

The New York Constitution

What does it do?

Why is it important?

Does it need Reform

1. What does a State Constitution Do?

1 **ARTICULATES** THE ASPIRATIONS OF THE CITIZENS;

2 **ORGANIZES** GOVERNMENT WITH SUFFICIENT POWER TO ACT WITH EFFICIENCY AND RESPONSIVENESS WHILE LIMITING ITS POWER TO PREVENT ITS ABUSE;

3. **CREATES** A FRAMEWORK FOR FUTURE CONSTITUTIONAL CONSTRUCTION(CHANGE)

THE BASIC JOB "IS NOT TO PREVENT FUTURE DECISION MAKING BUT TO ENABLE IT. THE JOB OF A CONSTITUTION IN SHORT IS TO MAKE POLITICS POSSIBLE." CONSTITUTIONS ARE DESIGNED TO "SHAPE, CHANNEL AND DISCIPLINE FUTURE POLITICAL JUDGMENTS," A CENTRAL LESSON OF CONSTITUTIONAL DESIGN IS THAT THE PRESENT CANNOT CONTROL EVERYTHING THAT THE FUTURE MAY DO, AND IT SHOULD NOT TRY. INSTEAD IT SHOULD TRY TO SET UP A SYSTEM THAT BOTH DISCIPLINES AND NOURISHES THE FUTURE [JACK BALKIN, *LIVING ORIGINALISM*, p.31]

HOW DO WE ACCOMPLISH THAT
REFORM IN NEW YORK ?

TWO WAYS:

1. CONSTITUTIONAL AMENDMENT
THROUGH THE LEGISLATIVE
PROCESS
2. CONSTITUTIONAL CONVENTION

TWO WAYS TO CALL A CONVENTION

1. LEGISLATIVE CALL
2. EVERY TWENTY YEAR MANDATORY CALL (N.Y. Const. Art 19)
3. WHY DO WE NEED TWO WAYS?

The Constitutional Convention Question: Selecting the delegates

ISSUE # 1

The Vicious Cycle of Constitutional Reform: The Delegate Selection Process

Vicious Cycle :Self-propagating disadvantageous situation in which a solution (specially the one that does not address the root cause leads to another problem whose solution in turn, leads back to the first problem in a more sever form

Reforms

- Revise the election law concerning delegate selection for con-con, making it easier to get on the ballot.
- Provide for limited or cumulative voting so that greater diversity may be achieved
- Pass legislation saying that legislators or judges who wish to serve as delegate to the con-con must relinquish their positions.
- Legislators who serve will not receive the double dipping that everyone thinks is wrong but no one does anything about it
- Evaluate the status of the fifteen at large delegates

Issue III House Cleaning

The Constitution contains approximately 50,000 words: it needs a thorough Housecleaning. It contains

- Oddities
- Obsolete & Transitional clauses
- Provisions superseded by federal law
- Provisions in need of rearranging
- Statutory law masquerading as constitutional law
- Transitional provisions