Syllabus
RPOS 204 (10712): NYS Constitutional Convention
Fall 2017
Rockefeller College of Public Affairs & Policy
University at Albany, SUNY

Class Meeting Time:
Tuesdays, 5:45 pm to 8:35 pm

Class Location:
Humanities Building, Room 024

Instructor:
Anne Hildreth (ahildreth@albany.edu, 518-442-3112)
Associate Professor of Political Science
Associate Dean for Undergraduate Education

Frank J. Mauro (fjmauro@albany.edu, 518-346-3122)
Public Service Professor, Rockefeller College
Adjunct Lecturer, Political Science Department
Executive Director Emeritus, Fiscal Policy Institute

Office Hours:
Rockefeller College Contact Office, Humanities Building, Room 016
Hildreth: 10 am to 3 pm
Mauro: By Appointment

Course Description:
When New Yorkers head to the polls this year on November 7th their ballot will include
a referendum on whether citizens of the state should call for a convention to potentially
reform our State constitution. What are the pros and cons of calling for a constitutional
convention (Con Con)? In this course we will examine the political arguments being
made in favor and against the Con Con and we will hear from different guest speakers
aligned on either side of the question. Along the way we will consider the role of
political parties, the public, established political leaders and the media in determining the
politics of a popular decision like this. We will evaluate how state constitutions differ
from our federal document and how the public conversation about New York
constitutional change could impact the topic of reform in New York state government.

Course Objectives:
The instructors’ objectives are for each participating student to

- Develop a clear understanding of the role of the 50 states’ constitutions in the
  American federal system and the ways on which the state constitutions are like (and
  the ways in which they are unlike) the federal constitution
- Become familiar with the ways in which the New York State Constitution can be
  amended and the strengths and weaknesses of those processes
- Be able to analyze and assess the strengths and weaknesses of political arguments
• Understand the benefits of cooperative work and group problem solving

**Academic Integrity:**
Each student is responsible for becoming familiar with and following the University at Albany’s “Standards of Academic Integrity.” These standards are available for review at [http://www.albany.edu/undergraduate_bulletin/regulations.html](http://www.albany.edu/undergraduate_bulletin/regulations.html). Ignorance of the standards, unintentional error, or personal or academic pressures are not acceptable reasons for violation of the University’s academic integrity standards.

**Medical Excuse Policy:**
See [http://www.albany.edu/health_center/medicalexcuse.shtml](http://www.albany.edu/health_center/medicalexcuse.shtml)

**Reading Materials:**
All reading materials will be provided via Blackboard. Some readings will be posted directly on Blackboard while for some other readings links to electronic copies will be posted on Blackboard.

**Course Requirements and Grade Weights:**

**Grade Weights:**

- 10% Quizzes
- 10% Attendance
- 10% Discussion Leadership and class preparation
- 20% Group Pro/Con presentation and research report
- 25% Group Regional Analysis and research report
- 5% Crystal Ball Prediction
- 10% Final group reports
- 10% Final individual reflection essay

**Quizzes**
Each class session for which readings are assigned will include a short quiz on the readings for that day. The two lowest quiz grades will be dropped. Students who are absent when the quizzes are given may not make them up. Weekly quizzes will total 10% of a student’s grade.

**Attendance**
Students are expected to attend every class meeting and be attentive to each guest. We will take attendance at each class session. One excused absence is allowed; any additional absences will incur a penalty to the attendance portion of the grade. Attendance will comprise 10% of a student’s final grade.

**Discussion Leadership**
Each class should contribute information relevant to the type of arguments to present in your group presentations as well as help you prepare for the final reflection. We expect a vibrant dialogue in class about the details and arguments on both sides of the debate on the whether or not to hold a constitutional convention. Each student will share the role of discussion leader with 3 or 4 other students for one of the classes. In that role, you will
be expected to prepare questions in advance of our guest’s visit and contribute to the
discussion and Q&A after their presentation. Each leader will prepare 2 questions using
the guest bio and any assigned readings related to the guest speaker’s topic and submit
them online to the Discussion Leader portal by 5 pm on the day of class. Students should
also develop 1 or 2 questions on the basis of our guest’s presentation and try to include
one in the Q&A following the discussion. These additional questions need to be
submitted at the end of the class to Professor Mauro or Professor Hildreth. Discussion
Leadership will total 10% of a student’s grade.

