



# THE VOICE OF ALABAMA

ALABAMA CITIZENS FOR  
CONSTITUTIONAL REFORM

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AUGUST, 2013

## Thomson Awards Aug. 15 celebrate Commission

Alabama Citizens for Constitutional Reform Foundation cordially invites you to its Sixth Annual Bailey Thomson Awards event on August 15 from 6:30-9:00 PM at the Wynfrey Hotel Ballroom in Birmingham. This year's event will honor the outstanding public service of the members and staff of the Alabama Constitutional Revision Commission, chaired by former Governor Albert Brewer.

This event invites constitutional reform supporters to spend an elegant evening mingling with one another as well as with the advocates, lawyers, and legislators that comprise the Revision Commission. Beginning with a social hour that offers a cash bar, the event will feature dinner and a program with former Governor Albert Brewer as speaker.

The Bailey Thomson Award—named for the visionary ACCR cofounder—has traditionally been given annually to an individual in Alabama who has demonstrated a substantial commitment to constitutional reform. This year, ACCR is pleased to announce a group award to all the members and staff of the Governor's Constitutional Revision Commission. This year's honorees are:

- Former Governor Albert Brewer, Chair
- Representative Paul DeMarco, Vice-Chair

- Governor Robert Bentley
- Senate Pro Tem, Del Marsh
- Speaker Mike Hubbard
- Al Agricola
- John Anzalone
- Greg Butrus
- Vicki Drummond
- Othni Lathram
- Matt Lembke
- Bob McCurley
- Carolyn McKinstry
- Jim Pratt
- Senator Quinton Ross
- Representative Patricia Todd
- Senator Cam Ward
- Senator Bryan Taylor
- Representative Randy Davis
- Howard Walthall
- Mike Waters

You won't want to miss this exciting event celebrating those who are working to reform our State Constitution and bring Alabama into the 21st century. Your support will honor the members of the Revision Commission and allow ACCR Foundation to maintain its Bring It Back Home educational program throughout the state. Individual tickets are \$75 and may be purchased at [www.bringitbackhome.org](http://www.bringitbackhome.org).

Also, please consider further supporting our mission by being a sponsor of the event. Sponsorship levels may be viewed at [www.bringitbackhome.org](http://www.bringitbackhome.org).

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# HEMMED IN

## Revision Commission preserves weak veto, undecided on right to public education

By Tim Lockette  
*The Anniston Star*

**MONTGOMERY** — The committee charged with rewriting Alabama's 1901 Constitution rejected a proposal [July 1] to increase the vote margin required for the Legislature to override the governor's veto.

By a voice vote, members of the Constitutional Revision Commission rejected an effort to change the Constitution to require a three-fifths vote from lawmakers to override the governor's veto of a bill.

Under current law, a simple majority of lawmakers can override the governor's veto.

Two Alabama governors, current Gov. Robert Bentley and former Gov.

Albert Brewer, have seats on the Constitutional Revision Commission, which is charged with an article-by-article rewrite of the state's founding document. The commission's recommendations must be passed by the Legislature and approved by the voters as amendments in order to take effect.

Bentley typically sends a delegate to the commission, but made a point of attending the [July 1] meeting. He said he supported the plan to make it harder to override future governors.

"Only five states have a veto as weak as the governor's office does," Bentley said. Bentley asked the commission to amend its proposal so that any change to the veto override

would occur in 2018 or afterward. Bentley's term ends next year; if re-elected, he would have only one more term, ending in 2018.

"That takes me out of it," he said.

Some of the lawmakers on the commission had misgivings about the change. Rep. Paul DeMarco, R-Homewood, said the veto override allows lawmakers to protect their constituents. DeMarco noted that lawmakers are the only people elected at the local level to represent an area's interests at the state level.

For his district, DeMarco said, "I'm it, and there's nobody else."

Sen. Bryan Taylor, R-Prattville, supported the effort to increase the bar for veto override. Taylor said the gov-



ernor's veto could protect residents statewide from poorly-considered laws.

