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Subject: HB443, Choosing Delegates for a Constitutional Convention

Having taught Constitutional Law and having litigated constitutional cases for five decades, I speak in opposition to HB443.

Proponent of a constitutional convention misleadingly call it a “Convention of the States.” It is not. Under Article V, the States do not “call” a convention; the states only “apply” for a convention. Congress then calls a convention, and pursuant to the Necessary and Proper Clause of Article I Section 8, Congress (not the States) determines the method by which delegates are selected. There is no guarantee under Article V that the States will have any role in selecting delegates. They might be selected by Congress, or they might be chosen by any of an endless variety of means. And there is certainly no guarantee a concon will be run by conservatives.

If HB443 becomes law, and if Congress were to call a convention, HB443 could lead to expensive and protracted litigation that could possibly prevent an Alabama delegation from being seated.

Most importantly, if HB443 passes, concon proponents will misleadingly hail it as a reaffirmation of Alabama’s call for a convention. Not only should HB443 be defeated; Alabama’s convention call should be resoundingly rescinded. A new convention could endanger the right to bear arms and many other rights Alabamians hold dear. A convention would be at best constitutional Russian roulette and at worst constitutional suicide.

Respectfully,

/s/

John Eidsmoe