



School suit lawyers ask that some tax laws be removed

Desegregation plaintiffs say portions of code hurt state; others call request out of bounds

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Plaintiffs in Alabama's long-running higher education desegregation case asked a federal judge Thursday to consider striking down portions of Alabama's tax system because they are, at their root, racially discriminatory.

Those include provisions that require voters' approval of any property tax increase and various protections that have historically protected large rural landowners from taxes and have made it difficult to raise money for education.

Attorneys for the state and various state universities argued that such action would go far beyond the scope of the lawsuit that was launched to eliminate the legacy of segregation in high education. Delving into the state's tax system would open "a Pandora's box" and should be left to "another day, another court, another judge," said Robert D. Hunter, an attorney representing the state as a deputy attorney general.

U.S. District Judge Harold Murphy, a Georgia judge who was appointed more than a decade ago to hear the Knight vs. Alabama case, said Thursday's hearing was intended to help him decide if the court "could or should" get involved in deciding the constitutionality of the tax system.

"I take your positions seriously," Murphy said, addressing attorneys for both sides. "I'll have to decide what to do."

The next step would be for Murphy to hold a hearing to determine how the property tax functions and its impact on the higher education system.

State Rep. John Knight, D-Montgomery, the lead plaintiff in the case and an Alabama State University employee, said the threat of federal intervention should give the Legislature and the governor inspiration to tackle the long-known inequities with the property tax.

If the court struck down the constitution's property tax limits, classification system, current use system and the requirement that voters ratify every change, the Legislature and the governor would finally have the tools they need to fix the system, Knight said.

"Without federal court intervention, absolutely nothing seems to happen in this state," Knight said.

Lack of balance:

Jim Blacksher, the attorney for the Knight plaintiffs, argued that property tax limits have led to inadequate high school preparation, high tuition at Alabama colleges and universities and the

virtual elimination of state financial aid for students entering college. Those conditions have "a disproportionate negative effect on African Americans and their ability to enter and complete higher education in Alabama."

Blacksher traced the history of Alabama property taxes from the founding of the state to 1980. When conservative whites regained control of the state after Reconstruction, they wrote a constitution that contained limits on property taxes. In 1901, agricultural and industrial interests strengthened those limits and disenfranchised blacks and required a vote of the people on any change in the property tax.

When blacks were on the verge of getting the vote and gaining legislative representation, white legislators reacted by passing measures such as the lid bill and the system of current use that prevent rural school districts from collecting adequate tax revenues.

Hunter argued that such problems were beyond the scope of the case. "This case is not about what is wrong with the world," Hunter argued. "It is only about the vestiges of de jure segregation that have a discriminatory effect on higher education."

Alabama has the lowest property taxes in the nation. Any change in property tax rates has to go before voters. In recent years, more than 70 percent of property tax referendums held to increase support for local schools have failed.

Hunter found it strange that plaintiffs who fought so hard for the vote are now asking the court to take away the right of the people to vote on property tax increases. The current constitution has been amended more than 700 times. This past September, voters had a chance to make major changes to the tax system but rejected proposals that would have raised the property taxes. "Is our present tax structure reflective of the wills of the people of 1901 or the people of 2003?" Hunter asked.

Filed in 1981, Knight vs. Alabama was first tried in 1991, with additional issues retried in 1995. To comply with the suit, the state has spent \$170 million dollars, integrating what were two separate agricultural extension services, upgrading buildings and programs at Alabama A&M and Alabama State, providing diversity scholarships to encourage desegregation at those schools and additional money to recruit black faculty and administrators at the state's historically white universities.

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