

OCTOBER/NOVEMBER 2017  
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THE  
NEW YORK

FREE

# CONSTITUTION

Your Official Guide to the 2017 NYS Constitutional Convention Vote



**I NEED YOU!**  
TO FIX NY'S BROKEN GOVERNMENT

Be The **Leader** Your Community Deserves  
Get Your **Free** NYS Constitutional Convention Delegate Kit Now  
Find out how on **Page 12**

# Why I'm Voting YES!

BY BILL SAMUELS



- Dramatically reducing county property taxes by taking the burden of Medicaid funding off localities and centralizing it in Albany;
- Enabling early voting, same day registration, no-excuse absentee balloting, and many other measures to make voting easier;
- Reforming our criminal justice system so people with addiction problems and the mentally ill are given treatment rather than expensive and counter-productive prison terms;
- Advancing union protections by obligating the state to participate in collective bargaining;
- Saving \$600 million a year by eliminating overlap and redundancy in our court system; and
- Making the state responsible for providing appropriate levels of education funding for higher need districts.

This Election Day, the person with the ultimate power to turn around our state is you. You get to vote for a People's Convention, you get to choose which delegates will represent you there (or if you want to run yourself!), and, because any amendments that come out of the Convention have to be approved by another statewide referendum, you have the final say on which ones actually become part of the Constitution.

You have the power. I ask you to use it. Join us in this fight for a People's Convention.

On November 7<sup>th</sup>, vote YES for a Constitutional convention. Vote YES for your future and the future of New York.

*Bill Samuels is the founder of NY People's Convention.*

Constitutional Convention, or, as I call it, a People's Convention. The writers of our Constitution wisely created a mechanism in our state's bedrock document that allows the people every 20 years the option of bypassing the governor and Legislature, when they are failing to advance the public interest, and taking control of our state's government back into our own hands.

There could no better time for that 20 year vote to be upon us than this Election Day, November 7, 2017.

The People's Convention can at once restore our state to its former glory, while creating the framework for a ground-breaking future worthy of the excellence New Yorkers embody.

Opponents of the Constitutional Convention are peddling fear in an effort to persuade us to forfeit this historic opportunity to fundamentally change New York for the better. They argue that there are other means of cleaning up Albany, while neglecting to mention that all of the other avenues have already been tried and wound up in dead ends.

Now is not the time to try the same tired tactics once again and hope against all reason that they will somehow, finally,


magically succeed.

No one defeats adversity by cowering in fear or opting to do nothing. Positive change only comes when we stand up and fight for what is right.


Among the important improvements to our Constitution a People's Convention can achieve are:

- Giving New Yorkers the right to clean drinking water and fresh air;
- Extending equal rights to women, the LGBT community and the disabled;


## BY THE NUMBERS: The NYS Constitutional Convention

 New York's Constitution mandates that every 20 years the state's voters decide whether to hold a Constitutional Convention. This year is the 20<sup>th</sup>, which means that on **November 7, 2017**, we will vote on whether to hold a Convention.

**20**

 Number of years since the last time New York held a Constitutional Convention. This is the longest stretch in New York's history that we have gone without holding a Convention.

**50**

 Number of delegates that would be elected from each of New York State's senatorial districts

**3**



**63**

Number of senatorial districts in New York



**15**

Number of at-large delegates that would be elected to serve statewide



**204**

Total number of delegates that would serve in the Convention from across New York State



If voters approve a Constitutional Convention, delegates would be elected in 2018, with the convention held in 2019. Any proposal to amend the Constitution will need to be approved by the voters.

### NEW YORK CONSTITUTION

Your Official Guide to the 2017 NYS Constitutional Convention Vote

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# Movement for Constitutional Convention Sweeps New York State

BY RUSH PEREZ

A powerful grassroots movement is sweeping the state for a “YES” vote on the Constitutional Convention ballot referendum that New York voters will decide when they go to the polls on November 7<sup>th</sup>, 2017.

From Brooklyn to Buffalo and the Southern Tier to St. Lawrence County, New Yorkers across the political spectrum are banding together to take back power from the dysfunctional state government in Albany and return it to the people by holding a Constitutional Convention.

“I am excited about the Convention, because this represents a hopeful moment,” said Tyrone Heppard, a citizen journalist and resident of Syracuse. “This is a moment, whether you’re conservative or liberal, that we have an opportunity to make a fundamental change to our system for the better.”

The Constitutional Convention referendum is mandated by the state’s Constitution, which requires that every 20 years New York voters answer the question, “Shall there be a convention to revise the Constitution and amend the same?” 2017 marks the twentieth year since the last time New Yorkers were asked to make this important decision.

