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June 12, 2017

Henry M. Greenberg, Esq.
Chair, Committee on the NY State Constitution
c/o New York State Bar Association
1 Elk Street
Albany, New York 12207

Re: Report of the New York State Bar Association's Committee on the New York State Constitution Recommending a Constitutional Convention

Dear Mr. Greenberg:

This letter¹ is submitted by the New York County Lawyers Association Task Force on the Constitutional Convention ("NYCLA TF") in support of the April 20, 2017 report of the New York State Bar Association's Committee on the New York State Constitution ("COSC") urging a yes vote on the referendum question to be presented to the voters on November 7, 2017 on whether New York should hold a Constitutional Convention. This is the fifth report issued by COSC since its inception. NYCLA TF would like to recognize the extensive and excellent work that COSC has performed in highlighting important issues that a Constitutional Convention could address. This most recent report presents a comprehensive and thoughtful discussion of the rationale for voting affirmatively on a Constitutional Convention at this time. In particular, NYCLA TF believes that a Constitutional Convention provides an opportunity to achieve significant and needed reform in the areas of: court restructuring and modernization; voting rights; ethics in government; and strengthening our bill of rights and social welfare protections. The New York State Constitution, having been amended over 200 times, is cumbersome and contains obsolete and unconstitutional provisions. A Constitutional Convention can better address these issues, resulting in a more cogent and effective document. For these reasons, NYCLA TF is supportive of a Constitutional Convention, and urges that the report of COSC be approved and a resolution to support a Constitutional Convention be adopted by the NYSBA House of Delegates.

NYCLA was founded more than 100 years ago with the avowed purpose of being a bar association open to all lawyers in good standing without regard to race, creed, religion, ethnicity or gender, and with a mission to be a progressive bar association dedicated to improving the law and supporting access to justice. It has continued to serve as a voice in furtherance of these objectives. Recognizing that there are significant deficiencies in New York's court structure, NYCLA has been a strong voice for judicial reform², as well as for

¹The views expressed are those of the NYCLA Task Force on a Constitutional Convention only, have not been approved by the New York County Lawyers Association Board of Directors, and do not necessarily represent the views of the Board.

² NYCLA submitted an Amicus Brief to the United States Supreme Court in the matter of New York State Board of Elections v. Lopez Torrez, 2007 WL 2030539 (2007), in support of respondent Lopez Torrez. In the past, NYCLA's Task Force on Judicial Selection has examined and spoken out on all aspects of the judicial selection process, including public financing of judicial elections, judicial districts for election purposes, elective versus appointive systems, court consolidation, and other issues.

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strengthening voting rights and developing ethics standards that are effective and applicable to all branches of government. While the Legislature has the power to address these issues, either through legislation or through multi-year passage of constitutional amendments that would then be submitted to the voters, efforts to achieve significant reforms through legislative action have not been successful. At this point in time, a Constitutional Convention is the best opportunity to accomplish meaningful change.

NYCLA TF acknowledges the concerns expressed by those who oppose a convention because of fears that convention delegates may recommend narrowing the constitutional support for social welfare, education and environmental provisions in the existing New York State Constitution. The concerns expressed by those who oppose holding a constitutional convention for these reasons cannot be ignored. The New York State Constitution contains a number of unique and valuable provisions, including Article XVII, which requires the state to provide assistance to the needy. This means that the state has a duty to assist those in need even if the political branches of government are either hostile or indifferent to doing so. In an era in which there is great concern about federal withdrawal of support and resources from those in need, this provision of the New York State Constitution serves as a bulwark for the millions of poor New Yorkers.

NYCLA TF agrees with the view expressed in COSC's Report that given the fact that prior constitutional conventions have been the vehicle that instituted these crucial protections, including aid to the needy, the "forever wild" clause, and the right to collective bargaining, among others, and New York's history as a leader in enacting social welfare and equal rights reforms, there is no empirical basis to believe that such a scenario would occur. To the contrary, NYCLA TF believes that a Constitutional Convention could achieve an expansion of social welfare and educational reform, and incorporate fundamental rights into the Constitution, such as the right of same-sex couples to marry, the right to a clean and sustainable environment and an environmental bill of rights. Whatever proposals for changes to New York's Constitution result from a Constitutional Convention, it is the voters of New York who will decide whether to accept or reject them. This is the fundamental protection that is wisely set forth in New York State's Constitution, which places the ultimate power in the hands of the People, where it rightfully resides.

It is essential that the public be informed about the significance of the decision they face when they go to the polls on November 7, 2017. NYCLA TF intends to continue to fulfill its mission of educating the public on important legal issues prior to this crucial election, and looks forward to working with NYSBA and COSC in accomplishing this important task.

Respectfully submitted,

The NYCLA Task Force on the Constitutional Convention

Hon. Margaret J. Finerty and Susan Lindenauer, Co-Chairs

Bruce A. Green

Stephen C. Lessard

Michael J. McNamara

Carol A. Sigmond

Asha Smith