

SENATE JOINT RESOLUTION 2

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By: **Senators Madaleno, Conway, Feldman, Ferguson, Guzzone, Kagan, Kelley, King, Lee, Manno, McFadden, Pinsky, Rosapepe, Smith, and Zucker**

Introduced and read first time: January 25, 2017

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 2, 2017

RESOLUTION NO. _____

1 A Senate Joint Resolution concerning

2 **Constitutional Convention – ~~Amendment~~ Amendments – 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; and generally relating to the repeal and withdrawal of certain
6 applications to Congress for a convention to propose amendments to the Constitution
7 of the United States.

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

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

21 WHEREAS, The first Convention was called to make ~~corrections in~~ revisions to the
22 Articles of Confederation and decided instead to discard that governmental system
23 altogether and create an entirely new and extremely different one. In recent years, we have

EXPLANATION:

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken by amendment.



1 heard such diverse proposals as the elimination of portions of the Bill of Rights or granting
2 the President the power to dissolve Congress; and

3 WHEREAS, The Maryland General Assembly has passed four calls for a
4 Constitutional Convention since the 1930s. These calls include: (1) House Resolution (1939)
5 calling for limitations on the federal taxing power; (2) Senate Joint Resolution 1 (1965)
6 calling for legislative autonomy concerning the apportionment of State legislative bodies;
7 (3) House Joint Resolution 61 (1973) calling for the allowance of school prayer in public
8 schools; and (4) Senate Joint Resolution 4 (1975) calling for a balanced federal budget. It is
9 generally believed that these calls never expire, and current generations are now bound by
10 decisions made in a different time and culture. The need to advance these various policy
11 reforms should be debated anew, and not bind future generations without any
12 consideration; now, therefore, be it

13 RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That this body does
14 hereby rescind, repeal, cancel, void, nullify, and supersede, ~~to the same effect as if they had~~
15 ~~never been passed,~~ any and all prior applications by the General Assembly to the Congress
16 of the United States of America to call a convention to propose amendments to the
17 Constitution of the United ~~State~~ States of America, pursuant to the terms of Article V
18 thereof, regardless of when and regardless of whether such applications were for a more
19 limited convention to propose one or more amendments regarding one or more specific
20 subjects and purposes or for a general convention to propose an unlimited number of
21 amendments upon an unlimited number of subjects; and be it further

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

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

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

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

37 (2) the Maryland Congressional Delegation: Senators Benjamin L. Cardin
38 and Christopher Van Hollen, Jr., Senate Office Building, Washington, D.C. 20510; and
39 Representatives Andrew P. Harris, C. A. Dutch Ruppertsberger III, John P. Sarbanes,

1 Anthony G. Brown, Steny Hamilton Hoyer, John Delaney, Elijah E. Cummings, and Jamie
2 Raskin, House Office Building, Washington, D.C. 20515; and

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

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

Approved:

President of the Senate.

Speaker of the House of Delegates.