

MEMORANDUM FOR HERMAN T. GUERRERO 

SUBJECT: Current Crises

Yes, I agree. Ruth Tighe does have a knack for irritating one. Attached is a draft response for your consideration. We think you will want to end up with something positive - like the call for deferral of the vote on the proposed amendments. I am sure that individual delegates may have more critical comments to make about this reporter - who didn't cover any of our sessions and seems to think that she has a better sense of what the community wants than the 27 delegates elected by the community to do this job.

Glad to hear that the Legislature may address the deferral problem shortly. If this is not accomplished by the week after Labor Day, we will plan to change our plans and get out to Saipan promptly.

As to public education, we have some preliminary thoughts to discuss with you. We suggest a call on your Friday morning at 10:30. We are in Buffalo at 716-662-4884 in case there is another better time. (There is a 14 hour difference.) By way of general topics, we need to address:

1) Use of the Media: what has been your success in getting agreement in the newspapers to print material regarding the amendments? How about the TV programs?

2) Your invitation to speak at the Chamber of Commerce is an important one. They ought to be especially interested in the amendments with financial implications, eg. deficit reduction, Article 12, legislative downsizing, etc. We do have to worry a bit about the number of amendments; we haven't checked Tighe's number but in any event we need to emphasize publicly that there are far fewer major amendments than she (or others) may be complaining about. I think some of the major points made in the proposed response to her might also be made before the Chamber. Deanne and I suggest that a list of organizations be prepared, or drawn upon, and that letters go out from the Post-Con Committee asking for an opportunity for a member to appear before the group to discuss the amendments.

3) Beyond the above, we need to think about how best to reach other groups of voters. We recall some discussion of meetings with government employees; any further consideration of this. How about the Governor's reactions to the proposed amendments?

Will talk to you later. Regards.

August 24, 1995

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DRAFT RESPONSE TO TIGHE ARTICLE

As a delegate to the Third Constitutional Convention, I am very surprised to read in Ruth Tighe's recent column that I was "brainwashed" into creating a "monster" that no one can figure out how to "tame." This is simply not true. Any reporter who covered the Convention regularly, read the proposals submitted for consideration, attended Convention committee meetings and sessions could not make such charges.

Contrary to Tighe's suggestion, there was indeed widespread interest throughout the Commonwealth in revising the Constitution - to address serious problems in the governance of the Commonwealth, to delete many of the "legislative" provisions inserted by the 1985 Convention, and to draft a Constitution that would govern the Commonwealth's course over the next 25 years. This public concern was evidenced in the number of candidates that ran for the Convention, the range of issues that the candidates addressed during the campaign, and the extensive coverage of the Convention's deliberations by the media.

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What the reporter conveniently ignores is that each delegate elected to serve was free to advance his or her own suggestions for amending the Constitution. There was no effort whatsoever to restrain the delegates from making proposed amendments that reflected their own priorities -- however varied they might be or however different they might be from what this particular reporter thought was important. The delegates were elected to do exactly this. Some were concerned about improving the educational system; others wanted to improve the operations of the Legislature; others wanted to restrict the Governor's authority in specific respects; others wanted to protect the environment; and so on.

The Convention's procedures encouraged this process -- which resulted in about 620 proposed amendments to the Constitution. Many of these suggestions came from outside the Convention -- from the Mayors, the Governor, community groups, defeated candidates and interested individuals. Each such suggestion was introduced as a matter of courtesy and given the same attention and respect as proposals submitted by the delegates. No Convention has been so open to suggestions and there was nothing but praise for the Convention's readiness to consider proposed amendments that came from outside the Convention.

The challenge for the delegates was how to evaluate the 620 proposals, to weed out the important from the less important, the constitutional from the legislative, and to achieve a consensus behind a proposed amendment that would achieve the two-thirds majority that was required under the Convention's Rules. This was done through the laborious efforts of the Convention's four substantive committees, which conducted extensive public hearings and had hundreds of hours of meetings in which the issues were debated - and debated - until the committee members believed they had achieved the necessary agreement. No one who attended these meetings, or watched them on television, could have any question whatsoever that the delegates were wrestling with extremely difficult issues and doing so in an honest and non-partisan manner. The delegates were not "brainwashed" by the Convention leadership, by the Convention's counsel, by the Governor, by the Legislature, or by the media!

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Rather than resort to labels like "monster," reporters who are truly committed to a fair public debate could contribute to the process of public education by focusing on the substance of the proposed amendments. The delegates were aware that their efforts resulted in a substantial rewriting of the Commonwealth's Constitution. They thought that was necessary in order to deal with some of the Commonwealth's critical problems, to ensure that the resultant document was consistent throughout, to eliminate outdated provisions, and to present to the people for approval a document that could survive without further amendment for the next 25 years.

The delegates are well aware of the need for a far-reaching public education program. It is necessary and desirable to address the major amendments separately; to consider their interrelationship with other provisions; and to make every effort to ensure that the voters understand the significance of the Convention's proposals. This public education campaign is one of the principal responsibilities of the Post-Convention Committee as set forth in the enabling legislation. The Committee was formed in the last days of the Convention and has already met several times to consider how best to present the amendments on the ballot and how to conduct the needed public education program. The Committee needs the help of all the media to accomplish its public education mission -- even those who believe that the Convention created a "monster."

The Post-Convention Committee agrees that there is too little time for an effective public education program before the November elections. For that reason the Committee has been urging the Legislature to enact legislation that would enable the proposed amendments to be considered at a special election in late February or early March next year. Such deferral would not only provide more time for public education but would also allow the proposed amendments to be considered on their merits separately from the partisan campaigning that will precede the November elections. The Legislature has not yet acted on this suggestion, but may do so within the next week or so. We delegates ask everyone to support this deferral -- so that the important work of the Third Constitutional Convention receives the careful consideration that it so richly deserves.

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