

Con Con Background

By Richard Brodsky

Americans have absorbed the history and significance of our national constitution. The Great Compromise, the Articles of Confederation, the 2/3 clause, the Bill of Rights are familiar parts of our understanding of our national government.

New Yorkers, on the other hand, have almost no familiarity with our state Constitution. Recent scandal and sensation has kept "Albany" in the public eye. But the purpose and content of the state Constitution is a mystery. And that complicates any discussion of change and reform.

For example, we are currently embroiled in a high-stakes contest about the legality of "fantasy sports" betting. Love it or hate it, it's governed by specific language in the Constitution. So is the debate about reform of legislative outside income. So is the debate about upstate economic development. Etc., etc., etc.

The state Constitution does much, much more than the national Constitution. Both create a structure and rules for how to govern. But the national Constitution largely stops there. Contrast that to the state Constitution. It sets forth our values and priorities as human beings. Almost every part of our social fabric is included. Schools: Article 11. Health care: Article 11. The rights of workers: Article 1. Care of the poor: Article 17. Treatment of the mentally ill or disabled: Article 17. Environmental protection: Article 14. Housing: Article 18.

The state Constitution does two profound things. It tells us how to govern. And then it tells us what kind of a society we ought to be, what are our values, how we treat each other, and what we aspire to.

The state Constitution has a greater impact on our daily lives than does the national Constitution. Return to our original observation: Most New Yorkers don't know much about it.

This is particularly concerning as we approach the decision about convening a Constitutional Convention to consider rewriting or amending it. The level of public anger and disapproval of "Albany" is intense and getting intenser. It can be a motivator for a broad civil discussion. Or not. Cynicism about government is not new. But it doesn't guarantee deep thinking.

There is an enormous amount at stake. Our values. Our policies. Our social fabric. Let's try to elevate our concerns. They ought to include institutional reform. But they ought to transcend questions of how we govern and include questions of what kind of people we are.