

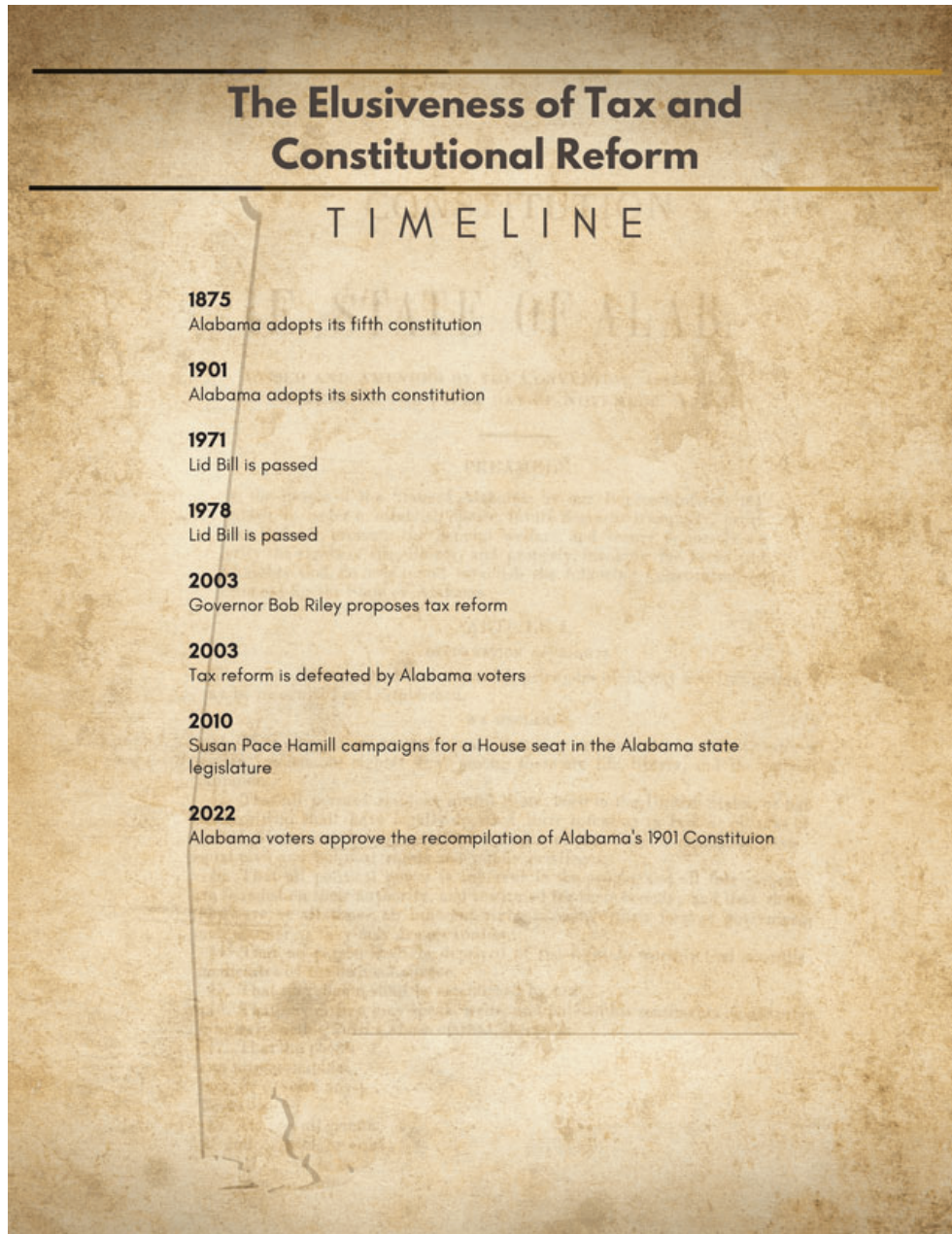
# The Elusiveness of Tax and Constitutional Reform

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**ABSTRACT**

In this chapter, Professor Hamill illustrates that Alabama's regressive tax policy oppresses poor Alabamians and denies their children a chance for a better future and explains why the 1901 Constitution makes meaningful tax reform impossible. She then shows that Governor Bob Riley's 2003 failed reform efforts and ten years of unsuccessful civil rights litigation which followed, means reformers must convince Alabama's citizens at the ballot box. Professor Hamill's story of her personal experiences as an outspoken reformer, especially the anecdotes of her speaking to thousands of voters at their doors when she was a candidate for the legislature, illuminate why meaningful reform has remained elusive and reveals the distasteful strategy reformers must adopt to have any chance of success.



Dates covered in this chapter

## INTRODUCTION

*Today, we in Alabama cannot wait for our government to reform itself. We citizens, empowered with inner strength and confident on our ability to govern ourselves, must seize the high ground—the common, civic ground. We must make a new compact with ourselves, one that will bequeath to our children the best democracy we can fashion... (Thomson, 2002, p.170) If reformers can help enough citizens realize how poorly the current system works, and why that failure diminishes future opportunities, I believe*

*we can see a remarkable cultural shift. In other words, citizens can be persuaded through education and good leadership to cross over to what reformers might consider “the right side of history” (p. 175).*

-Bailey Thomson, *Whose Government Anyway? A Call for Citizen-Based Reform*

The late Bailey Thomson’s (1949-2003) passionate words penned at the turn of the twenty-first century, shortly before his untimely death, expressed great confidence that through education, reformers could persuade Alabama’s citizens to support political candidates who would lead the state towards constitutional and tax reform. The unexpected death of Bailey Thomson on November 26, 2003, was a devastating blow to the revival of Alabama’s constitutional reform effort (Blalock, 2005). As the third decade of the twenty-first century gets well underway, there is no meaningful possibility of reforms on the horizon in either area. This frustrating situation, as well as Thomson’s words and dedication to Alabama’s constitution reform movement during the bulk of his professional life, invoke questions that continue to haunt Alabama’s reformers.

Why is tax and constitution reform so politically difficult? Why do so many Alabamians tolerate tax policy that is grossly unfair to most Alabamians and fails to adequately fund education? Why is it so challenging to persuade our citizens to reform Alabama’s constitution, the state’s fundamental governing document that is mired in the past and enshrines these inequities? Finally, what will it take politically to successfully achieve genuine tax and constitutional reform? 1

After first illustrating that Alabama’s tax policy, which overtaxes the poor and underfunds education, is anchored in the state’s 1901 Constitution, I recount two significant unsuccessful reform attempts. Governor Bob Riley’s 2003 tax plan was rejected by the voters by a two-to-one margin even though more than half of Alabamians would have received a tax cut and benefited from increased public school funding. *Knight v. Alabama* and *Lynch v. Alabama*, two civil rights cases that challenged Alabama’s property tax structure on race-based equal protection grounds, failed to bring relief from the federal courts. The demise of these reform efforts means reformers must convince Alabama’s citizens to vote for political candidates who not only support constitution and tax reform but are willing to make these goals a top priority.

Finally, from a grassroots perspective, I explore the political difficulty constitution and tax reformers face by sharing my experiences engaging with persons outside academic circles. My adventures involved substantial work supporting Governor Bob Riley’s tax reform proposal, which included publishing editorials aimed at the ordinary reader, numerous speaking engagements to a wide variety of audiences all over the state and answering mail I received responding to my editorials supporting Riley’s plan. As a candidate for the legislature in 2010, I spoke with well over two thousand regular voters at their doors during a fourteen-week field campaign and personally engaged with many Alabamians who did not read my editorials, attend my speaking engagements, or

reach out to me by email or snail mail. This illuminating ordeal showed me how these Alabamians feel, thereby providing a window into their mindset and revealing the uncomfortably offensive strategies we must take when future opportunities for reform present themselves. Hopefully, my story and observations will help reformers better understand the hostile political reality that has always and continues to cement the status quo in place.

## ALABAMA'S TAX POLICY ANCHORED IN ALABAMA'S CONSTITUTION

For over a century, leaders from both sides of the political aisle have urged tax and constitutional reform, while others have thwarted these efforts (Flynt, 2004; Jackson, 2004). My own early twenty-first century research declared Alabama's tax structure biblically immoral due to its grossly inadequate revenues, especially underfunding public education, and the extremely regressive tax burdens inflicted on poor and low-income Alabamians (Hamill, 2002). This led to working with Bailey Thomson and more scholarship documenting how Alabama's 1901 Constitution enshrines these tax inequities, thereby linking constitutional reform as essential to achieving tax reform (Hamill, 2003e).

Alabama's regressive sales and income tax structures overtax poor and lower middle-class Alabamians. Sales taxes have no constitutional barriers and, therefore, can be raised at the state level by the legislature and the local areas according to their procedures unencumbered by the legislature. Sales taxes, which account for almost half of Alabama's revenues, greatly aggravate Alabama's regressivity due to rates that approach and sometimes exceed double digits and inadequate exemptions for necessities (Hamill, 2002a; Hamill, 2004; Washington, 2024). Three main features of the income tax structure cause it to be regressive. These are a superficially mildly progressive rate structure with a top rate of five percent that flattens at low-income levels, deductions such as the deduction for federal taxes paid that overwhelmingly benefit higher income Alabamians, and grossly insufficient exemptions, which fail to protect poverty level incomes (Hamill, 2002a).

