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The miracle in Springfield

Forty years ago, on Dec. 8, 1969, the Sixth Illinois Constitutional Convention met for the first time. This convention drafted the state constitution that the voters adopted a year later, the state constitution under which Illinoisans now live.

It was a miracle. In the latter part of the 20th century and so far in the 21st century, it has been almost impossible to hold a state constitutional convention, much less get its draft constitution ratified by the voters. Yet Illinois succeeded in 1969-1970. Because I was a staffer at the convention, I saw why Illinois succeeded.

In 1969, Illinois was living under its third constitution, which Illinois adopted in 1870.

One reason the 1870 constitution lasted for a century was that it was almost impossible to amend it or to call a constitutional convention to revise it. During that century, Illinois outgrew the constitution's restrictions on governmental powers. Through the first half of the 20th century, the Illinois Supreme Court sometimes resolved the problem by reading the text of the constitution in ways that could charitably be described as "creatively broad."

By the 1960's, it was clear that Illinois needed major constitutional revision. The Illinois General Assembly put the question on the ballot in November 1968. Many legislators thought — and some hoped — that the issue would not garner the required support of 60 percent of the voters casting ballots on the issue.

But it passed handily and the legislature had to provide for the convention. The "enabling act" provided for the election of the 116 delegates. Because candidates ran without party affiliations, many Illinoisans who would not have dreamed of running for office previously threw their hats into the "good government" ring for a once-in-a-lifetime position.

On Dec. 8, 1969, the 116 "members of the convention" were ready to begin work. They met in the State Capitol in Springfield, heard an address by Gov. Richard B. Ogilvie, and elected officers of the convention. They were on their way.

For 1969 they were a diverse group. There were 13 white women, two African-American women, 11 African-American men, and one delegate who is part-Filipino, but no Hispanics. Many were "ethnic Americans," but only two were born abroad, one in Sicily and one in Poland.

Although few of the delegates knew each other on Dec. 8, 1969, they quickly began to learn about each other and about Illinois. They held public hearings around the state, which enabled Chicagoans to visit Southern Illinois for the first time and Downstaters to see the Chicago neighborhoods for the first time. By the closing day ceremonies on Sept. 3, 1970, the delegates were skilled in debate, in maneuvering, and above all in compromise. They truly listened to each other.

I do not mean to deify them. They were human. They lost their tempers; they sometimes stomped out in anger and disgust. But they came back to try again. Of the 116, perhaps 25 were key players and 25 were almost always "followers." But all of them knew that should be leaders on some issues and followers on other issues.

Let me summarize what the convention did and why I think it succeeded where so many other state conventions failed. First, they produced a draft constitution that was essentially a compromise on almost every major issue. Today, "compromise" is a dirty word, and ideologues seem to demonize everyone who disagrees with them. Then, compromise was the key to success.

Second, the convention submitted four issues directly to the voters. Two were "hot-button" issues of the day: lowering the voting age from 21 to 18 and abolishing the death penalty. Because compromise was impossible, the convention gave the voters their choice. In both cases, the voters decided to keep things the way they had been (voting age at 21 and the death penalty left to the legislature).

The other two issues went to the core of the method of selecting officers of the legislative and judicial branches. They were so contentious that some delegates threatened to oppose the entire document if their position did not have a chance of adoption.

The third issue concerned the legislative branch. Members of the Illinois House of Representatives were then elected from three-member districts by a system called "cumulative voting." Each voter possessed three votes, which he or she could cast in any way he or she wished, even casting all three votes for one candidate. This system was unique among state governments. The result was a House in which normally a third of the members were from the "minority party" in their districts. House members were also often very independent of their party leaderships, which was either good or bad, depending on your viewpoint.

The convention gave the voters a choice: a modified three-member district system with cumulative voting, or a single member district system. The voters again chose to keep things as they were by approving the modified three-member district system.

In 1980, the voters changed their minds. A coalition led by political activist Pat Quinn and the League of Women Voters of Illinois organized a petition drive to put the issue of single member districts on the ballot.

The coalition called this the "Cutback Amendment" because it also reduced the number of House members from 177 to 118. It passed handily although I suspect most voters were just trying to



Law and Public Issues

By Ann Lousin

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kick some members out of the House and were unaware that they were also changing the political make-up of that chamber. The result is a House where party discipline is as strong as it is in the Senate.

The fourth issue is still with us: whether all members of the Illinois Supreme Court and the Illinois Appellate Court and half of the members of the Illinois Circuit Court should be elected by the voters or should be appointed by the governor from a panel of three nominees chosen by a Judicial Nominating Commission. Downstaters and members of the racial and ethnic minority communities almost solidly preferred electing judges. The major bar associations and the Lakefront liberals wanted the Governor to appoint judges.

Once again, the voters decided to keep things pretty much as they were. They voted for the modified election system that we have today. Those advocating an appointment process persist, but I suspect that the removal of Gov. Blagojevich, who was suspected of taking bribes in exchange for an official appointment, has dampened enthusiasm for gubernatorial appointment of judges.

In short, in 1970 the voters made only one huge change: approval of the "main body" of the draft constitution. Today, when reformers from both the right and the left scream that the convention "should have done" this or that, I point out that probably half of the state disagrees with them. They are often astonished that anybody would disagree with them. Each one thinks he or she has all the answers.

The members of the Sixth Illinois Constitutional Convention knew they didn't have all the answers. That humility enabled them to compromise and to produce a draft constitution acceptable to Illinoisans. For that reason, we should salute them — especially the 40 or so who are still alive — today. They and the voters of Illinois worked nothing short of a miracle.

Salute!