

## CHICAGO AND THE DOWN STATE

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Keep awake, Peoria. Chicago will not give up. They are only getting their fight started. Get a few shots more into Washington before Chicago catches Peoria with its clothing disarranged so it cannot stand at parade with a presentable condition.<sup>1</sup>

'I have already learned,' said Anthony (Cook County) 'that when gentlemen wish a thing to be beaten, they only have to raise a hue and cry against Chicago, and down it goes. I have never seen such prejudice and malice exhibited against any region as has been exhibited by some gentlemen here against Cook County. The animus exhibited this morning seems to me unworthy of this convention.'<sup>2</sup>

'I am just as proud of that great city as any gentlemen upon the floor can be,' explained McCoy (Whiteside County), 'although I believe it has become a nice question, whether the city of Chicago is in the State of Illinois, or the State of Illinois is in the city of Chicago. I believe that depends on whether you live in Chicago or not.' (Laughter.)<sup>3</sup>

These selections, dated 1942 and 1869 bind together a series of intermittent struggles which have disturbed Illinois leaders for over seventy years. Much like they reputedly do about the weather, many people talk about the situation, but do nothing about it.

This paper grows out a study recently completed at the University of Chicago which tried to answer three questions<sup>4</sup> regarding Chicago—Down State relationships. Its chief sources were: Constitutional Debates and Proceedings; House and Senate Debates<sup>5</sup> and Journals; Records of the City Council of Chicago, Sanitary District of Chicago, and Board of Commissioners of Cook County; publications of committees; newspapers; and personal interviews made over a period of sixteen years by the writer.

A method of approach gave some trouble. The first task was, to define the term conflict—which finally meant a personal, conscious, spasmodic, but rather recurring struggle for individual or sectional advantage which has appeared frequently between persons residing in the two areas here designated, Chicago and the Down State; next, evidences of such conflict, and the reasons for the same had to be found. Committee and organization<sup>6</sup> reports provided some proof.

Constitutional Convention and legislative debates gave other clues. Newspaper accounts furnished useful information. The duty of verification followed. Votes by counties cast in legislative bodies by delegates and representatives were recorded on maps of Illinois and studied for evidence of conflict existing between Chicago and the rest of the State. Personal interviews were made as another means of possible testimony as to the findings.

Before these are discussed, a little orientation may be necessary. Illinois entered the union in 1818. Much of the credit belongs to pioneers who migrated from Kentucky, North Carolina, Tennessee, Virginia, and entered the State from the South. Later, settlers came from Maryland, New England, New York, Pennsylvania, remaining for some time in the northern part of Illinois. These two cultures were enriched by a third contribution, made by emigrants from Ireland, Germany, and other foreign countries.<sup>7</sup> According to students of our history, residents of northern and southern Illinois mingled little before the sections were bound together (1856) by the Illinois Central Railroad. Meantime, Chicago was growing. Her population of 350 in 1833 increased to almost 300,000 by 1870.

Other changes are worthy of note. Prior to the year 1900 Illinois was a rural state, but the Federal census of that year showed that 54.3 percent of the population lived in urban areas. Of these, 64.9 percent resided in Chicago. Thirty years later (1930) only 26.1 percent of the State's inhabitants were classified as rural, while 59.9 percent of an urban population of 73.9 percent lived in the metropolis. These factors may explain: why certain *rural-rurban* attitudes have persisted in Illinois from the beginning; why these attitudes came more aggressively into conflict with *urban-metropolitan ideas*; and why certain Illinois cities tended to unite more closely since the year 1905,<sup>8</sup> when they began to

recognize that they had common wants which might, if they united, be satisfied partially by legislative action.

Thus the historical, cultural, and ecological threads were at hand with which to weave the fabric of sectionalism.

The searcher, for two reasons, was early disappointed. First, before the Constitutional Convention convened (1869-70), sectionalism was more a conflict waged between northern and southern Illinois than one carried on between Chicago and the Down State. Second, sectionalism between the latter, although emerging in over one hundred conflicts, was found to be of a more prosaic character than that which had fascinated the student of sectionalism in America.

For the sake of clarity, the writer in the study has followed each class of conflict historically. But it must be acknowledged that this type of approach places the reader at a decided disadvantage, for one is apt to think of these usual biennial disturbances as rather simple affairs. Thus it very often has occurred to the writer that the study might have been better understood if it had been entitled "An Intertwining of Conflicts From the Year 1870," for on several occasions various conflicts have clashed together in the same legislative session, pushing emotions to a high pitch. During these periods much bad feeling was evident, threats were hurled from one side of the house to the other, legislation was slowed down, and often most of the session was one of conflict and uncertainty, with occasional compromises. A study of Convention journals, Chicago and Down State newspapers, and the report of votes set forth in legislative publications serve as proof of this situation.

