

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Wednesday, August 25, 2021 9:09 AM  
**To:** Info  
**Cc:** [REDACTED]  
**Subject:** Questions about recompilation of the Alabama Constitution

Othni Latham, Director of the Legislative Services Agency,

I watched the August 24 meeting of the Committee for Recompilation of the Alabama Constitution online. I strongly support this effort. However, I have a couple questions for you and the committee:

1. Your presentation and the discussion of the committee focused on the amendments that are specific to a county or municipality. I like your numbering proposal for them. However, I didn't hear anything about other amendments. Will they be somehow renumbered or will the body of the Constitution be modified to incorporate all of them? If the latter, will there be some sort of cross-reference published that will allow citizens to see how each of these amendments was incorporated into the body of the Constitution?
2. When the Committee completes its work, will there be some sort of document published that will allow citizens to see all of the changes that were made to the Constitution with an explanation for each change?

Gary Dunavant

[REDACTED]

**From:** [REDACTED]  
**Sent:** Wednesday, August 25, 2021 9:41 AM  
**To:** Info  
**Subject:** Constitution revision public request  
**Attachments:** AL Const from Chad Smith.xlsx

[REDACTED] attached a spreadsheet



[REDACTED] has attached the following spreadsheet:

Othni,

This is Chad Smith, I have met you a few times recently, but this is my personal email address. I am not certain this is what you all are looking for in the recent announcement to make the constitution more user friendly. This is simply the start of the document, but wanted to know if this is in a format that will be useful and if I am tracking with what you all had generally in mind? I am interested in helping, but do not want to waste anyone's precious time if this is not in the vein you all were considering beneficial.

Hope you are well?

Chad Smith

[REDACTED]  
[REDACTED]

 AL Const from Chad Smith

Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA

You have received this email because [wicksmith75@gmail.com](mailto:wicksmith75@gmail.com) shared a spreadsheet with you from Google Sheets.



[REDACTED]

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**From:** [REDACTED]  
**Sent:** Wednesday, August 25, 2021 9:40 AM  
**To:** Info  
**Subject:** State Constitution

Could we get some clarification on constables? We are elected officials and are duly sworn in as peace officers but our hands are tied due to the constitution effectively putting our own handcuffs on ourselves. For example, we have the constitutional right to stop and question someone see driving erratically, etc but we are not allowed to put blue lights on our vehicles unless a chief of police authorizes us to do so and also if said driver is reeking of alcohol and fails all side of the road tests, the county sheriff office will refuse to accept the person at the jailhouse. So we are sworn to uphold the peace and have arrest powers but what good are they?

Thank You  
Billy Ferguson

[REDACTED]

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Wednesday, August 25, 2021 10:30 PM  
**To:** Info; [REDACTED]  
**Subject:** Resource information for Mr. Othni Lathram

Mr. Lathram,

This is Kristi Thomson, chair of ACCR. I met you on Tuesday, Aug. 24, 2021, at the Constitution Recompilation Committee meeting. During that meeting, a committee member asked if other states have gone through this process, and what advice could be learned from their process.

I called Manuel Torres, a writer for The Marshal Project and lives in New Orleans. Manuel has won the Pulitzer Prize in journalism twice, one while working for the New Orleans newspaper and one with The Marshal Project. Manuel earned his master's degree in journalism while studying at The University of Alabama, and he was a student under my late husband, Dr. Bailey Thomson (founder of ACCR). Manuel is valuable as a resource of information. While talking with him, he said there is an organization that has a staff that does research in numerous areas and are often quoted by media reports. The organization is the National Conference of State Legislatures. He suggested that you call this organization in Washington, D.C. (202-624-5400) or use their Contact Us form on their website: [ncsl.org](http://ncsl.org). They have a contact person for constitutional issues, and they may have information on other states who are going through the process that we are experiencing or who have done this in the past.

I hope this may can help.

I enjoyed meeting you and look forward to seeing you in the future. I will attend the meeting with Nancy on September 2, 2021.

Kristi Thomson

[REDACTED]

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Saturday, August 28, 2021 8:14 PM  
**To:** Info  
**Subject:** Cleaning up the constitution

Concerning the racist language in the constitution, in today's cancel culture any word can be offensive to anyone. How many layers will decisions go through before a final decision is made?

Thank you

Sent from my iPhone

[REDACTED]

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**From:**

**Sent:**

[REDACTED] [REDACTED]  
Saturday, August 28, 2021 7:19 PM

**To:**

Info

When is all this going to stop ? We are never going to get beyond racism if we continue to dig up the past. 99% of Alabama's population had no idea not did they care about some buried racist language from ever how far back. Stop all this digging for scraps of division and focus on uniting the people of Alabama. Bringing up the slave era of which there is no living individual that was effected by slavery other than the fact we are all owned by the government regardless of color and no one is our government wants to discuss that. We all have the same opportunity as the next some just choose to rise above or work harder to better themselves more than others. We need encouragement and inspiration not hand-outs and dependancy from our government.

Just food for thought.

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Saturday, August 28, 2021 4:45 PM  
**To:** Info  
**Subject:** Constitutional reform

In your deliberations, I hope you consider not subjecting actions of purely local interest or application to ratification as amendments to the 1901 constitution.

This arcane process is not only totally unnecessary but also contributes to the absurd length of the document. Also, having people vote statewide on local matters is a abuse of the plebescite.

Matters of little or no interest in other parts of the state or even other counties in the surrounding area should be handled by levels of government at the lowest level. Local officials should decide matters that do not normally require a statewide vote.

Doubtless the current document has its faults, particularly racial slurs from long ago but in this particular case, the process was too broad to start with so as opposed to lining them up by county, it might be best to delete local amendments entirely.

CD Monroe  
[REDACTED]

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Saturday, August 28, 2021 12:22 PM  
**To:** Info  
**Subject:** Suggestions

Find something better to do with our tax money, like improving the s[REDACTED] hole cities of Mobile, Birmingham, etc.

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Sunday, August 29, 2021 5:45 PM  
**To:** Info  
**Subject:** Reorg of the Alabama constitution

Sir/Ma'am

Just my thoughts but support the first steps for fixing the Alabama constitution by re-organizing it's current content. My thoughts are content should be aligned by county and then in chronological order. Laws/amendments should be further identified by topic (ie taxes, ordnances...etc.).

Steve Mosher

Sent from my iPad

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Tuesday, August 31, 2021 11:44 PM  
**To:** Info  
**Subject:** Racist Language in AL Constitution

To whom it may concern:

Bigoted, prejudiced, and racist language in Alabama's constitution has held this state and its people back since 1901. 120 years is far too long! It is high time for Alabama to move forward with its intentions by revising its guiding document to exclude all such language. This state has the chance to finally right these wrongs, and I truly hope those involved in this endeavor are up to the task. This not just about injustices of the past, it is also about setting the right example for the future. If Alabama is to stand a chance at keeping its younger generations here and recruiting quality people and businesses from elsewhere, we must be a place that is truly open, accommodating, and welcoming to all. Bigoted, prejudiced, and racist language has no place in Alabama's constitution, so please see to it that all such offensive and unacceptable language is removed once and for all.

Thank you very much,  
Nelson Brooke

--

[REDACTED]

8/31/2021

**From:** [REDACTED]  
**To:** Joint Interim Committee]

Dear Joint Interim Legislative Committee:

Alabama has been notorious known for its racist past. Many people still think that Alabama is still racist as it was decades ago. But we can change that narrative by taking a step forward to removing the racist language in the constitution. In a section of the constitution, it still says “that requiring Black and White children to attend schools separated by race.” Alabama has since then been very inclusive and a lot has changed.

