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Introduction

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Introduction

SAMUEL W. WITWER*

It is hard to believe that almost twenty years have passed since the people of Illinois, pursuant to the old 1870 Illinois Constitution, voted in 1968 to call the Sixth Illinois Constitutional Convention which drafted our present Constitution. For most, if not all of the surviving delegates, numbering about 90 out of the original 116, the convention was an unforgettable experience, a highlight of our lives full of exciting and often dramatic events that we still recall as if they happened only yesterday. We have all watched with interest the application and interpretation of our common brain-child, the 1970 Illinois Constitution, over the intervening years.

One of the new provisions of the 1970 Constitution is the "automatic 20-year question" provided in Article XIV, Section 1(b), which for the first time in Illinois history, allows the people of our state to decide every twenty years whether or not to call a convention. This means that the General Assembly no longer has the sole discretion with respect to launching constitutional conventions. The Secretary of State, acting in a purely ministerial capacity, is required to place the question of calling a convention on the November general election ballot every twenty years unless within such period the General Assembly has done so. Inasmuch as the General Assembly has not done so since 1968, the automatic question provision of Section 1(b) has been triggered.

One of the reasons for the automatic provision was the fact that the 1870 Constitution had become virtually unamendable. It was the hope of the delegates to the 1969-70 convention that at reasonable intervals the people of our state would review their basic law and determine whether there were provisions needful of amendment and, if so, whether revisions should occur by separate amendments legislatively submitted or, instead, by the holding of an unlimited convention to deal with the Constitution in its entirety.

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It is gratifying that a statewide review and debate has come to pass. Since the fall of 1987, scarcely a week has gone by that Illinois newspapers have not carried 'op-ed' columns, background pieces or plain news stories about the Constitution, how it has worked and whether improvements are necessary. *The Committee of 50 to Re-examine the Illinois Constitution*, a special commission of the General Assembly, has authorized a series of short papers on particular aspects of the Constitution, all written by noted Illinois academics.

What we have lacked until now, however, is a major over-all study sponsored by an Illinois law school. The Northern Illinois University Law Review has filled this void, I am happy to say, with this excellent Symposium Issue. The breadth and depth of the articles the Editors have gathered is amazing. Major articles presented include Professor Ann Lousin's "The 1970 Constitution: Has It Made A Difference?"—a superb, timely and scholarly overview of the important questions now before the state involving the workings of the Illinois Constitution; Professor Jack Van Der Slik's less extensive, although highly important study of the background and workings of the amendatory veto as it affects executive and legislative powers in the field of legislation; and Professor Nancy Ford's challenging study: "From Judicial Election to Merit Selection: A Time For Change In Illinois," posing serious questions concerning the judicial branch of Illinois government which will simply not go away.

Other scholarly papers deal with a wide sweep of Illinois constitutional concerns ranging from home-rule to judicial responsibility to matters of taxation and education. Together with Professor Lousin's extensive and scholarly bibliography, they combine to make this Symposium immensely valuable to Illinois voters who will soon be called upon to make an informed decision on the "automatic twenty-year question."

We can all be grateful to the *Northern Illinois University Law Review* for performing this important service to the people of Illinois; also, to the Illinois Bar Foundation for supporting the endeavor.

In closing this Introduction, I would wish to pay tribute to two distinguished Illinois lawyers who have never really received the credit due them for their decades of work in bringing about sound constitutional government in Illinois. One, unfortunately, died August 6, 1986. He was Rubin G. Cohn. He was, for decades, a professor of law at the University of Illinois, but the title of "professor" does not do him full justice. He served the people of our state in many special assignments which a series of governors often gave to him; he fought long and unflinchingly for a competent, honest state judiciary; and he was ever a brilliant lawyer, wise counselor, patient teacher, devoted

scholar and the mentor of many who strove to make Illinois a better place in which to live. He was also a dear friend and fellow lawyer whom I, along with many others, miss very much.

The other unsung hero of Illinois constitutional reform fortunately is here to read these lines. Few Illinoisans outside government and the bar have heard of Louis Ancel, yet all Illinoisans owe him a great debt. Tirelessly, yet always behind the scenes, he has worked to make the government of Illinois cities and villages modern and efficient and to make them better places in which to live. He has also worked to give Illinois a strong constitutional foundation for its state and local governments. As Professor Lousin suggests in the dedication of her Article to him, those of us who work in the vineyard of Illinois constitutional law know that Lou Ancel is always toiling diligently, if modestly, right alongside us.