To start addressing the grossly inadequate funding of public services while reducing the regressive tax burden inflicted on lower-income Alabamians, Alabama must increase income tax revenues by requiring upper middle-class and wealthy Alabamians to pay more income taxes. This requires raising the five percent rate at higher income levels and eliminating the deduction for federal taxes paid. However, the income tax rates cannot be raised, nor can this deduction be eliminated without amending the constitution, which requires the support of three-fifths of the House and the Senate and must also be ratified by a majority of voters in a state-wide election (Hamill, 2003e). In addition to raising income taxes paid by wealthier Alabamians, income tax exemptions

must be increased to prevent taxing income below the poverty line (Flynt, 2004; Jackson, 2004; Kirby, 2015).

Income tax reform alone cannot completely solve Alabama's revenue shortfall nor materially address the regressive tax burden borne by low-income Alabamians. Alabama's per capita lowest-in-the-nation property tax revenues cause the state to over-rely on sales taxes. Alabama's "lowest-in-the-nation" property tax revenues are largely responsible for the state's per capita lowest-in-the-nation revenues and grossly inadequate funding of public services, especially K-12 education (Hamill, 2002a). Hostility towards property taxes first appeared in Alabama's 1875 Constitution, continued with the 1901 Constitution, and has not changed (Jackson, 2004). An intricate web of interwoven provisions blocks the state and local governments from raising even remotely adequate property tax revenues. These provisions address three distinct features of the property tax structure—the base, the rates (referred to as millage rates; one mill is a tenth of a percent and 10 mills is one percent) that apply to the base and caps on the dollar amount of property tax that each piece of property can generate.

Amendments to the constitution in 1971 and 1978, known as the Lid Bills, categorize property into four classes that dictate the percentage of the property's value subject to the millage rates. The base for Class I, consisting of all utility property, is thirty percent of fair market value. Class II includes commercial and industrial property and compromises well over fifty percent of Alabama's property tax revenues, and the base is twenty percent of fair market value. Fifteen percent of Class IV property, consisting of motor vehicles, is in the base. Class III property, which defines the base as ten percent of current use value, contains personal residences, which compromise just under a third of property tax revenues, as well as timber and agriculture (Hamill, 2002a; 2003e).

Although property taxes are generally very low, timber's property taxes are *de minimis* because the current use formula, anchored in the constitution, shrinks its property tax base to practically nothing. Despite comprising over seventy percent of Alabama's land mass and nationally ranking in the top 10 for forestry and logging, forestry support, and wood products industries, timber acres account for less than two percent of total property tax revenues, averaging less than one dollar an acre. Moreover, agribusiness timber farms with acreage in the thousands benefit the same from the current use formula as small farms with acreage in the hundreds. To raise adequate revenues and reduce reliance on sales taxes, the constitution must be amended to increase the property tax base, especially for big timber. Merely increasing the millage rates will not be effective—a higher millage rate translates to big timber's property taxes being less than two percent of a little more than nothing (Hamill, 2002a; 2003e). Like the procedures for raising income tax rates and eliminating the deduction for federal taxes paid, amending the constitution to alter the property tax base requires support of three-fifths of the House the Senate and must be ratified by a majority of voters in a state-wide election (Hamill, 2003e, p 443).

The constitution imposes significant limitations on the property tax millage rates. Unless the constitution is amended under the procedures for altering the property tax base, the state's property tax rate cannot exceed 6.5 mills (Hamill, 2003e, p. 441). At the county, municipality, and school district levels, the constitution caps the millage rates that can be levied under locally based political procedures, which largely keeps local property tax rates under three percent (Hamill, 2003e, pp. 441-442). The Lid Bill amendments require communities in local areas desiring an increase in property tax rates beyond these caps to follow an elaborate constitutional amendment procedure. In addition to securing support from three-fifths of both the House and the Senate of the state legislature and the majority of the voters in the local area who would be subject to the increase, if a dissenting vote is cast in either the House or the Senate, even if the three-fifths positive threshold has been met, the proposed increase also must receive a majority of the votes in a state-wide election (Hamill, 2003e, pp. 444-445).

In addition to substantially shrinking the property tax base subject to the millage rates and making it extremely difficult for local areas to raise their millage rates, the Lid Bill amendments impose absolute dollar limits on the amount of property taxes that each piece of property can generate. These limitations are expressed as a percentage of the property's value before being reduced by the assessment ratio. The percentage setting this limitation is the smallest, a mere one percent, for Class III property. This caps property taxes at the lowest levels for personal residences and especially for timber and agriculture, property already excluding the largest portion of its value from the property tax base. For example, a Class III personal residence with a fair market value (determined according to its current use as a residence) of \$100,000 is limited to a property tax of \$1,000 per year even if a greater amount would otherwise be due under the millage rate that was passed by a valid constitutional amendment. Only the cities of Mountain Brook, Vestavia, and Huntsville are exempt from these absolute dollar amount limitations (Hamill 2003e, pp. 445-446).

## GOVERNOR RILEY'S FAILED TAX REFORM PROPOSAL AND THE DEFEAT OF THE RACE-BASED EQUAL PROTECTION CHALLENGES TO THE PROPERTY TAX PROVISIONS

Facing enormous budget deficits and the prospect of substantial spending cuts, on May 19, 2003, Governor Bob Riley, a conservative Republican who had never supported a federal tax increase during his six years in Congress, proposed a significant tax reform plan. The proposal, which had many components, was packaged as a single amendment to the 1901 Constitution, widely referred to as Amendment One. If ratified by the voters, Riley's plan would have raised \$1.2 billion over the course of several years, wiped out the state's deficit, and substantially increased funding for important programs, especially education (Rawls, 2003a; 2003b).

The centerpiece of Governor Riley's plan proposed changes to the state's income and property tax structures that would have increased taxes for those with a greater ability to pay and reduced the regressivity of the tax burden. The state income tax rate would have been raised from five to six percent for wealthier Alabamians and companies, and the deduction for federal taxes paid would have been repealed. Increased exemptions would have reduced or eliminated income taxes for lower-income Alabamians (Rawls, 2003a; 2003b; Spencer, 2003; White, 2003). For all classes of property, the state millage rate would have applied to one hundred percent of the property's value and current use valuation determining the property tax base would only apply to the owner's first 2,000 acres of timber. 2 Riley's plan would have also eased the property tax burden on Alabamians owning property with modest values through increased homestead exemptions and other provisions protecting small family farms (White, 2003). Even though more than half of all Alabamians would have enjoyed an immediate tax cut and benefitted from a significant increase in funding for education, Riley's plan failed at the polls by a two-to-one margin on September 9, 2003 (Halbfinger, 2003).

The failure of Governor Riley's plan helped reignite a two-decade-old civil rights case. *Knight v. Alabama*, first filed in 1981 by John Knight and backed by supporters of Alabama State University and Alabama A&M University (both historically Black universities), challenged Alabama's higher education system as racially discriminatory. After two trials in the 1990s, the U.S. District Court held that the state's policies unconstitutionally fostered segregation in higher education and ordered remedial changes while retaining authority for ten years to supervise the state's progress. 3

Two years before the ten-year supervisory period expired, John Knight filed a Motion for Additional Relief with Respect to State Funding of Public Higher Education, alleging that the remedial changes ordered by the District Court in 1995 were not being met. 4 Specifically, Knight claimed that significant underfunding of Alabama's K-12 and higher education systems materially compromised the goals ordered by the U.S. District Court. He also argued that Alabama's property tax laws, particularly the 1971 and 1978 Lid Bill Amendments, violated the U.S. Constitution because those laws were designed to starve funding for the education of Black students and continue to cause grossly inadequate underfunding of Alabama's public schools that disproportionately harms Black students at both the K-12 and higher education levels (*Knight v. Alabama*, 2004, pp. 1278-1279). 5

The District Court declared Alabama's property tax system as a "vestige of discrimination" 6 and held that Black Belt and urban industrial interests produced all the state constitutional barriers to property taxes from 1875 to the present, including the 1971 and 1978 Lid Bill Amendments, in order to shield white property owners from property taxes needed to fund the education of Black students. 7 The District Court also held that the effect of low property tax revenues has had a crippling effect on majority Black school districts, especially in the rural areas. 8 Nevertheless the District Court refused to hold Alabama's property tax structure unconstitutional primarily because the *Knight* case challenged higher education funding. 9



In affirming the District Court's refusal to hold the property tax provisions unconstitutional, the Eleventh Circuit strongly emphasized that *Knight* sought higher education remedies and that the connection of higher education to the property tax provisions and K-12 funding was tenuous.<sup>10</sup> However, the Eleventh Circuit did not disturb the District Court's damning factual findings regarding the racial animus motivating the property tax limitations anchored in the constitution, including the goals behind the 1971 and 1978 Lid Bill Amendments.<sup>11</sup> The Eleventh Circuit also accepted the District Court's holding that the property tax limitations continue to have a crippling effect on majority Black school districts, especially in the rural areas.<sup>12</sup>

Encouraged by the District Court's findings, as acknowledged by the Eleventh Circuit, in 2007, supporters of public education filed another lawsuit, *Lynch v. Alabama*, challenging Alabama's property tax structure and its current effects on K-12 education funding on race-based Equal Protection grounds.<sup>13</sup> Consistent with *Knight*, the District Court in *Lynch* held that the 6.5 mills limitation of the property tax rate at the state level and the caps on local property tax rates that could be levied under local procedures were enshrined in Alabama's Constitution for racially discriminatory purposes.<sup>14</sup> Contrary to *Knight*, the District Court in *Lynch* found no racially discriminatory intent motivating the 1971 and 1978 Lid Bill Amendments, creating four classes of property for assessment purposes, including the current use formula for timber and agriculture, as well as the constitutional amendment process local areas must follow to secure higher property tax rates than the local caps allow and the absolute dollar limitations.<sup>15</sup>

