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TESTIMONY: S. 133 BEFORE THE CONSTITUTIONAL LAWS SUBCOMMITTEE OF THE HOUSE JUDICIARY COMMITTEE  
April 26, 2022

The League of Women Voters of South Carolina opposes S. 133, as we have opposed other similar bills. These include H. 3205, which has passed and was signed by the Governor. These resolutions put our nation and our state at risk because it puts the United States Constitution at extreme risk. Article V of our Constitution would allow a convention called under its authority to fundamentally alter our nation.

Although supporters of the Convention of States effort (CoS) like to portray Article V the convention process as one in which states define both process and scope, many respected experts do not agree. Those who raise questions about this include the Congressional Research Service (CRS), which has produced multiple reports on questions surrounding Article V, especially those involving the role of Congress.<sup>1 2 3</sup> These assessments by CRS and others by independent constitutional scholars (for example, the American Bar Association<sup>4</sup> and the Center for Budget and Policy Priorities<sup>5</sup>) make it clear that the convention process is shrouded in legal and political uncertainties.

This resolution is promoted by wealthy special interests, people who want the power to do as they please without federal intervention to protect our environment, consumers, employees, or the basic civil rights that our Constitution guarantees. It gains grassroots support from people who believe that the resulting constitutional changes would only alter the things about government that they don't like, without acknowledging the very real danger to federal protections and programs that they rely on every day.

The League agrees that the federal deficit should be reduced. However, "fiscal responsibility" as used here is intended to require cutting government without raising taxes on the wealthy and corporations, beneficiaries of multiple substantial tax cuts over recent decades that have contributed massively to the current federal deficit. The promised "trickle down" benefits to the general economy have not materialized, while middle class taxpayers send a higher proportion of their income to the federal government than many billionaires do. Instead of contributing to general economic well-being, we have seen stock buybacks and near-oligarchs using their massive financial resources to finance political action.

If successful, spending restraint at the levels sought by supporters of this resolution would end or severely cut agricultural subsidies, funds for dredging Charleston Harbor or renourishing beaches, and Social Security and Medicare. South Carolina receives far more money from the federal government than we send to Washington, and there is no way that our state could replace what we now receive. Our state and its people would face an economic crisis of massive proportions.

Further, "limiting the power and jurisdiction the federal government" doesn't just mean, as some would like to

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<sup>1</sup> "The Article V Convention for Proposing Constitutional Amendments: Historical Perspective for Congress," Congressional Research Service. Updated October 22, 2012. <https://crsreports.congress.gov/product/pdf/R/R42592>. Accessed 20 Mar 2021.

<sup>2</sup> Thomas H. Neale, "The Article V Convention to Propose Constitutional Amendments: Contemporary Issues for Congress." Congressional Research Service, March 29, 2016. <https://sgp.fas.org/crs/misc/R42589.pdf>.

<sup>3</sup> Thomas H. Neale, "The Article V Convention to Propose Constitutional Amendments: Current Developments." Congressional Research Service. November 15, 2017. <https://fas.org/sgp/crs/misc/R44435.pdf>

<sup>4</sup> American Bar Association, Special Constitutional Convention Study Subcommittee, Amendment of the Constitution by the Convention Method under Article V (Chicago (?): American Bar Association, 1974)

<sup>5</sup> Michael Leachman & David A. Super, "States Likely Could Not Control Constitutional Convention on Balanced Budget Amendment and Other Issues," Center for Budget and Policy Priorities, July 6, 2014, <http://www.cbpp.org/sites/default/files/atoms/files/7-16-14sfp.pdf>.

think, an end to federal protection of social justice rights supported by progressives. Independent constitutional experts agree that it would put free speech and gun rights and religious freedom at risk. Weakening or removing the Commerce Clause of the Constitution, as supporters have said they wish to do, would endanger the orderly conduct of business between states and with other countries. It could expose us to uncontrolled release of toxins into our air and water by those who value their own profits above not just our quality of life but above our lives. It could permit the sale of vehicles or medicine or children's toys that are unsafe and would endanger us.

Supporters of these resolutions argue that the need to submit amendments proposed by a convention to the states for approval is adequate protection. It isn't. Amendments generated by a convention would be sold to the public and to state legislators with vast amounts of dark money advertising and lobbying. The slogans to sell those amendments would be as seductive as those used to sell this dangerous resolution.

The League of Women Voters of South Carolina asks this subcommittee not to give a favorable report to S. 133.

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