**Group Presentations**

Students will be assigned to a group at the 2nd class meeting and will need to complete
due date and requirement details.

**Pro/Con**
The first presentation, due October 31, will be your group’s assessment of the 2
best reasons for voting in favor of the ballot question and the 2 best reasons for
voting against it. If possible, the presentation can include a group
recommendation in favor or opposed to the Concon. This presentation and its
related research report are worth 20% of the final grade.

**Regional Analysis**
The second presentation, due November 7, will be a prediction of the how a
specific region of the state will vote on election day. Bruce Gyory, a local
political consultant, will join our class twice to assist us with this assignment. On
October 10, he will provide an important overview of the building blocks of smart
predictions. He will also join us in the November 14th class directly after the
election to dissect both your predictions and the actual outcome. This
presentation and its related research report are worth 25% of the final grade.

**Crystal Ball**
At the end of the regional presentations in class on Election Day, each student will hand
in their own individual predictions of both their regional and statewide voting turnout and
yes/no/blank proportions on the ballot question. Sound reasoning and careful
consideration of the evidence presented during the regional analysis will be the most
important criteria in grading this assignment; accurate predictions WILL NOT be
required. The Crystal Ball is worth 5% of the grade.

**Final Group Presentations and Final Individual Reflections**
During the December 5th class, the first part of the session will be devoted to a full class
discussion based on short group presentations on Next Steps for constitutional issues and
reform agenda issue. The last half hour of class will consist of an open book essay
reflection based on a question pertaining to our semester long analysis of the
Constitutional Convention ballot question. Each of these two components will be worth
10% of the overall grade for the course for a total of 20%.
Schedule of Required Readings, Discussion Topics and Related Assignments:

**Tuesday, September 5, 2017**

**Guest Speakers** – A big picture “Pro/Con” session with Gerald Benjamin presenting the case for a "Yes" vote on the November 7, 2017, Constitutional Convention referendum and James Yates presenting the case for a "No" vote on that ballot question.

Gerald Benjamin is the associate vice president for regional engagement and director of the Benjamin Center for Public Policy Initiatives at SUNY New Paltz. He previously served as chair of the Department of Political Science and dean of the College of Liberal Arts and Sciences at the college. From 1993-95, he served as research director for the NYS Constitution Revision Commission appointed by Gov. Mario M. Cuomo.

James Yates is the former Chief Counsel to the Speaker of the New York State Assembly, and a former Justice of the New York State Supreme Court, New York County. He was a member of the New York City Bar Association’s 1995-97 Task Force on New York State Constitutional Convention; and is a member of that Association’s current 2015-17 Task Force on New York State Constitutional Convention.

**Readings**

- *Report of the New York City Bar Association Task Force on the New York State Constitutional Convention*, June 14, 2017. This report supports the convening of a New York State Constitutional Convention but by virtue of the inclusion of what amounts to a strong “minority report,” it presents an excellent distillation and analysis of the arguments both for and against a convention. As you read this report it would be a good idea to prepare an outline of the arguments for and against a convention and to add to that outline as the semester progresses.
- *Comparing the Processes for Amending the US and NYS Constitutions – Slides*
- *Amending the US and New York State Constitutions* – contains the text of the articles of the US and NYS Constitutions that govern the amending of those two documents

**Tuesday, September 12, 2017**

**Guest Speaker** – Henrik (Hank) Dullea will discuss the events that led up to the convening of New York State’s most recent (1967) constitutional convention; the 1966 election of convention delegates; the work of the convention; the decision to present the convention’s recommendations to the voters of New York State as a single question; the defeat by the voters of the convention’s proposed constitution; the follow-up to (and the implications of) the 1967 Constitutional Convention experience; the lessons that can be learned from the 1965-1967 experience; and why his study of the 1965-67 experience leads him to favor the convening of a NYS constitutional convention in 2019.

Dr. Dullea has served in a wide variety of governmental and higher education positions in New York State, most recently, as director of state operations and policy management for Governor Mario M. Cuomo. Earlier in his career he was assistant
secretary to Governor Hugh L. Carey for education and the arts (1976-80) and a decade before that he began his state government career as a legislative budget analyst for the New York State Assembly Ways and Means Committee. After leaving direct state government service in 1991, he began a long affiliation with Cornell University as its vice president for university relations. He wrote his doctoral dissertation on the politics of New York’s 1967 Constitutional Convention.

