

1 HJR192
2 158735-1
3 By Representatives Laird and Bridges
4 RFD: Rules
5 First Read: 20-FEB-14

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8 URGING CONGRESS TO CALL A CONVENTION FOR THE PURPOSE
9 OF PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED
10 STATES.
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12 WHEREAS, the United States Supreme Court has defined
13 the family as "consisting in and springing from the union for
14 life of one man and one woman in the holy state of matrimony;
15 the sure foundation of all that is stable and noble in our
16 civilization; the best guaranty of that reverent morality
17 which is the source of all beneficent progress in social and
18 political improvement," *Murphy v. Ramsey*, 114 U.S. 15, 45
19 (1885), quoted in *United States v. Bitty*, 208 U.S. 393, 401
20 (1908); and

21 WHEREAS, the United States Supreme Court described
22 marriage as "an institution, in the maintenance of which in
23 its purity the public is deeply interested, for it is the
24 foundation of the family and of society, without which there
25 would be neither civilization nor progress," *Maynard v. Hill*,
26 125 U.S. 190, 211 (1888); and

1 WHEREAS, the United States Supreme Court in 1977
2 stated that "the basic foundation of the family in our society
3 [is] the marriage relationship," *Smith v. Org. of Foster*
4 *Families For Equal. and Reform*, 431 U.S. 816, 843 (1977); and

5 WHEREAS, the Constitution of the State of Alabama,
6 describing marriage as "a sacred covenant, solemnized between
7 a man and a woman," §36.03(c), Al. Const. 1901, states that a
8 "marriage contracted between individuals of the same sex is
9 invalid in this state," §36.03(b), and that a "union
10 replicating marriage of or between persons of the same
11 sex...shall be considered and treated in all respects as
12 having no legal force or effect in this state," §36.03(g); and

13 WHEREAS, the Supreme Court of Alabama explained that
14 "[t]he family unit is the basic foundation of our society,"
15 and further stated that "there are forces at work which
16 attempt to tear it asunder," *Ex parte Shuttleworth*, 410 So.2d
17 896, 901 (Ala. 1981) (per curiam); and

18 WHEREAS, the Supreme Court of Alabama further
19 explained that marriage is "the most important of all the
20 social relations," *Moyler v. Moyler*, 11 Ala. 620, 623 (1847),
21 "a contract between a man and a woman...for the purpose of
22 their mutual happiness and for the production and education of
23 children," *Goodrich v. Goodrich*, 44 Ala. 670, 674 (Ala. 1870)
24 (emphasis omitted) (internal quotation marks and citation
25 omitted), "a divine institution" imposing upon the parties
26 "higher moral religious obligations than those imposed by any
27 mere human institution or government," *Hughes v. Hughes*, 44

1 Ala. 698, 703 (1870), and a "sacred relation," Smith v. Smith,
2 37 So. 638, 638-39 (Ala. 1904); and

3 WHEREAS, in 2013 the United State Supreme Court
4 officially severed its respect for marriage by declaring
5 unconstitutional the Defense of Marriage Act (DOMA) which
6 defined marriage for federal purposes as existing between one
7 man and one woman, United States v. Windsor, 133 S. CT. 2675
8 (2013); now therefore,

9 BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH
10 HOUSES THEREOF CONCURRING, That pursuant to Article V of the
11 United States Constitution, the Legislature of the State of
12 Alabama, by a joint resolution of the Senate and House of
13 Representatives, hereby makes application to the United States
14 Congress to call a Convention for proposing the following
15 amendment to the Constitution of the United States:

16 Section 1. This article may be cited as the
17 "Marriage Preservation Amendment" to the United States
18 Constitution.

19 Section 2. Nothing in this Constitution or in the
20 constitution or laws of any state may define or be construed
21 to define marriage except as the union of one man and one
22 woman, and no other union shall be recognized with legal
23 incidents thereof within the United States or any place
24 subject to their jurisdiction.

25 BE IT FURTHER RESOLVED, That this application by the
26 Legislature of the State of Alabama constitutes a continuing
27 application in accordance with Article V of the Constitution

1 of the United States until at least two-thirds of the
2 legislatures of the several states have made similar
3 applications pursuant to Article V.

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

24 BE IT FURTHER RESOLVED, That a duly attested copy of
25 this resolution be provided to the Secretary of the Senate of
26 the United States, the Clerk of the House of Representatives
27 of the United States, to each member of the Congress from this

1 state, and to each House of each state legislature in the
2 United States.