipients alone who have felt the ill affects of the ceiling, but the state as a whole. The ceiling was designed to save the taxpayers money. One may question the validity of the assumption that it does. Welfare expenditures are shared by the states and the federal government on a matching basis. Every dollar spent by the state returns \$3 in federal matching funds. Other states who expend more monies in caring for their needy are rewarded with more federal matching money. Texas, restricted by its constitutional ceiling, has found itself unable to take full advantage of the federal matching funds available to it. In addition, taxpayers have had to pay the election costs for 19 welfare amendments in the last 40 years.

The welfare ceiling has deprived the State of Texas of the opportunity to respond quickly and decisively to changes in federal welfare policies. We believe the state legislature and the welfare department must be given the latitude necessary to meet changes in federal regulations in a speedy efficient manner. Let me give an example. On October 30, 1972, President Nixon signed into law a bill that amended the Social Security Act and signaled the beginning of a much-discussed reform of the entire federal system of public welfare.



In the future we can expect to see even more far-reaching changes in the public welfare system. Will Texas, with its antiquated, inflexible constitutional limitation on grants for the needy be ready to meet a recognized federal welfare system? A report to the governor on the 1972 Social Security Amendments already indicates that Article III, Sec. 51a may have to have yet another amendment tacked onto it in order to bring it into compliance with the federal regulations.<sup>1</sup> Once again, we will submit to constitutional amendment what should be accomplished by statutory provision. Are we to continue tacking on new amendments each time a new federal revision is handed down? Or, will we admit that the entire article is poorly designed and must be completely revamped?

In closing, let me point out that the League of Women Voters is not alone in calling for removal of the welfare ceiling. Almost every group who has taken an in-depth look at poverty in Texas has identified the ceiling as one of the major impediments delaying progress toward the goal of alleviating poverty in Texas. This same conclusion was reached by the Texas office of Economic Opportunity, the Senate Interim Committee on Welfare Reform, the Texas Advisory Committee of the U.S. Commission on Civil Rights, and the House Interim Committee on Poverty.<sup>2</sup> In addition to the aforementioned governmental bodies, numerous private and professional organizations have called for removal of the ceiling. It is not only the aged, the blind, the disabled, and the needy children who will benefit, but all of us; for in preserving Texas' most vital resource--its human beings--we all stand to gain.

#### ADDENDUM

Should Commissioners or staff care to refer to cited reports, facts of publication are included below:

<sup>1</sup>Inter-departmental Task Force: Report to the Governor on Social Security Amendments of 1972, January 12, 1973. pp. 63-64.

<sup>2</sup>Texas Office of Economic Opportunity: Poverty in Texas, 1972 pp. II-18, II-19.

Senate Interim Committee on Welfare Reform: Breaking the Poverty Cycle in Texas. 1970 p. 52

U.S. Commission on Civil Rights: Civil Rights in Texas. 'A Report by the Texas State Advisory Committee, 1970.

House Interim Committee on Poverty. Report to the Sixty-third legislative session, Poverty. Time for State Policy. p. 44.



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STATEMENT BEFORE THE GENERAL PROVISIONS COMMITTEE  
OF THE  
CONSTITUTIONAL CONVENTION OF TEXAS  
BY THE  
LEAGUE OF WOMEN VOTERS OF TEXAS  
JANUARY 23, 1974

JAN 29 1974

I am Mrs. Wilfred Higgins, Director of Environmental Quality (Land Use) for the League of Women Voters of Texas. With me in spirit are the 4500 Texas women who are presently League members, and the thousands of former League members who began working for constitutional revision in Texas in 1948. We all share a common concern that the constitution you will draft will be a long-lived document which can continue to serve our state well for many years.

In determining what kind of provision for environmental protection we believe should be included in this constitution, the League has applied the general criteria which we believe essential in such a basic document. We believe that a constitution should speak only to fundamental rights and responsibilities, that it should be flexible in order to respond to future and as yet unanticipated needs, and that statutory detail be eliminated. We further expect a constitution to be written with clarity and brevity.

In presenting our statement on the environmental section to the Constitutional Revision Commission, we asked that an affirmative command to protect the environment be included in the constitution, because we believe it to be a fundamental right of all citizens to live in a healthful environment, and that government has the responsibility of assuring that this right is upheld. Believing strongly that this basic document must be flexible enough to respond to changing needs, the League of Women Voters did not ask for a lengthy section containing many restrictive details, nor do we now. By this we do not mean to imply that our concern with the protection of our environment and our natural resources is not great. We are pioneers in our sixteen-year efforts to protect water resources. We have long been active in efforts to improve air quality. And we have very recently completed the first phase of a state-wide land use study. We understand fully the threats to our environmental well-being. And because of these, it is a great temptation to ask that all of the requests of all environmentalists be included in the constitution, because many of their causes are ours also. However, in order to abide by our own guidelines, we cannot conscientiously do this. We again ask only that an affirmative command to protect the environment be included in this constitution, and that firm commitment to this end be reflected by unmistakably clear and careful wording of this section.

Since it does in large measure meet our requirements, the League of Women Voters has endorsed the wording of Article X Section 10 of the proposed constitution as submitted by the Constitutional Revision Commission. We are not wedded to the wording of this section, however, and would prefer that the right of each person to a clean and healthful environment be clearly stated, and that stronger wording be substituted for the ambiguous "adequate remedies" section. We would feel any wording weakening this section unacceptable.



In other areas touching on environmental concerns, the League was particularly pleased that the commission removed from the proposed constitution provisions affecting conservation, reclamation, and other special districts, since we feel these are properly statutory matters. We urge you to follow the same action.

Although we read of the lack of public interest in the proceedings of this convention, we would remind the delegates that the public, by referendum, has clearly spoken in favor of a new constitution. They look to you, as do we, to set aside all considerations other than those which would contribute to the public good. The League asks that you present to the citizens of this state a constitution containing an environmental section which, like the entire document, adequately serves and protects the public, is free of statutory clutter, fits the needs of our new age, and will continue to be useful to an even newer age. If you do this, be assured that the League of Women Voters of Texas will work untiringly to attain its passage.

Thank you,



*League of Women Voters of Texas*

JAN 28 1974



MRS. DARVIN M. WINICK, PRESIDENT

STATEMENT TO THE LOCAL GOVERNMENT COMMITTEE OF THE CONSTITUTIONAL  
CONVENTION, by Rose Lancaster, January 24, 1974

I am Mrs. Rose Lancaster, speaking in behalf of the Texas League of Women Voters and its 4,000 membership in 40 communities in Texas, to urge adoption of the County Charter provision and the ordinance-making power for counties provision as proposed by the Constitutional Revision Commission.

For twenty years now the League has been advocating a revised and more basic document for Texas state government. This was the result of an overall survey of state government begun in 1948. During these twenty years the membership has selected specific areas to study, reach consensus, and make recommendations.

Our recommendations for local government come out of a study begun 12 years ago in 1962 when the 35 local Leagues then existing did surveys of their own community and county governments and studied the constitutional provisions relating to them.

The state-wide consensus arrived at in 1962 was for "more adequate and realistic powers for cities and-or counties, enabling performance of services without overlapping costs and taxation, and in preference to single-purpose special districts." The consensus also called for, "a flexible governmental structure for counties and municipalities, together with legislative and financial powers adequate to provide local services." I have gone through this background to indicate to you that our positions were reached independently and by local citizens across the state looking at their own local governments.

We have been reassured, as the professional people have made in-depth and comprehensive studies in this area, that our positions are sound. They have provided you with legal and statistical information upon which to base your opinions. These include several studies of the Texas Research League, the Texas Urban Development Commission, The American Assembly, and Goals for Texas, as well as the recent Constitutional Revision Commission report.

We urge you to support these two provisions: the County Charter option provision and the ordinance-making powers for counties provision.

It does not seem realistic that the same form of county government should be cemented in our future years for a county of a few hundred and for a county of 2 million, and for all the other counties in-between. And we see no reason to limit this provision to counties over 25,000 population. People will not adopt "a new thing" without plenty of motivation and debate on the local scene. Let's permit the flexibility and let the people decide the kind of local government structure they want. The alternative combinations could be spelled



# League of Women Voters of Texas

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MRS. DARVIN M. WINICK, PRESIDENT

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out in general law, if necessary.

The other provision, ordinance-making powers for counties, is needed not only to encourage orderly growth and to service the needs of people in urban unincorporated areas, but also to encourage counties to become stronger working partners of state government.

State governments will more than likely become stronger partners in the Federal system in the last quarter of this century. It is apparent that here in Texas our own state government will need to develop more comprehensive plans in environmental protection, land-use, and protection and wise use of our natural resources, such as oil, gas, and water supplies. It just makes sense to give county governments ordinance-making powers to be a strong partner in the enforcement of much state planning; otherwise you will need an army of agents over the state. The coordinating and technical assistance roles could be given to regional organizations that will have been involved in aiding state government in developing the comprehensive plans.

This type of inter-governmental cooperation of all governments is a real necessity and a realistic goal for the immediate future.  
Thank you.



