

ACCR NEWS

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Citizens' Commission Releases Final Report

The Alabama Citizens' Commission on Constitutional Reform released its final report and presented it to Governor Bob Riley, Lt. Governor Lucy Baxley, constitutional officers, and members of the Legislature on Jan. 17. The independent Citizens' Commission, chaired by former Secretary of State Jim Bennett, has been considering changes to Alabama's antiquated 1901 constitution in a series of meetings held around the state over the last year.

"Jim Bennett and the diverse group of Alabamians on the Citizens' Commission have done an outstanding job of studying and recommending reforms for our outdated constitution," said ACCR Chairman Thomas Corts.

Among the reforms offered for consideration by the Commission are:

- ◆ Granting counties, cities and towns the necessary authority to decide local matters of governance without requiring prior approval of the State Legislature
- ◆ Requiring that a majority of the voters affected at the local level approve proposed local taxes when delegating

the general authority to local governing bodies to impose taxes

- ◆ Strengthening the governor's veto powers, including item vetoes in budget bills, and requiring more votes for legislative override

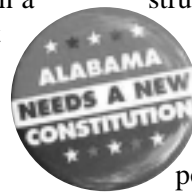
- ◆ Addressing Alabama's immoral and unwieldy tax structure

- ◆ Requiring that the governor and lieutenant governor run as a team, much like the president and vice-president of the U.S.

- ◆ Granting legislative and executive branches the power, unfettered by the Alabama Constitution, to promote economic development

Corts added, "For too long we have languished under a state charter that keeps us from adequately addressing the needs of our state, and we urge Governor Riley and all our elected officials to work to make reform a reality. Until we comprehensively reform our constitution, Alabama will never achieve its potential."

The report is available on ACCR's website at www.constitutionalreform.org. ■



Alabama's Chance for Leadership

BY BAILEY THOMSON

Alabama's new governor, Bob Riley, has called upon the state's government to be as good as its people.

He knows, as do many other Alabamians, that the state's public life falls short in many critical areas. It neither satisfies citizens' needs nor motivates them to higher achievement. As a result, Alabama often fares poorly in comparisons even with neighboring states, some of which have moved far ahead in both civic and economic development.

This disparity between the basic goodness of Alabama's people and the poor quality of its public sector invites a fundamental question: What can we do in this generation to bring our beloved state into line with at least the South's best performers?

Three years ago, the Chamber of Commerce of West Alabama asked a planning committee to think along these lines. What single thing might the chamber, based in Tuscaloosa, advocate to make a great difference for Alabama?

The committee's response was to call for a modern constitution to replace Alabama's 1901 version. Why this remedy?

◆ See **Leadership**, Page 5

Riley Taps ACCR Leaders

Governor Bob Riley has drawn extensively from the ACCR family to fill his new commission to study the constitution. Twenty-one of the 34 members have ties to ACCR.

ACCR's sponsored commission was also well represented in the makeup of Riley's commission, with the Governor choosing 12 individuals who served on ACCR's commission. In addition to having the same Chairman, Jim Bennett, the Governor also chose the same chief technical advisor, Howard Walthall. "This is further evidence of the quality work ACCR has accomplished over the past few years," said ACCR Executive Director Kathy Bowden. "These citizens are well-suited for the task at hand and will make fine commissioners," Bowden said.

◆ See **ACCR Leaders**, Page 6

Gov. Riley Creates Commission to Study Constitution

BY MIKE GOENS, SENIOR EDITOR
TIMES DAILY - FLORENCE, ALABAMA
JANUARY 24, 2003

HUNTSVILLE – It's taken Gov. Bob Riley only three days to take the first step toward modifying a controversial 102-year blueprint for government in Alabama.

Riley used his first executive order as governor to form the Alabama Citizens' Constitution Commission on Thursday.

The commission, which will have about 30 members, will have 120 days to make recommendations about how to "correct numerous basic flawed provisions that have held us back economically and socially."

The governor wants the recommendations to be presented to the state Legislature during its upcoming session, which begins March 4.

"This has been too long in coming," Riley said Thursday, using Constitution Village in Huntsville as a backdrop. The state's first constitution was drafted there in 1819.

