



# THE VOICE OF ALABAMA

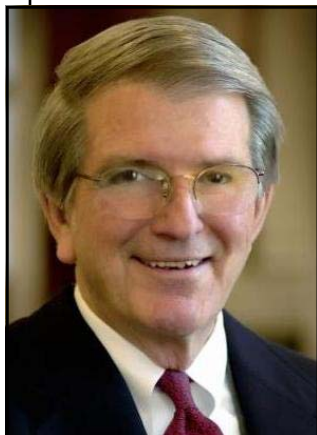
ALABAMA CITIZENS FOR  
CONSTITUTIONAL REFORM

Vol. 5: 2  
JUNE, 2010

## Tuscaloosa hosts Bailey Thomson Awards Luncheon, 10th Anniversary Celebration

When Bailey Thomson's powerful pen was stilled nearly seven years ago, his friends and colleagues across Alabama made a collective vow to honor his memory by carrying on his work in the name of constitutional reform. While good intentions sometimes fall by the wayside, that pledge certainly did not.

When we gather at the Bryant Conference Center in Tuscaloosa on **August 19** to celebrate the 10th anniversary of ACCR, the measure of progress will fill the room. The fourth annual **Bailey Thomson Awards Luncheon** will bring together old friends, new faces, and a timely forum on constitutional reform featuring the Democratic and Republican candidates for Governor of Alabama.



**Dr. David Matthews**

Dr. David Matthews, CEO of the Kettering Foundation, will be the keynote speaker at the noon luncheon.

Cathy Randall, Johnnie Aycock and Riley Lumpkin are chairing the Steering committee for the Bailey Thomson Awards Luncheon. Committee member Marian Loftin is leading the fundraising efforts for this year's anniversary event. Proceeds will support the Bring It Back Home Educational Project in Alabama's 67 counties. "Bailey challenged us to help

Alabama truly achieve its potential," Loftin said. "And what better way than to finally win the fight for a new state constitution?"

The planning committee is seeking funding support through four sponsorship levels:

- **Platinum sponsorship** at \$5,000 includes two reserved luncheon tables (up to 16 guests), a display booth space, complimentary full-page ad in the program, and logo and other citation on website and in signage and publicity.
- **Gold sponsorship** at \$2,500 includes one reserved table (up to 8 guests), half-page program ad, logo and sponsor listing.
- **Silver sponsorship** at \$1,000 includes luncheon tickets for up to 4 guests, quarter-page program ad, logo and sponsor listing.
- **Bronze sponsorship** at \$500 includes luncheon tickets for 8 guests and listing in the program.

The Chamber of Commerce of West Alabama is underwriting the gubernatorial candidate forum. Chamber President Johnnie Aycock said the forum will focus on where candidates stand on the various aspects of constitutional reform.

A December 2003 editorial in *The Tuscaloosa News* said it best: "We can think of no finer living, ongoing tribute to the late Bailey Thomson than to keep the Alabama Citizens for Constitutional Reform as a vigorous, active organization fighting the good fight for a new state constitution."

### IN THIS ISSUE:

<i>Legislature kills bills</i>	2
<i>'Secret' opens</i>	3
<i>Faith matters</i>	4
<i>Women study reform</i>	7
<i>Good economics</i>	8
<i>From the press</i>	10


**THE VOICE OF ALABAMA**

 ALABAMA CITIZENS FOR  
 CONSTITUTIONAL REFORM

# Legislature kills convention bills

Tenth Anniversary

**SPECIAL EVENT**

immediately following

## Bailey Thomson Awards Luncheon

**WHO:**

Mock Convention  
 Delegates and Alternates  
 Regional Chairpersons  
 County Leaders  
 ACCR Board and Committee  
 members

**WHAT:**

*Bring It Back Home*  
 Special Event!

**WHERE:**

Capstone Hotel, Tuscaloosa  
 . . . a short stroll  
 from the luncheon venue

**WHEN:**

August 19, 2010, 1:30-3 p.m.

There might even be mention of  
**FOOTBALL** during the event!

Please "Save the Date" and plan to  
 attend this *Bring It Back Home*  
 special event. Look for details by  
 email in coming days and weeks,  
 including instructions for signing up.

