

Spending, fear of ‘dark money’ rise in constitution debate

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Judge Charles S. Desmond, left, talks with fellow delegate Peter J. Crotty at the Constitutional Convention in Albany on Aug. 29, 1967. (Credit: AP / GLG)

ALBANY — Public worker unions, politicians and others opposed to a state constitutional convention that could overhaul state government have heavily outspent convention backers, with the most intense TV ad blitzes expected over the next four weeks, according to records and interviews.

In 1997, the last time New Yorkers voted on a constitutional convention referendum, opponents poured more than \$750,000 into an advertising and direct mail campaign in the two weeks before voters went to the polls. Opponents blanketed the state with scenes of pinstriped fat cats lighting cigars with \$100 bills and the message that Albany was planning a party, and taxpayers weren't invited.

Voters rejected a convention by 62-37 percent.

New Yorkers Against Corruption, a nonprofit advocacy group that opposes a convention, had \$616,893 in its campaign account as of last Friday, after spending \$431,292 since July, according to state campaign finance records. That brings the group's total spending this year to \$743,102, from nearly \$1.36 million in contributions.

Group members include major unions such as New York State United Teachers, the state Conservative Party and abortion rights lobbyists.

Much of it has been spent on polling, websites, focus groups, phone banks and "Vote No!" lawn signs statewide warning that public pension protections and workplace rights could be lost, according to state Board of Elections filings.

"Our members are working hard, phone-banking other NYSUT members and going door to door to educate their colleagues . . . in just about every district in the state," Carl Korn of NYSUT said.

The pro-convention NY People's Convention had \$257 left in its account as of Friday, and has spent \$351,132 this year. Another convention backer, The Committee for a Constitutional Convention, had \$12,404 on hand as of Friday, and has spent \$82,249 this year.

"We're outgunned financially," said Gerald Benjamin, a political science professor at SUNY New Paltz and a Republican who supports a convention. "Neighbors say, 'Where are our lawn signs?' We don't have lawn signs. We don't have the resources."

Voters will decide Nov. 7 whether to hold a constitutional convention, which voters have rejected twice since the last convention was held in 1967. If the convention is approved, delegates would be elected in 2018. The convention would meet, and present its proposed constitutional changes to voters in another referendum in 2019.

Those who support a convention say dramatic action is required to address corruption charges that have forced more than 30 officials out of office in a decade as well as issues such as New York's high taxes, unequal funding of schools, and the influence of big-money donors in campaigns.

Opponents say the potential benefit is outweighed by the danger that big-money conservative or liberal special interests could alter the constitution on hot-button issues such as abortion and gun control, environmental protection and the guarantee of state pensions to unionized public workers and teachers.

Big-money donors who could influence a convention are a concern for each side and include the Robert Mercer family from Long Island. Two members of the billionaire's family are top officers in the four-year-old government advocacy group Reclaim New York.

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Donna Lieberman, executive director of the New York Civil Liberties Union, who opposes a convention, and Bill Samuels of the NY People's Convention, who supports one, are among those who warn that the Mercer family poses a threat to influence the convention with ultra-conservative, pro-business measures.

But Reclaim New York, an organization created in 2015 focused on taxes and government transparency and which supports a tea party-inspired national constitutional convention of states, said it's staying out of direct involvement in the fray over whether to hold a convention.

"We will look at this in November, afterward," said Doug Kellogg, communications director for Reclaim New York with a staff of 12. "It's something we definitely have an eye on . . . That's where we would be more of a presence."

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