

**Board of Church and Society
United Methodist Church, North Alabama Conference**

Position Paper Title:

United Methodist Church North Alabama Conference Position on and the Christian
Response to the Alabama Constitution of 1901

Statement of the Moral Issue:

The Alabama Constitution of 1901 imposes, or attempts to impose immoral restrictions on citizens and attacks their human dignity to the detriment of the state and the ability of it and its citizens to become all God intends them to be.

Background/History:

The Alabama Constitution of 1901, the sixth in the history of the state, was framed and approved from May 21st, 1901, to September 3rd, 1901 in a Convention of 155 white males who openly disregarded the rights of women and minority citizens, while simultaneously harming the future growth and economic wellbeing of the state overall. The recorded proceedings of this convention establish the blatant preoccupation with justifying their continuing prejudice against minorities by asserting that white authorities in northern states such as Massachusetts and Illinois would act commensurately with them if the Negro population in those states were as large as in southern states and insuring that Negroes shall not be permitted to vote in Alabama. Specific unacceptable shortcomings of this constitution include the following:

- a. Immoral denigration and oppression of racial minority members of the citizenry.
- b. Provided for an immoral, unfair and oppressive system of taxation.
- c. By reserving all authority in the state legislature for making local government decisions makes justice and adaptation to citizen needs awkward and non-responsive. Because the state government is more distant and less responsive to local needs, this is counter to the democratic principles and encumbered facilitating citizen participation in government.
- d. Forbade all economic development (1), rendering citizens' economic future less competitive and abundant than they deserve.
- e. The length and complexity of the document effectively denies citizens access to the governing framework of the state.

Facts bearing on the issue:

The Alabama Constitution of 1901 contains provisions that establish several objective facts that are indisputable, which include the following.

- a. The 1901 Alabama Constitution is the sixth such constitution of the state (this does not include the Territorial Constitution that existed prior to statehood).
- b. Power over local issues is concentrated in the legislature in Montgomery and thereby subject to the legislative schedule and calendar demands and priorities of legislators, except as provided for municipalities and special situations.
- c. During the first two days of the 1901 Convention John Knox, President of the Convention as well as others made it clear that they intended to prevent Negroes from voting in Alabama and otherwise restrict and oppress Negroes by way of the Constitution

they were codifying. This constitution provides prohibitions against Miscegenation (interracial marriage - Section 102), requirements for a Poll Tax, and other devices (Section 178 -190), literacy testing and related items relative to voter registration as a precondition for voting eligibility, etc. (Section 181 through 189).

(1) Because counties and municipalities, etc. lack the power to undertake economic development projects by themselves these entities have had to resort to amending the state constitution. See the following amendments: 48, 94, 95, 104, 128, 155, 166, 174, 183, 186, 188, 190, 191, 197, 217, 220, 221, 227, 243, 244, 247, 250, 256, 257, 261, 263, 277, 302, 303, 312, 313, 338, 355, 376, 394, 429, 431, 468, 475, 510, 545, 563, 596, 624, 642, 646, 666, 678, 679, 682, 701, 797, 719, 723, 725, 729, 739, et. al.

d. Section 93 states that:

The state shall not engage in works of internal improvement, nor lend money or its credit in aid of such; nor shall the state be interested in any private or corporate enterprise, or lend money or its credit to any individual, association, or corporation. As a result of this historic stance in the constitution, denying any public improvements by local or state authority, the following constitutional amendments have been required: Section 93, Amendments 1, 6, 11, 12, 15, 18, 21, 22, 23, 58, 68, 69, 73, 80, 87, 100, 113, 116, 117, 118, 119, 120, 122, 126, 127, 151, 152, 157, 160, 193, 201, 213, 222, 224, 232, 257, 258, 266, 268, 270, 273, 274, 281, 286, 287, 288, 300, 315, 324, 327, 338, 340, 355, 363, 364, 374, 378, 395, 396, 400, 410, 451, 452, 453, 463, 465, 470, 477, 492, 510, 543, 551, 554, 584, 593, 603, 610, 617, 618, 619, 620, 637, 649, 652, 653, 666, 667, 668, 669, 709, 711, 715, 728)

e. Separate schools shall be provided for white and colored children, and no child of either race shall be permitted to attend a school of the other race. (Section 256, 270).

Wesleyan Quadrilateral Analysis:

Scripture: In the Gospel according to Luke, Chapter 19, we have the story of Zaccheaus, a despised tax collector. The story is one in which Jesus sees Zaccheaus as an imperfect, sinful individual who has conspired with the unjust and oppressive government authorities of the day. He had benefited from the spoils of a corrupt and unjust governmental structure. However, when he was confronted by Jesus, he pledged of his own volition to give half of all he owned to the poor and compensate anyone he might have cheated by restoring the amount of his embezzlement four to one. Still, Jesus sought to befriend him and to transform him such that his outlook on his fellow man in the future will be more just and compassionate. Many in the crowd grumbled that Jesus was associating with a terrible sinner. But Jesus responded to them that salvation had come to his house and that Jesus' mission was to seek out and save those who were lost. Jesus sought to correct injustices and to transform the individual performing the injustices so that he would live a better life as would those with whom he transacted business would do likewise. We are called to confront injustices for the benefit of the poor, and powerless. Zaccheaus already knew Jesus by his reputation, and was convinced to mend his ways for the future and to rectify any past injustices. We in the United Methodist must make it known to all those in seats of power and the voting populace of the state of Alabama that the injustices embedded in the 1901 constitution are

an affront to the teachings of Jesus. The Scriptures compel us to take action to eliminate the 1901 constitution and to replace it with one more just and righteous.