Some New Yorkers believe the outpouring of enthusiasm this year for the Constitutional Convention is a response to the ongoing epidemic of corruption that has plagued the capital for over a decade. Since 2000, over 40 elected officials have either been arrested for public corruption, gotten in trouble for abuse of power, or been shamed into resignation, including former Governor Eliot Spitzer, former State Comptroller Alan Hevesi, the last five leaders of the New York State Senate, and the previous speaker of the State Assembly, Shelly Silver.

“We have not seen Albany address the pressing issues facing our state when it comes to transparency and judicial reform,” said Larry Rubin, a “YES” vote supporter from Buffalo. “The history of New York State shows that a Constitutional Convention is the best method to make this type of change.”



A YES vote volunteer knocks on doors in Manhattan to spread the word about the Constitutional Convention.

Joining this people-powered movement are many of the state’s most respected and influential good government organizations, such as Citizens Union and the League of Women Voters of New York State, as well as new groups that have sprung up specifically to advocate for a “YES” vote, like NY People’s Convention and Committee for a Constitutional Convention.

Among the other reform-minded organizations allied in this effort are the New York State and New York City Bar Associations, the National Action Network, the Reform Party of New York, NYC Independence Clubs, The Black Institute, and Forward March NY, a group which played a leading role in mounting the massive NYC Women’s March in January.

While each organization has its own

specific reasons for supporting a “YES” vote, all are united by the certainty that Albany is incapable of reforming itself and either unable or unwilling to extricate itself from the iron grip of the lobbyists and special interests that control it, to pass amendments in the best interest of the people of New York, whether they pertain to stronger ethics laws, enhanced environmental protections, term limits for Albany politicians, expanded voting rights, equal rights for all, criminal justice reform, more robust protections for labor, court reform, or greater equity in education funding.

Amber Sexton, a New York City-based activist affiliated with Forward March NY, explained that the reason she is so fired up about the Constitutional Convention is that it will empower women. “This [Convention] is an opportunity for the majority of the state’s population—women—to have a real say in how our state governs,” said Sexton, pointing out that a mere seven women in total served as delegates to the New York State Constitutional Conventions of 1894 and 1938, which largely wrote the state Constitution in its current form.

Peggy Eason, a now retired, past president of CSEA Local 259, who made history as the first blind person in New York State to be elected the leader of a union local, explained that her passion for the Convention arose from the opportunity to finally enshrine equal rights for people with disabilities in the Constitution. “My

whole reason for being involved is that people with disabilities are not even addressed [in the Constitution],” said Eason. “Now is the time to make this change. People with disabilities cannot wait any longer!”

Eason is one of legions of New Yorkers who will be spending their time between now and Election Day educating their neighbors about the upcoming referendum, volunteering to making calls, and knocking on doors to get out the vote. If they are successful in getting a “YES” vote, these motivated citizens will then turn around and pour their energy into electing delegates for a truly populist Constitutional Convention—a People’s Convention.

Following a “YES” vote, in 2018 New Yorkers will return to the polls to select the Convention’s 204 delegates, who will be elected from every corner of the state. Every New York voter will be eligible to be a candidate—a singular opportunity to change the state for the better that has activists, teachers, small business people, farmers, and seniors alike thrilled by the prospect of being part of history.

“I think it’s exciting! We have a chance to be a new generation of founding fathers in this state,” said Ruthie Yankwitt, a high school senior who will be voting for the first time this November. “I think that young people often don’t have a voice in politics, and that this Convention is an opportunity for us to be involved in a unique and impactful way.”



New York Says Yes bumper stickers are springing up all over the state.

# ROAD TO A CONVENTION

More than

**225** 

amendments  
have been added  
to the New York State  
Constitution since 1895



July, 1776 - April, 1777

New York's first Constitutional Convention begins in White Plains. Delegates meet in secret to avoid attack and capture by British troops. Constitution is approved in Kingston, NY.



May, 1894 - November, 1894

Delegates propose extensive overhaul of New York's Constitution. Voters approve a host of reforms such as a merit-based civil service system, a ban on state aid to religious schools, new regulations on the election process, and the "Forever Wild" provision protecting state-owned forest lands in the Adirondacks and Catskills. Much of New York's current Constitution was written at this Convention.



August, 1821 - January, 1822

Another Constitutional Convention is held creating a mechanism to amend the Constitution and granting voters the final say over all constitutional amendments.

A Convention proposes a new Judiciary Article and free schooling. Voters reject this new Constitution, but some proposals are later adopted.

June, 1867 - February, 1868

October, 1801

New York's only "limited" Constitutional Convention is held to address the increasing size of Legislature.

April, 19

The fourth Constitutional Convention is held in Albany, and voters overwhelmingly approve the Constitution, which includes a mandate that voters be asked every 20 years the question, "Shall there be a Convention to revise the Constitution and amend the same?"