When comparing the *Knight* and *Lynch* opinions, *Lynch* contains a vastly more detailed examination of Alabama's history and the central role of race woven throughout that history.<sup>16</sup> The District Court in *Lynch* held that the stains of racism surrounding the intent behind the 1971 and 1978 Lid Bills were circumstantial and lacked direct evidence or a "smoking gun" that conclusively established racial animus as the motivation.<sup>17</sup> The District Court further held that the direct evidence behind the Lid Bills pointed to an economic desire to protect the largest property owners from increased property taxes.<sup>18</sup> Given the differences in plaintiffs and claims between the two cases, the doctrine of *res judicata* did not bar the District Court in *Lynch* from holding that the plaintiffs failed to meet their burden of proof that racial animus motivated the Lid Bills despite the District Court's finding in *Knight* that such racial animus existed.<sup>19</sup>

When determining if the racial animus motivating the limitations on the state's property tax rate and the local property tax rates continued to have a disparately discriminatory impact on Black students, the District Court in *Lynch* focused on K-12 school districts state-wide.<sup>20</sup> On the theory of "equal inadequacy," which the judge harshly criticized as mandated by the Supreme Court's refusal to recognize K-12 education as a constitutional right, the District Court, which the Eleventh Circuit affirmed, refused to hold Alabama's property tax structure unconstitutional (Guyse, 2013; Weaver, 2016). Because the challenged provisions impacted Black and white students "roughly equally," the plaintiffs did not meet their burden of demonstrating a disparate impact

on a suspect class that would have subjected the provisions to heightened scrutiny. To add insult to injury, the Supreme Court's refusal to recognize education as a fundamental right also limited the court's analysis to rational basis review (Weaver 2016). The loss of the *Knight* and *Lynch* cases as well as the Supreme Court's unwillingness to recognize access to an adequately funded K-12 public education as a constitutional right, means Alabama's political process is the sole avenue to secure tax and constitutional reform, which must occur to provide Alabama's children access to an adequately funded education (Hamill, 2022). 21

## THE DIFFICULT POLITICAL CHALLENGES OF GOVERNOR RILEY'S TAX REFORM PROPOSAL

The defeat of Governor Bob Riley's tax reform plan by the very voters who would have received immediate benefits had it succeeded reveals that tax and constitution reform supporters face vast political challenges. Indeed, in the days following the voters' rejection of Riley's plan, people all over the country who had been rooting for the plan from afar reached out to me for an explanation. Although the details varied, the essence of these email and telephone exchanges are reflected by one brutally honest conversation permanently etched in my memory: "How in the hell could you have lost a tax reform proposal when more than half of the voters would have gotten a tax cut?" one frustrated caller inquired. "I have no idea," I admitted, "but I'd better figure it out."

Leaders in faith-based communities are partly to blame for the failure of Governor Riley's plan. Although Riley, a devout Southern Baptist, had identified Alabama's tax policy as immoral under faith-based ethics and stated that his faith motivated him to propose his tax reform proposal, he did not receive unwavering support from leaders of the Southern Baptist Convention (Chandler, 2003; Smietana, 2003; Spencer, 2003a, 2003b). The Southern Baptist Convention remained neutral throughout the campaign even though it had vigorously opposed Governor Don Siegelman's lottery proposal and had supported tax reform as a concept before an actual proposal materialized (Chandler, 1999). Although the leadership of the Methodist, Presbyterian, Episcopal and Catholic churches formally endorsed Riley's plan, their support failed to reach local pastors and church members deep in the communities across Alabama, thus contributing to Riley's difficulties reaching communities at the grassroots level (Barrow & Campbell, 2003, Chandler, 2003c, Reeves, 2003a, 2003b).

The demise of Governor Riley's tax reform plan cannot be fully explained by the absence of enthusiastic support from leaders in the faith-based community. During the summer of 2003, I spoke to numerous audiences in churches, civic clubs, advocacy organizations, and college campuses in thirty of Alabama's sixty-seven counties and most of the people in these audiences were favorable towards the plan. Although political polls early in the summer indicated significant opposition, optimism permeated the campaign (Barrow,

2003; West, 2003). Shortly after Riley announced his plan, I published a hopeful opinion editorial offering unwavering support, deeming Riley's proposal "a solid single that gets us on first base." Admitting that the plan does not address many inequities, for example, the punishing high sales tax rates, the editorial reminded readers that "Alabamians disappointed that the governor's proposal does not go far enough should remember that more ball games are won with singles than with home runs" (Hamill, 2003a, 2003b, 2003c).

During the early weeks of the campaign, negative letters to the editor published by Alabama's major newspapers were balanced by positive letters supporting Governor Riley's plan (Hamill, 2015). For example, one writer grouched, "The governor is now leading the charge to raid our wallets," while another, who had voted against Riley's election, marveled, "Riley 'gets it'... I owe [him] an apology" (Hamill, 2015, p. 260). Others complaining, "We all pay enough taxes as it is" and labeling Riley's plan "tyrannical," were balanced by positive letters, one noting "For the first time in many years, Alabama has an opportunity to join our sister Southeastern states to fund essential needs for our citizens," and another stating, "Now we are in a new century and we have a man at the helm who is prepared to lead us out of bondage and into a new life" (Hamill, 2015, p. 261).

As Governor Riley's campaign moved towards mid-summer, vast discontent and anger smoldering below the surface, reflecting the true mindset of many otherwise invisible Alabamians, bubbled up as a bad omen. I first saw a glimpse of this on July 17, 2003, when I was a guest on an AM radio talk show, which I described in an email to another supporter of Riley's plan. On the subject line I wrote, "we are in trouble" (Hamill, 2015, p. 264). On the program, I used simple examples to show the audience, largely low-income people across Tuscaloosa County, that the plan would decrease their personal tax burdens. After my brief remarks, the host invited the audience to call in and talk to me directly. Numerous calls from the audience, none of whom were persuaded to support the plan, destroyed my optimistic bubble. Their hatred of Governor Riley reverberated across the phone. "He lied and is just a millionaire," one said. They believed I was also a liar because I drove the wrong kind of car, had no experience with manual labor (waiting tables did not count), and I had never been laid off while trying to feed children. One caller bluntly sneered, "you're just a college type who has never really worked" (Hamill, 2015, p. 264).

These callers and countless other Alabamians who were not attending presentations or reading editorials had undoubtedly heard the vicious and personal barrage of negative advertisements dominating the airwaves and mail pieces sent all over the state that had been funded with millions of dollars provided by special interest groups, such as the Alabama Farmers Federation (ALFA), which represented many of the wealthiest Alabamians and largest landowners (Gettleman, 2003; Denton, 2003). Their advertisements and propaganda were laced with lies and distortions designed to convince lower-income Alabamians that Governor Riley's plan would hurt them

(Beyerle, 2003; Moore, 2003; Sieckmann, 2003). One advertisement that ran on Black radio stations featured a man with poor diction warning, “[o]ur property taxes could go up as much as four hundred percent,’ and blaming ‘Montgomery insiders who have been ignorin’ us for years’” (Russakoff, 2003, p. A1). Another showed men in business suits slapping each other on the back and lighting up cigars, while a male voice says, “The insiders and politicians pushing Montgomery’s \$1.2 billion tax increase are stopping at nothing to take more of your money...[y]ou’ll pay more while the big utilities get a tax break...[v]ote no on Amendment One. It doesn’t make sense” (Owen & Brantley, 2003).

Reflecting far less confidence that victory was within our grasp, in early August, I published a second opinion editorial in many of Alabama’s newspapers. The editorial called out those attacking Governor Riley’s plan based on lies and distortions and false economic studies as immorally motivated by greed. The editorial also insisted that wealthier Christians have a moral obligation to vote for Governor Riley’s plan even though their taxes will increase. Finally the editorial pleaded with Alabamians of goodwill to not only vote “yes,” but also “energetically, and loudly promote Governor Riley’s plan to your neighbors, friends, colleagues, church and civic clubs...[or else] greed and ignorance will condemn our state to remain stagnated at the bottom and the enormous gap between who we say we are, and who we really are, will continue to grow” (Hamill, 2003c).

Numerous emails, which I have included a select sample, poured in my mailbox responding to my second editorial supporting Governor Riley’s plan. These emails often attacked Governor Riley and I personally and sharply contrasted with the mostly positive feedback I was receiving at my presentations all over the state. These writers did not trust Governor Riley, the legislature, or me. They also believed their personal tax burden would increase and the additional tax revenues would be wasted, and they resented academics and other experts, who they sensed were looking down on them.

After putting in the subject line, “Your degrees and other credentials are meaningless,” one writer declared, “There are no real reforms in this package only further taxes that will be put into the hands of the ‘Pork Swilling Thieves’ that we call our legislature” (Hamill, 2015, p. 265). Another spewed in a stream of consciousness, “To see our tax dollars wasted, time aned [sic] time again, to pay the high salaries of our so called leaders is one thing, but to be told that if don’t vote for Riley tax plan is unchristian.....just who do you think you are.....get off your white horse and go attack the big dogs with the power to waste the money they already have and tell them no more until they step down or take a reduction in salary before hitting on the working class that carries [sic] the burden of the taxes in this state” (Hamill, 2015, p. 266).

