

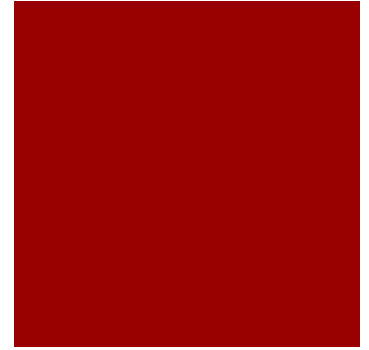


CONSTITUTIONAL CONVENTIONS IN NEW YORK

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September 26, 2016

CONVENTIONS BY THE NUMBERS



- New York has had 9 constitutional conventions
 - 1777, 1801, 1821, 1846, 1867-68, 1894, 1915, 1938, 1967
- New York has adopted 4 constitutions
 - 1777, 1821, 1846, 1894
- Current constitution adopted in 1894, and was substantially revised in 1938

OVERVIEW

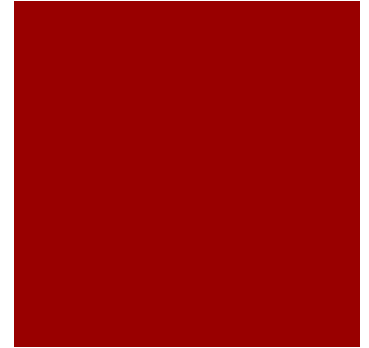
- Very little history of taking rights away
 - Have added greater rights for criminal defendants
- Have added positive rights
 - Bill of rights for labor
 - Right to aid and care of the needy
 - Low-income housing
- Been socially progressive
 - Environmental protections—“forever wild”
 - Conservation Bill of Rights



SPECIFIC CONVENTIONS

- CONVENTION OF 1777
 - Tripartite structure: bicameral legislature, strong executive and independent judiciary
 - Executive—long term and popular election but no veto power and no sole appointment power
 - No bill of rights but some protections in document (jury trial, counsel, due process)
 - African-Americans given equal suffrage
 - **Missed Opportunity:** Slavery not abolished

SPECIFIC CONVENTIONS



- CONVENTION OF 1801
 - New York's only Limited Convention
 - Considered composition of legislature and appointment power
 - Strengthened appointment power in council (i.e., legislature) and weakened governor's power

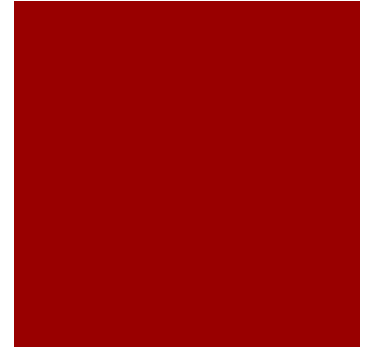
SPECIFIC CONVENTIONS

- CONVENTION OF 1821
 - First called by voters and first to submit results to voters
 - Removed property qualifications for whites, **but placed a property qualification on African Americans**
 - Abolished Council of Revision and Council of Appointment (sole veto power vested in governor)
 - Inserted Bill of Rights (drew upon New York's statutory Bill of Rights, U.S. Bill of Rights and English Bill of Rights)
 - Added amendment procedure--passage by two legislatures (latter by 2/3 vote) and approval by voters

SPECIFIC CONVENTIONS

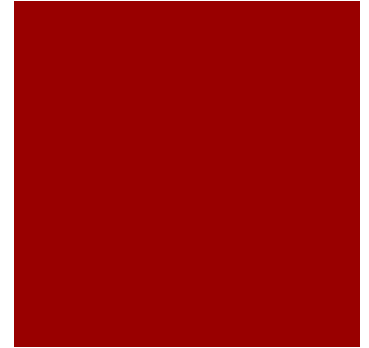
- CONVENTION OF 1846
 - Work reflected “Jacksonian democracy”
 - Made most state and local offices elected
 - Restricted legislature in areas of banking, finance, and debt
 - Prohibited excessive fines/bail and cruel and unusual punishment
 - Established Court of Appeals as state’s highest court
 - Submitted separate amendment to end property qualification for Black suffrage (defeated)
 - Added automatic convention vote (every 20 years)

SPECIFIC CONVENTIONS



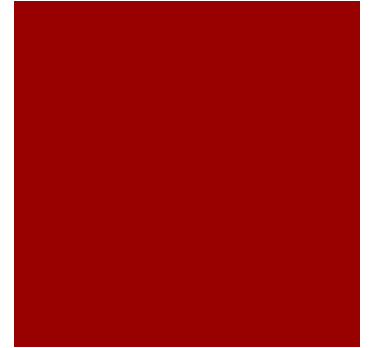
- CONVENTION OF 1867-68
 - First convention to have its work rejected by voters
 - Judiciary Article submitted separately (approved)
 - Separate amendment submitted asking voters if they wanted to retain the property qualification for African American suffrage (approved)
 - Women's suffrage first discussed but not proposed
 - Cities addressed for the first time

SPECIFIC CONVENTIONS



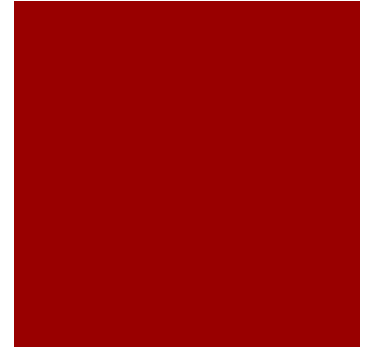
- CONVENTION OF 1894
 - Called in 1886 but delayed by selection dispute
 - Established current structure of Judiciary (appellate departments)
 - Established current legislative apportionment plan (ensuring rural control of state for 70 years)
 - “Forever Wild” protection for Adirondacks/Catskills
 - Merit based civil service system established
 - Greater home rule protections added for cities
 - Added delegate selection process

SPECIFIC CONVENTIONS



- CONVENTION OF 1915
 - Second convention whose work rejected by voters
 - Reflected Progressive thinking (efficiency, modernity)
 - Executive reorganization and consolidation
 - Executive budget
 - Short ballot
 - No women's suffrage amendment submitted because of legislative action
 - Much of the convention's work was later adopted

SPECIFIC CONVENTIONS



- CONVENTION OF 1938
 - Held during Depression—much focus on policy issues
 - Added a Bill of Rights for organized labor
 - Prohibited unreasonable search and seizures but did not adopt rule excluding unconstitutional evidence
 - Made “aid and care for the needy” a state concern
 - Added Housing Article
 - Relaxed restrictions put on legislature during 1800s
 - **Missed opportunity:** Did not reign in public authorities
 - Submitted 9 proposals; 6 adopted; 3 rejected

SPECIFIC CONVENTIONS



- CONVENTION OF 1967
 - Called by legislature in wake of “one-person, one-vote” decisions
 - Streamlined document; cut length in half
 - Removed “Blaine Amendment” prohibiting aid to sectarian schools
 - **FATAL ERROR:** Submitted new constitution (up or down)



QUESTIONS?

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