*League of Women Voters of Texas*

MRS. DARVIN M. WINICK, PRESIDENT

JAN 28 1974

## STATEMENT TO THE CONSTITUTIONAL CONVENTION JUDICIARY COMMITTEE

BY

Mrs. John Hunter

January 24, 1974

I am Mrs. John Hunter, Judiciary Chairman of the League of Women Voters of Texas, speaking on behalf of all members of the League of Women Voters in Texas.

Just as essentials of a good constitution are brevity, simplicity and readability, so also are these essentials of a good judiciary article. The present Article V of the state constitution is more of an exercise for lawyers than a plan for the judicial system of a state set out for the people to read and understand. A new article should be written and specific new provisions be included to insure an effective judicial structure for Texas.

As a result of our study League members believe that all courts in the state should be part of a unified and coordinated system controlled by the Supreme Court of Texas; the financial needs of all state courts should be viewed as a whole under a central fiscal policy; and a unified code of procedure and practice should be established for all courts.

A unified court system should provide one Supreme Court which would rule on constitutional questions or on questions of statutory construction and would act to resolve conflicts of divisions of the Court of Appeals. The unified system would have one court of appeals (with as many judges, courtrooms and geographical locations as needed) that handles both civil and criminal cases. We now have 14 courts of civil appeals handling only civil cases and having little relationship to one and other. A unified, simplified court system would have one trial court, again divided into as many courtrooms as necessary, but with the same procedural rules, the same high qualifications for judges, and the same fiscal policies. This would also provide for the free transferring of judges to equalize case loads in various judicial districts. This would not eliminate specialized judges, but facilitate their utilization.

In Texas now we have district courts, specialized district courts, county courts, specialized county courts, over 1,000 justice of the peace courts, and over 1,000 municipal courts. Many of these courts have concurrent powers and overlapping jurisdictions, and each court is independent of the others. Some courts are astoundingly overloaded, while others are not. Some are part-time courts.

In a centrally administered statewide court system, the chief justice, with the local assistance of presiding judges in each judicial district, would bear responsibility for the administration and overall performance of the courts. There should be administrative directors to manage the



# League of Women Voters of Texas

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MRS. DARVIN M. WINICK, PRESIDENT

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non-judicial business of the courts. Administrators would receive reports on all cases in all courts and have a staff to keep up with the current situation and spot serious trouble. They would see that information on dockets was available to judges; oversee the development of statistics for planning by the presiding judge and help keep operations running smoothly. Justice should be uniform throughout the state.

The League of Women Voters of Texas also supports a full-time judiciary whose members qualify to practice law in Texas. In other words, all judges should be licensed to practice law and their positions should be full-time with commensurate pay.

The problems both of unqualified judges and of part-time judges arise mostly in sparsely settled areas where it is difficult to find adequately trained individuals and where there is not enough work to keep them busy full-time. The answer to both problems would be solved, in part, by streamlining the court system and enlarging the jurisdiction to provide a big enough base to attract and support judges with high qualifications.

At present, appeals from justice of the peace courts in all criminal cases, and in civil cases where judgment is for more than \$20, must go to the county courts as trials de novo (new trials), since the justice courts are not courts of record. Many of the cases appealed from these lower courts die due to crowded county dockets, lack of cooperation between city and county officials, lack of prosecution, or lack of evidence due to long delay. In order to eliminate these problems, the League of Women Voters of Texas supports integration of justice of the peace court functions into courts of record. Specifically, League members believe that either justice courts should become courts of record with upgraded status through uniform procedures or their functions should be absorbed into higher or parallel courts of record.

Except for the judges of municipal courts, all judges in Texas are elected by popular partisan ballot. The League supports modification of the present appellate judge system to provide for selection by a combination of commission nomination, executive appointment, and non-competitive and non-partisan election. This system combines the best features of appointment and of control by the people through the election process. It provides for a nominating commission to submit names of qualified candidates for judicial appointments to the governor; gubernatorial appointment of judges from the names submitted; and nonpartisan elections in which the voters cast a yes or no vote on the question of retaining the appointees in office for a full term. Under this system there would be no party label, and no opponents. Failure of an appointee to win approval in any election would create a vacancy, which would be filled by the same nomination-appointment process.

A major draw back to popular elections is the expense involved. Many



# League of Women Voters of Texas

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times a campaign costs as much or more than a judge's salary for two years. Also, the skills necessary for running a successful election campaign have little in common with the needs of the bench and the candidate with a flair for politics has a distinct advantage, while their qualifications are often overlooked. Another drawback is the time spent in campaigning that could be better used for dispensing justice. And, many times election is by an apathetic and poorly informed electorate.

The League of Women Voters of Texas urges this committee to incorporate these provisions in your recommendations for a new judicial article in the New Texas Constitution. Thank you.



JAN 28 1974

## TESTIMONY BEFORE GENERAL PROVISION COMMITTEE

## OF THE CONSTITUTIONAL CONVENTION

January 23, 1974

I am Mrs. Linda Avena, speaking on behalf of over 4000 members of the League of Women Voters of Texas. The Constitutional Revision Commission in revising Texas' Constitution has wisely chosen to eliminate the constitutional limitation on public assistance appropriations, thereby placing responsibility for these appropriations with the governor and the legislature of Texas. The League of Women Voters strongly supports this action. We believe that public assistance appropriations should be treated in the same manner as all other major areas of revenue disbursement. Because of the restrictive provisions of Section 51 of Article III in the present Constitution, public assistance is the only significant area of state finance in which appropriations are determined through the costly process of constitutional amendment.

The constitutional limitation on welfare expenditures has contributed to creating a system of public assistance that falls far short of meeting the most basic needs of Texas' poorest citizens. The hardship of this system has been keenly felt by the aged, disabled and children who receive public assistance. Texas' average grant levels in EACH category of assistance have been among the lowest in the nation. In three categories we ranked among the five lowest-paying states. Most recipients are given only a PERCENTAGE of the amount the STATE determines they must have to live at a bare, minimal



Avena

level. Children on AFDC receive only 75% of what the STATE says they must have for basic necessities of food, clothing and shelter. One can easily understand the plight of the recipient. How does a mother buy 75% of a pair of baby shoes or pay 75% of the cost of a bed for her child?

One could speak at length about the plight of the poor under the current system. Yet it is not recipients alone who have felt the ill-effects of the ceiling, but the State as a whole. The ceiling was designed to save Texas taxpayers money. We question the validity of the assumption that it does. Welfare expenditures are shared by the states and the federal government on a matching basis. Every dollar spent by the State returns three dollars in federal matching funds. Other states who expend more monies in caring for their needy are rewarded with more federal money. Texas, restricted by its constitutional ceiling, has found itself unable to take full advantage of the federal matching funds available to it. For example, if another State such as New Jersey appropriates two dollars for every dollar appropriated in Texas, New Jersey receives six federal dollars, while Texas receives only three. The indirect effect of this is that Texas economy is deprived of the extra spending power generated in other states. Texas' low-income citizens are spending less and therefore returning less money to the State in the form of sales and excise taxes.

The welfare ceiling has been costly in other ways. In the last forty years taxpayers have had to pay the election costs for nineteen welfare amendments.



Avena

Public Assistance grants are predicated on federal regulations over which the State has little control. Changes in these regulations and court decisions frequently result in a need for total or partial reorganization of the State's public assistance program. The constitutional limitations have deprived the State of Texas of the opportunity to respond quickly and decisively to changes in federal welfare policies. We believe the State Legislature and the Welfare Department must be given the latitude necessary to meet changes in federal regulations in a speedy, efficient manner.

Let me cite an example. On October 30, 1972, President Nixon signed into law a bill that amended the Social Security Act and signaled the beginning of a much-discussed reform of the entire federal system of public welfare. Under this law recipients formerly classified in the three adult categories of assistance receive their payments directly from the federal government in unmatched funds. For many recipients the federal payment is substantially less than the payment they received under the old system of categorical matching grants. Provisions within Section 51-a limit legislative appropriations to those programs for which federal matching funds are available. Texas is therefore unable to supplement assistance to the aged, blind, and disabled in order to bring them back to their former level of assistance. Many elderly, disabled Texans have suffered as a result of this Constitutional provision.

In the future we can expect to see even more far-reaching changes in public welfare. Will Texas, with its antiquated, inflexible constitutional welfare provisions be ready to meet a reorganized system? Will we continue tacking on new amendments each time a new federal revision is handed down? Or will we, through a revised Constitution, give the elected representatives of the people control over welfare expenditures?



Avena

Let me point out that the League of Women Voters is not alone in calling for removal of the welfare ceiling. Almost every group who has taken an in-depth look at poverty in Texas has identified the ceiling as one of the major impediments delaying progress toward the goal of alleviating poverty in Texas. The same conclusion was reached by the Texas Office of Economic Opportunity, the Senate Interim Committee on Welfare Reform, The Texas Advisory Committee of the U.S. Commission on Civil Rights, and the House Interim Committee on Poverty.<sup>1</sup>

Welfare assistance to the needy is an issue highly fraught with emotion and misconception. Poor people do not constitute a highly organized lobby with substantial access or understanding of the decision-making process. Historically, the needs of poor people have often been pushed aside in the interest of political expediency. The League of Women Voters urges you not to let this happen as you consider removal of Section 51. It is not only the aged, blind, disabled, and the needy children who will benefit, but all of us, for in preserving Texas' most vital resource--its human beings--we all stand to gain.

