

February 8, 2017

TO: The Honorable Michael Busch
Speaker of the Maryland House of Delegates

The Honorable Thomas Miller
President of the Maryland Senate

Thank you for your leadership stepping Maryland away from a dangerous constitutional crisis. We were pleased to hear your commitment today to rescinding Maryland's calls for a constitutional convention, and look forward to working with you to ensure that the resolutions (HJ2/SJ2) pass quickly this session.

The threat of calling a constitutional convention is more real than ever before. Article V convention proponents appear to be dangerously close to calling a constitutional convention to enact a balanced budget amendment (BBA), opening the constitution to a wide range of harmful changes. This would be the first constitutional convention since the original convention took place in 1787. In order to prevent this development from occurring and putting all of our constitutional rights and protections up for grabs, the Maryland legislature can and should take immediate steps to rescind its past calls for an Article V convention by passing HJ 2/SJ 2.

Under Article V of the U.S. Constitution, a convention can be called when two-thirds of the states (34) petition for a convention to enact amendments to the constitution. States can also rescind their calls by voting to rescind in the state legislature. Article V and BBA proponents claim that 28 states now have active applications to call an Article V convention specifically to enact a balanced budget amendment. They include Maryland in their list of 28 active applications because the state legislature passed a resolution calling for an Article V convention for a balanced budget amendment in 1975, more than 40 years ago.

Just six states short of reaching the constitutionally-required 34 states to call a convention, Article V and BBA advocates are targeting nine states in 2017 with Republican-controlled state legislatures to pass this measure: Arizona, Idaho, Kentucky, Minnesota Montana, South Carolina, Virginia, Wisconsin, and Wyoming. If six of these states pass the resolution, a very real possibility in the coming weeks and months, Article V advocates may well succeed in convincing Congress that the 34-state threshold has been met, and a convention must be called. Therefore, rescinding resolutions passed previously by a state is a high priority in order to prevent a runaway constitutional convention.

An Article V convention is a dangerous threat to the U.S. Constitution, our democracy, and our civil rights and liberties. There is no language in the U.S. Constitution to limit a convention to one issue and it is widely understood that a convention once called will be able to consider any amendments to the constitution that the delegates want to consider. There are also no guidelines or rules to govern a

convention. Due to the lack of provisions in the constitution and lack of historical precedent, it is unknown how delegates to a convention would be picked, what rules would be in place, what would happen in the case of legal disputes, what issues would be raised, how the American people would be represented, and how to limit the influence of special interests in a convention. Because there is no way to limit a convention's focus, any constitutional issue could be brought up, including marriage equality, civil rights and civil liberties, voting rights, privacy rights, among others.

The Maryland legislature can help stop this dangerous threat to our constitutional rights and protections from taking place. State legislatures that have passed Article V calls can and have rescinded them. The Delaware legislature, for example, rescinded its call for an Article V convention for a balanced budget amendment in the 2016 legislative session with bipartisan support.

The undersigned organizations strongly urge the Maryland legislature to rescind their 1975 call for a constitutional convention on a balanced budget amendment by passing HJ 2/SJ 2 in order to prevent all of our constitutional rights and privileges from being put at risk and up for grabs.

Thank you for your leadership on this important matter.

Sincerely,

American Civil Liberties Union of Maryland
American Federation of State, County and Municipal Employees (AFSCME)
AFSCME Council 3
AFSCME Council 67
AFSCME Maryland Retirees Chapter 1
ACE-AFSCME Local 2250
Brennan Center for Justice
Center on Budget and Policy Priorities
Citizens for Responsibility and Ethics in Washington (CREW)
Coalition on Human Needs
Common Cause
Common Cause Maryland
Communications Workers of America (CWA)
Democracy 21
Disability Rights Maryland
Easterseals
Economic Policy Institute Policy Center
Homeless Persons Representation Project
League of Women Voters of Maryland
League of Women Voters of the United States
Maryland Center on Economic Policy
Maryland Hunger Solutions
Maryland State and District of Columbia AFL-CIO
Maryland State Education Association
National Association of Social Workers
National Association of Social Workers – Maryland Chapter

National Disability Rights Network
National Education Association (NEA)
National WIC Association
National Women's Law Center
People For the American Way
Public Justice Center
Service Employees International Union (SEIU)
SEIU 1199
SEIU Local 32BJ
SEIU Local 500
SiX Action
The Arc of the United States
The Veterans Health Council
Vietnam Veterans of America
Women's Law Center of Maryland, Inc.

CC:

Chairwoman Carter-Conway

Chairwoman Kaiser

Senator Madaleno

Delegate Frick