If people look at the constitution, they will think we are still like back some decades ago. If we as a community has changed, why do we have to hold onto that hatefulness. That document reflects Alabama as a whole. We have a long way to go to fixing and making Alabama great potential. The first step we could move forward with making Alabama to its full potential is the constitution. So, let's have an open mind and think for the better of Alabama

Sincerely,

Zy’Kevah Cooper

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Tuesday, August 31, 2021 3:15 PM  
**To:** Info  
**Subject:** This Thursday's Meeting of Committee to review Amendment 4 regarding racist language in the Alabama Constitution.

I fully and strongly support the Amendment 4 which will be in Committee review this Thursday, September 4<sup>th</sup>. The entire Constitution needs to be rewritten to remove all evidence of racism and oppression but that possibility is still in the future. In the interim, this Amendment will result in an improvement in racial equity in our state

Sue Cato Winter

[REDACTED]

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Wednesday, September 1, 2021 8:03 AM  
**To:** Info  
**Subject:** Efforts to Remove Racist Language from Alabama's 1901 Constitution

I wholeheartedly support the efforts of the Legislative Committee on the Recompilation of the Constitution. Thank you for your efforts to remove racist language from our 120-year old Constitution. I also appreciate the work being done to recompile the Constitution.

Rhonda Chambers

[REDACTED]

**From:** [REDACTED]

**Date:** September 1, 2021 at 7:25:23 PM CDT

**To:** "Merika Coleman - [REDACTED]"

**Subject:** Commission Letter : 12:30

In my opinion, I think racist language should be removed because it's the 21ST century. Us negros or any other race, dont have to tolerate or be acknowledge in that type of way. The Alabama Constitution was written when slavery was still out and when women didnt have rights to vote. So I can only imagine the names they were using and the laws they had against people that's not white.

The laws about whites and blacks having their own school district should definitely be removed because segregation in school has been outlawed since 1954. The law about interracial couples being married became legal in 1967 throughout the united states. So with all this being said I think we need a new and improved Alabama state constitution that is more up to date.

**From:** [REDACTED]

**Date:** September 1, 2021 at 9:16:53 PM CDT

**To:** "Merika Coleman - [REDACTED]"

**Subject:** Letter

Dear: Joint legislation committee on the recompilation of the constitution,

As a young black male living in Alabama, I feel a bit threatened when I read the Alabama Constitution. We are now living in the 21st century, feeling like segregation is still a thing because of a phrase in the Constitution. A phrase that goes back to the Jim Crow era. Alabama's 1901 constitution included language to disenfranchise African Americans, ban interracial marriages and require segregation in public schools. If everything was agreed to be settled and everyone agreed that segregation should end, why hasn't everything been fixed. The use of the phrase such as the n-word is known by bystanders to not be said yet is in one of the most important papers for our state.

How would anyone feel if the roles were reversed, no one would want to feel any less than a human being. Getting treated differently based on the color of our skin or how much they have in the bank. Everyone should be given fair opportunities and chances that's just common sense. It's really sad that until this day some people still discriminate and is racist for no reason. Minorities such as blacks and even Mexicans

get treated differently just because of stereotypes. Stories of cops killing blacks just because of being black sometimes not doing anything wrong. There should be no reason why parents have to sit their young black teens down and explain to them if they ever encounter cops, never run, always show your hands, be respectful, no more than whites. Living in the 21st century, everyone should understand the very meaning of everyone is human, everyone's heart's beat the same, eat, talk, see, and so on and so forth. Learn to be equal, and treat everyone the way you want to be treated.

1 September 2021

Dear Committee

The racist language in the Alabama State Constitution needs to be removed because let's start off by saying "WE THE PEOPLE" is basically stating "WE THE PEOPLE OF WHITE SUPREMACY". This is not the 1900s and even though a lot has changed since then, some of it is still coming up, but with a different overview. Yes, Alabama is a red state and yes Alabama is racist, but if "WE THE PEOPLE" is accurate then why is it so hard to take the racist language out of the Alabama State Constitution? Whites and blacks are currently going to school together and more blacks are out here voting than ever. For example, the 2008 election with President Barack Obama. Alabama is still reflecting on the 1900s as if everything hasn't changed for the better. 120 years later and the Alabama State Constitution is still the same way.

The framers of the 1901 Constitution had one overriding goal: to stop Black Alabamians and poor whites from voting. Supporters of the document, including the Montgomery Advertiser, made overt racist appeals to voters. The morning it passed due to fraud; the Advertiser crowed over on its front page that the "putrid sore of Negro suffrage is severed from body politic of the commonwealth". The document also included provisions banning interracial marriages and putting in a segregated system of colleges. Please remove this language.

Sincerely,

Zy'keria Fails

September 1, 2021

Dear Joint Interim Legislative Committee,

Removing the racist language from the Alabama Constitution would be revolutionary. The Alabama Constitution protects rights and liberties but diminishes the promise of equality that it professes. The Alabama Constitution should reflect the modern values of today's society, such as equality and inclusion. Our state will continue to be divided if we allow the racist languages to stay in our constitution.

Why should we still allow racist languages to be implemented in the state's constitution that does not reflect today's society? In today's society, our young scholars of this state attend schools that are integrated. However, our state constitution references the segregation of Black and White Alabamians. Our state constitution needs to remove its racist Jim Crow language and mindset. The year is 2021, not 1951. As a state, our first step should be removing the racist languages so that our state can be more unified.

Sincerely,

Jessica A. Hollis

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Sep 1, 2021

**Dear, Joint Interim Legislative Committee on the Recompilation of the Alabama State Constitution**

Why the racist language in the Alabama State Constitution needs to be removed? Well, to the committee and the State of Alabama, there are multiple reasons why this racist language should be removed. Everyone has their reasons but to me, there are a few in particular that stick out. Number one we're not in the 20th century anymore, history has been changed and is still changing. We haven't been segregated since the 1950s, so why should African Americans and Americans period, have to be reminded by the racist language every time we read or learn about Alabama a State Constitution? This racist language should be deleted as soon as possible so that this constitution can reflect who we are today.

When you think about the Alabama State Constitution, you don't think how it can affect our Alabama education. The Alabama State Constitution talks about how Black and White Children should be separated in schools. That is not Alabama today. Obviously, all children go to school with each other in today's Alabama. So therefore the Alabama State Constitution needs to be updated so schools won't teach their children the wrong concept, and so kids won't have the wrong idea or get confused about today's Alabama. I hope to see a change in the Alabama State Constitution and this bill passed, so we won't have to be reminded about racist language anymore

Sincerely,

**Brian Officer**

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Wednesday, September 1, 2021 9:31 AM  
**To:** Info  
**Subject:** Racist language

Please remove all direct and inferred racist language from our state constitution as the people of Alabama have voted to do. Thank you. All of us in Alabama and our state will move forward if we do.

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Thursday, September 2, 2021 9:38 AM  
**To:** Info  
**Subject:** Alabama Constitution - LSA director must remove sections from Constitution

Greetings LSA Director and Legislative Services Agency,

As a citizen of Montgomery Alabama, I am writing you to express my concern about the racist and unjust language in sections of the Alabama's constitution. Any section that includes racial segregation should be removed immediately. Even though Federal court decisions have nullified some sections of Alabama's constitution, the racist language itself should also be removed.

In addition to language about racial segregation in education, the Alabama constitution still makes slavery legal in section 32:

That no form of slavery shall exist in this state; and there shall not be any involuntary servitude, otherwise than for the punishment of crime, of which the party shall have been duly convicted.