**We hope to see 100+ attendees!**

The 2010 Legislative Session ended without bringing the two pieces of legislation to the floor of the Senate that would have allowed the people to vote on the question of holding a constitutional convention.

We had a majority of the Senators as sponsor and co-sponsors and additional promises from others, but SJR42 and SBI77 did not make it to the full Senate for a vote where it had the numbers to pass.

The Resolution in the House, HJR 54 was tabled earlier in the Session.

Our sponsors have pledged to offer legislation again next year and we are committed to working with them to bring the legislation forward.

Just for the record, the Senators who sponsored and co-sponsored our Resolution in the Senate were: Sponsor **Ted Little**, co-sponsors **Roger Bedford, Kim Benefield** (who will not run again), **Bobby Denton** (who will retire), **Priscilla Dunn, Linda Coleman, Vivian Figures, Zeb Little, Marc Keahey, Del Marsh, Larry Means, Hinton Mitchem** (who will retire), **Wendell Mitchell, Myron Penn** (who will not run again), **Quinton Ross, Hank Sanders, Bobby Singleton** and **Rodger Smitherman**.

The Representatives who sponsored and co-sponsored our legislation in the House were: Sponsor, Speaker Pro Tem **Demetrius Newton**, co-sponsors **Marcel Black, Barbara Boyd, Merika Coleman, Mike Curtis, Bill Dukes, Chris England, Ronald Grantland** (who will not run again), **Laura Hall, Mike Hill, Earl Hilliard, Jr.**, (who will run for Congress), **Randy Hinshaw, Tammy Irons** (who will run for the Senate), **Lawrence McAdory, "A.J." McCampbell, Jeff McLaughlin, Mary Moore, Oliver Robinson, John Robinson, Yusuf Salaam, Rod Scott, Thomas Sherer, Butch Taylor, Patricia Todd** and **Pebblin Warren**. Several more said they would support us next year.

The following members of the House are unopposed in June and November: **Alan Baker, Mike Ball, Elaine Beech, Marcel Black, Alan Boothe, Greg Canfield, Jack Collier, Randy Davis, Paul DeMarco, Chris England, Chad Fincher, Craig Ford, Victor Gaston, Laura Hall, Alvin Holmes, Mike Hubbard, Jamie Ison, Thomas Jackson, Ron Johnson, Yvonne Kennedy, John Knight, Jay Love, Barry Mask, Mac McCutcheon, Artis "A.J." McCampbell, Mike Millican, Jim McClenden, Joseph Mitchell, Steve McMillan, Arthur Payne, John Robinson, Oliver Robinson, Harry Shiver, Rod Scott, Butch Taylor, Elwyn Thomas, Allen Treadaway, Patricia Todd, Lesley Vance, Cam Ward** (who is running unopposed for the Senate) and **Phil Williams**.

The following members of the Senate are unopposed in June and November: **Linda Coleman, Rusty Glover, Jimmy Holley, Arthur Orr, Tripp Pittman, Quinton Ross, Bobby Singleton, Jabo Waggoner**.

Find your legislator at [www.legislature.state.al.us](http://www.legislature.state.al.us)



## Secret opens at home ...

**Open Secret**, the Melanie Jeffcoat docudrama based on transcripts from the 1901 Alabama Constitutional Convention, opened in March and April throughout Alabama. Below top, the audience at the Birmingham premier; center, historian Dr. Wayne Flynt addresses students at the Montgomery premier; bottom, the Montgomery audience.



With the founders of the Politics on Film festival in D.C., from left: Lee Johnson, Philip Dufour, Melanie Jeffcoat, Gayle Osterberg, and Cameron Lynch

## ... and earns Audience Award in Washington film festival

WASHINGTON – *Vaclav Havel, Prague Castle*, the Czech Republic entry looking inside the Velvet Revolution, took the Jury Grand Prize at the second annual *Politics on Film* festival in Washington, DC, organizers announced in May.

The festival's Founders Award, for most original presentation of a current political subject, was presented to **Advise & Dissent**. Director David Van Taylor's look at the Supreme Court confirmation wars opened the festival to a sold out house Wednesday.

Audience Award honors went to **Open Secret**, a short film by Melanie Jeffcoat. The 30-minute reenactment of the 1901 Alabama constitutional convention is on its way to Alabama middle and high schools via a humanities grant.



