

# THE NEW ILLINOIS CONSTITUTION

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In a report of the activities of the Farm Bureau published in the *Carthage Journal*, Mr. J. H. Lloyd, farm adviser, says that the counsels of the Farm Bureau prevailed so much with the convention in the construction of the Revenue Article that if the constitution is voted by the people it will stand for the next half century as a monument to the diligence, the fairness and the intelligence of the Farm Bureau. In the same report he says the organization exerts great influence on each legislature and is now being heard in the national Congress. Its object is to make the organization a living force in the county, the state, and the nation. The Farm Bureau of Illinois is part of the great agricultural block or group that is now appearing in politics. It is made up of men, says the author of "Behind the Mirror" who are not ashamed to stand frankly for the selfish interests of their group. They aim to elect legislators who will represent primarily the farm interests. They have, says the same writer, a perfect vertical trust running straight up from the weekly entertainment in the union or bureau to the Senate in Washington, where their senators do the bidding of their agent, Mr. Gray Silver.

In the convention the delegates did the bidding of the bureau. We are not now considering what they did nor do we believe that they were primarily responsible for the revised Revenue Article. We wish merely to direct attention to this, in the convention were delegates who were not representatives of all the people, who never intended to represent all the people, but were primarily representatives of a group. They were elected by a group, and when the interests of the group had been protected their duties were completely performed. We may of course consider senatorial districts as places of habitation of groups and to that extent all delegates were elected by groups and were under the obligation of protecting them. This is quite different from the obligation imposed on those who had been elected as delegates to safeguard the interests of the agricultural group. The one dominant idea in the minds of the latter was to prevent anything from entering the constitution that would be in any way detrimental to the members of the Farm Bureau. The idea in the minds of the people's delegates is to limit the power of the legislature so that the rights of all the people may be preserved. The interests of the group must yield to the interests of the people.

The farm faction was the next candidate of all the factions that controlled delegates to the convention. The machinations of the corporation group were not disclosed by a representative of a corporation. The farmer standing in the open field is seen of all men, everything around him is an incentive to candor and honesty. The official of a corporation works in the seclusion of his office. His success often depends on his ability to conceal his plans from his competitors. He becomes habitually secretive. And especially is he secretive in politics. He may therefore be far more dangerous to public welfare than the candid, outspoken farmer. Officials of corporations are wage earners and the continuance of their wages depends on the continuance of corporation profits. The only reason for the existence of commercial corporations is the production of wealth for members of the corporation. No financial corporation has ever been organized for the purpose of gratuitously conferring benefits on the public. For whatever they give they demand payment. When they enter politics they do so for the benefits they expect to receive. It is for their interest to see that those who are able to dispense political favors are friendly to them. And it is especially for their interest to be certain that any amendments to revisions of the fundamental law of the state are in their favor.

The big trouble with the new constitution, says the *Cuba Journal*, is the fact that too many big corporation lawyers and too many big interests are the ones who want it ratified. This means that corporations, or "big interests" were represented in the convention. Corporations are, indeed, persons, and in some instances have the rights of natural persons, but they do not elect delegates to constitutional conventions. If sections of the proposed constitution are more favorable to corporations than to the people of the state, then some delegates were unfaithful to their trust and yielding to corporation pressure betrayed the people. Long ago it was cynically said that every man has his price. We may believe that

a farmer delegate who votes according to the instructions of the Farm Bureau may be honest, but we cannot believe that a delegate who votes at the bidding of a corporation manager can be disinterested. Corporations expect to be paid for their commodities or labor, and it is not unreasonable to infer they will pay for work done at their request. There are many laws of the state and nation that, when held in the strong light reveal the seal of a corporation. Such laws were enacted by nominal representatives of the people. In reality they were enacted by representatives of a group. Statutes may easily be revised, but a fundamental law so long as it exists is immutable. The delegate who sacrifices the people for some benefit to be received from a corporation commits an irreparable injury to the people. It is no slight charge, therefore, against the convention to assert, as some newspapers have that corporations and "big interests" are desirous of the ratification of the proposed constitution. It is a reflection upon the integrity of delegates, and is a confirmation of the popular belief that they were subservient to powerful groups.

