

Democracy Devouring Itself

By Susan Pace Hamill

In 1901 a group of wealthy and powerful planters destroyed democracy in Alabama. In addition to disenfranchising most African-Americans and poor whites, Alabama's 1901 Constitution keeps taxes low, regressive and inadequate. Over the ensuing decades as race relations spiraled downward, Alabama's grossly inadequately funded social and educational structures not only widened the gap between rich and poor but also created a mountain of cynicism and mistrust as an inefficient and sometimes dishonest government evolved.

Despite the efforts of many courageous Alabamians, ultimately it took the federal legislation of the 1960s to wipe out segregation and guarantee voting rights for all. However Alabama was still left lingering at or near the bottom with horrendously unfair taxes, a backwards economic climate and a large portion of the population that absolutely despises the legislature and does not believe that the democratic process can improve their lives.

On September 9th, 2003 the immoral vision of the 1901 Constitution fully matured with tragic consequences. Our democracy devoured itself of its purpose of achieving the best results for the people as a whole when Alabama's voters rejected Governor Riley's tax and accountability plan. This plan would have lightened the tax burden for over half of Alabama's families, invested in educational improvements and imposed significant accountability measures. Alabama's rejection of this clear opportunity towards real progress exposes an incongruous irony B the very people, poor and lower income Alabamians, who stood to gain the most are the ones who voted in the greatest numbers against the plan.

If real reform will result in a less taxes for more than half of all Alabamians while providing them greater educational opportunities then why are we facing such an uphill battle and what lessons can Alabama's situation possibly offer the nation?

Greed, fear and apathy are the three major impediments working against Alabama's reforms despite our democratic system. Because real tax reform requires those with greater income and wealth to bear a greater share of Alabama's tax burden, some of the wealthiest land and other corporate interests are using distortions and lies to scare the poor into voting against the reforms that will help them. These despicable tactics feed into decades of fear, mistrust and hatred of the legislature, making it extremely difficult to convince many voters especially lower income Alabamians. Finally too many Alabamians of goodwill, who are inclined to vote for reform, are unwilling to affirmatively seek out and work with local leaders in a grassroots effort across the vast rural counties of Alabama.

Yet even in the midst of the heart breaking defeat of Governor Riley's plan a glimmer of hope shines from the bottom. Fueled by moral outrage, the battle against Alabama's unfair taxes and the 1901 Constitution is moving beyond intellectuals to a deeply spiritual level. At the denominational level the Southern Baptists, United Methodists, Episcopalians, Presbyterians and Catholics have passed public resolutions calling for tax reform. Ministers are starting to condemn the unfair taxes from the pulpit and Alabama's substantial Christian population is beginning to realize that the faith community has a moral responsibility to insist on a fair system. In a state which for too long has

emphasized religious symbolism over substance, a spiritually based reform movement is a refreshing change and probably the only hope of defeating the greed, fear and apathy holding us back.

Alabama teaches other states and the nation that tax policy is one of the most important barometers measuring a society's moral well being and only a fair tax system will produce adequate community infrastructures that guard the integrity of a true democracy. Alabama's example of democracy devouring itself as we fight to establish fair taxation shows how low a free democratic community can sink. Alabama also warns other states and the nation that the more unjust any societal structure is allowed to become, and the longer such unfairness is tolerated, the more difficult it will be to remedy.

Finally, Alabamians of goodwill who actively supported Governor Riley's plan and hate this terrible injustice poisoning our state have one more message for the nation. Rather than ridicule us, watch us carefully. Although we lost the battle on September 9th the war rages on. No matter how long it takes, no matter how hard we have to fight, we will restore the integrity of our democracy and get our tax and constitutional structures right. And in doing so we just might transform Alabama into a model for other states and the nation to follow.

*Susan Pace Hamill is a Professor of Law at the University of Alabama School of Law teaching tax and business law. This editorial is based on her recently published book *The Least of These: Fair Taxes and the Moral Duty of Christians*.*