Some people, such as Samford University President Thomas Corts, had been an advocate of a complete revision of the document, preferably through a constitutional convention. Some groups have argued the document should remain untouched out of fear that a revision would lead to more taxes or result in references to God being taken out.

Others, like Riley, who have taken the middle ground in the controversy, say some revision is needed but not a complete overhaul.

Corts, chairman of Alabama Citizens for Constitutional Reform, praised Riley for his initiative and pledged to work with the commission. He said his group remains committed to comprehensive constitutional reform.

"Substantive constitutional reform must address the critical areas of education, revenue and indebtedness, governmental organization and economic development," Corts said.

Riley said the commission offers the best chance to bring quick and meaningful reform to how state government in Montgomery operates. He said it's possible Alabama residents could vote on the recommended changes in the next general election, which will be in November 2004.

He said the commission's work will be the first step in the process. He said the commission will look at other problems with the constitution after dealing with the document's structural problems that are keeping Alabama from competing with other states.

Another, and perhaps more significant, part of the process will be tax reform. Riley said Thursday that another group, mainly members of his cabinet, will start working on that issue soon. He did not predict when their work would be completed.

"If we can get to a point where we have a good product, we

will bring it (to the Legislature)," Riley said. "We're not going to rush (tax reform). We want something comprehensive and lasting."

His focus Thursday remained on the newly formed commission.

Riley has listed three major areas of the constitution that he wants the commission to address during its initial work, including:

- ◆ Making limited home rule available for Alabama counties. Any extension of home rule shall not allow local tax increases without a direct vote of affected residents.

- ◆ Earmarking of state money, while ensuring that the school systems are funded fully. Riley said 92 cents out of every \$1 in state money is earmarked. He said the state nearest Alabama earmarks only 52 cents from each dollar and the average is 25 cents.

- ◆ The feasibility of granting the governor line-item veto power, with possible super-majority override requirement from the Legislature.

Commission members will be announced within a week.

They will include constitutional law experts; former public officials; education, business and civic leaders; and others.

Riley named former Secretary of State Jim Bennett, a Republican, as chairman and Lenora Pate, who unsuccessfully sought the Democratic Party nomination for governor, as vice chairwoman.

"Whether we revise the constitution is no longer the argument," said Bennett,

noting that 61 percent of Alabamians favor some form of constitutional reform. "We need a constitution that speaks more to this century than the last."

Pate called Alabama's constitution an "outdated, immoral, irresponsible and fundamentally flawed document."

The other major complaint voiced by Corts and other advocates of reform is the constitution was written to protect the interests of large landowners, which results in unfair tax distribution and makes funding education and other services inconsistent.

The governor said no one can defend the state's tax structure.

Riley said people have tried to completely rewrite the constitution for 90 years, "and it's not going to happen." He said the thought of a constitutional convention "gave me some heartburn."

That's why he likes the commission approach. He said a commission also places safeguards limiting special interests.

All changes would have to be approved by the Legislature and Alabama voters. ■

Mike Goens can be reached at 256-740-5740 or mike.goens@timesdaily.com.

'The commission offers the best chance to bring quick and meaningful reform to how state government in Montgomery operates.'

ACCR Chapter Report

ACCR chapters across the state continue to lead the fight for a new constitution as we move closer to our goal of comprehensive reform.

In Birmingham, chapter members have taken their message of reform to the streets, giving presentations to more than 70 neighborhood associations in the last two months alone. In addition to Jefferson County, activities have now expanded to include Walker, Shelby, Blount, and St. Clair Counties.

The Madison County chapter has also been successful in marketing its speakers bureau, garnering invitations from church groups, civic clubs, and educators, among others. Chapter members have also implemented an aggressive campaign to maintain a steady flow of letters to the editor on the need for constitutional reform.

In Tuscaloosa, members of the West Alabama chapter of ACCR are working through the local League of Women Voters to develop and implement a lesson plan on the state constitution for use in high school government and history classes.

On Dec. 8, East Alabama chapter members gathered for a presentation by Bailey Thomson. This chapter was instrumental in the success of the Citizens Commission's final meeting on Dec. 9 in Auburn.

