

For some in the grassroots, constitutional convention presents conundrum

Many activists are worried that delegate selection could be hijacked by monied interests



The New York State Capitol in Albany, N.Y. (Matthew Hamilton/Times Union)

ALBANY — There's a common refrain heard at rallies and protests: This is what democracy looks like.

But when it comes to the prospect of New York holding a constitutional convention, the line's meaning can become a bit muddled. As some of these ground-level political organizations come out on for or against calling a convention — a question that will appear on the November ballot — several are dealing with difficult internal divisions.

"It's ironic, but ... it's pathetic that I'm not in favor of the con-con," said Kathy Adorney,

a member of the steering committee of Ulster Activists (U-Act), one of a host of progressive-leaning groups that formed in response to the 2016 election. "I feel sick to not be in favor of the con-con personally."

Adorney's inner debate seems to center on a point that has informed U-Act's trepidation about a convention: the prospect that "dark money" will allow the far right to hijack the delegate-selection process.

Watch: CapCon on the con-con

At 8:30 a.m. Wednesday, visit timesunion.com to watch a panel discussion on the constitutional convention vote with Gerry Benjamin, director of the Benjamin Center at SUNY New Paltz; Arthur "Jerry" Kremer, founder and chairman of Empire Government Strategies; Donna Lieberman, executive director of the New York Civil Liberties Union; and Bill Samuels, founder and chairman of Effective New York.

Libby Post has the same concern.

"I get the counterintuitiveness of this — that this is democracy and in a theoretical world this is the best way for democracy to play out," said Post, a member of the Albany-area group Capital Women, which formed after last year's election. "Unfortunately, when money gets involved in democracy it gets a little more dicey."

Delegate selection for a convention is almost a chicken-or-the-egg scenario.

The convention process would be triggered if voters say yes in November, but delegates wouldn't be picked until the 2018 general election, with the convention itself to follow in 2019. If the convention crafts any proposed amendments to the constitution, they would have to be put before statewide voters for final approval or rejection.

Gov. Andrew Cuomo seemed to support a convention in his 2016 State of the State address, but more recently **expressed reservations** that the delegates would be made up primarily of faces already common at the Capitol.

There are few prohibitions on who can serve as a convention delegate — Fulton County farmer or Suffolk County state senator — and no limitations on what can be brought up

at a convention. Some opponents are fearful that a torrent of money could be poured into delegate elections by the likes of hedge fund tycoon Robert Mercer, a backer of Steve Bannon's conservative media empire.

Post fears that such monied interests could push for a constitutional amendment that bans abortion. Others note that a convention-backed amendment could alternately codify the U.S. Supreme Court's Roe v. Wade decision in the state constitution — **as Cuomo has suggested**. Others worry that union rights or environmental protections might be stripped away.

Supporters of the call for a convention say such fears are overblown.

"If I thought that the far right or even the conservative right was going to take over the convention, I would absolutely be opposed to it," said Evan Davis, manager of the Committee for a Constitutional Convention. "But in New York State, it just is so unlikely. You have to be realistic when you think about risk. Because otherwise if you say, 'Oh my goodness, the Mercers are going to come in and spend all this money and Steve Bannon is going to design this strategic attack on people,' and ... don't do what's needed because of that fear, then Steve Bannon has sort of won."

Davis and other supporters of a yes vote have some grassroots progressive support on their side, including Forward March NY, a group led by the New York organizers of the Women's March on Washington.

"That process is daunting, and the political gridlock that exists in Albany offers no comfort to any New York citizen," **Forward March NY wrote** to Cuomo in August. "In light of this, the only way to protect women's rights in this state is to put the power back into their hands."

Short of a convention, democratic involvement likely will continue look exactly as it does now: Those upset with the status quo will try to impact government through the annual election process.

"Let me get people elected the old-fashioned way, if I can, and then once I feel as

though we have a basic democracy ... I would trust a democratic process a little more," Adorney said. "But I don't trust it right now. And I am working toward it because I want to work toward transparency, honesty and a level playing field where money does not buy elections."

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