



## URGE THE SOUTH CAROLINA GENERAL ASSEMBLY TO: **SUPPORT CON-CON RESCISSION RESOLUTION H.3395**



## Support South Carolina Con-Con Rescission Resolution H.3395

Members of the South Carolina General Assembly are attempting to pass a resolution to rescind every live application to Congress calling for a convention to propose amendments, under [Article V](#) of the Constitution, otherwise known as a federal [constitutional convention](#) (Con-Con).

House Joint Resolution 3395 ([H.3395](#)) is [sponsored](#) by Representative Steven Long (R-Spartanburg) and three other representatives. If enacted, it would rescind every live, or extant, application by the General Assembly for an Article V constitutional convention.

H.3395 declares:

The General Assembly of South Carolina shall rescind, repeal, cancel, nullify, and supersede to the same effect as if they had never been passed, any and all extant applications by the General Assembly to the Congress of the United States of America to call a convention to propose amendments to the Constitution of the United States of America, pursuant to the terms of Article V thereof, regardless of when or by which session or sessions of the General Assembly such applications were made and regardless of whether such applications were for a limited convention to propose one or more amendments regarding one or more specific subjects or purposes or for a general convention to propose an unlimited number of amendments upon an unlimited number of subjects.

**Notably, this would not be South Carolina's first instance of rescinding previous Con-Con applications. In 2004, the General Assembly enacted [H.3400](#).** This resolution declared, in part:

[T]he Constitution of the United States of America has been amended many times in the history of this nation and may be amended many more times, without the need to resort to a constitutional

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convention, and has been interpreted for more than two hundred years and has been found to be a sound document which protects the lives and liberties of the citizens[.]

[T]here is no need for, rather, there is great danger in, a new constitution or in opening the Constitution to sweeping changes, the adoption of which would only create legal chaos in this nation and only begin the process of another two centuries of litigation over its meaning and interpretation.

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, a 2016 Convention of States (COS) [controlled simulation](#) 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 South Carolina 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 Constitutionlists 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.

In addition to its unpredictable nature, **an Article V convention also threatens U.S. national security.** In 1984, when the U.S. was only two states away from Congress calling a federal constitutional convention under the guise of proposing a balanced budget amendment to the Constitution, former U.S. Secretary of Defense Melvin Laird [wrote an op-ed](#) warning of the perils convening a convention. Secretary Laird correctly noted that such a convention's "scope and authority aren't defined or limited by the Constitution." Of the implications of holding such a convention, Laird warned:

If a convention were called, our allies and foes alike would soon realize the new pressures imposed upon our republic. The mere act of convening a constitutional convention would send tremors throughout all those economies that depend on the dollar. It would undermine our neighbors' confidence in our constitutional integrity and would weaken not only our economic stability but the stability of the free world. That's a price we cannot afford.

Both Goldwater and Laird considered an Article V Convention threatening to the continuity of the United States' republican form of government. It would be foolhardy and downright reckless to disregard these and other legitimate concerns.

An Article V constitutional convention is unnecessary to protect individual liberty and limit the size and scope of

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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 representative and senator to support H.3395, rescind all Article V constitutional convention applications, and to [consider nullification](#) as a safe and constitutional means to limit government instead.**