Another, a retired middle-class homeowner on a fixed income, said “your statements reek of academic elitism to say the least,” and accused, “you failed to mention that the ‘plan’ pours the money into an unaccountable fund” (Hamill, 2015, p. 268). An alarmist started with, “Attention Alabamians: The end of the world is here. School closings,

prisoners set free, no food and the sun will burn out. That's the message of Sponge Bob Tax Pants and his faithful sheep," and then addressed me, "You may question my character in voting against it [sic] but I question your intelligence in voting for it. This plan is nothing more than a redistribution of wealth, which is a basic tenet of socialism" (Hamill, 2015, p. 268). A sarcastic, sad missive wrote, "Since you seem to have all the answers on the [sic] tax reform, maybe you should enlighten me how the tax reform will work.....tell me how the money will be used.....please tell me, ole wise one, so that someone of my misinformed ways can see the light.....but, please be sure to keep it simple for I'm, [sic] just a working man that does not trust, [sic] anybody.....TELL US WHERE THE MONEY WILL GO" (Hamill, 2015, p. 270).

Shortly after Governor Riley's plan failed, I spoke at a Rotary Club in a predominately white rural county, where more than eighty percent had voted against the plan. The mayor, who had enthusiastically supported the plan, told me that most of the audience at a town hall meeting thought Riley's representatives were "a bunch of liars from Montgomery." Answering my inquiry, she also told me they had not invited her to be on stage with them. Had Governor Riley's campaign representatives publicly identified the mayor as on their team the audience might have been more receptive. After studying the state's history and culture, I concluded that if we partnered with local community leaders across sixty-seven counties, such as this small-town mayor, we could convince the voters that tax and constitutional reform was in their best interests. I believed that scholarly work illustrating this truth still played a dominant role. I thought that Thomson's belief that citizens can be persuaded through education was correct if we harnessed support from local community leaders to play a major role. If we partnered with these local community leaders as equals in the tax and constitutional reform cause, like the sun's rays together, we could shed light on the inequity and injustice to convince their constituents to support tax and constitutional reform (Hamill, 2012).

## CANDIDACY FOR PUBLIC OFFICE REVEALS THE MINDSET OF ALABAMA'S VOTERS

During the 2010 election season, when I was a Democratic candidate for the Alabama legislature, House District 63, I discovered that my initial thoughts what it would take to successfully achieve tax and constitutional reform were wrong. Using the same sophisticated program as President Obama's 2008 presidential campaign, during a fourteen-week field campaign, I spoke with 2,431 regular voters at their doors and learned that I needed to reach the voters at an emotional level. This experience showed me that my scholarly work was not the metaphorical sun, but more like Saturn, and if we continue to put well-reasoned ideas at the center of our strategy, political reforms will remain elusive. In an essay *telling* readers this, I analogized political campaigns to a football game and said we have the wrong people on the field. Campaign managers

capable of tapping into the voters' emotions need to be on the field and the rest of us, including local community leaders, need to be bringing them water (Hamill, 2012).

The rest of this section, which starts below, are selected excerpts from an unpublished manuscript about my campaign for the Alabama legislature. The manuscript focuses on my experience talking to voters at their doors, which hopefully will help *show* readers the mindset of voters. 22 The work takes readers on my journey to *show* them the mindset of many voters and the political reality public policy reformers are up against. The story's arc accomplishes this by following my visits to a new hairdresser during the campaign. These events are true, and all characters are real people, although their names have been changed. The characters in this excerpt are Ryan, my field manager; Bo, my campaign manager; Steve (a retired minister), and Colton (an undergraduate at the University of Alabama), two of my volunteers during the field walks; Eugenia, my hairdresser, Raevyn, Eugenia's assistant, and Mitzi, a long-time client of Eugenia's and a pillar of the community.

## EXCERPTS FROM PRETTY HAIR: DISCOVERING THE GRASSROOTS ON THE CAMPAIGN TRAIL

### FROM CHAPTER TEN: AN AWKWARD START

On the second day of my field campaign, Ryan discovered I was even more timid than he expected. We approached a man in his early fifties watering his lawn. Even though it was far less likely that a person who happened to be outside would be bothered, I was still afraid of him. I stood on the street, paralyzed.

"He's right there in his front yard," Ryan said. "Go up and talk to him *now*."

The man didn't ask any questions. He just took the card and said that even though he normally votes Republican, he would vote for me because I had come by personally. He even agreed to put one of my signs in his yard. Ryan rarely expressed emotion, especially approval, but he did after I spoke to that voter. He softly patted my back.

"You need to get responses like that all over the district," Ryan said.

Ryan had to teach me when to recognize a lost cause and move on. I walked towards an elderly squat woman in a straw hat, weeding flowers on her knees. Without looking up she waved her stubby fingers in my direction and responded that she always voted straight Republican, no exceptions. I argued that Republicans supported the grocery tax and that they wouldn't protect her social security and Medicare benefits, but she refused to listen. Finally, Ryan pulled me away.

"Reasoning with people like her is a complete waste of time," Ryan said. "With voters like that, you cut it short and move on." Ryan also noticed that I needed to develop a

thicker skin. He read me a sixty-five-year-old man's name in front of a modest garden home.

"Grandpa, someone wants to talk to you," a young teenager said. A morbidly obese man shuffled to the door in a walker and read my card.

"Democrat or Republican?"

"Conservative blue dog Democrat sir," I said.

"You *damn* Democrats are ruining this country. You have nerve coming here and bothering me. You get out right..."

"Oh," I gasped, tears coming to my eyes in the middle of his tirade.

"Grandpa, let's just go sit down," the embarrassed boy said....

Steve was very helpful with Christian voters. A woman with two children opened one door. I immediately launched into my spiel praising the public schools.

"I homeschool my children," she interrupted. "And I always vote Republican."

Steve jumped in. He introduced himself, pointed at the reference on my card to the Beeson Divinity School and then thanked her for talking with us. About ten minutes later Steve and I saw her running towards us holding two bottles of water. We gratefully drank as she asked me questions about my Beeson experience. Then she told me she would strongly consider voting for me.

"Who would have thought you'd have a chance with a homeschooler," Steve said, as he changed her results on his phone.

At one house, I noticed a huge pick-up truck filled with landscaping equipment that had a small cross hanging from the rearview mirror. A man answered the door wearing a baseball hat, old jeans and a sweaty T-shirt. He declined my offer to shake hands, noting he had just finished working. I immediately established my expertise in limited liability companies and commitment to help small businesses.

"I admire your work ethic," he said. "It's clear you're better than anyone else and would do a great job." He told me it was a shame I was not running as a Republican and that he didn't think he could vote for a Democrat.

"It's a secret ballot, sir," Steve said, after introducing himself. "You can vote for her and only you and God ever have to know...."

Towards the end of my third week out in the field, Bo called a campaign strategy meeting in his new office.... [and] instructed Ryan to prioritize my walks. First, we'd focus on the lower-middle-class neighborhoods and then move to the middle-class ones. We would cover the upper-middle-class areas only if we had time. Bo ordered us to skip the houses in the wealthiest neighborhoods because my being at their

door would make no difference. Many of those voters already displayed my yard signs on their grand lawns, while the others wouldn't support me no matter what I did.

"Dear, if you want to bang your head against a wall, there's one outside," Bo quipped, referring to the latter group.

We also discussed the fact of my not being originally from Alabama—a real problem. Alabama is one of the most provincial states in the country—more than seventy percent of its residents were born here. Many native Alabamians viewed people born elsewhere as "outsiders" no matter how long they'd lived in the state. Some native Alabamians believed that only people whose family had been in Alabama for generations qualified as real Alabamians....

Bo provided tips on how to deal with the "where are you from" issue.

"If you're asked, tell them you grew up in Florida and you've lived here longer than anywhere. Be very self-deprecating. Say something like, 'Shucks, I guess the accent gave me away. Sorry, I haven't been able to shed that yet.' Then talk about the grocery tax."

Bo and I spent two hours role-playing. He first instructed me how to answer certain complicated questions that had little or no relevance to a state representative. Then he pretended to be the voter and made me practice giving pithy answers.

"How do I respond if they ask me about gay marriage?"

"You say marriage is a sacred sacrament sanctioned by God between a man and a woman. And don't get into any more detail."

I rolled my eyes.

"But I'm a tax person," I said.

"I'm sorry but this is politics, darling."

"How do I respond if they ask me about abortion?"

"You say, 'I *hate* abortion,' and don't get into any detail."

"What if someone asks me whether abortion should be made illegal?"

"You rant, 'I'm against putting a woman in jail and letting the men off scot free,' and be more critical about deadbeat men if the voter pushes it..."

I should have been extremely uncomfortable that Bo's required pithy answers were allowing the voter to reach whatever conclusion he or she wanted without really knowing where I stood, but I wasn't uncomfortable at all. At this point the campaign had numbed me. Also, Bo had told me in no uncertain terms that if I failed to connect with the voters, he would pull me out of the field. Even though he was running over



thirty campaigns, including the Democratic nominee for governor, I knew Bo's staff scrutinized the results of my walks, which my volunteers emailed to Bo's firm every evening. He had told them to alert him immediately if my performance was problematic. More than anything, I did not want Bo to cancel my field campaign so, other than telling bald-faced lies, I was willing to say whatever he wanted.

During this stygian instructional Bo reminded me of a Baptist preacher delivering a hellfire and brimstone sermon. He stood up and opened his hands. His arms waved back and forth perfectly in sync with the inflection of his voice, which spiked when he emphasized key words.

*"Never offer information about what you do for a living,"* he expounded. *"Don't say anything about that unless the voter asks."*

"What if the voter asks?"

"Tell them you're a *teacher*," Bo replied. "Never use the word *professor* at the door and only admit you teach at the university if the voter asks where you teach...."

Bo asked me one question repeatedly, throughout the session.

"Dear, why are you at the door?"

"To get the voter to like me," I said each time.

"That's right. You want them to say after you've just left, 'She's a nice lady, I like her.'"