## Help share the Secret!

Please try to schedule a screening of **Open Secret** for your neighbors, friends, family, church and civic groups. Once you have set a date and venue, contact Ashley at [www.constitutionalreform.org](http://www.constitutionalreform.org) and she will get you a DVD and the supplemental discussion material for your event. Please note that discussion material follows this information.



## A matter of

# FAITH

By Carolyn Foster  
Alabama Faith Council  
ACCR Foundation Board



**A**ccording to a 2009 survey conducted by the Pew Forum, at least seven in 10 Alabamians say religion is very important to them. Fifty-two percent say they attend religious services at least once a week. Furthermore, 86 percent say they believe in God with absolute certainty.

Yes, Alabamians take their religion very seriously. This is certainly true for those who are members of the Alabama Faith Council (AFC). Composed of 18 interfaith traditions, the AFC works to build a beloved Alabama by nurturing interfaith relationships and responding faithfully to issues that affect the people of this state, especially those who needs are the greatest and whose resources in life are the least.

By applying the principles of faith, the AFC's goal is to make a positive contribution by creating safer and stronger communities, standing together as people of faith and speaking collectively on issues of mutual concern. A major impediment to unity, peace and equality in the state is Alabama's 1901 Constitution. The AFC adopted a statement on Obstacles to Just Government in 2008. It was signed by the leadership of 18 faith traditions. It can be downloaded at <http://alfaithcouncil.org/AFCStatements/AFCStatementJustGovernment.pdf>.

Many faith traditions teach the belief that hospitality to the stranger is fundamental, aligning oneself with the poor and the oppressed is a hallowed act, and what hurts or harms one hurts and harms all by preventing true community. People of faith are called to speak out,

collectively and individually, on behalf of those who are the least among them.

This is why the AFC is partnering with ACCR Foundation's Bring It Back Home Campaign, a county by county education project to be launched in August 2010. The AFC will work to help educate people of faith on the impact of Alabama's unjust Constitution and why it is an affront to the guiding principles of faith.

Those guiding principles of the faith traditions represented by the AFC call for standing with those less fortunate, pursuing justice on their behalf, and "doing unto others what you would like to have done to you"—or another way of saying it is,

"do not do to others what you would not like to be done to you." Obstacles that perpetuate a system of unfairness, hurt and harm those less fortunate, and do not allow people the right of self determination are an offense to people of faith and hinder the ability to be truly faithful to God and live in peace and community.

Religion is important to people in Alabama. By applying the principles of faith and working for a more just government, ACCR Foundation and the Alabama Faith Council will work together to build a beloved Alabama for all and be God's faithful hands to see it done.

---

***People of faith are called to speak out, collectively and individually, on behalf of those who are the least among them***

---



## Episcopal Diocese takes stand for convention

*The VOICE reported in December, 2009, that the Episcopal Diocese of the Central Gulf Coast would consider a proposed resolution in support of an Alabama constitutional convention. Following is a reprint of an ACCR website posting reporting the outcome this spring.*

The 39<sup>th</sup> Annual Convention of the Episcopal Diocese of the Central Gulf Coast recently adopted a Resolution calling for support of a constitutional convention for Alabama.

The Resolution calls for action by the Alabama Legislature to allow the people of Alabama to vote on calling a Citizen's Constitution Convention to write Alabama's 7<sup>th</sup> Constitution.

The Diocese states that, "The 1901 Alabama Constitution, by its character, has created legal circumstances that affront the principles of Christian teaching."

The Resolution recognizes that, "there is a growing grass roots movement calling for a constitutional convention of democratically elected citizen delegates from each House legislative district, as evidenced by newspaper editorials and a statewide petition drive, signed by approximately 75,000 citizens calling for such a Constitutional Convention throughout the state of Alabama."

The Episcopal Diocese of the Central Gulf Coast, through its ordained and lay leaders and its members, resolved to encourage and "to actively support, work and pray for enablement of a Citizen's Constitutional Convention for the purpose of writing Alabama's 7<sup>th</sup> Constitution" and urged "action by the members of the State Legislature, the Governor and other elected officials of the State of Alabama to support and pass the bills that will be introduced in the House and Senate in the current session that will allow the people of Alabama to vote as whether or not they want such a convention to be called." . . .