This "otherwise" makes slavery legal as punishment for a crime. Slavery is archaic and inhumane and should not be allowed or made legal for any reason. Alabama is a state that has a horrible history of enforcing and profiting off of slavery and the continuance of this despicable, horrendous, oppressive and exploitative practice is reminiscent of the "Black Codes", "Pig Laws" and convict leasing. Prison labor is legal which is still slavery. Section 32 of the Alabama Constitution must be changed and remove involuntary servitude as punishment for a crime. Slavery must be completely eliminated as legal for any reason in the state of Alabama.

Thank you,

Muaath Al-Khattab

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Thursday, September 2, 2021 11:18 AM  
**To:** Info  
**Subject:** Public Comment Section 32

My name is Savannah Eldrige. I am Co-Director of State Operations for the Abolish National Network, and I am making a public comment from Texas in solidarity with inside organizers Free Alabama Movement. I would like to express that I support amending Article I Section 32 of the Alabama Constitution to clearly state that slavery and involuntary servitude should not exist in the state. Amendment 4 passed with the intention of removing the stains of a legacy of racism and segregation in the state to reflect ideals of today, that all men are truly create equal and deserving of the respect of basic inherent human rights. The state of Alabama's dependence on the labor of the men and women on the inside to keep the operational and economic wheels of the system turning is unacceptable. In 2016, Alabama spent 478 billion dollars of its general fund on corrections, to support the already overcrowded prisons, yet most Alabama prisons are barely habitable, making labor standards subpar and inhumane. The continuation of the institution of slavery as punishment for a crime inhibits racial reconciliation and growth of the community by reinforcing white supremacy and racial inferiority. Please remove any language that upholds the most racist practice in American history, slavery. There should be no exceptions to slavery or involuntary servitude in Alabama, or any state.

Respectfully,

Savannah Eldrige  
Co-Director of State Operations for ASNN  
Supporter of Free Alabama Movement

Get [Outlook for iOS](#)

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Thursday, September 2, 2021 7:34 PM  
**To:** Info  
**Subject:** Amend Section 32!

It's the right thing to do! --

Aaron Friedman (he/him/his)

[REDACTED]

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Thursday, September 2, 2021 10:32 AM  
**To:** Info  
**Subject:** Alabama Constitution - LSA director must remove sections from Constitution

Good Afternoon LSA Director and Legislative Services Agency,

As a citizen of New Market, Alabama, I am writing you to express my concern about the racist and unjust language in sections of the Alabama's constitution. Any section that includes racial segregation should be removed immediately. Even though Federal court decisions have nullified some sections of Alabama's constitution, the racist language itself should also be removed.

In addition to language about racial segregation in education, the Alabama constitution still makes slavery legal in section 32:

That no form of slavery shall exist in this state; and there shall not be any involuntary servitude, otherwise than for the punishment of crime, of which the party shall have been duly convicted.

This "otherwise" makes slavery legal as punishment for a crime. Slavery is archaic and inhumane and should not be allowed or made legal for any reason. Alabama is a state that has a horrible history of enforcing and profiting off of slavery and the continuance of this despicable, horrendous, oppressive and exploitative practice is reminiscent of the "Black Codes", "Pig Laws" and convict leasing. Prison labor is legal which is still slavery. Section 32 of the Alabama Constitution must be changed and remove involuntary servitude as punishment for a crime. Slavery must be completely eliminated as legal for any reason in the state of Alabama.

Thank you,

Olivia Smoot

--  
Olivia Smoot

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Friday, September 3, 2021 9:20 AM  
**To:** [REDACTED]  
**Subject:** Alabama Constitution Language

Being that we are the ones that changed the voting laws in 2008 concerning Moral Turpitude. We would like to present language, reasoning, and some of the resolutions, and laws we have been pushing across America about changing these laws abolishing slavery.  
Please call us at 334-791-2433

<http://www.youtube.com/watch?v=CZuuFZDq9Yk>

[http://youtu.be/7L\\_h2nVceJc](http://youtu.be/7L_h2nVceJc)

Pastor Kenneth Glasgow  
Founder, National President  
The Ordinary People Society (TOPS) Phone: 334-671-2882 Office, 334-791-2433 cell  
West Powell St. Dothan, AL 36303  
Web: [www.theordinarypeoplesociety.org](http://www.theordinarypeoplesociety.org)

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Thursday, September 2, 2021 11:07 AM  
**To:** Info  
**Subject:** Recompilation of 1901 constitution

I support removing all racist language from the Alabama State Constitution.

Thank you.

Linda Verin

[REDACTED]

Dear Joint Legislative Committee on the Recompilation of the Constitution,

My name is Dariya Jones, I am a nineteen-year-old from Memphis, Tennessee, and I attend the illustrious Miles College in Fairfield, Alabama. I am writing on why the racist language in the Alabama State Constitution certainly needs to be removed. The Alabama State Constitution, established in 1901, was generated to retain white supremacy, racial segregation, and to be fixated on the power of the Legislature. This goes without saying that the Alabama State Constitution is not only primitive but also morally and ethically wrong. From learning about the Alabama State Constitution in my African American Experience class, I was honestly shocked, to say the least. It is so disheartening to know that there are laws and people out there who are complacent, comfortable, and accepting towards the fact that there are racial injustices still being implemented that were prevalent in the 60s and 70s.

There are already struggles and hardships with being a young black woman in America. And now that I go to a college in a state that is fine with possessing racial amendments within their constitution, it is not only alarming to me but horrifying. To recognize that there are people who look just like me that are still being discriminated against just because of the color of their skin in 2021 is honestly and truly sad. I am fortunate enough to attend a private HBCU where I have a safe space to express myself and fully live in my blackness freely. However, that is not the reality for other African Americans in Alabama, and I sincerely wish they will encounter something similar in the future. These few reasons are why the racist language in the Alabama State Constitution should be removed. Although removing the racist language from the Alabama Constitution would be a monumental and remarkable win for the black community, we still have measurable lengths to go to officially get rid of the racist seeds that were planted way before me and are still growing today. Thank you for the hard work you guys are doing to ensure that the people before and after me can have a brighter future. I hope you can take the time out of your day to read this genuine email.

Dear Joint Interim Legislative Committee,

My name is Drew Shackelford, and I am a student at Miles College. This letter is concerning the recompilation of the Alabama State Constitution and the racist language that is within it from the 1800's. I am very glad to hear that there have been efforts to remove this, and that as of now, the efforts are being put into action. The reason this type of racist language needs to be removed is because there is no room in this country for something like that. Our state does not need to have this portion of our Constitution on hand for people to reminisce on the terrible times our country went through during the Civil War, slavery, and the Civil Rights movement. Many large figure heads, such as Martin Luther King Jr. and organizations such as the NAACP, worked hard to just achieve equal rights. That portion of the document does not represent what we Alabamians stand for, believe in, and apply to our lives each and every day.

As a Christian man growing in my faith, I believe no one should be put down or given a lesser opportunity than another just off of the basis of their skin color. Every human should be born with the same opportunity and rights as another, and the removal of this portion of the Constitution is another step closer to reaching that. I have had the opportunity through sports to bond and become friends with many different people of all ethnicities. I have many African-American friends, and I'm so happy I can look at them the same as anyone else. This is because everyone is the same. In the aspect of being human, bleeding the same blood, and breathing the same air. We all have different cultures and personalities. It is a shame that things in the history of this state and country have happened regarding race and the unequal human rights of others. But this now gives us an opportunity to try and turn things around. An opportunity to right some wrongs. Coming together, no matter race, religion, or political standing, and acknowledging the wrong that has been mentioned in this document is of the utmost importance. The wrong has

been acknowledged, and it is now time to work to remove this racist language in the document representing the state of Alabama's beliefs, rules, and rights.

