

**Pandora’s Box - Get the Facts about a Constitutional Convention**

Source: NYSUT Exec. V. P. Andy Pollotta

Under the New York State Constitution (Article 19, §2), every 20 years the people of the Empire State are asked a seemingly simple ballot question; *“Shall there be a convention to revise the constitution and amend same?”* These twelve simple words that will appear on the top of the ballot on November 7, 2017, will have a huge impact on not just NYSUT members, but every citizen of the state. From teachers and school staff, to the children who will be entering pre-K the very next year, all of us will have a stake in the outcome of this important vote.

This document is designed to help you better understand the convention and amendment process, why it is important to you as a NYSUT member and what steps we will need to take as a union to protect our rights.

*Constitutional Convention vs. Constitutional Amendments; What’s the difference?*

The state constitution can be amended in two ways. The first way to enact changes to the constitution is through the passage of individual bills by two separately elected state Legislatures (Article 19, §1). Bills such as this propose specific amendment questions which then appear on the November ballot. Most recently this process was undertaken in 2013, when several constitutional amendments ranging from the expansion of casino gaming in New York state to the sale of specific tracts of land within the constitutionally protected Adirondack Park were voted on by the people. All but one, increasing the mandatory retirement age for state judges, was passed and became part of the state constitution. This process has been used 200 times since the last major constitutional revision in 1894.

The second process for amending the New York State Constitution involves holding a constitutional convention (Article 19, §2). The question of whether to undertake this endeavor must go before the voters every 20 years and allows for much wider modifications of the constitution than the single amendment process; including a full rewrite of the document. If the voters approve holding the convention, three delegates per-State Senate District and fifteen at-large delegates are elected at the next scheduled general election. These delegates can include sitting members of the State Legislature, political party leaders or other office holders. The convention meets in Albany the following April for an unspecified duration, deliberates and then publishes their suggested amendments. The proposed changes are then submitted to the voters, either individually or as a group, with another public referendum vote no sooner than six weeks after the adjournment of the convention. This process has been used nine times (1777, 1801, 1821, 1846, 1867, 1894, 1915, 1938 and 1967) to undertake major re-writes of the state constitution. Some

**Wybenga make his 300th Apheresis Donation**



RC39 Director-at-large George Wybenga made his 300th apheresis donation at Stony Brook University Hospital. The bank nursing staff, peeking through the window, copied his caboose art on the blood bank’s bulletin board. See the September/October RC39 newsletter, on RC39 website, article on George’s caboose art.

of these conventions succeeded with voters accepting the suggested changes, while other convention recommendations were soundly rejected by the voters as was the case in 1967.

*Why is this important to me as a NYSUT member? What’s at stake?*

There are lots of reasons why this issue is important to you, your families and the people you serve. First, the constitution establishes a basic organizational structure for state government. If changes are made that give too much power to one branch, for example say the executive, then our system of self-governance will be up-ended.

Second, the constitution establishes the fundamental rights you enjoy as a citizen of New York state and as a public employee. Some of these include:

- Guaranteeing the right to a free public education (Article 11, §1);
- Prohibiting reductions in public pension benefits (Article 5, §7);
- Rights to workers compensation (Article 1, §18);
- Rights to be a member of a union and bargain collectively (Article 1, §17), and
- Requiring that the state provide for social welfare needs (Article 27, §1).

Third, the constitution sets the most important policy goals for the people of New York state, and thus, has an impact on every other law currently in place and on future statutes yet to come. For example, the 1967 convention was specially convened by an act of the Legislature a decade after the 20 year scheduled referendum was voted down in 1957. Following the 1967 convention, voters rejected the proposed changes which included (Continued page 3.)

## Remembering the “Aha” Moments of Teaching.

Beverly Berke

My becoming a teacher was a many-years long process. I'd learned at an early age to sew, and also how to change purchased patterns to “suit-my-fancy.” Those of my friends who also sewed would ask me to help them alter their patterns. For me it was fun.

