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Dec. 15: A day that changed state history

On Dec. 15, 1970, the people of Illinois ratified the proposed new state constitution. The sixth Illinois Constitutional Convention had drafted a constitution designed to benefit and please all of the parts of Illinois: Chicago and Cook County, five suburban collar counties and the 96 downstate counties.

Yet it was the Chicago metropolitan area — the city of Chicago and its neighboring suburbs — that put the vote over the top.

The statewide approval vote was 55 percent. Cook County gave the constitution a 65 percent approval vote, while the 101 other counties gave it a 45 percent approval vote. Despite the efforts of the downstate convention delegates to persuade their neighbors to vote yes, the rest of Illinois, as usual, did not vote to support constitutional change.

Why did Chicago and the Cook County suburbs vote yes?

As to the city of Chicago itself, the answer is simple: Mayor Richard J. Daley. At that time, he controlled a political organization known as “the most efficient political machine in America.” When he turned out the vote, his patronage army, led by Democratic precinct captains, was a sight to behold.

Those of us who supported the draft constitution were worried when Thanksgiving arrived without any word from Daley about whether he would support the new charter. Then, on Thanksgiving Sunday — Nov. 29, 1970 — he announced his support. We knew that his blessing ensured a high favorable turnout in Chicago, one that we hoped would overwhelm the

expected downstate negative vote.

Why did the mayor support the new constitution?

One major reason was its modern and liberalized governmental structure, a marked departure from the 1870 constitution. He was an expert on Illinois revenue and knew our financial structure was a disaster.

The elimination of arcane restrictions on revenue meant that Illinois, including Chicago, no longer needed to circumvent outdated constitutional provisions with the help of a wink and a nod from the Illinois Supreme Court.

No longer would Illinois have to create special districts and “independent state authorities” to raise revenue. No longer would Illinois have to conduct a referendum to change banking laws, especially the law forbidding banks to have branches. No longer would the ad valorem personal property tax make tax cheats of many Illinoisans.

Equally important was the grant of breathtaking home-rule powers to Chicago, Cook County

What would have happened to Illinois, and particularly the Chicago area, if voters had rejected the 1970 constitution?

and potentially every city and county in Illinois. This shift in power has probably been the biggest change in Illinois politics in the last 45 years.

Before 1971, Illinois lived under Dillon's Rule, a principle of local government that requires any municipal corporation to obtain legislative approval before exercising any power. When Navy Pier opened in 1913, Chicago

LAW AND PUBLIC ISSUES



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could not license peanut vendors on the pier without statutory permission.

Although the one man-one vote cases of the 1960s promised greater legislative power for Chicago, it was clear that Chicago and Cook County would still have to go hat in hand to Springfield for changes that affected only northeastern Illinois.

Sometimes the downstate legislators withheld approval out of spite; more often, they conditioned their approval on concessions from the Chicago legislators.

By the 1960s it was also clear that the Chicago area was becoming an international powerhouse. Chicago was already an international city, a world-class economic and cultural center. The leaders of Chicago's political and economic communities realized that. So did the suburban leaders, who already benefited from O'Hare

International Airport. The leaders of Chicago and the Cook County suburbs also supported home rule.

What would have happened to Illinois, and particularly the Chicago area, if voters had rejected the 1970 constitution?

While this is a “historical if,” I believe in all probability Chicago would have suffered greatly. Consider the strictures imposed by the ban on branch banking. If downstaters, operating under the 1870 constitution, had continued to oppose branch banking, Chicago would not be the international banking center it is today.

If Chicago — and to a slightly lesser extent, Cook County — did not have home-rule powers, there would have been no alternatives to raising real property tax rates. Illinois would probably have even more special districts and an even more convoluted tax structure than it does now.

Perhaps the rest of Illinois would have agreed to enable Chicago and metro area to take their place on the international stage. But perhaps not. And if the downstaters had refused, I believe there would have been a serious movement to divide the state. Cook County, perhaps taking Lake and Will counties with it, would have petitioned Congress for statehood.

Who knows?

Maybe the rest of Illinois really would have been willing to let Chicago and its surrounding suburbs go its way.

If the Chicago area had split off from Illinois, we would not have the diverse, exciting, even if sometimes exasperating Illinois we have today. So let's lift a glass of a Chicago microbrew or Illinois wine tonight and toast the Illinois Constitution and the voters who adopted it 45 years ago today.