

1 SJR39
2 116981-1
3 By Senators Mitchell and Beason
4 RFD:
5 First Read: 02-FEB-10

8 APPLYING TO THE UNITED STATES CONGRESS FOR A
9 CONVENTION TO PROPOSE AN AMENDMENT TO THE CONSTITUTION OF THE
10 UNITED STATES.

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12 BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH
13 HOUSES THEREOF CONCURRING, That this Legislature, pursuant to
14 Article V of the Constitution of the United States, makes
15 application to the Congress of the United States to call a
16 convention for the purpose of adopting the following amendment
17 to the Constitution of the United States:

18 Proposed Amendment
19 Section 1. This amendment may be cited as the
20 "Marriage Protection Amendment."
21 Section 2. Marriage in the United States shall
22 consist only of the union of a man and a woman. Neither this
23 Constitution, nor the constitution of any State, shall be
24 construed to require that marriage or the legal incidents
25 thereof be conferred upon any union other than the union of a
26 man and a woman.

BE IT FURTHER RESOLVED, That this application by the Legislature of the State of Alabama constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made similar applications pursuant to Article V.

BE IT FURTHER RESOLVED, That since this method of proposing amendments to the Constitution has never been completed to the point of calling a convention and no interpretation of the power of the states in the exercise of this right has ever been made by any court or any qualified tribunal, if there be such, and since the exercise of the power is a matter of basic sovereign rights and the interpretation thereof is primarily in the sovereign government making such exercise and since the power to use such right in full also carries the power to use such right in part, the Legislature of the State of Alabama interprets Article V to mean that if two-thirds of the states make application for a convention to propose an identical amendment to the Constitution for ratification with a limitation that such an amendment would be the only matter before it; that such convention would have power only to propose the specified amendment and would be limited to such a proposal and would not have power to vary the text thereof nor would it have power to propose other amendments on the same or a different proposition.

