

SJR57 INTRODUCED



1 YAB56N-1
2 By Senator Carnley
3 RFD: RULES
4 First Read: 02-May-23
5
6 2023 Regular Session



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SJR___ RESCINDING ALL PREVIOUS RESOLUTIONS OF THE ALABAMA LEGISLATURE WHICH REQUEST CONGRESS TO CALL A CONVENTION PURSUANT TO ARTICLE V OF THE UNITED STATES CONSTITUTION.

WHEREAS, the Federal Constitution Convention of 1787 was called for the sole and express purpose of revising the Articles of Confederation, yet this convention decided instead to discard the Articles of Confederation and draft a new constitution which created a new system of government; and

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

WHEREAS, the United States Constitution has served as the cornerstone of American liberty since its creation in 1787; it was the first written national constitution to set forth a system of separation of powers into three branches and to enumerate the powers delegated to each of the branches; and

WHEREAS, the powers delegated by the Constitution of 1787 to the federal government are few and defined, and our



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29 problems arise from not knowing and not enforcing those
30 existing limitations on the federal government; and

31 WHEREAS, James Madison wrote in The Federalist No. 43
32 that the purpose of amendments to the United States
33 Constitution are to repair discovered constitutional faults
34 or for amendments of constitutional errors, and that no
35 framer said the purpose of amendments are to rein in the
36 federal government when it usurps powers not delegated; and

37 WHEREAS, James Madison showed in The Federalist No.
38 49 that a convention is neither proper nor effective to
39 restrain government when it encroaches; and

40 WHEREAS, Article V of the United States Constitution
41 provides for two methods of amendment, Congress proposes
42 amendments and sends them to the states for ratification, or
43 upon the applications of the legislatures of two-thirds of
44 the states, Congress calls a convention for proposing
45 amendments; and

46 WHEREAS, James Madison trembled at the prospect of
47 another convention; Alexander Hamilton dreaded one; and four
48 former Justices of the United States Supreme Court warned
49 that another convention would run "extravagant risques" and
50 that delegates to a convention cannot be controlled; and

51 WHEREAS, if delegates to a convention called by
52 Congress pursuant to Article V decide to discard our
53 Constitution of 1787 and create a new constitution with a
54 new system of government, the new constitution will have its
55 own new mode of ratification; and

56 WHEREAS, each of the existing 27 Amendments to the



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57 United States Constitution were proposed by Congress and
58 submitted to the states for ratification; we have never had
59 a convention called under Article V of our Constitution; and

60 WHEREAS, Article V of the United States Constitution
61 delegates to Congress the power to call a federal
62 constitutional convention; Article I, Section 8, last
63 clause, delegates to Congress the power to make all laws
64 necessary and proper for carrying out all powers vested by
65 the Constitution in Congress; and

66 WHEREAS, the Congressional Research Service Report,
67 dated April 11, 2014, shows that in Congress' preliminary
68 preparations for Article V conventions in the past, Congress
69 has traditionally laid claim to broad responsibilities in
70 connection with a convention, including determining the
71 number and selection process for its delegates, setting
72 internal convention procedures, including formulae for
73 allocation of votes among the states; and

74 WHEREAS, the states have no constitutional authority
75 to determine the rules of order or operational aspects of a
76 constitutional convention called by Congress pursuant to
77 Article V of the Constitution; and

78 WHEREAS, nothing in Article V of the Constitution
79 provides for, nor can any state application guarantee, equal
80 suffrage or equal franchise to each state at a
81 constitutional convention; and

82 WHEREAS, the states have no authority to impose any
83 penalty, sanction, or limitation on convention delegates,
84 for the delegates represent the people and the sovereign



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85 right of the people to alter or abolish their government and
86 to institute a new government; and

87 WHEREAS, the Alabama Legislature has at various times
88 since at least as early as 1833 passed resolutions
89 requesting Congress to call a convention, pursuant to
90 Article V of the Constitution, to propose amendments to the
91 Constitution relating to a variety of subjects; and

92 WHEREAS, nothing in Article V of the Constitution
93 permits Congress or the states to limit the convention to
94 any specific topic or topics; and

95 WHEREAS, over the course of time, the will of the
96 people of the State of Alabama may have changed relating to
97 these previous resolutions; and

98 WHEREAS, a constitutional convention called by
99 Congress could result in the imposition of a new
100 constitution with its own new mode of ratification, which
101 could fundamentally transform our country by establishing a
102 new system of government which denies the existence of
103 unalienable, God-given rights and establishes a tyranny,
104 thereby denying liberty to future generations of Alabama
105 residents; and

106 WHEREAS, the Alabama Legislature is aware that other
107 state legislatures have made applications requesting that
108 Congress call a constitutional convention; and

109 WHEREAS, the Alabama Legislature no longer supports
110 its previous resolutions which request that Congress call a
111 constitutional convention, many of which were adopted many
112 decades ago, and does not wish for these resolutions to be



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113 included with applications made by other state legislatures;
114 now therefore,

115 BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH
116 HOUSES THEREOF CONCURRING, That the members of the Alabama
117 Legislature hereby rescind, repeal, cancel, void, nullify,
118 and withdraw each and every previous resolution passed by
119 the Alabama Legislature which requests or urges the Congress
120 of the United States to call a constitutional convention
121 pursuant to Article V of the United States Constitution.

122 BE IT FURTHER RESOLVED, That the members of the
123 Alabama Legislature urge each state legislature which has
124 requested Congress to call a constitutional convention to
125 withdraw those requests.

126 BE IT FURTHER RESOLVED, That the Secretary of State
127 shall transmit certified copies of this resolution to the
128 President and Secretary of the United States Senate, to the
129 Speaker and Secretary of the United States House of
130 Representatives, the members of the Alabama Congressional
131 Delegation, and to the presiding officers of each house of
132 the several state legislatures attesting the adoption of
133 this resolution by the Alabama Legislature.