



## Suit fights for democracy in tax system

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Tom Scarritt's column in last Sunday's News distorts the relief plaintiffs are seeking through their challenge to the property tax provisions of the Alabama Constitution in Knight and Sims vs. Alabama, the higher education desegregation case.

We are trying to restore democratic control over the property tax system, not to turn control over to the federal court. We want the purposefully discriminatory constitutional barriers removed, so that, in my colleague Robert Hunter's words, "our elected governor (and) legislators (and) those pesky voters" can confront property tax and school funding reform on a clean slate, without having their hands tied behind their backs by the dead hand of white supremacy.

The federal judge is not being asked to impose his own reforms. To the contrary, plaintiffs have asked him to leave that up to the governor and the Legislature, who, thanks to a "democratic government," were elected by the people. They are the ones who would decide which statutory reforms to enact and which constitutional reforms to submit to the voters.

No one disputes our historical evidence of racial discrimination as the reason Alabama has by far the lowest property taxes in the United States. The special interests were able to have their way in 1901, a time when no women could vote, by fraudulently counting black votes as being in favor of disfranchising themselves by ratifying the new constitution. The Black Belt planters and big corporations who controlled the 1901 constitutional convention played the race card of black disfranchisement to prevent "white" counties from reforming the public school revenue system and from authorizing home rule control over property taxes. In an effort to make it harder for the people and their elected representatives to respond to changing needs, these landowning special interests insisted on keeping the stingy constitutional millage caps that were first inserted by the 1875 convention, which was called to "redeem" Alabama from "black rule."

In the 1970s, at a time when many African-Americans still were not registered voters and only a handful of blacks served in the Legislature, those same wealthy interests played their trump card again. They capitalized on the hostility generated by the Wallace campaign of massive resistance to the integration of public schools to obtain passage of the Lid Bill amendments, which established the first property classification system, replaced statutory assessment ratios of 60 percent and 30 percent with a constitutional ratio of 10 percent, and created the current use formula that lowers even further the taxes paid by owners of agricultural and forest lands.

My clients are not trying to engineer a quick fix for Alabama's current fiscal crisis, which is threatening to reverse the state's recent progress in improving public K-12 education and threatening to make higher education unaffordable for lower-income and even middle-income families.

We have our eye on the future, long after 2005, when this desegregation case is scheduled to end. We are unwilling to walk away from the task of eliminating vestiges of legal segregation, leaving still in place the racially motivated property tax state constitutional provisions that will

continue to block the path of advancement for the victims of the old segregationist regime, both blacks and whites.

In short, the Knight-Sims plaintiffs are asking the court to give democracy, and an electorate that at last is fully enfranchised and fully represented in state government, a fresh start in establishing a fair and reasonable property tax system. It is the same moneyed factions that have controlled the entire constitutional history of Alabama who would continue repressing representative democracy by preserving these discriminatory and immoral provisions in the state's constitution. James Blacksher is one of the attorneys for the plaintiffs in Knight-Sims vs. Alabama.

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