#### FROM CHAPTER ELEVEN: CATCHING ON

I asked Eugenia to explain the viscerally angry reaction of a voter I'd met only days after my campaign strategy meeting with Bo and Ryan. A man in his middle forties had opened the door of a dilapidated house outfitted with a junk-filled carport, releasing an odor of stale tobacco, flat beer, and urine. I offered him a campaign card. When I truthfully answered his question that I was running as a conservative blue dog Democrat, he'd snatched the card out of my hand, torn it up, thrown the pieces at me, and slammed the door in my face. The wind scattered the pieces all over the front stoop. I picked them up, told Ryan he was opposed, and moved on. After hearing this story, Eugenia rolled her eyes.

"I've known many people like him," Eugenia said with a sigh. "He didn't make the switch. He didn't get across the tracks."

A puzzled expression crossed my face.

"Susan, everyone wants someone beneath them—it's human nature," she elaborated. "Even though whites at the top dismissed people like him as 'not our kind,' their superiority over Blacks kept a lid on their resentment." Eugenia then identified the Civil Rights Movement as having "disturbed this balance," which

caused the simmering discontent of people like him, even those born much later, to explode into rage.

“The man who tore up your campaign card is like many white Southerners. They are still angry that they haven’t advanced, so they scapegoat Blacks,” Eugenia explained. “I’ve heard people like him say things like, ‘They don’t even work, the government takes care of them, we pay taxes and all they do is lie around having babies’ in situations where they didn’t realize that I don’t view Black people the way they do.”

I argued that her explanation made no sense because low-income Blacks suffered the same way that low-income whites did. Eugenia shook her head the way I sometimes shook mine when my students failed to understand when I gave what I considered clear answers to their questions.

“Should I be concerned?” I asked.

“He’s indicative of many Republicans....”

While I waited under the dryer, I told Raevyn that not only had I approached voters’ side doors without my companion nearby and gone into voters’ houses, I had also broken another ironclad rule for field campaigns. Through a carport’s window, I had seen a couple in their late sixties sitting at their kitchen card table eating hotdogs and Golden Flake potato chips and drinking Cokes from glass bottles. Fox News had blared from a small TV wedged on the counter between a pile of paper plates and a loaf of Wonder Bread. They invited me in and offered to share their supper with me. I accepted. I held up the hotdog before taking a bite and noticed a cross on the wall in the small hallway.

“They make you pay 9% sales tax just to eat, that’s wrong,” I had said. “It’s immoral biblically too,” I had added, heeding Bo’s advice again. “I *know* because I’ve studied the Word at the Beeson Divinity School.” They told me enthusiastically that they liked Beeson, would vote for me, and were happy to put a sign in their yard. I finished the last swallow of Coke at their door and handed the man the bottle. Ryan had been peeking around the corner and pacing the entire time.

“Yard sign!” I had announced, after leaving the house.

Ryan proceeded to point to a spot towards the yard’s edge on the left side. He knew where to place the sign so it could be seen from the corner where two streets intersected. Then he had gone nuts and scolded me both for going in and for eating their food.

“Come on, those people weren’t going to hurt me,” I had protested. Raevyn nodded approvingly, remarking “you should accept their food, you wouldn’t want them to think it’s not good enough....”

I also told Eugenia and Raevyn stories about the voters I had met in the trailer parks and confessed that the thought of visiting trailer parks had initially made me nervous.

“Oh, that’s silly!” Eugenia said.

“Those places aren’t pretty, but they’re really no worse than anywhere else,” Raevyn said.

I described the trailers lined up close together along a walkway that was not wide enough for a car. During these trips, a volunteer driver had dropped Ryan and I off at the beginning of each walkway and then had picked us up at the end. Ryan was always with me at the trailer parks. Ryan and I trudged past many trailers—usually at least ten—before he’d stop and send me to a door. Many of these voters had informed me that they always voted straight Republican. Although none displayed the rage of the man who tore up my campaign card, they often sounded irritated.

At one trailer, I had won over a straight Republican voter with a bit of sacrificial limb. The instant a woman in her early sixties had opened the door, a little wiener dog barreled out onto the small rotting porch and nipped me below my right knee. The bite broke the skin and blood oozed from the wound.

“I’m so sorry!” the lady had screeched.

She scooped the dog in her arms, threw him in the trailer, and slammed the door. She continued to apologize and told me that he was up to date on his shots. I had noticed the dog’s new shiny oval tag on his collar—it was just like the one Sammy had received after he got his one-year rabies shot. I tried to conceal how shaken up I was.

“It’s OK, really, I have it under control,” I had said to Ryan, standing about ten feet behind me. Then I talked to the lady about my candidacy and gave her my card.

“I really appreciate you coming by,” she said. “Nobody ever comes to see me. Even though I normally vote Republican, I’m going to vote for you.”

“Thank you, ma’am, I’m honored,” I said. “Would you like one of my signs?”

“Can someone tape it to the side of my trailer?”

I’m not sure how strongly the sympathy factor played in her decision, but I was happy to get the vote for whatever reason. While Ryan was taping the sign on the lady’s trailer, Colton had cleansed and bandaged my cut. He relaxed when I told him I was positive the dog had been vaccinated and informed me that this was not bad compared to dog bites he’d seen on other field campaigns.

“That vote almost cost you a leg,” Colton quipped.

Eugenia enjoyed hearing about the trailer park voter who demonstrated that my initial fear of the trailer parks was just as irrational and paranoid as the anxiety I experienced driving out to the county to meet the firefighters for the first time. The sounds of a Beethoven symphony had immediately relaxed me the moment a woman in her early thirties had opened her door. While the woman slowly read my card, I looked inside. Off to the far side a refrigerator wedged next to a tiny stove near a small table with two chairs defined the kitchen. In the den, a little girl was curled up reading on a couch positioned behind a table.

The woman had told me she was glad I'd caught her before her night shift job began. She said she was a single mom and promised to vote for me. She took one of my signs and put it over her window, so my logo was visible to people outside the trailer. Her window was so small the sign completely obstructed all the incoming light. Then she called her daughter to come to the door and talk to me. Her daughter told me she made all As, in a gifted program for fifth graders and really wanted to go to college.

"What do you do when you're not running for office?" the little girl asked.

"I'm a professor at the law school over at the university," I replied, violating Bo's iron-clad rule, not to mention my ivory tower job.

She told me that she wanted to be a lawyer. I squatted down and shared my story of how I'd put myself through law school by borrowing money for tuition. I also advised that she must continue to get all As and that this wouldn't be easy because in middle and high school too many girls get distracted by boys and going to the mall.

"You must keep your eyes on the prize," I urged.

I encouraged the little girl that if she graduated with all As, took advanced placement classes, and did well on standardized tests, she could get a scholarship at the university. Before saying goodbye, I gave her one of my cards and stated I hoped to hear from her when she was grown up and in college. Eugenia and I both knew I had been much more optimistic than the situation merited. We agreed, however, that even though she did face a steep uphill climb, she still could make it to college because she was zoned for the city schools, which were better funded than the county schools. She had a small chance if she did everything right and if budget shortfalls didn't cut the gifted program and the skeleton of advanced placement classes. Eugenia pronounced that this little girl was the epitome of why it was important that people like me served in the legislature. She looked annoyed when I told her Ryan had complained that I had spent too much time talking to the little girl, especially since I had already secured her mother's vote.

"Sit still," Eugenia commanded, reaching for the rollers. I stopped talking while she strategically placed heated rollers all over my head and fastened them with plastic clips. She looked at her watch, remarking that the rollers had to stay in two minutes,

which gave me just enough time to squeeze in another voter-at-the-door story, this one more personal than the others.

In a lower middle-class neighborhood near one of the trailer parks, Ryan had read a name that sounded vaguely familiar. When the woman answered the door, I recognized her immediately. The last time I'd seen her, she wore a uniform issued by the university that resembled a prison jumpsuit. This lady had been a housekeeper at the law school for years, the only white housekeeper on the staff. She'd retired last year on disability for health reasons. She had also recognized me.

"Are you feeling better? Aren't you glad you escaped the law school?" I asked.

"I still have trouble breathing sometimes," she wheezed.

"I would really appreciate your vote," I said to her. "My big goal is to eliminate the tax on food. That tax has got to hurt."

"Did she promise to vote for you?" Eugenia asked.

I told Eugenia that this lady had confessed that she didn't normally vote for Democrats, but she'd consider voting for me because I'd always treated her with respect. Eugenia didn't say anything as she styled my hair, but I could tell by her expression that she found that lady's comments unsettling because rationally I was a better choice for her.

That lady's comments unsettled me as well, but for different reasons. For years, she had existed in the shadows of my workplace, yet like many workers comprising the backbone of our nation's economy, she also felt disrespected on a regular basis. Before I met her at the door, I didn't know that. It occurred to me at that moment I should've known this because I'd seen some of my peers throughout my professional career treat staff disrespectfully. I had wrongly assumed then that my respectable conduct remedied the situation and now realized that on at least some of those occasions I probably should've said something on the staff person's behalf. The irony posed by the timing I had encountered the law school's former housekeeper at her door—only a few days before Labor Day—was not lost on me.

Mitzi was in the waiting room talking to Raevyn when Eugenia escorted me to the check-out counter. Mitzi fawned over my "stunning pretty hair," stifling any additional platinum warnings Eugenia might have considered repeating. I whipped out my phone and narrated my campaign's participation in the Labor Day parade. I probably sounded like a proud parent showing endless slides of her child performing the lead role in the school play....