#### ADDENDUM

<sup>2</sup>For your convenience a bibliography of cited reports is found below:

Texas Office of Economic Opportunity, Poverty in Texas, 1972, pp. II-11, II-19.

Senate Interim Committee on Welfare Reform, Breaking the Poverty Cycle in Texas, p. 52.

U.S. Commission on Civil Rights, A Report by the Texas State Advisory Committee, Civil Rights in Texas, 1970.

House Interim Committee on Poverty, Report to the Sixty-third Legislative Session, Poverty: Time for State Policy, p. 44.





JAN 28 1974

January 24, 1974

Statement to: FINANCE COMMITTEE, TEXAS CONSTITUTIONAL CONVENTION

From: League of Women Voters of Dallas

By: Mrs. Pearl L. Wincorn, Chairman, Environmental Quality  
Committee.

It was the hope of the League of Women Voters of Dallas that a new constitution for Texas would be a document of constitutional law without any statutory provisions. We believe that a constitution more like our federal Constitution would better serve the long-term interests of Texas.

We are living in a period of rapid change. Only the most basic principles of life and liberty are likely to continue unaltered. The many specific stipulations in the proposed document assure that the article prescribing methods for amending the new constitution may be among the most important you will write.

We have two points to make.

1. The League of Women Voters of Dallas calls your attention to two sections that are already in direct conflict. These are Art. VIII, Sec. 3, on "Highway User Revenues", and Art. X, Sec. 10, on "Environment".

There is no way that "The State and each person shall maintain and improve a clean and healthful environment in Texas for present and future generations..." while the State, at the same time, encourages the building of more and better highways for motorized travel. Obviously, these fine public roadways are intended to accommodate and attract motor vehicle drivers to use them and to pay the fees and fuel taxes that will, in turn, pour funds into the State Highway Fund.

The basic inconsistency here is that motor vehicles, as a class, are the greatest single cause of environmental damage in the United States. In Dallas they are responsible for about 76 percent of our air pollution - a big improvement from the 85 percent of two years ago. Air quality will probably continue to improve -- not because of pollution control devices but because shortages of and higher prices for petroleum-derived fuels, lubricants, and plastics will cut down the numbers of motor vehicles in use.

Those vehicles still travelling will be in violation of Art. X, Sec. 10, but more important, the private motor vehicle will increasingly give way to the use of mass transportation modes of travel. The value of Art. VIII, Sec. 3, may diminish to a point where it becomes a ridiculous appendage in a State Constitution.

2. If political pressures are so great that Sec. 3 of Art. VIII, "Highway User Revenues", must be left in the final version of the



proposed Constitution, we urge that voters be given a choice. One wording would be as at present, limiting all revenues to State highway purposes, the Available School Fund, etc. The alternate proposal would give the legislature power to allocate a portion of such tax revenues for mass transportation purposes, either bus systems or rapid transit systems in any area of the State.

We suspect that by November 1974 the citizens of Texas may welcome the opportunity to choose.

The League of Women Voters of Dallas has been deeply involved for the past two years in a study of the transportation situation in our own area. We know that planning for highways is based on long-range projections and that huge amounts of money are involved. We submit, however, that the times are changing fast and that many of these projections are already drastically in need of revision. In a State the size of Texas we will require more than Amtrak, a few interstate buslines and airlines to carry us between cities. We are also quite aware that cities like Dallas are in need of help if they are to provide adequate mass transportation for their residents.

In conclusion, the League of Women Voters of Dallas urges the Constitutional Convention

1. to omit Art. VIII, Sec. 3, from the State Constitution, leaving such action to the State legislature;
2. but if this is not the will of the Convention, then to modify this Section to provide a method for funding of mass transportation systems; or
3. to provide a choice for the electorate at the polls in November 1974 between the present wording and an alternate wording that includes funding for mass transportation systems.



JAN 28 1974

I am Betty Conner, Constitutional Revision Chairman for the League of Women Voters of Texas. The League for over a quarter of a century has been concerned with the need for revision of our Texas Constitution.

In our present constitution, only one method of amendment is permitted. The Legislature by a two-thirds vote of each house proposes amendments to the voters of the state for their approval. While this method has permitted numerous amendments, since 1876 there have been only two previous efforts at general revision, in 1957 and 1967. Both of these efforts failed to win approval of the Legislature.

The League of Women Voters believe that a constitutional convention, preceded by qualified research, is the most desirable method for general revision and that this method should be provided for in the amendment and revision article. The League favors inclusion of the following specifics in the constitution:

The question of calling a constitutional convention shall be submitted to the voters at least every twenty years. If the calling of a constitutional convention is approved by a majority of the voters, voting thereon, the legislature shall provide by law for; the election of one or more delegates from each legislative district, the number of delegates to be decided by the legislature preceding the convention; the assembling of a preparatory commission, its size and membership to be determined by the legislature; and the appropriation of sufficient funds for the work of the commission and the convention.

Members of the Texas League also support provision in the amendment and revision article of the state constitution for the voters to propose amendments through direct initiative, in the form of a petition signed by qualified voters equal to ten percent of those voting in the last gubernatorial election.

Limitations on both amendment and revision methods have presented obstacles to constitutional change not only in Texas, but many other states. The recommendations of constitution writers in recent years reflect a recognition that the procedure of constitutional change can be as important as substantive alterations in the powers and functions of state governments. As Justice Felix Frankfurter has remarked, "The history of American freedom is, in no small measure, the history of procedure."

For this reason the League believes that methods of convening a constitutional convention would be an important addition to the Amendment article. Over forty states and Puerto Rico have such provisions in their constitutions. One third of these states provide for periodic submission of the convention question if the legislature has not done so within a specified number of years. Twenty years has been the most frequently used time period. This is frequent enough to assure the state of an up-to-date constitution, but not so often as to cause an unnecessary financial burden upon the state.

It is important that the calling of a convention should only have to be approved by a majority of the voters, voting on that particular question. This eliminates the hurdle present



in a number of states where a majority voting in the election is required.

The amendment article, like the rest of a good constitution, should be brief and concise, not cluttered by detail that needs to be changed to meet the changing conditions of our state. Therefore the League believes that the Legislature by statutory law should provide for the number and election of delegates, a preparatory commission, and sufficient funds.

The League of Women Voters strongly advocates a provision in the amendment article for the voter to propose amendments through direct initiative. Approximately twenty-one states have this provision in their constitutions. The principal advantage of constitutional initiative is its availability as a popular weapon to counter legislative bodies or strong lobby groups that oppose constitutional change. People can propose changes without being dependent upon existing governmental bodies. Besides providing a method of overcoming legislative inertia and political divisions, it serves as a device for public education and stimulation of popular interest in important issues. We are still a government "of the people, by the people, and for the people," and it is extremely important that the voters have a method where they may take direct action. Experience of other states having this provision show that the use of initiative has not been frequent or been abused if the legislature is responsive to the needs of the people. The majority of states that allow constitutional initiative require petitions signed by qualified voters equal to eight to ten percent of those voting in the last gubernatorial election. The League recommends a figure of ten percent. While this means many thousands of signatures on a petition, it would also mean that the issue raised is truly of concern on a state wide basis. Some states have set a criteria in either constitutional or statutory law for the distribution of signatures on the petition, such as: Massachusetts which requires that not more than one-fourth of the certified signatures be from any one county, or Ohio which requires at least 5 percent of the qualified voters in each of one-half of the counties of the state. Other requirements are listed in the constitutions of these states having initiative, but could just as easily be left to the discretion of the legislature and become statutory law.



JAN 24 1974

# League of Women Voters of Texas



*Vote - Grace has about  
30 of these if you & Betty  
think they are O.K. to  
distribute - as if you  
wish to amend them  
just let Grace know.  
Sang about the road  
on the statement!*

MRS. DARVIN M. WINICK, PRESIDENT

## AMPLIFICATION OF LWVT POSITIONS PRESENTED TO THE FINANCE COMMITTEE OF THE CONSTITUTIONAL CONVENTION REGARDING ARTICLE VIII, SECTION 3 OF THE CRC REVISION

January 23rd, 1974

Meg Titus, Director, Air and Water, LWVT

In the text of the statement to the Finance Committee of Con Con, which all of you probably have received by now, I attempted to take them through the steps of our study process to explain how we arrived at a position supporting either, 1, removal of Section 3 of Article VIII (which is probably not possible, in view of the political realities of the day, but would be the "ideal" option for us to support), or, 2, the rewarding of Section 3 to allow for allocation of a portion of the dedicated gasoline revenues for mass transit funding.