This Episcopal Diocese joins a growing number of organizations that have passed Resolutions that ask to bring a constitutional convention to Alabama, including the United Methodist Church in 2003, the Baldwin County Bar Association in 2006, the Baldwin County Education Association in 2006, the Birmingham Bar Association in 2006, the Shelby County Bar Association in 2006, the Episcopal Diocese of Alabama in 2007 and the Community Foundation of Northeast Alabama in 2009. Note that the Episcopal Diocese of the Central Gulf Coast encompasses the Florida Panhandle and the Alabama coastal area up to the level of Eufaula. The Episcopal Diocese of Alabama covers the remainder of the state.

ACCR member Stan Virden worked for two years to bring his church organization to their decision to support this Resolution.

In addition, 37 organizations working together for a new constitution formed the Constitutional Convention Coalition and are listed on the Alabama Citizens for Constitutional Reform website [www.constitutionalconvention.org](http://www.constitutionalconvention.org), as are all of these Resolutions.

"We are thrilled that the Episcopal Diocese of the Central Gulf Coast has joined the ranks of many faith based and non-profit organizations urging their members to support legislative action on a Constitution Convention to let the people vote! The 1901 Constitution remains at best a civic stranglehold and at worst a spiritual stronghold over Alabama, and is at the root of Alabama's historic racial, political, economic, business, and social problems over the last century. We thank the Episcopal Diocese for its Resolution and call on all men and women of faith in Alabama to fervently pray . . . and to contact their Alabama Representatives and Senators TODAY to show the support from the faith community for these Resolutions," said Lenora Pate, Chair of ACCR, Inc.



## Madison ACCR busy in 2010

The year 2010 has been a busy one so far for the Madison County chapter of ACCR. The remainder of the year promises to be even more exciting!

March brought an unexpected opportunity for outreach to the university community with the “Charged Up for Change” Expo at the University of Alabama in Huntsville (UA Huntsville) on March 31. The Expo was a community fair featuring the work of groups and individuals dedicated to positive social change. ACCR’s display (pictured below, with volunteers Marjorie Masterson and Chuck May) featured a continuous showing of the “It’s A Thick Book” DVD on laptop and a thick hardcopy of the currently operative 1901 Alabama constitution. Chapter members also spoke with passers-by about the need for constitutional reform and the merits of the convention approach and distributed current literature highlighting the reasons for constitutional reform.



April brought the first in our “Bring It Back Home” educational lecture series featuring Dr. Emily Cook (pictured top) of UA Huntsville and Dr. Jess Brown of Athens State University. The session began with a showing of the “Open Secret” movie. This was followed by Dr. Cook’s lecture which focused on the constitutions from 1819, 1868, 1875, and finally 1901, and their common themes of overbearing



legislatures, hamstrung and perpetually underfunded government, limited franchise, and ultimate control by the landed aristocracy.

Dr. Brown then spoke about ideas for reforming the constitution’s legislative article. Dr. Brown, with his first-hand prior experience as a legislative lobbyist, focused on aspects of the currently operative legislative article which produce much of the ongoing legislative dysfunction. He then made various intriguing proposals for changing the article including reducing the total number of calendar days for a regular session and installing live internet audio/video feeds in each chamber, akin to C-SPAN.

Our next “Bring It Back Home” event is tentatively scheduled for mid-July and plans to feature Mr. Julian Butler, attorney for Madison County. With first-hand knowledge, he will speak on issues pertaining to home rule for counties. Other educational sessions for the remainder of the year are in the planning stages and include a session on taxation and another on economic development. It should be a very enlightening year!

## ACCR Foundation reaches out to public

Over the past few months ACCR Foundation has participated in several events to raise public awareness about the need for constitutional reform. In March, we also had a table at Good Neighbors Expo held at Brookwood Mall in Birmingham where many volunteers including Don and Mille Ehrett, pictured left, talked with attendees. During the Chicken



and Egg Festival held in April in Moulton, ACCR Foundation, Inc. supporters and Constitution Convention Coalition partners talked with festival participants about the need for a new constitution. Jo Ann Cummings,

AAUW of Alabama President, below, displays the bumper stickers she distributed at the ACCR Foundation Booth. Also in April, volunteer Jackie Tipper Posey attended the Shoals Good Earth Festival in Florence and gave out bumper stickers and signed interested people up for updates on constitutional reform.