June, 1846 - November, 1846



April, 1967 - November, 1967

Delegates meet with the goal of eliminating obsolete and confusing provisions. Incredible amendments are proposed, like a real independent redistricting process to end gerrymandering. Delegates lump all amendments into one, take-it-or-leave-it package. Voters decide to "leave it," and reject the constitutional amendments.

“If the Convention costs \$50 million and delivers court reform, the state would recoup that cost in one year... and that's just for starters.”  
- Peter Galie and Christopher Bopst  
of the Rockefeller Institute of Government

November, 1997

Voters reject a Convention following a well-funded, fear-mongering campaign from a coalition of labor, environmental advocates, and conservative groups.

April 2, 2019

When voters approve a Constitutional Convention, it will convene in Albany on this day.

Voters reject a Constitutional Convention, but in the following 10 years, demand for another convention to fix and simplify the Constitution grows.

November, 1957

During the Depression, delegates propose an entirely new Constitution, but voters accept only 6 of 9 packages of amendments, including a Labor Bill of Rights and a mandate that the state "aid, care and support the needy."

April, 1938 - August 1938

November 7, 2017

"Shall there be a Convention to revise the Constitution and amend the same?" New Yorkers have the chance to call the first Constitutional Convention in 50 years to address the many problems in our Constitution that empower party bosses and special interests at the expense of the people.

Although voters reject a new Constitution, its provisions affecting the Judiciary Article are largely incorporated in a new Article VI, approved by voters in 1925.

1924 - September, 1915

“The people of New York can no longer afford to sit on the sidelines and wait for the dysfunctional status quo to fix itself. The stakes are just too high. We must make a stand now for a People's Convention.”  
- Bill Samuels

“The New York State Constitution was designed to be amended every generation.”  
- Henry Greenberg,  
Chair of the NYS Bar Association Committee on the NYS Constitution

# NEW YORK CONSTITUTION VOICES FOR YES

New Yorkers across the state and the newspapers that they read have made it clear why they support a “Yes” vote for the Constitutional Convention this November 7th. Here is a sampling of their reasons why.

## DAILY NEWS

“The surest sign New York voters should approve a state Constitutional Convention in the once-every-two-decades opportunity coming this November is the caterwauling against the con con among the power players in Albany’s Legislature. ... The singular truth, and at the root of their fears, is that Election Day referenda will enable citizens to clean up New York’s rotten system of government, in ways highly inconvenient to the power of legislative leaders and the special interests that butter their English muffins. ...

At a moment of pervasive political cynicism and a hopelessness that government can get much good done, New York has a chance to renew itself for the sake of future generations.

Take it.”


— From The New York Daily News Editorial Board’s endorsement



“I think the Constitutional Convention is a way for the people to get more directly involved in what happens in the future of New York. The state government in Albany has become a business: pay-to-play. We’ve had over 40 state elected officials leave office since 2000 either for criminal activity or ethics violations. On a

lot of the issues the people of New York are way ahead of the politicians—social rights, economic rights, political rights, the environment—but we can’t get reforms through the state government because they’re beholden to these moneyed interests. ... The Constitutional Convention is a place where I think we can really bust through.”

— Howie Hawkins, former Green Party Gubernatorial candidate and current nominee for Mayor of Syracuse



“I plan to vote yes on this fall’s referendum question about whether New York should hold an official constitutional convention to amend some badly outdated parts of the state Constitution. I hope you’ll do the same. ... New York badly needs to amend its bloated Constitution, which runs seven times longer than the federal Constitution and more than twice the average length of every other state Constitution.”

— Errol Louis, Host, Spectrum News NY1’s “Inside City Hall”



“The beauty and necessity of a Constitutional Convention lies in its ability to reform the system and empower the people of New York to facilitate needed change. Voter empowerment is part of the very fabric of who we are as a nation. There is no more effective way to engage the public than a Constitutional Convention, and there is no place that needs it more than Albany.”

— New York State Assembly Minority Leader Brian Kolb

"I like to look at the Constitutional Convention not so much as change, but adding on. It's updating. You are including people that have never been included before. ... To all of you union members out there, my fellow sisters and brothers, please, when you got to the polls on November 7<sup>th</sup>, please vote for the Constitutional Convention. I always had the courage to fight for what I believed in. I am willing to do the same for this, because I strongly believe in this Constitution Convention. Just vote YES!"

— *Peggy Eason, Former Union President, CSEA Local 259*

"We have all read reports outlining the dysfunction in our legislature. The vote to hold a Constitutional Convention gives New Yorkers, upstate and downstate, from our rural to inner city communities, a chance to say ENOUGH! It is a vote that could—and to succeed, must—reignite the participation of New Yorkers in the activity of self-governance, in public discourse and in policy making. A Constitutional Convention asks New Yorkers to be active creators of a way to move our state forward, and offers us a chance to restructure things in a developmental way. This is a crucial time for our state and country and a crucial opportunity that we must embrace!"