And Now Action (p. 2) which lists our principles for a good constitution, states that we will use these eleven principles in the evaluation of any proposed constitution. Principle #6, "a coordinated finance structure capable of flexibility" seems to speak to this matter of the Highway Trust Fund. It seems in review of our principles and positions that we would consider it a matter for statutory not constitutional concern. We think, therefore, that League can support either removal or rewarding (depending, of course, on our evaluation of the final and actual wording which emerges from these committee hearings and is presented to the convention).

This stated position does not, we think, preempt the consensus now being taken on financing state government as neither the formal statement, nor the answers to any questions the committee may ask, will say what we do or do not support relative to state financing. I will merely state that our positions are not yet in from our study, but we can support either removal or revamping of Section 3 on the basis of our principle of flexibility.

Our position can also be supported on the basis of the LWVUS positions on Human Resources and Environmental Quality as developed in the December 13, 1972 memorandum "Guidelines for action on transportation under national HR and EQ positions". This presents a six-point position which has been used frequently by LWVT and was used by LWVUS in testimony before the Senate Public Works Subcommittee on Roads in June, 1972 (and several times since) in an attempt to amend the Federal-Aid Highway Act of 1972 which would have permitted Highway Trust Funds to be used for public transportation if localities so desired.

These guidelines state (page 3) under "Action at state, regional, or local level" that "Leagues can now take action with appropriate governing bodies, legislative or executive, below the national level in line with the six-point position listed above." This same guideline paragraph also states, "If a local League or an ILO wishes to act at the state level, such action should be cleared with the state board." Both the Houston and Dallas Leagues have local positions on mass transportation and are speaking to this committee on the same issue after having cleared their statements with state board.

Still another mandate for action in this instance seems to come from our air quality positions which have been developed under the umbrella of our EQ position



as stated in And New Action, p. 7,..."Evaluation of measures to achieve and maintain a physical environment beneficial to life."

Additionally, I have found in reading some of the local League Veterans some committee background material which has been used in preparing for the "Financing State Government" study some comments, (Example: Fort Worth Voter, January, 1974) in which these alternatives in the handling of the highway-user revenues have been mentioned for consideration during the study. This indicates to me that there is membership concern about the Highway Trust Fund and its present financial structure.

And finally, our brand new state consensus which was adopted at the January state board meeting begins with, "The League of Women Veterans of Texas supports a comprehensive state land use policy which would provide for the orderly development of the state in a manner which assures adequate protection of the environment, improvement of the quality of life, and wise use of our natural resources." This too seems supportive of our action in this matter, and may be the first opportunity for action under our new land-use consensus positions.

One more non-League point should be made in connection with Section 3 of Article VIII. Separate Statements of Commission Members published in December following the CRC drafting of the proposed constitution, contains a number of comments about the finance article. Statement 3 proposes a specific substitution for the Section 3 adopted. See page 33 and 34 to read the full text of this alternative statement. This was submitted by Ralph Yarborough and signed by eleven other commission members which include Mary Beth Brient and Janice May. In listing their reasons for suggesting a substitute section which would seem to allow for the kind of flexibility we are asking for, they give the following reasons:

"The Commission proposal to dedicate three-fourths of the motor fuels tax revenues to state highways and one-fourth to education was passed by a vote of seventeen to fifteen, with four of the five remaining members who were absent for that vote, having previously opposed the motion. Thus, only by a fortuity of circumstances was this proposal, favored by only a minority of the Commission, adopted."

If any of you have comments or questions, or additional points to make relevant to the position we have adopted, please write me.

Meg Titus  
Box 116C, Route 2  
Parker Road  
Plano, Texas 75074



JUN 13 1973

Statement of the League of Women Voters of the Bay Area and of Houston  
before the Texas Constitutional Revision Commission, Rice Hotel,  
Houston, May 25, 1973

Members of the Texas Constitutional Revision Commission, I am Mrs. Peter Gram, representing two Leagues in this area, the League of Women Voters of the Bay Area, and of Houston. We commend you for your diligent efforts to listen to citizens throughout Texas as you begin the arduous task of revising our Texas Constitution. Some explanation of the desirability for and the effect that such constitutional language can have may be of value to members of this commission. Since much constitutional revision activity centers around making a constitution more concise and fundamental, this means that we consider environmental quality to be of such fundamental character that it merits constitutional treatment.

In recent years, a number of states have adopted new or revised constitutions. Typically these contain conservation or other articles that deal with environmental quality. I do not mean to imply that these provisions are new in concept for these are ancient rights with origins that can be traced back to the Magna Carta. It is the basic nature of these rights that has been recognized by states when they are included in a constitution. This has been done in Florida, Illinois, Michigan, New York, Rhode Island, Virginia, Hawaii and most recently in Pennsylvania and New Mexico. These are states that have been confronted with severe environmental problems of various kinds, from the loss of coastal wetlands, rights of fishery and access to the shore to air pollution and abdication of control over public land and other natural resources. Texas resembles these states in many of these respects. We who live in the Houston-Galveston area are keenly aware of the conflicts that arise when governmental bodies attempt to reconcile with a healthful environment the problems of urbanization. The growth we expect in this region will aggravate present problems that are environmental in nature. Presently, many different agencies must attempt to regulate different aspects of the environment. Policy differs from agency to agency and at various levels within an agency. Elected officials, agency staff, industry and we citizens will find it easier to deal with these problems if certain fundamental rights and public policy are clearly defined in our constitution. How other states have attempted to do this can be studied by a review of their environmental provisions.

I have distributed some examples of environmental provisions of some state constitutions. Typically they begin with a statement of public policy and have language that directs the legislature to enact environmental legislation. For example, Illinois' constitution states, "The public policy of the state and the duty of each person is to provide and maintain a healthful environment for the benefit of this and future generations. The General Assembly shall provide by law for the implementation and enforcement of this public policy". Michigan's constitution states that the legislature "shall provide for the protection of the air, water and other natural resources of the state from pollution, impairment and destruction". The mandatory "shall" is used rather than the permissive "may". States such as Pennsylvania have defined the public trust by declaring, "Pennsylvania's public natural resources are the common property of all the people, including generations yet to come". Illinois' constitution goes a step farther by declaring the environmental right to be an individual right. This avoids the possibility that only the Attorney General has the right to sue a polluter.

The League of Women Voters of the Bay Area and of Houston urge the inclusion in our constitution of an environmental provision that contains three points:

1. A general policy statement of the state
2. The placing of an affirmative duty on all agencies of government to carry out this policy
3. Enforces this policy by giving the individual the right to sue.



Statement of the LWV of the Bay Area and of Houston

A provision that contains these three points could be one that incorporates parts of the three examples you have before you. Point 1 would be met by using New Mexico's amendment leaving out the word "state" so as to avoid any possibility that the word is restrictive and applies only to state properties. Point 2 could come from Pennsylvania's last two sentences leaving out the word "public" for similar reasons that we leave out "state". Point 3 would be met if we use most of Section 2 in Illinois' Article XI leaving off the last phrase that follows "legal proceedings". This last phrase seems unnecessary since this is the duty of the legislature anyway. The provision would then read as follows:

Section 1. The protection of Texas' beautiful and healthful environment is hereby declared to be of fundamental importance to the public interest, health, safety and general welfare.

Section 2. Texas' natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the state shall conserve and maintain them for the benefit of all the people.

Section 3. Each person has the right to a healthful environment. Each person may enforce this right against any party, governmental or private, through appropriate legal proceedings.

If this material is present in the constitution, it can become a standard for administrative conduct and even judicial review. It places environmental concerns on a par with the other concerns of government, thereby granting the environment its proper consideration in the decision making process. Therefore, we support a constitutional statement of public policy which serves to bind governmental agencies and officials, as well as courts and give meaning and substance to our state's public trust in its air, land, water and other natural resources.

Thank you.



TCR

JUN 11 1973

Testimony before the Constitutional Revision Commission prepared by the Beaumont League of Women Voters and the South Jefferson County League of Women Voters. Beaumont, Texas. June 15, 1973

Members of the Commission, distinguished guests, members of the press, ladies and gentlemen. I am Jo Ann Stiles, representing the Beaumont League of Women Voters and the South Jefferson County League of Women Voters, two of the 43 local leagues across the State of Texas. Because of our organization's long-standing interest in an aware and responsive electorate, good government for Texas, and particularly constitutional revision, we appreciate this opportunity to present our views on what we consider one of the most important questions before you . . . that of the structure of local government and of the state-local relationship so haphazardly established by our present Constitution.

Even though our 1876 Constitution with its 765 word sentences leaves much to be desired, there are some provisions for local government that are good and should be maintained. The most important of these is the excellent provision for municipal home rule, one of the best in the United States. We have been quite pleased with that provision here in Beaumont, because it has allowed us to establish a form of city government adapted to our present needs, as well as the flexibility to plan for the future of our city. Another desirable aspect of it is the amount of citizen responsibility and involvement in government that it demands.

Our Leagues are also strongly interested in constitutional provisions that will allow us to retain our long-range planning agency, the Southeast Texas Regional Planning Commission. Both municipal home rule and regional planning organizations are examples of flexibility that allow county and local government to operate more efficiently, and we strongly urge the retention of both.