Chapter leaders in Montgomery met with ACCR board member Sid McAnnally and ACCR Chairman Thomas Corts on Jan. 22 to hear about Campaign for Alabama's efforts to achieve comprehensive tax reform, as well as to discuss strategy for developing a sustained constitutional reform movement at the grass roots level in our state capital.

Dr. Corts also met with chapter leaders in Anniston and Mobile in January to discuss the status and direction of our efforts in light of recent developments at the state level.

These next few months promise to be a critical period for reform, and our local chapters and volunteers hold the key to success. In the end, it is the citizens who will force the hand of the legislature and our state leaders in this effort, and we must continue our vital role of building support for constitutional reform across the state. ■

UPCOMING EVENTS

On the Road Again



'REFORM ONE' RETURNS

That's right! ACCR's popular school bus, "Reform One", will return to the roads of Alabama this spring to spread the message of constitutional reform far and wide. Last fall's tour included stops in over 30 cities from every area of the state. The help of our members was crucial to the success of last year's tour. If you are interested in helping **bring "Reform One" to your community** for the first time, or for a return visit, please contact our office in Montgomery at 334-834-5495.

ACCR's 2003 STATEWIDE CONFERENCE

Building on the success of our past conference, "Why Alabama Can't Wait", ACCR has another one in the works. "Road to Reform: Moving Toward a Modern Constitution" will be held in **Birmingham** and is **scheduled for March 17**. This will provide a chance for the entire constitutional reform community to come together as we move down the road to reform. More information will be available through our website and email newsletter in the following weeks.

Here's How to Reach Local Affiliates

For more information on chapter events or if you are interested in organizing a chapter or an event in your community, contact David Perry, field director, at ACCR4@bellsouth.net or 205-305-5195.

Chapter Contacts

Huntsville: Dorcas Harris, local chair: HsvAccrSecy@cs.com or 256-535-2023.

Birmingham: Hugh Morrow and John Gill, local chairs: ACCRBHAM@mind-spring.com or 205-305-5195.

Mobile: Steele Holman, local chair: wsh@ajlaw.com or 251-405-1218

Auburn-Opelika: Bill English, local chair: probatejudge@mindspring.com or 334-745-9761.

Tuscaloosa: Madeleine Hill, local chair: mmhill@uronramp.net or 205-752-0289.

Anniston: Jake Mathews, local chair: mma1@aol.com or 256-236-5063.

Montgomery: ACCR Office: accr@constitutionalreform.org or 334-834-5495.

Corts Issues Statement on Gov. Riley's Commission

BY DR. THOMAS E. CORTS, ACCR CHAIRMAN

We applaud Governor Riley's important first step in creating a Commission to address reform of Alabama's antiquated constitution. With Jim Bennett and Lenora Pate to chair this effort he continues with high-level laudable appointments! We look forward to working and addressing the issues of constitutional reform with the Commission.

ACCR recognizes the Governor's Executive Order is consistent with his *Plan for Change* developed during his campaign. Following that *Plan*, Governor Riley has set in motion a process for reforming our government, education, and economic systems, and this Commission is a great start. As we've said all along, in addition to addressing local democracy, sub-



From Our Chairman

stantive constitutional reform must address critical areas of education, revenue and indebtedness, governmental organization, economic development, and the removal of racist and outdated language. As we affirm this initial action, ACCR remains committed to comprehensive constitutional reform.

Let us commend Governor Riley for his initiative. We are on record as preferring a different method, but the Governor's method may well work, and we need action! Join us as we urge that the Commission be given empowerment and the tools necessary to present Alabama a constitution that can allow us to cope with the current crisis and a constitution worthy of our citizenry.

With eyes wide open, let's hope we can charge ahead - making constitutional reform a reality! ■

ACCR Action Alert

With the announcement of Governor Riley's commission on constitutional reform, and with the legislative session less than a month away, reform advocates have a wonderful chance to use our influence and press for the changes that we have so long desired. Now, more than ever, **it is critical that we make our voices heard throughout the state.**

Our legislators and state officials have repeatedly emphasized the importance of hearing from constituents on important issues, and this is our chance to impress upon our leaders the significance and urgency of constitutional reform. As always, ACCR is committed to substantive constitutional reform in the following areas: local democracy, education, economic development, government organization, taxation and indebtedness, and the removal of racist and outdated language. Please take this opportunity to **contact the governor** (especially with hand-written letters) and your legislators and encourage them to take action in support of comprehensive constitutional reform!