- *Cathy L. Stewart, Citywide Coordinator, New York City Independence Clubs*

"If on Nov. 7, voters decide to hold a constitutional convention ... [f]or the first time ever, New York could have a Constitution that women play a major role in shaping. Nothing, in fact, would prevent a majority of delegates being women. ... Opponents of a constitutional convention are fearmongering, throwing out all kinds of crazy theories about destructive or anti-democratic ideas that could emerge. That's nonsense. ... The real danger is voting against a convention — and allowing a constitution that was drafted overwhelmingly by men to last for at least another 20 years."



— *Former NYC Public Advocate Betsy Gotbaum*

"I am very happy to be part of a movement for a Constitutional Convention. There's a big old party that we can have that everyone can participate in and all the things that you want to see in New York [can] get done. Guess what? You can actually do that! It's called a Constitutional Convention."

— *Bertha Lewis, Founder, The Black Institute*

# THE BUFFALO NEWS

"Foremost among [the reasons for a Constitutional Convention] is the issue of ethics. Albany has none. It's a playground for extortionists, thieves and other crooks, among them a former governor, a former state comptroller, a former Assembly speaker and a former leader of the State Senate. The place is crawling with miscreants who think their positions of public trust amount to a license to raid the public cupboard or otherwise indulge a dangerous sense of entitlement.

Since the most recent of those convictions, Albany has done precious little to improve its standard of ethics. Its practice is to stick a toe into the waters of ethics reform, declare a great victory and then get back to the business of robbing the public. It won't change on its own. A Constitutional Convention could force that issue. ...

New York is a damaged and corrupt state that will not fix itself. Any hope for improvement must come from voters. This fall, they will have a chance to force the issues that Albany prefers to ignore."

— *From The Buffalo News Editorial Board's endorsement*



"The powers that be in Albany: the state Legislature; these vipers, vultures! They're never going to impose term limits on themselves. So the state Constitutional Convention is the only way to get it. The state Constitutional Convention gives you an opportunity to change [the system] from within, so that they cannot undo it."

- *WABC Radio Host and Guardian Angels Founder Curtis Sliwa*

"The citizens of this state have enormous power. And what is that power? It's to amend the Constitution of the State of New York. The present Constitution is antiquated. It is not designed to meet the problems of the state in the year 2017. Isn't it time we addressed the modern issues of environmental poisons? Things that can harm our people. Our children, our greatest resource, are they entitled to more than an 8th grade education? I'm not one to say to say, 'Let's trash everything that is.' But without question, 'Can we do better?' That is a rhetorical question. We can do a lot better! And a Constitutional Convention is the way to make that happen."



— *Jonathan Lippman, Former Chief Judge of the State of New York*

# SEPARATING FACT FROM FICTION

**MYTH:** Public sector union members could lose their pensions through the Constitutional Convention.

**FACT:** The Contract Clause of the U.S. Constitution (Article I, Section 10, Clause 1) prohibits the invalidation of pensions agreed to by the government. No change to the state Constitution could override the federal Constitution on this point.

**MYTH:** The Constitutional Convention could open up a “Pandora’s box” that might take the state backwards.

**FACT:** All of our state’s previous nine Constitutional Conventions have taken New York forward. The most highly regarded provisions in the New York’s Constitution come out of prior state Constitutional Conventions, such as the “Forever Wild” protections of the Adirondacks and Catskills parks (1894) and workers’ compensation, collective bargaining and the right to organize (1938).

**MYTH:** The Constitutional Convention will be made up of the same Legislators currently in office in Albany.

**FACT:** Only 7% of the delegates at New York’s last Constitutional Convention, in 1967, were sitting members of the state Legislature. In actuality, the delegates came from a broad array of backgrounds: local leaders, judges, academics, activists, and a host of other civically minded individuals.

**MYTH:** The Constitutional changes the people of New York want can be passed by the Legislature.

**FACT:** While technically accurate, the Legislature has demonstrated for decades that it lacks the ability or will to enact systemic reforms through the passage of Constitutional amendments.

**MYTH:** If you leave the referendum question blank, it will be counted as an automatic “yes” vote.

**FACT:** This is a ludicrous lie that has been spread on social media. If you don’t vote on the Convention question, it won’t register either way.

