

Some General Thoughts On Home Rule

Art. 89 (the Home Rule Amendment) was adopted to "reaffirm the customary and traditional liberties of the people with respect to the conduct of their local government, and to grant and confirm to the people of every city and town the right of self-government in local matters"

Home rule is an important provision that helps assure the liberty of the people, in the same way the division of power between the state and federal governments "split the atom of sovereignty." The entire nature of checks and balances is that liberty is secure when power is divided, not concentrated.

Home rule is also a simple recognition that local governments are best equipped to handle local problems. Not only is local government smaller and more responsive to the needs of its citizens, but it is nimbler and better equipped to handle local issues.

"Massachusetts has the strongest type of home rule." Connors v. City of Boston, 430 Mass. 31, 35 (1999).

With larger governments come less nuanced solutions. Home Rule ensures that municipal governments can implement tailored solutions, while larger entities are stuck issuing one-size-fits-all solutions out of some pre-made cookbook.

Municipal government is also where citizen's voices are best heard, and heard the loudest--one vote out of a thousand means more than one vote in a million.

Home Rule is the legal muscle which gives local government its frame and fills out the ossature (skeletal framework). All praise you have ever heard for local government or for Town Meeting would be empty words without Home Rule which is the constitutional principle that local government can act as it sees best for its own citizens.

Alexis de Tocqueville "Town Meetings are to liberty what primary schools are to science; they bring it within the people's reach, they teach men how to use and enjoy it."

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