Old Testament teachings provide similar guidelines. Isaiah 10 states “Doom to you who legislate evil, who make laws that make victims-Laws that make misery for the poor, that rob my destitute people of dignity, Exploiting defenseless widows, taking advantage of homeless children. What will you have to say on Judgment Day, when Doomsday arrives out of the blue? Who will you get to help you? What good will your money do you?” Leviticus, Chapter 19 cautions us not to be so greedy that we leave no opportunity for the poor to make a living. In verses 9-15 it states “When you harvest your land, don't harvest right up to the edges of your field or gather the gleanings from the harvest. Don't strip your vineyard bare or go back and pick up the fallen grapes. Leave them for the poor and the foreigner. I am God, your God.” Likewise, in Exodus, Chapter 22, verses 21-27 state “If you lend money to my people, to any of the down-and-out among you, don't come down hard on them and gouge them with interest. If you take your neighbor's coat as security, give it back before nightfall; it may be your neighbor's only covering”. These teachings tell us to be compassionate with our neighbors and not to be oppressive. Unfortunately, the 1901 Alabama constitution contains the most oppressive tax structure among all 50 states, by far. Clearly these scriptures instruct us to oppose the structures of the 1901 constitution. The framers of the 1901 Constitution have all passed away now, but their legacy lives on in that document. We have the opportunity and responsibility to bring about positive change that will generate greater justice in Alabama. If we continue to ignore the injustices in the system as it exists, we become participants with “those who legislate evil”.

Tradition:

According to the United Methodist Church Book of Discipline (§ 1005) members are called to “provide forthright witness and action on issues of human well-being, justice, peace, and the integrity of creation.” Also, in § 164 (C) of the Book of Discipline we read “The Church must exert strong influence on the state, supporting policies of justice and opposing those of injustice.” Clearly no racist and hate inspired document such as the 1901 Alabama constitution can be compatible with the conviction that there be “neither Jew nor Greek” (Galatians 3:28). It was under just such a banner that Bishop Goodson attempted on multiple occasions to arrange meetings between Gov. Wallace and Rev. King to resolve Civil Rights issues and ease tensions in the state. United Methodists and the North Alabama Conference, in particular, has a tradition of working to correct injustices in the state.

Experience:

Examples abound in our past experience where Christians, including United Methodist worked vigorously for righteousness and justice against the powers established in the status quo. Christians opposed slavery in the 1800s and ultimately won freedom for millions of individuals. The United Methodist Women via predecessor organizations worked vigorously for women's suffrage and child labor laws and ultimately won the right to vote for millions of women who had been ignored in the political process and

won protections for children who were being exploited by employers. Also, Christians worked for and won Civil Rights for all American citizens in the 1960s. United Methodists have experienced all of the unpopularity that comes with opposing the status quo, and have enjoyed the benefits of victory once success is complete.

Reason:

From a purely secular standpoint the Alabama constitution of 1901 is counterproductive for several reasons. Simply put, its business processes are so inefficient that it is costing Alabama voters millions of dollars annually and making it ever more difficult to compete with other states to attract corporate investment of capital and high paying jobs. Because of constitutional prohibitions against public improvements and changes on taxes, a constitutional amendment is necessary for an attractive proposal to be developed to offer to any corporation thinking of establishing a new manufacturing plant or industrial complex. Indeed an amendment to the constitution is often needed just to establish the proposal team and resources to develop such a proposal. Evidence of this is affirmed among the amendments cited above. Another way the state constitution is costing Alabamians millions of dollars is its concentration of power in the state legislature. Currently the legislature spends half of its time discussing local issues. So, Alabama taxpayers are paying nearly \$2.5M annually on matters that don't concern the whole state, just one city or county. Add to this the cost of staff members' time, office resources, facility utilities and of course the cost of lengthening the next ballot for all voters to vote on the issue, if the legislature passes the matter. Aside from these dollar costs, there are the costs associated with Alabama residents being forced to endure a protracted legislative process where their local issue must compete with the state General Fund Budget and Education Budget and other momentous issues for time and attention. Action on critical local issues such as competing for investment in plant and equipment, jobs, etc. is often delayed unacceptably.

Furthermore, a common sense application of the Biblical principles, stated above, to modern, Alabama conditions and situations forces us to the conclusion that to continue to ignore the injustices embedded in the 1901 Alabama constitution is to ally oneself with the forces of oppression. The North Alabama Conference of the United Methodist can not condone such a position or inaction and must therefore state its moral objection to allowing this document to stand.

Conclusion and Statement of Petition:

We of the North Alabama Conference of the United Methodist Church strongly condemn the current (1901) constitution of the state of Alabama. This constitution oppresses poor and powerless citizens while providing excessive luxuries for the rich and powerful of Alabama and some beyond its borders. We specifically oppose the unfair tax structure which oppresses the poor, the racist provisions that denigrate the human spirit. We oppose the excessive concentration of power in the state legislature that subjugates local issues to legislative and statewide approvals. We oppose restrictions that undermine and render exceedingly inefficient those initiatives for public improvements and additional employment opportunities which would enhance the living standards of Alabama citizens.

We call on the Alabama Legislature to authorize the citizens of Alabama to convene a Constitutional Convention. This Convention should replace the 1901 Alabama Constitution with a more fair, more compassionate, more forward thinking document. We call on civic and public sector leaders of Alabama to support the call for a Constitutional Convention and inform their constituents of the benefits of this Convention.