



THE VOICE OF ALABAMA

ALABAMA CITIZENS FOR
CONSTITUTIONAL REFORM

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Convention bills stall, reform support grows in 2007 session

Despite growing legislative support, companion bills to “Let the People Vote” on whether to call a constitutional convention stalled in the Alabama legislative session ending June 7.

HB 98 sponsored by House Speaker Pro Tem Demetrius Newton and SB 99 sponsored by Senator Ted Little passed out of committee and were placed on the master calendar for each body to consider.

In the Senate, a power struggle over rules derailed action on almost all bills, not just SB 99. In the House, organized opposition from ALFA appeared to take a toll as members favoring reform were not able to muster the supermajority necessary on a key procedural vote to keep the bill moving. Newton then asked to carry the bill over so that it could be reintroduced later in the session and time to gain additional votes necessary to pass the procedural hurdle.

Frequently, “carrying a bill over” ends the bill’s process and it is dropped, but HB 98 is not the usual bill. Efforts continued the remainder of the session to engage the undecided legislators. Based on statements by members of the House near the end of the session, HB 98 was within 10 votes of passing the necessary Budget Isolation Resolution (BIR) procedural vote, requiring a 3/5 majority to pass.

ALFA attacks

Leading up to the unsuccessful procedural vote, Newton chose to have two supporters (Rep. Mac Gipson, Prattville, and Rep. Marcel Black, Tuscumbia) and two opponents (Rep. James Buskey, Mobile, and Greg Canfield, Vestavia Hills) speak on the bill. The opponents supported the process of article-by-article revision by the legislature and approval by a statewide vote. The concern was expressed that the limitation of a campaign contribution of \$100 per source in a delegate election would

prove insufficient for the average citizen to raise enough money to adequately campaign in a district.

ALFA, a major opponent to letting the people vote and to the convention process, effectively employed a phone bank to urge citizens to call legislators. Many legislators were displeased because callers expressed misinformation, based on fear that a new constitution would remove important rights and raise taxes. However some legislators not fully committed to HB 98 withdrew support and undermined the necessary votes to pass the BIR.

DeMarco bills fail

Rep. Paul DeMarco (Homewood) began efforts again in this session to revise the 1901 Constitution article-by-article. This follows in the tradition of the late Rep. Jack Venable who pushed for the changes and sponsored a number of

See DeMarco, page 3

IN THIS ISSUE:

<i>Few winners, many losers</i>	2
<i>An unanswered prayer from 1901</i>	4
<i>‘Roadtrip’ brings best to Montgomery</i>	6
<i>Bailey Thomson dinner Aug. 30</i>	8

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1901 Constitution creates few winners, many losers

By Mark Berte

The first article in this series showed that Alabama is shackled to a fundamentally-flawed 1901 Constitution that has never legitimately been ratified. This piece will describe who benefits and who loses under that document.

I will begin by addressing the varied groups that lose.

Alabama's poor and her business community may not share many traits. However, under the 1901 Constitution, they are two of the biggest losers.

The work of the Alabama Poverty Project demonstrates that the 1901 Constitution conspires against the estimated 700,000 people who live in poverty in our state. Alabamians start taxing a family of four when they make just \$12,600 even though the federal poverty line is \$20,615. We also have to rely heavily on sales taxes which, as explained in Lewis Lehe's "It's a Thick Book" video, are extraordinarily regressive.

Amendment 93 does not allow Alabamians to use any of our state gas taxes towards public transportation. This is a major obstacle to Alabamians who wish to lift themselves out of poverty. If we want Alabamians to have an opportunity to better themselves instead of relying on governmental assistance, we need to lift the burdens of the 1901 Constitution from her people.

Our current social contract hurts the business community in some of the same ways it hurts low income citizens. Struggling public schools limit the quality of the workforce and lack of public transportation

limits the workforce size. But the business community has other problems with the Constitution centering on economic development and home rule.

Local economic development initiatives are often thwarted by our current Constitution's convoluted governance. Last November, there was an amendment on the ballot to allow the City of Prichard to establish a Foreign Trade Zone. Mobile County supported the measure by 59%. However, our Constitution

Our current social contract hurts the business community in some of the same ways it hurts low income citizens.

allowed the rest of the state a say in that local matter, which was voted down. Local government leaders have to wait for the legislature to be in session and then go hat in hand to Montgomery to get even the simplest legislation through.

