What’s a Constitutional Convention Cost? We Can’t Afford to Not Hold One

July 05, 2017 | by Gerald Benjamin

What's a Constitutional Convention Cost? We Can't Afford to Not Hold One  http://www.gothamgazette.com/opinion/7038-what-s-a-constitutional-co...

the Capitol, via @NYSCapitolVisit (https://twitter.com/nyscapitolvisit)

When asked what a state constitutional convention might cost if called by voters in 2017, I said at a State Bar Association panel event that I had applied the Bureau of Labor Statistics CPI inflator to what I then thought was the 1967 convention’s cost and got $47 million. Casey Seiler of the Albany Times Union was there. He did not hear or realize that I had adjusted for inflation, so he used the $47 million figure as the cost of the 1967 convention. This led others to then adjust for inflation based on that number, leading to the proliferation of a faulty projected cost of $350 million, immediately seized upon by convention opponents. (Seiler later published a correction.)

The Public Employees Federation wrote: “Experts estimate a constitutional convention would cost hundreds of millions of dollars.” Senator Majority Leader John Flanagan used it as evidence that a convention would be outrageously expensive, with no “guarantee” of any positive result. The wildly wrong number repeatedly popped up in media outlets all over the state. Even after shown the error of their ways in debates, opponents were loath to give up this ‘alternative fact.’ All of this was chronicled by Bill Mahoney as an urban legend in Politico New York (http://www.politico.com/states/new-york/albany/story/2017/02/how-an-implausible-cost-estimate-for-a-constitutional-convention-spread-109467).

Since then a leading convention advocate, Chris Bopst, went back to the state comptroller’s actual spending records. He found that between 1967 and 1971 a total of $7,580,885 was spent on preparing for and conducting the last constitutional convention. Of this, $527,051 ($3,977,673 in 2017 dollars) was for a preparatory commission. We haven’t had one of those this time; the Legislature killed it. This leaves $7,053,834, spent over a total of four years. In 2017 dollars this is $51,448,160, not far off (8.6%) from my original more-or-less shot in the dark of $47 million.

There’s no telling if the cost of the 1967 convention is a good guide for what a convention would cost if held today. After all, 1967 was half a century ago. (It’s the longest time since a constitutional convention was held in New York State history.) Some say that a better estimate is this year’s budget for the Legislature’s larger house, the Assembly. That roughly doubles the number, bringing it to $105.4 million.

One big thing is being missed: a major expense of the convention, the cost for delegates’ pay, would likely be lower in real terms this time around. The reason? Each delegate must be paid the salary of an Assembly member, and legislative compensation has gone up since 1967 far more slowly than the rate of inflation.

In 1967 there were 186 delegates; each was paid $15,000. Total delegate costs were therefore $2,790,000, just short of 40% of the convention’s overall cost. At the next convention, if it is authorized, there will be 204 delegates (three from each Senate district – there are now 63, not 57 – and 15 at large). Unless there is a legislative pay raise, each will earn $79,500. The total payroll for delegates will thus be $16,218,000. This is 29.8% of the current-dollar cost of the 1967 convention, and 15.4% of the 2017 Assembly budget.

At this potential level of cost, is a convention worth it? A comparison, albeit imperfect, suggests itself.

Successful businesses regularly reorganize, merge, or acquire companies to increase profitability by becoming
What’s a Constitutional Convention Cost? We Can’t Afford to Not Hold One  
http://www.gothamgazette.com/opinion/7038-what-s-a-constitutional-co...

more efficient, managing scale, and consolidating strengths. A close friend on Wall Street estimated the bankers’ costs of a $50 billion acquisition to be somewhere around .50% of enterprise value – lawyers of course are extra! The New York state budget is $153.1 billion. If we use $105 million as the high end constitutional convention cost – we arrive at a “reorganization ” cost that is .001% of the state’s annual budget.

Corporate reorganizations, mergers, and acquisitions are pursued because the benefits are expected to exceed the costs and to accrete over the long term. Not all benefits, of course, can be defined with a financial value. The gains a convention would likely produce in democratic accountability and good government are potentially enormous, but hard to monetize. However, think of this: One 2007 study estimated that a thorough reorganization of New York’s courts, sought for decades and recently said by the State Bar Association to be possible only through a constitutional convention, would save over $500 million ($600 million in 2017 dollars). That’s six times the high end cost of a convention in 2017.

What do these numbers tell us? It’s a no brainer. We cannot afford to not hold a constitutional convention.

***

Gerald Benjamin is director of The Benjamin Center (http://www.newpaltz.edu/benjamincenter/) at SUNY New Paltz.

***

Have an op-ed idea or submission for Gotham Gazette? Email opinion@gothamgazette.com (mailto:opinion@gothamgazette.com)

TAGS: CONSTITUTIONAL CONVENTION (/COMPONENT/TAGS/TAG/CONSTITUTIONAL-CONVENTION)
Powerful Assembly Post May Be Vacant Sooner Than Expected

Advocates Demand State Restore Funds to Spinal Cord Research

Guest Commentary: Means, Ends and State Constitutional Reform

High Participation in Campaign Matching Funds, But Several Big ...

What’s a Constitutional Convention Cost? We Can’t Afford to Not Hold One

The state constitution can be amended by two successive sessions of the legislature and a vote at the polls, no convention required, a convention is simply a mechanism to avoid legislative and gubernatorial approval, opens the door to endless skulduggery... especially with no limits on candidate and super pack spending.

I strongly agree with PJG320's statement above. When are we going to become more responsible regarding the misuse of public funds for individual political gains?
Subscribe To Our Mailing List
Receive The Eye-Opener Every Weekday Morning

Email Address *
First Name *
Last Name *
Zip Code *

Gotham Gazette Newsletters

☐ The Eye-Opener *

Subscribe
What's a Constitutional Convention Cost? We Can’t Afford to Not Hold One

http://www.gothamgazette.com/opinion/7038-what-s-a-constitutional-co...