The legislative session held in 1927 when Small was Governor of Illinois and Thompson became Mayor of Chicago is one example of the point made above. Before the session was six weeks old, Hunter (Winnebago County) introduced a gasoline tax bill, and six attempts, three intended to limit Chicago, were made to deal with the apportionment problem. Later two more gasoline bills, two income tax measures, and a bill by Kessinger (Kane County) designed to regulate the Chicago Board of Trade, were presented. Further, the senate received on May 17 from Chicago five transportation and eighty-seven finance measures. This situ-

ation became more complex because three Chicago representatives wanted their favorite intoxicating liquor bills passed into law during the session. The occasion was so tense that Mayor Thompson appeared before the senate and Chicago newspapers not only accused the Small-Thompson machine, but also the farmer members of the Legislature of being "all set to trim" Chicago. Senator Denvir of Chicago protested against the treatment his city had received and introduced a motion that Illinois be formed into two states: one, named Northern Illinois, consisting of Cook, Will, DuPage, Kane, Lake, McHenry, DeKalb, and Boone Counties; another, called Southern Illinois, comprising the rest of the state.<sup>9</sup> The plan died in committee.

The final report showed that the board of trade, income tax, representation, transportation and liquor bills had failed in the Legislature, while the gasoline tax bill and seventy-eight Chicago tax measures were signed by the governor.<sup>10</sup> Such is the history of a legislative session which gave ample opportunity for Chicago-Down State conflict. The *Chicago Tribune* saw "eighty-one perjurers" in the legislature.

Since 1870, Chicago and the Down State areas have disagreed on the following major topics: representation; home rule for Chicago; the waterway and the Chicago Drainage Canal; internal improvements; the judiciary; the wet and dry issue; taxation; and the State's desire to build certain State buildings in Chicago. Of these, representation, home rule for Chicago, and taxation remain live issues perplexing to law makers. The depression added new elements; poor relief and the method of raising funds to meet it, and Chicago's depression needs as compared with the wants of other areas. Besides, Illinois has a Chicago Governor.<sup>11</sup>

Since this paper must be in condensed form, only one problem—representation—is discussed at length. On the surface this question seems to be a constitutional one, but at its foundation the issue appears to be one of control; a struggle for power based on the section and having within it the elements often ascribed to "power politics."

In 1870 the State population was over two-and-one-half million with about 300,000 persons living in Chicago. Then Cook

County had seven representatives in the lower house at Springfield and consequently was allowed seven delegates in the Constitutional Convention (1869-70). There a conflict occurred over the problem of representation. Down State wanted a county basis for apportionment while Chicago-Cook insisted on a population plan. Chicago won because she had excellent leadership. In the legislature which followed, despite sectionalism, Cook County was allowed seven senators and twenty-one representatives, a substantial increase over the previous allotment.

The Constitutional provision, accepted 1870, calls for an apportionment every ten years based on the Federal census. The Illinois legislature is required to divide the population of the State by fifty-one, thus providing a quotient which will be used in determining senatorial districts. Each such district is assigned one senator and three representatives, latter to be chosen by minority representation. The Constitution provides that "senatorial districts shall be formed of contiguous and compact territory, bounded by county lines." This plan has two obvious weaknesses: first, apportionment is a legislative matter; second, with population moving elsewhere, many areas in the State lack direct representation.<sup>22</sup>

The last senatorial apportionment was made forty-one years ago (1901). Before that date Chicago was criticized, but Down State party leaders needed Chicago party votes in order to reapportion the State along party lines, so the metropolis received its quota of representatives in both houses.<sup>23</sup> Since that date, apportionment has been the major issue in Chicago-Down State sectionalism, and the constitutional provisions have been ignored.

Since 1903 Cook County has been able to control such legislation as requires a two-third vote of the membership of both houses before final passage, for that county sends nineteen senators to an upper house numbering fifty-one and fifty-seven representatives to a lower house consisting of one hundred fifty-three members.

Down State leaders have been willing to give Chicago more home rule in purely local affairs on condition that the latter accept a limited membership in the legislature. Such limitation would restore the two-third voting strength in one or

both houses to the Down State area. The record of the Constitution Convention held during the years 1920-22 prove this point.