After I finished the Labor Day Parade anecdote, I huddled Eugenia, Raevyn and Mitzi close, lowered my voice, and informed them that Bo was astonished how much my field performance had improved since the campaign strategy meeting in Ryan's office, not even a month ago. I had roughly doubled the number of doors I knocked

on and the ratio of favorable voters rose from twenty percent to a third and many had agreed to put signs in their yards. I then said that Ryan had recently informed me that my list of walking volunteers was up to fourteen and that if I thought I could manage it he'd let me out seven days a week starting today. I pointed out to them the magnitude of this commitment. I confided that I wasn't sure how I would get everything done, including my classes and continuing fundraising full-force, if my one day of rest disappeared. I was afraid that extra day could end up being the proverbial straw that broke the camel's back.

"You've clearly caught on," Eugenia asserted. "You should go for it."

Raevyn and Mitzi both nodded approvingly.

"There's one more thing," I said to Eugenia. "Can we talk in private?"

"Sure, let's go outside and sit on the porch," Eugenia said. "I could use a little fresh air."

Over the past ten years there had been only a few occasions in which I really needed to talk to my mother. This was one of those times. My relationship with Eugenia had charted an uncanny, almost supernatural course—it had evolved to a point inside of which we could have been mistaken as mother and daughter.

I reached into my purse and pulled out two pieces of hate mail I had received less than a week ago. I told Eugenia I possessed a large box of hate mail back at the office, which I had collected over the years. In a convoluted way, all this other hate mail was a badge of honor because it highlighted—albeit not how the sender intended—that my work and ideas really were on track, but these two pieces were different.

I moved closer to Eugenia and warned her that what I was about to show her was beyond ugly. I started with the mail piece. The picture on the front side of the half-a-foot-long card featured a woman in her early thirties, grocery shopping with two little kids in the cart surveying the food with a worried expression.

"I remember that one," Eugenia said. "It was very effective."

"But look at it," I said. I held it up and turned it over. On the back, a picture of an elderly couple navigating the medicine aisle took up a third of the space. Messages about the evils of the grocery tax were written in red and black. One of the messages said, "In Alabama we give a tax break for the purchase of formula for baby cows, but we make families pay full sales tax on formula for baby humans. There's something wrong with that." Eugenia put on her glasses and noticed the corner for the person's name and address had been ripped off. Large, angry letters scrawled with a thick black magic marker read:

*"YOU SUPPORT THE N\*\*\*\*\* OBAMA. I WON'T BE VOTING FOR YOU. OBAMA ISN'T EVEN A U.S. CITIZEN."*

“Oh, that’s awful,” Eugenia said. I then started reading the second piece, an email which went on for nearly a page.

“You are clueless,” I began, “about how much hard working ‘so called wealthy people’ are paying in taxes and if you can’t find anything better to campaign on than those darn rich people don’t pay enough taxes then *you are as full of hot air and lies as your president.*” I stopped for a moment and gazed at Eugenia. I didn’t know exactly what I was looking for, but I believed, like my mother would have had if I could have asked her, that Eugenia had the answer. For a moment, before I continued reading the email, in my imagination I saw myself ascending, bloated full of hot air with no idea where I was going.

“You are purposefully misleading the people,” I continued, cutting to a later part of the email, “to spread your lies, and misrepresentations...a truth telling Christian that supposedly has an education such as yours should know better.” I told Eugenia that four weeks ago I had started teaching my fall classes, but I could only remember fragments of these classes, except for the one class Colton and his girlfriend, who he had recruited to help with the field walks, had visited. After I had finished teaching that class, they had looked at me like I was balancing two separate heads on my shoulders.

“So, you really are smart,” she had said, causing me to choke. “I’m so relieved, I was getting worried for a while.”

“Whatever made you think I wasn’t?” I had stammered

“Listening to you at the door,” she had answered.

I said to Eugenia that to them I probably resembled a modern, female representation of *Janus*, the ancient Roman god of beginnings and transitions, usually depicted with two faces opposite one another—one looking forward towards the future and other back to the past. Eugenia consoled me that the email was crazy and not worth paying attention to. While I agreed with her, I had to admit that it bubbled up uncomfortable questions that I had been repressing for months—questions concerning my willingness to essentialize myself into marketing gimmicks for the good of the campaign.

*Lies and misrepresentations*, I repeated in my head. *Lies like the president—full of hot air*. While still looking at Eugenia, I asked her and myself a hard question: *Was I telling lies at the door?* Of all my mother’s qualities that I strived to maintain for myself and teach my children, integrity topped the list. Could it be that I had become divided in a dishonest way? Janus’s forward face sometimes represented a profoundly exalted transition, but also at times reflected a dreadful disintegration. I confessed to Eugenia that Colton’s girlfriend had forced me to ask myself whether my professorial face was now the one looking in the past.

Eugenia said nothing. As she offered me comforting glances, I wondered if I was purposefully misleading people to try to win a campaign so that I could help them. Was there some sick truth buried in that email's otherwise unfair and irrational accusations—not about Obama—but about me?

The proudly displayed American flag fluttered back and forth near us. The salon personified the best in the South, while those mail pieces personified the worst. Reading the email aloud sent me up into the sky, ascending to a place where I would have to confront the truth about what I was trying to do and how I was trying to do it.

### FROM CHAPTER TWELVE: ON A ROLL

My field campaign lasted a total of fourteen weeks, seven of which I was out all seven days. I knocked on 5,032 doors, attempted to reach 7,221 voters, and personally spoke with 2,431 voters. Of the 861 voters who committed to vote for me, 215 agreed to put signs in their yard. Most of the rest were undecided or said they would strongly consider me. I ran all my volunteers ragged, aside from Colton. His energy matched mine; he supervised more field walks than any other volunteer, including my last field walk on October 30—a Saturday, three days before the election. On that last walk, my son, who was home from college for fall break, drove and helped put up signs. By then Colton had long become Ryan's second in command even though he was only an undergraduate. Colton and my son got along famously, communicating in a millennial language difficult for me to follow. I found it hard to believe that Colton was a college kid just like my son.

"I honestly thought you'd quit for sure," Colton admitted to me a couple of weeks after Labor Day. I appreciated his honesty. How I'd been able to keep going was a mystery to me as well. On a typical day, as I was finishing phone calls, I felt completely drained despite having already consumed at least five cups of coffee. If I closed my eyes even for a second, I'd fall asleep. When Ryan and the scheduled volunteers arrived, I scuttled into the bathroom to fix my hair for the walk. It was the hairspray that energized me.

Within a few days of adopting the seven-day-a-week schedule, I discovered that something wonderful, new, and strange had overpowered me—I was no longer afraid of the people at the door. Instead, I couldn't wait to meet them....

Working class white men between the ages of forty and sixty were the toughest voters for me to reach. I already had one strike against me: I was a woman. Not being from Alabama—my accent gave that away—was the second strike. Being that far behind in the count before I even knocked on the door meant I'd better come up with some common ground quick or I'd strike out for sure.

For these voters, money was tight, so the grocery tax really stung. Steve was especially helpful because most of these voters were also evangelical Christians,



who valued traditional families. I learned as soon as a forty-to-sixty-year-old white man opened his door to begin the conversation along these lines: “Good afternoon, sir, I’m Susan Pace Hamill and I want to be your representative. I’m running because the tax on food is not only unfair to you but is also unbiblical. I know that because I’ve studied the Word at the Beeson Divinity School. I’m not ordained, sir, but I’ve studied the Word.”

“So, you’re Baptist, right?” the forty-to-sixty-year-old man often asked.

“Oh, no sir, I’m Methodist,” I’d reply, “and here’s my husband and two children.” I turned over the campaign card, which included a photo of my family, and explained that my husband’s daddy was a Methodist preacher and I’d joined my husband’s church when we’d gotten married.

“Don’t you think I did the right thing?” I’d ask the voter.

“Of course, you did the right thing,” he’d usually respond. “That’s the only thing you could’ve done. Methodists are fine. We all worship the same God!”

I did join my husband’s church after we got married. I didn’t tell these voters that I’d never been part of a Baptist church, nor was I baptized in the Methodist church. I was baptized a Roman Catholic but had never been confirmed....

Canvassing further out in the county carried certain challenges and risks that significantly differed from the city. I knocked on the door of a permanent mobile home, which had no driveway and was located a far piece from the road. Nobody answered. Suddenly, a gigantic gray matted monster of a dog barreled from around the back, barking viciously.

*“Head for the car! Run!”* Ryan hollered.

I put the door hanger version of my campaign card on the doorknob and took off. Ryan, who was about ten feet behind me, dropped back and let me run ahead. As we sprinted, the dog caught up right alongside Ryan. He swatted it with his clipboard. I flew into the back seat. A few seconds later Ryan hopped in the front passenger seat and the dog slammed into the side of the car. Our driver hit the gas, causing the wheels to spin. Gravel flew everywhere.

On the next house’s front porch, several dogs roamed freely.

“Do you want to skip this one?” Ryan panted, still catching his breath.

“No,” I said. “Three voters are in there.”

Another memorable voter in the county displayed an enormous Confederate flag on a tall, shiny pole centered in the yard. The crumbling bricks demarking the porch held up two columns of rotting wood, and peels of paint lay scattered near the door’s ripped screen. An old lady emerged and gave us four homemade cornbread

cupcakes that were still warm. The driver and I ignored Ryan's lecture about accepting food as we each ate one, but the delicious smell eventually wore him down, and he ate the other two.

Steve supervised quite a few of my county walks. In mid-September, on one of the few walks when it was just the two of us, he pulled up next to a trailer. Broken glass and junk blocked the front door and a draped Confederate flag covered up half the fence in the back. Steve read me the name of a sixty-two-year-old man.

"I think you should skip this one," he sighed, shaking his head.

"No," I said.