Sincerely,

Drew Shackleford

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Friday, September 3, 2021 2:19 PM  
**To:** Info  
**Subject:** Comment on Constitution

The comment I have on the Alabama Constitution is that Rep.Coleman needs to have her changes made and the legislature needs to vote yes.

Also, the words need to be simple.

Theresa Sims

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Sunday, September 5, 2021 3:57 PM  
**To:** Info  
**Subject:** Recompilation of the Constitution of the State of Alabama

Date: 05 September 2021

To: Alabama Constitution Recompilation Committee  
From: Lawrence B. Durham, Ph.D.  
Subject: Fulfilling your duty

My compliments and gratitude for your having decided to approve the recommendation of the Legislative Services Agency (LSA) to organize the amendments that applied to the 67 counties and some cities, by COMMON TOPIC. Please stand by that decision as your work moves forward.

It is my understanding that you are now considering Education Article XIV, Sections 256 and 259, and Article I, Section 32. I would encourage you to follow the recommendations of the LSA regarding these three sections of our Constitution and approve the removal of all three of them. Although Section 32 of Article I is not blatantly racist in its language, rhetorical ambivalence and historical practice would seem to make a strong case for its elimination. Doing the right thing sends a strong signal to potentially affected parties.

While I have your attention, I would dare to seize the moment and urge you and others whom you might influence to continue to press forward with further reform of the State of Alabama Constitution of 1901 and, in doing so, to pay particular attention to establishing "Home Rule" and eliminating the "Current Use" tax provision. The need and rationale for these two recommended actions have been well known for decades. Now that we have had the good sense and civic courage to -- *hopefully* -- take the steps referred to in my first two paragraphs, let us continue in that spirit with equal or greater determination to make this document responsive to our citizens of all walks of life regardless of their political persuasion, geographic location, or socio-economic status. I know that such actions are not within the purview of your committee. However, as an 80-year-old native Alabamian, I also know this state well enough to recognize that your selection for this critical committee was neither random nor accidental. So, **PLEASE** use your influence as individuals to advocate for these further improvements to our governing document.

Thank you for considering my recommendations and for your civic service to our state and its citizens.

Lawrence B. (Larry) Durham, Ph.D.  
[REDACTED]

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Sunday, September 5, 2021 2:12 PM  
**To:** Info  
**Subject:** Removal of Race-related Language from the 1901 Constitution

As a citizen, a parent who is a supporter of public education in Alabama (who himself attended and whose sons attended public schools in Montgomery County), an advocate of Constitutional reform, a former university president, and as a lawyer and a retired university professor who has studied and written on the subject, I strongly encourage the Revision Committee to adopt the recommendations of the LSA.

Such recommendations are unremarkable, but required to remove the now irrelevant provisions from our many splended State Constitution.

Were it not for Pandemic 2.0, I would attend the hearings myself to make my recommendations in person.

Thank you for your service to our beloved state -- and for making the revision process so transparent.

Sincerely,

Dr. Jim Vickrey  
Montgomery

P.S. I encourage all of my friends to write you as well.



[REDACTED]

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**From:** [REDACTED]  
**Sent:** Sunday, September 5, 2021 2:51 PM  
**To:** Info  
**Subject:** Constitution Recompilation Committee

Sept. 5, 2021

Hello,

I am encouraged by the work the Constitution Recompilation Committee is doing. I also want to encourage you (committee members) to be sure racist language is removed from the Alabama Constitution.

I have heard some people in Alabama believe it is okay to leave the no-longer-valid racist language in, as it has no force in law. But words do have force, regardless if they are upheld by the law.

Please clarify the language in the 1901 state constitution to demonstrate who we are as Alabamians in 2021. There is no room for racist language or concepts in the Alabama constitution.

Thank you.

Paula Clawson  
[REDACTED]  
[REDACTED]

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Monday, September 6, 2021 4:13 PM  
**To:** Info  
**Subject:** Involuntary Servitude

Dear Alabama Legislators,

I am writing to express my support for the removal of "involuntary servitude" from Section 32 of the Alabama Constitution of 1901. Increasingly, concerned citizens from across the United States are examining similar language in their respective state constitutions, as well as that included in the 13th Amendment of the US Constitution. I strongly encourage legislators in Alabama to consider how removing this language would protect the civil and human rights of all of their constituents, including those who have been duly convicted of crimes.

Sincerely,  
Shawn Darling

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Monday, September 6, 2021 2:11 PM  
**To:** Info  
**Subject:** Alabama Constitutional Reform

Dear Committee,

I write to encourage you to make strong, forward-looking reforms to the Alabama Constitution.

- I support reform of section 32 to remove the punishment exception with regard to slavery. Although this exception may still exist in our Federal Constitution, several states have removed this exception now, and it is clear that to move forward as a state we should join them. Our constitution should not give any room for forced labor, and we should be clear with regard to the history of this exception – it was written and used to promote Jim Crow incarceration. Keeping it would be looking backward with pride, not looking forward.
- I support removal of section 259 with regard to poll taxes, which are now unconstitutional per Federal Constitution amendment. There is no reason to keep an invalid section of our State Constitution.
- I support reform/removal of section 256, including the Amendment 111 changes. We should acknowledge that all reasonable modern governments view public education as a desirable government institution. Alabama will not attract business when its constitution refuses to support having an educated populace. Alabama already struggles to overcome the incorrect image many outsiders have of our state as being a backwater of uneducated barefoot people. To move forward we must clearly and with strength repudiate any idea that we support separate but equal and that when that is blocked, we simply stick our heads in the sand and insist that we'll not support education at all. We are a better people than section 256 with Amendment 111.

These are items that I have seen mentioned in the press. I am sure that there are others, and I urge you to consider them in the same light, asking: How can Alabama move forward? How can we repudiate racism? How can we ensure that our system of government does not support or sustain injustice?

Thank you for doing this work.

Sincerely,  
John Czachurski

[REDACTED]

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Tuesday, September 7, 2021 9:31 AM  
**To:** Info  
**Subject:** Recompilation of the state constitution

I encourage the committee to accept all recommendations proposed/submitted by the Legislative Services Agency. These recommendations are based on unbiased research and analysis. This is particularly true for the removal of all racist language. Leaving any of these texts in place indicates concurrence. It is time for our state to project a positive image when it comes to our infamous 1901 constitution. Thank you.

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Tuesday, September 7, 2021 10:57 AM  
**To:** Info  
**Cc:** [REDACTED]  
**Subject:** Comment for constitutional revisions committee

To whom it may concern:

Thank you for your work in undertaking the updating and removal of unconstitutional and racist language from our Alabama constitution. Please consider my thoughts in your work.

I am delighted that Alabama has finally agreed to begin the long process of bringing their cumbersome and antiquated constitutional document into the 21st century.

I completely agree with the removal of Section 32 "That no form of slavery shall exist in this state: and there shall not be any involuntary servitude, otherwise than for the punishment of crime, of which the party shall have been duly convicted." For me, either this phrase should be completely stricken from the document, or there should be a period after the first phrase, "that no form of slavery shall exist in this state." with the latter phrases removed.

Section 259 should definitely be removed. It's not only racist in concept but also defunct.

