The John Birch Society
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Date: January 12, 2026



Support Missouri Con-Con Rescission Resolution HCR 26

Members of the Missouri General Assembly are attempting to pass a resolution that would rescind every live application to Congress calling for a convention to propose amendments, under Article V of the Constitution, otherwise known as a constitutional convention (Con-Con) or a "convention of states."

House Concurrent Resolution No. 26 (HCR 26), authored by Representative Elizabeth Fuchs (D-St. Louis), would, if enacted, "rescind, nullify, cancel, supersede, and render null and void all resolutions and applications previously made by the Missouri General Assembly for the United States Congress to call a convention for proposing amendments to the United States Constitution."

The resolution correctly notes the dangers of an Article V constitutional convention:

> WHEREAS, calls for an Article V Convention have been based on a single issue, such as the balanced budget amendment, but there is legal disagreement on whether a convention called by state legislatures would be legally bound to limit discussion to a single issue; and
>
> WHEREAS, such a convention could have the power to propose anything it sees fit, opening the door for changes to the United States Constitution that may be harmful to United States citizens.

HCR 26 is correct. Any Article V convention, no matter how well intentioned, could lead to a runaway convention and reverse many of the Constitution's limitations on government power and interference. In other words, **a Con-Con could accomplish the same goals that many of its advocates claim to be fighting against.** As evidence, both a 2016 and 2023 simulated "Convention of States" resulted in amendments massively increasing the federal government and expanding its spending powers.

Additionally, in the last years of his life, the late Justice Antonin Scalia stood opposed to an Article V convention.

Asked about it in a 2015 interview, he remarked that **“This is not a good century to write a constitution.”** Furthermore, ***what kind of delegates would Missouri send to such a convention? Constitutionalist conservatives or RINO moderates and liberals?***

On December 9, 2021, constitutionalist U.S. Representative Thomas Massie (R-Ky.), warning against a Con-Con, tweeted:

> Show me a single state where Constitutionalists comprise a majority of the state legislature.
>
> At this point in history, an Article V Convention of the States would be a disaster.

In 1979, then-U.S. Senator Barry Goldwater of Arizona, correctly warned about an Article V convention:

> If we hold a constitutional convention, every group in the country — majority, minority, middle-of-the-road, left, right, up, down — is going to get its two bits in and we are going to wind up with a constitution that will be so far different from the one we have lived under for 200 years that I doubt that the Republic could continue.

An Article V constitutional convention is unnecessary to protect individual liberty and limit the size and scope of government. If anything, a constitutional convention would more than likely ***undermine those protections and increase the size and scope of the federal government*** rather than impose any meaningful limitations on its jurisdiction, as the resolution purportedly seeks to accomplish. The massive expansion of government and growing infringements on our liberties are not because of “problems” or “flaws” with the Constitution, but rather due to misinterpretation, wrongful application, or lack of enforcement altogether. If applied faithfully and accurately, in accordance with its original meaning, at least 80 percent of the federal government’s programs would likely be found unconstitutional. This fact negates any reason for convening an Article V convention today. The correct solution is constitutional enforcement, not a constitutional convention.

Rather than passing Article V convention applications, which risk a runaway convention threatening our God-given rights and individual liberty, ***the Legislature should consider Article VIand nullify unconstitutional laws.*** Above all, **urge your state representative and senator to support HCR 26, rescind all Article V convention applications, and to consider nullification as a safe and constitutional means to limit government instead.**

Robert Brown: The Harsh Reality of a “Convention of States”