Even though the Confederate flag unsettled me as well, I ordered Steve to wait in the car. I noticed a faded, "I'm voting for Joe the Plumber—McCain-Palin," bumper sticker stuck on the trailer's metal siding near the back door. A man who looked much older than sixty-two appeared. He was shoeless, wearing holey jeans, a dirty T-shirt, and a grimy baseball hat. He was also missing two toes and some teeth. I introduced myself, handed him my card, and hammered the grocery tax. After telling me his name, which was how I knew for sure he was the voter on our list, he identified himself as a Vietnam vet that relied on disability. He admitted nobody ever came by except his mama, when she delivered groceries. He promised me his vote, and, also said he'd ask his mama to vote for me too.

### FROM CHAPTER THIRTEEN: SHIFTING WINDS

Following the campaign strategy grid, Bo heavily ran the TV commercials and radio ads the last three weeks before the election. Eugenia and the voters reminded me of the day-long tribulation I had endured almost four months ago filming for the TV commercial.

"You look fabulous and animated and *your hair sparkles*," Eugenia had said at our last appointment before the election. "People all over town are saying, 'Her hair looks great on TV, is that your client?' and I told them of course you are. Who else could do your hair like that?"

I had only seen the thirty-second TV commercial that featured me once when I had to approve it. I avoided the TV and kept my car radio off the last three weeks before the election....

"The commercial with your family won me over," numerous favorable voters told me on the phone. The struggle my family and I endured while sitting under those lights for the two hours of filming was not apparent in the finished product. Instead, the viewer enjoyed a buoyant, well-grounded family, chatting with ease. The image subliminally invoked the nostalgia of the television series *Father Knows Best*. If the family in the commercial had been someone else's, I would have had to admit that they looked like a lovely family. It disturbed me at a deep psychological level that I

couldn't even explain to myself that it was *my family* being put on public display. The only part of the commercial that didn't bother me was the classroom scene. I could stomach the image of me at my desk thumbing through a book and taking notes on a legal pad.

"I *loved* the commercial with the little girl," several enthusiastic voters told me over the phone. That commercial was Bo's finest work. In it, an innocent little girl's voiceover described the burdensome tax on food and medicine as ordinary people bought those items in a store. Then the little girl appeared. As their parents watched, she and her brother opened Christmas gifts that turned out to be loaves of bread and canned food. A close-up of her face followed.

"It doesn't have to be this way," the little girl said. "Please elect leaders that will repeal the grocery tax, leaders like Susan Pace Hamill."

The ad ended with my logo flashed across the screen. People all over town thought my daughter was the little girl. By the end of the commercial, the viewer was ideally feeling, either consciously or subconsciously, that this evil tax had robbed those children of the toys they should have received for Christmas.

"We only charged your campaign for part of the costs," Bo said. "Do you mind if the commercial is used in the future?"

"Of course not, Boss, I'm honored that I helped inspire it," I said, thinking all they would have to do is substitute another candidate or a proposed referendum to repeal the grocery tax for my name and logo at the end. I loved that commercial and added it to my favorites so I could watch it on my computer whenever I wanted to. Later, it occurred to me that the only thing that separated this commercial from the attack ad Bo had designed for the mayoral campaign—featuring the white woman with the long, blonde hair and a red line across her face—was the different nature of the emotional wells he tapped into. Bo's work could trigger the very best and the very worst primal instincts. I was glad that the commercials for my campaign reflected only the good side of his genius, but the reason for that didn't occur to me until after the election....

In a nice neighborhood, a woman in her late thirties appeared with a black eye. I tried to ignore it and began my spiel.

A deep mean voice hollered from inside, "Who's at the door?"

"Susan Pace Hamill, sir," I said as cheerfully as I could. "I'm running for the legislature and would be honored if you would talk to me."

"Democrat or Republican?" he growled.

"Conservative blue dog Democrat sir..."

“You get the *hell* out of here now. All you *damn* Democrats are nothing but a bunch of corrupt, stinking, lying sons of a bitches. You get the *hell out of here now or you’ll be sorry*.”

“I guess you can’t consider me,” I murmured to the woman.

“Yes, I will,” she whispered back, her voice barely audible. She put my card in her dress pocket and closed the door.

I returned to the car with tears in my eyes. I instructed Ryan to mark that voter opposed. I didn’t want campaign mail pieces to stir that monster up. I also told Ryan to note “DV victim.”

“That creep either isn’t registered or doesn’t vote regularly,” Ryan said. “Hers is the only name on our list for that house....”

As the weather grew colder, the campaign started to deteriorate. Changes were coming on many levels that were not going in the direction we wanted. Voters on the phone and at the door were now frequently bringing up President Obama.

A lady snarled, “What are you going to do about Obama?” Her curlers vibrated around her head as I shivered at the door.

“He’s a Muslim,” another said.

“He wasn’t even born here.”

“I don’t like him. He doesn’t have real family.”

“He’s ruining this country.”

“He’s a socialist.”

“He wants to take our money and give it to people like *him*.”

“I *hate* Obama, but I’ll vote for you anyway because you called.”

And on and on....

Bo’s response when I reported the voters’ hostile comments about Obama were not reassuring. He reminded me of his earlier warnings that many voters in the district had an irrational hatred of President Obama and he also informed me that the latest polls revealed that voters were expressing increased hostility to all candidates on the Democrat ticket solely because of being in the same party as Obama. We both knew that the Republican party had unleashed a barrage of advertisements and mail pieces, not tied to any individual candidate, with messages like, “oppose Obama, vote Republican,” designed to stir up dormant racism that had been simmering under the surface for years....

Bo offered me concrete advice what to say at the door to deflect Obama hatred.

“Darling, if the voters bring up Obama, you’ve got to make a dismissive comment about Washington and get back on message,” he said. “There’s no other way.”

Bo made me practice saying, “You couldn’t pay me all the money in the world to run for Congress or be part of Washington DC,” which was always supposed to be quickly followed by, “I want to be your state representative and work on making the taxes fairer to you right here at home.” I said those words so many times I felt like a broken record. Although most of these voters either told me they would vote for me despite their hatred of Obama or promised they would give me serious consideration, I had trouble believing them. Just a few weeks ago Obama had never come up, but two weeks before the election, he was ever-present, even though he wasn’t even on the ballot. I had to remind myself of the earlier advice I’d been given—not to present well-reasoned ideas—to stop myself from explaining to these voters that Obama’s tax policy plans would in fact provide them relief.

Yard signs proved to be the surest omen of trouble. Emails and calls complaining about stolen signs increased substantially as the campaign progressed....If the volunteers noticed a missing sign on one of their patrols, they knocked on the door and asked the voter if they wanted a new one. Until a week before the election, the voter always wanted a new sign. During that last week, the volunteers reported that some voters had taken the signs down themselves....

## CONCLUSION

On election night, our get-out-the-vote callers reported that a significant number of the people that I had met at their door who had promised to vote for me confessed that they had changed their minds and decided to vote straight Republican. Many were very apologetic, saying things like, “I loved her, she came to the door, but I’ve got to make a statement against that Obama.” The experience of personally persuading people to vote for me at their door and then having them change their minds because they hated our nation’s first Black president taught me that winning their support to begin with had nothing to do with anything substantive about me. Like the first pig in *The Three Little Pigs*, at the door with most of the voters I had no choice but to win their support by metaphorically building a house made of straw, easily blown away by stronger emotional forces and hate is usually much stronger than love. It wasn’t that those voters didn’t love me, it’s just they hated President Barack Obama more.

In Alabama’s 2010 election season Democrats in safe seats lost and candidates in toss up or uphill climb districts, like mine, lost by landslides. People who had not voted in years appeared in droves and voted straight Republican to make a statement against President Obama. It did not matter who was on the ballot. Both chambers of the

legislature flipped to supermajority far right-wing Republicans, and the Republicans won all the state-wide offices.

What will it take politically to obtain genuine tax and constitutional reform in Alabama? My downright depressing, somber thoughts are opposite to Bailey Thomson's belief that it is possible to persuade enough citizens through education to support good leadership. If my good friend Bailey were alive today, he would argue with me and would want to dismiss my answer to this question as other educated, well-meaning academics and reformers will undoubtedly react. This is because what I have to say is painful and extremely difficult to accept. However, everyone who cares about achieving tax and constitutional reform must hear and at least consider embracing my message.

First, the political climate's window of opportunity, which was shut in 2003 and locked in 2010, must crack open. When that will happen is impossible to predict, and I believe it is likely years, perhaps decades, away, but circumstances could bring it forward. When that window opens, courageous candidates for public office committed to tax and constitutional reform who have a real chance of winning must step up. These candidates will suffer fiercely negative smear attacks orchestrated by powerful special interests. Negative campaigns begin with opposition research, which locates some grain of truth in the public figure's background that can be twisted to be something totally false, or as one experienced political veteran warned me after I had announced my candidacy, "If they can't find anything juicy about you, they will just make shit up."

To have a chance of prevailing, these good candidates must be willing to fight back using the same offensive tactics. Before committing to run for office, I recklessly did not think this through, so for me personally, the backlash against President Obama had a silver lining. The real chance my campaign manager said I had before I started my field campaign did not last, so I was spared from deciding whether to authorize what his assistant had earlier spilled would have been a local version of a Willie Horton attack against my opponent, the thought of which nauseated me to the core.<sup>23</sup> Political candidates committed to public policy, such as tax and constitutional reform, that uplifts the most vulnerable tend to be decent human beings, who will be deeply offended by having to denigrate themselves into the very sort of people they despise.

Will they be willing to do that? Would I be willing to do that? I honestly do not know.