The portion of Section 256 that reads "Separate schools shall be provided for white and colored children, and no child of either race shall be permitted to attend a school of the other race," should absolutely be removed. I would like to see the amended portion of Section 256 that reads "Nothing in this Constitution shall be construed as creating or recognizing any right to education or training at public expense" also removed. It marks us as a stingy, greedy, and uncaring society and I don't believe we are that. We are a largely Christian population that believes in treating each other with respect and compassion, lifting up the marginalized of society like Jesus taught us to do.

Thank you for considering my wishes and I wish you well in your important work.

Rhoda Vanderhart RN

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**To: JOINT INTERIM LEGISLATIVE COMMITTEE ON THE RECOMPILATION OF THE CONSTITUTION  
Representative Merika Coleman, Chair; Senator Arthur Orr, Vice Chair; Representative Danny Garrett;  
Senator Sam Givhan; Representative Ben Robbins; Senator Rodger Smitherman; Ms. Anita Archie; Mr.  
Greg Butrus; Mr. Stan Gregory; Mr. Al Vance; and  
Mr. Othni Lathram, Director of the Legislative Services Agency**

**From: Prof. Emerita Martha I. Morgan, Retired Law Professor**

**Re: Brief Comments on Removal of Racist Language**

If Amendment 111's version of Sec. 256 were still the operative law (it is not since has been ruled as discussed below), your mandates to recommend removal of ALL racist language would require that you recommend removal of ALL THREE PARAGRAPHS of this section. All paragraphs are part and parcel of the blatantly racially-motivated post- *Brown v. Bd. of Ed.* Amendment's purpose to remove the right to public education in order to preserve segregated schooling. Despite the good intentions of some involved in the endeavor, this new recompilation project will be revealed as a SHAM if any portion of Amendment 111's version of Section 256 is left in the proposed recompilation. Rather than remove all racist language, in fact any such recompilation would re-enshrine the racially-motivated REMOVAL AND DENIAL OF ANY RIGHT TO PUBLIC EDUCATION in the Alabama Constitution.

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Text of Amendment 111 version of Sec. 256:

"Sec. 256. Educational policy of the state; authority of legislature to provide for or authorize establishment and operation of schools by persons, municipalities, etc.; grant, donation, sale or lease of funds and property for educational purposes; election of certain schools for attendance by parents of minors.

It is the policy of the state of Alabama to foster and promote the education of its citizens in a manner and extent consistent with its available resources, and the willingness and ability of the individual student, but nothing in this Constitution shall be construed as creating or recognizing any right to education or training at public expense, nor as limiting the authority and duty of the legislature, in furthering or providing for education, to require or impose conditions or procedures deemed necessary to the preservation of peace and order.

The legislature may by law provide for or authorize the establishment and operation of schools by such persons, agencies or municipalities, at such places, and upon such conditions as it may prescribe, and for the grant or loan of public funds and the lease, sale or donation of real or personal property to or for the benefit of citizens of the state for educational purposes under such circumstances and upon such conditions as it shall prescribe. Real property owned by the state or any municipality shall not be donated for educational purposes except to nonprofit charitable or eleemosynary corporations or associations organized under the laws of the state.

To avoid confusion and disorder and to promote effective and economical planning for education, 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, such election to be effective for such period and to such extent as the legislature may provide."

The indisputable racially-motivated history and purpose of Sec. 256 of Amendment 111 has been described as follows:

The [Alabama] legislature began a study of ways to resist court-ordered desegregation in 1953 with the creation of a Joint Interim Legislative Committee charged with drafting appropriate legislation to avoid the eventual *Brown v. Board of Education*, 347 U.S. 483 (1954); 349 U.S. 294 (1955).

When this Committee submitted its report in 1955, a major component was a proposed constitutional amendment to so amend Section 256 as to remove the offending portion that established race as a criterion for assigning students to schools and to simultaneously delete the mandate creating a right to a public school education. . . .

The intent of this amendment was to allow the state to discontinue public education wherever and whenever the public order was threatened and to allow public funds to be used to aid private education. These changes would, in the Committee's opinion, allow the preservation of segregation . . .

The legislature willingly approved such a constitutional amendment, which was ratified by the voters in 1956 as Amendment 111 for this very purpose.

Dr. Ira Harvey, SCHOOL FINANCE FOR THE ALABAMA SUPERINTENDENT, Pp. 11-12.

In *Lynch v. Alabama*, 2011 WL 13186739 (N.D. Ala., Nov. 7, 2011), aff'd in part and vacated in part, 739 F.3d 1273 (11th Cir. 2014), cert. denied 135 S.Ct. 53 (2014), Federal District Judge Lynwood Smith explicitly found that the racially discriminatory purpose of Amendment 111's revision of Sec. 256 was to preserve racial segregation in public schools by removing the right to a public education. His opinion declared:

Amendment 111 to the Alabama Constitution, adopted by the Legislature and ratified by the voters in 1956, adopted most of the recommendations of the 1954 Interim Legislative Committee report for the racially discriminatory purpose of preserving segregation in the public elementary and secondary schools of the state. \*163

. . .

Amendment 111, which adopted most of the recommendations of the 1954 Interim Legislative Committee report for the purpose of preserving segregation in public schools of the state, was ratified in the December 20, 1955 referendum.<sup>1395</sup> That Amendment removed language from the Alabama Constitution that guaranteed citizens the "right" to a public education, and authorized the Legislature to allow parents to send their children to schools provided for their own race, to make financial grants to private schools, to authorize bequests to private schools, to redirect poll taxes to private schools, and to redirect the optional county education tax provided for in Section 269 to private schools. \*278

In *Lynch v. Alabama, supra*, Judge Lynwood Smith's opinion also underscored that Amendment 111's version of Sec. 256 has not been the legally operative version of Sec. 256 of the Alabama

Constitution since a state court ruled that Amendment 111's racially motivated version of Section 256 violated the fourteenth amendment and was void in its entirety. The *Lynch* opinion explained:

In 1990, the Alabama Coalition for Equity, Inc. (the "Coalition"), acting on behalf of schoolchildren, parents and school systems throughout the State of Alabama, brought a lawsuit in circuit court in Montgomery County, Alabama, seeking a declaration that Amendment 111 was unconstitutional because its avowed purpose was racial discrimination. The Coalition also sought a declaration that state funding of K-12 education did not provide an adequate or equal education for all of Alabama's school children. *Alabama Coalition for Equity, Inc. v. Hunt*, No. CV-90-883 (Ala. Cir. Ct. Apr. 1, 1993). This case was consolidated with a similar lawsuit filed in the same court in 1991, *Harper v. Hunt*, No. CV-91-0117 (Ala. Cir. Ct. Jan. 19, 1991) and together they became known as the Equity Funding Cases, reprinted in *Opinion of the Justices* No. 338, 624 So. 2d 107, 110-67 (Ala. 1993).

In April of 1993, the Equity Funding Cases state court held that Amendment 111's racially discriminatory purpose violated the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. *Id.* at 111-12. The court declared that Amendment 111 of Section 256 was void in its entirety. *Id.* The court also declared that the original language of Section 256, guaranteeing Alabama's school children an "adequate education," remained Alabama law. *Id.* The court further held that, although Alabama's schoolchildren were guaranteed an adequate education, Alabama's funding of its public school system did not provide it. *Id.* The court enjoined state officers to "establish, organize and maintain a system of public schools, that provides equitable and adequate educational opportunities to all school-age children." *Id.* at 166.

