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To: Alabama Legislators

Re: YES on HJR104 (SJR57) Rescinding Applications for Constitutional Convention

I am advised that supporters of a so-called Convention of States (COS) have begun to argue that Alabama HJR104 (SJR57) is unnecessary because Alabama's previous applications for a convention have expired.

Please note the duplicitous nature of this argument. COS proponents count Alabama's applications when tallying the states that have applied for a convention. If COS proponents really believe these applications have expired, why are they so vigorously fighting against HJR104 (SJR57)? Note, further that the 2011, 2015, and 2018 applications all use the language "continuing application."

As a constitutional lawyer and law professor, now at Oak Brook and formerly at Jones/Faulkner (1990-2005), I am convinced HJR104 (SJR57) is necessary because, contrary to the false claims of COS, under Article V the States do not "call" a convention; they "apply" for a convention. Congress then calls a convention, and under the Necessary and Proper Clause Congress (not the States) sets the rules for a convention, including delegate selection.

Nor can a convention be limited to a single amendment or even a single issue. Article V speaks of a convention for considering "amendments." A convention can consider anything it wants – including a whole new constitution. Do you really believe the electoral college, the right to keep and bear arms, and free exercise of religion would survive a new convention? Others should rightfully be concerned that a convention could undo our hard-fought victories for civil liberties and civil rights.

Article V speaks of a convention for considering “amendments.” COS supporters’ confidence that such a convention would be run by constitutional conservatives is naive and ill-founded. More likely, it would be run by people of a very opposite persuasion. And the COS claim that 13 conservative states could block any liberal amendments has a converse: 13 liberal states can block any conservative amendments. Of course, Congress and/or the convention could designate an alternate means of ratification.

A convention is at best constitutional Russian roulette and at worst constitutional suicide. To preserve our Constitution and stop this misguided effort, please vote YES on HJR104 (SJR57).

Respectfully,

/s/

John Eidsmoe