

Constitutional convention debated | The River Reporter

LOCH SHELDRAKE, NY — New York State voters who go to the polls on November 7 will be asked to vote on whether the state should hold a constitutional convention. The question was debated at SUNY Sullivan on October 11 by SUNY New Paltz Professor Gerald Benjamin and Michael Grubiak, a political organizer for New York State United Teachers union.

Benjamin, who is widely considered an expert on constitutional convention, acknowledged that many people are opposed to the convention. He said, “Essentially people are concerned that people in power now will capture control of the convention. Now, it’s fundamentally the case that we are mobilized as a society in New York much more than before the 2016 election. Look around the room—you’ll see people who are in organizations that didn’t exist before the presidential election,” he said, his point being the time is ripe for major changes to state government.

Grubiak, who is opposed to the convention, said he prefers the process of making any changes to the constitution through the legislative process. He pointed out that along with voting on the question of the convention, voters will also be voting on an amendment that would strip pensions from elected officials if they are convicted of a felony. He noted that many constitutional amendments have been passed by the legislative process, and this to him is evidence that “the system is working.”

Benjamin responded that yes, the legislature will adopt an amendment when it suits their interests, such as the amendment that allowed for a casino to be built in Sullivan County, because it will provide the state much needed revenue. But on questions such as ethics and state officials, or term limits, or campaign finance, the legislature can’t be counted on to adequately police itself, and that is why the constitutional amendment process was initially created.

Grubiak noted that the outcome of a convention is unknown. He said, “anything can be added to and anything can be taken away from” the constitution. He noted that in other states the right to unionize has been substantially diminished in recent years. He said there is also concern that the pension system could be undermined via a constitutional convention. He said there were numerous concerns, and pointed to the 1967 convention when an amendment was proposed that would take some of the money intended for public schools and give it to private and religious schools.

But the leaders of that convention decided to have the voters either adopt all the proposed amendments or none, and the voters rejected the entire package, including the change related to school funding. Benjamin noted that it was the legislature that created charter schools, which compete with public schools; the charter schools were not the product of a convention. There were nine constitutional conventions from 1776 to 1967, and Benjamin said, “I don’t think we’ve ever had a convention that has diminished rights, once they’ve been established, in New York, and some of those rights given to us as New Yorkers are beyond those given to us as Americans.”

The constitutional convention element of the state constitution was adopted in 1846 because, said Benjamin, the people who viewed state government at the time determined “that it was spending too much, it was getting into too much debt, it was embedded with corruption—in other words, it had the same problems that we face today. And they said ‘we can’t count on the people who are benefitting from the practices and problems to change the system, because they benefit from it.’” Thus the idea of the constitutional convention emerged.

Grubiak said the notion of a constitutional convention is too dangerous, and a better way to advocate for change is for local people to run for office in state and local government, and his union could help provide training for them to do that.

Judging by applause, more people in the audience agreed with Grubiak’s position than Benjamin’s, and Benjamin said the no-convention forces were outspending the pro-convention forces on advertisements by a ratio of four to one.

For those who want more information on the referendum, the New York State League of Women Voters, Union Works and The Narrowsburg Union will co-sponsor a program about it on Sunday, October 22 from 12:30 to 3 p.m. at The Union, 7 Erie Ave. Admission is free.

[See editorial.]