The changes we would like to see for local government center on this principle of flexibility vital to the efficient operation of our Golden Triangle area governments. First, we seek options for the structure of county government similar to the options now available to municipalities in Texas. We support a constitutional provision broad enough to allow county home rule, consolidation of county and city government functions if desired by the resident voters. We realize that Texas cities and counties are particularly unlikely to exercise the last option for the consolidation of counties at any time in the near future, but we would like to see a document flexible enough to allow changes if and when the citizens desire it. With a choice available on the structure of county government, we would finally get away from the restrictive constitutional provisions that now force Jefferson County with its 244,773 people - the seventh largest county in Texas - to operate with the same governmental structure as the smallest West Texas counties.

Our organizations are also concerned about the present provisions that allow county government only those functions specifically given it by a 97-year-old Constitution. Because our area and our lives are changing so rapidly, we would much prefer a positive grant of authority similar to that now enjoyed by municipal government. County governments should have the authority to act in all areas not specifically prohibited by Constitutional provision and acts of the Legislature, as interpreted by the courts.



Political considerations will certainly be necessary in the writing and passage of our new constitution. We realize that a broad fundamental provision on the nature of county government could be controversial; however, the cornerstone of the measure is the local voter. The new Constitution should guarantee that none of these changes be made unless authorized by a majority of the voters. The concern expressed that power will slip away from the people with constitutional revision can be allayed, because this provision should mean much additional power for the voters over local government.

For the sake of immediate efficiency and tax-savings, of citizen participation, and of long-range planning, we feel that county home rule is not a luxury item, but a necessity. We urge its inclusion.

Another restriction on county government that in our opinion has caused a particular problem in Jefferson County is the severe constitutional limitation on county taxing power. The only fair and productive tax practical on the local level is the property tax, and county use of that tax is now severely limited. One result of this limitation is the proliferation of special districts to handle problems that the county does not have the funds to meet; for example: mosquito control districts hospital districts, etc. We feel these problems should often be handled by departments of existing governments. In the mid-1960's, 7 of 10 governmental units in Texas were special districts, and most of these districts are quite remote from the individual voter. It is our position that the closer the government is to the voter, the more responsive it will be. Instead of a continued proliferation of these districts, we sincerely urge you to recommend more flexibility in the county's taxing power, so these services can be provided or controlled by office holders answerable to the voters of Jefferson County.

A second reason we are concerned about the present limited county taxing power is that the limitation often means that county responsibilities are not met at all. Medical care for indigents in Jefferson County is a case in point. Instead of creating a new special hospital district to get the tax money, more flexibility in the county taxing power would allow us to meet a very real need in our area if the voters approve the service. At present we are privileged to read about the baby born on the Galveston ferry or (until last spring) about an OEO bus that broke down regularly on its trips to John Sealy with indigent patients from our county.

When dealing with the structure of county government, I once again urge you to recommend establishing county home rule and increasing the flexibility of the county tax structure. We also feel it essential that we retain the flexibility now embodied in municipal home rule and regional planning.

Obviously, our present county problems are affected by (and often were created by) the desire of the authors of the 1876 Constitution to limit the state government's scope of authority. Local problems cannot be divorced from state problems, but a Constitution written as a statement of fundamental law would go a long way toward creating a more efficient government on both levels in Texas. Our organizations urge you to incorporate a fundamental and flexible statement on the form of county government in your recommendations.

Thank you for your time and attention, and we of the League of Women Voters commiserate with you. We have been tackling the Constitution for twenty years, and it hasn't hit the ground yet. We would appreciate your careful consideration of our views. Thank you.



JUN 6 1973

STATEMENT TO THE CONSTITUTIONAL REVISION COMMISSION, JUNE 6, 1973

In the immediate vicinity of Corpus Christi we are blessed with a multitude of unique geographical assets. First, we have the barrier islands, so called because they afford a buffer zone for the mainland during the hurricane season; secondly, the islands provide a beautiful continuous strip of beaches, declared public domain by the Open Beach Act of 1961. Next, we have a deep water port; the Nueces River delta and the shallow bays and submerged lands which comprize our estuarine system.

All of these assets require constant surveillance, due to the conflict of interest between citizens with individual ideas of progress or enhancement. To stress the importance, for example, of our estuaries, Dr. Thomas Odum, formerly with the U of T Marine Science Institute at Port Aransas found that...in value of food produced..one acre of estuary

is                   20 times more productive than an acre of open sea  
                      7 times more productive than an acre of alfalfa  
                      2 times more productive than an acre of corn

And all this food production is accomplished without the aid of man.

Two statistics also of interest here are that 2/3 of the ocean catch depends upon estuaries at some stage in its life cycle, and 90% of our Gulf catch depends at some stage on estuaries.

This information is presented today because of the complexities of who is in charge of preservation of our environment. At the present time we must look to: The State Land Office, Texas Water Quality Board, Railroad Commission, Park and Wildlife Dept., Texas Air Control Board, and other agencies of a local or federal nature.

This combination of agencies, plus the cumbersome process of the chain of command within each of them is a barrier to all citizens. The Corpus Christi League of Women Voters urges this Commission to support the establishment of an Environmental Quality Office in our state constitution with an emphasis on and provisions for citizen action as a policy of that agency.

MRS. DWAIN HARRIS, PRESIDENT, CCLWV



TESTIMONY BEFORE THE TEXAS CONSTITUTIONAL REVISION COMMISSION

MAY 4 1973

El Paso League of Women Voters

April 27, 1973

Ladies and Gentlemen:

Seldom has Texas faced such urgent demands for solution of difficult problems, or had such challenging opportunities for constructive action. Competent governments are a vital necessity under present circumstances.

After completing a survey of Texas government in 1954, the League reached consensus supporting general revision of the constitution, to be preceded by thorough review and adequate research. League members agree that the research should be an official research program authorized by the legislature. In order to achieve its goals of constitutional review and revision, the League began working to build public opinion for revision, to secure research in state government, and to generate support for a constitutional commission to conduct the research. The League set itself the task of formulating a set of constitutional principles to use as yardsticks in judging a state constitution.

Following the consensus reports of local Leagues to the state board in January 1958, nine principles were adopted at the state convention in March 1958. A tenth principle was adopted by the presidents council in 1959, and an eleventh, a bill of rights, was added in 1971 by the state board, feeling that it had been implied in previous consensus statements.

These eleven principles for a good constitution are not positions but criteria to use in assessing the need for revision of an existing constitution or in evaluating the merits of a proposed constitution. They are:

- a bill of rights
- a framework of basic law
- a clear separation of powers with responsibility  
definitely assigned
- qualifications for voter eligibility and guarantees  
of fair elections
- provisions for justice with a minimum of delay
- a coordinated finance structure capable of  
flexibility



LWV El Paso, Texas

maximum home rule for municipal and county  
government with coordination of  
overlapping functions  
provisions for support of public education  
provisions for support of public health  
and welfare services  
provisions for amendment and revision  
basic policies regarding state employee selection,  
retention and promotion

While the League gave all-out support to the passage of The Amendment to Revise the Texas Constitution, support of the constitution that follows, depends on whether or not it can meet League criteria.

Ideally, most experts agree, the Constitution should provide to local governments a broad grant of power that will promote initiative and responsibility so these units may deal with their own problems. It should not bar - in fact, it should encourage - intergovernmental cooperation for problems individual units cannot solve alone.

OUR STATE-LOCAL RELATIONS position is:

Support of more flexibility and adequate powers at the local level; comprehensive regional and state planning, including regional planning councils.

Recognizing that local government in Texas continues to have an important role to play in the overall governmental structure, the League of Women Voters supports measures to provide adequate and realistic powers for cities and/or counties enabling performance of services without overlapping costs and taxation, in preference to single-purpose districts.

A rapidly changing age requires flexibility, so the League of Women Voters believes that counties and municipalities need a flexible governmental structure, together with legislative and financial powers adequate to provide local services. Regardless of the governmental form, local



LWV El Paso, Texas

responsibility and participation can best be assured if the people have a broad range of discretion in determining the form of government that is in their best interest. County residents should have several options in choosing a form of government that suits their needs and preferences--including the merger of neighboring counties, optional charters for administrative reorganization, and county home rule including provision for city-county consolidation if desired by the people in the county.

Comprehensive regional and state planning is supported by the League of Women Voters. All that a state constitution need do is permit local governments to combine their efforts to meet regional problems and give them the power to create regional authorities. The Inter-governmental Relations article in the Model State Constitution of the National Municipal League is quite succinct:

Intergovernmental Cooperation. Nothing in this constitution shall be construed: (1) To prohibit the cooperation of the government of this state with other governments, or (2) the cooperation of the government of any county, city or other civil division with any one or more other governments in the administration of their functions and powers, or, (3) the consolidation of existing civil divisions of the state. Any county, city or other civil division may agree, except as limited by general law, to share the costs and responsibilities of functions and services with any one or more other governments.

