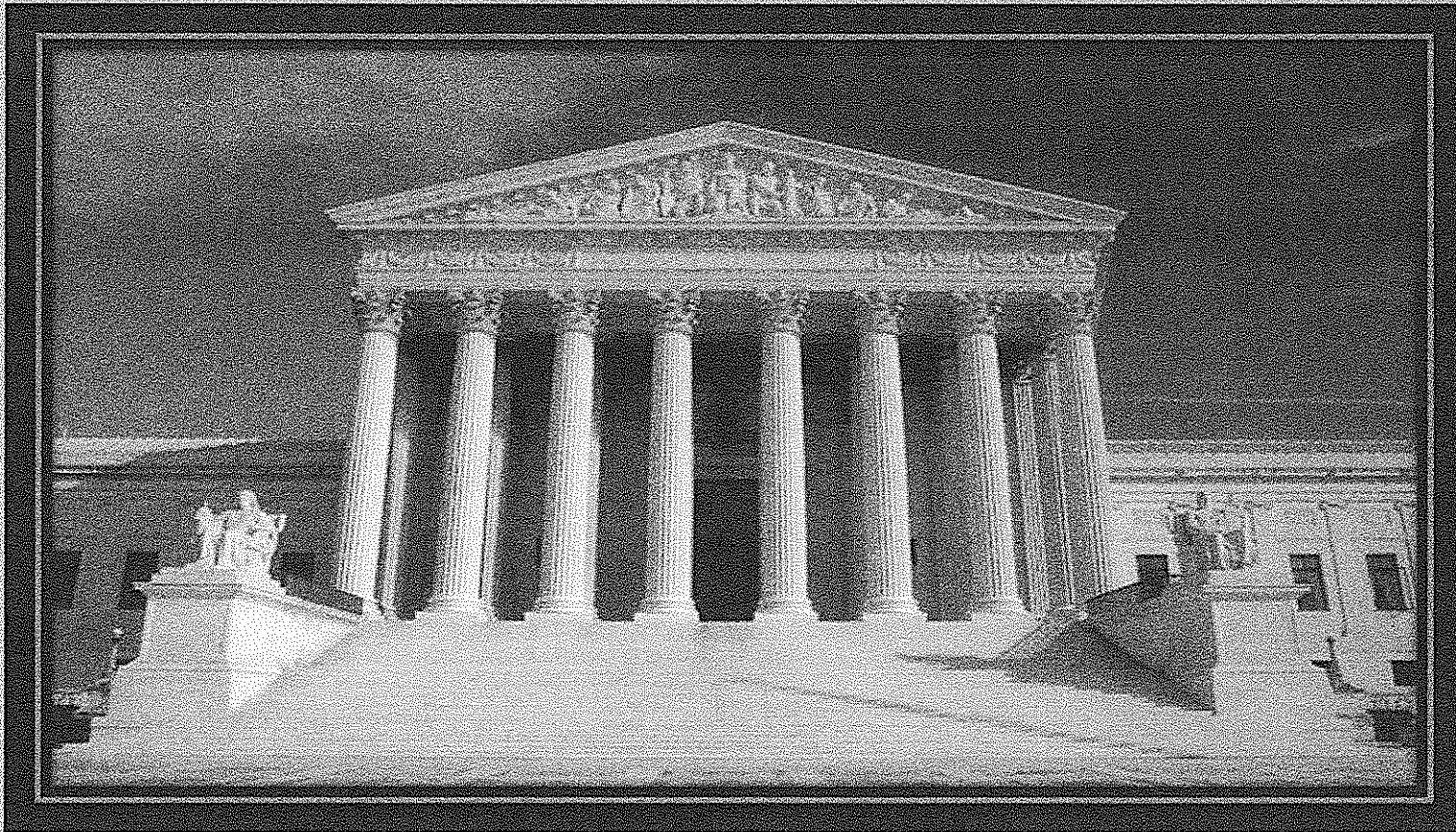


CONSTITUTIONAL REFORM IN ALABAMA: IS IT FINALLY TIME?

