



COMMUNIQUE

VOTE NO ON THE CONSTITUTIONAL CONVENTION

By Marci Rosenblum, Local 1180 Communications Director

While advocates believe a Constitutional Convention (Con Con) would give citizens a chance to “take back their government,” in reality nothing could be further from the truth. A Constitutional Convention would change the face of New York and bring detrimental changes to rights and benefits that workers are now guaranteed, such as a pension — and in the long run will only hurt unions and the hard-working men and women who keep our governments running.

If the Con Con passes, the entire document would be up for review. Delegates would be free to rewrite, delete, or add anything. While Albany’s ethical mess does need to be cleaned up, it will not be done via a Constitutional Convention. The wealthy will continue to be wealthy — and the working class will suffer.

How bad could a Constitutional Convention be for New Yorkers? Just ask the dozens of state politicians and hundreds of labor leaders who have come out in opposition.

The New York State AFL-CIO and a group of Senate Democrats have spoken out against a Con Con, saying it could lead to a diminishment of worker rights. They claim that deep-pocketed, out-of-state interests would spend big money to try and water down workers’ rights, women’s rights, and many other rights during the process. Supporters on the other hand claim that a Convention would be the best way to fix many of Albany’s woes in one fell swoop. They are wrong.

Gerald Brown, Local 1180 Second Vice President, said it’s important for members to remain clear in the next several months as reports continue to surface of why a Con Con is beneficial. “There is nothing good about a Constitutional Convention. We already have a process in place whereby any individual portion of the state’s constitution can be amended. Every suggested change needs to be made individually, thereby giving voters the opportunity to thoroughly review and digest potential impacts. The devastation that could transpire for unions with a Constitutional Convention could be insurmountable.”

Every 20 years, the people of New York State have a mandated opportunity to amend the State Constitution. The question of whether to amend

will be put before the voters this year on the November 7 General Election ballot in the form of a referendum.

“As I have told members many times, everything we know as of today could be gone tomorrow if the referendum for a Constitutional Convention passes,” Brown said, pointing out several of the main problems:

Protection for public employee pensions — currently protected by the State Constitution — would be at risk. A “yes” vote for a Constitutional Convention would certainly put public employee pensions on the table for discussion and change as far as New York’s political leaders are concerned. After all, it’s our pensions that come under constant attack and scrutiny every time there is a budget deficit.

Workers with 30 years of pension credits with a few years to retirement could see their retirement change in the blink of an eye, or in this case, the cast of a vote. New laws and formulas for calculating pensions could be imposed. The new laws and calculations would certainly have a negative impact on pension amounts received. The new laws also could affect current retirees.

The right to organize and collectively bargain, Workers’ Compensation, environmental protections, and educational funding also would be on the table, and most likely altered in some fashion greatly impacting the working, middle class.

Brown said one of the many problems with making mass changes to the document that essentially guides how New York does business, is that there would not be enough visibility for voters; too much would be done behind doors without allowing for public input.

He said there is nothing wrong with the current system of amending the state constitution. In fact, it has already changed 225 times since its creation. Why then do we need an extremely costly and dangerous Convention to change it again, Brown asked. “Aren’t there better ways to spend the roughly \$340 million that it will cost to hold a Con Con?”

New Yorkers fed up with corruption and dysfunction in Albany could be surprised to learn that convention delegates would likely be the same lawmakers and lobbyists the public is angry about. “If many of our politicians are not to be trusted now, just wait until they go behind closed doors and start tinkering with the Constitution,” Brown said. “There is not

a set number of days for the Convention, and every day the delegates are there is another day they will collect a salary, benefits, and expenses from taxpayer dollars. There is no reason for them to make it short. The longer it goes on, the more the delegates, who are more likely than not to be an elected official anyway, continue to line their pockets." Lawmakers who also are delegates will be collecting salaries and pensions simultaneously, which in essence is double dipping.

Under current law, voters would choose delegates in November 2018 – three from each of the state's 63 state Senate districts and 15 at-large delegates. The convention would be held in April 2019, with the proposed changes coming up for a general vote the following November. The state held its last Constitutional Convention in 1967, and delegates made several proposed changes to the Constitution. Voters rejected each of the proposed amendments in the general election. In 1997, New York voters rejected a convention, partly because of unified opposition by labor unions.

"A Constitutional Convention is dangerous for labor and a debacle for the public interest. Nothing good can come from this, which is why voters must vote NO on November 7," Brown said.

The stakes in a Constitutional Convention are immense for public employees who rely on collective bargaining — union members. Municipal workers work hard, often under difficult conditions, and they have a right to expect that state government will honor the Constitutional commitments regarding salaries, benefits, and retirement. Brown said many members take government jobs not so much for the salaries, but for the benefits, and that includes the pension they will receive upon retirement. While it is not a guarantee, remember that an open-ended convention would let the enemies of public employees and labor target much of that. After all, it's the deep-pocketed business leaders who target unions and labor as the root of all evil and these are the same individuals who undoubtedly will be well represented at a convention.

Even for those in the general public who might be anti-labor, there still is a very good reason to vote against the ConCon — the cost. The last convention cost more than \$45 million. In today's dollars, that would be nearly \$340 million.

"There are dozens of reasons for our members, their families, their friends, and their neighbors to vote against the Constitutional Convention this November," Brown said. "Your futures are at stake. There's nothing else to say."

The Daily News recently reported that a coalition of more than 100 groups from across the political spectrum formed to oppose the Constitutional Convention. That coalition, New Yorkers Against Corruption, is comprised of an array of labor unions, liberal and conservative groups, and environmental organizations.

The State Conservative Party is one of the coalition's members. "I experienced the Constitutional Convention in 1967 and it was a disaster," said state Conservative Party Chairman Michael Long. "Establishment politicians and Albany insiders will hijack the process and abuse their power as delegates."

In essence, a Constitutional Convention would open up the state constitution to extensive modifications — even a complete rewrite. This would place many of New York State's freedoms and protections at risk of alteration or elimination. If the U.S. Supreme Court or Congress rolls back abortion rights, anti-discrimination protections, or other hard-won rights at the federal level, our state constitution would be New Yorkers' last line of defense. "Who's to say that if New York has a Constitutional Convention that there wouldn't be one next on a national level," Brown said.

Under the state constitution, New York State is required to keep the pension system soundly funded. You have only to look across the Hudson River to see what would happen without that protection in a state constitution. In New Jersey, state employees have seen their retirement security vanish; the unfunded pension liability is \$44 billion because governors of both parties for decades have either delayed contributions to the public pension funds or borrowed heavily against the funds.

"Through a Constitutional Convention, we could lose everything we have worked so hard to achieve," Brown said. "You have the power to stop this fiasco before it even starts by heading to the polls on Election Day, November 7, to VOTE NO ON A CONSTITUTIONAL CONVENTION."