

HJ 0005 Congressional Term Limits Amendment

Unfavorable

Honorable Chairmen and Delegates, I am Pastor David Whitney Senior Instructor at Institute on the Constitution where I teach the only course offered anywhere on the Maryland State Constitution. I had the privilege of developing this course with the help of scholars and attorneys and I have taught this to many citizens in our Old Line State. The Student Manual contains a detailed outline of each of the lectures I deliver along with reading assignment for the student in its 283 pages.

While I applaud every attempt to reign in our Federal government, I oppose this bill as it places us in a greater danger from the Article V Convention which it calls for.

Our Maryland State Constitution begins with a Declaration of Rights which reads,

We, the People of the State of Maryland, grateful to Almighty God for our civil and religious liberty, and taking into our serious consideration the best means of establishing a good Constitution in this State for the sure foundation and more permanent security thereof, declare:

Then Declaration of Rights Article 6 reads,

That all persons invested with the Legislative or Executive powers of Government are the Trustees of the Public, and, as such, accountable for their conduct: Wherefore, whenever the ends of Government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the People may, and of right ought, to reform the old, or establish a new Government; the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish and destructive of the good and happiness of mankind.

Because the people have this right to establish a new Government, a Convention such as this bill calls for is unable to prevent the delegates to that Convention from doing exactly that, forming a new government.

Our Declaration of Independence recognizes that a People have the "self-evident Right" to throw off their government and set up a new government. As a people we have already invoked that Right twice: In 1776 we invoked it to throw off the British Monarchy; and in 1787, James Madison invoked it to throw off our first

Constitution, the Articles of Confederation, and set up a new Constitution [the one we now have] which created a new government.

This is what happened:

There were defects in the Articles of Confederation, so on Feb. 21, 1787, the Continental Congress called a convention to be held in Philadelphia

“for the sole and express purpose of revising the Articles of Confederation”

But the Delegates ignored their instructions from Congress and similar instructions from the States and wrote a new Constitution which created a new Form of government. Furthermore, the new Constitution had its own new mode of ratification: Whereas amendments to the Articles of Confederation had to be approved by the Continental Congress and all of the then 13 States; the new Constitution provided at Article VII thereof, that it would be ratified when only 9 States approved it.

And in Federalist No. 40 (15th para), James Madison, who was a Delegate to the Federal “amendments” Convention of 1787, invoked that same Right as justification for the Delegates’ ignoring their instructions and writing a new Constitution which created a new government.

If we have a convention today, the Delegates will have that same power to get rid of our second Constitution and impose a third Constitution. New Constitutions are already prepared or in the works! One of them, the Constitution for the Newstates of America, is ratified by a national referendum (See Art. XII, §1). The States are dissolved and replaced by regional governments under the new national government.

So why was the convention method added to Article V? The Anti-federalists wanted it added because they wanted another convention so they could get rid of the Constitution just drafted. And James Madison and Alexander Hamilton wanted the Anti-federalists at the convention to sign the proposed Constitution. They also understood that a people have the right to meet in convention and draft a new constitution whether the convention method were in Article V or not. So Madison and Hamilton went along with adding the convention method to Article V; but, as early as April 1788, they and our future first Supreme Court Chief Justice John Jay started warning against another convention.

We can fix the issues we are facing by learning and applying our existing Constitution. There are many more effective means to reigning in the Federal Government that are contained in our State Constitution. As Senior Instructor I would like to offer our Maryland Constitution Course free to any elected or appointed official in Maryland.

I ask for an unfavorable report on this bill JH0005.

Thank you.

