

# SENATE JOINT RESOLUTION 5

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By: **Senators Madaleno, Raskin, Conway, Feldman, Kagan, King, Lee, Manno, and Pinsky**

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Assigned to: Education, Health, and Environmental Affairs

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## SENATE JOINT RESOLUTION

1 A Senate Joint Resolution concerning

2 **Constitutional Convention – Amendment – Repeal**

3 FOR the purpose of repealing and withdrawing certain applications to Congress to call a  
4 Constitutional Convention; and urging the legislatures of certain other states to take  
5 certain actions.

6 WHEREAS, The Constitution of the United States has been, since its creation in  
7 1787, the bulwark of American liberty and strength. It was the first written national  
8 Charter to clearly set forth the respective duties and powers of the Chief Executive, the  
9 Legislature, and the Judiciary, and is the basis of America’s checks and balances system of  
10 government, assuring the rule of the majority while protecting the rights of the minority.  
11 It provides for the peaceful resolution of our basic political disputes and allows for an  
12 orderly succession of political leaders without bloodshed or revolution; and

13 WHEREAS, Since its ratification, the Constitution has been amended 26 times, each  
14 time by the proposal of an amendment by the Congress, often on initial petition by the  
15 states and always with subsequent ratification by the requisite number of state  
16 legislatures. Despite wrenching debate, political turmoil, and many grave political and  
17 economic problems – including the Great Depression – our nation has not had another  
18 Constitutional Convention since 1787; and

19 WHEREAS, The first Convention was called to make corrections in the Articles of  
20 Confederation and decided instead to discard that governmental system altogether and  
21 create an entirely new and extremely different one. In recent years, we have heard such  
22 diverse proposals as the elimination of portions of the Bill of Rights or granting the  
23 President the power to dissolve Congress; and

24 WHEREAS, The General Assembly has passed four calls for a Constitutional  
25 Convention since the 1930s. It is generally believed that these calls never expire, and  
26 current generations are now bound by decisions made in a different time and culture. The



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1 need to advance these various policy reforms should be debated anew, and not bind future  
2 generations without any consideration; now, therefore, be it

3       **RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND**, That this body does  
4 hereby rescind, repeal, cancel, void, nullify, and supersede, to the same effect as if they had  
5 never been passed, any and all prior applications by the General Assembly to the Congress  
6 of the United States of America to call a convention to propose amendments to the  
7 Constitution of the United State of America, pursuant to the terms of Article V thereof,  
8 regardless of when and regardless of whether such applications were for a more limited  
9 convention to propose one or more amendments regarding one or more specific subjects and  
10 purposes or for a general convention to propose an unlimited number of amendments upon  
11 an unlimited number of subjects; and be it further

12       **RESOLVED**, That the General Assembly urges the legislatures of each and every  
13 state which has applied to Congress to call a convention for either a general or limited  
14 Constitutional Convention to repeal and withdraw such applications; and be it further

15       **RESOLVED**, That a copy of this Resolution be forwarded by the Department of  
16 Legislative Services to the Honorable Lawrence J. Hogan, Jr., Governor of Maryland; the  
17 Honorable Thomas V. Mike Miller, Jr., President of the Senate of Maryland; and the  
18 Honorable Michael E. Busch, Speaker of the House of Delegates.