The following are some other groups who are negatively impacted by the 1901 Constitution:

- People of faith in Alabama because every religion believes in caring for the poor.
- If you do not like discrimination, then you are hurt by this document, which still contains the language, but more importantly, the intent of the original framers of that document.
- The elderly because their limited income is spent on sales taxes on non-prescription drugs and food items.
- Rural communities, which are

victims of an unfair power structure skewed in favor of outside interests who foul Alabama's water, air and land.

- People working on good government legislation such as banning PAC to PAC transfers, requiring lobbyists fully disclose what they spend and making judicial races non-partisan, because the status quo is significantly favored under our current Constitution despite the overwhelming public support for those changes.
- All tax payers are hurt through the 1901 Constitution, because every time you amend it, there is a cost. For example, \$3.5 million of your tax dollars was spent on the June 5 special election to add four more amendments, bringing the total to 799.

And now to the mighty few who benefit from the 1901 Constitution:

Our 140 state legislators wield a tremendous amount of power by virtue of our current governing document. Many use that power to help others, but many use it to help themselves as well as the special interests to which they are beholden.

The second group that benefits

Mark Berte is the Grassroots Education Director for the Alabama Citizens for Constitutional Reform Foundation. (205-266-3371 or Mark@constitutionALreform.org). This is the second in a three part series about Constitutional Reform. The next installment will address the question of what it takes to write a seventh Constitution.



from the power structure that was created in 1901 is the wealthy special interests and their highly paid lobbyists. In a state where lobbyists outnumber legislators 6 to 1, Alabama has some of the weakest disclosure requirements in the nation for what lobbyists spend on politicians: up to

\$250 dollars per day without having to report one penny. Again, the 1901 Constitution makes reforming that problem or trying to make any positive change extremely difficult.

This article could have been titled “The Few vs. The Many” or “The Special Interests vs. The Not-So-

Special.” However, there is no way it could be the “The Powerful vs. The Powerless,” because we the people of Alabama are ultimately the ones who hold the power to make a change.

ACCR Foundation announces new staff, intern

The ACCR Foundation is delighted to announce that Katrina Brown has been hired as the new Coordinator, replacing Amy Sedlis who is moving to St. Louis.

Katrina, a native of Birmingham, completed her Bachelor of Science degree at the University of North Alabama (UNA). While at UNA, she participated in numerous organizations and was elected the first female African American Student Government President. She worked to promote diversity and tolerance on campus.

After finishing college, Katrina was selected to serve as an Intern for the office of Congressman Artur Davis. Hear what Katrina has to say about that experience: “The importance of

Constitutional reform came full circle during my internship in the Congressman’s office. I think there is a misconception out there that people in rural Alabama are not working to improve themselves.

“After meeting the so many people in the Black Belt and other rural areas in our state, I know that people care, but the Alabama 1901 Constitution works against their progress. That is why working for an organization like the ACCR Foundation is such a great joy.”

Katrina is already doing a fantastic job as Coordinator, and Mark Berte and the ACCR Foundation Board of Directors are glad that she is serving in this new capacity. You may contact Katrina by email

(Katrina@constitutionALreform.org) or by phone (205-337-1013).

The ACCR Foundation is also pleased to welcome Art Richey, a junior from at Birmingham Southern College (BSC), to the team. Art is from Russellville and will be traveling the state this summer working on Constitution Reform issues as a 2007 Hess Fellow to the ACCR Foundation. This fellowship is a full-time, paid position and the ACCR Foundation is deeply appreciative to Art, BSC and the Hess Fellows program for this tremendous opportunity. Here is how you can get in touch with Art:

Art@constitutionALreform.org OR (256) 412-9826.

DeMarco article-by-article bills also die in Senate

Continued from page 1

article revisions which passed the House in 2002 only to die in the Senate.

HB 542 and 543, sponsored by Rep. DeMarco, revising the 1901 Constitution Articles on Corporations and Banking, passed out of the House Committee on a voice vote and later passed the House on April 12. These were walked out of the Senate committees.

