

1 HJR347
2 29195-1
3 By Representative White
4 RFD: Rules
5 First Read: 18-APR-2000

STATING FINDINGS OF THE LEGISLATURE; RESCINDING, REPEALING, CANCELING, VOIDING, AND SUPERSEDING ANY AND ALL EXISTING APPLICATIONS BY THE LEGISLATURE OF THE STATE OF ALABAMA HERETOFORE MADE DURING ANY SESSION THEREOF TO THE CONGRESS OF THE UNITED STATES OF AMERICA TO CALL A CONVENTION PURSUANT TO THE TERMS OF ARTICLE V OF THE UNITED STATES CONSTITUTION FOR PROPOSING ONE OR MORE AMENDMENTS TO THAT CONSTITUTION; URGING THE LEGISLATURES OF OTHER STATES TO DO THE SAME; AND DIRECTING THAT COPIES OF THIS RESOLUTION BE SENT TO SPECIFIED PERSONS.

WHEREAS, the Legislature of the State of Alabama, acting with the best of intentions, has, at various times, and during various sessions, previously made applications to the Congress of the United States of America to call one or more conventions to propose either a single amendment concerning a specific subject or to call a general convention to propose an unspecified and unlimited number of amendments to the United States Constitution, pursuant to the provisions of Article V thereof; and,

WHEREAS, former Chief Justice of the United States Supreme Court Warren E. Burger, former Associate Justice of

1 the United States Supreme Court Arthur J. Goldberg, and other
2 leading constitutional scholars agree that such a convention
3 may propose sweeping changes to the Constitution, any
4 limitations or restrictions purportedly imposed by the states
5 in applying for such a convention or conventions to the
6 contrary notwithstanding, thereby creating an imminent peril
7 to the well-established rights of the citizens and the duties
8 of various levels of government; and,

9 WHEREAS, the Constitution of the United States of
10 America has been amended many times in the history of this
11 nation and may be amended many more times, without the need to
12 resort to a constitutional convention, and has been
13 interpreted for more than two hundred years and has been found
14 to be a sound document which protects the lives and liberties
15 of the citizens; and,

16 WHEREAS, there is no need for, rather, there is
17 great danger in, a new constitution or in opening the
18 Constitution to sweeping changes, the adoption of which would
19 only create legal chaos in this nation and only begin the
20 process of another two centuries of litigation over its
21 meaning and interpretation; now therefore,

22 BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH
23 HOUSES THEREOF CONCURRING, That we hereby rescind, repeal,
24 cancel, nullify, and supersede to the same effect as if they
25 had never been passed, any and all existing applications by
26 the Legislature of the State of Alabama to the Congress of the
27 United States of America to call a convention to propose

1 amendments to the Constitution of the United States of Amer-
2 ica, pursuant to the terms of Article V thereof, including,
3 but not limited to, those applications listed herein, regard-
4 less of when or by which session or sessions of the Alabama
5 Legislature such applications were made, and regardless or
6 whether such applications were for a limited convention to
7 propose one or more amendments regarding one or more specific
8 subjects and purposes, or for a general convention to propose
9 an unlimited number of amendments upon an unlimited number of
10 subjects. We hereby rescind, repeal, cancel, nullify, and
11 supersede to the same effect as if they had never passed,
12 existing applications by the Legislature of Alabama to Con-
13 gress to call a convention on any of the following specific
14 subjects, as referenced in the U.S. Congressional Record:

15	Limited taxation	89 CONG. REC. 7523 (1943)
16	Selection of federal	103 CONG. REC. 10863 (1957)
17	judges	
18	Conflicting state and	105 CONG. REC. 3083 (1959)
19	federal statutes	
20	Conflicting state and	105 CONG. REC. 3220 (1959)
21	federal statutes	
22	Court of Union	109 CONG. REC. 5250 (1963)
23	Court of Union	109 CONG. REC. 5581 (1963)
24	Apportionment	111 CONG. REC. 3722 (1965)
25	Apportionment	112 CONG. REC. 43 (1966)
26	Apportionment	112 CONG. REC. 200 (1966)
27	Tax refund	113 CONG. REC. 10118 (1967)
28	Balanced budget	121 CONG. REC. 28347 (1975)

1	Balanced budget	125 CONG. REC. 4861 (1979)
2	Balanced budget	125 CONG. REC. 5368 (1979)
3	Right to life	126 CONG. REC. 10650 (1980)
4	Limited judicial terms	127 CONG. REC. 19856 (1981)
5	Rescinding 1976 appro-	135 CONG. REC. 5485 (1989)
6	priation	

7 BE IT FURTHER RESOLVED, That we urge the
8 legislatures of every other state which has applied to
9 Congress to call a convention for either a general or a
10 limited constitutional convention, to repeal and withdraw such
11 applications.

12 BE IT FURTHER RESOLVED, That the Clerk of the House
13 is directed to send copies of this resolution to the Secretary
14 of State, to the presiding officers of both houses of each of
15 the other legislatures of the Union, to the President of the
16 United States Senate, to the United States Congress, by
17 sending copies to the Speaker of the United States House of
18 Representatives, to the members of Congress of the United
19 States representing the State and people of Alabama, and to
20 the Administrator of General Services, Washington, D.C.