

Joint Resolution 2

(Senate Joint Resolution 2)

A Senate Joint Resolution concerning

Constitutional Convention – ~~Amendment~~ Amendments – Repeal

FOR the purpose of repealing and withdrawing certain applications to Congress to call a Constitutional Convention; ~~and~~ urging the legislatures of certain other states to take certain actions; and generally relating to the repeal and withdrawal of certain applications to Congress for a convention to propose amendments to the Constitution of the United States.

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

WHEREAS, Since its ratification, the Constitution has been amended 27 times, each time by the proposal of an amendment by the Congress, often on initial petition by the states and always with subsequent ratification by the requisite number of state legislatures. Despite wrenching debate, political turmoil, and many grave political and economic problems – including the Great Depression – our nation has not had another Constitutional Convention since 1787; and

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

WHEREAS, ~~The~~ Although historical records maintained by the State and the Library of Congress are incomplete and in some instances unclear as to the final disposition of legislation proposed by the General Assembly to initiate a call to Congress for a Constitutional Convention, it is reported that the Maryland General Assembly has passed ~~four~~ several such calls for a Constitutional Convention since the 1930s. These calls include: (1) House Resolution (1939) (unconfirmed) calling for limitations on the federal taxing power; (2) House Joint Resolution 40 (1964) calling for standards concerning the size and boundaries of congressional districts; ~~(2)~~ (3) Senate Joint Resolution 1 (1965) calling for legislative autonomy concerning the apportionment of State legislative bodies; ~~(3)~~ ~~House Joint Resolution 61 (1973)~~ (4) Senate Resolution 47 (1973) (unconfirmed), a memorial from the Senate of Maryland calling for the allowance of school prayer in public schools; and ~~(4)~~ (5) Senate Joint Resolution 4 (1975) calling for a balanced federal budget. It is generally

believed that these calls never expire, and current generations are now bound by decisions made in a different time and culture. The need to advance these various policy reforms should be debated anew, and not bind future generations without any consideration; now, therefore, be it

RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That this body does hereby rescind, repeal, cancel, void, nullify, and supersede, ~~to the same effect as if they had never been passed,~~ any and all prior applications by the General Assembly to the Congress of the United States of America to call a convention to propose amendments to the Constitution of the United ~~State~~ States of America, *whether or not the calls are confirmed by the historical records maintained by the State or the Library of Congress*, pursuant to the terms of Article V thereof, regardless of when and regardless of whether such applications were for a more limited convention to propose one or more amendments regarding one or more specific subjects and purposes or for a general convention to propose an unlimited number of amendments upon an unlimited number of subjects; and be it further

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

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

RESOLVED, That certified copies of this Joint Resolution be sent by the Secretary of State to:

(1) the Honorable Michael R. Pence, Vice President of the United States, President of the United States Senate, Suite S-212, United States Capitol Building, Washington, D.C. 20510; the Honorable Orrin Hatch, President Pro Tempore of the United States Senate, 104 Hart Office Building, Washington, D.C. 20510; and the Honorable Paul D. Ryan, Speaker of the United States House of Representatives, 1233 Longworth House Office Building, Washington, D.C. 20515; and

(2) the Maryland Congressional Delegation: Senators Benjamin L. Cardin and Christopher Van Hollen, Jr., Senate Office Building, Washington, D.C. 20510; and Representatives Andrew P. Harris, C. A. Dutch Ruppersberger III, John P. Sarbanes, Anthony G. Brown, Steny Hamilton Hoyer, John Delaney, Elijah E. Cummings, and Jamie Raskin, House Office Building, Washington, D.C. 20515; and

(3) the Honorable David S. Ferriero, Archivist of the United States, National Archives and Records Administration, 709 Pennsylvania Avenue, N.W., Washington, D.C. 20408; and

(4) the Honorable Julie E. Adams, Secretary of the United States Senate, United States Capitol Building, Suite S-312, Washington, D.C. 20510; the Honorable Elizabeth MacDonough, Parliamentarian of the United States Senate, United States Capitol Building, Suite S-133, Washington, D.C. 20510; the Honorable Karen L. Haas, Clerk of the United States House of Representatives, Suite H-154, United States Capitol Building, Washington, D.C. 20515; and the Honorable Thomas J. Wickham, Jr., Parliamentarian of the United States House of Representatives, Room H-209, United States Capitol Building, Washington, D.C. 20515, requesting that they publish this Joint Resolution in the Congressional Record and list this application in the official tally of state legislative applications that repeal and withdraw any prior application by a state legislature that calls for the Congress of the United States of America to call a convention to propose amendments to the Constitution of the United States, pursuant to the terms of Article V thereof, regardless of when and regardless of whether such applications were for a more limited convention to propose one or more amendments regarding one or more specific subjects and purposes or for a general convention to propose an unlimited number of amendments upon an unlimited number of subjects.

Signed by the President and the Speaker, May 25, 2017.