This summer we plan to have a table on one or two Saturdays at Pepper Place Farmers' Market in Birmingham, as we have the past two years. If you know of any events or festivals going on in your area that might allow us to have a presence, please email Ashley Harris (ashley@constitutionalreform.org).



## AAUW-WOW conference talks reform

## Special call to women: Build better Alabama!

The room was vibrating as a diverse group of over 50 women met for a weekend in Birmingham to address how women can make a difference in this state. The event spon-

House seats. There are only six women in statewide elected Executive positions. This small proportion of women in statewide elected roles ranks Alabama 48<sup>th</sup> in the nation.

ica obtained the right to vote, but it took Alabama women another 33 years, a total of 103 years. Compare this with the 109 year effort to enact a new Alabama Constitution. How long will it take for a socially just document? Salgado challenged the women to become involved in the grassroots citizens' movement to enact a new state constitution for a better Alabama.

AAUW and WOW are ACCR Foundation, Inc., partners. The next nonpartisan training for women to run for government leadership will be on Saturday, July 24, 8:30 am – 3 pm at Capitol Hill Golf Course Conference Room, Prattville. ACCR Foundation, Inc. provides one session on the Alabama Constitution at all their Ready to Run™ trainings.



sored by American Association of University Women (AAUW) of Alabama and Women of Will (WOW) featured one session on the 1901 Alabama Constitution. Following a screening of "It's a Thick Book," Cindy Bell and Mindy Boggs, delegates to the ACCR Foundation Mock Constitution Convention, shared how the Alabama Constitution impacts women.

"With women representing 51.6% of the population, women have a responsibility to take a leadership role in all aspects of life in Alabama," said Audrey L. Salgado, ACCR Foundation, Inc. President and Executive Director. As she talked about Alabama history, women not obtaining the right to vote in the state until 1953, and the struggle of persons of color for their civil rights, Salgado said it is time for the state to be led by a fair representation of the population. Currently, 12.9 percent of state Legislators are women: five of the 35 Senate seats and 13 of the 105

Turn back the pages of history to 1901. Ms. Frances Griffin, a female suffragist, was the only woman permitted to speak to the 155 all white men in power of the 1901 Constitution Convention. The men snickered as she walked to the podium. In her address, Griffin begins with "Governments derive their just power from the consent of the governed....women as well as men belong to the governed." In 1920 after a 70 year campaign, the women in Amer-

**At AAUW-WOW conference, top, from left: Yawntreshia Coleman (ACCR Foundation Treasurer), Catrena Carter (WOW President, CEO), Rose Sanders (WOW); bottom, from left: Mildred Lanier (AAUW R2R Trainer), Carrie Robbins (AAUW), Cindy Bell (ACCR Delegate to Mock Constitution Convention)**





**T**he 1901 Alabama Constitution was written by men who wanted to deny rights to some citizens and keep control in their own hands.

**And that is how the Constitution controls our state today. It continues to disenfranchise local citizens, families, economic development and public transit.**

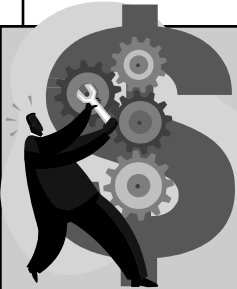
**Did you know that the Constitution deprives counties from governing their citizens?** They must ask the Legislature

# DID YOU KNOW?

to pass constitutional amendments to do that and then the whole state must vote on those local issues. Recently, the Legislature refused to allow Etowah County schools from asking their citizens to vote for a school tax. Counties can't pick up dead animals, set up fire districts, spray mosquitoes and a host of other things without approval from legisla-

tors. This is a States' Rights State, but it doesn't allow rights to its citizens.

**Did you know that the Constitution forbids the State and local governments from offering incentives to companies to do business in the State?** When businesses want to settle in Alabama, the



## Reform means economic development

By Nancy Ekberg, ACCR, Inc., Vice President and Communication Chair

**1.** Our 1901 Constitution forbids the State or parts of the State from providing infrastructure improvements as incentives to private companies. This means that our State and local governments, who want to induce business to come to Alabama, must go to the Legislature to get approval for a bill that will circumvent the Constitution to allow incentives. Then the bill must be approved by the entire state. This is a cumbersome, costly, time-consuming, inefficient way of doing business and impedes economic development. One friend of mine who wanted to expand his business, and so asked for incentive consideration, finally gave up because it was too cumbersome.