Readings
- Read the Dullea, MacKay, Greenwald and League of Women Voters writings posted in the Blackboard folder on New York State’s 1967 Constitutional Conventions. In addition to completing these readings, you should also take the time to skim through the copy of the 1967 Convention’s proposals which is also posted in the same Blackboard folder. You can also use these materials to prepare well-informed questions for this week’s guest speaker, Dr. Henrik Dullea.
- Emily Zackin, “Looking for Rights in All the Wrong Places” – Chapter 1 from her 2013 book of the same name. During the second half of the September 12th class. We will discuss Professor Zackin’s analysis of positive rights in state constitutions as we prepare to make the most of her September 19th guest lecture.

Tuesday, September 19, 2017

Guest Speaker – In lieu of meeting in our regular classroom at 5:45 pm, we will begin at a slightly later time (to be announced) on the University at Albany’s downtown campus to attend a guest lecture by Professor Emily Zackin. There will be no quiz this week.

Emily Zackin is a professor of political science at Johns Hopkins University and previously taught at CUNY’s Hunter College, She received her Ph.D. from Princeton University in 2010. Her dissertation won the Edward S. Corwin Award for Best Dissertation Public Law and the Walter Dean Burnham Best Dissertation Award from the Politics and History section of APSA. Dr. Zackin is the author of Looking for Rights in All the Wrong Places: Why State Constitutions Contain America’s Positive Rights (Princeton University Press, 2013) which is based on her dissertation. Her book focuses on three political movements to add positive rights to state constitutions. In particular, it examines the campaign for education rights, which spanned the nineteenth and twentieth centuries, the movement for positive labor rights, which occurred during the Gilded Age and Progressive Era, and the push to add environmental bills of rights to state constitutions during the 1960s and 1970s.

Tuesday, September 26, 2017

Guest Speaker – Professor Peter Breiner will discuss the comparative advantages and disadvantages of direct democracy and representative democracy as a political theory question with relevance for New York State. As part of this discussion, Professor Breiner will touch on look at the recent Brexit vote and its aftermath in the United Kingdom as well as the experience of the state of California with direct democracy.

Peter Breiner is a professor of political science at the University at Albany where his research and teaching focus on the field of political theory, both canonical and contemporary. He received his PhD in Political Science from Stanford University. His research and teaching focus on the field of political theory, both canonical and contemporary. His published work has dealt with the relation of political theory to
political sociology, especially with regard to Max Weber and his use of political sociology for political judgment.

**Readings**
- "State Constitutions in the Federal System" by Richard Briffault
- "State Constitutions in the United States Federal System" by Jeffrey S. Sutton
- "Principal Provisions of State Constitutions" by Richard Briffault
- One or more readings related to the discussion of direct democracy and representative democracy will be added.

**Tuesday, October 3, 2017**

**Guest Speaker** – To Be Announced

**Readings**
- “The Political Dynamics of Mandatory State Constitutional Convention Referendums: Lessons from the 2000s Regarding Obstacles and Pathways to Their Passage" by John Dinan
- “The Mandatory Convention Referendum Question in NYS” by Gerald Benjamin
- Constitutional Amendment and Constitutional Convention Votes, 1987 to 2014
- Votes Cast for and Against Proposed Constitutional Conventions and Proposed Constitutional Amendments, 1821 to 1987
- The November 2017 Ballot Questions (in New York State)

**Tuesday, October 10, 2017**

**Guest Speakers** – We will have two separate guest speaker presentations during this class. Assembly Speaker Carl Heastie will discuss his perspectives on the November 2017 constitutional convention referendum as well as the role of the State Legislature in the amending and revising of the New York State Constitution. Bruce Gyory will discuss voting trends in New York State and offer some advice on forecasting the results of the November 7, 2017, referendum.

