

OP-ED: CONSTITUTIONAL CONVENTION WILL GAMBLE AWAY N.Y. RIGHTS

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This November, New Yorkers will vote whether to hold a state constitutional convention. Supporters proffer a long wish list of reforms, touting a "people's convention" as the cure for the dysfunction and corrupt, horse-trading culture of Albany.

I, too, have a long wish list of reforms, including strengthened rights to privacy, abortion, voting and an end to political gerrymandering. If only ...

Unfortunately, the promise of a "people's convention" is a "ConCon" con.

The process for selecting convention delegates is unfair — one might even say rigged. Delegates would be elected primarily based on state Senate districts that have been politically and racially gerrymandered to keep the politicians who control the Senate in power. These are the same politicians who've done everything they can to block progressive reforms, including for voting rights, immigrants' rights, abortion rights and more.

New York's extreme gerrymandering over-represents rural and suburban areas compared to urban areas. It divides the votes of black and Latino communities and dilutes their power. Look at Rochester, where black and Latino voters living side-by-side are divided among three Senate districts. On Long Island, we find similar schemes.

Once delegates get to work, they can make up whatever convention rules they want. There is no limit to the changes delegates can propose, no guide for how they submit them to the voters, and no requirement for transparency or public oversight. In addition, the delegates are likely to be loyalists from each district's dominant political party. In 1967, the last time New York held a convention, most delegates were political players — incumbent or former representatives. Any notion that those running the convention would be representative of "the people" is sheer fantasy.

Delegates can even bundle amendments into one big "yes" or "no" ballot question. Albany is a fan of this tactic: Just look at "the big ugly," which is what many call the annual end-of-session bill. It lumps scores of often-unrelated legislative compromises into one

up-or-down vote. It is the epitome of the worst Albany horse-trading.

That is also how it worked in 1967. Reforms coming out of that convention, which included a ban on political gerrymandering, were bundled with a repeal of the ban on taxpayer funds for religious schools. Although the amendments had nothing to do with each other, voters couldn't select among the reforms they liked. They rejected them all.

Today's stakes could not be higher. In an era when federal protections for fundamental rights face unprecedented attack by the Trump regime, our state constitution provides a vital safety net for New Yorkers — an independent source of rights.

Constitutional rights are usually well-insulated from political meddling, but the "ConCon" could choose to repeal and replace our entire state constitution, and with it, the vital protections it provides for free speech, public education, separation of church and state, the environment, aid and care to the needy, workers' right to organize and pension rights.

If ever there were a time to guard those protections, it is now. Given the danger President Donald Trump and his allies pose to our rights and civil liberties, the prospect that our state protections could become political bargaining chips should alarm us all.

For those seeking reform, there is already a less precarious and more deliberate process for amending our state constitution. Two successive legislatures can pass amendments one at a time and then put them to the voters. The process is slow, onerous and frustrating — amending a constitution should be. Yet it has resulted in more than 200 amendments and it delivered women's suffrage 100 years ago. There are even two more amendments on the ballot this November.

With a gerrymandered delegate selection process and a strong likelihood of insider politics run amok, we must not gamble with our state protections in a constitutional convention — especially during the most perilous time for civil liberties in our history.

On Nov. 7, New York voters should be firmly con "ConCon."