**2.** Our 1901 Constitution has a system of funding schools that is inefficient and inadequate; consequently, our children do not get the education they need to be an effective workforce of adequately educated employees. This impedes employment, and entrepreneurial efforts. Not only do our children suffer, but the state is deprived of business and employment.

**3.** Our 1901 Constitution prevents ALDOT from using any money they receive from gasoline taxes or fees on motor vehicles, on anything but roads and bridges. Consequently, we do not have a statewide plan for public transportation. Alabama, Hawaii, Alaska and Utah are the only states that do not have a statewide plan for public transportation and I think Utah has not developed one. All of the demand response systems for elderly or handicapped, and the few transit systems in major cities, are funded by the Federal Government. Many persons, especially in rural Alabama, cannot get to stores, medical appointments including dialysis, job training, literacy and after school mentoring programs or jobs. This impedes economic development.

**4.** Historians have been told by developers, that when some companies have come into Alabama to do business, they share a concern about the State's past. Developers tell them that all that strife was in the past and does not exist now. But some competitors from adjacent states have given the potential business owners, copies of our 1901 Constitution, which shows that nothing has changed, and the business owners move elsewhere.





State or the local government involved must ask the Legislature for a constitutional amendment to offer incentives and then go to the voters for approval.

**Did you know that the Constitution requires all monies from gasoline and auto taxes, to be spent on roads and bridges and forbids any of it to be spent on public transportation?**

Alabama is one of four states that does not have a statewide transportation system. The others are Alaska, Hawaii and Utah. The transportation systems for the elderly and handicapped as well as the city transit systems are funded by the Federal Government and local communities. No statewide transit system exists and probably never will under today's Constitution.

**Did you know that the Constitution has a tax system written into it that gives breaks to the wealthy at the expense of families and the poor?**

Because of tax laws written into it, families and the poor end up spending a much greater proportion of their income on taxes than do the wealthy. Taxes should be allowed by a constitution, but shouldn't be written into it. All taxes should be approved by the voters, not assessed by the constitution.

**You can change all this. You can make history in Alabama by helping to bring a new constitution. The legislation to allow this must be approved by the Legislature and then approved by the voters. You would elect the delegates and approve the constitution they write. Tell your legislators to approve legislation in the House and Senate that will allow this to happen. Find your legislators at [www.legislature.state.al.us](http://www.legislature.state.al.us). Go to [www.constitutionalreform.org](http://www.constitutionalreform.org) and join us at ACCR to help make this State become the State it should be.**

## Foundation interns take on research, leadership roles

**Caroline James**, majoring in psychology and communication and one of four ACCR Foundation interns, will conduct research on "Addressing Perceptions and Misperceptions through Better Communication" at Georgetown University this summer. **Jazzmin Franklin**, a telecommunications and film major, will assist her in the project.



**James**

Both of these young women will be interning along with **Alex Hollinghead**, math and philosophy majors, and **Devon Morrisette**, inter-



**Franklin**

disciplinary studies major with a depth study in ethical leadership in politics. Alex has three years experience with E & R Broadcasting and Devon's relevant coursework includes political theory, ethics, and constitutional law: civil right and civil liberties constitution.

All four students attend the University of Alabama, Tuscaloosa.

The internship action plan goals are creating and maintaining a youth network, including website, web vlogs as part of the ACCR Foundation marketing plan. In addition, they will expand ACCR youth groups around the state. Their internships end in December, 2010.



**Hollinghead**



**Morrisette**

Another student affiliated with ACCR Foundation is **Austin Monk**, Auburn University. Austin served as a delegate to the Mock Constitution Convention and is currently serving as an intern for Senator Ted Little. As an assignment in the Intergovernmental Relations and Federalism course taught by Dr. Kathleen Hale, he and four other students researched and wrote a paper on the Alabama Constitution of 1901.

This 26 page document will soon be posted on the ACCR website.

Through a partnership with the YWCA, a Hess Fellow from Birmingham Southern College will spend two weeks on an assignment with ACCR Foundation, Inc.