Constitutional provisions on state-local relations that are heavily detailed, overly specific, or unduly restrictive prevent the flexibility needed to meet the unprecedented demands of urban life. Therefore, major sections should be removed from the Texas Constitution, including those establishing specific special districts, limiting the taxing powers of local governments, specifying the method of election and term of office



LWW El Paso, Texas

for local officials, and prescribing the form of county government.

Statutory Provisions

The Model Constitution of the National Municipal League mandates the existence of only counties and cities; flexibility is preserved by not specifying other forms of local governments, such as towns, villages, special districts, etc., although the legislature is left free to create them as it sees fit.

The League urges greater accountability to and regulation by the state of single-purpose special districts. Special districts should be made accountable to some level of general-purpose government.

Recognizing the importance of coordination between the state government and the regional councils, the League believes that state government should provide financial and technical assistance to regional councils. If RPCs are to assume broad regional responsibilities, state help will be needed.

We would also like to address ourselves specifically to the question of Texas Judicial Reform.

In the Texas Court system the numerous trial courts have concurrent powers and over-lapping jurisdiction, and each court is independent of the others. As a result there is duplication of effort and wasting of time and money. The system does not provide prompt, economical, and equal justice for all.

The League of Women Voters is in support of an effective judicial structure for Texas.

The League of Women Voters supports a single system of centrally administered statewide courts with a uniform fiscal policy. This means that all courts in the state should be part of a single unified and co-



ordinated system. The financial needs of all state courts should be viewed as a whole under a central fiscal policy. Administrative directors under the supervision of the Supreme Court should manage the non-judicial business of the courts.

League members believe that there should be a uniform code of criminal and civil procedure formulated by the Supreme Court with legislative approval.

This means that administrative responsibility for the entire Texas court system should rest with the Supreme Court; that there should be a uniform code of procedure and practice for all courts; and that the Supreme Court and the legislature should have responsibility for establishing the code of procedure.

The League also supports a full-time judiciary whose members qualify to practice law in Texas. In other words, all judges should be licensed to practice law and their positions should be full-time ones with commensurate pay.

The League would like to see assignment of judges according to special training and docket needs. At present, only limited transfer of judges to help relieve crowded dockets is possible, and such transfer is usually voluntary. A complicating factor is that a judge is elected for a specific court by the voters of the area served by the court. Consequently, under present law, the only recourse in reducing the judicial backlog in a district is for the legislature to add a judge by adding a new court. The League believes that all judges should be assigned according to special training and docket needs and that all judges should be freely transferable at the direction of the Supreme Court.



At present, appeals from justice of the peace courts in all criminal cases, and in civil cases where judgment is for more than \$20, must go to the county courts as trials de novo (new trials), since the justice courts are not courts of record. The lack of record-keeping and the unprofessional court atmosphere in the justice (and municipal) courts have bred a disrespect for trials. Many of the cases appealed from these lower courts die due to crowded county dockets, lack of cooperation between city and county officials, lack of prosecution, or lack of evidence due to long delay. In order to eliminate these problems, the League of Women Voters supports integration of justice of the peace court functions into courts of record. Specifically, League members believe that either justice courts should become courts of record with upgraded status through uniform procedures or their functions should be absorbed into higher or parallel courts of record.

The League supports modification of the present appellate judge system to provide for selection by a combination of commission nomination, executive appointment, and noncompetitive and nonpartisan election. This system combines the best features of appointment and of control by the people through the election process. It provides for: a nominating commission to submit names of qualified candidates for judicial appointments to the governor; gubernatorial appointment of judges from the names submitted; and nonpartisan elections in which the voters cast a yes or no vote on the question of retaining the appointees in office for a full term. Under this system there would be no party label, and no opponents. Failure of an appointee to win approval in any election would create a vacancy,



which would be filled by the same nomination-appointment process. Two main drawbacks to the present method of direct election of judges are the time expended in campaigning, if the judge has an opponent, that could be better spent in dispensing justice, and voter apathy toward judgeship races.

The League also favors compulsory retirement and effective removal procedures for appellate judges. At present there is a bewildering collection of removal powers scattered throughout the constitution. Article XV, the impeachment article, provides for removal of appellate and district court judges through impeachment or address. Impeachment involves trial by the Senate upon prosecution by the House of Representatives, with a two-thirds vote of the senators present required for conviction. Address requires the removal of a judge by the governor upon request of two-thirds of both houses. Neither impeachment nor address has ever been used against a judge in Texas.

The League feels that establishment of a nomination- appointment-election system for appellate judgeships, in conjunction with mandatory retirement and effective procedures for removing judges who fail to measure up to required standards, will fully protect the independence of the judiciary, while at the same time assuring the public of the service of capable, efficient, and conscientious judges.

The judiciary article proposed by Chief Justice Calvert's Task Force for Court Improvement embodies a number of League recommendations. The first section reads:

The judicial power of the state is vested in a unified judicial system composed of a Supreme Court, courts of appeals, district courts, county courts at law, and no others. All courts herein created shall be courts of record and shall have jurisdiction as provided by law. Jurisdiction of courts of the same level shall be uniform throughout the state.



The Chief Justice is to supervise the administration of all courts through a system of presiding judges and court administrators. Under rules of administration approved by the Supreme Court, the Chief Justice is empowered to transfer cases between courts of the same level and assign any qualified lawyer or judge to temporary duty on any court.

In the proposed new judiciary article, all judges are required to be lawyers but are prohibited from practicing law while in office. All judicial salaries are to be paid by the state. All judges are selected by nonpartisan election. However, the Chief Justice's Task Force is also proposing a merit system for selecting appellate judges, which it recommends be presented to the voters as a separate constitutional amendment. The proposal retains the present Judicial Qualifications Commission and all major provisions of the present judicial retirement, removal, and censure system, including mandatory retirement of judges at age 75.

To quote from an address by Governor Daniel J. Evans - Washington State. "State governments are unquestionably on trial today - If we are not willing to pay the price, if we cannot change when change is clearly required, then we have only one recourse and that is to prepare for an orderly transfer of our remaining responsibilities to the federal government." Thank you.

END



STATEMENT TO THE TEXAS CONSTITUTIONAL REVISION COMMISSION, APRIL 30 1973  
1973, LUBBOCK, TEXAS

I am Louise Cummins, President of the Lubbock League of Women Voters. Thank you for the opportunity to speak to you today. The League is cognizant of the fact that if constitutional revision is to succeed as many people as possible should be involved in the revision process from its commencement to its conclusion and we commend the commission for taking the time to travel around the state and listen to the citizenry.

For nearly twenty years the League of Women Voters of Texas has been involved in a continuing study of the state constitution and we developed some criteria which we believe are necessary in a good state constitution. The document should include a bill of rights, a framework of basic law; a clear separation of powers with responsibility definitely assigned; qualifications for voter eligibility and guarantees of fair elections; and provision for justice with a minimum of delay. Further it should include a coordinated finance structure capable of flexibility; and maximum home rule for municipal and county governments, with coordination of overlapping functions. Other articles should make provision for support of public education, support of public health and welfare services, and provisions for amendment revision. Lastly it should contain basic policies regarding state employee selection, retention, and promotion.

This morning I, along with three other representatives of the League, would like to speak specifically to some of these principles.

I will begin with the principle of a clear separation of powers with responsibility definitely assigned, as it relates to the executive department. After a careful study the League concluded that in a modern state government the executive branch must be strengthened and we support the following specific measures:

Election of the governor, lieutenant governor, and attorney general to four year terms with a provision to limit the governor to two terms, which may or may not be successive. It is our position that the governor and the lieutenant governor should run as a team. We further recommend that gubernatorial elections be held in nonpresidential election years to avoid competition with the national elections for the attention of the voters. Succession to the office of the governor should be provided for in the constitution. With only three officers being elected we favor giving the governor power to appoint the secretary of state, comptroller of public accounts, treasurer, commissioner of agriculture, and commission of the General Land office with Senate approval. The governor would then have a cabinet over which he would have firm control and by which he could plan and coordinate administrative programs. To further strengthen the governor's office we recommend that he have the power to remove appointive officers of the executive department and appointees to boards and commissions. Turning to matters of money, we recommend that the governor's budget be the only budget presented to the legislature. I have mentioned state boards and commissions relative to the governor's power of removal but we would also support the reorganization of state boards and commissions along functional lines by grouping them in areas of responsibility. However, the creation of boards and commissions would be best if left to the legislature and need not be constitutionally defined.