During debate of these bills, and prior to their passage, Speaker Pro

Tem Newton, also sponsor of the “Let the People Vote” bills, stated he was a co-sponsor and emphasized his support for these article revisions. However, in the final hours of the session, the bills revising two articles died in the Senate.

What next?

Speaker Pro Tem Newton stated that HB 98 had twice as much support this year compared to similar bills in the past. The question of a constitutional convention is now a significant issue in the Alabama Leg-

islature. The bill calling to “Let the People Vote” is one that legislators understand requires their attention.

The southeastern and north central sections of Alabama seem to have the least support for “Letting the People Vote.” If you live in these areas, please consider organizing a grass roots regional chapter. Many are here to assist you and will connect you with others in the region (205-540-7501).



One man's 1901 prayer still unanswered

By Lenora Pate

"We pray Thee, Heavenly Father, that Thou wilt cause Thy face to shine upon these Thy servants, who are met together from different parts of this State to engage in this undertaking which is before them, and we ask that Thou wilt give to them wisdom; that Thou wilt give to them clearness of mind, and especially that Thou wilt give to them a sense of the responsibility resting upon them, and as they day by day meet for consultation and deliberation, may their minds and hearts, be so guided and controlled by Thy Holy Spirit as that the result of their labors will be of benefit to all the inhabitants and citizens of this State. We pray that Thou wilt restrain them from any unwise proceedings; that Thou wilt uphold them in all undertakings which are for the interest of the people, and that Thou wilt sustain all of their efforts to Thy name's honor and glory, and to Thee we shall give the praise, world without end. Amen."

A beautiful prayer for Alabama? Indeed. It was the cry and plea of a faithful minister who opened the 1901 Constitution Convention; however, the prayer of one man was insufficient to overcome the evil and shame that conceived and produced the archaic, immoral and fundamentally flawed 1901 Alabama Constitution that still serves as Alabama's fundamental governing law today.

Today, men and women throughout the state are praying without ceasing similar prayers for the Alabama Legislature and for House Bill 98, sponsored by Speaker Pro Tem Demetrius Newton, which would let the people on the simple question of

calling a constitution convention to rewrite the 1901 Constitution.

It has been 106 years since the 1901 Constitution Convention heard that beautiful prayer, yet proceeded to ignore that spiritual guidance, following instead the words of its chair-

Our constitution is a civil stranglehold and spiritual stronghold that is at the very root of the historic, political, economic, social, educational and racial problems that have plagued Alabama over the last century of shame.

man, John B. Knox, "... if we would have white supremacy, we must establish it by law."

Not only did the framers establish white supremacy by law, with racist intent and language permeating the 1901 Constitution, they also created a post-Civil War governing charter that still governs a post-9/11 Alabama today. It is at best an archaic, immoral and fundamentally flawed document. And at worst, it is a civil stranglehold and spiritual stronghold that is at the very root of the his-

toric, political, economic, social, educational and racial problems that have plagued Alabama over the last century of shame.

For you see, it creates a system that vests power in an imperial-like Legislature rather than the people, thereby providing the opportunity for special interest domination in the State House then and now, with paid lobbyists today outnumbering our elected representatives almost 6-1.

It denies local communities the authority to deal with local issues, causing the Legislature today to spend more than 60 percent of its time on purely local issues. It is costly and inefficient, requiring 799 amendments to keep government functioning today; enshrines constitutionally an immoral tax system; restricts economic development, as evidenced by the recent special session and upcoming statewide referendum to enable Alabama to compete to recruit a \$3 billion project; and earmarks almost 90 percent of revenues, making it almost impossible to be easily and efficiently responsive to the current needs of our

Lenora Pate is co-chair of ACCR, Inc. This article first appeared in the May 17, 2007, Montgomery Advertiser.



Free Offer

IT'S A THICK BOOK:
Bad government, great film!

It's a Thick Book is a creative, entertaining, and powerful documentary by Lewis Lehe on the 1901 constitution. This is an excellent education tool for people who know a lot, a little or nothing at all about our fundamentally-flawed Constitution. **GET YOUR OWN FREE DVD COPY** by placing an order at www.constitutionalreform.org. You also can watch the film online!



economy, economic development plans and government.

