



Written by [Joe Wolverton, II, J.D.](#) on March 17, 2025

## “Festina Lente” — or, More Accurately, “Festina Dementia”: A Constitutional Rebuke to COS’s Article V Fairy Tale

The Convention of States (COS) movement, like a desperate salesman pushing a defective product, is back again — peddling platitudes wrapped in misinterpretations of history and constitutional law, hoping that repetition will substitute for reason. Their [latest screed](#), brimming with rhetorical fluff and historical malpractice, demands a thorough and unflinching rebuttal.

Let us begin where they do — with a smug sneer toward the legislators in Idaho who, in a moment of constitutional clarity, refused to swallow the Article V bait. COS calls their opposition “wildly audacious” and “jaw-droppingly ignorant.” In truth, it is COS that exhibits audacity. They pretend that they are the heirs of Madison and Mason while they trample upon the very principles those men fought to preserve.



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### The Runaway Convention: Not a Canard, but a Constitutional Certainty

COS loves to mock the so-called “canard” that a convention could “open up the Constitution to ruin.” But history is not on their side — it is, in fact, their greatest accuser.

In 1787, the delegates were sent to amend the Articles of Confederation, not to draft a new charter. They exceeded their mandate. The result was a new Constitution — yes, a great achievement. But that meeting set the precedent COS now conveniently ignores: A convention, once convened, is sovereign unto itself. It is not bound by prior resolutions, however “faithfully” drafted. There is no constitutional mechanism to enforce a pre-set agenda or to prevent wholesale rewriting of our founding document.

Even Justice Antonin Scalia — a man not known for constitutional timidity — [warned of this danger](#). In a 2014 address, Scalia said:

“I certainly would not want a constitutional convention. ... Who knows what would come out of that?”

Then, in a meeting of the Federalist Society held in New Jersey in 2015, Scalia called it a “horrible idea” to hold a constitutional convention in an era where politics are monopolized by deep-pocketed influence peddlers.

“Once you get those people together, you never know what they’re going to do,” he said. “You’ll get everything, but the kitchen sink written into the Constitution.”



## Mason's Letters: Cherry-picked and Twisted

If COS is so committed to “limited government,” they should heed the caution of one of the greatest champions of limited government.

COS, in a rather forced attempt at scholarly flair, invokes George Mason's correspondence lamenting the slow progress of the 1787 Convention. They quote his phrase *Festina lente* — “make haste slowly” — as a rallying cry for their cause. But they fail to mention that Mason refused to sign the Constitution precisely because it lacked sufficient safeguards against federal overreach. Mason's true concern was too much power, not too little.

More telling still, it was George Mason who insisted that the Constitution include a Bill of Rights. In fact, if the Convention of 1787 had *not* been a constitutional convention — as COS claims — then the Bill of Rights wouldn't exist. They were ratified as amendments to the new Constitution created in Philadelphia!

The very article they rely on for the support of their cause exists *only* because the Convention of 1787 exceeded its mandate and created a new Constitution, of which Article V is a part!

Moreover, it was Mason who feared centralization and executive aggrandizement. If Mason were alive today, he'd be more likely to oppose a modern convention. He would know full well that opening the document now would risk empowering the very forces he opposed in 1787.

## Article V: A Shield, Not a Sword

COS claims the Founders gave us Article V so the states could “check the federal government.” That is only partially true — and it is a dangerous half-truth.

The real check on federal overreach is the Tenth Amendment, the structure of federalism, and state nullification — not constitutional roulette with a 21st-century convention. The states already have the power to interpose, to refuse compliance with unconstitutional acts, to nullify federal usurpation without the need to tear open the Constitution and hope for the best.

Madison warned in *Federalist 49* that frequent appeals to constitutional amendments would “deprive the government of that veneration, which time bestows on everything.” The solution to unconstitutional behavior is obedience to the Constitution, not revision of it.

## The False Promise of “Control”

COS assures us that everything will be orderly, that delegates will be faithful, that the Constitution won't be endangered. But they cannot guarantee *a single one* of those claims. Article V outlines no rules, no delegate selection process, no scope limitations, and no enforcement mechanism. Once the convention opens, it is a blank slate — just as it was in 1787.

And if COS had even a modicum of constitutional humility, they would recognize this fact and admit: You don't gamble with the highest law of the land, particularly when there is a safe, secure, and constitutionally sound alternative already fully functioning in several states.

## Conclusion: Hold Fast to the Constitution, Don't Rewrite It

The Convention of States is not the vanguard of liberty. It is, wittingly or not, the agent of constitutional destabilization. Their movement is not about restoring the Constitution — it's about rewriting it, under



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the false pretense that government can be limited by new language rather than by renewed resolve.

The Founders gave us everything we need to preserve liberty: a limited enumerated federal government, a robust system of checks and balances, and sovereign states with the *duty* to resist federal usurpation. The real solution is not in constitutional correction — it's in constitutional fidelity.

As Thomas Jefferson wisely said:

“Let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution.”

Chains, not conventions. Nullification, not unwise and unnecessary risk-taking. Courage, not cowardice masked as reform.

Let us resist this reckless siren song and hold fast to the Constitution — not open it to the tampering hands of modern meddlers who fancy themselves wiser than the Founders.





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