I am Alison Davidow, member of the League of Women Voters of Lubbock, and I would like to speak briefly in support of the League principle that the powers and responsibilities of the various branches of government should be definitely assigned. To the Legislature is given the task of writing the laws of the state but the constitution prevents it from acting effectively. Clear examples of this limitation on effectiveness can be found in Article III of the present constitution, loosely called the Legislative Article. This article is filled with instructions, admonitions, and prohibitions placed on the Legislature along with quite a few other things that have nothing to do with the Legislature at all. The League of Women Voters hopes that a great deal of this statutory law will be eliminated when the new constitution is drafted. As far as constitutional recommendations are concerned, we have two specific ones. The first is the requirement that the legislature meet annually. The State of Texas is too big and the job of governing too complex to save legislation for 140 days every two years. One of two things happens every legislative session: bills are rushed through without proper research and consideration with sometimes embarrassing results or bills aren't passed at all. Then it is up to the Governor to call a special session, which is limited constitutionally to consideration of his special subject but, in reality, can and does include everything. This situation is particularly painful for the High Plains area. Because of our relatively small population, it is easier to get out of touch with our state government way down in Austin. This alienation breeds mistrust of the government and the rest of the state. We need a continuous legislative effort with continuous information for the citizen and continuous feedback from him to the capitol. Annual sessions would partly solve this problem.

A point that we would like to see eliminated from the new constitution is a specific salary figure. The sum of \$4,800 per year is demeaning to the legislators. In these days, it certainly doesn't go very far and it implies that either we don't think that our legislators are worth very much or that we expect them to make up the salary deficit with other pocket-lining activities. Eliminating a salary figure would also eliminate a great number of attempted constitutional amendments, which are constantly turned down, beginning the cycle all over again. Let's leave the whole thing out, depending instead on a commission or constitutional provisions for delayed salary increases. In these ways, we believe that we could improve on the quality and efficiency of the Legislature.

In the area of the Texas judiciary, the League of Women Voters firmly backs the principle of justice with a minimum of delay. And a minimum of delay should mean the same thing in Lubbock as it does in Houston or Dallas. We think that this can come about in a variety of ways. The first and perhaps most obvious way is the unification of the court system of the state. This unification would be under the direct control of the Supreme Court. This Court would have responsibility for the budget of all the courts created by the Constitution as well as the assignment of various judges according to needs of the docket and the qualifications of the judges involved.

Another League position that we would like to see in the new constitution is the requirement that all judges be qualified attorneys. We would also like to see that all courts become courts of record. The justice of the peace courts fail on both counts. Right now there is quite a bit of discussion about these "people's courts." There are no arguments, however, for "people's hospitals," or "people's schools." The law is a speciality and it should be practiced by specialists. It affects all of us every day of our lives yet the present constitution is willing to put the court most likely to be encountered by the man on the street into the hands of laymen. The State of Texas owes the best possible law equally to the man with the small claim and to the man accused of the worst criminal offense. We believe that the new constitution should point that out.



I am Mrs. Judson Maynard, second vice-president of the League of Women Voters of Lubbock, Texas. I speak on behalf of the League and as a private citizen in urging the Constitutional Commission to consider the removal of the welfare ceiling from the constitution. Specifically, I speak of sections 51 and 51-A of Article III which should be excluded from any new constitution. Sec. 51 prohibits the grant of public money to any individual, group of individuals, municipal or other corporations, except where provided. Sec. 51-A sets forth an exception allowing grants for welfare and medical care in order to receive matching federal grants. It also sets the limitation of \$80 million on assistance payments during any fiscal year. Sec. 51 falls under that category of sections encompassing special limitations. Perhaps it was written as a reaction against graft and corruption; at any rate, there are ways of combating graft and corruption other than denying the legislature the power of making grants. Today, one method of stimulating local governments to make needed improvements in many areas is to give them matching grants. If the state of Texas is to assume a leadership role vis-a-vis its local governments, then a section such as Sec. 51 should not be included in a new constitution. Sec. 51-A also should be deleted. Its provisions are more statutory than constitutional. Even as statutory law, some provisions of this section would need changing to make it current with the situation that now exists following the passage of the 1972 Social Security Amendments.

All of us who are concerned with the welfare situation in our state realize that state officials are waiting to see what sort of legislation will emerge from the U.S. Congress. Even though cash payments to the three adult categories will be federalized commencing January 1, 1974, many policy questions about supportive services to these recipients will remain to be decided. Nevertheless, although the legislative welfare picture is somewhat clouded the real picture of poverty is becoming increasingly more clear and more acute. It is to be hoped that the members of the Commission as well as all legislators will familiarize themselves with the 1972 report on "Poverty in Texas", prepared by the Texas Office of Economic Opportunity. This report indicates that for many children, elderly persons and members of minority ethnic groups, life in Texas is not a pleasant existence. As a member of the board of our local Community Action Agency, I can verify the findings of this study in our own city. In summary, it would seem that we must stimulate new ideas and approaches toward solving the problems of the poor in Texas. One excellent starting point would be the writing of a new state constitution which recognizes the needs of the present day and would therefore feature the removal of the constitutional limit on public welfare assistance payments.



STATEMENT TO THE TEXAS CONSTITUTIONAL REVISION COMMISSION, April 26, 1973, Lubbock, Texas

I am Betty Anderson, program vice-president of the League of Women Voters of Texas. I would like to discuss the constitutional changes needed for more responsive county government. The provisions for county government in the Texas Constitution were designed to meet the simpler needs of earlier times, but they are poorly suited to cope with new burdens imposed on county government by urbanization and the complex conditions of modern life.

A 1967 League publication, The Urban Challenge, states, "Demands upon governments vary from locale to locale, depending upon attitudes, tastes, geography, population density, resources, and economic make-up. But all communities need some kind of facilities for transportation, water supply, waste disposal, health, education, recreation, and welfare. As more and more people live together in a given area, more and better services are required to help these people live, work, communicate, learn, and play within this area."

However, county governments have been hard pressed to meet these challenges for various reasons (many of them, constitutional, in nature. About eight years ago Jerry Hall wrote a five-part series in the Lubbock Avalanche-Journal about Apathy County, Texas. He characterizes our present county system as:

- a) outdated
- b) inefficient
- c) lacking self-autonomy to be responsible to voters of the county
- d) lacking proper state supervision to make it a responsible agent of the state, and
- e) lacking central authority.

During our study of county government during the 1960's, we came to similar conclusions. The elected county commissioners court has no control over the elected county officials, except their budgets. There is considerable room for buck-passing among county officials, and it is argued that the long ballot confuses the average voter. The lack of cohesion in our present county government organization is evident. In order to have "workable" local government, the League supports flexibility and adequate powers for county government.

The state constitution spells out more than 125 provisions relating specifically to county government, yet counties still do not have the authority necessary to function adequately in modern-day Texas. Consequently, over 1600 special districts have sprung up throughout the state. Lubbock has three such special taxing districts: two water districts (the High Plains Underground Water Conservation District the Lubbock County Water Control and Improvement District Number 1), and the Lubbock County Hospital District. The indiscriminate creation of special districts has complicated the process of governmental coordination, precluded effective citizen control and participation, and added substantially to the overall cost of government.

One approach allowing county government more flexibility is county home rule. County home rule means that a county would be permitted to write a charter for that particular county just as home rule cities in Texas write charters for their cities. This enables a county to write a charter tailored to its needs. The charter would be submitted to the county voters for approval.

The "system" is the biggest obstacle to responsive county government, so we urge you to provide meaningful changes in the county system.



LWV of Texas  
April 1973  
(1 copy to president  
1 copy to TCR Chm.)  
state DPM

To: Local League Presidents & TCR Chairmen  
From: Mrs. Betty Conner  
Re: LEAGUE TESTIMONY AT STATEWIDE HEARINGS OF THE CONSTITUTIONAL REVISION  
COMMISSION

(NOTE: Corsicana, Victoria, Wichita Falls - Due to the distance involved  
we have not asked you to participate in the statewide hearings.)

The state board has decided to assign areas of League positions that pertain to the constitution to the local Leagues for the purpose of testifying at the statewide hearings. This was done for two reasons: to avoid duplications of some League consensus positions at the cost of ignoring others, and to enable the local Leagues to concentrate their efforts on just several areas instead of the entire spectrum of League program.

Following is a list of the scheduled hearings, the local Leagues and their assigned subjects:

April 25	Amarillo	TCR background including the 11 principles for a good constitution, Voting Rights, Apportionment, Environmental Quality, and Human Resources
April 26	Lubbock	TCR background plus 11 principles, Executive and Legislature
April 26	Plainview-Hale	To be an observer at the Lubbock Hearing
April 27	El Paso	TCR background plus 11 principles, State-Local Relations and Judicial
May 2	Midland	TCR background plus 11 principles, Voting Rights and Apportionment
May 2	Odessa	Environmental Quality and Human Resources
May 4	San Antonio	TCR plus 11 principles, State-Local Relations, and Judicial
May 4	San Marcos	At the hearing in San Antonio, Executive and Legislature
May 11	Tarrant County	At the hearing in Arlington - Legislature
May 11	Dallas	At the Hearing in Arlington - Executive
May 11	Irving	At the hearing in Arlington - Judicial
May 11	Denton	At the hearing in Arlington - EQ and Human Resources
May 11	Garland	TCR background with 11 principles, Voting Rights and Apportionment



