

Received: from imo-d06.mx.aol.com  
by governor.state.ms.us; Wed, 08 Mar 2000 10:46:05 -0600  
Received: from Mccaleb5thdist@aol.com  
by imo-d06.mx.aol.com (mail\_out\_v25.3.) id w.78.26139eb (3316);  
Wed, 8 Mar 2000 11:48:54 -0500 (EST)  
From: Mccaleb5thdist@aol.com  
Message-ID: <78.26139eb.25f7de76@aol.com>  
Date: Wed, 8 Mar 2000 11:48:54 EST  
Subject: Initiative

To: administrator@sos.state.ms.us, President@whitehouse.gov  
CC: david@msaclu.org, dwynne@msbar.org, gene.taylor@mail.house.gov,  
governor@govoff.state.ms.us, sfijman@govoff.state.ms.us,  
dguice@mail.lbo.state.ms.us, gwaddle@msbar.org,  
jlchilde@southernco.com, Jncompton@aol.com, llong@wlox.com,  
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tlevine@realcities.com, kdoctor@realcities.com,  
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MIME-Version: 1.0  
Content-Type: text/plain; charset="US-ASCII"  
Content-Transfer-Encoding: 7bit  
X-Mailer: AOL 5.0 for Windows sub 67

Mississippi Secretary of State's Office  
ERIC CLARK, Secretary of State  
CONTACT: David Blount, 601-359-6342

Mr. Clark, I am requesting copies of the Mississippi Constitution of 1890,  
Section 273; and Miss. Code Ann., Sections 23-17-1 through 23-17-61 (1972).  
I intend to place an initiative on the ballot which will put an organization  
in charge of the Mississippi Bar Association. Since their is at this time no  
one except the Bar Association to investigate themselves. I have learned  
that if anyone needing to have another organization to police itself it is  
the Mississippi Bar Association.

If you are concerned about why I am pursuing this initiative please read my  
web site.

[www.mississippi.com/~mccaleb/index.html](http://www.mississippi.com/~mccaleb/index.html)

[www.mississippi.com/~mccaleb/index.html](http://www.mississippi.com/~mccaleb/index.html) (LINK)

Sincerely,

Steven A. McCaleb

Initiatives  
Mississippi Secretary of State's Office  
ERIC CLARK, Secretary of State  
CONTACT: David Blount, 601-359-6342

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CONSTITUTION OF THE STATE OF MISSISSIPPI (Adopted Nov. 1, A.D., 1890) PREAMBLE  
We, the people of Mississippi in convention assembled, grateful to Almighty  
God, and involving his blessing on our work, do ordain and establish this  
Constitution...  
[www.olemiss.edu](http://www.olemiss.edu)

I plan to put as much information as possible on our site to provide better service to the public. Please send any questions or suggestions to [administrator@sos.state.ms.us](mailto:administrator@sos.state.ms.us) and I will do what I can to accommodate your needs. This is work-in-progress and your support is appreciated.

## CONSTITUTION OF THE STATE OF MISSISSIPPI

(Adopted Nov. 1, A.D., 1890)

### PREAMBLE

We, the people of Mississippi in convention assembled, grateful to Almighty God, and involving his blessing on our work, do ordain and establish this Constitution.

### ARTICLE 3

#### BILL OF RIGHTS

[NOTE: There is no sections 1-4 of article 3]

Sec. 5. All political power invested in, and derived from, the people; all government of right originates with the people, is founded upon their will only, and is instituted solely for the good of the whole.

Sec. 6. The people of this state have the inherent, sole, and exclusive right to regulate the internal government and police thereof, and to alter and abolish their constitution and form fo government whenever they deem it necessary to their safety and happiness; Provided, such change be not repugnant to the constitution of the United States.

Sec. 7. The right to withdraw from the Federal Union on account of any real or supposed grievance, shall never be assumed by this state, nor shall any law be passed in derogation of the paramount allegiance of the citizens of this state to the government of the United States.