Here are some tips on writing your legislators

- ◆ **Make it personal.** Explain why this issue is important to you, and to your district.
- ◆ **Be polite.** Write with conviction, but also with courtesy.
- ◆ **Check your facts.** ACCR's website is a great resource for reform advocates.
- ◆ **Be yourself.** A letter does not have to be formal or long to be effective.

Where to direct your correspondence:

Find your individual legislators and their contact information at www.legislature.state.al.us/misc/zipsearch.html. You can also direct an email to certain legislators within each chamber by including their names in the subject line of emails to the following addresses:

For the House: house3@mindspring.com or call 334-242-7600
For the Senate: alsenate@mindspring.com or call 334-242-7800

Governor Bob Riley
State Capitol, Room N-104, 600 Dexter Ave., Montgomery, AL 36130
Telephone: 334-242-7100 - Fax: 334-353-0004
www.governor.state.al.us

E-Mail: Please include your full name, mailing address, and a daytime telephone number within the text of your e-mail. Send emails intended for Governor Riley to constituentsvcs@governor.state.al.us. ■

ACCR Launches New Email Newsletter

As the constitutional reform movement continues to gain momentum around the state, we are continuously searching for better ways to communicate with our members and friends. Because of this, we have launched a new email service that will do just that by conveniently providing **regular updates of developments in the constitutional reform movement**, announcements of upcoming events, and much more.

If you are not already receiving "Reform Roundup", please **sign up for free on our website** or send an email to accr3@bellsouth.net. ■



Invite Your Friends to Join Today!

For only \$15, your friends can join thousands of citizens like you working for a better Alabama. Checks should be mailed to ACCR at P.O. Box 34, Montgomery, AL 36101. Memberships are also available through our website. Contributions to ACCR are not deductible for federal income tax purposes.

LEADERSHIP: From Page 1

Quite simply, this antiquated and mean-spirited document is the major impediment to good government and a strong democracy. Unlike many of its more successful neighbors, Alabama has largely failed to modernize its basic charter. Instead, our state had resorted endlessly to patching a constitution that was obsolete from the beginning. Many of its worst features, such as its distrust of local democracy, remain firmly embedded.

The message was well received. In less than three years, constitutional reform has grown from an idea into a grassroots movement. Its champion is Alabama Citizens for Constitutional Reform, led by Dr. Thomas Corts, president of Samford University. ACCR is now ready to assist Gov. Riley and the new Legislature in the next stage of this essential work.

Many of us within ACCR had hoped the Legislature would call a constitutional convention to achieve comprehensive reform. The Legislature, however, has resisted asking voters to delegate power to another elected body, even as most lawmakers concede that Alabama is overdue for major reforms.

Gov. Riley, meanwhile, campaigned for his new office with a promise that he would appoint a blue-ribbon group to propose revisions to the 1901 constitution and submit them to the Legislature. He kept his word. With the first executive order of his new administration, he appointed the Alabama Citizens' Constitution Commission and asked its members to propose changes in five areas.

This limited mission does not mean that reformers should abandon their vision of a constitution that will enable Alabama's progress rather than impede it. Gov. Riley's approach, however, does reflect the reality that reform is more likely to occur on a step-by-step basis than through a single act.

I believe reformers must work within the realm of what is possible, rather than miss the best opportunity in at least a generation to modernize our state. For that reason, I have agreed to serve on Gov. Riley's new commission. Yet my colleagues and I at ACCR will not rest until the Legislature has addressed all the constitutional areas that cry for reform. They include education, government effi-

ciency, economic development and taxation and indebtedness.

ACCR already has created an invaluable model for Gov. Riley's commission to emulate. At the suggestion of former Gov. Albert Brewer, ACCR last year asked 22 people, under the leadership of Sec. of State Jim Bennett, to meet four times around the state, deliberate upon the issues and listen to other citizens.

The group that ACCR convened presented its recommendations just before Gov. Riley's inauguration. In turn, he honored their good work by asking many of these citizen servants to serve on his new constitutional commission.

