

# Epilogue

This collection intended to update Thomson's (2002) work in time for the 125<sup>th</sup> anniversary of the 1901 Constitution. The essays in *A Century of Controversy* continue to be enlightening. Alabama's tumultuous history is fascinating and troubling. The book highlights that the framers of the 1901 Constitution sought to create a form of government that institutionalized white supremacy, undermining democracy in the process. Throughout Alabama's history, when opportunities arose to right the wrongs of the 1901 Constitutional Convention - to adequately fund education and infrastructure and allow for local-level democracy - Alabama's lawmakers have consistently chosen not to do so (Hamill, 2024; Porter, 2024; Blankenship, 2024; Aguado, 2024). The 1901 framers devised a system of governance designed to forestall reform. It is a long-lasting document because voters have learned to distrust governing institutions, as generations of corrupt and malicious policymakers and politicians consistently underserved Alabamians. In the fall of 2003, I recall discussing Governor Riley's tax proposal with a student who said they supported it but would vote against it because they trusted Governor Riley but did not trust who might succeed him. That is the legacy of the 1901 Constitution. It tainted the very public institutions that could address the complicated needs the state has had since 1901.

And where Thomson has a call for reform through education, civil society, and social capital, this work, collectively, is much less hopeful. All the authors submitted their

works to this collection with limited guidance from the editor – a list of topics and a call to reflect on Alabama’s 1901 Constitution. All reached similar conclusions. The state is still underserving its most needy and putting the vulnerable in harm's way (Hamill 2003).

And it may be that nothing will ever change in Alabama, at least not in the way that Thomson (2002) advocated. Political scientists reflect on voter fatigue as a reason for low voter turnout (Lijphart, 1996). That is, there are so many elections in the U.S. that people get tired of voting. In 2022, “Alabama ranked 46<sup>th</sup> in percentage of voting-eligible population to cast a ballot, with only 37% of voters turning out for the general election” (Spencer 2024b, p. 2). Similarly, one of the reasons for the pervasiveness of the status quo is that people are exhausted by the nature of politics in this state. The problems (underfunded education, infrastructure, an inhumane carceral system, lack of local democracy) have just become circumstances that Alabamians have learned to deal with. And again, that is where the 1901 framers succeeded. They created a lasting Constitution that eroded the public’s capacity to care about these problems. The people of Alabama now have a choice: engage a system impervious to change or leave – many have chosen the latter. In 2024, Warren Kulo reported that Alabama was among the states suffering the biggest “brain drain.” That is, people in the top third of the national education distribution between the ages of 31 and 40 are leaving this state, ranking Alabama 10<sup>th</sup> among states suffering the largest losses among the educated population (Kulo, 2024). Smart, ambitious people in Alabama are leaving this state. Tiebout (1956) made the case that “the consumer-voter may be viewed as picking that community which best satisfies his preferences for public goods... the consumer-voter moves to that community whose local government best satisfies his set of preferences” (p. 418). Tullock (1971) concluded that people consider a bundle of government services and taxes and ultimately vote with their feet. They relocate. Where are these people moving to? Cebula (2009) makes the case that people move to areas with higher per-pupil public primary and secondary outlays. Porter (2024) demonstrated how Alabama lawmakers have failed to address adequate funding for education in the state. Hamill (2024) furthers the case by showing that the funding inadequacies are structural. They are built into the framework of Alabama’s government.

Constitutional change came to Alabama. The constitution’s recompilation was passed in the November 8, 2022, general election with 76% of the vote. It rearranged the constitution so that similar subjects are located together, removed racist language, deleted repeated or repealed portions/language, placed all amendments that deal with economic development together and arranged local amendments by county. The recompilation is a significant accomplishment for the advocates of constitutional reform in Alabama. Yet Alabama still has the longest constitution. The constitution continues to give the state legislature extraordinary power over local jurisdictions. It is still less a structural document, establishing what the government can and cannot do, and more of a legislative document. As Thomas Spencer (2024a) points out, “Despite the new Constitution, we remain governed by the basic operating system established by the 1901

Constitution. And that operating system was recognized as obsolete and an obstacle almost as soon as it was adopted.” He quotes Governor Emmet O’Neal, whose words are as relevant today as they were when he was governor (1911-1915).

*No real or permanent progress is possible in Alabama until the present fundamental law is thoroughly revised and adapted to meet present conditions.*

There is still work to be done.