Sec. 8. All persons resident in this state, citizens of the United States, are hereby declared citizens of the state of Mississippi.

Sec. 9. The military shall be in strict subordination to the civil power.

Sec. 10. Treason against the state shall consist only in levying war against the same or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same ove rt act, or on confession in open court.

Sec. 11. The right of the people peaceably to assemble and petition the government on any subject shall never be impaired.

Sec. 12. The right of every citizen to keep and bear arms in defense of his home, person, or property, or in aid of the civil power when thereto legally summoned, shall not be called in question, but the legislature may regulate or forbid car rying concealed weapons.

Sec. 13. The freedom of speech and of the press shall be held sacred; and in all prosecutions for libel the truth may be given in evidence, and the jury shall determine the law and the facts under the direction of the court; and if it shall a ppear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted.

Sec. 14. No person shall be deprived of life, liberty, or property except by due process of law.

Sec. 15. There shall be neither slavery nor involuntary servitude in this state, otherwise than as punishment for crime, whereof the party shall have been duly convicted.

Sec. 16. Ex post facto laws, or laws impairing the obligation of contracts, shall not be passed.

Sec. 17. Private property shall not be taken or damaged for public use, except on due compensation being first made to the owner or owners thereof, in a manner to be prescribed by law; and whenever an attempt is made to take private propert y for a use alleged to be public, the question whether the contemplated use be public shall be a judicial question, and, as such, determined without regard to legislative assertion that the use is public.

Sec. 18. No religious test as a qualification for office shall be required; and no preference shall be given by law to any religious sect or mode of worship; but the free enjoyment of all religious sentiments and the different modes of worshi p shall be held sacred. The rights hereby secured shall not be construed to justify acts of licentiousness injurious to morals or dangerous to the peace and safety of the state, or to exclude the Holy Bible from use in any public school of this state.

Sec. 19. Human life shall not be imperiled by the practice of dueling; and any citizen of this state who shall hereafter fight a duel, or assist in the same as second, or send, accept, or knowingly carry a challenge therefor, whether such an act be done in the state, or out of it, or who shall go out of the state to fight a duel, or to assist in the same as second, or to send, accept, or carry a challenge, shall be disqualified from holding any office under this Constitution, and shall be disfranchised.

Sec. 20. No person shall be elected or appointed to office in this state for life or during good behavior, but the term of all officers shall be for some specified period.

Sec. 21. The privilege of the writ of habeas corpus shall not be suspended, unless when in the case of rebellion or invasion, the public safety may require it, nor ever without the authority of the legislature.

Sec. 22. No person's life or liberty shall be twice placed in jeopardy for the same offense; but there must be an actual acquittal or conviction on the merits to bar another prosecution.

Sec. 23. The people shall be secure in their persons, houses, and possessions from unreasonable seizure or search; and no warrant shall be issued without probable cause, supported by oath or affirmation, specially designating the place to be searched and the person or thing to be seized.

Sec. 24. All courts shall be open; and every person for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice shall be administered without sale, denial, or delay.

Sec. 25. No person shall be debarred from prosecuting or defending any civil cause for or against him or herself, before any tribunal in the state, by him or herself, or counsel, or both.

Sec. 26. In all criminal prosecutions the accused shall have a right to be heard by himself or counsel, or both, to demand the nature and cause of the accusation, to be confronted by the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and, in all prosecutions by indictment or information, a speedy and public trial by an impartial jury of the county where the offense was committed; and he shall not be compelled to give evidence against himself; but in prosecutions for rape, adultery, fornication, sodomy or the crime against nature the court may, in its discretion, exclude from the courtroom all persons except such as are necessary in the conduct of the trial.

Sec. 27. No person shall for any indictable offense, be proceeding against criminally by information, except in cases arising in the land or naval forces, or the military when in actual service, or by leave of the court for misdemeanor in office; but the legislature, in cases not punishable by death or by imprisonment in the penitentiary, may dispense with the inquest of the grand jury, and may authorize prosecutions before justices of the peace, or such other inferior court or courts as may be established, and the proceedings in such cases shall be regulated by law.

