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Preparation lagging for Cuomo's latest route to ethics reform

By [Casey Seiler](#), [Capitol bureau chief](#) on June 20, 2016 at 3:32 PM

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In a [New York Times interview](#)

that was Gov. Andrew Cuomo's only Q&A on the conclusion of the 2016 legislative session, the governor said that the most politically realistic route to closing the so-called limited liability company loophole ran through a state constitutional convention.

"There has to be a dose of reality in the assessment," the governor said of the prospects of LLC loophole closure, which he has proposed despite the fact that he is the recipient of the largest amount of campaign cash flowing through this gap in campaign finance law. "It is tantamount to political suicide for the Republican Party in this state because they believe it ends corporate money, and only union money would come into the system, which would help the Democrats."

Cuomo told the Times that the solution to the problem was a constitutional convention. "The people are going to have to do it," he said.

The people will have their once-every-two-decades chance to call for a "con-con"



Gov. Andrew Cuomo delivers his annual State of the State message Wednesday at the Empire State Convention Center in Albany. (Skip Dickstein/Times Union)

the following November. The convention would convene in Albany in April 2019. Any constitutional changes proposed by the conclusion of the convention would then be put to a statewide vote, either piecemeal or in a single package.

“It has been 50 years since we had a constitutional convention,” Cuomo said in January’s State of the State address. “All too often, public opinion is not reflected in legislative action in Albany. A constitutional convention that is properly held – with independent, non-elected official delegates — could make real change and reengage the public. We need a citizen-government relationship reboot. This is the time to do it and the constitutional convention could be the vehicle to do it.”

Cuomo’s executive budget proposal **called for \$1 million** to establish a commission to do the groundwork for the upcoming 2017 vote, but even that modest sum failed to be approved in the final state budget package.

“I think the Legislature blocked it,” said Gerald Benjamin, the well-known SUNY New Paltz political science professor and **a leading scholar on New York’s constitutional conventions**. “Which is not surprising, as they would view themselves as a target” of any constitutional changes that didn’t depend on their involvement.

While such pre-convention commissions aren’t required, they have been common in New York history, most recently in 1993, when Gov. Mario Cuomo established a commission far in advance of the automatic 1997 vote on calling a con-con. Cuomo was voted out of office the next year.

Benjamin served on that panel. “We reported to Pataki and went out of business,” he said. The ’97 vote went down to defeat.

Benjamin said a commission “elevates the conversation and informs the vote ... and begins to inform the convention if it’s called.”

Three months after the end of this year’s budget negotiation and 18 months before the con-con vote, Cuomo’s office hasn’t made any sort of announcement about further action to create a preparatory commission.

fund a commission,” Cuomo spokesman Rich Azzopardi said Monday in an email.

Stepping into the breach is a small collection of good-government groups and think tanks: The Rockefeller Institute, the Government Law Center at Albany Law School (Cuomo’s alma mater), the state League of Women Voters and the Siena Research Institute have already **assembled a rich website** and convened several public sessions, including **a “boot camp” for reporters.**

The Rockefeller Institute’s Robert Bullock said more needs to be done. “In the absence of funding, that’s just not something we’d be able to do, because it’s expensive,” he said.

Many well-heeled groups are already mobilizing against a con-con, which the powerful New York State United Teachers union **likens** to “opening Pandora’s box.”

“NYSUT is encouraging members to mobilize in 2017 to help voters understand what’s on the line if a constitutional convention takes place,” the union says on its website. “Voters rejected a constitutional convention in 1997 after concerned activists worked together to educate voters about the risks of opening the state constitution.”

Benjamin said the two key variables in determining whether voters agree to hold a convention are preparation and gubernatorial leadership.

“That’s why opponents (to a convention) want to kill preparation,” he said.

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God forbid there be a Constitutional Convention while the Dark Prince remains Governor. There is no limit to the damage that this clown could do. And there is no need for a convention to close the LLC loophole. The Legislature can do it with some urging by the Prince. It doesn't even really need to be closed. Sunlight is the best disinfectant, and if you could trace the true origin of all the LLC and Glenwood money flowing into Cuomo's warchest, they would be a very good start.

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2. *TwoBits* says:

[June 20, 2016 at 5:04 pm](#)

Oh...give...me...a...break!!! He really said that? His top priority for the 2016 legislative session and he could not/would not pull it off, and instead pushes it out to November 2017. Any bets the 2017 voting item will be worded such as to turn off the voters, the opposite of the "it will be wonderful" Proposition that authorized casinos?

Governor Pinochio needs to be replaced by Governor Hochul – now.

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3. *ostlandr* says:

[June 21, 2016 at 9:22 am](#)

In the words of Libertarian author Claire Wolfe, "America is at that awkward stage; too late to work within the system, but too early to shoot the bastards." There is a more peaceful means of fixing things, but it requires people to stand together. For example, Upstate will never be able to cast off the legislative chains that bind it to Downstate by working within the current rigged system. Independence would require that Upstate residents simply stop sending tax money to Albany, and start sending it to their own elected Government. When one person refuses to pay taxes, the police show up with guns, throw them in jail, and confiscate their property. What if a million citizens refuse? No riots, no shootings, no lawsuits- just "We're going our way, you go your way."

Of course, I would expect the Governor and Legislature to use force of arms (armed police and the State Guard) to "restore order." As Thomas Payne wrote, "Government is at best a necessary evil, and at worst an intolerable one." How much more are we willing to tolerate?

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Casey Seiler, Capitol bureau chief says:

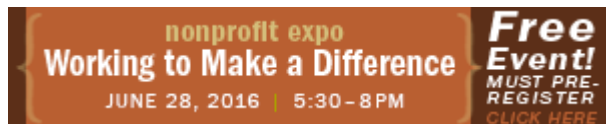
[June 21, 2016 at 9:42 am](#)

June 21, 2016 at 9:51 am

My most-desired amendment to the State Constitution would be one that limited the legislative session to one weekend a month and two weeks during the summer, like the reserves or the National Guard. The less time our elected officials spend in session, the better off we all will be.

My second most-desired amendment would be a sunset provision of seven years on all laws — including existing ones. Seven years would be a good period because it would push the sunset dates of idiotic laws enacted for purely political reasons during election years to non-election years, allowing them to die quietly.

My third most-desired amendment would be granting judges permanent tenure after their first re-elections. It's idiotic for judges to be subject to



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