Most importantly, however, it fosters an extreme distrust of government by the people, and in return the Legislature has been unwilling to trust the people enough to even let the people vote on the question of calling a constitution convention in 106 years.

Hence, the 1901 Constitution continues to fulfill its racial and evil purpose of disenfranchising and taking power away from the people, as the Legislature has continued in recent years to deny the people the right to even vote on the question of calling a constitution convention.

Will the 2007 Alabama Legislature finally hear the prayers and voices of the people and make a mighty shift from the past, by ultimately trusting the people of the great state of Alabama to vote for a constitution convention?

"Let the People Vote" is the cry, and prayers, coupled with action, can and will finally avail much. In fact, the Scriptures promise that if God's people will humble themselves and pray, and seek his face, and turn from our wicked ways, confessing our sins, then he will hear us, forgive us and heal our land. It is past time for all of us who claim to be his people to bow humbly, seek, turn, confess, believe in faith and act with assurance that his deliverance for Alabama is at hand.

Alabama Citizens for Constitutional Reform began in 2000 under the leadership of Dr. Tom Corts, former Gov. Albert Brewer, former U.S Rep. Jack Edwards, and others as a grassroots, all-volunteer non-profit to mo-



bilize Alabamians to action for a new constitution. ACCR has now been joined by 31 organizations in a coalition working together to urge the Alabama Legislature to let the people vote for a constitutional convention to write a new constitution.

Resolutions calling for a constitutional convention have been signed by the Alabama PTA, Alabama Rivers Alliance, The Alabama State Bar Board of Commissioners, Baldwin County Bar Association, Baldwin County Education Association, Birmingham Bar Association, Episcopal Diocese of Alabama, Shelby County Bar Association and the State of Alabama Circuit Judges Association, just to name a few.

In addition, more than 15 colleges statewide have joined the College Council for Constitutional Reform and have held readings of the 1901

Constitution for 48 hours on their campuses. They held a statewide Roadtrip to Reform Rally on the steps of the Capitol in Montgomery recently to bring attention to this effort. Students from colleges throughout the state then walked to the Alabama State House to personally meet with their representatives.

As a result of the students and this collective action of Alabamians, SB 99, sponsored by Sen. Ted Little, was favorably reported out of committee. The fate of these two bills now lies in the hands of the Legislature. And all of us.

This is the year to pray the prayer above for the Alabama Legislature by all Alabamians. For more information on HB 98 and SB99, go to www.constitutionalreform.org.



Capitol 'roadtrip' brings out best for reform

By **Jeanne Cross**

The college experience ushers in many rites of passage necessary before a checkbook-balancing, grocery-buying, apartment-owning "adult" can be produced.

Roadtrips are one such rite of passage, and they are arguably one of the most revered experiences of college. Whether to Waffle House or Panama City, college students always are looking for a good excuse to get behind the wheel where the rubber meets the road.

On April 25, however, I had the opportunity to be a part of a different type of roadtrip. This one was to Montgomery for reform of Alabama's 1901 Constitution.

For a college student, the prospect of a roadtrip takes precedence over attending class any day; however, there was more than just missing class lectures motivating students from across the state, including myself, to trade our backpacks for banners.

John Knox, Alabama's former con-

stitution convention president, exemplifies our reasons for going to Montgomery in his statement of why Alabama's current constitution was written: "We must get rid of the Negro problem and establish white supremacy in this state."

In 1901, 155 white males, mostly plantation owners and industrialists, wrote Alabama's sixth and current constitution. These writers openly discussed ways to disenfranchise African-American and poor white voters. The slogan used to ratify the

I am passionate about constitutional reform because our current Constitution oppresses the poor.

constitution was, "White Supremacy! Honest Elections! And a new constitution! One and inseparable!"

In addition to remaining overtly racist, Alabama's Constitution was explicitly written to strip away power from local government in order to consolidate it within the state Legislature. As a result, all local governments must pass laws through the state government. Because of this, our state Legislature spends more

Jeanne Cross, left, spoke at the capitol Roadtrip for Reform. She is a sophomore at Samford University majoring in psychology and sociology. Above, from left, are University of Alabama constitutional reform chair Matthew Lewis, reform sponsor Sen. Ted Little, ACCR co-chair Lenora Pate, and reform sponsor House Speaker Pro Tem Demetrius Newton.



than half its time discussing local issues, when it could be working on statewide issues such as education, healthcare, and poverty.