Sec. 28. Cruel or unusual punishment shall not be inflicted, nor excessive fines imposed.

Sec. 29. Excessive bail shall not be required, and all persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses when the proof is evident or presumption great.

Sec. 30. There shall be no imprisonment for debt.

Sec. 31. The right of trial by jury shall remain inviolate, but the legislature may, by enactment, provide that in all civil suits tried in the circuit and chancery court, nine or more jurors may agree on the verdict and return it as the verdict of the jury.

Sec. 32. The enumeration of rights in this constitution shall not be construed to deny and impair others retained by, and inherent in, the people.

Initiatives

Mississippi Secretary of State's Office

ERIC CLARK, Secretary of State

CONTACT: David Blount, 601-359-6342

Initiative Information

The official ballot title and ballot summary for an initiative measure are

prepared by the Mississippi Attorney General's Office. Initiative petitions are valid for one year. According to Mississippi law, for an initiative petition to be sufficient a minimum of 98,336 certified signatures must be gathered; with at least 19,668 certified signatures from each of the five congressional districts. The number of signatures required represents 12% of the total number of votes cast for Governor in the last gubernatorial general election. All signatures on the petition must be certified by county Circuit Clerks as those of registered Mississippi voters. For more information on the initiative process in Mississippi, consult the Mississippi Constitution of 1890, Section 273; and Miss. Code Ann., Sections 23-17-1 through 23-17-61 (1972).

Eric Clark is Mississippi's seventh Secretary of State during the 20th century. After a distinguished career in the Mississippi House of Representatives, he was elected to statewide office in 1995. A native of Smith County born in 1951, Eric Clark has pledged to make the Secretary of State's Office the most "user-friendly" agency in state government. His commitment to courteous, professional state government extends throughout the agency's multi-faceted service to Mississippians. As the state's chief elections officer, Clark has expanded voter education programs and led "Promote the Vote," the most successful student voter project in Mississippi history. He has advocated more complete campaign finance disclosure and the use of technology to fight voter fraud. Clark oversees more than a million acres of state-owned land, including 16th section lands. These lands, set aside at statehood, generate more than \$40 million dollars annually for public education in Mississippi. In addition, Clark serves as trustee of the public trust tidelands on the Gulf Coast. In this capacity, he has pledged to protect and preserve the publicly owned sand beach for all Mississippians and, at the same time, promote responsible economic development. His leadership resulted in the acquisition of more than 4,000 acres of endangered coastal wetlands for permanent preservation and the location of a half billion dollar economic investment on the Gulf Coast. As Secretary of State, Clark's office is the first point of contact for many businesses and industries in Mississippi. To provide more efficient service, Clark overhauled the agency's customer service delivery system. He has also promoted vigorous enforcement of securities fraud provisions and expanded legislation to protect the mission of charitable organizations in Mississippi, so that donors may have confidence their gift goes to those who need it. Prior to his election as Secretary of State, Clark served four terms as a member of the state House of Representatives. He is a member of the Mississippi Economic Council, Mississippi Forestry Association, Mississippi Farm Bureau, and Mississippi Historical Society. He was the 1995 recipient of the American Family Association's God and Country Award. Clark is the son of the late Mr. and Mrs. John S. Clark. His father also served Smith County in the Mississippi House of Representatives, and his mother, Mamie Craft Clark, was a respected community leader. Clark is a graduate of Taylorsville High School. He received a bachelor's degree from Millsaps College, a master's degree from the University of Mississippi, and a doctorate in history from Mississippi State University. A former public school and community college teacher, Clark taught history and government at Mississippi College from 1989-1995. He also manages his family tree farm in Smith County. Eric Clark is married to the former Karan Killebrew. Karan is a registered nurse who grew up in Durant and Forest. They are the parents of two children-Charles, 10, and Catherine, 4. The Clarks are active members of the First Baptist Church of Brandon.

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