

# Appleseed This Week

## Alabama Appleseed Begins Initiative to Rewrite State Constitution

**July 18, 2008 - Alabama Appleseed** has announced a new project to rewrite the state's Constitution, which was originally adopted in 1901. In this three-year project, the **Constitutional Reform Initiative** will engage Alabama's legal community to find common cause to rewrite the Constitution, which, at more than 900 pages and with 800 amendments, is the largest constitution in the world.

"At our essence, lawyers are problem solvers, and Alabama has no bigger problem than its ill-conceived, antiquated and dysfunctional Constitution," said **Craig Baab** of Alabama Appleseed. "The time is right to mobilize and energize considerable talent, expertise and knowledge of members of the legal community to take a fresh look at Constitutional reform and the barriers preventing reform."

According to Alabama Appleseed and other critics, the state's Constitution has several flaws. Alabama Appleseed has identified several issues:

**Home Rule:** The state Constitution hinders efficient government in the restrictions it places on county and local governments. Under this Constitution, the state legislature, not county governments, must authorize even the most routine local services and matters, such as promoting county industrial parks, constructing and renovating county jails, establishing billboard regulations and fire protection, among others. Approximately 70 percent of the state legislature's work is devoted to action on local or county bills.

**Economic Development:** The 1901 Constitution contains numerous restrictions that significantly hinder economic development at both the state and local level. For example, the Constitution prohibits the state from engaging in work of "internal improvements," such as the construction of roads and bridges and the creation of economic development commissions. The restrictions have required many constitutional amendments, which not only are very cumbersome, but also are very expensive.

**Equal Protection:** Article One of the 1901 Constitution is the Declaration of Rights, which guarantees a broad range of basic rights. Conspicuously absent is an explicit equal protection clause. A new constitution should include an equal protection clause in order to assure fair and equal treatment to all citizens of Alabama, and to assure equal access to the courts and justice.

**Education:** Among deep-seated problems are: chronic low funding for schools; lack of full accountability for funds received and the quality of instruction; an inadequate structure and organization, and the absence of meaningful local government control over expenditures. A new education Article, combined with needed changes in home rule and the tax system, would be a major step toward resolving many of these education problems.

**Taxation:** Alabama's tax system is one of the most regressive in the nation, and Alabama's property tax revenues are by far the lowest per capita in the nation. This unduly regressive tax system is perpetrated by inclusion in the Constitution of limitations and restricted upon the type and level of taxes that can be imposed and by placing caps on revenue sources like income and property taxes.

**Earmarking/Budget Flexibility:** By the 1901 Constitution or by statute, Alabama earmarks almost 90 percent of its revenues. On average, most states earmark around 22 percent of their revenues. Such a high rate of earmarking gives the governor and the legislature very little flexibility to match available resources with the most pressing needs, particularly when revenues fall short.

The Constitutional Reform Initiative has three objectives to tackle these issues and create a new state Constitution. First, a broadly representative, bi-partisan Advisory Commission will be selected to Alabama Appleseed's board, to identify the principal substantive issues needed to further the success of constitutional reform, and to engage and recruit pro bono lawyers from around the state to conduct advocacy-related work centered around the constitutional reform issues. The second objective is to engage a wider range of groups that have been interested and involved in constitutional reform, but who are not being fully engaged by current efforts, to jointly form a coalition based on common ground that will lead to constitutional reform. The third objective is to form a network of lawyers and judges around the state who are willing to advocate and find solutions to this problem.

To help fund this project, Alabama Appleseed was recently awarded a seed grant of \$22,500 from the **Alabama Civil Justice Foundation**. Alabama Appleseed expects to launch the beginning stages of this project in September.

**For more information on Appleseed, visit [www.appleseednetwork.org](http://www.appleseednetwork.org). To support the work of Appleseed, donate [here](#).**

Appleseed, a non-partisan and non-profit organization, is a network of public interest law Centers working to identify and address injustices in their communities. Appleseed works to build a just society through education, legal advocacy, community activism and policy expertise, addressing root causes and producing practical solutions. As one of the nation's largest legal pro bono networks, Appleseed Centers work both independently and collectively, bringing their own experiences to create local solutions that are nationally relevant. We connect the top private practice lawyers, corporate counsel, law schools, civic leaders, and other professionals to tackle problems locally, at their root cause.