

Support Rhode Island Con-Con Rescission Resolutions H7792 and S2954

URGENT: The Rhode Island Senate Judiciary Committee has scheduled a hearing for Con-Con rescission resolution S2954 on Thursday, May 21, at 4:00 p.m. *The hearing will take place in Room 313 of the State House.*

The John Birch Society encourages you to attend this hearing and/or submit written testimony in support of S2954. To submit written testimony, contact Adriana Carlucci, the committee clerk at 1-401-222-2381 or SenateJudiciary@rilegislature.gov before 3:00 p.m. on Thursday.

Additionally, please contact the following committee members, and urge them to support S2954:

- *Chair* Sen. Matthew L. LaMountain (D), sen-lamountain@rilegislature.gov
- *Vice Chair* Sen. Mark P. McKenney (D), sen-mckenney@rilegislature.gov
- Sen. Jacob Bissaillon (D), sen-bissaillon@rilegislature.gov
- Sen. John P. Burke (D), sen-burke@rilegislature.gov
- Sen. Andrew R. Dimitri (D), sen-dimitri@rilegislature.gov
- Sen. Dawn Euer (D), sen-euer@rilegislature.gov
- Sen. Thomas J. Paolino (R), sen-paolino@rilegislature.gov
- Sen. Todd M. Patalano (D), sen-patalano@rilegislature.gov
- Sen. Ana B. Quezada (D), sen-quezada@rilegislature.gov
- Sen. Leonidas P. Raptakis (D), sen-raptakis@rilegislature.gov

Members of the Rhode Island 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 Joint Resolution 7792 (H7792) is sponsored by Representative Arthur Handy (D-Cranston) and co-

sponsored by seven other representatives, while Senate Joint Resolution 2954 (S2954) is sponsored by Senator Mark McKenney (D-Warwick) and four other senators. If enacted, they would formally declare:

> That the Rhode Island General Assembly hereby rescinds, repeals, cancels, nullifies and supersedes any and all prior applications to the Congress of the United States to call for a convention for the purpose of proposing amendments to the United States Constitution pursuant to Article V of the United States Constitution, regardless of when such applications were adopted and regardless of whether such applications were for a more limited convention to propose one or more amendments regarding one or more specific subjects and purposes or for a general convention to propose an unlimited number of amendments upon an unlimited number of subjects, and regardless of whether the applications are expressly identified in this resolution or confirmed by the historical records maintained by the Rhode Island General Assembly or the Library of Congress.

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, **"This is not a good century to write a constitution."** Furthermore, ***what kind of delegates would Rhode Island 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 General Assembly should consider Article VI and nullify unconstitutional laws.*** Above all, **urge your state legislators to support H7792 and S2954, 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”