These young citizens are the future of Alabama.



## FROM THE PRESS . . .



### BIRMINGHAM NEWS

April 29, 2010

#### **OUR VIEW: The Supreme Court's ruling that threw out a lawsuit claiming the state constitution wasn't legally ratified leaves in place a 'wrong without a remedy'**

We don't suppose there are any African-American Alabamians, say, about 130 years old or so, who lost their right to vote after the 1901 Constitution of Alabama was ratified.

Because that's what it would take, according to the Alabama Supreme Court, to have proper legal standing in a lawsuit claiming top state officials violated voters' rights by failing to ensure the constitution was ratified legally.

---

***1901 Constitution supporters made their campaign slogan "White Supremacy! Honest elections! And the New Constitution! One and inseparable"***

---

"The state defendants argue, the plaintiffs cannot claim that they personally were deprived of their voting rights in 1901 because they were not voters at that time. We agree," the high court ruled last Friday in tossing out the case.

Wayne Flynt and other Alabama historians believe the 1901 constitution was ratified fraudulently. Maybe that's the right ruling as a matter of law, although for the older of the nine citizens who are plaintiffs,

we're left to wonder how they weren't personally deprived of their voting rights. Not because most African-Americans in Alabama weren't allowed to vote after the 1901 constitution was ratified, but because of its legacy decades later: Most of the state's African-Americans still weren't allowed to vote until the federal Voting Rights Act of 1965 guaranteed that right.

In between, a whole lot of African-Americans in Alabama were denied this most basic of rights, in large part because the 1901 constitution disenfranchised black and poor white voters. In 1900, more than 181,000 blacks were on the voter rolls. Fewer than 3,000 blacks statewide registered during the first period to do so after the 1901 constitution was ratified, according to the definitive study by Malcolm McMillan on the 1901 constitution.

The insult on top of that injury was damning evidence the white supremacists who supported the new document used black votes in a dozen Black Belt counties to win the statewide referendum in which the constitution was approved. Constitution supporters, believe it or not, made their campaign slogan "White Supremacy! Honest elections! And the New Constitution! One and inseparable."

Then, they went out and stole the election, according to Alabama historians, including Auburn University emeritus history professor Wayne Flynt. In a sworn statement that accompanied the lawsuit, Flynt noted the statewide margin of less than 27,000 votes was provided in those Black Belt counties, where registered blacks far outnumbered whites.

Those counties reported 36,224 "yes" votes to just 5,417 "no" votes, even though that would have meant blacks by the thousands voting against their own interests. At the same time, newspapers in other parts of the state that analyzed voting returns reported blacks had overwhelmingly turned down ratification, Flynt said.

So we have a constitution that was not legally ratified, and there is no other legal approach to take after the Supreme Court's ruling, ac-

---

***It's clear the core document of our government never passed, and no one lifted a finger***

---

cording to Ed Gentle, lawyer for the citizens.

"We end up having this wrong without a remedy," he said.

Actually, there is a remedy, although there is little reason to believe it will be any more successful than Gentle's lawsuit. That is, the Legislature can let voters decide whether to let a citizens convention draft a new document to put before voters to ratify, or the Legislature can rewrite the current fraudulent constitution article by article for voters to approve.

We saw how well that went in the legislative session which ended last week. A resolution allowing voters to weigh in on a citizens convention got nowhere, as did two rewritten constitutional articles on noncontroversial subjects.

Gentle, who is 57, said he does not believe the Legislature will offer a remedy in his lifetime. "Does Alabama recognize the rule of law?" he



wondered this week to an editorial writer. "It's clear the core document of our government never passed, and no one lifted a finger, not the Supreme Court or the Legislature."

Do we, as Alabamians, really believe that is all right? That a fraudulently approved document designed to disenfranchise thousands of black and white citizens of a precious right should remain our state's fundamental charter?

The Supreme Court may not have lifted a finger, but there's still a way the Legislature can. First, it will take voters lifting their own fingers -- to call, to e-mail, to write -- to demand change the next legislative session. Even before then, voters should lift a finger by going to their polling place and electing legislative candidates who believe Alabama needs a new, legitimate constitution. . . .