**MYTH:** The Constitutional Convention will cost over \$300 million.

**FACT:** Many news outlets have debunked this false number. Impartial experts say the Convention will cost around \$50 million. Per New Yorker this cost comes out to less than the price of a single Metrocard swipe. This modest expense—about 0.3% of the state’s annual budget—pales in comparison to the potential savings a Convention could achieve. For instance, a state commission found that restructuring New York’s convoluted court system would save New York \$600 million every year.

**MYTH:** Delegates could make changes to the Constitution that New Yorkers don’t want.

**FACT:** Delegates can only propose changes to the Constitution. New York State voters have the final say and must approve any amendment proposed by the Convention.

**MYTH:** Supporters of a “YES” vote hid the Convention referendum on the back of the ballot so that fewer people will see it.

**FACT:** Convention supporter Evan Davis, representing the “YES” coalition, sued the New York State Board of Elections to force the referendum to be printed on the front of the ballot. The “YES” coalition publicly called on the “NO” group to join this effort, and received no response. Ultimately, the lawsuit was withdrawn after the Board of Elections agreed to instruct voters, in a prominent place on the front of the ballot, to make sure to turn over the ballot and answer the question.

**MYTH:** Big money special interests and shadowy billionaires with a hidden agenda are funding the YES vote campaign.

**FACT:** Actually, the opposite is true. The “YES” coalition, which is comprised primarily of good government groups and reform-minded organizations, is waging a David versus Goliath battle against the “NO” side, which includes virtually all of the major special interest groups in Albany. The “NO” campaign is dramatically outspending the “YES” coalition, perhaps by as much as a 10-1 margin come Election Day. *Politico* reported that last year the “NO” campaign contributed 400 times more money to state-level candidates than the “YES” coalition. In addition, the “NO” side spent \$10.6 million lobbying in New York State, while the “YES” coalition spent a mere \$383,585.



## VOTE YES NOVEMBER 7, 2017



AS APPEARED IN...



SEPTEMBER 21, 2017

# Vote YES for constitutional convention

Municipal races may dominate the attention and the ballot this November, but there is one thing about this election that no voter should overlook.

Every 20 years, New York State voters are given a ballot question on whether to call for a state constitutional convention. The last vote came in 1997, so alas, it's time once again for Empire State voters to answer such an important question.

In the weeks leading up to Election Day, you'll hear more about this referendum from its supporters and detractors alike. But make no mistake — if voters want to really change the way Albany operates on a colossal scale, this is the perfect opportunity to do it.

People have become numb to dysfunction in Albany. It comes in many forms: internal power struggles, public corruption charges, stalled government reform efforts, gerrymandering, the “three men in the room” that seemingly make all the important decisions when it comes to state government. The list goes on and on.

Much of the problem in Albany stems from a state constitution filled with antiquated statutes that either make it difficult to modernize state government and remedy problems, or give the status quo the protection needed to preserve the dysfunction and mollify special interests that benefit from it.

New Yorkers can use the constitutional convention as

a way to reform state government from the inside out, and make the Empire State the national, progressive trendsetter it proclaims itself to be. But some, however, fear that the convention will turn our state into something that doesn't reflect progressivism or New York values as a whole.

Those fears are unfounded. Voting yes on this November's amendment merely sets into motion the constitutional convention process; it does not nullify the laws already on the books. The people who vote yes or no on the convention will be asked again to vote for constitutional delegates: 3 in each of the state's 63 senate districts, plus 15 at-large delegates. Those delegates will then propose a brand-new constitution or a series of amendments that can only be ratified by the voters of New York in yet another ballot referendum.