"There is the flip side of the coin in terms of protecting the state as a whole," Taylor said.

The commission, in a voice vote, rejected a motion to add the three-fifths requirement to its recommended changes.

### Sidestepping segregation vote

The commission voted to approve some changes to the Constitution's article on education and the Declaration of Rights, which is essentially the state version of the Bill of Rights.

Most of those changes were relatively minor. Among other things, the commission removed a number of references to "man" and replaced them with "person."

The commission sidestepped some of the thornier issues in both articles, including changes to Section 256, which orders the establishment of separate schools for white and black children. That wording hasn't been enforced since the end of segregation, but reformers have long argued that its existence in the state's founding document is an embarrassment.

Alabama voters have twice rejected amendments that would have erased the wording.

According to commission documents, Section 256 also contains wording that declares the Constitution does not establish a right to an education. A 2003 amendment that altered that wording failed largely because critics said it would create a state obligation to fund schools equally. A 2012 amendment, which left the no-right wording intact, failed because of critics who maintained it would leave Alabama children with-

out a right to education.

The commission has been searching for a way to split the difference. After reviewing the education language in other states' founding documents, a commission subcommittee proposed scrapping all of Section 256. The proposal would replace the section with Twitter-length statement that the state will "establish, maintain and organize" a school system.

Subcommittee chairwoman Vicki Drummond said commission members had the chance to make history with the new wording.

"We have an opportunity to correct this in the Constitution if we can find acceptable language," she said.

Still, commission members struggled to find that acceptable language Monday. Commission member Sen. Quinton Ross, D-Montgomery, made



**Vicki Drummond, left, and Rep. Patricia Todd**

a bid to add wording that would guarantee "uniform" and "thorough" schooling. DeMarco, the Homewood legislator, said he'd need more time to study that. Another commissioner, Greg Butrus, said there was still debate about what the current wording of Section 256 actually says. He said the commission should seek an opinion from the Alabama Supreme Court on the ruling.

The commission voted to postpone a decision on Section 256 until its

August 8 meeting.

### Equal protection

Commission members also postponed debate on Section I of the Declaration of Rights, which mimics the "life, liberty and pursuit of happiness" passages in America's founding documents.

A subcommittee recommended the addition of an equal protection clause similar to the one in the Fourteenth Amendment. But that subcommittee rejected a proposal from the group Alabama Applesed to add a ban on laws that discriminate by race, sex, religion or sexual orientation.

Commission member Rep. Patricia Todd, D-Birmingham, said it was the sexual orientation wording, and recent court decisions on same-sex marriage, that caused the panel to shy away from the a vote on the topic.

"They just want to wait until that cools down," said Todd, the only openly gay member of the Legislature.

Todd told The Star last week that she intended to bring up the sexual orientation clause in the Declaration of Rights debate. On Monday, she said she didn't intend to raise objections in a way that would slow down the commission.

"I'd be happy if we just got what's in the (U.S.) Constitution," she said. There's no explicit mention of sexual orientation in the U.S. Constitution.

The commission did approve a proposal to make a series of smaller changes to the Declaration of Rights. That proposal left intact the state's ban on gay marriage, which is in the Declaration of Rights.

Todd cast the only "no" vote.



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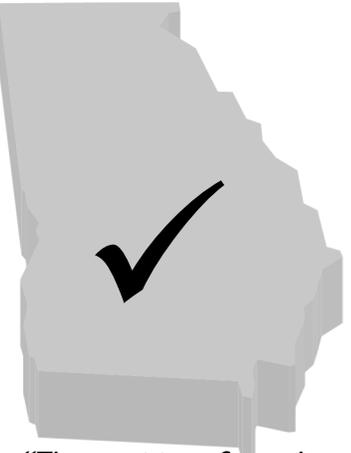
*“The state of Tennessee recognizes the inherent value of education and encourages its support. The General Assembly shall provide for the maintenance, support and eligibility standards of a system of free public schools.”—Tennessee constitution*



