



South Carolina Applies for Risky Article V Convention

South Carolina has become the latest state to lend its support for opening the U.S. Constitution to radical revisions that could obliterate the God-given freedoms that it guarantees.

On Wednesday, Governor Henry McMaster [signed](#) into law [H.3205](#). This joint resolution follows the wording of Mark Meckler's vaguely worded Convention of States Project, or COS Project, application urging Congress to call a convention to propose amendments "that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress."



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Prior to its signing, H.3205 had been [passed 66-42](#) by the state House and [27-13](#) by the state Senate. It received a final [House vote](#) before being sent to McMaster.

In his [signing statement](#), McMaster lamented the "unprecedented expansion in the size and scope of this federal government" and claimed that "the time has come to utilize the mechanism expressly available to the States in Article V, often called a 'Convention of States.'" He also noted, and dismissed, "Serious concerns ... about the potential consequences of convening an Article V Convention."

However, as *The New American* has [previously noted](#), an Article V convention poses a [serious threat](#) to the Constitution and the God-given liberties and limited government it guarantees.

For example, a [runaway convention](#) is a real possibility. The 1787 Constitutional Convention, the only precedent for a nationwide convention, was originally convened to amend the Articles of Confederation, with most states restricting their delegates from making more significant changes. However, not only did the convention result in a brand-new constitution, but it also changed the mode of ratification.

Any new or revised Constitution is sure to further expand the size, scope, and power of the federal government and constitutionalize federal actions that are presently unconstitutional. This is exactly what resulted from a 2016 COS-organized [controlled simulation](#), despite 97 percent of the delegates — handpicked by COS — being Republican state legislators.

One can understand why the late Supreme Court Justice Antonin Scalia, speaking in 2015, [warned against](#) an Article V convention by stating "this is not a good century to write a constitution."

Nullification Is the Solution

Despite (accurately) lamenting the massive unconstitutional expansion of the federal government, Governor McMaster ignored a much more effective solution free of the serious risks of a convention: [Enforcing the Constitution](#) through nullification.

Nullification is firmly grounded in the text of the U.S. Constitution, specifically [Article VI](#). It states:



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“This Constitution, and the Laws of the United States *which shall be made in Pursuance thereof* ... shall be the supreme Law of the Land.” (Emphasis added.) This clearly implies that laws not in accordance with the Constitution are null and void.

Additionally, the [10th Amendment](#) makes clear that all powers not granted by the Constitution to the federal government are reserved to the states and to the people. By enforcing this important constitutional provision alone, the states can push back against a significant amount of federal overreach.

In addition to being constitutionally sound, nullification is effective. [As The John Birch Society notes](#), at least 80 percent of current federal spending and programs is unconstitutional. Additionally, it would have an immediate effect and is not dependent upon approval by the federal judiciary. Thus, unlike an Article V convention, nullification can immediately push back against significant portions of federal government overreach.

Just in the last two years, multiple nullification bills have been introduced — with some being enacted — throughout the United States. These include legislation to rein in unconstitutional [spending](#), [foreign wars](#), [gun control](#), pro-abortion [court rulings](#), and [vaccine mandates](#). Rather than applying for a risky Article V convention, Governor McMaster and the South Carolina General Assembly would be wise to enact — and boldly enforce — pieces of legislation such as these.

Success Against the Con-Con

Despite South Carolina’s application for a convention, other states have defeated and even rescinded calls for a convention.

Most recently, on April 8, Illinois enacted a [joint resolution](#) rescinding all of its previously passed and, therefore, currently outstanding (or “live”) applications.

Among the rescinded applications are an 1861 Illinois application related to preventing the Civil War. Advocates for a deceptive Balanced Budget Amendment (BBA) Con-Con had been pushing to use this and other [unrelated state applications](#) as the basis for a BBA convention. Other rescinded applications included one effectively calling for [weakening](#) the Electoral College, while another called for [directly limiting](#) the First Amendment’s free-speech protections.

This is not the only recent victory. In December 2021, New Jersey [rescinded](#) all its Article V convention applications. In total, an estimated eight applications — which also included an anti-First Amendment application and an 1861 application to prevent the Civil War — were rescinded.

Additionally, new Con-Con resolutions have been defeated so far this year in South Dakota and Wyoming, among other states.

To secure even more victories against the Con-Con — and to fully safeguard the Constitution and our God-given liberties — it is necessary to educate legislators and the public [about the Constitution](#) and the [principles of liberty](#). As The John Birch Society has been saying for decades, [education is the solution](#), and as Robert Welch wrote, “education is our total strategy, and truth is our only weapon.”

To urge your state legislators to oppose resolutions applying for an Article V Con-Con, visit The John Birch Society’s legislative alert [here](#).



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