The harsh reality is that good Alabamians must step up to the plate. Otherwise, Alabama's political world will continue to be dominated by the demagogues who want to keep all lower middle-class and poor children oppressed, who are determined to maintain this status quo by thwarting tax and constitutional reform efforts, and who have no remorse when they use dirty tactics to achieve these immoral goals. The skilled campaign managers who oppose this status quo must be relied on to play the dominant role in defeating these demagogues.

Well-meaning reformers, academics, and good local community leaders must accept their demotion in importance. When the political climate's window of opportunity opens again, we must get behind these skilled campaign managers who want tax and constitutional reforms as much as we do, but who can also communicate with the voters on an emotional level. Well-meaning reformers, academics, and local community leaders also must accept the sickening reality that when achieving genuine tax and constitutional reform comes within our grasp, regretfully crossing that finish line will involve a brutal war fought by both sides' skilled campaign managers and the winner will be the side that most effectively manipulates the voters using negative attacks (e.g., Flynt, 2004, pp. 96-97; Jackson, 2003, pp. 289-290). 24

## KEY TERMS

**Lid Bills (1971 and 1978)** – Created an elaborate constitutional amendment procedure on proposals that seek to increase property tax rates and change the definition of the property tax base. The Lid Bills also imposed absolute dollar limits on the amount of property taxes that each piece of property can generate.

**Class I Property** – Under the Lid Bills this is utility property, and the base is 30% of fair market value.

**Class II Property** — Under the Lid Bills, this includes commercial and industrial property and comprises well over fifty percent of Alabama's property tax revenues. The base is 20% of fair market value.

**Class III Property** – Under the Lid Bills, the base is ten percent of current use value. This class contains personal residences, which compromise just under a third of property taxes, and timber and agriculture, which contribute less than 2% of Alabama's total property taxes.

**Class IV Property** – Under the Lid Bills, this property consists of motor vehicles and the base is 15% of fair market value.

**Current use** - Allows property to be assessed/appraised by how it is being used, which is often a substantially smaller figure, than what the property would sell for in the market.

**Market value** - The price at which a property would sell if put up for sale.

**Regressive tax** – A tax where poor taxpayers pay a larger proportion of their income than affluent taxpayers; the sales tax is an example of a regressive tax.

## DISCUSSION QUESTIONS

1. Why is tax and constitutional reform so politically difficult?
2. Why do so many Alabamians tolerate tax policy that is grossly unfair to most Alabamians and fails to adequately fund education?
3. Why is it so challenging to persuade our citizens to reform Alabama's constitution, the state's fundamental governing document mired in the past and enshrined these inequities?
4. What will it take politically to achieve genuine tax and constitutional reform?



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## NOTES

1. On November 8, 2022, Alabama adopted a “new” constitution, which rearranges the amendments to locate similar subjects together (including economic development and local amendments by county), deletes repeated and repealed amendments, and removes the racist language. However, the Alabama Constitution of 2022 makes no changes related to taxes and still concentrates power over local matters (including local property taxes) in the state legislature, thus essentially leaving the state governed under the same structure that existed under the Alabama Constitution of 1901.
2. See H.B. 3, 2003 Leg., 1st Spec. Sess. (Ala. 2003).
3. See *Knight v. Alabama*, 628 F. Supp. 1137 (N.D. Ala. 1985), rev’d *Knight v. Alabama*, 828 F.2d 1532 (11th Cir. 1987), cert denied, 487 U.S. 1210 (1988), on remand, *Knight v. Alabama*, 787 F. Supp. 1030 (N.D. Ala. 1991), aff’d in part, rev’d in part, vacated in part, *Knight v. Alabama*, 14 F.3d 1534 (11th Cir. 1994), on remand, *Knight v. Alabama*, 900 F. Supp. 272 (N.D. Ala. 1995).
4. *Knight v. Alabama*, 458 F. Supp. 2d 1273, 1279 (N.D. Ala. 2004).
5. *Id.* at 1278-79.
6. *Id.* at 1275.
7. *Id.* at 1297.
8. *Id.* at 1299.
9. *Id.* at 1312.
10. See *Knight v. Alabama*, 458 F. Supp. 2d 1273, (N.D. Ala. 2004), aff’d, 476 F.3d 1219, 1226-27 (11th Cir. 2007), cert denied, 551 U.S. 1146 (2007).
11. *Knight v. Alabama*, 476 F.3d 1219, 1226 (11th Cir. 2007) (Eleventh Circuit opinion identifies the District Court’s findings of racial animus motivating the property tax provisions, then clearly leaves the District Court’s findings alone and moves on to affirm the District Court’s opinion based on the attenuated connection between tax policy and higher education school choice).
12. *Id.* at 1223 (Eleventh Circuit opinion agrees with and accepts the District’s Court’s reasoning regarding the crippling effect on majority Black school districts).
13. See *Lynch v. Alabama*, 568 F. Supp. 2d 1329 (N.D. Ala. 2008). *Lynch* was considered a “sequel” to *Knight*. *Id.* at 1331, 1335.
14. “[T]he overwhelming weight of evidence in this record establishes—clearly, convincingly, and beyond reasonable debate—that virtually every provision of the basic charter of Alabama government drafted by the delegates to the 1901 Constitutional Convention was perverted by a virulent, racially-

- discriminatory intent.” (emphasis in the original). *Lynch v. Alabama*, No. 08-S-450-NE, 2011 WL 13186739, at \*327 (N.D. Ala. Nov. 7, 2011), *aff’d in part, vacated in part sub. nom. I.L. v. Alabama*, 739 F.3d 1273 (11th Cir. 2014), *cert. denied*, 574 U.S. 814 (2014).
15. “Alabama was still in the midst of racial turmoil in the early years of the decade beginning in 1970... [e]ven so, there is no direct evidence in the record that either Amendment 325 or Amendment 373 was racially motivated.” *Id.* at \*328 (emphasis in the original).
  16. The District Court in *Lynch* issued an 804-page order which dedicates over 150 pages to background information and over 200 pages to historical findings of fact. See *id.*
  17. See *supra* note 15.
  18. In *Weissinger v. Boswell*, the Middle District held that Alabama could not constitutionally tax the same class of property at different ratios. *Weissinger v. Boswell*, 330 F. Supp. 615, 625 (M.D. Ala. 1971). After the *Weissinger* decision, all Alabama property owners faced the prospect of higher ad valorem taxes. “The danger was most acute for large landowners in rural areas.” *Lynch*, 2011 WL, at \*333. “The clear purpose of the two amendments . . . was to ensure that the *Weissinger* decision did not cause the property of large landowners to be appraised and assessed similarly to public utilities and industrial groups.” *Id.*
  19. Latin for “a thing adjudicated,” Black’s Law Dictionary defines *res judicata* as “an issue that has been definitively settled by judicial decision” or “an affirmative defense barring the same parties from litigating a second lawsuit on the same claim, or any other claim arising from the same transaction or series of transactions and that could have been—but was not—raised in the first suit.” *Res judicata*, Black’s Law Dictionary (11th ed. 2019). The three elements are (1) an earlier decision on the issue, (2) a final judgment on the merits, and (3) the involvement of the same parties, or parties in privity with the original parties. *Id.* See *Southern Pacific R. Co. v. United States*, 168 U.S. 1, 48-49 (1897) (a “right, question or fact distinctly put in issue and directly determined by a court of competent jurisdiction . . . cannot be disputed in a subsequent suit between the same parties or their privies . . .”). Because *res judicata* only precludes actions between the same parties, the *Lynch* plaintiffs were not precluded from challenging the same constitutional provisions that were challenged in *Knight*.
  20. *Lynch*, 2011 WL at \*334.
  21. See *Kadrmas v. Dickinson Pub. Schs.*, 487 U.S. 450, 458 (1988); *Papasan v. Allain*, 478 U.S. 265, 284-86 (1986); *Plyler v. Doe*, 457 U.S. 202, 203 (1982); *San Antonio Indep. Sch. Dist. v. Rodriguez*, 411 U.S. 1, 35, 37 (1973).
  22. Susan Pace Hamill, *Pretty Hair: Discovering the Grassroots on the Campaign Trail* (unpublished manuscript, approximately 73,000 words in four parts and sixteen chapters) (on file with the author). The manuscript has benefitted from collaborative work with the University of Alabama’s MFA program and a professional editor, but due to the difficulty in publishing this kind of work in a credible fashion it may very well remain unpublished.
  23. My campaign manager’s assistant was referring to famous political ads used by George H.W. Bush against Michael Dukakis in the 1988 presidential campaign, which had featured a furloughed convicted murderer who had raped a woman while Dukakis was governor of Massachusetts. The chilling ads depicted a revolving prison door and an image of Horton himself, a Black man with an unkempt beard and thick afro-hair.
  24. Unfortunately, Alabama’s history also illustrates that this reality is true. Flynt (2004, pp. 96-97) described George Wallace’s 1970 campaign defeating Albert Brewer, who was widely viewed as a potential New South governor, using radio ads warning white men that Brewer’s support of Black state troopers endangered their wives of being stopped on rural roads and raped, and an unsigned circular accusing Brewer of being homosexual, his wife of being an alcoholic and his daughter of having sex with Black men, as “the dirtiest campaign in Alabama political history.” See also Jackson (2003, pp. 289-90) describing Guy Hunt’s 1990 gubernatorial campaign defeating Paul Hubbert as attacking Hubbert for being tolerant of homosexuality and tapping into latent racism with a series of T.V. commercials “showing a cigar-smoking Hubbert sitting in the back seat of a car with Joe Reed, one of the most powerful Black politicians in the state.”