## ANNISTON STAR

April 29, 2010

### Justice or fairness?

When it comes to Alabama's 1901 Constitution, it has long been known — even acknowledged by those involved — that its ratification was shrouded in fraud.

Most historians agree that in Alabama's Black Belt, votes were cast in favor of the Constitution even though the voters never appeared at the polls. Additionally, the votes of those who did appear were either not counted or were counted for ratification when, in fact, they were cast against it.

That's why nine African-American residents in Alabama brought suit recently to have the ratification of the 1901 Constitution set aside because of voter fraud.

The suit's basic premise is that fraud ensured that 12 predominantly black Alabama counties would cast votes for the Constitution, even though the document was detrimental to the rights of African-Americans in the state.

Alas, the state Supreme Court refused to hear the case and threw it out last week. The court would not even consider it.

The suit's goal, of course, was to force a reluctant state Legislature and the special interests that the Constitution empowers to write a new constitution, which Alabama badly needs. Efforts to replace the Constitution through a convention or by a section-by-section legislative rewrite have been blocked by those who want to maintain the status quo.

So the people who suffered the most under the Constitution went to court to have the vote that made this heinous document Alabama's fundamental law declared invalid. If that occurred, then a new election could be called and another vote — a legitimate vote on ratification — could be held.

Despite overwhelming historical evidence that backed the plaintiffs'

---

### ***The law is supposed to resolve issues justly and fairly. But in this case . . . justice and fairness lost***

---

claims, the court told plaintiffs — and, by extension, all Alabamians who have been hurt by this Constitution — that they lack legal standing in court.

The court reasoned that none of the plaintiffs or other Alabamians who have suffered as a result of that

fraud were alive in 1901. Thus, the fraudulent vote didn't affect them.

The law is supposed to resolve issues justly and fairly. But in this case, the law resolved an issue expediently.

Justice and fairness lost.

## BIRMINGHAM NEWS

April 28, 2010

By Thomas Spencer

Whether it's the statewide issue of bingo or local matters that can't be resolved without the blessing of Montgomery lobbyists and legislators, most of Alabama's fundamental problems are rooted in Alabama's 1901 Constitution, U.S. Rep Artur Davis said today at a Vulcan Park press conference.

Davis is touring the state touting his support for rewriting the Alabama Constitution, pointing out the fact that he is the only candidate in the race who supports a constitutional convention to replace the state's fundamental law, a constitution swelled by more than 800 amendments and believed to be the world's longest constitutional document.

Agriculture Commissioner Ron Sparks, Davis' democratic opponent in the June 1 primary, says he supports having the Legislature rewrite the constitution article by article and alleges that a citizen convention would be dominated by special interests. Davis counters that the Legislature is already dominated by special interests and leaving it to them to rewrite only preserves the status quo.

"It's a code word for let's do nothing," Davis said. "They are using anti-special interest rhetoric to preserve special interest power."



## THE VOICE OF ALABAMA

ALABAMA CITIZENS FOR  
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.

To submit:  
E-mail: [accrvoice@yahoo.com](mailto:accrvoice@yahoo.com)

ACCR Foundation or ACCR, Inc.:  
P. O. Box 10746  
Birmingham, AL 35202-0746

Phone and E-mail:

ACCR Foundation  
(205) 437-0951

[ACCRFoundation@constitutionALreform.org](mailto:ACCRFoundation@constitutionALreform.org)

ACCR, Inc.  
(205) 540-7501

[ACCRInc@constitutionALreform.org](mailto:ACCRInc@constitutionALreform.org)

The ACCR FOUNDATION is a 501(c)3 non-profit information organization with a 501(h) elective, and ACCR, INC., is a 501(c)4 advocacy organization. Both of these non-partisan groups 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.

For FREE e-mail subscription, go to:  
[www.constitutionalreform.org](http://www.constitutionalreform.org)

Please take a moment to click the "Get Involved" button on the top of our home page ([www.constitutionALreform.org](http://www.constitutionALreform.org)) to sign up for one or more of these volunteer opportunities:

- Write letters to the editor
- Monitor local media
- Distribute CR info at public events
- Help with graphic design work
- Make phone calls
- Send emails
- Meet with legislators locally
- Meet with legislators in Montgomery
- Join local Legislative Action Team
- Share other gifts and talents, please call me