MISSISSIPPI LEGISLATURE

By: Representative Martinson

TO: Rules

MISSISSIPPI LEGISLATURE REGULAR SESSION 2002

HOUSE CONCURRENT RESOLUTION NO. 26

A CONCURRENT RESOLUTION RESCINDING AND WITHDRAWING HOUSE CONCURRENT RESOLUTION NO. 14, 1973 REGULAR SESSION, HOUSE CONCURRENT RESOLUTION NO. 55, 1973 REGULAR SESSION, HOUSE CONCURRENT RESOLUTION NO. 51, 1975 REGULAR SESSION, HOUSE CONCURRENT RESOLUTION NO. 3, 1979 REGULAR SESSION, AND ALL OTHER RESOLUTIONS ADOPTED BY THE MISSISSIPPI LEGISLATURE THAT HAVE MEMORIALIZED CONGRESS TO CALL A CONSTITUTIONAL CONVENTION; AND URGING OTHER STATE LEGISLATIVE BODIES TO DO THE SAME WITH REGARD TO SIMILAR RESOLUTIONS, PETITIONS, APPLICATIONS OR OTHER PAPERS ADOPTED BY SUCH BODIES.

WHEREAS, the Legislature of the State of Mississippi, acting with the best of intentions, at various times, has previously made applications to the Congress of the United States of America for one or more constitutional conventions for general purposes or for the limited purposes of considering amendments to the Constitution of the United States of America on various subjects and for various purposes; and

WHEREAS, former justices of the United States Supreme Court and other leading constitutional scholars are in general agreement that a constitutional convention, notwithstanding whatever limitations have been specified in the applications of the several states for a convention, would have within the scope of its authority the complete redrafting of the Constitution of the United States of America, thereby creating the imminent peril to our well-established rights and to the constitutional principles under which we are presently governed; and

WHEREAS, the Constitution of the United States of America has been amended many times in the history of the nation and may yet be amended many more times, and has been interpreted for two hundred years and has been found to be a basically sound document
which protects the rights and liberties of the people, without ever having the need to resort to a convention; and

WHEREAS, there is no need for, rather, there is a great danger in, a new Constitution, the adoption of which would only create legal chaos in America and only begin the process of another two centuries of litigation over its meaning and interpretation; and

WHEREAS, such changes or amendments as may be needed in the present Constitution may be proposed and enacted as provided therein and as previously used throughout the history of this nation, without resort to a constitutional convention:

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MISSISSIPPI, THE SENATE CONCURRING THEREIN, That any and all extant resolutions to the Congress of the United States of America for a constitutional convention or conventions, heretofore made by the Legislature of the State of Mississippi under Article V of the Constitution of the United States of America for any purpose, whether general or limited, are hereby repealed, rescinded, cancelled, superseded and rendered null and void to the same effect as if such resolutions had never been made.

BE IT FURTHER RESOLVED, That this resolution supersedes all previous resolutions memorializing the Congress of the United States to call a convention to propose an amendment to the Constitution of the United States, including House Concurrent Resolution No. 14, 1973 Regular Session, House Concurrent Resolution No. 55, 1973 Regular Session, House Concurrent Resolution No. 51, 1975 Regular Session, and House Concurrent Resolution No. 3, 1979 Regular Session, and that such previous resolutions are rescinded and withdrawn.

BE IT FURTHER RESOLVED, That copies of this resolution be furnished to the President of the United States Senate, to the Speaker of the United States House of Representatives, to
presiding officers of both houses of the legislature of each of
the other states of the Union, to the members of the Congress of
the United States representing the State of Mississippi, and to
the Administrator of General Services of the government of the
United States of America, Washington, D.C.