

Opportunity for reform

Voters have chance to deal with government's decline

By Seymour P. Lachman

The New York state Legislature operates, on paper, through a system of committees with responsibilities for legislation and oversight. In reality, it's a system in which two leaders wield extraordinary influence.

Committee chairs have traditionally been appointed by the leaders of the majority party in each house — the Assembly speaker, a Democrat, and the Senate majority leader, a Republican. Appointment as a committee chair comes with an additional stipend, known as a "lulu," as compensation for the extra work that it is believed goes along with the position.

In addition to selecting committee chairs and awarding stipends, the Senate majority leader controls everything that happens in that house, ranging from all aspects of the budget process, redistricting, and all bills passed by the Senate. Indeed, in my five terms as senator, no bill was enacted without the prior approval of the Assembly speaker and Senate majority leader.

The pattern became clear — going along with leaders led to rewards.

Over the last few years, especially since the governor's office has refused to support the leaders' long-sought increase in the part-time legislators' salaries (\$79,500) absent comprehensive ethics reforms, new ways of obtaining additional pay have emerged.

Over the last several weeks, it has been revealed that four upstate Republicans and three members of the breakaway Independent Democratic Conference (whose members support the Republican leader as majority leader) have been granted stipends normally associated with committee chairs even though they only hold the title of vice chairs. This has cost New York state taxpayers tens of thousands of dollars. The current Senate majority leader authorized additional stipends for the four upstate Republicans, reportedly because members of the Republican Conference felt that the IDC, which was started by Sen. Jeff Klein after he couldn't become the Democratic Conference leader, had demanded and received more lulu and discretionary funds for their districts. Recently, Republican Sen. Pam Helming of Ontario County rejected any payments. None of the others followed her lead.

The Senate Majority counsel's office has argued that this procedure is administratively permissible despite the fact that the Senate majority listed incorrectly "vice-chairs" as committee "chairs" in paperwork submitted to the state comptroller's office. The Republican counsel's office went on to say that this was originally approved by then-Senate Majority Leader Dean Skelos in March 2015. Skelos was convicted on federal corruption charges over a year ago.

The current Senate majority leader continues to refuse to empower committee chairs and their members to have serious involvement in the consideration and adoption of legislation and perform oversight as the U.S.

Congress and many other legislative bodies in the United States routinely do. Nor are members permitted to vote even on simple reforms that involve transparency in things like outside earnings and ethics.

All the while, corruption has worsened as the legislative leaders consolidated power. Convictions of senators have increased over two decades — from two between 1996 and 2006 to more than 15 between 2006 and 2016.

State government is in continual decline. The absolute power of the leadership, the lack of meaningful oversight, and the apparent indifference of the public has led to a dire situation that needs to be addressed.

This year, New York voters have the opportunity to do something about this: vote to hold a Constitutional Convention. In the 19th century, a constitutional convention brought about free public

Educate New Yorkers on constitutional convention

By J.H. Snider

On Nov. 7, New Yorkers will be asked whether they want to call a state constitutional convention. New York's Constitution mandates that every 20 years this question be placed on the ballot. Based on the recent history of New York and other states, New Yorkers will most likely vote no.

New York's constitutional convention process grants the people three sets of votes: to call a convention, to elect delegates to a convention, and to vote convention proposals up or down. The unique democratic function of this process is to provide the people with a mechanism to bypass the state Legislature's veto power over constitutional amendments. Ordinarily, this veto power doesn't hinder needed constitutional amendments. An exception occurs when a legislature's and people's interests conflict, including issues involving a legislature's

opposition has increased, partly because of the rise of career-oriented incumbent legislators with their greater incentive than citizen legislators to oppose democratic reforms that might weaken their incumbency advantage. For example, Jeffrey Stoncash calculates that New York legislative turnover dropped from 67.3 percent in the 1870s to 10.2 percent in the 1980s.

■ **Special interest group opposition has increased:** Successful special interests, especially unpopular ones in heavily regulated industries, prefer to exercise influence through a legislature rather than a constitutional convention, where their legislative allies cannot veto reform proposals. Consider the evolution of Big Labor in New York. When in the early 20th century it was popular but couldn't get what it wanted from the Legislature, it championed conventions such as New York's 1938 convention, where it won the pension protections it now fears losing. Since the 1980s, the political dynamics have reversed, with Big Labor, especially government unions, taking the lead in organizing and financing convention opposition.

■ **Public ignorance of the state constitutional convention has increased:** This makes it easier for legislators and special interest groups to paint a convention as a wasteful Pandora's box controlled by the very political actors it was designed to check. This ignorance has grown partly because students don't learn about state constitutional conventions in school and adults no longer have any direct experience with one. Nowadays, less than half of New Yorkers even know they have a state constitution.

Given its vital democratic function, the state constitutional convention's decline has become symptomatic of democratic decline. But countervailing political forces do exist, including New Yorkers' growing disgust of Albany and mistrust of Albany's capacity to reform itself.

If the experience of other states in recent decades is a reliable guide, convention opponents will come out of the woodwork in the weeks and days before the referendum. Their campaign will be orchestrated in the shadows under the direction of some of the most accomplished political operatives in America and with a budget dwarfing convention proponents.

In preparation for this onslaught, opinion leaders should provide New Yorkers with a sense of the special purpose, history, and politics of this institution in not only New York but other states. Given the current level of ignorance about this institution, this is a daunting task. But given that this institution protects a core democratic right, arguably the most fundamental of all political rights — the sovereign people's right to reform their government — it is a task well worth undertaking.

► *J.H. Snider is the author of "Does the World Really Belong to the Living? The Decline of the Constitutional Convention in New York and Other U.S. States 1776-2015" and editor of The New York State Constitutional Convention Clearinghouse.*



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education through high school. In the 20th century it made New York the leader in social welfare legislation that became the model for the New Deal. In the 21st century, it is the only way to bring about democratic reforms that would give New York the clean and honest government it deserves. The answer for change and reform is for New Yorkers to vote for a Constitutional Convention this November.

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internal powers (e.g., legislative term limits, redistricting, ethics, transparency, and ballot access) and competing branches of government (e.g., judicial, executive, and local).

Never in U.S. or New York state history has there been such an extended drought in calling state constitutional conventions. Since 1776, the United States has convened 236 such conventions but none during the last 25 years; New York state has convened nine but none during the last 50 years.

In an article published in the Journal of American Political Thought, I explain this decline in terms of three long-term political forces: ■ **Legislature opposition has increased:** Since a convention checks a legislature's powers, legislatures intrinsically oppose them. But this