(OR: The 1901 Constitution:
You Didn't Vote for it Then Either)

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Constitution: A system of fundamental laws and principles that prescribes the nature, functions and limits of a government.



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Keep the current 1901 Constitution: Consider the following:

Its sordid history;

It was never legally passed by the people;

It is by far the largest Constitution in the world;

It places excessive power in the State Legislature;

It promotes an unfair tax system that discriminates against the poor and fosters poor education; and

It lacks fundamental rights



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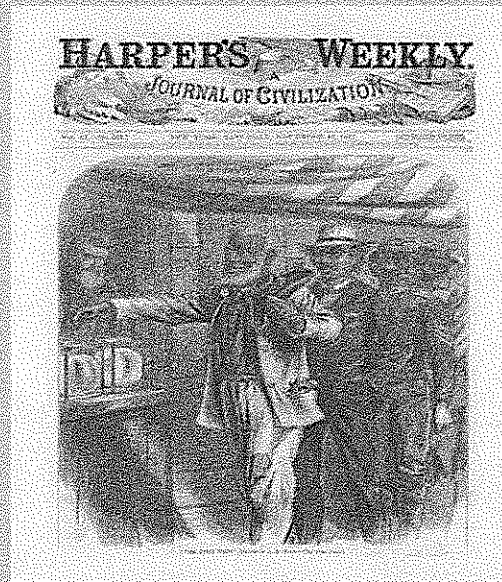
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A. The Regrettable History of our current Constitution

When the 155 delegates to the 1901 Constitutional Convention convened, there were:

No women (could not yet vote); and

No Negroes.



John B. Knox (Anniston) was elected President of the Constitutional Convention and summarized its agenda:

“And what is it that we want to do? Why it is within the limits imposed by the Federal Constitution, to establish White Supremacy in this State. This is our problem, and we should be permitted to deal with it, unobstructed by outside influences. But if we would have White Supremacy, we must establish it by law – not by force or fraud. These provisions are justified in law and in morals, because the Negro is not discriminated against on account of his race, but on account of his intellectual and moral condition. There is in the White man an inherited capacity for government, which is wholly wanting in the Negro.”

ALABAMA BLACK BELT



B. The 1901 Constitution was never passed by the people

Rampant voting fraud

Statewide vote = 90,000 (Yes) 76,000 (No)

Black Belt County voters = 12,400 (Black) 5,600 (White)

Black Belt County vote = 18,000 (Yes) 500 (No)

Blacks overwhelmingly voted to disenfranchise themselves?

C. It's a Big Book

798 Amendments

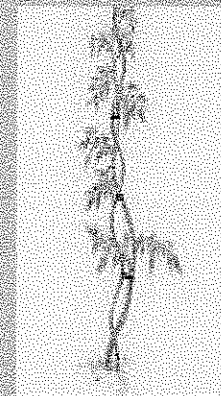
Over 350,000 words

Twelve times longer than the average
State constitution

Forty times longer than the U.S.
Constitution

Approximately three times longer than
the longest national Constitution
(India)

By 2030, projection of 1,500
Amendments (growing like kudzu)



Why is our Constitution growing like a weed?

Mostly because Alabama has the most extreme version of Dillon's Rule found in the United States. It is a rule that, in the absence of contrary law, all power rests in the State Legislature.

