

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

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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.

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

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

1 BE IT FURTHER RESOLVED, That a duly attested copy of
2 this resolution be immediately transmitted to the Secretary of
3 the Senate of the United States, the Clerk of the House of
4 Representatives of the United States, to each member of the
5 Alabama Congressional Delegation, and to each house of each
6 State Legislature in the United States.