This judgment was not appealed, in part because the circuit court retained jurisdiction over the case to address other matters, but the legislature immediately passed a resolution requesting the Alabama Supreme Court to render an advisory opinion on whether the circuit court's judgment was binding in view of the separation of powers principle of the Alabama Constitution. On April 27, 1993, barely four weeks after the circuit court's judgment, the Supreme Court advised the legislature that the state court's order must be enforced. *Id.* at 110.

Over the course of the next decade, remedial plans were proposed but none was implemented. Although there was much ado, it turned out to be about nothing much. Consequently, in 2001, the Equity Funding Cases plaintiffs moved the Montgomery County circuit court to take some action to enforce its injunction. Shortly thereafter, the State proposed a new remedial plan containing an estimated annual increase in expenditures for K-12 education of \$1.7 billion.

One year later, in 2002, the Alabama Supreme Court dismissed the Equity Funding Cases, holding that the circuit court's order did, after all, violate the Alabama Constitution's principle of separation of powers. *Ex Parte James*, 836 So. 2d at 816. The court held that "because the duty to fund Alabama's public schools is a duty that for over 125 years the people of this State have rested squarely upon the shoulders of the Legislature, it is the Legislature, not the courts, from which any further redress should be sought." \*175

The Notes to the Official Recompilation of the Alabama Constitution, which was completed in 2005, acknowledge that there is "controversy" over the status of the "real Section 256." The note details the history of the Equity Funding case in which the Alabama Supreme Court repeatedly refused to set

aside the state circuit court rulings in the liability phase because no timely appeals had been taken, though it ultimately dismissed the case in 2002 finding that the judiciary lacked the power to provide a remedy for the legislature's failure to fulfill its duties as ordered by the trial judge under Section 256 and other relevant provisions. The Code Commissioner who prepared the Recompilation cited Legislative direction [itself questionable from the standpoint of separation of powers] to remove provisions only if lapsed or invalidated by a "court of last resort" as the basis for continuing to include Amendment 111 in the Recompilation.

In conclusion, the Alabama Supreme Court repeatedly refused to review or reverse the lower state circuit court ruling invalidating Amendment 111's version of Sec. 256 in its entirety. But, in any event, if this integrally-related three paragraph version of 256 were still the "real version," the mandates of this Committee and the LSA Director to recommend removal of **ALL** racist language would demand that it be removed in its entirety.

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Tuesday, September 7, 2021 3:48 AM  
**To:** Info  
**Subject:** Comment on Latest News Email

To The Committee,

I greatly appreciate what you guys have done for the people of Alabama by bringing these hot-button issues to the chamber. Frankly, not many folks that I grew up with believe that this state will ever get itself together, and for much of my life that notion had been proven to be somewhat true. It gives me hope that the Committee has agreed to do so much as to recompile the constitution as it is not very frequent that our state gets the chance to make needed revisions.

One point I would like to focus on this morning is that in the discussion of racist language the LSA recommended that Article I, Section 32 on Slavery be removed entirely:

*"No form of slavery shall exist in this state: and there shall not be any involuntary servitude, otherwise than for the punishment of crime, of which the party shall have been duly convicted."*

I agree wholeheartedly that the above section should be stripped from the constitution in its entirety. The article clearly contradicts itself in order to establish loopholes by which services could be enforced on a given party simply because they have been "duly convicted" and nothing more. Not focusing on the racial narrative for a moment-- It is without a doubt corrupt of any Republic to make their prisoners a free source of labor. This law, if not removed, could one day encourage future legislators to derive from this language that prisoners can be obtained for the sake of cheap and free labor.

In the short twenty-three years of my life I have learned much about our state's contentious history spanning all the way from the beginning of the civil war to the end of the civil rights movement. I believe I can say that it goes without saying that racism played a major part in Alabama's history, but I don't believe that Alabamians want to accept that racism has anything to do with our present culture. For that reason, I think everyone should be on board with embracing these proposals.

So I hope that these comments were well received and that it encourages you to make a decision that is right for our state, and you can bet that you'll be hearing from me again in the near future. Thank you and have a nice day!

- J.O.A

September 7, 2021

Committee on the Recompilation of the Constitution  
Alabama Statehouse  
11 S. Union Street  
Montgomery, AL 36130

RE: Public comment on recompilation efforts

Committee members:

We applaud the efforts your committee is undertaking to remove the racist language in our state's constitution. Recognizing that voters twice rejected such an opportunity in recent decades, we hope that the support shown by voters in 2020 to do so will inspire a deep investigation into both the content of the text and the motivations for same, as well as meaningful recommendations for reparative language.

We submit the following written comment outlining the history and impact of the 1901 Constitution, as well as a few critical remedies for the committee's consideration.

### **Sixth Constitution in 82 years**

Between 1819 and 1901, Alabama organized six constitutional conventions: in 1819 (converting Alabama Territory into a State), 1861 (the "Secession Constitution"), 1865 (allowing Alabama's readmission into the Union), 1868 (Reconstruction), 1875 (the "Redeemer Constitution," ending Reconstruction), and 1901 (the current document).<sup>1</sup> In the 120 years since, we've offered only patches by adopting nearly 1,000 amendments. And, in doing so, produced a document 12 times longer than the average state constitution and 51 times longer than the U.S. Constitution.<sup>2</sup>

### **The 1901 Constitution was Born in the Heart of Jim Crow**

To fully grasp the weight of our current constitution's text, one must understand the foundation, circumstances, and intentions of its drafting. The Alabama Department of Archives summarizes, as follows:

As the 20th century dawned in Alabama, demands to redraw the basic framework of state government grew. The "Redeemer Constitution" of 1875 had effectively wrested political control from the coalition of Republican "scalawags" (native Republicans), "carpetbaggers" (Northern opportunists), and newly freed blacks who had briefly held power during Reconstruction. However, its limits on state support for commercial development through river improvement and railroad construction, and its low tax ceilings which kept schools poor increasingly drew criticism from reform-minded Alabamians.

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<sup>1</sup> <https://alabama200.org/educators/primary-sources/constitutions-and-citizenship/>

<sup>2</sup> [https://en.wikipedia.org/wiki/Constitution\\_of\\_Alabama](https://en.wikipedia.org/wiki/Constitution_of_Alabama)

Of greater importance to the politically powerful was the need to better control who voted in the state, a legacy of the tumultuous 1890s when the conservative Democrats were challenged by the Farmers' Alliance/Populist movement. The entrenched "Bourbons" had maintained control during that period through a combination of intimidating African Americans, raising the specter of "black rule" to keep whites within the party, and fraudulently counting votes for conservative candidates when all else failed. Uncomfortable with the turmoil and subterfuge of these campaigns, many leaders of the conservative Democrats embraced calls for a new constitution as a way to ensure "honest elections" — by legally taking the vote away from blacks so that they would not have to be stolen.

Closely contested elections saw a convention assembled and a new Constitution adopted in 1901. Generally supported by the conservative "Bourbon" planters of the Black Belt counties and their allies in the rapidly industrializing Birmingham area, both the convention and the proposed Constitution had significant opposition from poor farmers and African Americans afraid of losing their already tenuous political identities.

The resulting 1901 Constitution fulfilled their fears as a host of stringent suffrage restrictions effectively denied great numbers of both classes the right to vote. Accurately described by present-day historians as "designed to freeze change in desirable channels," the 1901 Constitution not only restricted suffrage but also did little to make government more responsive to the challenges of a new century. The 1901 Constitution was more a code of laws than a framework for government, as the Legislature retained near complete control over local affairs, making necessary hundreds of amendments over the succeeding decades.<sup>3</sup>

### **The 1901 Constitution Sought to Establish White Supremacy and Legal Segregation as the Law**

Records from the Constitutional Convention of 1901 show the resulting document, written entirely by white men, was intentionally drafted to disenfranchise Black men and suppress the political power of communities of color and poor white residents. The framers made no secret of their purpose: to formally enshrine white supremacy as the law and to deny Black residents a voice in government.