Two illustrations, one political, the other sectional, are given to substantiate the statements made above. The democrats had apportioned and gerrymandered the State (1893) making use of the gag rule and the sick and ignoring the dead in order to do it. Two bills were passed before the task was completed because Riverside (Cook County) had been omitted from the first measure. Down State democrats needed three Chicago votes in order to carry through the proposal which in turn increased Cook County's strength in the legislature by 50 per cent.<sup>24</sup> Illinois republicans were not satisfied, for since 1857<sup>25</sup> that party had carried the State. Two courses, however, were still open: perhaps the court would declare the law unconstitutional; if not, party success at the following state election would give republicans an opportunity to pass a new reapportionment bill. The first plan was tried, but the judges (1895) held the act unconstitutional. Next year (1896) the republican party carried the state.

Again in power, the latter was determined to pass a senatorial reapportionment bill even though Attorney General Akin advised against the procedure. The first attempt (1897) failed because the republicans did not vote unanimously. A party split in Chicago was given as the reason.<sup>26</sup> Dismayed but resolute, republicans caucused at Springfield, heard Governor Tanner exhort them in a doleful message, and determined to try again. The Governor called a special session of the legislature and in his message showed the gravity of the situation from a party point of view. Republican representatives obeyed by passing a new apportionment bill,<sup>27</sup> later the state Supreme Court declared the act unconstitutional.<sup>28</sup>

The sectional conflict over representation reached its zenith in the years 1925-26. Political leaders and newspaper writers made much of the issue. Slogans, a tax revolt, threats of secession, and a mandamus of the legislature all entered into the picture. The issue became immeshed with such problems as daylight saving, public utilities, a gasoline tax, prohibition, and the failure of the legislature to remove the county jail and criminal

courts from Dearborn and Illinois Streets, Chicago. Chicago newspaper headlines read: "Tyrranizing over the City;" "Organizing the State Against Chicago;" "A Sample of Oppression;" "Tax Action Without Representation." Three stalwarts, two from Down State, former Governor Joseph W. Fifer and the Honorable Lewis A. Jarman, appeared before the legislature arguing for the Down State proposal that Chicago be limited; the third, John B. Fergus "the eighty-two year old fighting Chicagion" defended his city at Springfield. While the legislature failed to limit the metropolis at this session, the Schnackenberg (Chicago) motion that the House proceed to a reapportionment of the state along constitutional lines received only five votes from counties other than Cook.<sup>19</sup>

Chicago aldermen advocated that Chicago secede from the State of Illinois and instructed Corporation Counsel Busch to outline the legal steps in the process. Mayor Dever (Chicago) appointed a committee whose business was "to secure constitutional apportionment for Cook County" so talk of secession subsided for a time. The Hamilton Club of Chicago selected a committee of seven, representing both opposing sections of the state, whose duty it was to find a solution to the reapportionment problem on the basis of "sober and intelligent thought." This committee favored a compromise between the sections. Fergus carried the fight to the Supreme Court of Illinois and finally to the United States Supreme Court. The courts refused to interfere in what the judges considered a legislative problem.<sup>20</sup> Today the issue—representation—remains in the realm of conflict.

As mentioned above, ecological changes have forced Illinois leaders, at times, to cooperate on certain issues. Representation is one of these. A study of fourteen divisions on that subject made during a thirty year period (1901-1931) revealed that Chicago had some cooperation from legislators representing thirty-five Down State counties.<sup>21</sup> Peoria voted eight times with Chicago.

When one searches for causes which brought about conflict between these areas one must keep in mind that the real reasons may remain in obscurity, while lies, truths, and past statements may be effectively used by persons who seek advantages for themselves. With these

thoughts in mind, two lists of causes are given in explanation of these periodic disturbances.

Since Down State representatives have been more aggressive in dealing with the problems at issue, their reasons are given first. Expediency—"the end sought justifies the means"—is the most subtle argument given by them for their persistent nullification of the Constitution. This is followed by three arguments: other states limit metropolitan cities—New York and others; the present system of representation is virtual, not direct; the population method of apportionment should give way to one based on electors or citizens. The statement is then made that Chicago will dominate the state which means the following: control by a unit; a city of one interest; a city which sends undesirable Chicago interested legislators to Springfield; a city with a population of a size, type, and attitudes which are considered undesirable; a city of crime. Then follows a most interesting argument: Chicago needs protection.