Gov. Riley says he will ask another blue-ribbon group to recommend reforms of the tax system. He is wise to separate that issue from the immediate and less volatile tasks he has given his new constitutional commission.

By far, the new commission's first priority must be to decentralize state government so that counties may finally govern themselves if they so choose. The 1901 constitution put power in the hands of a relatively few in Montgomery, so distrustful were its framers of democratic government. Today, we see the absurd outcome in the form of dozens of amendments that regularly seek to patch the old constitution.

So I am hopeful, as we enter this new quadrennium, that we are going to see some major constitutional reforms. As is usually the case in public affairs, we may have to go about this work in unexpected ways. And there will always be new challenges.

But for the first time, at least that I can remember, we are having a productive conversation in our state about the future. We are learning to deliberate as citizens about our needs and choices, as opposed to recoiling in fear and postponing the inevitable. ■

Bailey Thomson is associate professor of journalism at the University of Alabama. He serves on the executive committee for Alabama Citizens for Constitutional Reform.

'ACCR will not rest until the Legislature has addressed all the constitutional areas that cry for reform.'

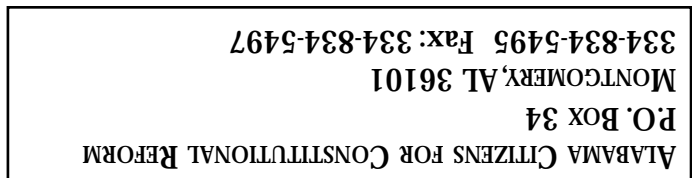
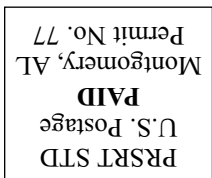
BUY THIS BOOK!

Purchase the book "A Century of Controversy" today! This timely examination of Alabama's state constitution, edited by Bailey Thomson, will serve as an indispensable guide for legislators and citizens considering reform of the outdated document. Purchase now for the special price of **\$23**, which includes shipping and sales tax, by calling 334-834-5495.



"Make no mistake: This is more than a serious book; this is a scathing indictment of Alabama's outmoded and shameful constitution."

--JOHN EHINGER, Editorial Page Editor, Huntsville Times.



ACCR LEADERS: From Page 1

The proposed public hearing dates for Riley’s commission are **February 21 in Montgomery** and **March 7 in Birmingham.**

The following ACCR leaders have been selected for Governor Riley’s commission:

Chairman **Jim Bennett** of Homewood, former secretary of state

Vice Chair **Lenora Pate**, attorney with Sirote Permutt in Birmingham

Albert Brewer (Co-chair of Line Item Veto Committee), former governor, now law professor at Samford University in Birmingham

Sallie Creel (Co-chair of Limited Home Rule Committee), president of Alabama Car Rental in Birmingham

Mason Davis, attorney with Sirote Permutt in Birmingham

Scott Douglas, executive director of Greater Birmingham Ministries

Jack Edwards (Co-chair of Line Item Veto Committee), former U.S. representative, Mobile

Catherine F. Golden, attorney in Fairhope

Gorman Houston of Montgomery, Alabama Supreme Court justice

Robert Huffaker (Co-chair of Earmarking Committee),

attorney with Ruston, Stakely, Johnston Garrett in Montgomery

Lynne B. Lowery, executive director of the Historic Huntsville Foundation

Bob Ludwig, publisher of The Huntsville Times

John Nixon (Co-chair of Super Majority Committee), president of United Services Associates in Birmingham

Morris Savage, attorney with Bankhead Savage in Jasper
Alex Sierra, owner of Sierra Mexicanisimo Restaurant in Arab

Karen Stanley, vice president of Stanley Construction Co. in Huntsville

Bill Stewart of Tuscaloosa, professor emeritus of political science at the University of Alabama

Eddie Thomas, pastor of Mary Magdalene Baptist Church in Abbeville

Bailey Thomson (Co-chair of Limited Home Rule Committee) of Tuscaloosa, communications professor at the University of Alabama

Mike Waters, attorney with Balch Bingham in Montgomery

Beth Whitehead, president of HealthActions in Jackson

For more information on the entire governor’s commission, contact the governor’s office. ■