"[W]hat is it we want to do? Why it is within the limits imposed by the Federal Constitution, to establish white supremacy in this State," declared Constitutional Convention Chair John M. Knox as the convention opened.<sup>4</sup> The front page of the *Montgomery Advertiser* on November 12, 1901, stated, "The

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<sup>3</sup> Alabama Department of Archives and History, "[The Alabama Constitution of 1901 Unit — Introduction](http://www.archives.alabama.gov/teacher)," *Using Primary Sources in the Classroom*, <http://www.archives.alabama.gov/teacher> (last visited Sept. 1, 2021).

<sup>4</sup> The Alabama Legislature, Official Proceedings at the 1901 Alabama Constitutional Convention 8, [http://www.legislature.state.al.us/aliswww/history/constitutions/1901/proceedings/1901\\_proceedings\\_vol1/day2.html](http://www.legislature.state.al.us/aliswww/history/constitutions/1901/proceedings/1901_proceedings_vol1/day2.html) (last visited Sept. 1, 2021).

Citizens of Alabama Declare for White Supremacy and Purity of Ballot. The Putrid Sore of Negro Suffrage Is Severed From the Body Politic of the Commonwealth.”<sup>5</sup>

Because the Fourteenth Amendment prohibited race-based disenfranchisement, the framers knew that discriminatory provisions intending to maintain white supremacy had to appear race-neutral.

To accomplish this, the delegates adopted a series of voter registration provisions – including a poll tax, a literacy test, the empowerment of local election officials, property requirements, and a felony and “moral turpitude” provision that targeted select felonies the framers believed Black Alabamians were more likely to commit. This was meant to disenfranchise Black men, who made up 45 percent of the state’s population and were threatening the white wealthy class’s political dominance by aligning their votes with those of low-income white men.

The impact of disenfranchisement was immediate and severe. In 1900, more than 180,000 Black men were eligible to vote. By 1903, fewer than 3,000 were able to register.<sup>6</sup> But Alabama’s new constitution also “would remove [from voter registration rolls] the less educated, less organized, more impoverished whites as well.”<sup>6</sup>

For more information about Alabama’s disenfranchisement, visit our report at [https://www.splcenter.org/sites/default/files/splc\\_alabama\\_voting\\_rights\\_report\\_with\\_exhibits\\_final.pdf](https://www.splcenter.org/sites/default/files/splc_alabama_voting_rights_report_with_exhibits_final.pdf).

### **Diluting Political Power in Rural and Communities of Color Required Centralizing Power**

To disempower rural voters and voters of color, the 1901 Constitution also removed home rule from cities and counties, stripping them of their ability to make decisions within their jurisdiction without threat of interference from the state legislature. Though municipal corporations are provided for in Article XII, Sections 220-28, via such powers delegated by the legislature, counties have no general grant of power in the Constitution or from the legislature.<sup>7</sup> In limiting local government power, the framers established a system in which many local decisions, even those most logically handled by local officials, require legislative approval.

In addition to the local constitutional amendments, the state legislature approves dozens of local bills applying to specific counties or municipalities during each session. Such obligations detract from time allotted for matters of interest to the entire state. But, more importantly, undermining the ability of cities and counties to self-govern dilutes the power of local voters to seek remedies affecting their interests. This is even more evident in communities of color that are unable to elect representatives of their choice, affecting their interests.

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<sup>5</sup> Alabama Bicentennial, “The Citizens of Alabama declare for white supremacy and purity of ballot,” <https://alabama200.org/educators/primary-sources/constitutions-and-citizenship/1901-constitution/detail/the-citizens-of-alabama-declare-for-white-supremacy-and-purity-of-ballot> (last visited Sept. 2, 2021).

<sup>6</sup> Glenn Feldman, *The Disfranchisement Myth: Poor Whites and Suffrage Restriction in Alabama*, Athens: University of Georgia Press, 2004, pp. 135-36

<sup>7</sup> <http://encyclopediaofalabama.org/article/h-1153#:~:text=Home%20Rule%20is%20the%20power,to%20run%20their%20own%20affairs.&text=The%20limited%20grant%20is%20known,Constitution%20or%20from%20the%20legislature>.

Relying on the adoption of local amendments also creates disparate opportunities across the state for school funding, economic development, and infrastructure projects, to name a few. Two particularly egregious examples are the reliance on local bills to increase local court fees and ad valorem taxes to support public schools; the former grow more frequent as the state avoids its obligations to adequately fund the state courts and the latter are often opposed by legislators in neighboring, competing school districts and special interests, alike.

### **Involuntary Servitude Exception Prohibits the Realization of Freedom Guaranteed by the Thirteenth Amendment**

That no form of slavery shall exist in this state; and **there shall not be any involuntary servitude, otherwise than for the punishment of crime**, of which the party shall have been duly convicted.

Ala. Const., art. 1, Section 32 (emphasis added).

First adopted in the 1865 Constitution,<sup>8</sup> modeling the language of the Thirteenth Amendment, this criminal exception to slavery's abolishment was designed to preserve the economic and social conditions embedded in the pre-Civil War South and the subsequent 'black codes'<sup>9</sup> designed to limit the freedom of Black people and ensure continued cheap labor. The intent was obvious.

Days before the ratification of the Thirteenth Amendment, *Chicago Tribune* reporter Sydney Andrews met with a politically connected Georgia lawyer who warned Andrews of what was to come: "[T]here'll be private talk this session, even if there isn't open effort, to make the penal code take [Black Southerners] back into the condition of slavery. It'll be called 'involuntary servitude for the punishment of a crime' but it won't differ much from slavery."<sup>10</sup>

The "abolition loophole" or "punishment clause" is linked by those who study the issue to the growth of prison labor and the rise of mass incarceration. As Bryan Stevenson, founder of the Equal Justice Initiative, said, "Slavery didn't end in 1865, it just evolved."

"These various types of slaveries transformed from one to another and back again," wrote University of California, Irvine Professor Michele Goodwin. "Debt peonage morphed into convict labor, convict labor turned into convict leasing, and these transformed to chain gangs."<sup>11</sup> The Alabama Department of Corrections currently operates prison industries program at 17 different facilities across the state where inmates make furniture (like that found in the Alabama Senate chambers) or license plates. Most of the inmates who work inside facilities receive no wages, while others who work outside are compensated only 35-50 cents per hour.<sup>12</sup>

Ava DuVernay's documentary *13<sup>th</sup>* and Michelle Alexander's *The New Jim Crow* document the history and evolution of the antebellum slave system and how mass incarceration – fueled by the War on Drugs

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<sup>8</sup> [Article I, § 34](#), Alabama Constitution of 1865

<sup>9</sup> <https://www.history.com/topics/black-history/black-codes>

<sup>10</sup> <https://www.theusconstitution.org/news/the-war-over-the-13th-amendment-and-modern-day-slavery/>

<sup>11</sup> Michele Goodwin, *The Thirteenth Amendment: Modern Slavery, Capitalism, and Mass Incarceration*, 104 *Cornell L. Rev.* 899 (2019) Available at: <https://scholarship.law.cornell.edu/clr/vol104/iss4/4>

<sup>12</sup> <https://www.msnbc.com/the-last-word/alabama-inmates-stage-prison-protest-free-labor-msna310641>

and profitable prison labor – has purposely been used to redesign racial caste in modern-day America. Exploitation of prison labor also harms working class white residents because fewer “free world” jobs are available when prison labor —a \$1 billion industry nationwide - produces at lower costs.

