



URGE THE NORTH DAKOTA LEGISLATURE TO:
**RESCIND ALL PREVIOUSLY PASSED
ARTICLE V CON-CON APPLICATIONS**



Support North Dakota Con-Con Rescission Resolution SCR 4003

Members of the North Dakota Legislative 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).

Senate Concurrent Resolution No. 4003 ([SCR 4003](#)) is introduced by state Senators David Clemens (R-West Fargo) and Cole Conley (R-Jamestown), along with Representatives Jeff Hoverson (R-Minot) and Daniel Johnston (R-Kathryn). If enacted, it would rescind “all extant applications by the North Dakota Legislative Assembly to Congress” for an Article V constitutional convention.

SCR 4003 notes that the U.S. Constitution “has been amended many times” without need of a Con-Con, and that it “is a sound document that protects the lives and liberties of its citizens.” Warning against a Con-Con, it declares:

[T]here is no need to subject our form of government, which is based on the Declaration of Independence and the United States Constitution, to sweeping changes that would undermine the philosophical foundation of instituting government based on the principle of securing God-given rights.

Furthermore, SCR 4003 declares that “the best solution for reining in the federal government is an informed electorate who will hold public officials accountable to the existing United States Constitution with its principles of limited government rather than risking the results of an Article V convention.”

SCR 4003 and its 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

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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 North Dakota 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 Constitutionals 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 Legislative Assembly should consider [Article VI](#) and nullify unconstitutional laws.** Above all, **urge your state representative and senator to support SCR 4003, 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"