Carl E. Heastie is the 100th Speaker of the New York State Assembly. He has the historic distinction of being the first African-American to serve as leader of the Chamber’s 150 members representing communities across the state of New York. He was elected to serve as Speaker on February 3, 2015. Since then, he has led the Assembly Majority in efforts to uplift communities and promote a Families First agenda that prioritizes strategic investments in the health, safety, economic and social well-being of New York’s families. His full bio is available on the Assembly website at [http://nyassembly.gov/mem/Carl-E-Heastie/bio/](http://nyassembly.gov/mem/Carl-E-Heastie/bio/)

Bruce Gyory is a senior advisor in the government and regulatory practice in the Albany office of Manatt, Phelps & Phillips. He has over 28 years of experience working as an attorney, and has served three Governors of New York, two as a senior advisor. Prior to joining Manatt, he was a strategic consultant for Corning Place Communications on a variety of political and communications challenges. He is an Adjunct Professor of Political Science at the University of Albany, focusing on national and state voting trends.
Readings
- “Amending the NYS Constitution Through the Legislature” by Gerald Benjamin and Melissa Cusa (1997)
- “The Political Conundrum Underlying the Referendum for a Constitutional Convention In New York” by Bruce N. Gyory from Making a Modern Constitution (2016)
- Who Votes: Voter Turnout in New York City, a report of the New York City Campaign Finance Board (2012)
- One or more other readings on New York State voting trends will be added

Tuesday, October 17, 2017

Guest Speaker – Patricia Salkin will discuss the provisions regarding government ethics that could potentially be added to the New York State Constitution; the arguments for and against including particular ethics provisions in the state constitution; and the potential impacts of including such provisions in the state constitution.

Patricia E. Salkin is the Provost for the Graduate and Professional Division at Touro College. She was previously the Dean of Touro’s law school and is a nationally renowned scholar, educator and expert in land use law and government ethics. An accomplished administrator, she has held numerous leadership appointments within the American Bar Association, the American Association of Law Schools and the American Law Institute. Salkin also serves as co-chair of the New York State Bar Association’s Standing Committee on Legal Education. Before joining Touro she was a professor of Law and the Director of the Government Law Center at Albany Law School. She is a graduate of the University at Albany.

Readings
- “Constitutional Revison in New York: The Democracy Agenda” by Richard Briffault from Making a Modern Constitution
- One or more additional reading relative to Professor Salkin’s presentation will be added

Tuesday, October 24, 2017

Guest Speaker – To Be Announced

Readings
- "Legislative Redistricting and the NYS Constitutions” by David Wells (1997)
- The Delegate Selection Process report by the Goldmark Commission (1994)
- “Delegate Selection and the Problem of Ballot Access: by Burton Agata
- “The Voting Rights Act and the Election of Delegates to a Constitutional Convention” by Richard Briffault
- “The Election of Delegates to a Constitutional Convention: Some Alternatives” by Richard Briffault
- “Public Campaign Financing” by Michale Malbin

NOTE: These six readings are all included in the Decision 1997 book from the Rockefeller Institute. A PDF document with a full copy of this book is posted on the Blackboard site for this course.
- One or more readings related to he guest speaker may be added.
Tuesday, October 31, 2017

Group Presentations on the best arguments for and the best arguments against the November 7th Constitutional Convention ballot question (with your group’s recommendation if you reach a consensus position)

Tuesday, November 07, 2017

Group Presentations forecasting the results of the vote on the Constitutional Convention referendum for your group’s region.

Tuesday, November 14, 2017

Guest speaker: Bruce Gyory will analyze our group forecasts of the November 7, 2017, vote as well as the actual results. He will also offer his thoughts on the implications of the actual results and “what’s next” for constitutional change and government reform in light of the actual results.

Tuesday, November 21, 2017

Reserved for meetings of the student teams during this class period or during on or more other times between the November 14 class and the November 28 class.

Tuesday, November 28, 2017

Guest speakers: A post-election retrospective with Susan Arbetter, Erik Kriss and Bill Mahoney reflecting on the media coverage of the 2017 referendum campaigns; the impact of that coverage on the November 7th vote - including the impact on both turnout and the Yes/No breakdown of the vote; and, the next steps in media coverage of constitutional issues and reform agenda issues, in view of the results of the referendum.


Erik Kriss is currently the communications at AARP. Prior to taking his current position in 2013, he was the Albany bureau chief for the New York Post and a long time state correspondent for the Syracuse Post Standard.

Bill Mahoney is a reporter at POLITICO New York's Albany bureau, working on analysis of campaign finance and lobbying filings, legislation and other public data sources.

Tuesday, December 05, 2017

Full class discussion of next steps for constitutional issues and reform agenda issues based on a short Next Steps presentations by each group followed by individual written reflections.