### III.

"It seems to be the fad of the day for organized minorities," says the *Washington Post*, "to assume to fix and determine the policies of the entire population." The minority, or faction, that is covered with a veneer of religion does attempt, and in some instances has succeeded, in determining public policy. Religion is not in a satisfactory condition in this country at the present time. Opposition to truth usually is an aid to truth, but when Religion is enveloped in a mantle of absurdities; opposition to it appears reasonable. It is the most useless work in the world to attempt to destroy Religion. It is eminently useful and necessary to prevent the degradation of Religion.

Those who attended the sessions of the convention were aware of the pressure that was brought upon all the delegates by a faction that was determined to inject their particular kind of religion into the constitution. Seldom in the sessions was the subserviency of delegates to a faction more apparent than in the discussion of the Bill of Rights. We know that all the delegates were deluged with a flood of letters suggesting modifications of a religious character. We are astonished that more radical changes were not made. We presume that the anti-religious faction exerted some influence. But it was probably the innate sense of what real Religion is that prevented even the most servile delegate from going much beyond the bounds of common sense in what was to be written into the constitution.

Mr. A. F. Goodyear, a delegate, in an interview published in the *Watska Times*, said that there was hardly an organization in the state that did not appear before the convention to advocate or fight some proposed section of the constitution. This was to be expected, and the information obtained from the organizations should have been of great value to the delegates. But we are disposed to believe that little use was made of the greater part of the information. The constitution has been revised in parts and the parts revised clearly bear marks of factional influence. As far as principles are concerned, says the *Chicago Examiner*, the new constitution might have been constructed in 1872 when the one by which Illinois is now governed was adopted, or in 1848, or in 1818 when the state was admitted to the Union. But we differ from the *Examiner*, in condemning the revised constitution because of the adoption of many of the principles of the old constitution. In adhering to many of the

principles at the basis that constituting the convention was upholding popular sovereignty as against factional sovereignty. That should be the primary object of all American constitutional conventions. And in so far as popular sovereignty was protected the delegates are to be commended.

In considering the proposed constitution the point of view to be taken is that of the people's. It is fundamental that the primary object of a state written constitution at the present time is to limit the powers of the legislature. Limitation was always advisable. It is absolutely necessary today. In every part of the state and country are groups clamoring for special laws. And in every state are representatives who for the sake of retaining office are willing to propose and to aid in enacting such laws. The only check that can safeguard the liberty of the people from the legislative department of government is the constitution.

"Our theory of the constitution," says the *Chicago Tribune*, "is that there are certain principles of general application and lasting validity which are fundamental in our system. We have therefore tried to formulate them definitely and set them up for a permanent guide for the conduct of our affairs. By so doing we have hoped to avoid confusion and inconsistency in our evolution and to protect ourselves from passion of the moment, from sudden and insufficiently considered impulses."

The constitution should be a plain statement of fundamental laws. As permanent, it should not contain what may be described technically as legislation. An amendment clause, a little more liberal than the one in our present constitution, will amply provide for the changes that must inevitably come with the passing of time. When the constitution is limited

to the expression of fundamental and eternally true principles there will be in it nothing that will fetter posterity with bonds that will be as irksome as they are unreasonable. The Bill of Rights, the three departments of government, justice in taxation, the rights and duties of citizens, provisions for general education the creation and regulation of public and private corporations, and all matters of public defense may be expressed in fundamental principles. In this country as in no other we have courts that may be relied upon to construe the language of these principles properly and justly and to apply them equitably.

Mr. Woodward, president of the convention, said, "the true test is as to whether or not the proposed document is better adapted to the conditions of Illinois as they now exist than the constitution of 1870?" This is an utterly inadequate test. Conditions at the present time are temporary and abnormal. A constitution is a document made not only for the present but also for the distant future. If it be constructed for the purpose of legislating for present conditions, it may inflict intolerable hardships on those who will live in the future under entirely different conditions. A constitution is not a statute and should not be constructed according to tests that are sufficient for a statute. The great, important searching question to be asked with regard to the proposed constitution is this: Is the proposed document better adapted to protect the rights of the people than the present constitution?

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