

A Chance to Build a New Path

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The trial of *Knigh v. Alabama* made me think of two stubborn men standing face-to-face on a narrow path blocking all movement from getting around them.

The plaintiffs are asking a federal judge to declare the Lid Bill, which lies at the core of Alabama's property tax laws, unconstitutional on the grounds that it discriminates against African-Americans.

For many people this argument makes no sense.

The Lid Bill keeps property tax revenues grossly inadequate and guarantees that the largest and most profitable landowners will never pay more than minuscule property taxes. Overwhelming evidence proves that as long as the Lid Bill exists we will never have enough revenues to support minimum educational opportunities for poor and lower middle class children.

But what does this have to do with race discrimination? Doesn't the defeat of Amendment One prove that Alabamians of both races see no reason to change the Lid Bill?

The problem is these points ignore the baggage of our history that continues to haunt us.

Highly respected historians testified that the Lid Bill, especially as it first appeared in 1971, was a defense to the ending of segregation in the public schools. Before the voting rights act and other reforms of the 1960s had time to fully restore the political rights of African-Americans, the Lid Bill was anchored in Alabama's constitution to ensure that property taxes would never minimally fund integrated schools. Their testimony stating that the attitudes resulting in the Lid Bill continue to survive in our historical institutions, especially our educational institutions which need adequate property taxes, was even more painful for me to hear.

Although most individual Alabamians today do not hold the views that surrounded the enactment of the Lid Bill, it still remains impossible to rid ourselves of the Lid Bill's effects by amending the constitution.

Constitutions strongly favor the status quo and the historians testified that the Lid Bill's sponsors were well aware of this. Powerful special interests continue to block reform attempts thus preserving the status quo of the Lid Bill's motives which remain embedded in our constitution. The most recent attempt, Amendment One, would have addressed some of the Lid Bill's inequities and reduced the tax burden for more than half of all Alabamians. They defeated Amendment One by misleading numerous poor and lower middle class voters with well funded advertisement campaigns laced with lies and distortions.

During the trial endless statistics proved that because of the Lid Bill most poor and lower middle class Alabamians have little or no chance of earning a college degree. Heartbreaking testimony put a human face on this sorry story.

But the most painful and difficult to acknowledge part of trial revealed that African-Americans are especially hardest hit by the Lid Bill's inequities because they make up a larger share of poor and lower middle class Alabamians, given their proportion of the state's population, and because the men who wrote and amended Alabama's constitutions from 1875 through the 1970s intended that they remain that way.

Nearly two years ago when I publicly released my article attacking Alabama's tax inequities on Judeo-Christian grounds, I avoided looking at the easily available statistics on poverty and race. Like many well meaning white Alabamians for me that was just too uncomfortable to confront. Much later someone pointed out that African-Americans account for half of all Alabamians in poverty while they make up only a quarter of Alabama's population. Clearly African-Americans continue to disproportionately suffer from the negative effects of the Lid Bill.

The Lid Bill, the instrument preserving the status quo of Alabama's past, is being held in place by the two stubborn men blocking the narrow path. The first represents the combination of powerful special interests, the natural human desire of those of us fortunate enough to be wealthy or upper middle class to continue avoiding our fair share, and the low level of trust harbored by many Alabamians. The second represents the constitutional shackles that serve as the tools thwarting the real will of Alabama's people today.

Recognizing that the normal democratic process does not always work, our Founding Fathers created the federal court system to serve as a check and balance. If the federal judge grants relief and holds the Lid Bill unconstitutional, the second stubborn man will be removed creating a level playing field that gives us a chance to build a new path that reflects the will of the people in 2004 rather than in 1971 and before.

Having spent nearly two years speaking to numerous communities across the state, I am convinced that most of us are people of goodwill. If we can just get that chance I am sure we will replace the Lid Bill with a property tax structure that provides greater educational opportunities for the numerous poor and low income children of both races in our state.

For that reason I am praying that the judge grants us relief.

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