

HOUSE JOINT RESOLUTION 2

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By: **Delegates Frick, Barkley, B. Barnes, Barve, Clippinger, Cullison, Haynes, Hixson, C. Howard, Kaiser, Korman, McIntosh, A. Miller, Pendergrass, Platt, Reznik, Rosenberg, Turner, and Vallario**

Introduced and read first time: January 23, 2017

Assigned to: Rules and Executive Nominations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 27, 2017

RESOLUTION NO. _____

1 A House 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

EXPLANATION:

Underlining indicates amendments to bill.

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



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1 altogether and create an entirely new and extremely different one. In recent years, we have
2 heard such diverse proposals as the elimination of portions of the Bill of Rights or granting
3 the President the power to dissolve Congress; and

4 WHEREAS, ~~The~~ Although historical records maintained by the State and by the
5 Library of Congress are incomplete and in some instances unclear as to the final disposition
6 of legislation proposed by the General Assembly to initiate a call to Congress for a
7 Constitutional Convention, it is reported that the Maryland General Assembly has passed
8 ~~four~~ several such calls for a Constitutional Convention since the 1930s. These calls include:
9 (1) House Resolution (1939) (unconfirmed) calling for limitations on the federal taxing
10 power; (2) House Joint Resolution 40 (1964) calling for standards concerning the size and
11 boundaries of congressional districts; (3) Senate Joint Resolution 1 (1965) calling for
12 legislative autonomy concerning the apportionment of State legislative bodies; (4) Senate
13 Resolution 47 (1973) (unconfirmed), a memorial from the Senate of Maryland calling for
14 the allowance of school prayer in public schools; and (5) Senate Joint Resolution 4 (1975)
15 calling for a balanced federal budget. It is generally believed that these calls never expire,
16 and current generations are now bound by decisions made in a different time and culture.
17 The need to advance these various policy reforms should be debated anew, and not bind
18 future generations without any consideration; now, therefore, be it

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

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

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

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

39 (1) the Honorable Michael R. Pence, Vice President of the United States,
40 President of the United States Senate, Suite S-212, United States Capitol Building,
41 Washington, D.C. 20510; the Honorable Orrin Hatch, President Pro Tempore of the United

1 States Senate, 104 Hart Office Building, Washington, D.C. 20510; and the Honorable Paul
2 D. Ryan, Speaker of the United States House of Representatives, 1233 Longworth House
3 Office Building, Washington, D.C. 20515; and

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

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

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

Approved:

Speaker of the House of Delegates.

President of the Senate.