In a competition during my senior year in high school I won a scholarship to Parsons School of Design in New York City. For three years I commuted from my hometown, Princeton, New Jersey. I graduated only a few months after the attack on Pearl Harbor and the beginning of World War II.

During the war I did blue-print drawings for FIRE-CONTROL PANELS for big battleships. Nothing creative about THAT. After the war I found a job designing leisure-wear. I met a wonderful fellow whom I married. We bought a house in the suburb of Douglaston, NYC. We had two children, a boy and a girl. I didn't return to work again until they were old enough to come home to an empty house after school.

Then I went back to being a designer. Upon retiring from designing I began teaching at the Fashion Institute of Technology in NYC. I was an enthusiastic instructor. It was exciting to see my students “catch-on” as the lesson progressed. During that time I realized that there were no reference books for students to turn to after class sessions. If their notes were not thorough, they needed a source to turn to. One day I mentioned this to a colleague saying that I intended to write a book to fill this need. She offered to be a partner in this endeavor. We worked for three years to complete the book. Fairchild published it. “The Language of Fashion” sold at F. I. T. bookstore for 30 years before becoming outdated in this computer age.

After my official retirement from F. I. T., New York, I was recruited by its “sister-school” in Florence, Italy. There I ran the Design Department and taught classes in design draping for one year. After returning to the U. S. A. I joined the International Executive Service Corps. This organization worked in countries worldwide, sending experts in any field of endeavor to teach our methods to client firms. All expenses were paid but no salary.

My experiences were in four different countries; Ecuador, Egypt, Kenya and Latvia. For the first three months I worked with a company where I studied the firm from top to bottom, assessing its function and its needs. After that I'd write a set of recommendations to improve its methods of production and management. During that time I would instruct the staff on how to attain the improvements suggested. I knew I was doing all the right things when one business owner asked me to stay for a year! The I. E. S. C. rules forbid this.

All in all, I've totally enjoyed being a teacher. It's always the thrill to see the “proverbial light go on” as a student or executive grasped the meaning of my analysis and instruction.



## RC39 Needs More Members to get Involved.

The three year terms of all the RC39 officers and members-at-large positions expire this spring. Because RC39 needs “new blood” in its leadership, now is the time for you to start thinking about running for an open position or encouraging a friend to run. RC 39 can only be effective if its members are willing to serve. Our rights and benefits of retirement are constantly under attack. Without constant vigilance our retirement benefits can be taken from us. This can be prevented only if there are those willing to defend our well earned retirement benefits. Who will be our defenders? If not you, than whom?

If you have any questions, would like to run, or to serve on the nominating committee please contact Pete Herron, rc39pete@optonline.net or (631) 744-5534.

### From page 1. **Constitutional Convention**

proposed repeal to the “Blaine Amendment” which prohibits the use of state monies to be used to assist religious schools. Had this repeal not been rejected by the voters, public education would look very different here in New York.

*How do I help and who else will be with us?*

The voters rejected the last required call for a constitutional convention in 1997, but the rejection was not by accident. Many groups worked together to convince voters that holding a convention was not in the best interest of the people of the state. Some of these included:

- Public and private organized labor;
- Environmentalists and conservationists who did not want to see the repeal of the “forever wild” provisions that protect environmentally sensitive areas;
- Advocates for public education at all levels;
- Social welfare advocates who will seek to maintain the requirement that New York State provide for the underprivileged;
- Fiscal conservatives who wanted to keep existing state debt limits in place; and
- Some government watchdog groups who just didn’t want to “spend the millions of dollars to hold a party in Albany!”

All of these groups, and more, will need to work together again in 2017 to make sure voters understand just what could happen if we open up the state constitution to drastic changes through a convention.

Since 2017 is an “off” election year for the state Legislature as well as an “off” election year for presidential voting, we will need to concentrate our efforts on this important issue. So, get involved with your local, stay active with the political process starting today, get informed on the important issues surrounding a constitutional convention and be ready to work come 2017.

