

THE CONSTITUTIONAL CONVENTION OF 1967

During the 1960's there was a growing demand among New Yorkers to hold a convention to revise the State Constitution. This Constitution had been in existence since 1894 and contained a large number of amendments approved by voters during subsequent years. In 1965, the legislature (Laws of 1965, Chapter 371) put the question before the voters of whether or not to hold a convention. The voters approved a convention, to be held in 1967.

The legislature (Laws of 1965, Chapter 443) soon created a Temporary State Commission on the Revision and Simplification of the Constitution and to Prepare for a Constitutional Convention. This Commission made a comprehensive study of the Constitution and compiled several volumes of information for the use of delegates. In November 1966, New York voters elected 186 delegates to the convention.

The 1967 Constitutional Convention, the ninth such convention in the state, was held in Albany from April 4 to September 26. Anthony J. Travia, Speaker of the Assembly, served as Convention President. The stated purpose of the Convention was to eliminate obsolete and confusing provisions and remove unnecessary detail from the extremely lengthy document. The Convention delegates also worked to loosen restraints that prevented state government from responding promptly to the needs of the people.

Many of the revisions in the Constitution proposed by delegates attempted to meet these purposes. The highlights of changes in the Constitution proposed by the Convention's major committees were:

Bill of Rights and Suffrage: added new language guaranteeing freedom of speech, press, assembly, and petition, and forbade any law that limited the establishment or free exercise of religion; forbade discrimination because of age, sex, and physical or mental handicaps; added stricter controls over wiretapping and electronic eavesdropping; added a provision giving any citizen the right to bring legal action against the state; guaranteed jury trial in criminal cases for offenses punishable by imprisonment of one year or more; added a liberalized suffrage article eliminating literacy requirements and property qualifications for voting; and gave the legislature authorization to reduce the voting age.

Education: repealed the 1894 "Blaine Amendment" prohibiting direct or indirect aid to denominational schools, subject to restrictions of the Federal Constitution; added constitutional authority for many aid programs for higher education while leaving the legislature to set priorities and programs; and forbade discrimination because of race, religion, or national origin in admission to any school supported by public funds.

Local Government: included broad authorization for economic and community development programs in cities; added authority for cooperative financing among multiple local governments to create regional agencies to handle special government functions; and streamlined procedures for increasing local tax

limits.

Judiciary: provided for the gradual state takeover of the operating costs of the statewide court system; authorized the legislature to alter the jurisdiction of the courts; permitted the Court of Appeals to create new judges and administer the statewide court system; and increased the jurisdiction of the Court of Claims and modernized court adoption procedures.

State Taxation: required the gradual transfer to the state of the administration and cost of local welfare programs; and allowed the legislature to incur debt without a voter referendum.

Other Areas: authorized the governor greater flexibility in reorganizing state agencies; placed legislative reapportionment in the hands of a separate commission rather than in the total control of the legislature; added a statement of policy to conserve and protect natural resources and scenic beauty; and retained the prohibition against gambling, except for bingo, the state lottery, and parimutuel betting.

Outcome:

The proposed constitution containing these and other changes met with strong opposition in the state and was voted down by New Yorkers in the November 1967 election. A major reason for the opposition was the decision of the Convention to submit the document as an entire package. This was seen as an attempt of the Convention leadership to use popular sections of the document to carry the unpopular propositions. Much of the support for and opposition to the proposed document was tied to the proposition to repeal Article XI, Section 3 of the existing Constitution, popularly known as the "Blaine Amendment" prohibiting state aid to church-related schools. There was also a great deal of voter objection to propositions for the state takeover of local costs of social welfare programs and the court system. These takeovers were seen by many as adding greatly to the state's indebtedness.

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