

# HJR104 INTRODUCED



1 75T3VV-1  
2 By Representative Harrison  
3 RFD: RULES  
4 First Read: 20-Apr-23  
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HJR\_\_\_ 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.