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Getting the band back together

John Marshall event reassembles delegates, staffers from 1970 Constitutional Convention

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Forty-five years from the day they were elected to write a new Illinois Constitution, several delegates and convention staffers reunited Tuesday to reflect on their time spent crafting the structure for state government.

On Nov. 18, 1969, voters across Illinois chose 116 delegates to write the state's first new constitution since 1870. They would meet in Springfield a few weeks later.

Ann M. Lousin, a longtime professor at The John Marshall Law School, participated in the constitutional convention — informally called “con-con” — as a research assistant, primarily with the committee on revenue and finance.

The convention showed Lousin the challenges of finding common ground among a diverse population in a large state, she said.

“For me, at the age of 27, this was an incredible experience — incredible,” Lousin said. “To see group decision-making from people who, for the most part, didn’t know each other before December the eighth, 1969, how they come together, it’s incredible.”

In the years since, Lousin said, as she teaches about the state constitution, she understands the tall order that comes with writing such important documents.

“I have such a much better appreciation for how to found governments, and when people tell me how they know what

happened at the Constitutional Convention in 1787 in Philadelphia, I say, ‘you don’t know, but I do,’ because I saw it replicated,” she said.

“I saw how people listened to each other; how they might trust each other or not trust each other. I saw how they realized we had different parts of this state.”

Reaching consensus wasn’t just a matter of finding middle ground on contentious issues, she said, because important topics to one group were not remote priorities to others.

At Tuesday’s event at John Marshall, Lousin recalled the concern some delegates had with then-Gov. Richard B. Ogilvie’s stance on gun rights.

“The delegates who were running downstate said (they) were getting everyone complaining we need a right to arms, because then it was thought the Second Amendment did not apply to the states,” she said. “For the people from Chicago, this was, ‘Who cares?’”

But they cared strongly, she said.

“And if you’re at a convention where you get people who feel one way and others who say, ‘What are you really worried about?’ — pretty soon you better learn to respect each other’s viewpoints.”

Anne Evans, a teacher, served on a Maine Township school district board. At the convention, she was vice chair of the education committee.

One of the first questions tackled by the group, which developed the constitution’s education article, was whether



Retired Cook County judge Frank Orlando (right) reaches out to John Marshall Law School professor Ronald C. Smith after receiving a commemorative mug during an event at the law school Tuesday discussing the Illinois Constitutional Convention in 1970. The two were among five delegates and several staff members from the convention who reunited to discuss the framing of Illinois government. *Chandler West*



John Marshall Law School professor Ann M. Lousin discusses issues that faced the Illinois Constitutional Convention in 1970. An event at the law school Tuesday marked the 45th anniversary of the election of delegates to write a new constitution. *Chandler West*

an article was even necessary.

“We were there to study what we already had and what it meant and then try to say what we meant in a clearer way,” said Evans, one of five convention delegates who attended Tuesday’s event. “But I’m not sure we made it or not.”

The most significant element of their work, Evans said, was including language that urged the state to bear the main burden of funding schools.

Yet, education funding mainly

comes from property taxes, with the state contributing a portion.

Reliance on local tax bases makes it harder for poorer areas to support strong schools, while enabling wealthier areas to run some of the best public schools in the country.

“What we tried to do is get the state in there as responsible, at least some fiscal responsibility, that we keep education at a little more even keel,” she said.

Given the weight and permanence of constitutional language,

some delegates wanted to leave the article out and defer regulation to the legislature.

“The theory of constitutional writing is that anything you write in the constitution is interpreted as limiting government somehow,” Evans said. “And the state is all-powerful, it has the right to do what ever it wants to do.”

But the delegates were also aware that the constitution would need to be approved by voters in the next election, and a lack of an education article could poison the entire mission.

“We felt that might endanger the actual passing of the constitution. People would think, ‘We don’t have the right to schools,’” Evans said.

Lousin, though, said she saw flexibility among delegates to keep the constitution concise. At one point, the document had a separate conservation article, but its chief sponsor withdrew it, knowing an environment article covered the same ground.

“When people are able to look at their own handiwork and say,

‘You know, my ego is not tied up in this. I’m willing to withdraw it,’ that’s an extraordinary thing,” Lousin said.

A panel discussion also included delegates Ronald C. Smith, a professor at John Marshall; Malcolm S. Kamin, a principal at Grumley, Kamin & Rosic LLC; and Frank Cicero Jr. of Kirkland & Ellis LLP.