*This is a monthly bulletin sent by the Social Safety Net Working Group of the Professional Staff Congress.*

### **HOW WILL THE 2014 MIDTERM ELECTIONS AFFECT THE SAFETY NET?**

Nobody knows for sure, but the prospect of an assault on the Safety Net is strong. Republicans now have majorities in the House and Senate. Congressional Republicans will continue to endorse Budget Committee Chairman Paul Ryan’s effort to privatize Medicare. His budget proposal would change Medicare into a premium support or voucher program. That means that beneficiaries would receive a voucher to pay private insurance companies to insure them. Let’s say the voucher is worth \$5,000; the cost of private insurance would probably be \$10,000 or more for each person. The difference would be paid by the individual. The idea is to end Medicare as social insurance and replace it with private health insurance. When the Senate voted on the Ryan Budget last year, five Republicans voted against it. Newly elected Senators have already stated their support for the Ryan budget. Radical changes to Medicare are part of their agenda.

Medicaid is also threatened by Republican control of the House and Senate. Their intention is to cut Medicaid and turn it into a system of block grants to state governments. Medicaid programs vary widely from state to state now, and block grants would weaken the program significantly.

Republicans may use a parliamentary procedure called reconciliation to shield their budget cuts and changes to Medicare and Medicaid from a filibuster by Democrats. President Obama could veto the legislation, and that would end the threat for the time being.

As soon as the 114th Congress convenes in January, actions to preserve the Safety Net will be called for.

**WE’VE REVISED OUR SAFETY NET BOOKLET.** The booklet, *Defending the Social Safety Net: A Call to Action*, (1) describes policy proposals to protect federal safety-net programs and pensions, (2) exposes the budget cutters’ disingenuous plans to “save” safety-net programs, and (3) provides the background information and arguments you need to make a vigorous defense of the safety net.

You can download it at: [psc-cuny.org/SNbrochure](http://psc-cuny.org/SNbrochure).

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### **NYSUT Member Benefit Fund Booklet now available on RC39 website.**

The latest NYSUT Member Benefit Booklet is chocked full of information of the many benefits offered by NYSUT to its members. To obtain a copy of the NYSUT Member Benefit Booklet go to the “Membership” page of the RC39 website, <http://rc39.ny.aft.org/>.

### **Retiree Council 39 Board of Directors**

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Send your comments, suggestions, and inquiries to NYSUT RC39Officers, 98 Rocky Point Landing Rd., Rocky Point, NY 11778 or [rc39pete@optonline.net](mailto:rc39pete@optonline.net).



**RC39 Newsletter is looking for comments, suggestions and articles from its members.**

Send your comments, suggestions or article to Peter Herron at rc39pete@optonline.net or mail to 98 Rocky Point Landing Road, Rocky Point, NY 11778. Your article will be published when space is available. RC39, NYSUT, and AFT news will be given priority.



**Address Change**

Do not let a new address keep you from receiving NYSUT RC39 newsletters. There are three ways to update your address. Contact NYSUT Member Records at 1-800-342-9810 ext. 6224. Send written changes to: NYSUT Member Records, 800 Troy-Schenectady Road, Latham, NY12110 or e-mail changes to [memberrec@nysutmail.org](mailto:memberrec@nysutmail.org). If you are a snowbird, give Member Records a few weeks notice to change its address records each way.

**Have you paid your voluntary RC39 contribution for 2015?**

If you have not sent in your voluntary NYSUT RC39 annual contribution, now is as good a time as ever. Just send your check along with the form below to the RC39 treasurer. It is your contributions that enable RC39 officers and delegates to represent you at NYSUT conferences and meetings.

**Retiree Council 39 Voluntary 2015 Participation Fee form**

Name \_\_\_\_\_ e-mail \_\_\_\_\_  
Address \_\_\_\_\_ Phone (\_\_\_\_) \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip code \_\_\_\_\_  
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Please check amount of your voluntary participation fee: \$25 \_\_\_\_\_ Other \$ \_\_\_\_\_

Send your check, made out to NYSUT RC39, along with this completed form to:

Ms. Joan Prymas, RC39 Treasurer, 141 Montgomery Street, Ilion, NY 13357