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Stop South Carolina Federal Constitutional Convention Resolutions

URGENT: The state House has voted to override Governor Henry McMaster's veto of Con-Con delegate bill H.3558. Now, the Senate is considering whether to also override his veto. *Contact your senator, and urge him or her to sustain McMaster's veto and oppose any veto override of H.3558.*

Members of the South Carolina General Assembly are seeking to pass a resolution applying to Congress to "call a Convention for proposing Amendments," under Article V of the Constitution, otherwise known as a federal constitutional convention (Con-Con) or "convention of the states," as some erroneously refer to it.

House Concurrent Resolution 3007 (H.3007) and Senate Concurrent Resolution 245 (S.245) would apply to Congress for a convention to propose a so-called "Balanced Budget Amendment." Additionally, Senate Concurrent Resolution 105 (S.105) and House Concurrent Resolution 3008 (H.3008) would apply to Congress for a convention to propose a congressional term-limits amendment.

Additionally, House Bill 3558 (H.3558) has been introduced; it would create guidelines to regulate the conduct of delegates to a convention. **H.3558 would be completely useless at preventing a runaway convention** — for example, it doesn't regulate delegates from other states, and it doesn't prevent delegates from proposing an entirely new constitution (in the 1787 Convention, states also attempted to limit delegates' authority). The bill would merely create a false sense of security that a convention will not get out of control.

When speaking to your legislators, emphasize the following irrefutable facts about an Article V convention for proposing amendments:

1. There is no constitutional authority for a limited convention.
2. There is no guidance on how delegates would be selected.
3. There is no guidance on who could qualify as a delegate.
4. There is no guidance on how many delegates each state could send.

5. There is no provision for stopping a runaway convention.
6. There is no provision for how rules would be established.
7. There is no provision for how rules would be enforced.
8. There is no role provided for the people to play in the process.
9. There is no power provided for the people to stop a convention once it starts.
10. There is no description of the ratification conventions Congress could choose to call.
11. There are no rules governing the ratification conventions Congress could choose to call.
12. There is no means provided for either the states or the people to challenge Congress's choice of the method of ratification.
13. There is no test provided for a qualifying application submitted by a state.
14. The acceptance by one Congress of a state application for a convention does not bind subsequent Congresses from accepting that application.
15. Application for a convention submitted by one state legislature does not prevent subsequent state legislatures from revoking the previous application.
16. All these issues would be challenged in court and would take years to be decided.
17. The issues to be addressed at a convention to propose amendments would likely be moot by the time the challenges reached the U.S. Supreme Court for final adjudication.
18. If 100 percent of registered voters opposed an amendment proposed by a convention, but the requisite number of state legislatures or ratifying conventions (according to the process determined by Congress for consideration of proposed amendments) supported it, then that amendment would become part of the Constitution regardless of the will of the people.
19. The same scenario is true if a proposed amendment were approved by 100 percent of registered voters but rejected by the ratification conventions or state legislatures (according to the process determined by Congress for consideration of proposed amendments).

An Article V convention possesses the inherent power to propose ***any*** changes to the U.S. Constitution, including drafting and proposing an entirely new "modern" (i.e. socialist) constitution. Instead, ***the South Carolina General Assembly should consider Article VI and nullify unconstitutional laws.***

Furthermore, ***state lawmakers should also consider rescinding any and all previously passed Article V convention applications to Congress, regardless of the desired amendment(s).*** Passing rescission resolutions will help prevent aggregating past Article V convention applications with those from other states to force Congress to call a convention.

ABOVE ALL, urge your state senator to defeat H.3007, S.245, S.105, H.3008, and H.3558; and to instead rescind every existing Con-Con application and consider nullification as a safe and constitutional means to actually limit government.

The Harsh Reality of a "Convention of States"