*“The Legislature shall, by general law, provide for the establishment, maintenance and support of free public schools upon such conditions and limitations as the Legislature may prescribe.”—Mississippi constitution*



**“Nothing in this Constitution shall be construed as creating or recognizing any right to education or training at public expense.”**



*“The provision of an adequate public education for the citizens shall be a primary obligation of the State of Georgia. Public education for the citizens prior to the college or postsecondary level shall be free and shall be provided for by taxation.”—Georgia constitution*

*“The education of children is a fundamental value of the people of the State of Florida. It is, therefore, a paramount duty of the state to make adequate provision for the education of all children residing within its borders. Adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education and for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people may require.”—Florida constitution*





## COMMISSION VOTES THIS MONTH

# NOW the time to speak up for education right

By John Northrop  
Editor, *The VOICE*

**Y**es, even Mississippi. And our other three closest neighbors. And 41 other states across America. All in their own words: a constitutional guarantee—a *right*, if you will—to public education. The shared commitment to opportunity for every child. The awareness that economic strength in the 21<sup>st</sup> century requires more than a targeted gift of knowledge and skills to a privileged few. The conviction that a robust democracy is rooted in the collective competence of its total citizenry.

Alabama's constitution stands in disgraceful contrast. From Article XIV in 1901: *Separate schools shall be provided for white and colored children, and no child of either race shall be permitted to attend a school of another race.* And from Amendment III in 1956: *Nothing in this Constitution shall be construed as creating or recognizing any right to education or training at public expense. And to reinforce privilege: The legislature may authorize the parents or guardians of minors, who desire that such minors shall attend schools provided for their own race, to make election to that end.*

Is Alabama now better than all that? Evidence says yes, but we're hardly a brand new state. Our constitution still marks a lowest common denominator of sorts. It encodes, validates, and perpetuates how some of the worst among us still see the world. We still struggle upon a platform that is low and mean, built with derelict attitudes and expectations. We need to grow all the way up. The cornerstone of that growth will be quality education for all. But to get to great schools we first must deem public education essential.

Some say that it will be hard to win a statewide referendum to declare education a constitutional right. As always in our tortured history, some politicians will speak to selfishness and fear. Behind the scenes will be wealthy interests ready to sell out someone else's children to make sure their land taxes stay lower than in four surrounding states. We can expect them to fight any recommendation, legislative act or amendment they fear might lead to more public school investment.

Gov. Albert Brewer—our great leader and the esteemed chair of the Constitution Revision Commission—predicts that the Commission will recommend an education mandate. I hope he's right. But at least two Commission members are not yet on board. They fear that establishing an education right could invite equity lawsuits to divert school funds from rich systems to poor. Like us all, they are captive to our constitution's regressive expectations. They have trouble seeing past today's zero sum realities to an Alabama of expanding opportunity. Should the Commission embrace zero sum thinking and reject an education mandate, the effect would be to affirm privilege in the sad tradition of 1901 and 1956. No worry about winning a referendum. There wouldn't be one.

ACCR stands with the Commission process as a realistic path to reform. As an organization we reserve judgment on its final product. Yet as individual citizens we can help shape that product. Education is uniquely important to our future. Let's urge Commission members to help give Alabamians a clear choice, not a reworded status quo. **Now is the time to speak up. The Commission will vote on education recommendations as early as August 8.**

Let's tell Commissioners, give us the chance to advance with most of 21<sup>st</sup> century America. Give us the chance to pledge to ourselves and our posterity the individual and shared benefits of public education as a constitutional right!

**REVISION COMMISSION MEETINGS:  
10 a.m.-2 p.m., August 8 and 22  
Room 617, State House  
Montgomery  
OPEN TO PUBLIC**



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**ACCR, Inc., is a 501(c)4 non-partisan advocacy organization. We grew out of a rally in Tuscaloosa on April 7, 2000, as part of a grassroots movement for civic renewal and constitutional revision.**

**We are devoted to the idea that people deserve the best government they can design. 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.**

**The Constitutional Reform Movement begins with the citizen, who holds the highest office in our democracy.**

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