May 11	Hunt County	To be an observer at the Arlington hearing
May 11	Richardson	To be an observer at the Arlington hearing
May 11	Sherman	At the hearing in Arlington - State Local Relations
May 17	Tyler	TCR background with 11 principles, Environmental Quality and Human Resources
May 25	Bay Area	At the Houston hearing - Environmental Quality
May 25	Baytown	At the Houston hearing - Legislature
May 25	Brazosport	To be an observer at the Houston hearing
May 25	Deer Park	To be an observer at the Houston hearing
May 25	Dickinson	To be an observer at the Houston hearing
May 25	Galveston	At the Houston hearing - Voting Rights & Apportionment
May 25	Houston	Judicial and Executive
May 25	Montgomery Co.	At the hearing in Houston--State-Local Relations
May 25	Pasadena	To be an observer at the Houston hearing
May 25	Pearland	Houston hearing-- TCR background & principals
May 25	Texas City La Marque	To be an observer at the Houston hearing
June 7	Corpus Christi	TCR background with 11 principles, Legislature and Executive
June 8	Edinburg-McAllen	At the hearing in McAllen - TCR background plus 11 principles, Voting Rights and Apportionment
June 8	Brownsville	To be an observer at the hearing in McAllen
June 8	Harlingen	At the hearing in McAllen--EQ & Human Resources
June 15	Beaumont	State Local Relations, Legislature & Executive
June 15	So. Jefferson Co.	TCR background plus 11 principles, Judicial, at Beaumont hearing
June 21	Abilene	TCR background plus 11 principles, Executive & Legislature
June 22	Wichita Falls	TCR background plus 11 principles, State Local Relations and Judicial
June 28	Waco	State Local Relations and Judicial
June 29	Austin	TCR background plus 11 principles, Executive & Legislature
June 29	Brazos County	At the hearing in Austin--Voting Rights, EQ, and Human Resources, Apportionment



Midland, Texas 79701

APR 30 1973

April 27, 1973

League of Women Voters of Midland  
[REDACTED]  
[REDACTED] 79701

TO: Conner, Anderson, Sugihara, State Office

From: Evelyn Gould, President, LWV of Midland

Attached is our proposed testimony. Because of the short time available to us if you have any changes to propose, please contact me at the following phone number: [REDACTED].



2814 Fannin  
Midland, Texas 79701

APR 30 1973

STATEMENT TO THE TEXAS CONSTITUTIONAL REVISION COMMISSION  
Midland, Texas  
May 2, 1973

by Evelyn Gould, President  
League of Women Voters of Midland

I am Evelyn Gould, President of the League of Women Voters of Midland, representing 4500 members of the League of Women Voters of Texas.

League interest in Texas constitutional revision grew out of a "Know Your State" survey begun in 1948. The last half of the study project was devoted almost exclusively to a section-by-section examination of the state constitution. From this seven year study and subsequent investigations and evaluations of state government we found the Texas Constitution to be long, detailed, all-inclusive, inflexible, ambiguous, and unorganized. The legislature frequently proposes amendments in an attempt to cope with current problems. Over two hundred have been adopted by the electorate in less than one hundred years.

We also found that a state constitution -- if it is to be effective -- should establish, not rules for the moment, but principles for an expanding future. And it should do this briefly. It should protect the people -- their civil liberties and property. It should define the powers of the government and establish the permanent governmental institutions -- legislative, executive and judicial. And, of course, it should provide a method for changing, if necessary, the fundamental law expressed within the constitution. It should make a distinction between the two types of law -- "fundamental law", that broad framework of principles expressed within the document, and "statutory law", those laws made to deal with specific problems and circumstances, which are the responsibility of the legislative body.

Because we believe the present Texas Constitution does not now serve the needs of the people, the members of the League of Women Voters of Texas developed the following criteria, or yardsticks, to use in evaluating the merits of a proposed constitution:

- a bill of rights;
- a framework of basic law;
- a clear separation of powers with responsibility  
definitely assigned;
- qualifications for voter eligibility and guarantees  
of fair elections;
- provisions for justice with a minimum of delay;
- a coordinated finance structure capable of  
flexibility;



maximum home rule for municipal and county  
government with coordination of over-  
lapping functions;  
provisions for support of public education;  
provisions for support of public health and  
welfare services;  
basic policies regarding state employee selection,  
retention, and promotion;  
and provisions for amendment and revision.

Now, we are emphasizing voting rights and apportionment as they relate to the  
Texas Constitution. Pat Stanley will explain the League's position on voting  
rights.



APR 30 1973

STATEMENT TO THE TEXAS CONSTITUTIONAL REVISION COMMISSION  
Midland, Texas  
May 2, 1973

by Pat Stanley, Director  
League of Women Voters of Midland

The League of Women Voters supports improved procedures for registration of voters in Texas, uniformly enforced election procedures, clearly stated election laws, and the right to a secret ballot. We want to see these points included in the proposed constitution that will be presented to the Texas voters. The state constitution should protect firmly the essential political rights of the citizen.

The passage of the 1970 amendments to the Voting Rights Act of 1965 and the recent decision of the U. S. Supreme Court in the case of Dunn vs. Blumstein have established nationwide standards affecting the rights of all citizens to register and vote. Compliance requires abolition of all durational residency requirements for voting in any election -- federal, state, or local. Registration is to be kept open until at least 30 days before an election.

The League urges that the proposed constitution be in compliance with these federal standards.

The League also supports these specific provisions:

- revision of election laws to ensure enforcement;
- recodification of the election laws to eliminate  
obsolete matter and clarify ambiguous provisions;
- supervision of local elections held by all govern-  
mental units by a single county election  
authority responsible to a central state  
authority;
- requirement of uniform training for all election  
personnel;
- and provision for unitary primaries.

The League of Women Voters feels that the legislature should be given the responsibility and necessary authority to build a statutory framework essential for a proper electoral system. In essence, the League of Women Voters favors action to protect the right to vote of every citizen.

Now, Betty Byerley will present the League's position regarding the important issue of apportionment.



STATEMENT TO THE TEXAS CONSTITUTIONAL REVISION COMMISSION  
Midland, Texas  
May 2, 1973

by Betty Byerley, Director  
League of Women Voters of Midland

The League of Women Voters believes that the vote of every citizen should be of equal value. We applauded the ruling of the U. S. Supreme Court in the case of Avery vs. Midland County when it decreed one man - one vote for the nation. The only way of negating this court ruling, of course, lies in amending the federal constitution and the League was disappointed when Texas was among the first states to pass resolutions petitioning Congress to reverse this one man - one vote ruling. The League would support a resolution to rescind this earlier Texas action and certainly the League feels strongly that NO exceptions to the one man - one vote should be included in the Texas Constitution.

One man - one vote should be secured for all Texans. We implore the Commission to see that it is prescribed in our constitution.



GUIDELINES FOR TESTIFYING AT STATEWIDE HEARINGS  
OF CONSTITUTIONAL REVISION COMMISSION

1. Some Leagues have been assigned to cover TCR background and the 11 principles to use as criteria for the consideration of a good constitution. The other Leagues are urged to relate their testimony on a particular subject to the principle that corresponds to it.

Principle 3--A clear separation of powers with responsibility definitely assigned - League consensus on the Executive & Legislature.

Principle 4--Qualifications for voter eligibility and guarantees of fair elections - League consensus on Voting Rights.

Principle 5--Provisions for justice with a minimum of delay - League consensus on the Judicial.

Principle 7--Maximum home rule for municipal and county government with coordination of overlapping functions - League consensus on State Local Relations.

Principle 9--Provisions for support of public health and welfare services - League consensus on Human Resources.

2. Whenever possible relate your testimony to a local situation - how county government could be improved under the State Local Relations consensus, voting irregularities in a recent election if you are testifying on Voting Rights, etc.
3. Keep your testimony factual and to the point. 15 to 20 minutes in length at the most, if you are covering one subject, 12 to 15 minutes per subject if you have several to cover.
4. Be prepared to answer questions at the end of your testimony.
5. Number of speakers - The League speaker must not only be knowledgeable on her subject, but also able to give a good presentation and come across clearly and concisely to the commission members. Keep these two facts in mind when selecting your speaker. If you are covering several subjects you might want to have different people for each subject to give a change of pace to the testimony. As far as I know at this point it would be alright to do this.
6. Before you testify send copies of your prepared testimony to Betty Conner, TCR chairman, Betty Anderson, Program vice president, state office, and the program chairman on whose portfolio you are testifying. Do this as soon as possible so that the program chairman will have time to answer any questions that you have and perhaps offer suggestions. Please remember to send the copies before you testify.
7. Observer sheets for reports on the hearings - the Observer Report Forms are to be used by League observers in reporting the statewide hearing in their area. Keep one copy for your records and send three copies to state office, Dickinson Plaza Center, Dickinson, Texas 77539. These reports will be extremely helpful in ascertaining what opposition there is to League positions, citizen response to the commission hearings, and the commission members reaction and response to League testimony. While some Leagues have been specifically designated as observers, I would appreciate having a report from every League - the more reports the better information I will have to pass on to you.



8. A large attendance of League members at these hearings would be great. A large group of women with League badges on would make a good visual impression for the media coverage, plus the commission members.
9. Have written copies of your testimony to give to the commission members and the news media.

\* \* \* \* \*