



Written by [Peter Rykowski](#) on May 3, 2023

Resolutions to Rescind Con-Con Applications Introduced in Alabama

Resolutions rescinding 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), have been introduced in the Alabama Legislature.

House Joint Resolution 104 ([H.J.R. 104](#)) is sponsored by Representative Ben Harrison (R-Athens), while Senate Joint Resolution 57 ([S.J.R. 57](#)) is sponsored by Senator Joshua Carnley (R-Ino). If enacted, they would rescind “each and every previous resolution passed by the Alabama Legislature which requests or urges the Congress of the United States to call a constitutional convention pursuant to Article V of the United States Constitution.”



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H.J.R. 104 and S.J.R. 57 note that the U.S. Constitution “has served as the cornerstone of American liberty since its creation in 1787,” and that “the powers delegated by the Constitution of 1787 to the federal government are few and defined, and our problems arise from not knowing and not enforcing those existing limitations on the federal government.”

The resolutions go on to outline multiple reasons why an Article V constitutional convention is dangerous and could become a runaway convention, concluding that:

A constitutional convention called by Congress could result in the imposition of a new constitution with its own new mode of ratification, which could fundamentally transform our country by establishing a new system of government which denies the existence of unalienable, God-given rights and establishes a tyranny, thereby denying liberty to future generations of Alabama residents....

H.J.R. 104 and S.J.R. 57, along with their drafters, are 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, 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.”

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



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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.

Both Scalia and Goldwater believed an Article V convention would threaten 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 not necessary to protect individual liberty and limit the size and scope of government. If anything, a Con-Con would undermine current protections and increase the size and scope of the federal government, rather than impose any meaningful limitations on its jurisdiction.

The massive expansion of government and growing infringements on our liberties are not because of “problems” with or “flaws” in the Constitution, but rather due to misinterpretation, wrongful application, or lack of enforcement altogether. If evaluated faithfully and accurately in accordance with the Constitution's 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 liberties, state legislators would be wise to instead [nullify unconstitutional federal laws](#) — a safe and constitutional means to limit government — under [Article VI](#) of the Constitution.

Alabama residents can contact their legislators in support of H.J.R. 104 and S.J.R. 57 by visiting The John Birch Society's legislative alert [here](#). Others can urge their state legislators to oppose an Article V constitutional convention by visiting JBS's 50-state alert [here](#).



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