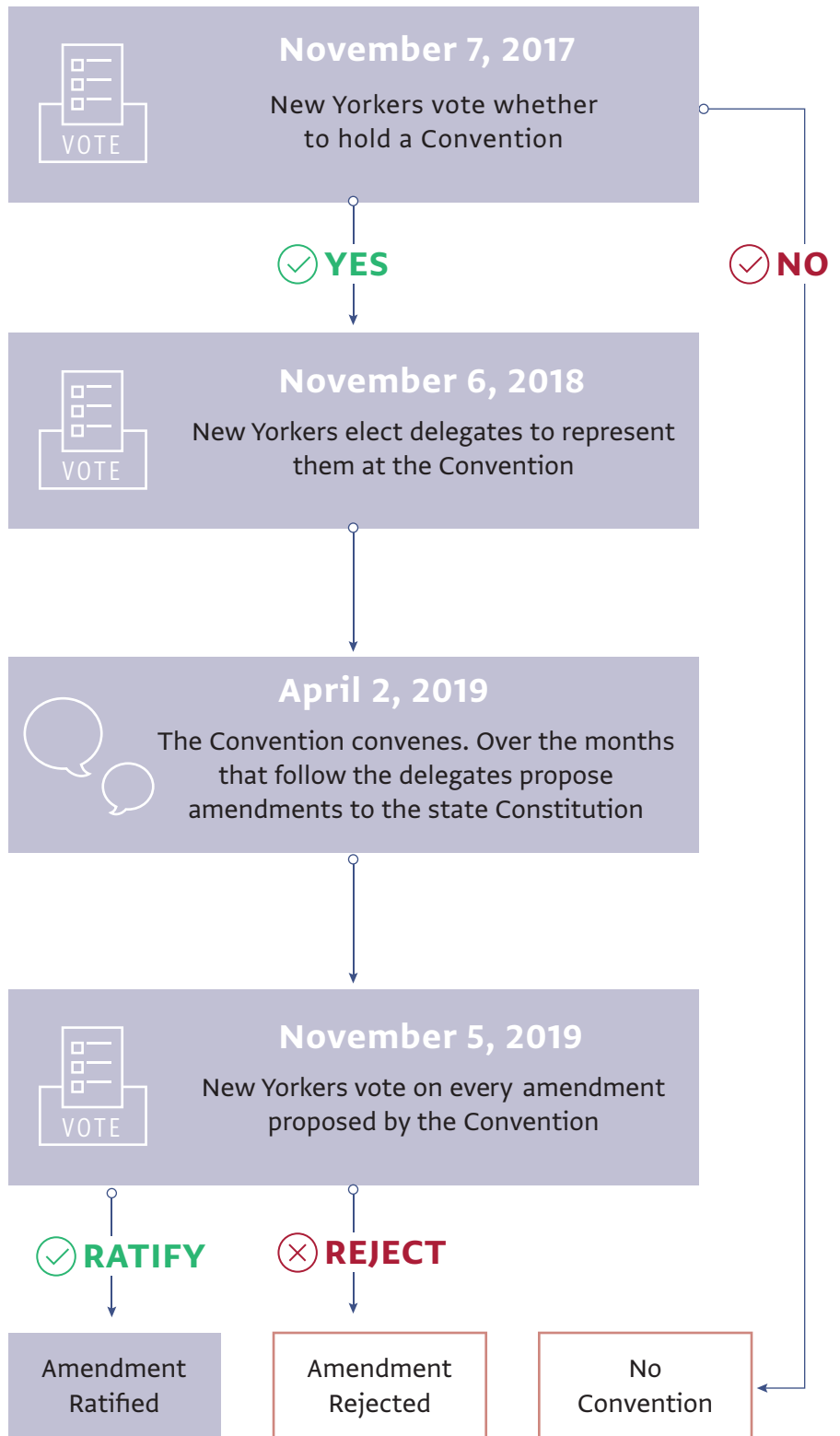
In other words, New York voters who have the power to start a constitutional convention also have the power to stop a convention's proposals dead in its tracks.

If we want our state government to work for us again — to guarantee equal rights for women, to legalize marijuana, to institute term limits on state lawmakers, to stop gerrymandering, among other issues — then a constitutional convention is our best hope at making it happen.

We urge you vote “Yes” for a Constitutional convention on Nov. 7.

# Convention Timeline

New York's Constitutional Convention referendum must be placed on the Nov. 7, 2017 ballot as specified in New York's Constitution



# How a Convention Can Make Elections Fairer

BY EVAN A. DAVIS

parties that is a major source of accountability in our political system. Making a voting district safe for a particular incumbent even more directly eliminates accountability.

Gerrymandering is also a key cause of divisiveness. When political parties compete, they are competing for the votes in the center of the entire political spectrum. However, when safe districts are created, the focus of competition shifts to primary races. This creates two problems. First, independent voters in New York have no voice in primary races: only party members can vote. The moderating influence of the independent voter disappears.

Second, in a primary, the competition is for likely primary voters. In this group of voters, activists at both ends of the political spectrum are overrepresented. Polarization results, and polarization is a key cause of government dysfunction.

This tendency toward dysfunction is heightened in New York because of our tradition that each house of the Legislature gets to draw its own lines, combined with the fact that a bill must be passed in both houses to become a law.

While racial gerrymandering is subject to judicial review, so far partisan gerrymandering has not been. This has been because of the absence of rules that distinguish partisan gerrymandering from the drawing of district lines to include

communities with common interests and needs.

In New York the drawing of voting district lines is highly partisan and used to advance political agendas. A good example is New York's 34th Senate District. That District is held by Jeff Klein, the leader of the Independent Democratic Conference and co-leader of the coalition between that conference and the Senate Republicans. In order to secure this coalition, the Senate "majority" has given Senator Klein a highly gerrymandered safe district in the Bronx that unites likely Klein voters on both sides of the county with a few in Westchester.

