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Constitutional Convention: Thanks, but No Thanks

By THE EDITORIAL BOARD OCT. 31, 2017

That the mechanisms of New York State governance require serious repair is beyond dispute.

A campaign finance system that fosters corruption and creates kingmakers of moneyed interests cries out for a thorough overhaul. The incumbent protection racket known as gerrymandering must end. The voting process needs to be reinvented to stimulate anemic turnouts. And greater home rule for New York City and other municipalities is essential: It's absurd that the city, for instance, needs Albany's permission for something as prosaic as lowering speed limits on its own streets.

These and other issues could be fodder for a state constitutional convention, arguably a once-in-a-generation chance to reshape New York democracy. Every 20 years, under law, a question must be put before the electorate, as it will be again on Tuesday for the first time since 1997. Voters will get to say aye or nay to this, Ballot Proposal 1: "Shall there be a convention to revise the Constitution and amend the same?"

For the most part, New Yorkers have not cottoned to con-cons, to use a common shorthand. They voted "no" 20 years ago, just as they did 40 and 60 years ago. Except for a convention in the mid-1960s initiated by the Legislature — a fruitless exercise, since its proposals were ultimately shot down at the ballot box — no assemblage of this kind has been held since 1938.

In 1997 we urged a "yes" vote, reasoning that state government was "a paralytic wreck" and opportunities for reform were rare. It's tempting to make the same argument now. The Constitution is a bloated relic, reaching back to 1894 and rattling on for more than 50,000 words, seven times the length of the United States Constitution, amendments included. And the fact that most major politicians in the state oppose a convention — do they quake at the mere thought of reform? — is in itself an invitation to say "yes."

But we feel obliged this time to recommend a "no" vote. It's not because we fear change. On the contrary, the concern is that the likelihood of a con-con yielding the most desperately needed reforms is disappointingly low, and the possibility of its accomplishing nothing at significant cost, or, worse, setting New York back even further, is worrisomely high.

A lot has happened since 1997. The United States Supreme Court's 2010 ruling in the Citizens United case opened the floodgates to limitless campaign cash from ill-intentioned characters determined to twist public opinion for their own benefit. Britain's Brexit vote and Donald Trump's election in 2016 demonstrated the ascendance of demagoguery and fearmongering. In this climate, the danger of a hack-filled convention going haywire is palpably greater than it was two decades ago.

Delegates would be chosen according to the contours of the gerrymandered State Senate — three from each of the 63 districts plus 15 at-large representatives, for a total of 204. There's every reason to believe we would basically end up with the same politicians and factotums who now shape (or misshape) state policy. That outcome would hardly justify spending tens of millions of taxpayer dollars first on selecting the delegates in 2018, then on convening them in April 2019, and finally on holding a referendum on their proposals in November 2019.

We don't fully share the fears of some con-con opponents who've raised boogeymen about how the convention could unravel existing labor rights, pension provisions, environmental protections, reproductive freedoms and more. Their worries, while perhaps understandable, seem overwrought. But we also don't buy the argument of the pro-convention forces that no alternative path to reform exists.

A convention would not accomplish anything that New York lawmakers couldn't already do on their own — if only they had the will. It's up to voters now to force them to summon that will. How? In crude terms, by throwing the bums out when they refuse to do the right thing.

You have to wonder if New York democracy is failing the electorate, or the other way around. Voters complain endlessly about Albany's fecklessness, yet they send the same people back to the State Senate and Assembly year after year. The re-election rate for each chamber in 2016 was 98 percent. One-third of the lawmakers ran unopposed last November. Those are results usually associated with places like Iraq under Saddam Hussein.

At the risk of sounding starry-eyed, New Yorkers have it within their power, at the polls every two years, to demand a full Albany housecleaning. There's no need to wait for a plebiscite every other decade — and no compelling reason now for a costly convention with dubious prospects for essential change.

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