

Unions flexed muscle in defeat of Con Con | Local News

Joe Mahoney CNHI State Reporter

ALBANY -- The sound defeat handed to the proposed Constitutional Convention on Tuesday was a demonstration of the clout of labor unions and a coalition of determined activists who persuaded voters that such an assemblage would be far too risky.

Con Con proponents were left demoralized last week after a Siena College poll showed voters were decidedly opposed to Ballot Proposal One, which would have authorized an election for delegates to a convention next year.

But the statewide tally released by the state Board of Elections on Wednesday showed the measure got a thrashing that was much worse than that poll had projected. Just 13 percent voted for the proposal, while 87 percent were opposed.

The Con Con -- billed by some government reform advocates as a once-in-a-generation opportunity to bring campaign finance reform to New York -- lost in every county of New York, and the opposition was strong in counties led by Republicans as well as those controlled by Democrats.

"We can complain about the opposition's advantages -- their money and their use of half-truths -- but we didn't make the sale," said Gerald Benjamin, a political science professor at SUNY New Paltz and a Republican who advocated for the convention proposal.

The defeat of the convention amounts to a victory for the status quo in New York, and while state government is often criticized as dysfunctional, there is little chance that incumbent office-holders will be motivated to make reforms that could have been driven by a Con Con, he observed.

"I don't think serious change in the way New York government operates is in the offing, at least in the immediate future," Benjamin lamented.

The opposition featured an amalgam of unusual alliances, with groups as disparate as Planned Parenthood, the Conservative Party and the New York State Rifle and Pistol Association joining the union movement's call for the measure's defeat.

Tom King, the director of the Rifle and Pistol Association, said the heavy opposition was driven by "people's distrust for big government."

"People understood that if you rewrite something, you have to start at the beginning, and that with the mistrust for government and politicians in general it led to the landslide victory for our side," King said.

The opposition, fueled by donations from teachers unions and other branches of organized labor, worked to persuade the electorate that workers' pensions and other workplace benefits could be at risk were a convention authorized.

Mario Cilento, the president of the state AFL-CIO, a labor umbrella group that boasts 2.5 million members, said the union movement had an "incredibly steep hill to climb" when it began organizing against the proposition due to support the issue was getting from newspaper editorial pages and good-government groups.

"Our constitution has some of the strongest worker protections in the country, including, the right to collectively bargain, unemployment insurance, workers compensation, the eight-hour work day, civil service protections, public employee pension protections and prevailing rate," Cilento said in a statement.

The final tally, he contended, reflected that "working men and women understood what was at stake."

As the opponents celebrated their victory Wednesday, Blair Horner, legislative director for the New York Public Interest Research Group, noted that most registered voters in New York did not weigh in on the question that appeared on the backs of ballots.

New York, according to the state Board of Elections, has 11,546,694 active registered voters. Fewer than 3,400,000 million responded to the ballot question Tuesday. With 99 percent of precincts reporting, there were 558,343 "yes" votes and 2,773,978 "no" votes.

"Organized interests, with their focus and resources, can drive a referendum question," said Horner, whose group remained neutral on the proposition. "In the 1930s, labor got what it wanted put into the state constitution, and now it doesn't want to see those achievements put back on the table."

The results, he suggested, "are not surprising, given the lopsided resources on the question, and the fact that most New Yorkers don't know anything about it. Certainly, there was a lot of misinformation about the question, and misinformation

works best when people don't know anything about it."

Some noted that the opposition to Con Con rang up a bigger tally than the 73 percent who voted in favor of an unrelated ballot proposition to terminate pensions for public officials found guilty of felony acts stemming from their duties.

The anti-Con Con fervor could have also been a factor in a narrowly approved ballot measure authorizing a land bank in the Adirondack and Catskill forest preserves to facilitate road, infrastructure and safety improvements.

The Adirondack Council had called for approval of the latter measure while urging New Yorkers to vote "no" on Con Con, thus racking up a doubleheader of victories Tuesday.

The land bank measure was approved by 1,662,498 voters, 52 percent, and 1,525,981 filled in "no" circles on the ballot

John Sheehan, spokesman for the Adirondack Council, had warned that a Con Con could put the "forever wild" clause pertaining to the Adirondack preserve at risk, and it was possible that some of the fervor generated against the convention spilled over into the call for a constitution tweak to allow the land bank.

During the push for a Con Con, Gov. Andrew Cuomo, a Democrat, maintained a low-profile on the issue, though he released a statement Monday afternoon voicing his opposition to the measure.

Benjamin, the SUNY professor, said Cuomo was likely covering his political hide because he is facing re-election in the coming year.

"The governor incrementally moved away from a commitment he made when he first got elected," Benjamin said. "He didn't want to anger a number of constituencies and he didn't want to anger the legislative leadership, which made this a do-or-die issue."

Benjamin said the "great irony" in the opposition to Con Con was that it was led by "a coalition of people with power and influence who convinced the voters that a convention was just an extension of people with power and influence. They were essentially arguing against empowering themselves further."

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