Because gerrymandering is such an obvious disgrace in New York, the Legislature felt compelled to propose a redistricting amendment to the people in 2014. That amendment fails, however, to provide for independent redistricting. As a result, the Court required that the word "independent" be struck from the ballot question presented to the voters.

The Legislature's redistricting amendment is 4,296 words long and creates a convoluted redistricting system controlled by the political parties where the Legislature has the final say.

By contrast, the 1967 Convention proposed a 258-word redistricting provision that took the power to draw voting district lines away from the Legislature

and gave it to a five-member independent body empowered to act by majority vote, where the majority and minority leaders in each house of the Legislature appointed one member and the Chief Judge of the Court of Appeals appointed the Chair.

The constitutional changes proposed by the 1967 Convention went down to defeat due to a mistake of presenting them on an all-or-nothing basis—a mistake that won't be repeated. That defeat has absolutely nothing to do with any popular objection to the redistricting proposal.

Because gerrymandering is hard to eliminate with specific rules, it is very important who draws the lines. The 1967 Convention took exactly the right approach by giving that power to a truly independent body.

We can resurrect that 1967 proposed amendment only by holding a Constitutional Convention. It is crystal clear that there is no chance that the Legislature is open to any change in their 2014 partisan handiwork, and without a Convention the State Constitution can only be changed with Legislative approval.

Let's seize the opportunity and not wait another 20 years. Things will only get worse.

*Evan A. Davis was counsel to Governor Mario Cuomo and is manager of the Committee for a Constitutional Convention.*

“IF THEY DON'T GIVE YOU  
A SEAT AT THE TABLE,  
BRING A FOLDING CHAIR”

- Shirley Chisholm

FORWARD MARCH NY



#YESWE  
CONCON

Vote **YES** on Question 1 to  
Revise the NYS Constitution

[www.forwardmarchny.org](http://www.forwardmarchny.org)

# The Only Thing We Have to Fear is Fear Itself

BY BERTHA LEWIS

Since New York entered the Union on July 26, 1788, essentially only 7 women and 2 people of color have had a direct impact on our state Constitution.

How is this possible in a state that prides itself on diversity? Well, our state's Constitution was largely written at New York's 1894 Constitutional Convention. At that Convention, only one woman and no people of color served as delegates. Since 1894, the only time our Constitution has been substantively revised was at the 1938 Convention. At that Convention, there were 6 women delegates and two people of color: Thomas Dyett, an assistant district attorney in Manhattan, and Chauncey Hooper, who would later go on to be a general in the U.S. Army.

This appalling lack of representation is absolutely unacceptable. At a time when the federal government is at best ambivalent about the resurgence of white supremacy, we cannot afford to allow the once-in-a-generation opportunity for us to right this wrong by holding a new Constitutional Convention to slip us by.

It is incumbent upon New York to create a guard rail against the noxious racial politics emanating from the White House. The only way to achieve this critical end is by first voting "YES" this November 7 on the Constitutional Convention ballot referendum and then electing the most diverse delegation to any Convention in New York's history.



Both of these accomplishments are well within our grasp. Though prior Conventions have failed woefully to reflect our state's demography, each Convention has become steadily more diverse. The last time we held a Convention, in 1967, 26 of the delegates were people of color and women. Unfortunately, the impact upon our Constitution of these delegates, including such trailblazing New York leaders as Guy R. Brewer, Herman Badillo and David Dinkins, was negated because the amendments proposed by the Convention were defeated at the polls.

It is now 2017—50 years since New York's last Constitutional Convention.

Over that time period, our state and our country have fundamentally changed. There is no reason to believe that a Convention called this year would not only be the most diverse yet, but that it would be led by people of color and women.

Of course, we will not accomplish this aim by sitting back idly. This is why I am personally committing myself to ensuring that the delegation we send to the Convention is the most diverse in our history by a long shot.

I will not, and cannot, wait another 20 years for a chance to fundamentally change our state. There is so much I want to change! I want voting rights; I want a strong equal rights amendment; the right to organize; and an end to gerrymandering once and for all.

I also want our state to tackle the root causes of inequality, such as inadequate funding of our public schools, and to establish a minimum wage that realistically accounts for the cost of living in our state. And finally, I want to strengthen our public pensions by reducing Albany's ability to reduce them for new workers, as the members of the state Legislature have been doing for years.

Any honest observer of our state Legislature will admit that none of these accomplishments are possible with the current leadership we have in the capital.

Opponents of the Convention like to argue that the risks of having one are too high, while conveniently neglecting to mention that virtually all of the provisions in our state Constitution that we hold most dear, like those that protect

unions and the environment, came out of previous Constitutional Conventions.

Convention opponents say our hard-fought rights will be lost to moneyed interests, glossing over the fact that the deep-pocketed lobbyists and special interests are who control Albany now.

