

By: Representative Martinson

To: Rules

HOUSE CONCURRENT RESOLUTION NO. 16

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

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

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

27 WHEREAS, the Constitution of the United States of America has
28 been amended many times in the history of the nation and may yet
29 be amended many more times, and has been interpreted for two
30 hundred years and has been found to be a basically sound document

31 which protects the rights and liberties of the people, without
32 ever having the need to resort to a convention; and

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

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

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

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

61 BE IT FURTHER RESOLVED, That copies of this resolution be
62 furnished to the President of the United States Senate, to the
63 Speaker of the United States House of Representatives, to

64 presiding officers of both houses of the legislature of each of
65 the other states of the Union, to the members of the Congress of
66 the United States representing the State of Mississippi, and to
67 the Administrator of General Services of the government of the
68 United States of America, Washington, D.C.