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New York's overstuffed constitution
Voters face a window for reforms
By SAM ROBERTS

Crammed with 56,326 words and more than 200 amendments, New York State's bloated Constitution is about seven times as long as the amended United States Constitution and well over twice the average length of the constitutions of the other 49 states.

With Washington abdicating responsibilities to states and localities, the authors of two new books argue convincingly that New York's Constitution is so riddled with anachronisms and has been so circumvented by legislative exceptions that it finally needs to be overhauled. Next November, for the first time in two decades, voters will be empowered to do just that.

In "Failed State: Dysfunction and Corruption in an American Statehouse" (Excelsior Editions, State University of New York Press, $29.95), Seymour P. Lachman, a former state senator, (with Robert Polner,) laments that the publication in 2006 of their "Three Men in a Room" about the lack of democracy in Albany, and the criminal convictions of legislative leaders since then, have resulted in insufficient reforms.

This revised and updated version of "Three Men" concludes that because Gov. Andrew M. Cuomo's efforts have been laudable, but not transformational, the only option is a constitutional convention, which New Yorkers can convene by referendum every 20 years.

This is one of those years. Voters will decide in November whether to hold a convention. If they do, delegates would be selected next year. In 2019, they would draft a constitution and place it on the ballot.

In "New York's Broken Constitution: The Governance Crisis and the Path to Renewed Greatness" (SUNY Press, $90; paperback $29.95), edited by Peter J. Galie, Christopher Bopst and Gerald Benjamin, the essayists agree that the existing document is riddled with "Potemkin provisions."

For example, the Constitution demands that all general obligation debt be subject to the voters' approval, but nearly 95 percent of what the state owes was borrowed without a referendum.

In the last two opportunities, voters rejected a convention. Sixty years ago, they voted down a new constitution. But each time, the debate was clouded by a single issue: state aid to parochial schools, abortion or the death penalty. This time, so far, it is not.

In a populist era, tinkering with a constitution can be risky. And what is the hope for fundamental reform when the permanent government, in this case, the Legislature, controls the delegate selection process? How else, though, to make voting easier, to fairly apportion legislative districts and the education budget, to impose campaign financing limits and higher ethics standards and to grant localities self-government?

In the early 1990s, Gov. Mario M. Cuomo asked Peter C. Goldmark Jr., a former city and state official, to draft proposals for a constitutional convention, a reformer's dream that evaporated when Mr. Cuomo lost his re-election bid in 1994.

What's left in Albany, Mr. Goldmark told Mr. Lachman, "is an unholy confluence of leader tyranny, corrupt campaign financing, insidious gerrymandering and no real oversight on integrity, due process and transparency."

Speaking of Mr. Cuomo, the broadcaster William O'Shaughnessy's love letter to the former governor, who died two years ago, "Mario Cuomo: Remembrances of a Remarkable Man" (Whitney Media Publishing Group, $35), is both an unabashed tribute and a timely reminder of the passion and inspirational positive thinking largely missing from today's loyal opposition.

In one telling passage, the author Gay Talese explains why Mr. Cuomo decided against a presidential campaign: His family was from Calabria, a Southern Italian village of people who "like to stay close to home and sleep in our own bed." Mr. Talese told Mr. O'Shaughnessy: "You guys are Irish. Your people could be cops, firemen, and the wives could be nannies. You spoke the language. Italians had to dig ditches because we didn't speak the language. It makes Mario all the more amazing."