When fear mongering is not enough the opposition resorts to blatant falsehoods. A prime example of their deceit is the lie that a Convention would cost the New York taxpayer \$300 million. This false statistic is derived from an article by a reporter for the *Times Union*, who misunderstood a point made by Convention scholar Gerald Benjamin, a professor at SUNY New Paltz. To the reporter's great credit he wrote a mea culpa correcting the record, which pegged the Convention's actual cost at closer to \$47 million.

By asking us to forfeit the profound power to call a Convention, these opponents are defending a system that promulgates the school-to-prison-pipeline, voter disenfranchisement, and Albany's dysfunction.

Communities of color in New York know all too well that these problems will not be solved by relying on the same politicians and special interests who have created the systems of oppression we fight daily.

People of color and women know that rights are never given; they must be taken. We cannot afford to be afraid, we have too much to lose.

*Bertha Lewis is the founder and president of The Black Institute.*

## UNEQUAL REPRESENTATION

	Total Delegates	Women Delegates	African-American Delegates	Hispanic Delegates
<b>1894</b>	175	1	0	0
<b>1938</b>	168	6	2	0
<b>1967</b>	186	10	11	5

# 10 THINGS You Can Do to Support the NYS Constitutional Convention Movement

**1. VOTE** "YES" this Election Day, November 7, 2017 on Question #1.

**2. TALK** to your friends, neighbors and fellow New Yorkers about the upcoming Constitutional Convention and explain your reasons for saying "YES".

**3. SIGN-UP** at [NYSaysYes.org](http://NYSaysYes.org) to connect with other supporters in your community and learn more.

**4. SHARE** pro-Convention content on social media. Follow @PeopleVoteYes on Twitter and like [Facebook.com/NYPeoplesConvention](https://www.facebook.com/NYPeoplesConvention) to tap into viral videos, terrific infographics and up-to-the-minute news.

**5. VOLUNTEER.** The movement for the NYS Constitutional Convention is people-powered. Whether you can hand out literature on Election Day, spend a day knocking on doors, or join our effort part-time, your dedication will make a big, positive difference.

**6. WRITE** a letter to the editor of your local newspaper explaining why you're voting "YES".

**7. POST** a vote "YES" lawn sign in your yard. Call 646-706-7175 or write to [info@nysaysyes.org](mailto:info@nysaysyes.org) for your free sign.

**8. SPEAK** before your local community group, civic association, or political club and inform them about the importance of the Convention.

**9. HOST** a house party to spread the word about what is at stake this Election Day.

**10. CONTRIBUTE.** Big-money special interests are spending millions to defeat the Convention and preserve their iron grip on Albany. Every dollar of your grassroots donation does to pushing back against their propaganda and empowering the people.

## HOW YOU CAN BE A DELEGATE

If New York votes "YES" this Election Day, our state is going to need 204 concerned citizens to step up and represent us at the People's Convention. Teachers, small business people, activists, students, farmers, retired people—New York is going to need our best and brightest to run to be delegates if we are to have the greatest Constitutional Convention in our history.

Are you ready to play your part in making history?

It doesn't matter if you've never run for office before, or never even considered the possibility of becoming a candidate. The job of delegate does not require you to become a career politician. It is a commitment of only several months during which time you are paid the same salary as a member of the state Legislature: \$79,500 per year.

If you are interested in being a delegate, there's no time to lose. As soon as we vote "YES", the race for all 204 seats will begin.

**DOWNLOAD YOUR FREE DELEGATE KIT NOW AT [NYSAYSYES.ORG/FREEKIT](http://NYSAYSYES.ORG/FREEKIT)**

Be the leader your community deserves. Run to be a delegate to the NYS Constitutional Convention.



## RAISE YOUR VOICE

The People's Convention needs your input. If you have any suggestions how to make it a success, email [info@nypeoplesconvention.org](mailto:info@nypeoplesconvention.org) or call 646-706-7175.

You can also fill out this form and mail it to:

NY People's Convention,  
267 Fifth Avenue,  
Suite 800, New York,  
NY 10016.

NAME: \_\_\_\_\_ ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_ EMAIL: \_\_\_\_\_

WHY I'M VOTING YES: \_\_\_\_\_

Issues That Matter Most to Me (check all that apply):

- Environmental Protection     Educational Albany     Ending Corruption
- Labor Protections     Equal Rights     Criminal Justice Reform     Term Limits
- Legalization of Marijuana     Property Tax Relief     Empowering Cities and Towns
- Other(s) (Please Specify): .....

Interested in Running as Delegate?    YES    NO    Want to Volunteer?    YES    NO

If you wish to contribute by check, please make out your donation to "NY People's Convention". Because your contribution will go to supporting a political campaign, it is not tax deductible.