

## **Rotten at the Core: Alabama's 1901 Constitution**

### **BACKGROUND:**

**Polls consistently show that a growing majority of Alabamians favor rewriting the state's 1901 constitution.** However, bills that would give voters the right to make such a choice have consistently stalled in the Legislature. The current constitution limits our ability to have a fair, effective and efficient government in many ways.

- Despite recent legislation allowing limited home rule, our constitution still vests many powers in the Legislature rather than in governmental bodies closer to the people. More than 70 percent of our constitutional amendments apply to a single city or county.
- The current constitution prohibits state and local governments from participating in internal improvement or economic development activities. More than 50 amendments give various governing bodies different powers to promote economic development and invest in infrastructure improvements, but the original provisions that put a straitjacket on economic development are still there and still govern many counties.
- On average, most states earmark 22 percent of their revenues; Alabama earmarks almost 90 percent. This gives the governor and the Legislature very little flexibility to match available resources to the most pressing budgetary needs.
- Alabama's constitution now has 799 amendments, making it the longest in the nation by far. Among the hodgepodge of local concerns the amendments address are the establishment of garbage collection districts in Jefferson County (Amendment 239), the authority of the Legislature to abolish Macon County (Amendment 132), and the authority of the Madison County Commission to excavate human graves (Amendment 520).
- The primary objective of those who framed the 1901 constitution was to remove the voting rights of African Americans and poor Whites while concentrating power in the hands of a few special interests. Federal courts have overturned certain discriminatory provisions, yet the embarrassing evidence of this legacy remains in our state's primary legal document, and the concentration of power persists.

**HJR 54** by Rep. Demetrius Newton and **SJR 42** by Sen. Ted Little are joint resolutions calling for a special election in June 2011 to determine whether to hold a constitutional convention to replace the 1901 document. Should voters approve a convention, the new constitution still would be subject to final approval by the electorate. **SB177** by Rep. Rodger Smitherman also calls for a constitutional convention.

### **BOTTOM LINE:**

- **Alabama's 1901 constitution is outdated and unfair.**
- **The voters should be allowed to decide whether to call a constitutional convention, and the voters should make the final decision whether to approve the new constitution.**