



The People's Right of Local, Community Self-Government

The right of local, community self-government is a fundamental, individual political right – exercised collectively – of people to govern the local communities in which they reside.

The right includes three component rights – first, the right to a system of government within the local community that is controlled by a majority of its citizens; second, the right to a system of government within the local community that secures and protects the civil and political rights of every person in the community; and third, the right to alter or abolish the system of local government if it infringes those component rights.

The right of local, community self-government is inherent and inalienable. It derives necessarily from the fundamental principle that *all* political power is inherent in the people, is exercised by them for their benefit, and is subject to their control. The right is secured by the American Declaration of Independence, state constitutional bills of rights, and the United States Constitution. Because the right is inherent and inalienable, no government can define, diminish, or otherwise control it.

State governments have created a variety of local governmental bodies, both incorporated and unincorporated, for administration of state policy locally, and for conduct of municipal affairs. While States typically delegate specific governmental powers to such local governments - and limit their powers otherwise - state authorized powers of such local governments are distinct and apart from the people's right of local, community self-government. The peoples' right is not dependent upon state delegation, and so, cannot be diminished by limitations placed on local governments by other governments.

This means that local communities, when exercising the people's right of local, community self-government, are not subject to constraints on local lawmaking imposed by state and federal governments. Such constraints include preemption of local lawmaking by state and federal laws or international treaties; the conferral of constitutional rights onto corporations, when those "rights" compete with people's civil and political rights; and the doctrine that local governments can legislate only as authorized by state government.

Laws adopted pursuant to the right of local, community self-government are, by nature of the right, limited by people's other civil and political rights, both inherent and as secured by local, state, and federal statutes and constitutions. Because most environmental, labor, election, housing, civil rights, and discrimination laws are based on statutes that recognize people's civil and political rights and provide mechanisms for enforcement of those rights, the right of local, community self-government can be exercised only to expand, not to lessen, the rights of people as secured by those laws.

Because the right of local, community self-government is inherent, and constitutional texts recognizing and securing the right do not limit enforcement of the right against state actors only, both private actors and state actors may be held liable for violation of the right.