## References

- Aguado, N.A. (2024). Political Indifference and the Withering of Democracy in Alabama. In *Never Gonna Change? An examination of the 1901 Alabama Constitution*. (N.A. Aguado, Ed.) North Alabama OER.
- Blankenship, B. (2024). A new way forward for Alabama prisons. In *Never Gonna Change? An examination of the 1901 Alabama Constitution* (N.A. Aguado, Ed.). University of North Alabama OER.
- Cebula, R. J. (2009). Migration and the Tiebout-Tullock Hypothesis Revisited. *American Journal of Economics and Sociology*, 68(2), 541-551.
- Hamill, S.P. (2003). *The Least of These: Fair Taxes and the Moral Duty of Christians*. Sweetwater Press.
- \_\_\_\_\_. (2024). The Elusiveness of Tax and Constitutional Reform. In *Never Gonna Change? An examination of the 1901 Alabama Constitution* (N.A. Aguado, Ed.) North Alabama OER.
- Kulo, Warren. (2024, May 25). Alabama among states suffering biggest 'brain drain,' study finds. *Al*. <https://www.al.com/news/2024/05/alabama-among-states-suffering-biggest-brain-drain-study-finds.html>
- Lijphart, A. (1997). Unequal participation: Democracy's unresolved dilemma presidential address, American Political Science Association, 1996. *American Political Science Review*, 91(1), 1-14.
- Porter, B. (2024). The system works as intended: Alabama's 1901 Constitution and financing public education. In *Never Gonna Change? An examination of the 1901 Alabama Constitution* (N.A. Aguado, Ed.) North Alabama OER.
- Spencer, T. (2024a). The Alabama Constitution Reformed: Is There Still Work to Do? Public Affairs Research Council [PARCA]. In <https://parcalabama.org/wp-content/uploads/2024/02/The-Alabama-Constitution-Reformed.pdf>.
- \_\_\_\_\_. (2024b). How Alabama Democracy Compares. Public Affairs Research Council [PARCA]. In <https://parcalabama.org/wp-content/uploads/2024/06/How-Alabama-Democracy-Compares.pdf>
- Thomson, B. editor. (2002). Whose government anyway? A citizen-based reform. In B. Thomson (Ed). *A Century of Controversy: Constitutional Reform in Alabama*, (pp.167-179). University of Alabama Press.
- Tiebout, C. M. (1956). "A Pure Theory of Local Expenditures. *Journal of Political Economy* 64(1): 416–424.
- Tullock, G. (1971). "Public Expenditures as Public Goods. *Journal of Political Economy* 79(5): 913–918.

# Notes on Process

This section provides background about how this project came together. I wanted to share the steps taken to create this collection and provide a template for how others might employ similar methods in their work and develop no-cost Open Educational Resources. I also want to convey the efforts taken to ensure that academic rigor was part of this process.

In the summer of 2023, a “call” was emailed to every faculty member in Alabama's sociology, criminal justice, history, public administration, and political science departments. I went through each academic program's website in Alabama and emailed individual faculty. I also emailed the directors of graduate study at various Alabama universities and asked them to encourage their doctoral students to consider participating in the project.

The contributors to this collection submitted their works in early November of 2023. Those works were then sent to peer reviewers. The peer reviewers included Dr. Jim Day, at the University of Montevallo, Drs. Quinn Gordon, Lynne Reiff, Katie Owens-Murphy, Justin Joseph, Christopher Purser, and Tim Collins at the University of North Alabama. Contributors to the collection also served as peer reviewers: historian Bruce Porter, Professor Brandon Blankenship, and Dr. Rebecca Short. Each work had at least two reviews. The peer reviews were sent back to the contributing authors for revision, and the finished drafts were sent back to me in March of 2024. Additionally, Dr. Lynne Reiff, Dr. Matt Schoenbachler, Patrick Tate, ABD, and Dr. Kayla Bohannon read rough drafts and offered constructive feedback.

I copy-edited the manuscripts in the spring and summer of 2024 using Microsoft Word and exported chapter text (via copy-and-paste) into Ketty by Coco. Grammarly editing software and the AI editing tools found in Ketty were used throughout the editing process. The Open Education Network (OEN) helped by allowing this work to be part of the Ketty pilot program for single-source publishing. The Coko Foundation provided technical assistance in the publication process. The book files were added to a Pressbooks site that hosts the files and serves as a permalink that allows others to access the work at: [una.pressbooks.pub/nevergonnachange](http://una.pressbooks.pub/nevergonnachange).



# NEVER GONNA CHANGE?

## An Examination of the 1901 Alabama Constitution

Since the conclusion of the Civil War, the U.S. Constitution has changed to include amendments that secured the rights of all Americans and expanded democracy. In stark contrast to the U.S. Constitution, Alabama's 1901 Constitution was designed in response to the nation's broader democratic aspirations. Though the Alabama Constitution was recompiled in 2022, the spirit of the 1901 Constitution continues. This collection has chapters on:

- The factors that influence policy change in the Deep South and the likelihood of constitutional reform
- The perseverance of inadequate education funding as a structural feature
- The contemporary possibility of change through litigation.
- The consequences of Alabama tax policy and how it is embedded in the 1901 Constitution.
- The capacity for a more humane carceral system.
- The role that the Constitution has played in undermining democracy in Alabama.

The capacity for reform cannot be achieved through litigation. Reform cannot be hoisted upon Alabama's government by the federal courts or by congressional action. It must be initiated and done by the people of Alabama.



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