

1 HJR89
2 198747-1
3 By Representative Mooney
4 RFD: Rules
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8 RESCINDING ALL PREVIOUS RESOLUTIONS OF THE ALABAMA
9 LEGISLATURE WHICH REQUEST CONGRESS TO CALL A CONVENTION
10 PURSUANT TO ARTICLE V OF THE UNITED STATES CONSTITUTION.
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12 WHEREAS, the Federal Constitutional Convention of
13 1787 was called for the sole and express purpose of revising
14 the Articles of Confederation, yet this convention decided
15 instead to discard the Articles of Confederation and draft a
16 new constitution which created a new system of government; and

17 WHEREAS, the Articles of Confederation provided that
18 an amendment to the Articles had to be approved by the
19 Continental Congress and all of the then 13 states before the
20 amendment would be effective; the new constitution drafted at
21 the Federal Constitutional Convention of 1787 provided that an
22 amendment would be ratified when only nine of the states
23 approved the amendment; and

24 WHEREAS, the United States Constitution has served
25 as the cornerstone of American liberty since its creation in
26 1787; it was the first written national constitution to set

1 forth a system of separation of powers into three branches and
2 to enumerate the powers delegated to each of the branches; and

3 WHEREAS, the powers delegated by the Constitution of
4 1787 to the federal government are few and defined, and our
5 problems arise from not knowing and not enforcing those
6 existing limitations on the federal government; and

7 WHEREAS, James Madison wrote in The Federalist No.
8 43 that the purpose of amendments to the United States
9 Constitution are to repair discovered constitutional faults or
10 for amendments of constitutional errors, and that no framer
11 said the purpose of amendments are to rein in the federal
12 government when it usurps powers not delegated; and

13 WHEREAS, James Madison showed in The Federalist No.
14 49 that a convention is neither proper nor effective to
15 restrain government when it encroaches; and

16 WHEREAS, Article V of the United States Constitution
17 provides for two methods of amendment, Congress proposes
18 amendments and sends them to the states for ratification, or
19 upon the applications of the legislatures of two-thirds of the
20 states, Congress calls a convention for proposing amendments;
21 and

22 WHEREAS, James Madison trembled at the prospect of
23 another convention, Alexander Hamilton dreaded one, and four
24 former Justices of the United States Supreme Court warned that
25 another convention would run "extravagant risques" and that
26 delegates to a convention cannot be controlled; and

1 WHEREAS, if delegates to a convention called by
2 Congress pursuant to Article V decide to discard our
3 Constitution of 1787 and create a new constitution with a new
4 system of government, the new constitution will have its own
5 new mode of ratification; and

6 WHEREAS, each of the existing 27 Amendments to the
7 United States Constitution were proposed by Congress and
8 submitted to the states for ratification; we have never had a
9 convention called under Article V of our Constitution; and

10 WHEREAS, Article V of the United States Constitution
11 delegates to Congress the power to call a federal
12 constitutional convention; Article I, Section 8, last clause,
13 delegates to Congress the power to make all laws necessary and
14 proper for carrying out all powers vested by the Constitution
15 in Congress; and

16 WHEREAS, the Congressional Research Service Report
17 dated April 11, 2014, shows that in Congress' preliminary
18 preparations for Article V conventions in the past, Congress
19 has traditionally laid claim to broad responsibilities in
20 connection with a convention, including determining the number
21 and selection process for its delegates, setting internal
22 convention procedures, including formulae for allocation of
23 votes among the states; and

24 WHEREAS, the states have no constitutional authority
25 to determine the rules of order or operational aspects of a
26 constitutional convention called by Congress pursuant to
27 Article V of the Constitution; and

1 WHEREAS, nothing in Article V of the Constitution
2 provides for, nor can any state application guarantee, equal
3 suffrage or equal franchise to each state at a constitutional
4 convention; and

5 WHEREAS, the states have no authority to impose any
6 penalty, sanction, or limitation on convention delegates, for
7 the delegates represent the people and the sovereign right of
8 the people to alter or abolish their government and to
9 institute a new government; and

10 WHEREAS, the Alabama Legislature has at various
11 times since at least as early as 1833 passed resolutions
12 requesting Congress to call a convention, pursuant to Article
13 V of the Constitution, to propose amendments to the
14 Constitution relating to a variety of subjects; and

15 WHEREAS, nothing in Article V of the Constitution
16 permits Congress or the states to limit the convention to any
17 specific topic or topics; and

18 WHEREAS, over the course of time, the will of the
19 people of the State of Alabama may have changed relating to
20 these previous resolutions; and

21 WHEREAS, a constitutional convention called by
22 Congress could result in the imposition of a new constitution
23 with its own new mode of ratification, which could
24 fundamentally transform our country by establishing a new
25 system of government which denies the existence of
26 unalienable, God-given rights and establishes a tyranny,

1 thereby denying liberty to future generations of Alabama
2 residents; and

3 WHEREAS, the Alabama Legislature is aware that other
4 state legislatures have made applications requesting that
5 Congress call a constitutional convention; and

6 WHEREAS, the Alabama Legislature no longer supports
7 its previous resolutions which request that Congress call a
8 constitutional convention, many of which were adopted many
9 decades ago, and does not wish for these resolutions to be
10 included with applications made by other state legislatures;
11 now therefore,

12 BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH
13 HOUSES THEREOF CONCURRING, That the members of the Alabama
14 Legislature hereby rescind, repeal, cancel, void, nullify, and
15 withdraw each and every previous resolution passed by the
16 Alabama Legislature which requests or urges the Congress of
17 the United States to call a constitutional convention pursuant
18 to Article V of the United States Constitution.

19 BE IT FURTHER RESOLVED, That the members of the
20 Alabama Legislature urge each state legislature which has
21 requested Congress to call a constitutional convention to
22 withdraw those requests.

23 BE IT FURTHER RESOLVED, That the Secretary of State
24 shall transmit certified copies of this resolution to the
25 President and Secretary of the United States Senate, to the
26 Speaker and Secretary of the United States House of
27 Representatives, the members of the Alabama Congressional

1 Delegation, and to the presiding officers of each house of the
2 several state legislatures attesting the adoption of this
3 resolution by the Alabama Legislature.