



The State's Right

by Blake Farmer March 11th, 2013,

Several proposals moving through the Tennessee General Assembly take away some level of local control. Photo credit Blake Farmer/WPLN

Republican legislatures in several states are finding it difficult to stick to one of their mantras: the government closest to the people governs best. In Tennessee – where the GOP now holds a supermajority – the state is making power plays on issues ranging from charter schools to property rights. Increasingly, the state believes it knows best.

Weapons control is a hot topic when it comes to who is in charge. Sen. Mike Bell (R-Riceville) wants to legalize carrying knives of any shape and size, even if some cities ban them. He's ok with preempting local laws in this case because – in his mind – bearing arms is a Second Amendment issue.

“You look at any other constitutional right, free speech, we don't allow cities to have a more strict interpretation of the First Amendment,” he says.

And when it comes to weapons, Republicans also don't think much of the federal government's interpreting constitutional rights.

“We have plenty of concern about the laws that might may be coming down the pike,” says Sen. Mae Beavers (R-Mt Juliet), who has been rallying lawmakers to oppose any restrictions on assault rifles and high-capacity magazines.

But leaders of the Tennessee Municipal League can sympathize.

“Now they know how we feel,” says TML president Ken Wilber, who is mayor of Portland.

From his post, Wilber sees the state chipping away at city sovereignty, at least when its convenient.

The proposal to allowing wine to be sold in supermarkets leaves the ultimate decision-making to the locals.

“They’re turning that back and saying the people in your community know how to make the best decision,” he says. “Let that be true for everything then.”

State Powers

The push and pull of local control is an old tug-of-war. But there’s new tension as the party that champions decentralized power wins control of more state legislatures.

“It means you have to accept that in some of the jurisdictions, decisions will be made that you don’t like,” says David Boaz of the libertarian Cato Institute.

In Florida, the legislature has trumped locals on fertilizer regulations. In Indiana, the issue has been local taxation for public transit. But Boaz says cities were created by states, so they do have the power.

“There are good philosophical and practical arguments for local control, even though the state probably does have the authority to make the decisions,” he says.

And since states helped form the federal government, Boaz says there are some valid arguments for rejecting Washington’s rule at the same time. It just gets them accused of not practicing what they preach.

“It makes us look like a bunch of hypocrites,” says Rep. Joe Towns (D-Memphis).

Much of the Memphis delegation objected to a ban on renaming or relocating military monuments that passed the state House. The legislation was in response to stripping Confederate-themed names from Memphis city parks.

Overreaching

“We’re delving into running these local governments, which is what we talk about not doing on this House floor,” he said during the debate.

A small few within the Republican ranks admit the party may be overreaching.

Rep. John Forgety (R-Athens) is a former school superintendent. He’s been vocal in opposing a state panel that could approve charter schools over the heads of local school boards.

“Whether we agree with them or whether we don’t agree with them, they are elected by the people to make those decisions,” he says.

However, local control is often in the eye of the beholder. Republicans arguing on behalf of this statewide charter school authorizer have gotten creative in their reasoning. They say adding school options gives more local control to parents.