Since Chicago leaders were on the defensive, they were content to put forth four reasons in justification of their attitudes toward the Down State First. "Chicagoans object to discrimination giving their city less than its proportionate representation in the legislature." Said one, "In my opinion it will make a Mason-Dixon line out of the Cook County line." Second, the Down State position is one of fear. Third, limitation deprives industrial centers of representation, and gives control to areas which are decreasing in population. Fourth, Chicago pays most of the state taxes. Leaders in both areas emphasize the idea of domination in speaking of the aims of the other party to the conflict.

The following reasons seem to better answer the question as to why these areas have difficulty in cooperating. They are given as a result of the writer's reading and questioning over a period of years: the ever-increasing size of Chicago; the parental attitude of Down State toward Chicago; fear of the growing city; desire for public office; methods employed by politicians to secure votes and win elections; desire for control when in office; a busy press; lack of adequate knowledge; conflicting theories of government. Because Chicago lacks home rule she has easily been exposed to Down

State criticism; mere number of requests from the legislature, made necessary by constitutional procedure, have often produced bad feeling through almost an entire legislative session; Chicago delegations failed to plan in advance for the work under consideration, thus giving Down State members a chance to say that they did not exactly know what the people of Chicago wanted; Chicago representatives often disagreed among themselves and failed to act as a unit; they have been accused of lack of interest in the state as a whole.

Other reasons have been given by Down State at different times, all of which were applied to Chicago: election frauds; failure to collect taxes and pay school teachers; the large sums of tax money needed for relief purposes, despite the fact that the city was millions of dollars behind in

tax collections; the crime wave; Chicago has sent many mediocre men to the legislature. Chicago has been poorly advertised at Springfield on important occasions by some of her most public-minded citizens, who in their zeal to reform local conditions in the big city have spoken too publicly at critical moments. To these may be added differences growing out of the cultural heritage of these areas.

In its wider aspects the conflict may be called sociological and political. Sociologically, the problem concerns the attitudes, the social heritage, and the aspirations of people; while politically, the problem involves theories of representation—population, county, and virtual—a subject which is joined with the desire for home rule and at times is augmented with the demand for a new constitution to replace the inadequate one accepted in 1870.

<sup>1</sup> *Peoria Journal-Transcript*, January 13, 1942. Rex Post, "Diversion" in *The People Speak*.

<sup>2</sup> *Constitutional Convention Debates*, 1869-70, p. 1661.

<sup>3</sup> *Ibid.*, p. 387.

<sup>4</sup> Does conflict exist between Chicago and the rest of the state? What subjects are responsible for such conflict? What reasons lie behind the conflict?

<sup>5</sup> *House Debates*, 1915, 1917; *Senate Debates*, 1915, 1917, 1919.

<sup>6</sup> Annual reports—Citizen's Association of Chicago; Federation Reports and Bulletins; Chicago Bureau of Public Efficiency publications; Legislative Voters League; Assembly Bulletins.

<sup>7</sup> A. C. Cole (Editor), *The Constitutional Debates of 1847*, shows only seven native Illinois delegates in the Convention.

<sup>8</sup> Illinois Municipal League became active about this date.

<sup>9</sup> Ninety-four counties.

<sup>10</sup> Only nine Chicago tax bills failed of passage.

<sup>11</sup> Henry Horner (1933); others were Beveridge (1873); Altgeld (1893); Deneen (1905-1913); Dunne (1913).

<sup>12</sup> Under the act passed (1901) the number has varied the lowest number being seventeen counties (1903 and 1907), and the largest, thirty-three (1927 and 1931).

<sup>13</sup> See *Senate and House Journals*, 1881, 1891, 1893, 1897.

<sup>14</sup> Senate from 10 to 15; House from 30 to 45.

<sup>15</sup> Governor Wm. H. Bissell.

<sup>16</sup> The trouble seems to have occurred in the twelfth ward (third district) of Chicago where an "out group" was in control.

<sup>17</sup> *Senate and House Journals*, 1897 (*Special*).

<sup>18</sup> April 30, 1898.

<sup>19</sup> Clinton (Southern Illinois); Peoria, Will, Winnebago (partial support); DuPage.

<sup>20</sup> Fergus V. Marks (1926); *United States Reports*, vol. 279 (1929).

<sup>21</sup> Clinton (3); DuPage (4); Macon (3); Madison (3); Peoria (8); Will (4); Winnebago (4); Edgar (2); Fulton (2); Lake (2); LaSalle (2); Marion (2); Mercer (2); St. Clair (2); Kane (2). Twenty others voted once.