



NEW YORK STATE BAR ASSOCIATION

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June 24, 2016

Honorable Andrew Cuomo
The Capitol
Albany, New York 12224

Dear Governor Cuomo:

I write on behalf of the New York State Bar Association to urge you to issue an executive order creating a commission to prepare for a possible constitutional convention.

In November of last year, the State Bar Association adopted a report of its Committee on the New York State Constitution calling for the establishment of a preparatory commission. During the legislative session, we urged that a commission be established through the legislative process. Although that was not achieved, a meaningful commission remains a possibility through your action. There is historical precedent.

The 1937 Legislature, much like this year's Legislature, failed to establish a commission. However, after that year's session, Governor Lehman issued an executive order filling the void. He was able to minimize the cost of the commission by assigning current state employees to the staff. As Professor Peter Galie has noted, that commission "produced one of the most comprehensive and reliable source(s) of information on the New York Constitution." In addition, a commission was established by executive order in 1993 in advance of a vote on whether to hold a convention.

Time is short, but it is not too late. If you were to act in the near future, a commission would still have time to do the research necessary; educate the public before the November, 2017 vote on whether to hold a convention; and, should the voters approve, prepare substantive reports before a 2019 convention that would give the delegates the information they would need for a successful outcome.

The State Bar Association believes that this is an opportunity that should not be missed. We would be pleased to meet with you or your staff to assist should you believe that we can be helpful.

Yours truly,

Claire P. Gutekunst