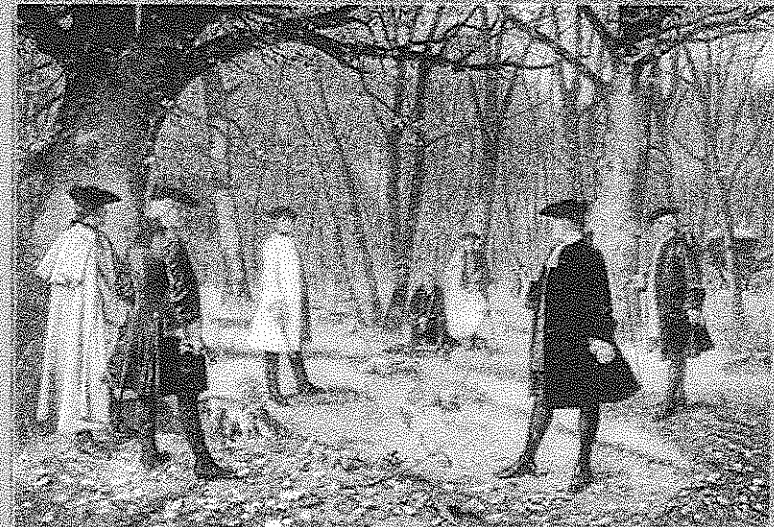


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SECTION 86

Requires the Legislature
to suppress the evil
practice of dueling



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AMENDMENT 449

Assesses Boll Weevil taxes
on cotton growers

(Only State to mention
the Boll Weevil in its
Constitution?)



AMENDMENT 482

The Limestone County Commission is authorized to dispose of dead farm animals (and to excavate human graves).

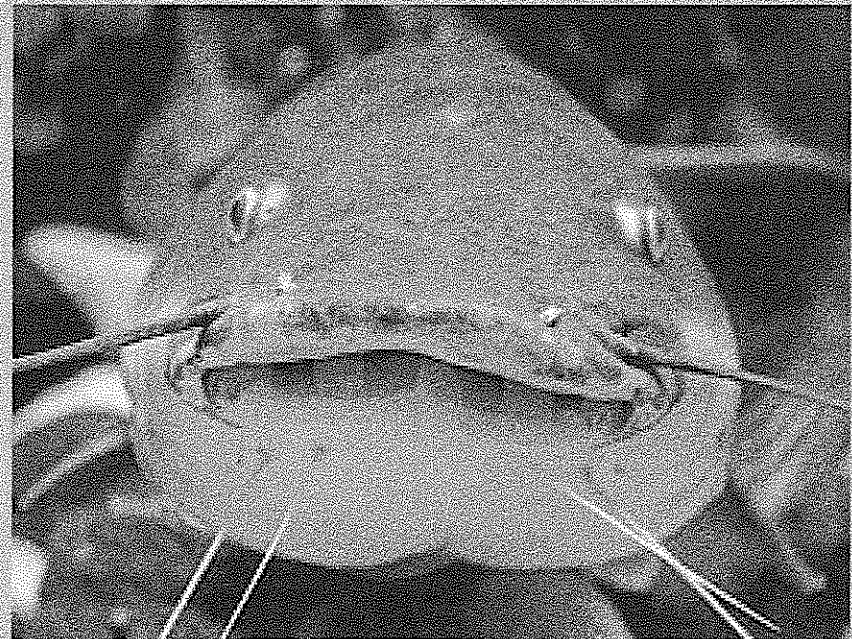



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AMENDMENT 492

The Legislature may provide for the promotion and sale of catfish.



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D. Over-empowerment of the Legislature

The cotton growers and industrialists made sure the Legislature could not spend the money without great difficulty by:

Prohibiting external improvements, like roads and State docks

Prohibiting borrowing money

Limiting funding for education to State (and not local) funding [You don't want your cheap labor to be educated]



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Dillon's Rule – narrowly defines the power of local governments.

How local government works without home rule

Many local laws require a Constitutional Amendment

The inefficiencies of Dillon's Rule

Dillon's Rule and the Power of Special Interest Groups



E. Our Tax System is embedded in the Constitution

Evaluating Alabama's Tax System:

Adequacy

Fairness

Neutrality

Accountability and Transparency

F. Basic Rights are Missing

Amendment 597 provides that “all persons shall have the right to hunt and fish in this state in accordance with law and regulations.”

Yet, the Alabama Constitution does not contain an equal protection right (unlike the Federal Constitution and all 49 other states).



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IS
THERE
A
SOLUTION?



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Thank you for letting us speak with you today.