Because local government cannot sufficiently govern, economic development is greatly hindered due to the tedious legislative process needed to pass local amendments. There are more than 50 amendments simply passed to allow local governing bodies the ability to promote economic development and invest in local infrastructure projects within their county. These amendments can take six months to a year to pass through the state Legislature. As a result, Alabama's ability to compete with other states for future jobs is greatly limited.

Alabama's Constitution is literally the longest constitution in the world, bearing nearly 800 amendments—seven times longer than any other constitution in this country. The constitutional amendments cover such topics as bingo, mosquito control, catfish, soybeans, dead farm animals





and beaver tails. The imposing length of the document makes it less accessible to the citizens it is supposed to serve.

While the Constitution is racist, limits economic development, local government, and, described at its best, is the longest, most ineffective in the country, the reason closest to my heart for constitutional reform involves none of these things. I am passionate about constitutional reform because our current Constitution oppresses the poor, and my convictions in Christ will not let me keep silent. My God is a God of the oppressed and the poor (Isaiah 1:10-17, Proverbs 14:31, Micah 6:8, Matthew 23:23), and as a follower of Christ I have the joy, as well as the responsibility, to seek justice as his follower.

Embedded in the Constitution, Alabama's regressive tax structure taxes families further into poverty. In Alabama, a family of four paid state income tax with a taxable income of just \$4,600 up until this past year



14 percent of their income in taxes, while the richest 1 percent pays less than 4 percent in taxes. This is absurd and immoral.

In addition, Alabama has one of the

the road to rally against the racist, the restrictive, and the regressive Alabama Constitution of 1901. We went to Montgomery because the people of Alabama deserve to be

governed by a better Constitution, and we demand they get the choice to vote for a better constitution. Please join us in this rally for reform.



when the minimum taxable income became \$12,600. This amount is still much lower than the poverty line.

In comparison, Mississippi does not start collecting income tax until \$19,500. In Alabama, the poorest 1 percent of the state pays more than

highest sales taxes in the region at 9 percent, taxing basic goods such as milk, non-prescription drugs and baby formula.

In April, college students around the state, including myself, got behind the wheel where the rubber meets

Above, college students and others including Miles College President Dr. George French, Jr., gathered at the capitol April 25 to support constitutional reform. Taking part, at left, were Reps. Chris England, Merika Coleman, Earl Hilliard, Jr., and Jeff McLaughlin.



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CONSTITUTIONAL REFORM

Published by Alabama Citizens for Constitutional Reform. We welcome submissions of articles, announcements, opinions, photographs, and suggestions related to Alabama constitutional reform. All submissions are subject to approval by the ACCR editorial board.

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ACCR is a public interest group dedicated to helping Alabamians draft a new state constitution.

ACCR Foundation, Inc., grew out of a rally in Tuscaloosa on April 7, 2000, as part of a grass-roots movement for civic renewal and constitutional revision.

ACCR represents members across Alabama who believe in the power of citizens to create a better future for themselves and their state.

We are devoted to the idea that people deserve the best government they can design. Our mission is civic, rather than partisan. We seek to engage Alabamians in serious discussion about the future of our state.

We want a state constitution that unites, rather than divides our people. We want to create a civic atmosphere in which politics can function for the benefit of all citizens, rather than for a few powerful interests.

Our movement begins with the citizen, who holds the highest office in our democracy.

ACCR is about people's willingness to take control of their civic destiny and achieve the promise that our nation's founders held up for the world to admire and follow.

Save the date:

Bailey Thomson Awards Dinner in Birmingham Aug. 30

The First Annual **Bailey Thomson Awards Dinner** will be on Thursday, Aug. 30, at 6:30 p.m. in the Energen Plaza Conference Center. This event will honor the life and work of Bailey as well as other individuals who have made an impact in the Constitutional Reform Movement. If you are interested in purchasing individual tickets (\$50) or wish to be a corporate sponsor, please contact Mary Ivey (Mary@constitutionALreform.org OR 205-602-4386). Proceeds are tax-deductible and will support constitutional reform education efforts.