In November 2020, voters in Utah (80%) and Nebraska (68%) approved the removal of similar language from their state constitutions.<sup>13</sup> Following recent approval by the state legislature, Tennessee voters will have the opportunity to approve removal in November 2022.<sup>14</sup> We must acknowledge Alabama’s attempt to retain a symbolic connection to systems of oppression and remove this provision.

## A Constitutional Right to Education

Despite numerous federal court decisions to the contrary, our constitution provides for racially segregated public schools.

The legislature shall establish, organize, and maintain a liberal system of public schools throughout the state for the benefit of the children thereof between the ages of seven and twenty-one years. The public school fund shall be apportioned to the several counties in proportion to the number of school children of school age therein, and shall be so apportioned to the schools in the districts or townships in the counties as to provide, as nearly as practicable, school terms of equal duration in such school districts or townships. **Separate schools shall be provided for white and colored children, and no child of either race shall be permitted to attend a school of the other race.**

Ala. Const., art. XIV, Section 256 (original text) (emphasis added).

Alabama revised its “separate schools” provision in 1956, two years after the U.S. Supreme Court’s decision in *Brown v. Board of Education of Topeka*, to wit:

It is the policy of the state of Alabama to foster and promote the education of its citizens in a manner and extent consistent with its available resources, and the willingness and ability of the individual student, but **nothing in this Constitution shall be construed as creating or recognizing any right to education or training at public expense, nor as limiting the authority and duty of the legislature, in furthering or providing for education, to require or impose conditions or procedures deemed necessary to the preservation of peace and order.**

The legislature may by law provide for or authorize the establishment and operation of schools by such persons, agencies or municipalities, at such places, and upon such conditions as it may prescribe, and for the grant or loan of public funds and the lease, sale or donation of real or personal property to or for the benefit of citizens of the state for

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<sup>13</sup> <https://thehill.com/homenews/state-watch/524469-utah-nebraska-voters-approve-measure-stripping-slavery-language-in>

<sup>14</sup>

[https://ballotpedia.org/Tennessee\\_Remove\\_Slavery\\_as\\_Punishment\\_for\\_Crime\\_from\\_Constitution\\_Amendment\\_\(2022\)](https://ballotpedia.org/Tennessee_Remove_Slavery_as_Punishment_for_Crime_from_Constitution_Amendment_(2022))

educational purposes under such circumstances and upon such conditions as it shall prescribe. Real property owned by the state or any municipality shall not be donated for educational purposes except to nonprofit charitable or eleemosynary corporations or associations organized under the laws of the state.

**To avoid confusion and disorder and to promote effective and economical planning for education, 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, such election to be effective for such period and to such extent as the legislature may provide.

Ala. Const., art. XIV, Section 256 (as amended by Amendment 111) (emphasis added).

This blatant, racially motivated defiance of the Supreme Court's ruling made two things clear: Alabama wanted to maintain segregated schools and the State did not want to be obligated to provide, or pay for, the education of Black children. In Associated Press accounts from the time, the 1956 amendment is described as a measure that would allow the state to abolish public schools as an alternative to integrating them.

Fortunately, Alabama courts have held that students in our state continue to have a right to an education. After the Alabama Supreme Court's 2002 decision in the "Public School Equity Funding Case," then-Alabama Attorney General Bill Pryor proclaimed:

*The Court refused to revisit the liability order, which established that the children of Alabama enjoy a constitutional right to an education. ... I am pleased that the constitutional right of Alabama children to an education has been upheld.*<sup>15</sup> (emphasis added.)

Yet, although the "minors shall attend schools provided for their own race" provision has not been enforceable for decades, its inclusion in our state's constitution – the supreme law of Alabama -- continues to influence perceptions of Alabama and support the realities of the educational inequities we face today. Alabama schools remain deeply separate and unequal: Among the State's list of "failing" schools from November 2019 (the most recent data), 31 of the state's 76 "failing" public schools were located in the Black Belt and served majority Black student populations.<sup>16</sup>

Some would argue that because the segregation language is not enforceable, it no longer matters. But words have meaning, especially at a time when public schools are more segregated than at any time since the 1960s and the racial achievement gap is staggering – between 20 and 30 percentage points in any subject area.

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<sup>15</sup> See John Herbert Roth, *Education Funding and the Alabama Example: Another Player on a Crowded Field*, 2003 BYUELJ 739, n 90 (2003) (emphasis added).

<sup>16</sup> <https://www.al.com/news/2021/05/on-anniversary-of-brown-v-board-these-alabama-schools-remain-segregated.html>

When removal of the provision was last before Alabama voters in 2012, Senator Arthur Orr (who sponsored the enabling legislation) said, “It’s important to address this issue and show that Alabama is a much different place than it was in the past. ... [After the vote failed in 2004 to strike the language], the national news reported that Alabama had failed to reject segregation. It played into all the negative stereotypes of our state.”<sup>17</sup>

We agree. But to properly address this problem, we must remove the segregation language in Section 256, *and* we must refuse to add language to the Constitution that would limit a child’s right to an education, including language that would make this right unenforceable. As Bill Pryor stated, students in Alabama have a right to an education, and to make that right meaningful – just like any other right provided in the Constitution – it must be enforceable.

### **Our Constitution Should Represent All Alabamians**

Even within your limited mandate, this committee, and your peers in the Alabama Legislature, can remove the lingering vestiges of racial segregation and legalized oppression of Alabama’s Black residents. The language in the state Constitution matters; it’s a stated commitment to ourselves and our operations with one another. It also is a public projection of our values to those who seek to do business here or to one day make Alabama their home.

We encourage you to strive even further than Chair Coleman’s directive to “bring the Alabama Constitution into the 21<sup>st</sup> Century and be more reflective of who we are as a state now.” Help us create an inclusive Constitution for all Alabamians. We might not have another chance for 100 years.

Respectfully,

Shay M. Farley, JD  
Regional Policy Director  
SPLC Action Fund

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<sup>17</sup>[https://web.archive.org/web/20130531151701/http://www.annistonstar.com/view/full\\_story/20488879/article-Alabama-segregation-amendment-could-put--voters-in-a-bind?instance=home\\_news](https://web.archive.org/web/20130531151701/http://www.annistonstar.com/view/full_story/20488879/article-Alabama-segregation-amendment-could-put--voters-in-a-bind?instance=home_news)

[Redacted]

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**From:** [Redacted]  
**Sent:** Tuesday, September 7, 2021 3:03 PM  
**To:** Info  
**Subject:** remove racist language from constitution

I'm writing to request that the racist language be removed from the AL Constitution!!

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**Peace & Solidarity,**  
**Nikki Davenport**

[Redacted]  
[Redacted]  
[Redacted]

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Tuesday, September 7, 2021 4:33 PM  
**To:** Info  
**Subject:** Committee on the Reconciliation of the Constitution

To Whom It May Concern:

I am a lifelong resident of Alabama and one who voted to authorize this project. I sincerely hope that all racist language and intent will be removed from our constitution. Words matter. Actions matter. We need to ensure our constitution provides equal protections and rights for all of us who call Alabama home.

Sincerely,

Hope Rains Skelton  
Pell City, AL

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Tuesday, September 7, 2021 8:20 PM  
**To:** Info  
**Subject:** Recompilation if the Constitution

Please follow the recommendations from legislative services to remove racist language from the Alabama Constitution.

Thank you,

Carrie Turner